

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, January 7, 2021, virtually in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members attending via audio/video conference: William Sutton, Vice Chairman; F. Joseph Hickman; Kim Kohl; County Commissioner P. Thomas Mason; B. Douglas Megargee; Paul J. Ruge, Jr.; and James Saunders; Cynthia L. McCann, Esq., Planning Commission Attorney; Staff in attendance were Carla Gerber, GIS Specialist; William Mackey, Director; Robert Tracey, Community Planner; and Brian Jones, Clerk.

Mr. Sutton called the meeting to order at 1:30 p.m.

## MINUTES

The minutes of the December 3, 2020, meeting were approved as distributed.

Mr. Paul J. Ruge Jr. introduced himself as the new member of the Kent County Planning Commission.

## ELECTION OF CHAIRMAN

Mr. Sutton opened the floor for nominations for the position of Chairperson.

Mr. Hickman nominated Ms. Kim Kohl as Chairperson of the Kent County Planning Commission. Ms. Kohl accepted the nomination and asked Mr. Hickman to be Co-Chairperson.

There was a discussion regarding the Chairperson position and the possibility of having a Co-Chairperson.

Mr. Saunders made a motion to have Ms. Kim Kohl serve as Chairperson and Mr. Joe Hickman as Co-Chairperson. The motion was seconded by Mr. Megargee.

A discussion regarding the Co-Chairperson ensued. Ms. McCann recommended waiting to appoint a Co-Chairperson and look into making amendments to the *Planning Commission By-Laws* to accommodate a Co-Chairperson position. Ms. McCann recommended having one Chairperson until the next election which is scheduled for the month of March.

After further discussion, Mr. Hickman made a motion to nominate Ms. Kim Kohl as Chairperson of the Kent County Planning Commission. The motion was seconded by Mr. Saunders. The motion was approved unanimously.

## APPLICATIONS FOR REVIEW:

### **20-38 CK Property Management, LLC (Greenscapes Land Care, LLC) – Major Site Plan Review (Preliminary & Final)**

Mr. Tracey gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

Mr. Tracey said the applicant is requesting preliminary and final site plan review to expand his grounds care business and to perform site improvements to include new employee and trailer parking areas, stone access road, new bulk material storage bins, and a new equipment storage shed. The 2.88-acre property, located between Worton and Kennedyville, is in the Second Election District.

Mr. Jay Silcox and Mr. Casey Hurd were present to discuss the application with the Planning Commission.

Mr. Ruge asked the applicant about combining the two separate lots and if there was a maintenance agreement with the neighbor for the entrance way.

Mr. Hurd said the property is more valuable with having 2 separate lots and he is not aware of a maintenance agreement.

Mr. Tracey said no correspondence has been received.

No public input was received.

After further discussion, Mr. Hickman made a motion to grant combined preliminary and final approval of the site plan contingent upon the following:

- Recordation of the Forest Conservation Declarations;
- Approval of the sediment and erosion control and stormwater management plans;
- Submission and approval of sureties for sediment and erosion control, stormwater management, landscaping, and forest conservation; and
- Revision of the site plan to show the afforestation area.

In addition, Mr. Hickman cited the following findings:

- The proposal is consistent with many Comprehensive Plan goals and strategies relative to retention and promotion of existing businesses and the implementation of best redevelopment practices.
- Onsite vehicular circulation appears to promote clearly defined access to the material storage units while also limiting unauthorized vehicles with a gate at the entrance.
- The use will not place an unreasonable demand on public services and infrastructure.
- Parking and loading requirements have been met.
- The Kent County Health Department approved this application.
- Forest Conservation has been addressed through afforestation onsite. The submission and approval of sureties are required.
- The applicant completed a citizen participation plan.
- Landscaping, comprised of two rows of Leyland Cypress, is proposed along the southern and western property lines.
- The building's design and the landscaping of the development include features that will harmonize with the surrounding area and the natural landscape.

Mr. Megargee seconded the motion, and the motion passed unanimously.

## **20-12 Chester River Yacht & Country Club – Major Site Plan (Final)**

Ms. Gerber gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

The applicants wish to increase their onsite parking for an existing Private Club and Golf Course. The expanded parking lot of 32 additional spaces includes permeable pavers and bituminous concrete. The 175-acre property is located on Quaker Neck Road in the Seventh Election District. The property is currently comprised of a private country club, a golf course, a swimming pool, a pier, a boathouse, and accessory buildings incidental to the maintenance of a private club and golf course. The surrounding area is

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characterized by single-family residential development and is zoned Critical Area Residential, “CAR”, Community Residential, “CR” and Rural Residential “RR”. The parking lot expansion is entirely within the CAR district.

Mr. Kevin Shearon from DMS & Associates, LLC, and Mr. Jim Gillespie from CRYCC were present to discuss the application with the Planning Commission.

Mr. Shearon said the applicant is seeking final approval but will likely hold off on any construction. Mr. Shearon requested the surety be postponed until a building permit application is submitted. A letter was received from the bonding company assuring that the club could post the bond.

Mr. Hickman noted that he was pleased to see that the applicant moved some of the plantings closer to the buffer.

No public input was received.

After further discussