



County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland

**AGENDA**  
May 5, 2022  
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

- 1. Dial **1-872-239-8359**
- 2. Enter Conference ID: **443 279 683#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

**MINUTES**

April 7, 2022

**PUBLIC HEARING**

- #22-23 Steven Green – Zoning Text Amendment ..... Rec to CCs  
Add “septic tank maintenance and excavation” as a special exception to the Village district

**APPLICATIONS FOR REVIEW**

- #22-20 Hall Properties, LLC – Variances (Side Yard Setback and Lot Size) ..... Rec to BOA  
28036 Creamery Street, Kennedyville – Second Election District – Village (V)
- #22-22 Marci Tarrant Johnson –Variance (Pier Length) ..... Rec to BOA  
22059 Harrington Park Road – Fifth Election District – Critical Area Residential (CAR)
- #22-17 William & Valerie Ashmore – Site Plan (Concept and Preliminary)..... PC Decision  
Private Destination/Residence Club, Southeast corner of the intersection of Skinners Neck Road and Kelly’s Park Road – Fifth Election District – Marine (M)

**GENERAL DISCUSSION**

**STAFF REPORTS**

**ADJOURN**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.



## MINUTES

The Kent County Planning Commission met in regular session on Thursday, April 7, 2022, 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, County Commissioner P. Thomas Mason; James Saunders; William Sutton; Ray Strong (1:45 pm); and Cynthia L. McCann, Esq., Planning Commission Attorney. Staff in attendance were William Mackey, Director; Carla Gerber, Deputy Director; Mark Carper, Associate Planner; and Michael Pelletier, Clerk.

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

## MINUTES

Vice Chair Ruge moved to accept the March 3, 2022, minutes as distributed. Mr. Sutton seconded the motion; the motion passed with all in favor.

## APPLICATIONS FOR REVIEW:

### **ALP 22-01 Harmony Crest Partnership – Ag Preservation District – 300 acres**

The owners of Harmony Crest Partnership LLC wish to create an Agricultural Preservation District on their 300-acre farm located at 28482 Lambs Meadow Road in the Second Election District. The farm consists of 217 acres of crop land and 70 acres of woodland. Approximately 78% of the soils are considered Class I, II or III. There are two dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). It is outside the 10-year water and sewer plan.

The farm is adjacent to a 254-acre easement 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.

Mr. Hickman 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. Sanders seconded the motion. The motion passed with all in favor.

### **ALP 22-02 Harmony Crest Partnership – Ag Preservation District**

The owners of Harmony Crest Partnership LLC wish to create an Agricultural Preservation District on their 126.32-acre farm located on Kentmore Park Road in the Second Election District. The farm consists of 101 acres of crop land and 25 acres of woodland. Approximately 69.5% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). It is outside the 10-year water and sewer plan.

The farm is adjacent to over 9,100 acres of districts and easements that stretches from the Sassafra River to the Chester River 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.

Mr. Hickman 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. Sanders seconded the motion. The motion passed with all in favor.

**22-08                    25809a Still Pond Neck, LLC – Site Plan – Utility Solar (Concept)**

**22-09                    25809a Still Pond Neck, LLC – Special Exception – Utility Solar (Concept)**

The applicant is requesting concept site plan review and a special exception to construct and operate a utility-scale solar energy system in the Agricultura Zoning District on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District.

Mr. Carper noted the area is predominantly farmland with scattered residential properties and the array panels will encompass 5 acres on the northwestern corner of the property. The entrance will be from Still Pond Neck Road. The proposal is consistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties in the surrounding area.

Staff recommends sending a favorable recommendation for the special exception to the Kent County Board of Zoning Appeals with the following conditions:

- All state and federal permits will be obtained by the applicant.
- An installation and maintenance plan to include cleaning and landscaping.
- The project shall comply with all the bond-related requirements set forth in the Land Use Ordinance.
- Final Site Plan approval is granted by the Planning Commission.

Staff comments on the concept site plan are that:

- The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The solar collection system will be incidental to the use of the farm and will not adversely impact adjacent properties.
- The area of use will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- The applicant will need to demonstrate that the proposed energy system will not interfere with the view of, or from, sites of significant public interest.
- A Citizen Participation Plan is included.

- The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted and a Forest Conservation Plan and Easement will be required for the proposed 2.22 acres that will be permanently protected.

Mr. Carper added that no correspondence was received with this application.

Cory McCandless with SGC Power, Ted Hastings with Becker Morgan Group, and Brue Wilson (remote) with SGC Power were sworn in on behalf of the applicant.

Ms. McCandless informed the Commission that she has been in communication with neighboring properties and that a Citizen Participation Plan has already been distributed. She added that energy generated would go to the grid.

Mr. Wilson noted that about 30 percent of the energy will go to low- to moderate-income subscribers who may see energy savings of 20-25%.

Vice Chair Ruge raised concerns of visibility of the array and its proximity to the road as the land is generally flat. Mr. Hastings added the most energy efficient location will be close to the road and the view will be buffered from neighboring farms. He added the landscaping plan will be submitted reflecting this buffer.

Robert Payne, Jr. of Still Pond was sworn in. He has lived near this property all his life and expressed concern with not only the view, but also the high winds and whether the panels could cause damage.

Jeanne Payne of Still Pond, an adjoining farm owner, was sworn in. Ms. Payne expressed a desire to keep the land agriculture and mentioned that the property in question is good farmland with the potential to yield a lot of crops.

Andy Simmons of Still Pond was sworn in. He voiced concern with the loss of farmland. He is the son of an adjacent property owner, and he is concerned about the precedent this sets as well as impact on property values.

Ms. Gerber indicated there was one other similar solar facility in the County. Mr. Simmons inquired as to whether any neighbors are precluded from seeking to install utility solar, and Mr. Carper indicated this application would not preclude them. Mr. Wilson added that the solar panels are hurricane grade panels capable of handling winds far in excess than those experienced in Maryland.

Frank DeYoung of Chestertown lives close by and was concerned that the siting of solar panels would affect the scenic drive to Betterton, and the County does not need to lose any more farmland, even if it is just 5 acres. Mr. Wilson clarified the height of the panels would only be about 8 feet. Mr. Hastings added that the equipment gets recycled at the end of the contract, and the land will be returned to farmland upon completion.

Vice Chair Ruge inquired about the life span of the panels considering that there would be upgrades. Ms. McCandless noted that there was a 20-year contract with two 10-year extension options totaling a potential of 40 years. She added that 60 feet of buffering is substantial considering other jurisdictions are at around 20 feet. Ms. McCandless noted that the proposal is about 5 acres of an 80-acre parcel and requests the Commission take into account the property owner's rights when making its recommendation.

Chair Hickman inquired about restarting farming after the solar farm is decommissioned and whether they would be stripping the topsoil. Mr. Hastings confirmed that there would be no stripping of the topsoil.

Vice Chair Ruge raised further concerns regarding when the property was subdivided. Mr. Gerber indicated that there was no record of any subdivision, and if there were, it would predate 1989.

Mr. Mason was concerned as to why they could not put the panels farther back. Mr. Hastings noted that the position selected was the most efficient and there is a buffer due to a blue line stream. Mr. Mason noted that he wanted them to know the Commissioners would not agree to a tax exception (PILOT). Mr. Wilson stated that he could not respond to the question on whether or not SGC would request a PILOT.

The Chair inquired as to whether the Planning Commission can send a question regarding the site of the array to the Board of Appeals. Vice Chair Ruge moved that they send a favorable recommendation to the Board of Appeals based on what has been presented, noting that the Commission would like to see the array repositioned farther back from the road towards the southside of the property or understand why the panels cannot be relocated.

Ms. McCann sought clarification as to whether Vice Chair Ruge wants the exception to be an additional condition to the staff recommendation. Chair Ruge clarified that he wanted for the Board to see a plan for repositioning the array toward the back of the property with reasons as to whether the request can or cannot be accommodated. Ms. McCann noted he can make that a condition. Subsequently, Vice Chair Ruge added the exception should be noted as a condition and that an engineering study be conducted to address this issue. Vice Chair Ruge added that the favorable recommendation is approved because the proposal follows the criteria. Mr. Strong seconded the motion.

The vote was 4 to 1 with Mr. Saunders opposed. The Chair noted that a favorable recommendation with conditions was approved by a majority of the members. The Chair added that Mr. Strong was present for these two applications.

Mr. Mackey noted that the next Board of Appeals meeting will be Monday April 18, 2022, at 5:00 pm.

## **GENERAL DISCUSSIONS**

### **STAFF REPORTS**

Mr. Mackey informed the Commission that the department has tentatively filled all open positions.

Mr. Mackey added that the next Comprehensive Rezoning Task Force meeting is set for May 25, 2022, and the department will be entertaining the concept of holding a workshop session with the Planning Commission to discuss meeting processes. Ms. Gerber noted that easement applications are due by May 19, 2022, and the department has been processing a lot of permits. Mr. Carper added that he has been very busy this past month.

Ms. McCann added that if there were any legal topics the Commission was interested in, that could be discussed at a potential workshop as well.

### **ADJOURN**

Vice Chair Ruge moved to adjourn the meeting, and Mr. Strong seconded the Motion. The meeting adjourned at 3:03 pm.

---

Joe Hickman, Chair

---

*/s/ Michael Pelletier*  
Michael Pelletier, Clerk

**DRAFT**



TO: Kent County Planning Commission  
FROM: Carla Gerber, Deputy Director  
MEETING: May 5, 2022  
SUBJECT: Steven Green  
Zoning Text Amendment – To include within Article V, Section 7.3 of the Village district, “septic tank maintenance and excavation” as a special exception.

**Executive Summary**

**Request by Applicant**

Steven Green proposes to amend Article V, Section 7.3 of the Village District, Special Exceptions, to include “septic tank maintenance and excavation.”

**Public Process**

Per Article XII, Section 6 of the Kent County *Land Use Ordinance* the Planning Commission shall review a proposed amendment, supplement, or change to the *Land Use Ordinance* and make recommendations to the County Commissioners.

**Summary of Staff Report**

The proposed amendment would add a new use to the Land Use Ordinance.

The Kent County Comprehensive Plan recognizes the importance of supporting existing businesses and providing for more diversity in the size, number, and types of businesses by promoting the development of small, locally owned businesses.

Staff is recommending amendments to the proposed zoning text amendment.

**Recommendation**

Staff recommends sending a favorable recommendation of the zoning text amendment as amended to the Kent County Commissioners.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: Steven Green  
Zoning Text Amendment – To include within Article V, Section 7.3 of the Village district, “septic maintenance and excavation” as a special exception.  
DATE: April 28, 2022

**DESCRIPTION OF PROPOSAL**

Steven Green has submitted an application to amend Article V, Section 7.3 of the Village district, Special Exceptions, to include “septic tank maintenance and excavation.” No other district has this specific use; however, “contractors’ yards” are permitted in the Industrial District and as a special exception in AZD with an associated sand and gravel pit. Crossroads Commercial permits “home and business services such as ground care, cleaning, exterminators, landscaping, and other repair and maintenance services.” There is no exclusion of septic tank maintenance as in other districts which would be interpreted to allow such a business in Crossroads Commercial.

**APPLICABLE LAW**

Article XII, Section 6 of the *Kent County Land Use Ordinance* establishes the standards for the review and approval of a zoning text amendment as follows.

1. The County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of this Ordinance. Any amendment may be initiated by a resolution of the County Commissioners, the motion of the Planning Commission, or petition of any property owner using forms specified by the Planning Commission.

2. The application for an amendment to the text of the Ordinance shall, at a minimum, state in particular the article section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for the proposed change in text.

...

4. Before taking any action on any proposed amendment, supplement, or change, the County Commissioners shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:

- a) The public need for the proposed amendment; and
- b) The extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area Law.
- c) When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning. The Planning Commission shall not recommend the adoption of the amendment unless it finds that the adoption of the amendment is in the public interest and not solely for the interest of the applicant. Failure of the Planning Commission to report to the County Commissioners within 60 days after its first meeting after the proposal was referred to them, shall be deemed approval.

## **COMPREHENSIVE PLAN**

The proposed text amendment is consistent with multiple goals and strategies within the Kent County Comprehensive Plan.

- Support existing business – retain and promote existing businesses and assist in their growth
- Expand and provide more diversity in the size, number, and type of businesses – promote development of small locally owned businesses

## **STAFF COMMENTS**

The Planning Commission will consider the public need for the amendment and consistency with the Comprehensive Plan and Land Use Ordinance.

The public need for the amendment is to allow for greater diversity on where businesses may locate.

The Village district allows small retail businesses, personal service establishments, and service-based businesses that support uses found within neighborhoods and villages. Allowing “septic tank maintenance and excavation” as a special exception within the Village district will expand opportunities for small businesses to open or expand. Requiring review and approval by the Board of Appeals will add some protection to other Village property owners.

Special exceptions are permitted uses but due to their unique characteristics they require an additional level of review. Consideration is given on a case-by-case review of the impact of such uses on neighboring uses, the surrounding area and the public need for the particular use at the particular location. Limitations and standards are established to ensure the use’s consistency with the character, uses and activities in the District.

Staff recommends the following conditions as amendments to the zoning text amendment:

- Buildings associated with the use are not visually intrusive or inappropriate to the setting. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties. All fences and landscaping must be approved by the Planning Commission as part of site plan review.
- The property shall front on a state highway.

Staff recommends sending a favorable recommendation of the zoning text amendment as amended to the Kent County Commissioners.

APPLICATION FOR TEXT AMENDMENT TO THE  
KENT COUNTY LAND USE ORDINANCE  
KENT COUNTY, MARYLAND

*Kent County Department of Planning, Housing and Zoning*

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

Pursuant to Article XII, "Administrative Procedures" Section 6, "Amendments", of the Kent County Land Use Ordinance, I/We Steven Green

Applicant's Name

of 10600 Hyala Ct Chestertown MD 21620

Address

410-778-9294

Telephone Number

hereby petition the Kent County Commissioners to amend the Land Use Ordinance of Kent County, Maryland, as follows:

Article V, Section 7.3 to add  
Septic tank maintenance and excavation  
and Article VII, Section 6 and Section 7  
to add Septic tank maintenance and excavation

The purpose of the proposed amendment is to permit Septic maintenance  
and excavation. To be able to expand  
an existing business.

Steven Green

Applicant's Signature

3.29.22

Date

**Please Note:** The application for an amendment to the text of this Ordinance shall, at a minimum state in particular, the Article, Section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment.

**Instructions:** The Land Use Ordinance requires that five (5) copies for Zoning Text Amendment be submitted to the Executive Assistant to the County Commissioners accompanied by \$500.00 filing fee, payable to the County Commissioners of Kent County.

**For Office Use Only:**

File Number \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Date Referred to Planning Commission \_\_\_\_\_  
Date Recommend. Rec'd from Plan. Comm. \_\_\_\_\_  
County Comm. Public Hearing Date \_\_\_\_\_  
County Commissioners Action \_\_\_\_\_  
Date of Action \_\_\_\_\_  
Property Posted \_\_\_\_\_

**To:** Kent County Planning Commission  
**From:** Carla Gerber, Deputy Director  
**Meeting:** May 5, 2022  
**Subject:** Hall Properties, LLC and Alexys Biggs  
Variance – side setback and minimum lot size

## Executive Summary

### **Request by Applicant**

Hall Properties, LLC, and Alexys Biggs are requesting variances to allow an adjustment of lot lines.

### **Public Process**

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

### **Summary of Staff Report**

The properties are located at 28036 and 28040 Creamery Street, Kennedyville, in the Second Election District and are zoned Village. Neither property meets the minimum size requirement, and the shared property line passes through the dwelling at 28036 Creamery Street. Due to the size and shape of the lots, an adjustment of lot lines cannot be completed without the granting of variances for the side yard setback for 28036 Creamery Street and for the minimum lot size for 28040 Creamery Street.

### **Staff Recommendation**

Staff recommends sending a favorable recommendation to the Board of Appeals for:

- 1) A 5.6-foot variance of the side yard setback requirement for Parcel 64.
- 2) A 3,329-square foot variance from the minimum lot size requirement for Parcel 63.

Staff also recommends as a condition that the variance will lapse after the expiration of one year, if the lot line adjustment presented herein is not recorded.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #22-20 – Hall Properties, LLC, and Alexys K. Biggs  
Variances – Side Setback and Minimum Lot Size  
DATE: April 28, 2022

Description of Proposal

In order to complete an adjustment of lot lines, Alexys Biggs is requesting a 5.6-foot variance from the minimum 8-foot side yard setback requirement for an existing dwelling that will help minimize existing nonconformities. As part of the same application, Hall Properties, LLC, is requesting 3,329-square foot variance from the 9,500 square foot minimum lot size requirement for the adjacent parcel. The properties are located at 28036 and 28040 Creamery Street in the Second Election District and are zoned Village.

This application involves two parcels that are being reconfigured in order to make 28036 Creamery Street less nonconforming. Currently, the property line between Parcels 63 and 64 passes through the dwelling on Parcel 64 (28036 Creamery Street), and neither property meets the minimum size requirement. The lot line adjustment will convey 227 square feet from Parcel 63 to Parcel 64 and the new line of division will be 2.4 feet from the corner of the front porch and approximately 3 feet from the corners of the house. The new line will be about 14 feet from the house on Parcel 63. The property line cannot be located closer to the dwelling on Parcel 63 due to the existing driveway.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
  - A. Comprehensive Plan: “Ensure that all new development or redevelopment meets a high standard of planning, workmanship, and design.” (Page 31)
  - B. Applicable Law: Article V, Section 7.5 of the Kent County Land Use Ordinance establishes the density, height, width, bulk, and fence requirements for the Village District.

Minimum Yard

Front	20 feet
Side	8 feet
Rear	10 feet

Minimum Lot Size – 9,500 square feet

Minimum Lot Frontage – 50 feet

- C. Staff and TAC Comments: A variance of the side setback requirement is needed for Parcel 64, and a variance of the minimum lot size requirement is needed for Parcel 63 because it will become more nonconforming. The other setback and size nonconformities do not need variances.

II. Variance

- A. Applicable Law: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor,

and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
  - i. Some unusual characteristic of size or shape of the property.
  - ii. Extraordinary topographical or other condition of the property.
  - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.  
...
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

- B. Staff and TAC Comments: The variance will not cause a substantial detriment to adjacent or neighboring properties and will not change the character of the neighborhood. The Comprehensive Plan is neutral on this application. The applicants are trying to improve the situation which is caused by the unusual size and shape of the parcels. The practical difficulty was not caused by the applicants' actions as the lots were developed more than 100 years ago. The lot line adjustment is a reasonable request and allows for reasonable use of the properties.

#### Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for:

- 1) A 5.6-foot variance of the side yard setback requirement for Parcel 64.
- 2) A 3,329-square foot variance from the minimum lot size requirement for Parcel 63.

Staff recommends as a condition that the variance will lapse after the expiration of one year, if the lot line adjustment presented herein is not recorded.

Hall Properties, LLC, and Alexys Biggs  
Creamery Street, Kennedyville



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared April 2022.

1 inch = 100 feet

# ADMINISTRATIVE HEARING APPLICATION

## *Kent County Department of Planning, Housing, and Zoning*

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7475 (phone) • 410-810-2932 (fax)

**IN THE MATTER OF THE APPLICATION OF:**  
**(Name, Address and Telephone Number of Applicant)**

HALL PROPERTIES LLC.

13200 BLOOMFIELD ROAD

KENNEDYVILLE MD 21645

410-708-3111

**Email:** \_\_\_\_\_

### For Office Use Only:

Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Filed by: \_\_\_\_\_

Applicant: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Parties Notified: \_\_\_\_\_

Notice in Paper: \_\_\_\_\_

Property Posted: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:

\_MICHAEL@MICHAELASCOTTINC.COM

**TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING:** In accordance with Article IX Section 2.1 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

Variance       Special Exception       Determination of Nonconforming Use

### DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 28036 CREAMERY STREET KENNEDYVILLE MD 21645

In the 2 Election District of Kent County.

Size of lot or parcel of Land: 0.082 ACRES

Map: 21 Parcel: 64 Lot #: \_\_\_\_\_ Deed Ref: M.L.M. 663/564

List buildings already on property: DWELLING

Subdivision name and address, if applicable: N/A

**PRESENT ZONING OF PROPERTY:** VILLAGE

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) SIDE YARD SET BACK OF 3.43' & 4.45'

Present owner of property: HALL PROPERTIES LLC Telephone: \_\_\_\_\_  
410-708-3111

If Applicant is not owner, please indicate your interest in this property: \_\_\_\_\_

Has property involved ever been subject to a previous application? NO

If so, please give Application Number and Date: \_\_\_\_\_

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**  
List all property measurements and dimensions of any buildings already on the property.

**Put distances between present buildings or proposed buildings and property lines.**

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: HALL PROPERTIES LLC

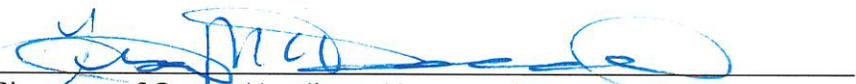
Owner(s) on the South: HALL PROPERTIES LLC & GERALD M. FULLER

Owner(s) to the East: CREAMERY STREET

Owner(s) to the West: KATHLEEN M. SHANHOLTZER

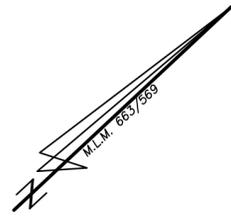
Homeowners Association, name and address, if applicable: N/A

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

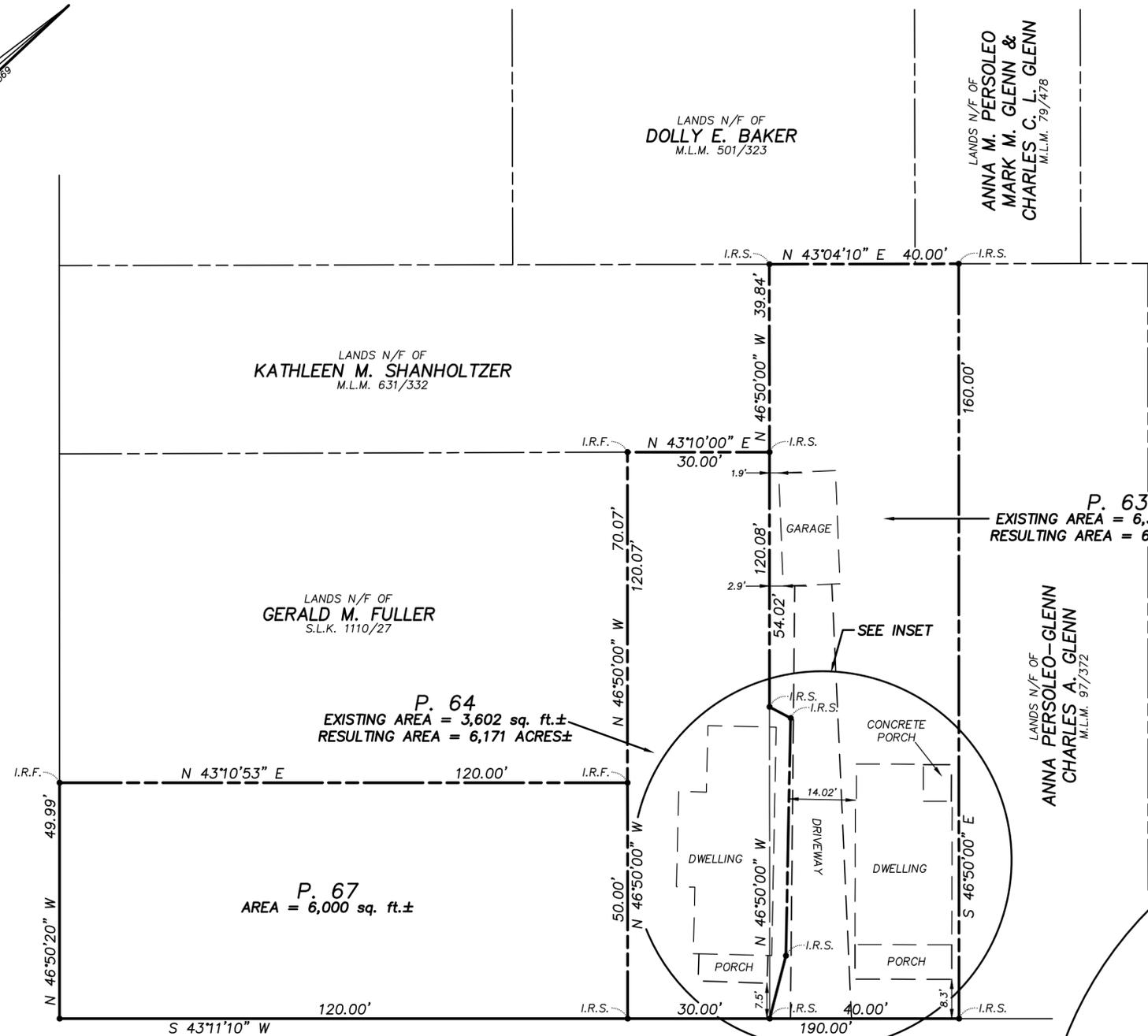
  
Signature of Owner/Applicant/Agent or Attorney

3-28-22  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the Department of Planning, Housing & Zoning. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.



CREAMERY STREET 30' R/W



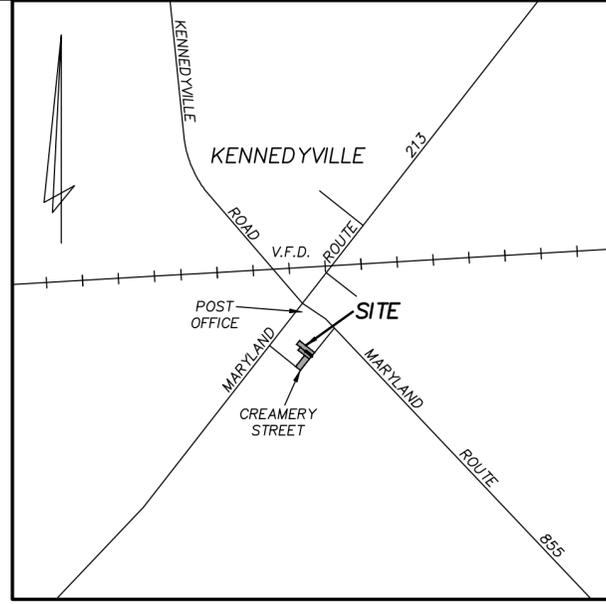
**P. 63**  
 EXISTING AREA = 6,398 sq. ft.±  
 RESULTING AREA = 6,171 ACRES±

**P. 64**  
 EXISTING AREA = 3,602 sq. ft.±  
 RESULTING AREA = 6,171 ACRES±

**P. 67**  
 AREA = 6,000 sq. ft.±

**OWNER (PARCEL 63):**  
 MAILING ADDRESS:  
 HALL PROPERTIES, LLC  
 12711 AUGUSTINE HERMAN HIGHWAY  
 KENNEDYVILLE, MARYLAND 21645  
 PHONE No. 410-708-3111  
 PREMISES ADDRESS:  
 28040 CREAMERY STREET  
 KENNEDYVILLE, MARYLAND 21645

**OWNER (PARCEL 64 & 67):**  
 MAILING ADDRESS:  
 ALEXYS K. BIGGS  
 28036 CREAMERY STREET  
 KENNEDYVILLE, MARYLAND 21645  
 PHONE No. 410-443-7068  
 PREMISES ADDRESS:  
 28036 CREAMERY STREET  
 KENNEDYVILLE, MARYLAND 21645  
 PREMISES ADDRESS:  
 CHURCH STREET  
 KENNEDYVILLE, MARYLAND 21645



**VICINITY MAP**  
 SCALE 1" = 1000'

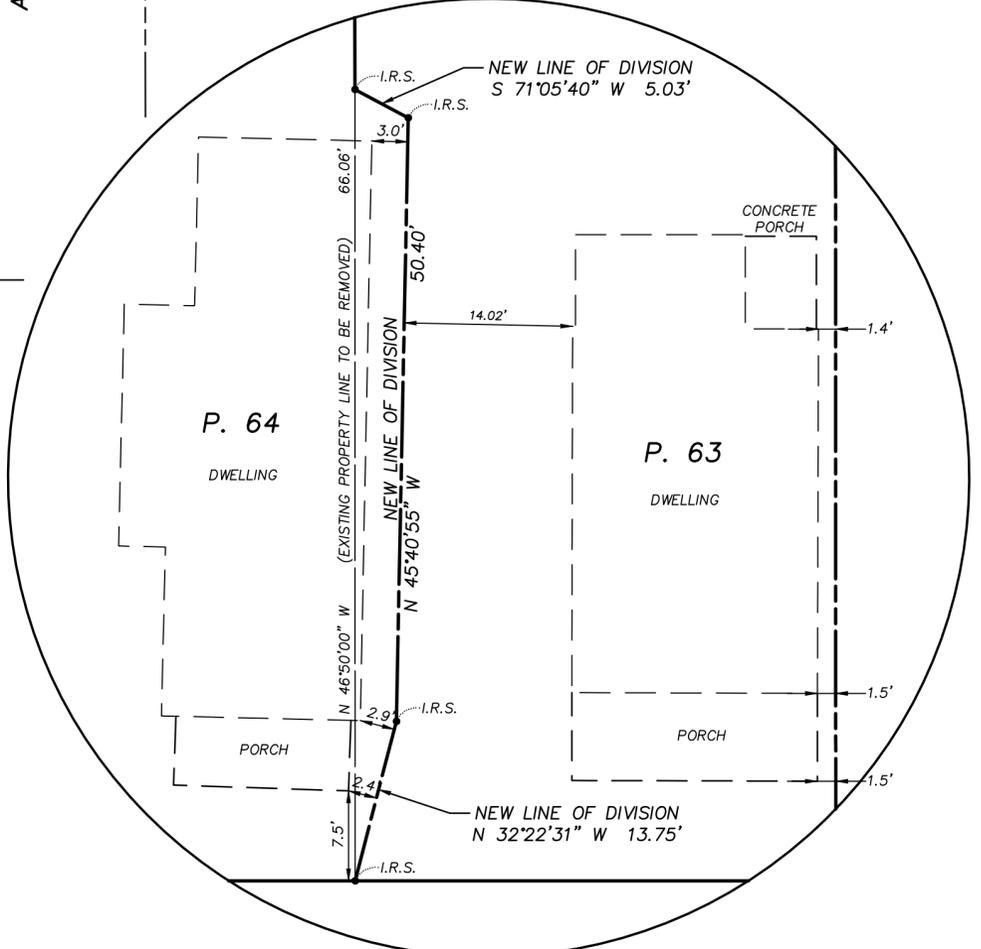
LANDS N/F OF  
**ANNA PERSOLEO-GLENN**  
**CHARLES A. GLENN**  
 M.L.M. 97/372

LANDS N/F OF  
**ANNA M. PERSOLEO**  
**MARK M. GLENN &**  
**CHARLES C. L. GLENN**  
 M.L.M. 79/476

LANDS N/F OF  
**DOLLY E. BAKER**  
 M.L.M. 501/323

LANDS N/F OF  
**KATHLEEN M. SHANHOLTZER**  
 M.L.M. 631/332

LANDS N/F OF  
**GERALD M. FULLER**  
 S.L.K. 1110/27



**INSET**  
 SCALE 1" = 10'

**SITE NOTES**

- PROPERTY LINE INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN MARCH, 2022. BEARINGS HAVE BEEN ROTATED TO MATCH DEED, M.L.M. 663, FOLIO 569.
- FOR DEED REFERENCE:  
 M.L.M. 663, FOLIO 560 (P. 63), PLAT REFERENCE, SEE J.K.H. 9/39 S.L.K. 1245, FOLIO 171 (P. 64), PLAT REFERENCE, SEE J.K.H. 9/39 S.L.K. 1245, FOLIO 171 (P. 67), PLAT REFERENCE, SEE J.K.H. 9/39
- CURRENT ZONING CLASSIFICATION - VILLAGE
- THE PROPERTIES ARE NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE RESULTING PARCELS ARE NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0190D (ZONE "X"), DATED JUNE 9, 2014.
- EXISTING PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL. A EXISTING PRIVATE WELLS WILL BE UTILIZED FOR POTABLE WATER SUPPLY.
- I.R.F. - DENOTES IRON ROD FOUND
- I.R.S. - DENOTES IRON ROD SET

APPROVED: \_\_\_\_\_  
 DATE \_\_\_\_\_ KENT COUNTY PUBLIC WORKS

APPROVED: \_\_\_\_\_  
 DATE \_\_\_\_\_ KENT COUNTY DIRECTOR OF PLANNING

APPROVED: \_\_\_\_\_  
 DATE \_\_\_\_\_ KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY

DATE	MARCH '22	SCALE	1" = 20'
JOB NO.	7493	DRAWN BY	J. MOORE
FOLDER REF	K-383	REVISION	
DATE	4-21-22	PER P&Z COMMENTS	

BOUNDARY SURVEY AND LOT LINE ADJUSTMENT  
 OF THE LANDS OF  
**HALL PROPERTIES, LLC**  
**& ALEXYS K. BIGGS**  
 IN THE VILLAGE OF KENNEDYVILLE  
 TAX MAP - 21, GRID - 1E, PARCELS - 63, 64 & 67  
 SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

**MICHAEL A. SCOTT INC.**  
 400 S CROSS ST STE 3, CHESTER TOWN, MD 21620 (410)778-2310

DATE \_\_\_\_\_ SEAL \_\_\_\_\_





**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** May 5, 2022  
**Subject:** Marci Tarrant Johnson  
Variance – Pier Length

## Executive Summary

### Request by Applicant

Marci Tarrant Johnson, owner, is requesting a variance to remove and replace a nonconforming, 95-foot pier that has been determined to exceed 25% of the waterway.

### Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

### Summary of Staff Report

The property is located at 22509 Harrington Park Road in the Fifth Election District and is zoned Critical Area Residential (CAR). In accordance with the method for measurement of waterway widths, as specified in the Kent County Land Use Ordinance (LUO), the proposed replacement would exceed the allowable 25% of the channel width. The LUO prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner.

The waterway on which the width was measured leads to a headland to the south on the adjacent parcel. It is approximately 130 feet across. Adhering to 25% of that distance would limit the length of the pier to approximately 33 feet. That portion of the waterway is unnavigable with an average depth of one foot that is increasingly shallowed by sediment. Modest navigability is possible in the waters extending directly outward from the end of the pier and into the main body of Herrington Creek. The width of the waterway parallel to the angle of the pier is 697 feet, and the existing pier projects approximately 13% into the waterway.

The practical difficulty is the consequence of limited water depth, and an absence of a useable pier would reduce the property's value and would greatly impede long-established familial and hospitality traditions. A pier is a reasonable use/structure for a waterfront property.

### Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
FROM: Mark Carper, Associate Planner  
SUBJECT: Marci Tarrant Johnson  
#22-22, Variance – Pier Length  
DATE: April 21, 2022

**Description of Proposal**

Marci Tarrant Johnson, owner, is requesting a variance to replace an existing, nonconforming pier that has been determined to exceed 25% of the waterway. The applicant proposes to remove and replace an existing 95-foot pier. In accordance with the method for measuring waterway width, as specified in the Kent County Land Use Ordinance, the initial permit was denied as it was determined that the proposed replacement would exceed 25% of the channel width, which is not permitted. The Land Use Ordinance also has language in the Nonconformities section that prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner. The property is located at 22509 Harrington Park Road in the Fifth Election District and is zoned Critical Area Residential (CAR).

**Relevant Issues**

- I. Pier Length
  - A. Comprehensive Plan:

"Submerged aquatic vegetation (SAV) serves as an important food, nursery, and habitat for many species of fish and fowl. In recent times, SAV in Kent's tributaries have followed a recurring pattern of abundant beds in some years followed by severe declines and then full recovery in a few years. ... Activities such as pier construction and sewerage outfalls must be limited and those permitted must be designed to minimize their impacts." (Page 63)
  - B. Applicable Law:

The Kent County Land Use Ordinance, Article V, Section 5.4.8 permits as an accessory use, "Private piers, community piers, and private shared piers, not to exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this ordinance."

Article XI, Section 2 of the *Kent County Land Use Ordinance* specifies that the width measurement of a waterway is made at the shoreline location of the pier and the narrowest width of the waterway from that point.
  - C. Staff and TAC Comments:

The existing pier is 4.5 feet wide and 95 feet in full length, including access above mean high water (MHW). Maryland's Environmental Resource and Land Information Network (MERLIN) indicates Submerged Aquatic Vegetation (SAV) was present in 2020. In August of 2021, the Maryland Department of the Environment and the Army Corps of Engineers approved the initial project application to remove the existing pier and floating platform and to construct an 80-foot long by 6 feet wide pier and to reconfigure the "L" head platform to make it a 22-foot long by 9-foot wide "L" head platform, all of which is to extend no more than 89 feet channelward of MHW. The total length of the replacement pier would be 95 feet in full length, including access above MHW.

The proposal has been reviewed by the Kent County Health Department, the Department of Public Works, and MDOT SHA, and none have objections or concerns. The waterway on which the width was measured, as defined in the Land Use Ordinance, leads to a headland to the south on the

adjacent parcel. It is approximately 130 feet across. Adhering to 25% of that distance would limit the length of the pier to approximately 33 feet. That portion of the waterway has an unnavigable, average depth of one foot that is increasingly shallowed by sediment. Modest navigability is possible in the waters extending directly outward from the end of the pier and into the main body of Herrington Creek. With this demarcation of the waterway's width at 697 feet, the existing pier projects approximately 13% into the waterway.

II. Nonconforming Structures

A. Applicable Law:

Article VIII, Section 2, Nonconforming Structures, of the *Kent County Land Use Ordinance* specifies the following:

Nothing in these *regulations* shall prevent the repair or reconstruction of a lawful nonconforming *structure* damaged by fire, explosion, act of God, or act of the public enemy provided that the degree of nonconformity is not increased, that a permit is obtained, and construction is begun within two years after the occurrence. This does not apply to *structures* removed or destroyed voluntarily by the property owner or property owner's agent. (Page 431)

- B. Staff and TAC Comments: The 40-year-old, existing structure is structurally compromised and beyond repair. The proposed project would not extend the length of the existing pier and would not impede the rights of or access to neighboring piers.

III. Variance

A. Applicable Law:

Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
  - i. Some unusual characteristic of size or shape of the property.
  - ii. Extraordinary topographical or other condition of the property.
  - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicant's own actions.

...

- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

C. Staff Comments:

This neighborhood is characterized by small, waterfront properties along a shallow cove of Herrington Creek. The current pier was built approximately 40 years ago, and replacement within the approximate current dimension would not change the character of the community or adversely impact the adjacent properties.

The variance is not inconsistent with the Comprehensive Plan or the Critical Area Program. The intent of the Ordinance is that once a nonconforming structure is removed voluntarily, it is to be replaced in compliance with all Ordinance requirements (specifically, the 25% width of waterway restriction). The granting of a variance is required in order to construct a replacement pier of the same length as that existing.

The bathymetric contours require that a functional pier extend greater than 33 feet, and the original construction of the pier accounted for the cove's shallowness, which is worsening because of siltation. The practical difficulty is the consequence of limited water depth, and an absence of a useable pier would reduce the property's value and would greatly impede long-established familial and hospitality traditions. A pier is a reasonable use/structure for a waterfront property.

According to DNR data layers available to staff, subaquatic vegetation appears to have been or to be present in this location. The Tidal Wetlands Division of MDE has authorized the proposed project in tidal wetlands. It is not an historic waterfowl staging area or an anadromous fish spawning habitat.

**Staff Recommendation**

Staff recommends sending a favorable recommendation to the Board of Appeals for variance for pier length and reconstruction of a nonconforming structure.

BOARD OF APPEALS APPLICATION

DEPARTMENT OF PLANNING, HOUSING & ZONING RECEIVED 3/28/22 AB

Kent County Department of Planning, Housing and Zoning

Kent County Government Center 400 High Street • Chestertown, MD 21620 410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF: (Name, Address and Telephone Number of Applicant)

MARCI TARRANT JOHNSON 11 Glenclyffe Circle Pikesville, MD 21208 410-446-4337 Email: MrsJohnson2001@yahoo.com

For Office Use Only: Case Number/Date Filed: Filed by: Applicant: Planning Commission: Date of Hearing: Parties Notified: Notice in Paper: Property Posted:

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article IX Section 2

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Special Exception X Variance Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 22059 Harrington Park Rd, Rock Hall, MD 21666 In the 5th Election District of Kent County.

Size of lot or parcel of Land: .804 AC Map: 055 Parcel: 0039 Lot #: Deed Ref: 00932/00285

List buildings already on property: Small house built 1952

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) We need to replace our existing dock, which has become unsafe. New Dock must be as long as previous dock so that water will be deep enough for small boat

If appealing decision of Zoning Administrator, list date of their decision: on or about November 19, 2021

Present owner(s) of property: Marci Tarrant Johnson Telephone: 410-446-4337

If Applicant is not owner, please indicate your interest in this property: owner

Has property involved ever been subject to a previous application? Not since I've owned the property

If so, please give Application Number and Date: \_\_\_\_\_

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines. N/A → This is a DOCK/PIER

NAMES OF ADJOINING PROPERTY OWNERS: see attached map.

Owner(s) on the North: North west: 22039 Harrington Park Rd  
Wayne Wilson (owner/resident)

Owner(s) on the South: N/A

Owner(s) to the East: North East: 22063 Harrington Park Rd  
Robert + Nanette Dean (owner/resident)

Owner(s) to the West: N/A

Homeowners Association, name and address, if applicable: N/A

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

  
Signature of Owner/Applicant/Agent or Attorney

3/19/22  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**

**Marci Tarrant Johnson, Esq.**  
**11 Glenclyffe Circle**  
**Pikesville, MD 21208**

March 19, 2022

**RE: Application for variance**  
**Pier replacement application**  
**22059 Harrington Park Rd, Rock Hall**

Dear members of the Technical Advisory Committee:

I have owned the property at 22059 Harrington Park Road since the death of my mother, Shirley Tarrant, in April of 2003 (My father kept a life estate interest in the house until his death in 2017). The property was originally purchased by my grandfather, Frank Riley, in the early 1950's, and he built both the original pier and the "Sears Catalogue" house.

The original pier was replaced by the existing pier some time in my youth. I believe I was a teenager, which would make it the early 1980's. It has not been replaced since then, although repairs have been done every few years, and boards are constantly being replaced due to ever rising tides.

The existing pier is now structurally compromised and beyond simple repair, which is not unforeseen for a pier that is approximately 40 years old. We entertain frequently, and I am concerned that it is no longer safe, so I sought the services of Island Marine Construction in March of 2021 to design and replace the existing pier. I had hoped to have it completed by October 2021, but the permitting process was longer than expected due to the pandemic. Finally, in October, all of our permits were approved except for Kent County, and I looked forward to completing the project this spring.

On November 19, 2021, Dani Racine at Lane Engineering forwarded me an email and paperwork from Carla Gerber that our permit was being denied:

"In reviewing the pier permit for Marci Johnson, we have determined that it exceeds 25% of the width of the waterway based on the County's definition. From the Land Use Ordinance (<https://www.kentcounty.com/planning/land-use-contents>), waterway width measurement: "the measurement is made at the shoreline location of the pier and the narrowest width of the waterway from that point." In the case of this pier, the narrowest width is to the headland to the south on the adjacent parcel, which is approximately 130 feet across. The Land Use Ordinance also has language in the Nonconformities section that does not allow in-kind replacement for nonconforming structures that are voluntarily removed by the property owners. In order to demolish and replace the pier, the owners will need to apply for a variance to allow the pier to exceed 25% of the width of the waterway."

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 3/28/22

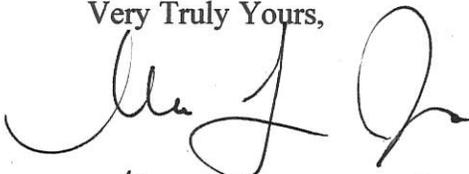
My primary reason for applying for the variance is that not being able to replace this pier would create an unwarranted hardship. The pier is currently the highlight of our property. We fish, kayak, paddleboard and boat from that pier. It is enjoyed by family and friends on a regular basis. The water is extremely shallow in our cove, and if we were to replace the pier to comply with the committee's interpretation of the Land Use Ordinance, the pier could only be 33 feet long. (It is currently 95 feet long). Thirty feet from our shoreline, the depth of water is approximately one foot on average. There would be no point in building a 33-foot pier, as we would be unable to enjoy any water activities in a foot of water.

The inability to replace this pier also causes an unwarranted hardship as losing the pier will significantly negatively impact the value of this property. The main feature of the property is that it is waterfront with boat access. The property itself is small, with a tiny house built in 1952. The overwhelming value of the property lies in the water and pier.

Finally, I have to say that after speaking with my contractor, we believe that the "waterway" used for the calculation may be an incorrect interpretation. The red line from the pier to the point south as illustrated in the attached site overview is through an unnavigable waterway. That particular area of water is extremely shallow and mostly marshy area and is not navigable, even by kayak. The "navigable waterway" is the area where I drew the black arrow, which is the channel area where all residents of the cove enter and exit by vessel.

Thank you so much for your consideration of this matter. Please reach out to me if I have not provided all of the necessary documentation,

Very Truly Yours,



410-446-4337

Cc: Dani Racine  
Lane Engineering

Ronald Reiss  
Island Marine Construction

Bramble Property (farm)  
4940  
Slumers  
reef  
Rd.



RE: 22059 Harrington Park Road

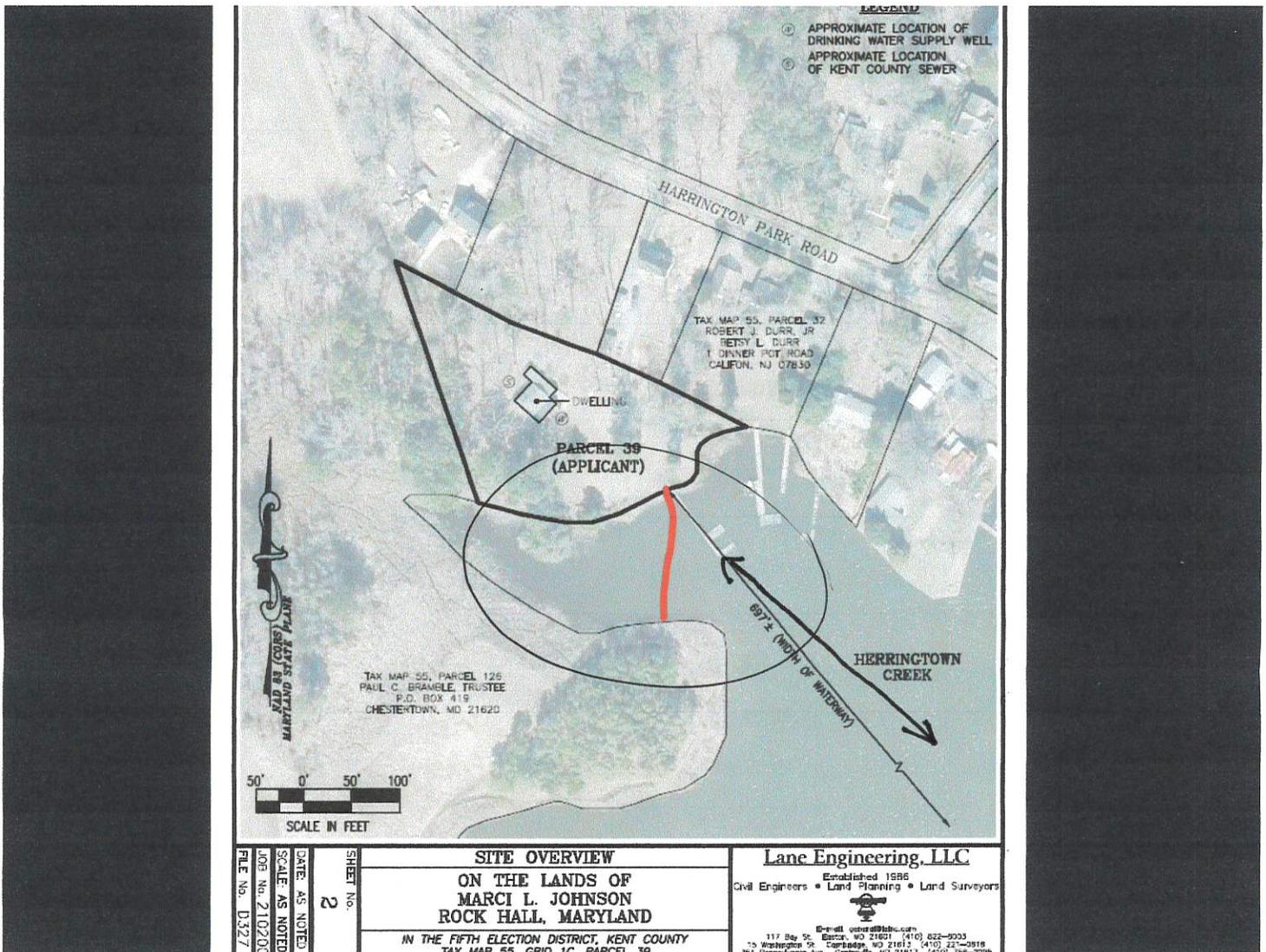
From: Dani Racine (dracine@leinc.com)

To: mrsjohnson2001@yahoo.com; cgerber@kentgov.org; ronniereiss@rocketmail.com

Date: Monday, November 22, 2021, 09:18 AM EST

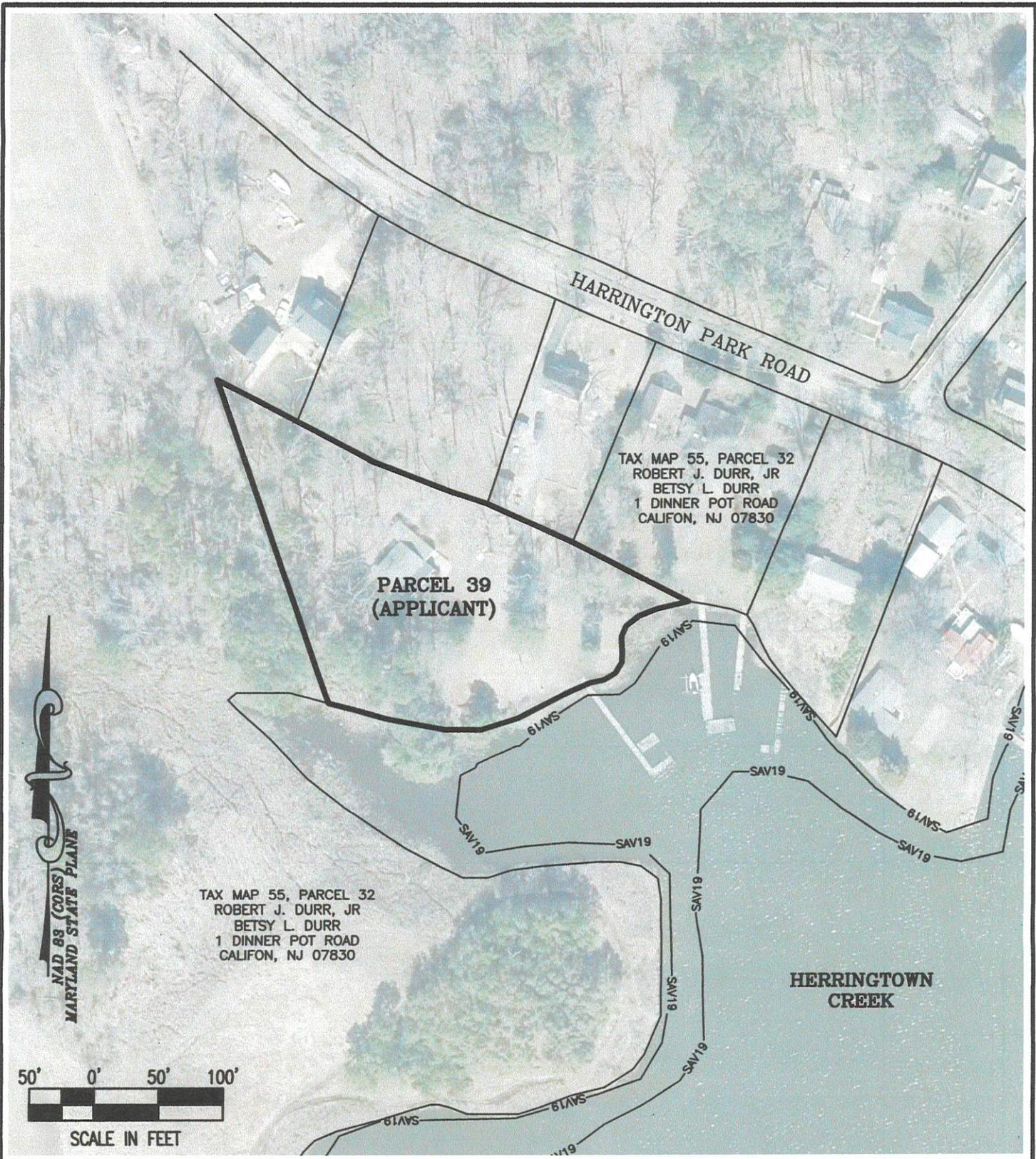
Everything proposed complies with the State & County regulations other than the pier length from the County's point of view. The pier is only allowed to extend 1/4 distance of the channel and per the below email, the County is suggesting that the width of the waterway be measured between your shoreline and the Bramble property (see red line below). With this measurement the new pier could only be roughly 33 ft. The County is also suggesting that they do not allow for in-kind replacements of nonconforming structures without a variance. At this point, all they will allow you to do is perform maintenance to what is there but they will not allow you to demolish and rebuild a pier that is longer than 33 ft.

You could always build less than what the State permit authorizes without having to go back through the State/Federal permitting process but at this point it is solely an issue with the County. You could certainly apply for the variance without a land use attorney but it is always our recommendation to have an attorney because the burden of proving "unwarranted hardship" which is the variance standard is on the applicant.



Dani S. Racine  
Environmental Planner  
Lane Engineering, LLC  
117 Bay Street  
Easton, MD 21601

This area where calculated is NOT a navigable waterway. It is shallows + marshland. the "channel" or navigable waterway is where I drew the arrow.



FILE No. D327  
JOB No. 210200  
SCALE: AS NOTED  
DATE: AS NOTED  
SHEET No. 3 OF 6

**SITE OVERVIEW**

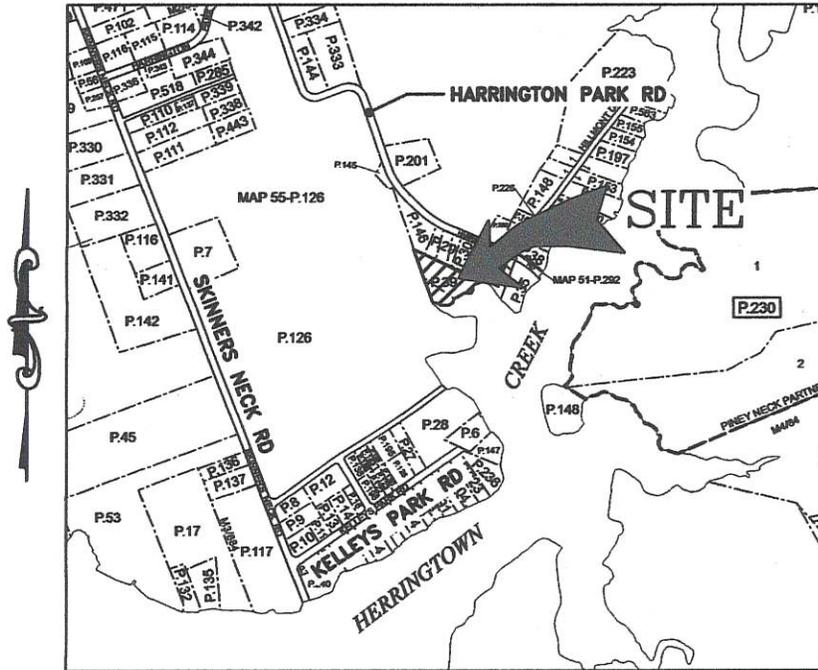
**ON THE LANDS OF  
MARCI L. JOHNSON  
ROCK HALL, MARYLAND**

**IN THE FIFTH ELECTION DISTRICT, KENT COUNTY  
TAX MAP 55, GRID 1C, PARCEL 39**

**Lane Engineering, LLC**  
Established 1986  
Civil Engineers • Land Planning • Land Surveyors

E-mail: general@leinc.com  
117 Bay St. Easton, MD 21601 (410) 822-8003  
15 Washington St. Cambridge, MD 21613 (410) 221-0818  
354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

**PIER REPLACEMENT PERMIT DRAWINGS  
PREPARED FOR  
MARCI L. JOHNSON  
IN THE FIFTH ELECTION DISTRICT  
KENT COUNTY, MARYLAND**



**VICINITY MAP**  
SCALE: 1" = 1,000'

**ENGINEER**

**Lane Engineering, LLC**  
117 BAY STREET  
EASTON, MARYLAND 21601  
(410) 822-8003

**OWNER/DEVELOPER**

MARCI L. JOHNSON  
11 GLENCLIFFE CIRCLE  
PIKESVILLE, MD 21208

**PROJECT LOCATION**

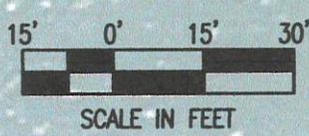
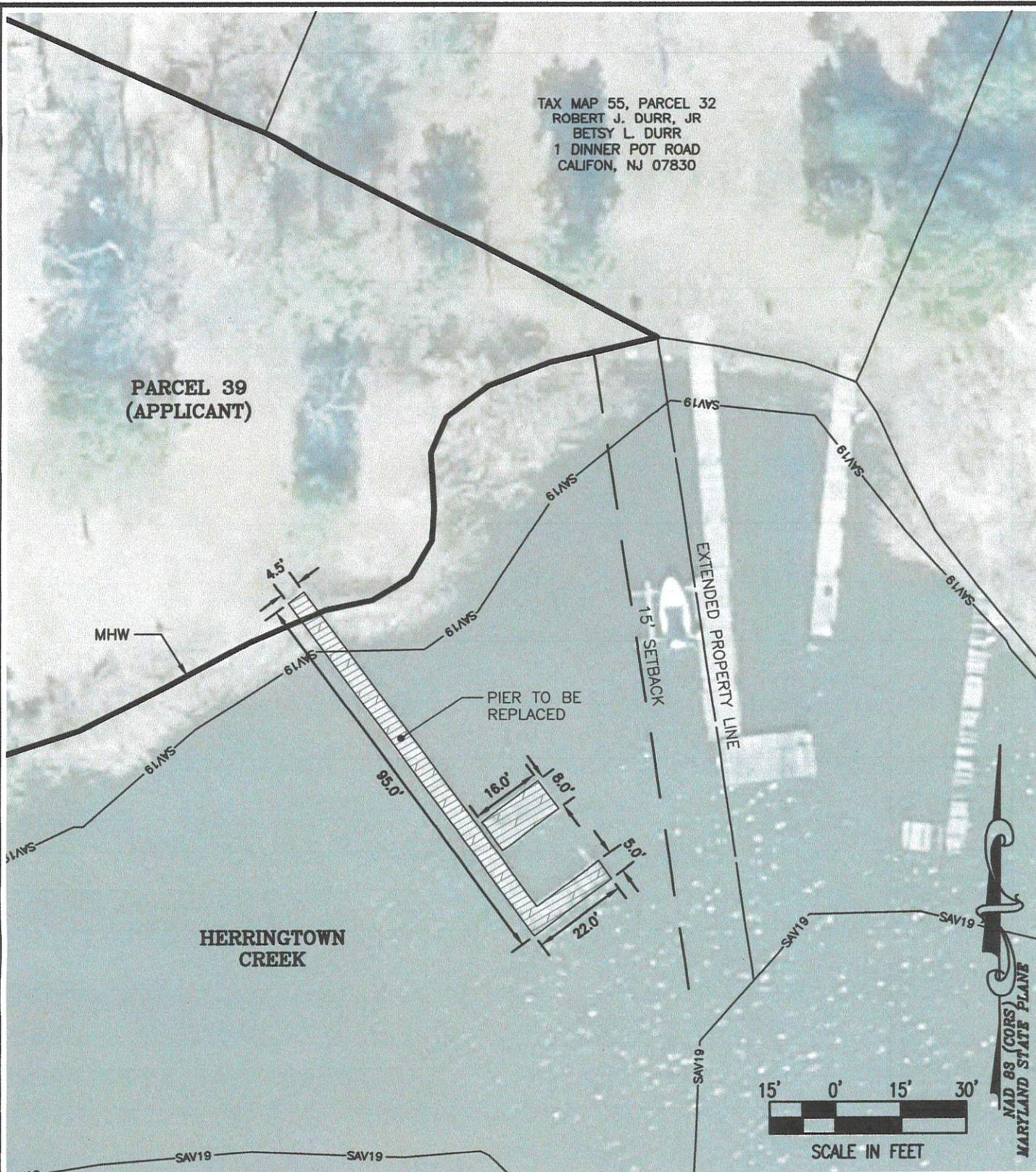
22059 HARRINGTON PARK ROAD  
ROCK HALL, MD 21661

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	04/26/21	DSR				

SHEET No. <b>1 OF 6</b>	<b>TITLE SHEET</b>		<b>Lane Engineering, LLC</b> Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095
	ON THE LANDS OF <b>MARCI L. JOHNSON</b> ROCK HALL, MARYLAND		
	IN THE FIFTH ELECTION DISTRICT, KENT COUNTY TAX MAP 55, GRID 1C, PARCEL 39		

TAX MAP 55, PARCEL 32  
 ROBERT J. DURR, JR  
 BETSY L. DURR  
 1 DINNER POT ROAD  
 CALIFON, NJ 07830

PARCEL 39  
 (APPLICANT)



NAD 83 (CORS) PLANE  
 MARYLAND STATE PLANE

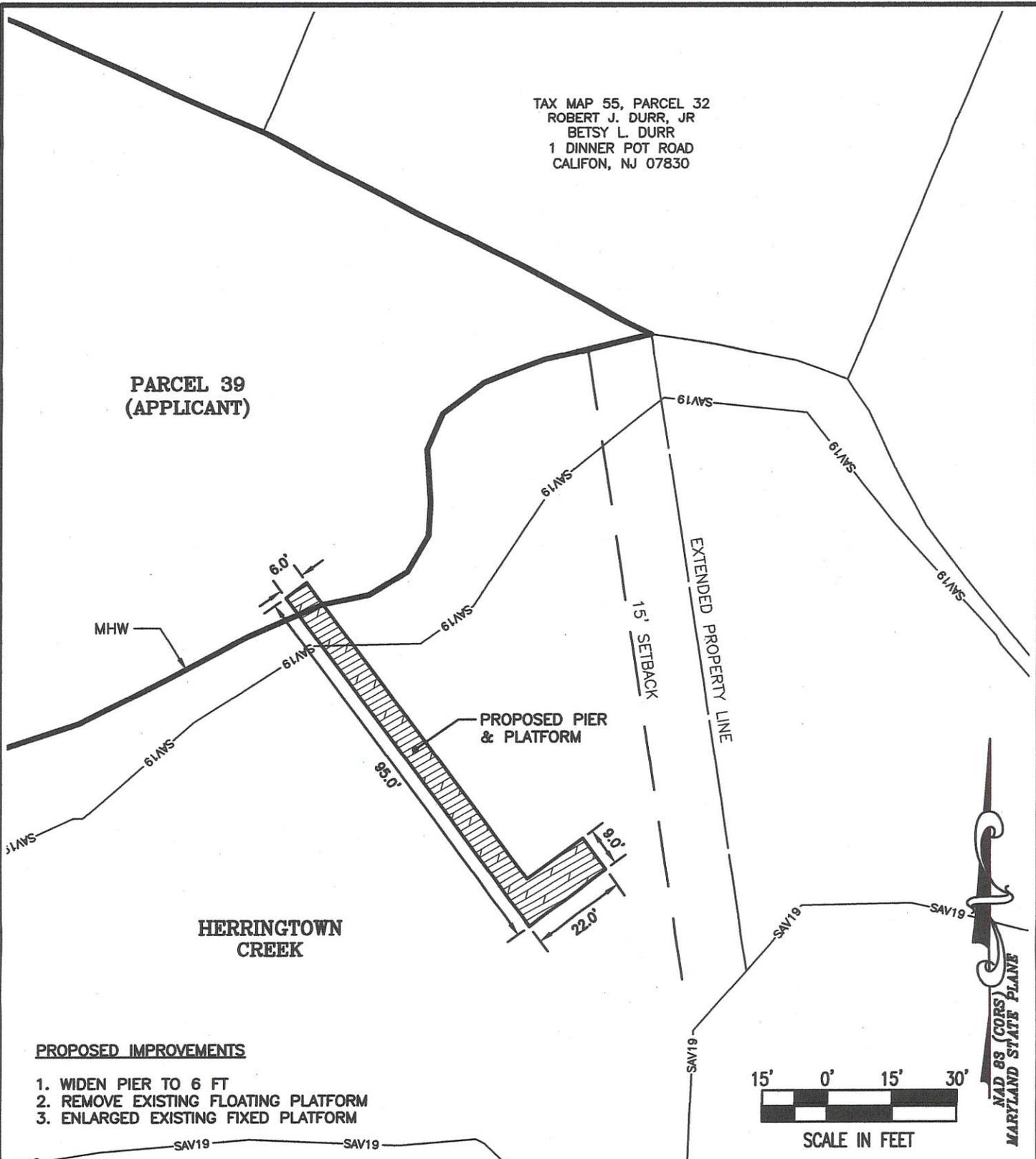
FILE No. D327  
 JOB No. 210200  
 SCALE: AS NOTED  
 DATE: AS NOTED  
 SHEET No. 4 OF 6

**EXISTING CONDITIONS**  
**ON THE LANDS OF**  
**MARCI L. JOHNSON**  
**ROCK HALL, MARYLAND**  
 IN THE FIFTH ELECTION DISTRICT, KENT COUNTY  
 TAX MAP 55, GRID 1C, PARCEL 39

**Lane Engineering, LLC**  
 Established 1986  
 Civil Engineers • Land Planning • Land Surveyors  
 E-mail: general@leinc.com  
 117 Bay St. Easton, MD 21601 (410) 822-8003  
 15 Washington St. Cambridge, MD 21613 (410) 221-0818  
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095  
 SHEET LANE ENGINEERING, LLC

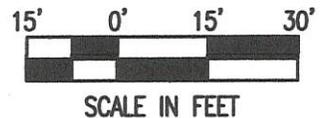
TAX MAP 55, PARCEL 32  
 ROBERT J. DURR, JR  
 BETSY L. DURR  
 1 DINNER POT ROAD  
 CALIFON, NJ 07830

PARCEL 39  
 (APPLICANT)



**PROPOSED IMPROVEMENTS**

1. WIDEN PIER TO 6 FT
2. REMOVE EXISTING FLOATING PLATFORM
3. ENLARGED EXISTING FIXED PLATFORM



FILE No. D327  
 JOB No. 210200  
 SCALE: AS NOTED  
 DATE: AS NOTED  
 SHEET No.  
**5 OF 6**

**PROPOSED IMPROVEMENTS**  
 ON THE LANDS OF  
**MARCI L. JOHNSON**  
**ROCK HALL, MARYLAND**  
 IN THE FIFTH ELECTION DISTRICT, KENT COUNTY  
 TAX MAP 55, GRID 1C, PARCEL 39

**Lane Engineering, LLC**  
 Established 1986  
 Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com  
 117 Bay St. Easton, MD 21601 (410) 822-8003  
 15 Washington St. Cambridge, MD 21613 (410) 221-0818  
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095



TO: Kent County Planning Commission  
FROM: Carla Gerber, Deputy Director  
MEETING: May 5, 2022  
SUBJECT: William and Valerie Ashmore – Major Site Plan – Private Destination/Residence Club  
(Concept and Preliminary)

## Executive Summary

### Request by Applicant

Mr. and Mrs. Ashmore are requesting preliminary site plan approval for the construction of a private destination/residence club with three guest suites and one owner's suite.

### Public Process

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

### Summary of Staff Report

Mr. and Mrs. Ashmore are proposing to construct a private destination/residence club on their 0.45-acre parcel located at the southeast corner of the intersection of Skinners Neck Road and Kelleys Park Road near Rock Hall. The residence club will have three guest suites and one owner's suite. The parcel is zoned Marine (M) and the surrounding area is a mix of residential and marine uses.

The application complies with the standards of the Land Use Ordinance.

### Recommendation

Staff recommends granting preliminary approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping.
- Submission of renderings and elevations.
- Submission sign details if one if proposed.
- Approval by the County Attorney of agreement regarding boat slips for the residence club.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: William and Valerie Ashmore – Major Site Plan – Private Destination/Residence Club (Concept and Preliminary)  
DATE: April 28, 2022

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Ashmore are proposing to construct a private destination/residence club on their 0.45-acre parcel located at the southeast corner of the intersection of Skinners Neck Road and Kelleys Park Road near Rock Hall. The residence club will have three guest suites and one owner's suite. The parcel is zoned Marine (M) and the surrounding area is a mix of residential and marine uses.

### Relevant Issues

#### I. Uses

##### A. *Comprehensive Plan:*

- “Retain and promote existing businesses and assist in their growth.” (page 8)
- “Promote Kent County as a boating center.” (page 16)
- “Enhance and expand locally based tourism that is rooted in the unique natural, cultural, and historic features and qualities of Kent County.” (page 18)

##### B. *Applicable Law:* Article V, Section 13.2, #8.5 of the Kent County Land Use Ordinance permits private destination/residence clubs in the Marine District with the following conditions:

- a. The aggregate Marine zoned property shall consist of 4 or more acres.
- b. The facilities for such overnight accommodations shall pay the appropriate county taxes, including taxes payable under Article III or Chapter 152 of the Code of Public Local Laws if Kent County.
- c. The facilities for overnight accommodations shall use a reservation system.
- d. Permitted accessory uses may include clubhouse, restaurants, cafés or other dining facilities; bars, pubs or taverns; recreational facilities, such as tennis courts, swimming pools, and spas and other accessory uses that are customarily associated with a lodging facility. The permitted accessory uses shall not include trap, skeet, clay birds, paint ball, or other similar firearm activities. The applicant shall describe all proposed accessory uses in the application for site plan. Recreational facilities shall be at least twenty-five (25) feet from the nearest property line.
- e. Where they exist, listed historic structures shall be incorporated into the overall project.
- f. Significant view corridors, both from the site and onto the site, shall be preserved as far as possible.
- g. The height of all structures shall not exceed thirty-eight (38) feet.
- h. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.
- i. The approval of a facility for overnight accommodations shall not impose restrictions that will preclude the use of the marina and property for commercial marine uses permitted in the Marine Zoning District, including boat building, storage, and repair; however, the continuation of these uses shall not be required. The maintenance and continuation of boat slips will be required.
- j. The County may require connection to a public sewer system, if and when such system is available.
- k. Campgrounds, mobile homes, recreational vehicle and manufactured home parks shall not be considered private destination or residence clubs.

C. *Staff and TAC Comments:* Although the subject parcel is less than 4 acres, the aggregate area of adjacent parcels zoned Marine is approximately 8.3 acres. The parcel is vacant, and no accessory uses are proposed. The applicant is proposing low level landscaping and the proposed structure will resemble a single-family dwelling which will have minimal effect on view corridors. A landscaping plan has been submitted. An agreement for the use of three slips at the adjacent marina, also owned by the applicant, has been drafted. The property has access to public sewer.

II. Density, Area, Height, Width and Yard Requirements

A. *Applicable Law:* Article V, Section 13.5 of the Kent County Land Use Ordinance requires the minimum yard:

Front	30 ft (there is a front yard of 15 feet on the side street or a corner lot)
Side	8 ft (when adjacent to M)
Rear	10 ft (when adjacent to M)
Waterfront	Minimum 100 ft buffer

B. *Staff and TAC Comments:* The proposed improvements meet the setback requirements. Although this parcel isn't waterfront, the 100-foot buffer extends onto the property. There are no site improvements within the buffer.

III. District Environmental Standards

A. *Applicable Law:* Article V, Section 13.6 in the Kent County Land Use Ordinance establishes the Marine Environmental Design Standards, which include stormwater and Critical Area standards. The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically, it is the overall goal of the County to maintain the quality of the County's ecosystem in the face of continuing activity, growth and change.

Within the Land Use Ordinance, Article VI, Section 7 addresses Floodplain Management, Section 9 addresses Erosion and Sediment Control, and Section 10 addresses Stormwater Management.

B. *Staff and TAC Comments:*

Conceptual stormwater and sediment and erosion control plans have been submitted. Estimates and sureties, along with approved plans will be required for final site plan approval.

Marine is an Intense Development Area within the Chesapeake Bay Critical Area. Lot coverage limits do not apply; however, all development must reduce pollutant loadings coming off the site by at least 10%. Stormwater management computation worksheets have been submitted showing compliance with the 10% reduction rule.

The applicants are proposing to use fill to raise the base for the foundation approximately 4 feet. The Base Flood Elevation is 6 feet, and the concrete slab for the garage will be 8.25 feet. The first-floor elevation will be 18.25 feet. The fill will be compacted to 95% of the maximum density obtainable by the Standard Proctor Test. As required by the floodplain regulations, the engineer for the applicant has stated in the attached letter that flooding risk will not increase to adjacent properties as existing drainage patterns will be maintained and there will be no measurable impact on increased flooding.

IV. Parking and Loading Requirements

A. *Applicable Law:* Article VI, Section 1.3 of the Kent County *Land Use Ordinance* establishes the parking standards. Lodging facilities require 1 space per guest unit, plus 1 per employee.

- B. *Staff and TAC Comments:* The site plan has four parking spaces on the Skinners Neck Road side of the property. The applicant has acknowledged that boat trailer parking will be allowed by the users of the public landing on the opposite side of Skinners Neck Road from the proposed driveways.

#### V. Landscaping

- A. *Applicable Law:* Article V, Section 13, #8.5.h of the Land Use Ordinance requires parking lots for private destination/residence clubs to be landscaped as required for commercial developments in Article V, Section 11. Article V, Section 13.7, #4 and 5 establishes the general landscaping and screening requirements in the Marine district.
- B. *Staff and TAC Comments:* The driveway/parking area is fully landscaped with holly shrubs lining the edges and landscape beds on the sides with single elm trees and perennials and a landscape bed between the garage doors with shrubs and perennials. Kelleys Park Road is screened with a mix of understory trees, evergreens, shrubs and perennials.

#### VI. Site Plan Review

- A. *Comprehensive Plan:* "Implement thorough design review for new development and major renovations." (Page 33)
- B. *Applicable Law:* Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
  - a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
  - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
  - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
  - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
  - e. Reasonable demands placed on public services and infrastructure.
  - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
  - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
  - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
  - i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
  - j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
  - k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with strategies and goals of the Comprehensive Plan.
- The property is served by public sewer and private well. The applicant has been working with Public Works concerning the location of the grinder pump and terminal flushing connection.
- Conceptual stormwater management and erosion and sediment control plans have been submitted for review.
- Sufficient parking is provided on the property.
- The landscaping meets the requirements.
- Reasonable demands will be placed on public services and infrastructure. The applicant will coordinate with Public Works regarding necessary sewer allocation.
- Proposed building elevations have been submitted. While the building is large, it contains features and colors compatible with existing waterfront development in the County.
- Exterior lighting will be attached to the building and will be dark sky compatible.
- No information on any proposed signs has been submitted.
- The proposed building complies with the setback requirements.
- A citizen participation conference call was scheduled for April 12, 2022. A final report has not been submitted.

**Staff Recommendation**

Staff recommends granting preliminary approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping.
- Submission of renderings and elevations.
- Submission sign details if one if proposed.
- Approval by the County Attorney of agreement regarding boat slips for the residence club.

William and Valerie Ashmore  
Skinners Neck Road/Kelleys Park Road



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared April 2022.

1 inch = 100 feet

**Kent County Department of Planning, Housing and Zoning**

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7475 (phone) • 410-810-2932 (fax)

**SITE PLAN APPLICATION**

**File Number:** \_\_\_\_\_ **Amount Paid:** \_\_\_\_\_ **Date:** 2/24/2022

**Project Name:** Grays Inn

District: 5<sup>th</sup> Map: 55 Parcel: 57 Lot Size: 0.449 Deed Ref: 1079/197 Zoning: Marine  
Lot: 1 :

**LOCATION:** Grays Inn Avenue, Rock Hall, Maryland 21661

**PROPOSED USE:** Private Destination / Residence Club

**OWNER OF LAND:**

Name: William & Valerie Ashmore Telephone: 410-639-7212

Address: 21979 Kelleys Park Road, Rock Hall, Maryland 21661 Email: bill@graysinncreek.com

**APPLICANT:**

Name: (same as owner) Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

**AGENT/ATTORNEY (if any):**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

**REGISTERED ENGINEER OR SURVEYOR:**

Name: DMS & Associates, LLC Telephone: 443-262-9130

Address: P.O. Box 80 Centreville, MD 21617 Email: kjs@dmsandassociates.com

Water Supply:  Public System  On lot system

Sewerage:  Public System  On lot system

**TELEPHONE SERVICED BY:** Verizon

**ELECTRIC SERVICED BY:** Delmarva Power

  
Signature of Applicant

2/24/22  
Date

Concept Plan Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_

Preliminary Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_

Final Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_



Davis, Moore, Shearon & Associates, LLC

April 8, 2022

Mr. William Mackey, Planning Director  
Kent County Department of Planning & Zoning  
400 High Street  
Chestertown, Maryland 21620

**RE: COMBINED CONCEPT AND PRELIMINARY SITE PLAN SUBMITTAL FOR A PROPOSED PRIVATE DESTINATION / RESIDENCE CLUB, SKINNERS NECK ROAD, ROCK HALL, MARYLAND  
KENT COUNTY TAX MAP 55, PARCEL 128, LOT 1  
DMS & ASSOCIATES JOB #2021186**

Dear Mr. Mackey,

Attached please find revised plans for the above referenced project. The revisions are in response to the TAC comments dated March 9, 2022. We offer the following:

1. Department of Public Works:
  - a. The parcel number has been corrected on the attached site plan application.
  - b. We will coordinate with DPW regarding the necessary sewer allocation.

Additional DPW comments were received via email dated March 30, 2022. Responses are show in *italic*.

1. With regard to the multiple access driveways on Skinners Neck Road. As you may recall during discussions on the land transfer, the Department was initially interested in obtaining additional parking along Skinners Neck Road to improve availability for trailer parking which has a big impact on use of the public boat launch. Overflow parking is occasionally used along the road right of way between the intersection and landing. In acceding to the multiple driveway access on Skinners Neck Road we would want an understanding that overflow trailer parking can and may occur at times on the opposite side of the road along the right of way.  
*The owner understands and does not have issues with overflow trailer parking occurring at times on the opposite side of the road along the right of way.*
2. The parking depth for all 4 spaces needs to be the standard parking space length of 20 ft. and not extend into the County right of way.  
*The proposed interior parking spaces are a minimum 20-ft deep as measured from the right of way line.*
3. From the initial grading plans the driveway access to Skinners Neck Road is at the high point of the road drainage elevation. Grading will need to show that drainage

from the driveways will flow to the north and south into the road swales. This will negate the need for a cross pipe. This would be a cost savings.

*The revised grading plan shows the drainage flowing to the north and south from the driveway negating the need for a culvert pipe.*

4. Note that the non-rooftop disconnection area cannot include area within the County right of way.  
*We acknowledge that non-rooftop disconnection areas cannot be located within the County right of way.*
5. There is an existing terminal flushing connection and valve box located within the proposed driveway that will be required to be relocated outside of the driveway at the developer's expense as directed by the County.  
*If the terminal flushing connection cannot be made traffic bearing, we will relocate it outside of the proposed driveway.*
6. The grinder pump location will need to be relocated closer to the intersection as it cannot be in the driveway area or within an electric service easement.  
*The proposed grinder pump has been located closer to the intersection.*
2. We acknowledge that MDOT SHA has reviewed this application and has no issues or concerns.
3. We acknowledge that the County Health Department has approved this application.
4. The proposed steps and landing have been moved out of the BRL.
5. The Site Statistic "Area in Bufferyards" has been removed.
6. The Kent county Sediment Control Inspector's phone number has been updated.
7. We have added two parking spaces between the two driveways to allow room for a minimum of four cars without necessitating moving cars.
8. DPW has reviewed this configuration and appears agreeable to the layout.
9. The owners of record have been added to the title block.
10. Attached please find pictures of the proposed building elevations for your review.
11. Attached please find an agreement designating three slips at a nearby marina owned by the Ashmores for use by paying guests of the Residence Club. The agreement will be executed and recorded prior to final site plan approval.
12. Stormwater management computation worksheets are attached which includes the 10% pollutant removal compliance.

13. Based on comments received by DPW, it is our understanding that access to the project and the capacity of the road is not an issue.
14. The amount of proposed fill is approximately 750 cubic yards. As this site is in a coastal floodplain rather than a riverine floodplain, no measurable impact on increased flooding will occur. Flooding risk will not increase to adjacent properties either as the existing drainage patterns will be maintained in the proposed conditions.
15. We acknowledge that all structural fill shall be compacted to 95% of the standard proctor density.
16. The Flood Elevation of Sheet C-2 has been corrected from Elevation 5.0 to Elevation 6.0.
17. A landscape plan has been developed and included in this plan set.
18. The parking area has been screened with shrubs.
19. We believe the attached landscape plan addresses the landscape requirements and a waiver is not needed.
20. All site lighting will be wall mounted and dark sky compatible.

We ask that you please review this information and place the project on the May 5<sup>th</sup> Planning Commission agenda for review. If you have any questions or need additional information, please feel free to contact me at 443-262-9130.

Sincerely,

DMS & Associates, LLC



Kevin J. Shearon, P.E., LEED AP

Enclosures

pc: Mr. & Mrs. William Ashmore (via email)

## PROJECT NARRATIVE

### **GRAYS INN Private Destination / Residence Club Skinners Neck Road Rock Hall, Maryland**

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

**Name and address of the landowner, the developer and/or representative, if different from the owner**

The property is owned by Mr. & Mrs. William Ashmore. They are the property owners and the developers.

**Street address, tax map, parcel number, and subdivision if any**

The site is located at the southeast corner of the intersection between Skinners Neck Road and Kellys Park Road near Rock Hall, Maryland. The property is identified as Tax Map 55 Parcel 128, Lot 1. A subdivision is not needed as part of this project.

**Zoning of the site**

The site is zoned Marin (M). The surrounding properties to the north, east, south, and west are also zoned Marine and account for a combined zoning district greater than four acres.

**Current and proposed use of the property**

The property is currently vacant. A Private Destination / Residence Club with three guest suites and one owner suite is proposed on the property. The club will be developed and operated in accordance with the conditions noted in the Land Use Ordinance, Section 13.2(8.5) which include:

- a. The aggregate Marine zoned property shall consist of 4 or more acres.  
*The Marine zone in this area consists of approximately 8.3 acres.*
- b. The facilities for such overnight accommodations shall pay the appropriate county taxes, including taxes payable under Article III or Chapter 152 of the Code of Public Local Laws if Kent County.  
*It is understood that the overnight accommodations associated with this club will pay all applicable taxes.*
- c. The facilities for overnight accommodations shall use a reservation system.  
*A reservation system will be used to book overnight accommodations.*

- d. Permitted accessory uses may include clubhouse, restaurants, cafés or other dining facilities; bars, pubs or taverns; recreational facilities, such as tennis courts, swimming pools, and spas and other accessory uses that are customarily associated with a lodging facility. The permitted accessory uses shall not include trap, skeet, clay birds, paint ball, or other similar firearm activities. The applicant shall describe all proposed accessory uses in the application for site plan. Recreational facilities shall be at least twenty-five (25) feet from the nearest property line.  
*At this time no accessory uses are proposed. Should an accessory use be added later, the approval of such will be done so following review by the county.*
- e. Where they exist, listed historic structures shall be incorporated into the overall project.  
*There are no historical structures on the property.*
- f. Significant view corridors, both from the site and onto the site, shall be preserved as far as possible.  
*View corridors have been preserved to the extent possible. Only 1,940-sf of structure is proposed on the 0.45 acre parcel. The landscaping has been designed to be low-level.*
- g. The height of all structures shall not exceed thirty-eight (38) feet.  
*The height of the proposed structure is less than 38-ft as defined by the code.*
- h. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.  
*Landscape screening has been provided at the edge of the proposed parking area.*
- i. The approval of a facility for overnight accommodations shall not impose restrictions that will preclude the use of the marina and property for commercial marine uses permitted in the Marine Zoning District, including boat building, storage, and repair; however, the continuation of these uses shall not be required. The maintenance and continuation of boat slips will be required.  
*The proposed club with overnight accommodations will not impede the rights of others to conduct permitted activities within the Marine Zoning District. An agreement has been drafted designating three boat slips at the nearby marina owned by the Ashmores for use by the paying guests of the Residence Club. The agreement will be recorded prior to final site plan approval.*
- j. The County may require connection to a public sewer system, if and when such system is available.  
*As indicated on the site plan, the club will be connected to the existing public sewer system adjacent to the site.*
- k. Campgrounds, mobile homes, recreational vehicle and manufactured home parks shall not be considered private destination or residence clubs.  
*The proposed club is not classified as any of the above mentioned uses.*

**An explanation of viewshed, open space, and conservation analysis undertaken during the design of the site plan**

The placement of the proposed building will be near the intersection of Skinners Neck Road and Kelly's Park Road. It is located outside of the Critical Area 100-ft buffer. Only 1,940-sf of structure is proposed on the 0.45 acre parcel.

**How the proposed development complies with the Comprehensive Plan and the design and environmental standards of the Ordinance**

The development complies with the Comprehensive Plan in that it promotes tourism and lodging in the area.

**Proposed type of water and sewer service**

The site will be served by public sewer. A private well will be used for potable water as public water is not available in the area.

**Number of employees**

It is anticipated that one employee will be needed for this club.

**The proposed development schedule and phases of development for all proposed construction**

This project is intended to be constructed and operational upon receipt of all necessary permits. The construction will not be phased.

**Statement of provisions for ultimate ownership and maintenance of all parts of the development including streets, structures, and open space.**

The property is intended to remain in the ownership of and maintained by Mr. & Mrs. Ashmore.

**Water dependent uses in the Critical Area**

n/a

**Critical Area density calculations**

n/a

**Citizen Participation Plan**

A conference call is scheduled for Tuesday, April 12, 2022 at 6pm. Notification to property owners in the area was mailed along with a reduced-scale site plan. A report will be provided to the Planning Office following the conference call.





NO TITLE EXAMINATION  
NO CONSIDERATION

DECLARATION OF BOAT SLIP AGREEMENT

This Declaration of Boat Slip Agreement (“Easement and Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between William R. Ashmore and Valerie L. Ashmore (collectively and hereinafter the “Owners”).

RECITALS:

WHEREAS, the Owners are the fee simple owners of the property situate, lying and being in the Fifth Election District of Kent County, Maryland, located on Kent County Tax Map 55, Parcel 128 containing 19,166 square feet, more or less, being the same lands described in a deed recorded among the Land Records for Kent County, Maryland in Liber No. 1079, folio 197 (the “Residence Club Property”); and

WHEREAS, the Owners are the fee simple owners of the property situate, lying and being in the Fifth Election District of Kent County, Maryland, located on Kent County Tax Map 55, Parcel 5, containing 23,827 square feet, more or less, being the same lands described in a deed recorded among the Land Records for Kent County, Maryland in Liber No. 783, folio 310 (the “Marina Property”); and

WHEREAS, the Owners currently operate a commercial marina with approximately thirty one (31) boat slips at the Marina Parcel and the Owners contemplate establishing a Private Destination/Residence Club upon the Residence Club Property as currently defined in the Kent County Zoning Ordinance in section 13.2(8.5); and

WHEREAS, the Owners, in furtherance of the establishment of a Private Destination/Residence Club, seek to hereby provide for the use of three boat slips of the Marina Parcel by guests of the Private Destination/Residence Club operating upon the Residence Club Parcel, upon seventy two (72) hours’ prior notice to the owner of the Marina Parcel, and in exchange for certain payment for such use of three boat slips upon the terms and conditions stated herein; and

WHEREAS, these recitals are not merely prefatory but form a substantive part hereof this Agreement.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) but other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Owners do hereby establish, in gross, an agreement upon the following terms and conditions:

1. The Marina Property shall permit the use of three boat slips upon the Marina Property for use by guests of the Residence Club Property only for so long as the Residence Club Property is used as a Residence Club. The use of the three boat slips shall only be for paying guests of the Residence Club Property and are limited to three boat slips. The use does not include or apply to any boat slips rented to long term slip renters. Any use of the boat slip shall be on a first come-first served basis, shall require seventy two (72) hours’ prior notice to the Owner of the Marina Property. Any use of a boat slip by a guest of the Residence Club Property shall require payment of the applicable market rate for such transient boat slip rental upon the Marina Property. The use of a boat slip is limited to three boat slips per all the guests of the Residence Club Property at any given time.

2. The use of any boat slip upon the Marina Property by the Residence Club Property guests shall be limited to and not exceed the duration of such guest's stay at the Residence Club Property. The guests using the Marina Property boat slips shall have access to the public areas of the Marina Property for use in common with other boat slip renters but such use of said common areas shall not interfere with any other operation of the Marina Property or the other boat slip renters or customers of the Marina Property.

3. The use of the boat slips by guests of the Residence Club Property, their licensees, invitees, guests, agents, employees and contractors, shall be at their own risk. The Owners of the Residence Club Property agree to indemnify and hold harmless all other Owners against any and all liability for injury to person or damage to property, when such injury or damage results from, arises out of, or is attributable to the use of the boat slips or Marina Property by the guests of the Residence Club.

4. This Agreement shall terminate without demand or notice upon the cessation of the Residence Club Property being used as a Residence Club. This agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns and shall run with the land.

IN WITNESS WHEREOF, the Owners have caused this instrument to be properly executed and sealed as of the day and year first above written.

WITNESS/ATTEST: OWNERS:

\_\_\_\_\_  
William R. Ashmore (SEAL)

\_\_\_\_\_  
Valerie L. Ashmore (SEAL)

STATE of MARYLAND, COUNTY of \_\_\_\_\_, to wit:

I HEREBY CERTIFY, that on this \_\_\_ day of \_\_\_\_\_, 2022, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared William R. Ashmore and Valerie L. Ashmore, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, that they executed the foregoing Declaration of Boat Slip Agreement for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission expires:

# CONCEPT / PRELIMINARY SITE PLAN FOR GRAYS INN PRIVATE DESTINATION CLUB

## TABLE OF CONTENTS

SHEET C-1	-	OVERALL SITE PLAN
SHEET C-2	-	SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-3	-	DRAINAGE AREA MAP, CREDIT MAP AND DETAILS
SHEET C-4	-	SEDIMENT AND EROSION CONTROL DETAILS AND SPECIFICATIONS
SHEET L-1	-	LANDSCAPE PLAN

## SITE STATISTICS

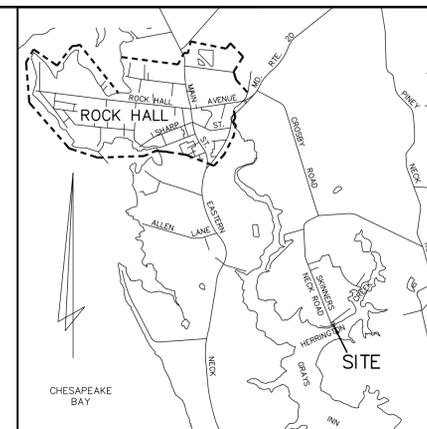
SITE AREA	=	0.449 ac.± (19,549 sq. ft.±)
CRITICAL AREA	=	0.449 ac.± (19,549 sq. ft.±)
AREA WITHIN 100 Yr. FLOODPLAIN	=	0.39 ac.±
LOT COVERAGE (EXISTING) ( 0.0%)	=	0,000 sq. ft.± (0.000 ac.±)
LOT COVERAGE (PROPOSED) (16.2%)	=	3,173 sq. ft.± (0.073 ac.±)
DWELLING	=	1,425 sq. ft.±
DECKS	=	516 sq. ft.±
DRIVEWAYS	=	1,225 sq. ft.±
CONCRETE PAD	=	7 sq. ft.±

## NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM A PLAT ENTITLED "TOPOGRAPHIC SURVEY OF THE LANDS OF WILLIAM R. ASHMORE, et ux" PREPARED BY EXTREME MEASURES, LLC, IN JANUARY, 2022. HORIZONTAL DATUM IS NAD 83/91.
- FOR DEED REFERENCE, SEE LIBER M.L.M. 1079, FOLIO 197.
- CURRENT ZONING CLASSIFICATION - (M) MARINE.
- THE PROPERTY IS LOCATED ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - IDA.
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0380D. (ZONE "AE") (ELEV. = 6')
- SOILS ONSITE CONSIST OF "MpA" MATAPEX FINE SANDY LOAM AS SCALED FROM <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY, MARYLAND.
- EXISTING IMPROVEMENTS SHOWN HEREON ARE THE RESULT OF A FIELD RUN SURVEY BY EXTREME MEASURES, LLC IN JANUARY, 2022. HORIZONTAL DATUM IS NAD 83/91.
- EXISTING TOPOGRAPHY SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY EXTREME MEASURES, LLC IN JANUARY, 2022. VERTICAL DATUM IS NAVD 88.
- PUBLIC SEWER AND PRIVATE WELL WATER WILL BE UTILIZED FOR SEWAGE DISPOSAL AND POTABLE WATER SUPPLY.
- STORMWATER MANAGEMENT FOR THE SITE HAS BEEN ADDRESSED VIA THE IMPLEMENTATION OF ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP).
- ALL PROPOSED LIGHTING SHALL BE DARK SKY COMPATIBLE
- NO SIGNAGE IS PROPOSED FOR THIS PROJECT.
- SETBACK AND HEIGHT REQUIREMENTS:  
FRONT YARD = 30'  
SIDE YARD = 8'  
REAR YARD = 10'  
MAXIMUM BUILDING HEIGHT = 38'

**OWNER/DEVELOPER:**  
WILLIAM R. & VALERIE L. ASHMORE  
21979 KELLEYS PARK ROAD  
ROCK HALL, MARYLAND 21661  
PHONE No. 1-410-778-3648

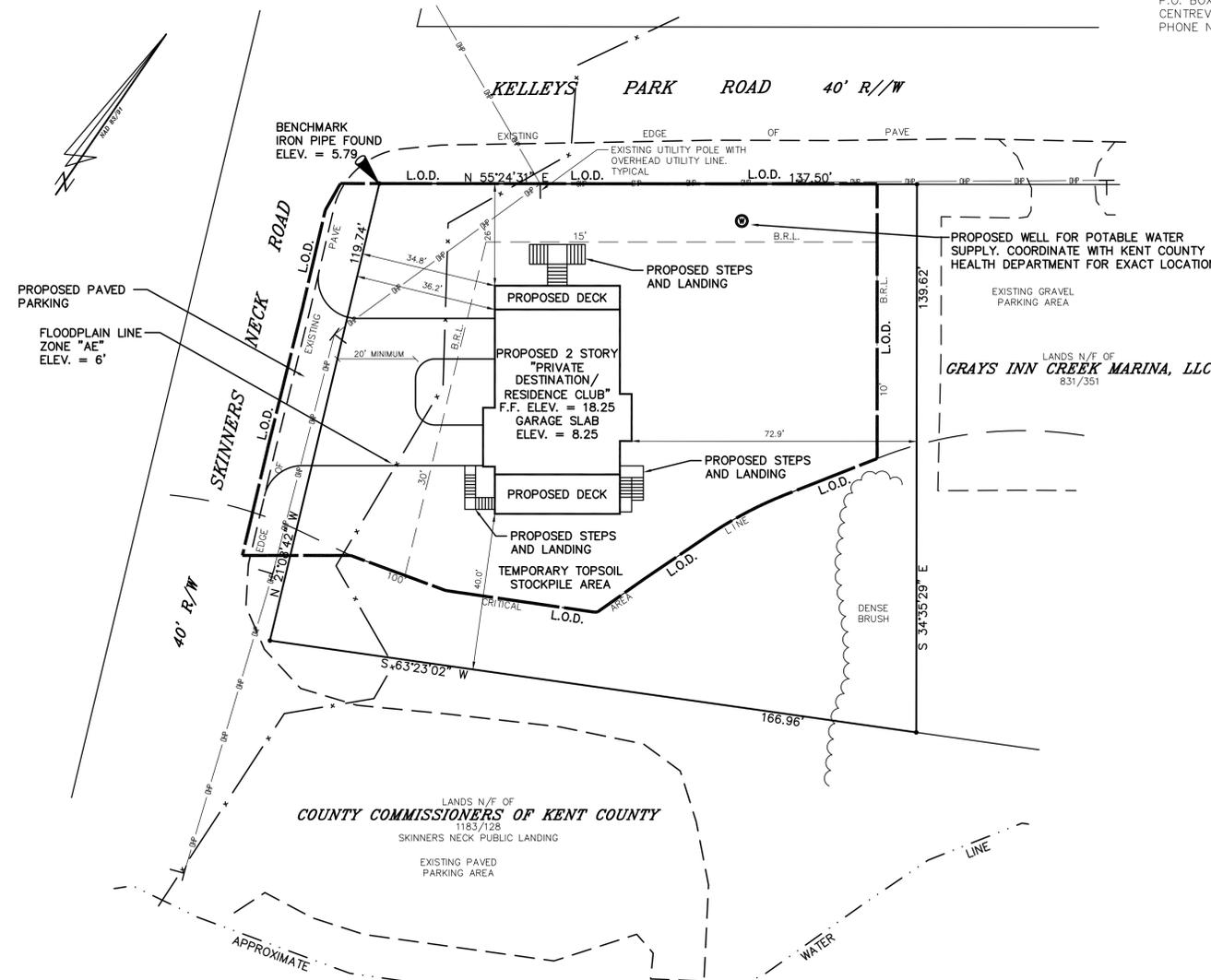
**ENGINEER:**  
DMS & ASSOCIATES, LLC  
c/o KEVIN J. SHEARON, P.E. LEED  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE No. 1-443-262-9130



**VICINITY MAP**  
SCALE 1" = 4000'

## GENERAL NOTES

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:  
Delmarva Power & Light Company 1-800-375-7117  
Miss Utility 1-800-441-8355  
DMS & Associates, LLC 1-443-262-9130  
Dept. of Public Works - Engineering 1-410-778-7407  
Dept. of Public Works - Water/Wastewater 1-410-778-3287  
Kent Co. Sediment Control Inspector 1-410-778-7457  
Maryland Department of the Environment 1-410-631-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2, unless otherwise specified.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.



## STATEMENT OF PURPOSE AND INTENT

THIS SITE IS LOCATED ON THE SOUTH SIDE OF KELLEYS PARK ROAD AND EAST SIDE OF SKINNERS NECK ROAD NEAR THE TOWN OF ROCK HALL. THE PROPERTY IS CURRENTLY VACANT. THE PURPOSE OF THIS SITE PLAN IS TO CONSTRUCT A NEW BUILDING TO BE USED AS A PRIVATE DESTINATION / RESIDENCE CLUB.

THE INTENT OF THIS SITE PLAN IS TO RECEIVE APPROVAL FROM KENT COUNTY PLANNING AND ZONING FOR THE PROPOSED PLAN.

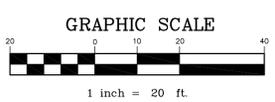
L.O.D. - DENOTES LIMITS OF DISTURBANCE  
AREA = 0.32 acres± (14,133 sq. ft.±)

**NOTE:**  
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

**NOTE:**  
SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED

## LEGEND

- DEPCTS DEED POINT (UNLESS OTHERWISE NOTED)
- EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE
- EXISTING BRUSH
- FLOODPLAIN LINE
- L.O.D. LIMITS OF DISTURBANCE



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_

KENT SOIL AND WATER CONSERVATION DISTRICT

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

- ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ONSITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CARD No. \_\_\_\_\_

PHONE No. \_\_\_\_\_

RENT COUNTY DEPARTMENT OF PLANNING AND ZONING

RENT COUNTY DEPARTMENT OF PLANNING AND ZONING

RENT COUNTY HEALTH DEPARTMENT

RENT COUNTY SOIL AND WATER CONSERVATION DISTRICT

APRIL 5, 2022

SEAL

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE: 1-443-262-9130  
FAX: 1-443-262-9148

REVISION PER TAC COMMENTS

DATE 4-5-22

OVERALL SITE PLAN FOR GRAYS INN ON THE LANDS OF WILLIAM R. & VALERIE L. ASHMORE NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT TAX MAP - 55, GRID - 1C, PARCEL - 128

SCALE 1" = 20'

DATE FEBRUARY 22

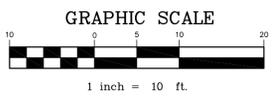
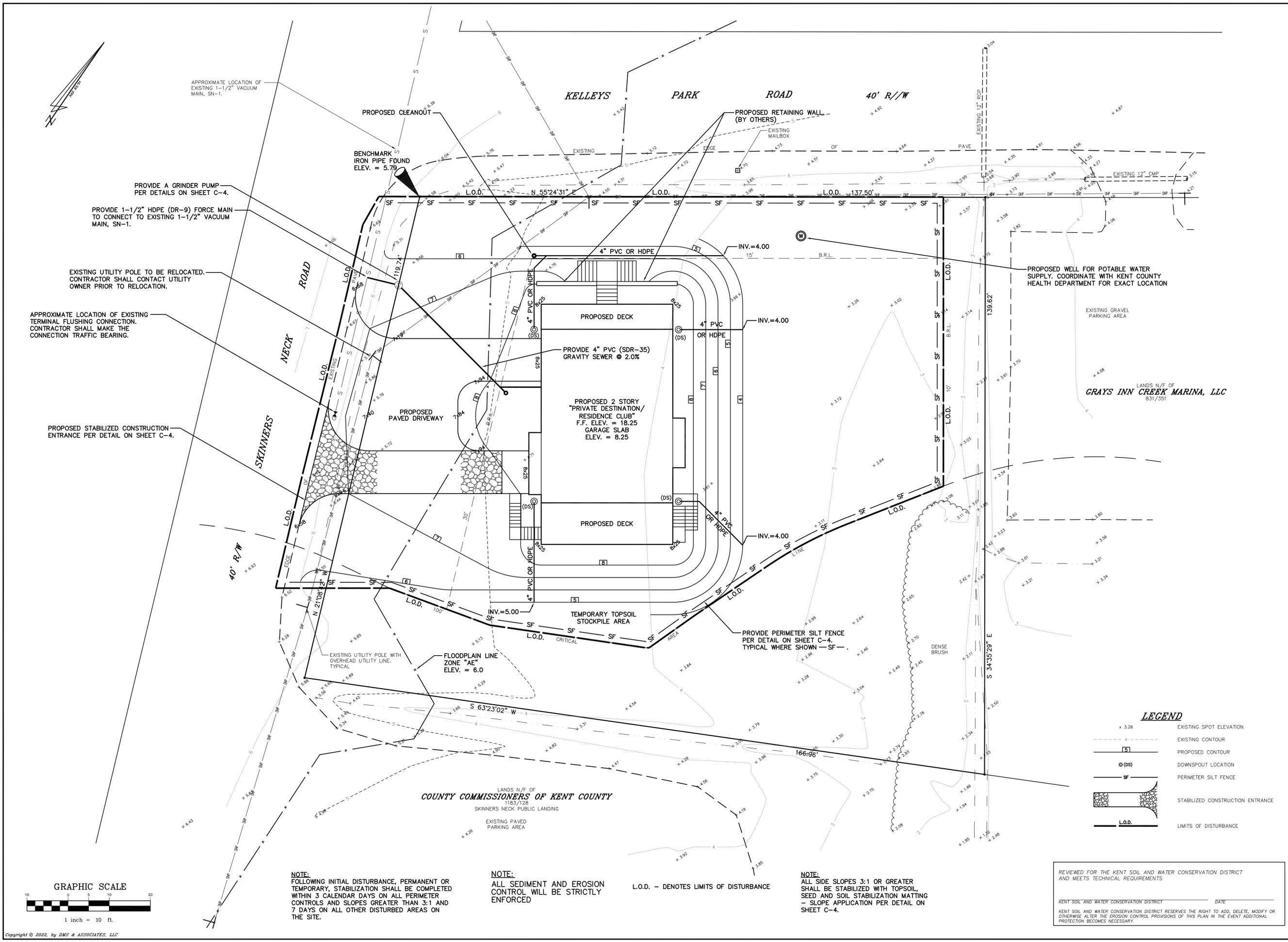
JOB No. 2021B6

TOLDER #46

DESIGNED BY KJS

SHEET No. - C-1

CADD FILE - 21166-C1



**LEGEND**

- x 3.26 EXISTING SPOT ELEVATION
- - - - - EXISTING CONTOUR
- [S] PROPOSED CONTOUR
- (DS) DOWNSPOUT LOCATION
- - - - - PERIMETER SILT FENCE
- [SF] STABILIZED CONSTRUCTION ENTRANCE
- - - - - LIMITS OF DISTURBANCE

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DATE: FEBRUARY 22	SCALE: 1" = 10'
JOB NO: 2021186	DRAWN BY: WJM
FOLDER #4: 55-2021186	DESIGNED BY: KJS
SHEET NO. - C-2	
CADD FILE - 21186-C2	

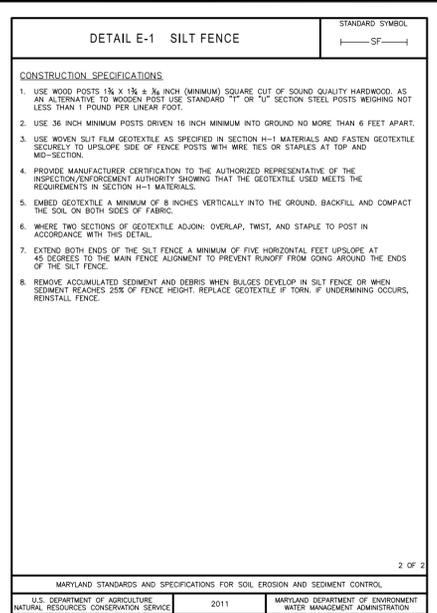
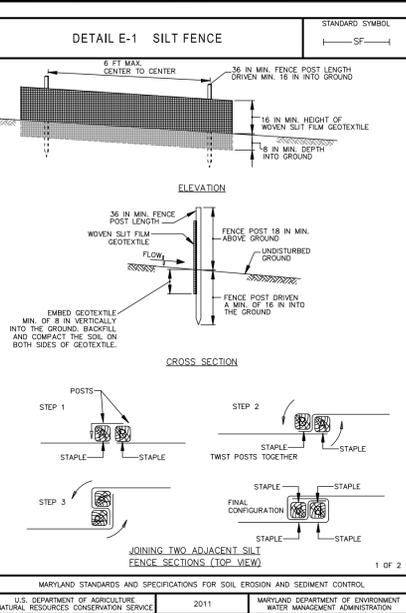
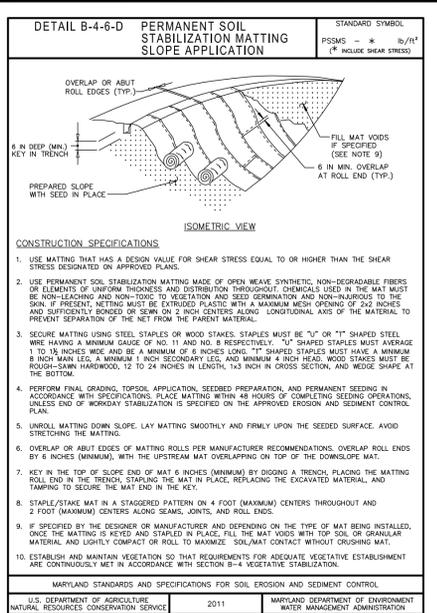
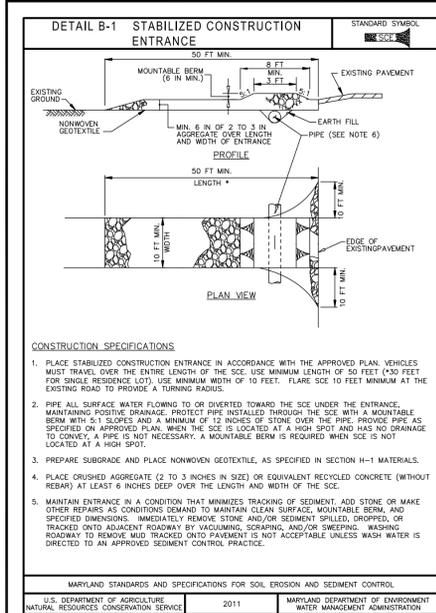
FOR GRAYS INN ON THE LANDS OF WILLIAM R. & VALERIE L. ASHMORE NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT TAX MAP - 55, GRID - 1C, PARCEL - 128

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC  
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
 P.O. BOX 80 CENTREVILLE, MARYLAND 21617  
 PHONE: 410-291-1100 FAX: 1-443-262-9148

APR 5, 2022  
 SEAL

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING  
 KENT COUNTY DEPARTMENT OF PLANNING AND ZONING  
 KENT COUNTY DEPARTMENT OF PLANNING AND ZONING





**GENERAL NOTES**

- Notification of Kent County (410-778-7457) at least five (5) days prior to the start of work.
- Prior to the start of work, the Contractor is to obtain County approval of any proposed plan changes and sequence of construction, specifically relating to installation, inspection, maintenance and removal of erosion and sediment control measures.
- Sediment control measures are not to be removed until the areas have established vegetative cover, or with the permission of the Kent County Sediment Control Inspector.
- When pumping sediment-laden water, the discharge must be directed to an approved sediment trapping measure prior to release from the site.
- All temporary stockpiles are to be located within areas protected by sediment control measures, and are to be temporarily stabilized.
- All sediment control dikes, swales, basins and flow lines to basins will be temporarily seeded immediately upon installation to reduce the contribution to sediment loading.
- Disposal of excess earth materials on State or Federal property requires MDE Approval, otherwise materials are to be disposed of at a location approved by the local authority.
- Temporary soil erosion control and sediment control measures are to be provided as per the approved plan prior to grading operations. Location adjustments are to be made in the field as necessary. The minimum area practical shall be disturbed for the minimum possible time.
- If grading is completed out of a seeding season, graded areas are to be temporarily stabilized by mulch and mulch anchoring. Mulch material shall be unweathered, unchopped small grain straw spread at the rate of 2 to 2 1/2 tons per acre. Mulch anchoring to be accomplished by an approved method, use of a mulch anchoring tool is recommended where possible.
- Implementation of the sediment control plan shall be in accordance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, of the Department.
- The Contractor is responsible for implementation and maintenance of the approved plan, and all other measures necessary to control, filter, or prevent sediment from leaving the site.
- In case where stormwater management structures are a part of site development, removal of sediment control structures may not be accomplished before the contributing drainage area to the stormwater management structure is dewatered and stabilized.
- On sites where infiltration techniques are utilized for the control of stormwater, extreme care must be taken to prevent all runoff from entering the structure during construction.
- Sediment control for utility construction in areas outside of designed controls:
  - Excavated trench material shall be placed on the high side of the trench.
  - Immediately following pipe installation the trench shall be backfilled, compacted and stabilized at the end of each working day.
  - Temporary silt fence or straw bale dikes shall be placed immediately downstream of any disturbed area intended to remain disturbed longer than one working day.
- All points on construction ingress and egress shall be protected to prevent tracking of mud onto public ways.
- Site information:
 

Total Area of Site	0.449 Acres
Area Disturbed	0.32 Acres
Area to be Roofed or Paved	0.06 Acres
Total Cut	0 cy*
Total Fill	750 cy*

\* CUT AND FILL AMOUNTS ARE APPROXIMATE  
THE CONTRACTOR SHALL DO A SEPARATE TAKE-OFF

**EROSION & SEDIMENT CONTROL STANDARDS AND SPECIFICATIONS FOR VEGETATIVE STABILIZATION**

- Contractor shall install soil erosion and sediment control devices prior to any grading. Following initial disturbance or re-disturbance, permanent or temporary stabilization shall be completed within three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes greater than three (3) horizontal to one (1) vertical (3:1) and seven days (7) as to all other disturbed or graded areas on the project site.
- All temporary erosion and sediment control devices are to be provided as indicated on this plan, with location adjustments to be made in the field as necessary, and to be maintained at the end of each working day until project completion. The minimum area practical shall be disturbed for the minimal amount of time possible.
- Clearing and grubbing shall include all trees, brush, debris, root mat and organic materials to be removed.
- Temporary seeding shall be accomplished between February 15th through April 30th, or August 15th through November 30th. During other times, temporary mulching shall be provided.
- Temporary seeding shall conform to the following applications: 436 lbs. per acre of 10-20-20; 4,000 lbs. per acre of ground limestone, to be incorporated into the soil by disking or other suitable means. Annual rye grass shall be applied at a rate of 50 lbs. per acre using suitable equipment. Mulching shall be accomplished immediately after seeding

Seed Mixture (For Hazard Zone 7) (From Table B-1)				Fertilizer (10-20-20)	Lime Rate
No.	Species	Appl. Rate (lb./ac.)	Seeding Dates		
	ANNUAL RYE GRASS	50 lbs.	2/15-4/30 8/15-11/30	1/2"	
	BARLEY	96 lbs.	2/15-4/30, 8/15-11/30	1"	436 lb/acre
	ORZONIA	120 lbs.	2/15-4/30, 8/15-11/30	1"	2 tons/acre
	WHEAT	120 lbs.	2/15-4/30, 8/15-11/30	1"	100 lb/1000 sq ft
	CERIAL RYE	112 lbs.	2/15-4/30, 8/15-12/15	1"	90 lb/1000 sq ft
	FOXTAIL MILLET	30 lbs.	5/1-8/14	1/2"	
	PEARL MILLET	28 lbs.	5/1-8/14	1/2"	

- Mulching shall be unchopped, unrotted, small grain straw applied at a rate of 2-2 1/2 tons per acre. Anchor mulch with a mulch anchoring tool on the contour. Wood cellulose fiber may be used for anchoring straw at 750 lbs. per acre mixed with water at a maximum of 50 lbs. of wood cellulose fiber per 100 gals of water, or with a synthetic liquid binder according to manufacturer recommendations. Wood cellulose fiber used as mulch must be applied at a net dry weight of 1,500 lbs. per acre. Mix wood cellulose fiber with water to attain a mixture with a maximum of 50 lbs. of wood cellulose fiber per 100 gals. of water.
- Permanent seeding shall be accomplished between March 1st through May 15th, or August 15th through October 15th. Permanent seeding at other than specified times will be allowed only upon written approval. Permanent seeding shall conform to the following applications: Permanent seeding for sites having disturbed over five (5) acres shall use fertilizer rates recommended by a soil testing agency and the recommendations provided in the Permanent Seeding Summary Table. Permanent seeding for conditions other than listed above shall be performed at the rates and dates as provided in the Permanent Seeding Summary Table below. Fertilizer and lime amendments shall be incorporated into the top 3" - 5" of the soil by disking or other suitable means. Mulching shall be accomplished as discussed in item #6 of these specifications.

Seed Mixture (For Hazard Zone 7) (From Table B-3)				Fertilizer Rate (10-20-20)			Lime Rate
No.	Species	Appl. Rate (lb./ac.)	Seeding Dates	N	P205	K2O	
7	CREeping RED FESCUE KENTUCKY BLUEGRASS	60 lbs. 15 lbs.	3/1-5/15 8/15-10/15	1/4" 1/2"	90 lb/1000 sq ft	90 lb/1000 sq ft	2 tons/acre
8	TALL FESCUE	100 lbs.	3/1-5/15 8/15-10/15	1/4" 1/2"	45 lb/1000 sq ft	90 lb/1000 sq ft	2 tons/acre
9	TALL FESCUE KENTUCKY BLUEGRASS PERENNIAL RYEGRASS	60 lbs. 40 lbs. 20 lbs.	3/1-5/15 8/15-10/15	1/4" 1/2"	90 lb/1000 sq ft	90 lb/1000 sq ft	2 tons/acre

- Any spoil or borrow will be placed at a site approved by the Soil Conservation District.
- All areas remaining or intended to remain disturbed for longer than seven (7) days shall be stabilized in accordance with the USDA, Natural Resources Conservation Service Standards and Specifications for Soil Erosion and Sediment Control in developing areas for critical area stabilization.
- It will be the responsibility of the Contractor or Subcontractor to notify the Engineer of any deviation from this plan. Any change made in this plan without written authorization from the Engineer will place responsibility of said change on the Contractor or the Subcontractor.

MISCELLANEOUS DETAILS AND SPECIFICATIONS

FOR

**GRAYS INN**

ON THE LANDS OF

**WILLIAM R. & VALERIE L. ASHMORE**

NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT

TAX MAP - 55, GRID - 1C, PARCEL - 128

CADD FILE - 21186-C4

SCALE: AS SHOWN

DATE: FEBRUARY 22, 2021

DRAWN BY: WJM

DESIGNED BY: KJS

SHEET No. - C-4

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

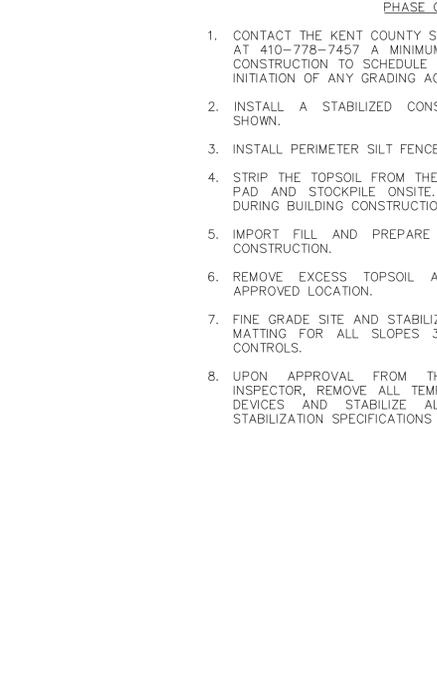
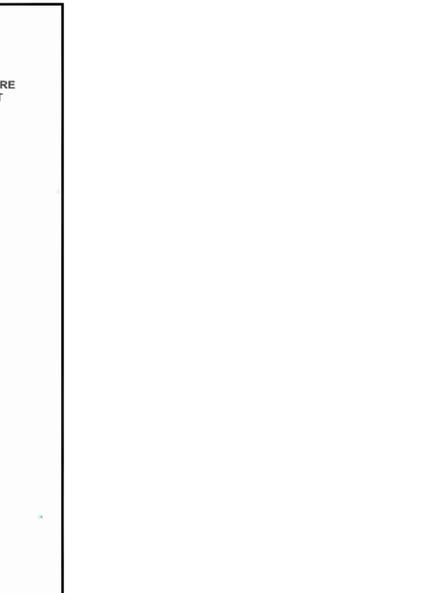
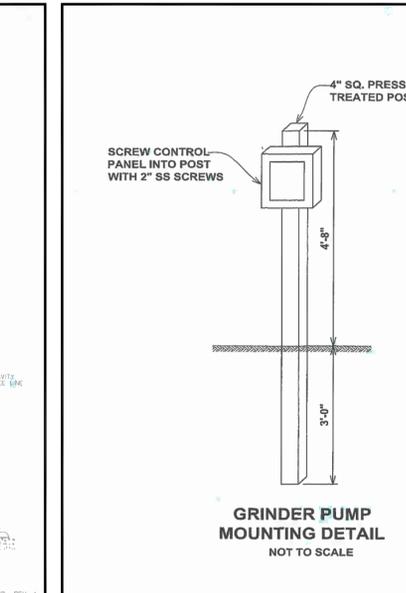
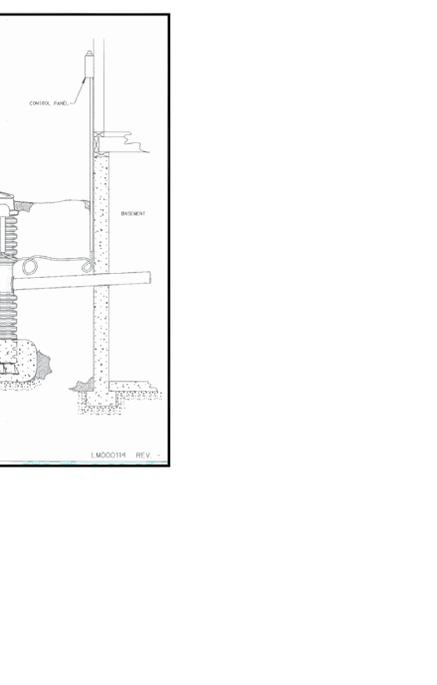
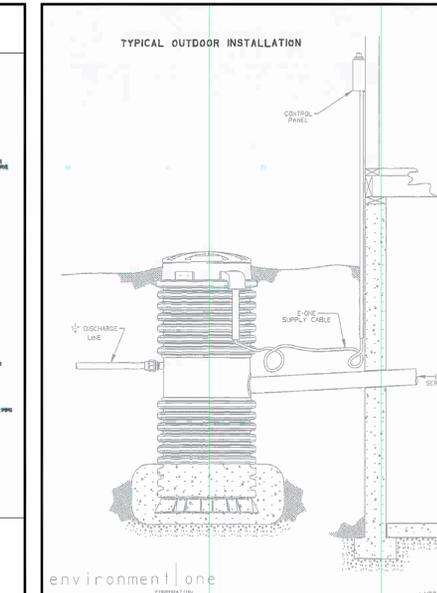
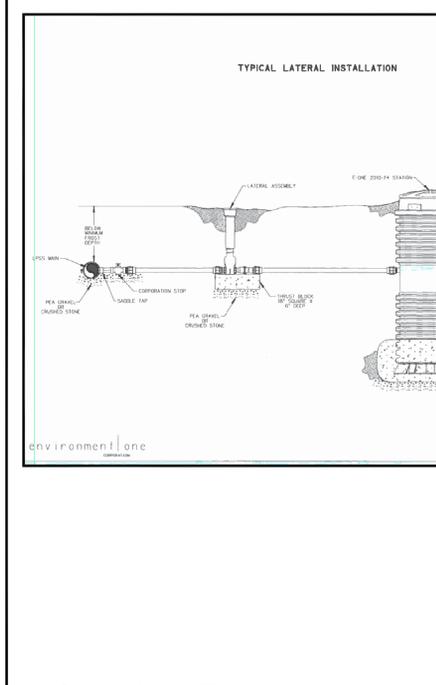
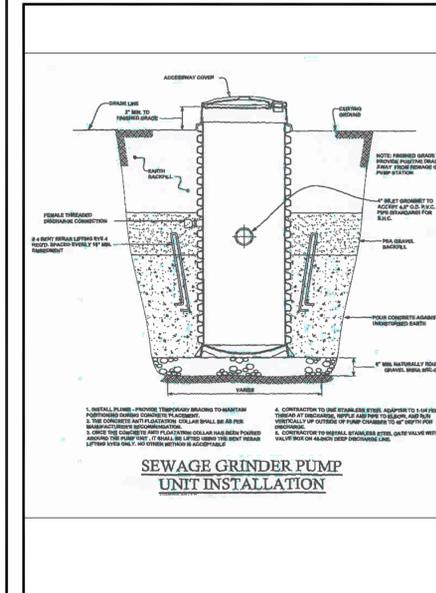
KENT SOIL AND WATER CONSERVATION DISTRICT DATE: \_\_\_\_\_

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY HEALTH DEPARTMENT

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

APR 5, 2022



**PHASE OF CONSTRUCTION**

- CONTACT THE KENT COUNTY SEDIMENT AND EROSION CONTROL INSPECTOR AT 410-778-7457 A MINIMUM OF 2 WEEKS PRIOR TO THE START OF CONSTRUCTION TO SCHEDULE A PRE- CONSTRUCTION MEETING PRIOR TO INITIATION OF ANY GRADING ACTIVITY.
- INSTALL A STABILIZED CONSTRUCTION ENTRANCE AT THE LOCATION SHOWN.
- INSTALL PERIMETER SILT FENCE AT LOCATIONS SHOWN.
- STRIP THE TOPSOIL FROM THE LIMITS OF THE DRIVEWAYS AND DWELLING PAD AND STOCKPILE ONSITE. PLACE CR-6 ON ACCESS TO STABILIZE DURING BUILDING CONSTRUCTION.
- IMPORT FILL AND PREPARE THE DWELLING FOUNDATION AND BEGIN CONSTRUCTION.
- REMOVE EXCESS TOPSOIL AND OTHER MATERIALS OFFSITE TO AN APPROVED LOCATION.
- FINE GRADE SITE AND STABILIZE WITH TOPSOIL, SEED, AND STABILIZATION MATTING FOR ALL SLOPES 3:1 AND STEEPER. MAINTAIN PERIMETER CONTROLS.
- UPON APPROVAL FROM THE KENT COUNTY SEDIMENT CONTROL INSPECTOR, REMOVE ALL TEMPORARY SEDIMENT AND EROSION CONTROL DEVICES AND STABILIZE ALL DISTURBED AREAS PER PERMANENT STABILIZATION SPECIFICATIONS FOUND ON THIS SHEET.

**INSPECTION CHECKLIST**

- THE CONTRACTOR SHALL NOTIFY THE KENT COUNTY SEDIMENT AND EROSION CONTROL INSPECTOR AT (778-7457) AT THE FOLLOWING POINTS:
- THE REQUIRED PRECONSTRUCTION MEETING.
  - FOLLOWING INSTALLATION OF SEDIMENT CONTROL MEASURES.
  - PRIOR TO REMOVAL OR MODIFICATION OF ANY SEDIMENT CONTROL STRUCTURE.
  - PRIOR TO REMOVAL OF ALL SEDIMENT AND EROSION CONTROL DEVICES.
  - PRIOR TO FINAL ACCEPTANCE.

**MAINTENANCE SCHEDULE**

PREVENTATIVE MAINTENANCE SHALL BE ENSURED THROUGH INSPECTION OF ALL INFILTRATION SYSTEMS, RETENTION, OR DETENTION STRUCTURES BY THE KENT COUNTY INSPECTOR. THE INSPECTION SHALL OCCUR DURING THE FIRST YEAR OF OPERATION AND AT LEAST ONCE EVERY 2 YEARS THEREAFTER.

**NOTE:**

AN ASBUILT SURVEY OF THE STORMWATER MANAGEMENT FACILITY WILL BE PERFORMED AND IF THE AS-BUILT DOES NOT SUBSTANTIALLY REFLECT THE STORMWATER FACILITY DESIGN, THE CONTRACTOR SHALL MAKE ANY CHANGES OR ADDITIONS TO BRING THE FACILITY IN COMPLIANCE WITH THE DESIGN AS DIRECTED BY THE SOIL CONSERVATION TECHNICIAN OF KENT COUNTY.

**ASBUILT CERTIFICATION**

I HEREBY CERTIFY THAT THE FACILITIES SHOWN ON THIS PLAN WERE CONSTRUCTED AS SHOWN ON THE "ASBUILT" PLANS AND MEETS THE APPROVED PLANS AND SPECIFICATIONS.

SIGNATURE \_\_\_\_\_ P.E. No. \_\_\_\_\_

DATE \_\_\_\_\_



APPROXIMATE LOCATION OF EXISTING 1-1/2" VACUUM MAIN, SN-1.

EXISTING UTILITY POLE TO BE RELOCATED. CONTRACTOR SHALL CONTACT UTILITY OWNER PRIOR TO RELOCATION.

APPROXIMATE LOCATION OF EXISTING TERMINAL FLUSHING CONNECTION

EDGE OF PROPOSED PLANTING BED (TYP)

EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE. TYPICAL

FLOODPLAIN LINE ZONE "AE" ELEV. = 6.0

LANDS N/F OF COUNTY COMMISSIONERS OF KENT COUNTY 1183/128 SKINNERS NECK PUBLIC LANDING

EXISTING PAVED PARKING AREA

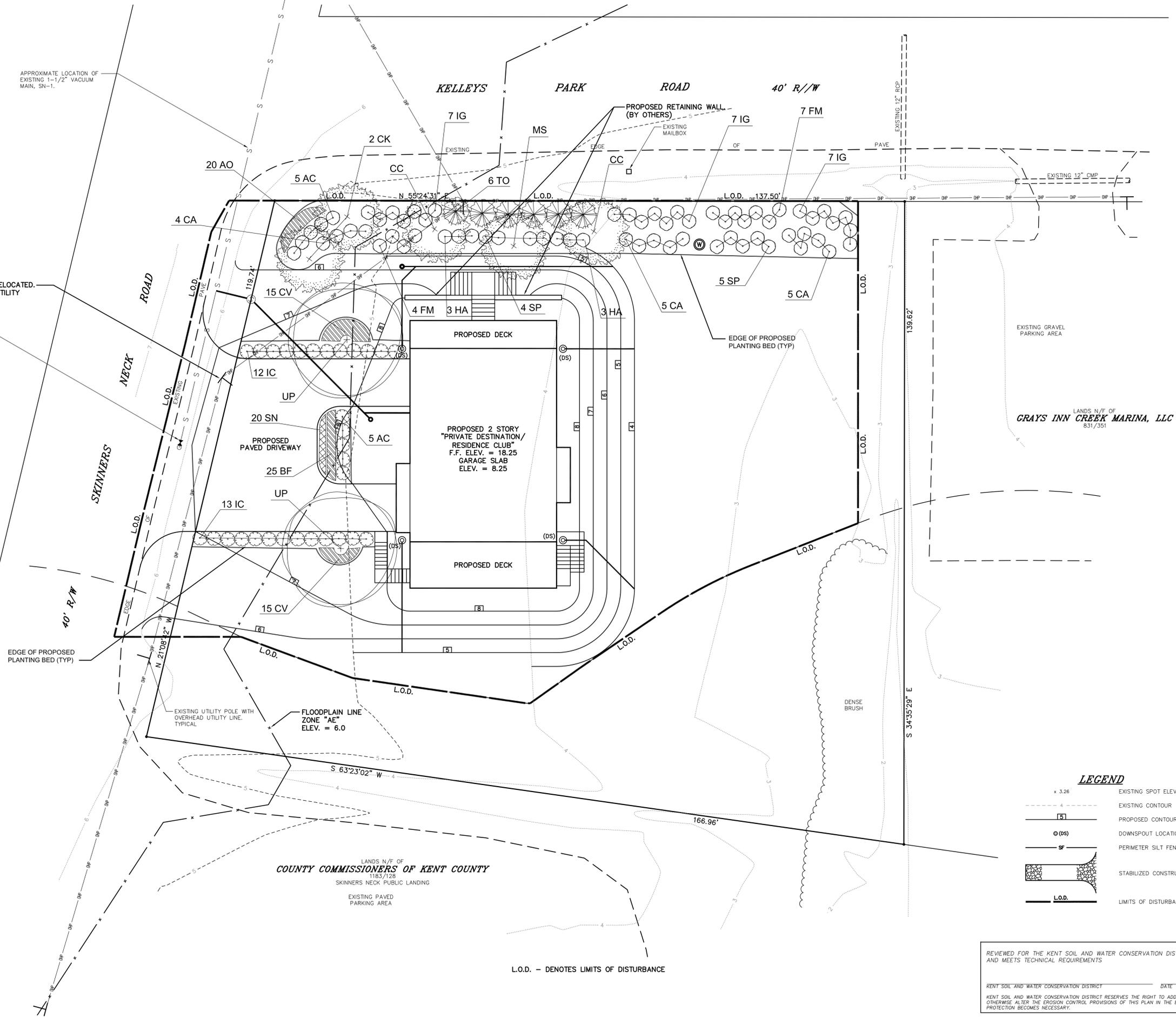
L.O.D. - DENOTES LIMITS OF DISTURBANCE

GRAPHIC SCALE



1 inch = 10 ft

Copyright © 2022, by DMS & ASSOCIATES, LLC



**LEGEND**

	EXISTING SPOT ELEVATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	DOWNSPOUT LOCATION
	PERIMETER SILT FENCE
	STABILIZED CONSTRUCTION ENTRANCE
	LIMITS OF DISTURBANCE

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

<p>DATE: FEBRUARY 22</p> <p>JOB NO.: 2021186</p> <p>FOLDER #4: 55-2021186</p> <p>SHEET NO.: L-1</p> <p>CADD FILE: 21186-L1</p>	<p>SCALE: 1" = 10'</p> <p>DRAWN BY: VH</p> <p>DESIGNED BY: VH</p>	<p>LANDSCAPE PLAN FOR GRAYS INN ON THE LANDS OF WILLIAM R. &amp; VALERIE L. ASHMORE NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT TAX MAP - 55, GRID - 1C, PARCEL - 128</p>	<p>DATE: APR. 8, 2022</p> <p>DATE: _____</p> <p>DATE: _____</p>	<p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p>	<p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p>
<p>REVISION PER TAC COMMENTS</p>					
<p>DATE: 4-5-22</p>					
<p>LANDS N/F OF GRAYS INN MARINA, LLC 831/351</p>					
<p>DAVIS, MOORE, SHEARON &amp; ASSOCIATES, LLC CENTREVILLE, MARYLAND 21617</p> <p>HUSTEAD Landscape Architecture, LLC 120 Bay Meadows Lane Stevensville, MD, 21666 Phone: 443.988.2294 E-mail: Vhustead@HusteadIA.com Web: www.HusteadIA.com</p>					

**LANDSCAPING SPECIFICATIONS**

OVERALL COMPLIANCE WITH THE TERMS OF THIS LANDSCAPE PLAN INCLUDING ALL MAINTENANCE AND WARRANTY REQUIREMENTS PRESCRIBED HEREON IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER. MAINTENANCE, WARRANTY AND PLANT MATERIAL SURVIVAL RESPONSIBILITIES OF THE LANDSCAPE CONTRACTOR SHALL BE AS SPECIFICALLY NEGOTIATED BETWEEN OWNER/ DEVELOPER AND CONTRACTOR.  
 ALL WORK SHALL BE ACCOMPLISHED WITH QUALIFIED PERSONNEL, UTILIZING INDUSTRY STANDARD PRACTICES AND TECHNIQUES. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE INSTALLATION OF ALL LANDSCAPING SHOWN OR IMPLIED ON THIS PLAN. PRIOR TO INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR PLAN PREPARER IF SITE PLANTING CONDITIONS WARRANT RE-DESIGN CONSIDERATION AND VERIFY THE RECEIPT OF MOST CURRENT APPROVED BUFFER MANAGEMENT PLAN.

**A. MATERIALS**  
 (1) PLANTS SHALL BE NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES, AND GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT. THEY SHALL HAVE BEEN ROOT PRUNED WITHIN THE LAST TWO YEARS.

THEY SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, PEST, EGGS OR LARVAE, AND SHALL HAVE A HEALTHY, DEVELOPED ROOT SYSTEM. TREES AND SHRUBS SHALL NOT BE PRUNED BEFORE DELIVERY. ALL PLANTS WITH A DAMAGED OR CROOKED LEADER OR MULTIPLE LEADERS, ABRASIONS ON THE BARK, SUNSCALD, DISFIGURING KNOTS OR FRESH CUTS OVER 1 1/2" WILL BE REJECTED. THE OWNER RESERVES THE RIGHT TO HAVE THE PLANT MATERIAL INSPECTED AND TAGGED AT THE GROWING SITE AND TO REJECT ANY DEFICIENT MATERIAL AT THE JOB SITE. THE LANDSCAPE ARCHITECT OR PLAN PREPARER SHALL REJECT ANY AND ALL PLANT MATERIAL THAT DOES NOT MEET SPECIFICATIONS, IS DISEASED, OR IS OTHERWISE UNHEALTHY.

NO CHANGE IN QUANTITY, SIZE, KIND OR QUALITY OF PLANT SPECIFIED WILL BE PERMITTED WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT/DISEIGNER. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE PLANT COUNT AND IN ANY INSTANCE WHERE THERE IS A DISCREPANCY BETWEEN THE PLAN VIEW AND THE LANDSCAPE SCHEDULE, THE PLAN VIEW SHALL PRESIDE.

(2) TOPSOIL SHALL BE FERTILE, FRIABLE AND TYPICAL OF THE LOCALITY. IT SHALL BE FREE OF STONES, LUMPS, PLANTS, ROOTS, STICKS AND SHALL NOT BE DELIVERED IN A FROZEN OR MUDDY CONDITION. COMPACTED SOILS THAT CANNOT BE RESTORED TO A REASONABLE PLANTING SOIL SHALL BE REMOVED AND REPLACED WITH FRIABLE NATIVE SOILS.

(3) PLANTING SOIL (BACKFILL MIX) SHALL BE THREE PARTS NATIVE TOPSOIL AND ONE PART LEAF-GRO.

(4) STAKING MATERIALS: GUY WIRE SHALL BE PLIABLE 12 GAUGE GALVANIZED TWISTED TWO STRAND WIRE. HOSE SHALL BE A SUITABLE LENGTH OF TWO-PLY, REINFORCED BLACK RUBBER HOSE 3/4" INCH IN DIAMETER. STAKES SHALL CONFORM TO THE DETAIL ON THIS SHEET.

(5) MULCH: MULCH SHALL BE ORGANIC DOUBLE SHREDDED HARDWOOD BARK FREE OF HERBICIDES, LARGE CHUNKS AND WEEDS AND SEED AND AGED A MINIMUM OF 6 MONTHS.

**B. APPLICABLE SPECIFICATIONS AND STANDARDS:**

(1) "STANDARDIZED PLANT NAMES," LATEST EDITION AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE.  
 (2) "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, AMERICAN ASSOCIATION OF NURSERYMEN.

**C. PRE-DELIVERY DIGGING AND HANDLING OF PLANT MATERIALS:**

(1) IMMEDIATELY BEFORE DIGGING, SPRAY ALL EVERGREEN OR DECIDUOUS PLANT MATERIAL IN FULL LEAF WITH ANTI-DESICCANT, APPLYING AN ADEQUATE FILM OVER TRUNKS, BRANCHES, TWIGS, AND/OR FOLIAGE.  
 (2) DIG BALL AND BURLAP (B&B) PLANTS WITH FIRM NATURAL BALLS OF EARTH, OF DIAMETER NOT LESS THAN THAT RECOMMENDED BY AMERICAN STANDARD FOR NURSERY STOCK, AND OF SUFFICIENT DEPTH TO INCLUDE THE FIBROUS AND FEEDING ROOTS. PLANTS MOVED WITH A BALL WILL NOT BE ACCEPTED IF THE BALL IS CRACKED OR BROKEN BEFORE OR DURING PLANTING OPERATIONS.  
 (3) THE LANDSCAPE CONTRACTOR SHALL PLAN DELIVER AND PLANT INSTALLATION TO MINIMIZE STRESS ON PLANT MATERIAL. MATERIAL TO BE STAGED ON OR OFF THE JOB SITE SHALL BE LOCATED TO MAXIMIZE PROTECTION FROM HOT SUN AND DRYING WINDS AND SHALL BE WATERED TO MAINTAIN A STRESS FREE CONDITION. THE LACK OF AVAILABLE WATER SHALL NOT RELIEVE THE CONTRACTOR OF ADEQUATE MAINTENANCE.

**D. SITE PREPARATION:**

PLANTING AREAS THAT HAVE BEEN IN CONSISTENT AGRICULTURAL PRODUCTION SHALL BE PLANTED WITH NO OTHER REQUIRED SITE PREPARATION.

PLANTING AREAS THAT ARE VEGETATED AND STABLE WITH MINIMAL WEEDS SHALL BE MOVED TO 8" OR AS REQUIRED FOR PLANTING OR SEEDLING INSTALLATION.

**E. EXCAVATION OF PLANTING AREAS:**

THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK. COORDINATE WITH OTHER CONTRACTORS ON SITE AND MISS UTILITY TO VERIFY UTILITY LOCATIONS. ANY REPAIRS TO EXISTING UNDERGROUND UTILITIES REQUIRED AS A RESULT OF ACTIONS OF THE CONTRACTOR AND/OR HIS ASSIGNS SHALL BE BORNE BY THE CONTRACTOR.

STAKE OUT ON THE GROUND LOCATIONS FOR PLANTS AND OUTLINES OF AREA TO BE PLANTED AND OBTAIN APPROVAL OF THE LANDSCAPE ARCHITECT/DISEIGNER BEFORE EXCAVATION IS BEGUN. CONTRACTOR IS TO CAUTIONOUSLY TEST PIT AREAS WHERE UNDERGROUND UTILITIES (ELECTRIC, GAS, CABLE/COMMUNICATIONS LINES, WATER LINES, SEWER, ROOF LEADERS, STORM DRAIN PIPE, ETC.) ARE SUSPECTED TO EXIST AND WHERE PROPOSED TO BE PLACED ACCORDING TO PLAN TO AVOID ANY DAMAGE OR DISRUPTIONS TO SERVICES. DO NOT PLACE PLANTS DIRECTLY OVER ANY EXISTING UNDERGROUND UTILITIES. OFFSET A REASONABLE AND PRACTICAL DISTANCE TO AVOID ANY IMMINENT OR FUTURE CONFLICT.

**F. PLANTING OPERATIONS:**

DO NOT MIX OR PLACE SOILS AND SOIL AMENDMENTS IN FROZEN, WET OR MUDDY CONDITION. SUSPEND SOIL SPREADING, GRADING AND TILLING OPERATIONS DURING PERIODS OF EXCESS SOIL MOISTURE UNTIL MOISTURE CONTENT REACHES ACCEPTABLE LEVELS TO ATTAIN THE REQUIRED RESULTS. UNIFORMLY MOISTEN EXCESSIVELY DRY SOIL THAT IS NOT WORKABLE AND TOO DUSTY.

TREE PITS SHALL BE EXCAVATED TO A DEPTH THAT ALLOWS FOR THE PLANTS TO BE SET AT THE SAME RELATIONSHIP TO FINISHED GRADE AS THEY BORE TO THE GROUND FROM WHICH THEY WERE DUG. ADD 1 OZ. OF MYCOMPLY ENDO GRANULAR PER 2 CU.FT. OF BACKSOIL TO THE SIDES OF THE ROOTBALL. PLANTING PITS SHALL BE DUG A MINIMUM OF 6 INCHES BELOW THE ROOT BALL AND 2 FEET PAST THE EDGE OF THE ROOT BALL TO ALLOW ROOM FOR AN EXPANDED AREA OF PLANTING SOIL. USE PLANTING SOIL TO BACKFILL APPROXIMATELY 2/3 FULL. WATER THOROUGHLY BEFORE INSTALLING REMAINDER OF THE PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. SET PLANTS PLUMB AND BRACE RIGIDLY IN POSITION UNTIL THE PLANTING SOIL HAS BEEN STAMPED SOLIDLY AROUND THE BALL AND ROOTS. CUT ROPES OR STRINGS FROM TOP OF BALL AFTER PLANT HAS BEEN SET. LEAVE BURLAP OR CLOTH WRAPPING INTACT AROUND BALLS. TURN UNDER AND BURY PORTIONS OF BURLAP AT TOP OF BALL. FOR CONTAINER GROWN PERENNIALS, CAREFULLY REMOVE FROM CONTAINERS WITHOUT BREAKING APART PLANTS OR ROOT SYSTEMS AND GENTLY LOOSEN SOIL. PLACE IN PIT EXCAVATED TO THE DEPTH THAT ALLOWS FOR THE PLANT TO BE SET AT ITS FORMER GRADE. BACKFILL TO 2/3 FULL AND WATER THOROUGHLY. BACKFILL WITH REMAINING PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. DISPOSE OF REMOVED CONTAINERS OFFSITE AT AN APPROVED LANDFILL.

PROTECT PLANTS AT ALL TIMES FROM SUN OR DRYING WINDS. PLANTS THAT CANNOT BE PLANTED IMMEDIATELY ON DELIVERY SHALL BE KEPT IN THE SHADE, WELL PROTECTED WITH SOIL, WET MOSS OR OTHER ACCEPTABLE MATERIAL AND SHALL BE KEPT WELL WATERED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN THREE DAYS AFTER DELIVERY. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR BREAK BRANCHES. PLANTS SHALL BE LIFTED AND HANDLED FROM THE BOTTOM OF THE BALL ONLY.

MULCH ALL PITS AND BEDS WITH A TWO-INCH LAYER OF BARKMULCH IMMEDIATELY AFTER PLANTING, TO WORKED BEDS OF HERBACEOUS PERENNIALS ADD MULCH TO A DEPTH OF 2". PROVIDE AN 8-FOOT DIAMETER MULCH CIRCLE AROUND THE BASE OF ALL LARGE TREES. IN NO INSTANCE IS MULCH TO BE PILED AGAINST THE BASE OF TREE AND SHRUB TRUNKS. MULCH AREAS AROUND BASE OF EACH PLANT AND IN PLANTER AREAS. WATER ALL PLANTS IMMEDIATELY AFTER PLANTING.

**G. STAKING AND PRUNING:**

STAKE LARGE TREES IMMEDIATELY AFTER PLANTING. PLANTS SHALL STAND PLUMB AFTER STAKING. STAKES AND GUY WIRES SHALL BE OF THE SIZE AND MATERIAL SPECIFIED ABOVE AND POSITIONED AS SHOWN ON THE ACCOMPANYING PLANTING DETAIL. THEY SHALL BE REMOVED AT THE END OF THE GUARANTEE PERIOD AND DISPOSED OF OFF-SITE BY THE CONTRACTOR.

REMOVE ALL DEAD WOOD, SUCKERS, OR BROKEN BRANCHES AND PRESERVE THE NATURAL CHARACTER OF THE PLANT.

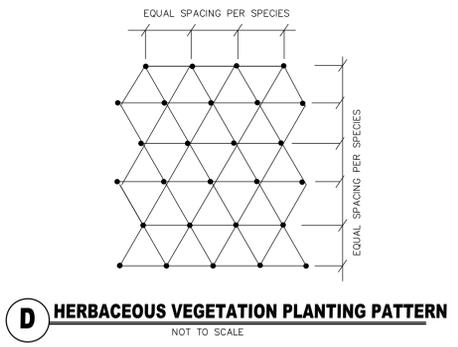
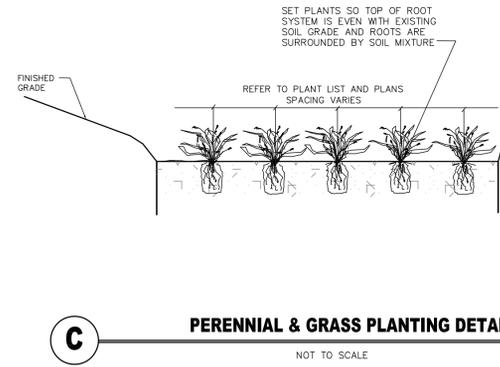
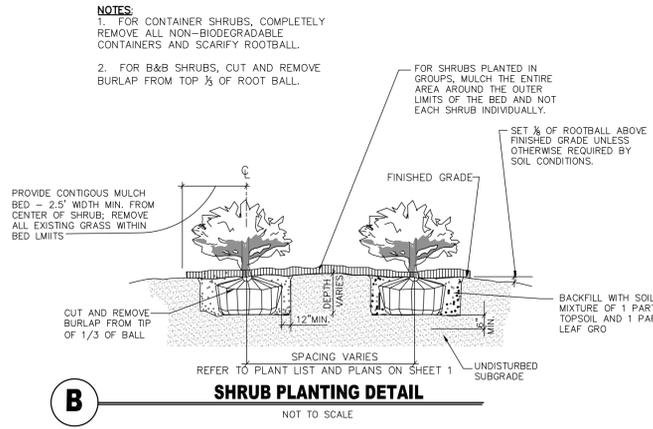
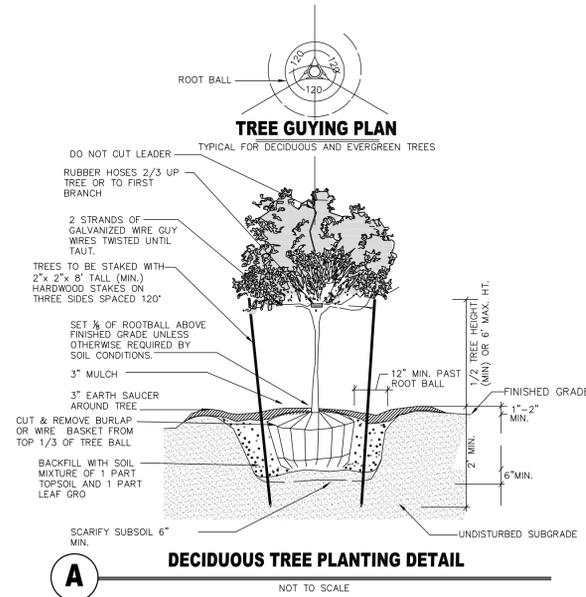
**H. POST PLANTING RESPONSIBILITIES:**

THE OWNER/DEVELOPER THROUGH HIS/HER CONTRACT WITH THE LANDSCAPE CONTRACTOR IS RESPONSIBLE AND SHALL INSURE ADEQUATE MAINTENANCE IS PROVIDED THROUGH THE INSTALLATION AND WARRANTY PERIOD AND FINAL INSPECTION BY THE COUNTY.

**I. GUARANTEE:**

TREES AND HERBACEOUS PERENNIALS SHALL BE GUARANTEED FOR TWO (2) FULL YEARS FROM THE DATE THAT THE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETE AND HAVE A 100% SURVIVABILITY RATING AT THE END OF THE TWO YEARS. PLANT MATERIAL NOT FOUND TO BE IN A HEALTHY, VIGOROUS CONDITION AT THE BEGINNING OF THE SECOND GROWING SEASON IS TO BE REPLACED. BARE-ROOT SEEDLINGS SHALL BE GUARANTEED FOR A PERIOD OF FIVE (5) YEARS AND HAVE A 50% SURVIVABILITY RATE AT THE END OF 5 YEARS. SEEDLINGS NOT FOUND TO BE IN A HEALTHY VIGOROUS CONDITION AT THE END OF THE FIVE-YEAR PERIOD ARE TO BE REPLACED.

**PLANTING DETAILS**



**LANDSCAPING REQUIREMENTS**

**LANDSCAPE AREA REQUIREMENTS**

SITE IS REQUIRED TO HAVE A MINIMUM OF 10% LANDSCAPED AREA  
 SITE AREA: 19,549 SQ.FT.  
 REQUIRED LANDSCAPE AREA: 19,549 SQ.FT. x 10% = 1,955 SQ.FT.  
 PROPOSED LANDSCAPE AREA: 1,966 SQ.FT.

**LANDSCAPE PARKING**

THERE ARE NO LANDSCAPE REQUIREMENTS FOR PARKING AREAS. HOWEVER, WE HAVE PROVIDED CANOPY TREES AND SHRUBS TO SHADE PARKING SPACES AND SCREEN VEHICLES

**LANDSCAPE BUFFERS & SCREENING**

THERE ARE NO BUFFER REQUIREMENTS FOR THIS DEVELOPMENT. HOWEVER WE HAVE PROVIDED PLANTING ALONG THE SIDE BOUNDARY LINE TO SCREEN THE HOUSE FROM VIEW.

**LANDSCAPING PLANT SCHEDULE**

KEY	QUA	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
<i>Canopy Tree</i>					
UP	2	Ulmus 'Patriot'	Patriot Elm	2 - 2 1/2" Cal. B&B	As Shown
<i>Understory Tree</i>					
CC	2	Cercis canadensis	Easter Redbud	1 - 1 1/2" Cal. B&B	As Shown
CK	2	Cornus kousa/Milky Way Select	Milky Way Select Dogwood	1 - 1 1/2" Cal. B&B	As Shown
MS	1	Magnolia stellata/Royal Star'	Royal Star Magnolia	1 - 1 1/2" Cal. B&B	As Shown
<i>Evergreen Conifers</i>					
TO	6	Thuja occidentalis'Emerald'	Emerald Arborvitae	3-4' Ht. B&B	As Shown
<i>Shrubs</i>					
AC	10	Abelia chinensis'Keiser'	Ruby Anniversary Abelia	36-42" Cont.	As Shown
CA	14	Calliandra americana	American Beautyberry	18 - 24" Cont.	As Shown
FM	11	Fothergilla major/Blue Shadow	Blue Shadow Fothergilla	18 - 24" Cont.	As Shown
HA	6	Hydrangea arborescens'Abetwo'	Abetwo Smooth Hydrangea	18 - 24" Cont.	As Shown
IC	25	Ilex crenata'GreenLustre'	Green Lustre Holly	36-42" Cont.	As Shown
IG	21	Ilex glabra'Densa'	Densa Inkberry	18 - 24" Cont.	As Shown
SP	9	Syringa pubescens'Miss Kim'	Miss Kim Lilac	18 - 24" Cont.	As Shown
<i>Perennials</i>					
BF	25	Agastache/Blue Fortune'	Blue Fortune Hyssop	1 Gal. Cont.	12" o.c.stag.
AO	20	Aster oblong/October Skies	Aromatic Aster	1 Gal. Cont.	18" o.c. stag.
CV	30	Coreopsis verticillata'Zagreb'	Tickseed	1 Gal. Cont.	18" o.c. stag.
SN	20	Salvia nem.'East Friesland'	Garden Sage	1 Gal. Cont.	12" o.c.stag.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY HEALTH DEPARTMENT

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

KENT SOIL AND WATER CONSERVATION DISTRICT

APR. 8, 2022

DATE

SEAL

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
 CENTREVILLE, MARYLAND 21617

**HUSTEAD Landscape Architecture, LLC**  
 120 Bay Meadows Lane  
 Stevensville, MD, 21666  
 Phone: 443.986.2294  
 E-mail: Vlhustead@husteadllc.com Web: www.Husteadllc.com

DATE	REVISION
4-12-22	PER TAC COMMENTS

LANDSCAPE DETAILS

FOR

**GRAYS INN**

ON THE LANDS OF

**WILLIAM R. & VALERIE L. ASHMORE**

NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT

TAX MAP - 55, GRID - 1C, PARCEL - 128

DATE	SCALE	NO. / A
FEBRUARY 22		N/A
JOB No.	DRAWN BY	WH
2021186		WH
FOLDER #64	DESIGNED BY	WH
55-2021186		WH
SHEET No. - L-2		
CADD FILE - 21186-L2		

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.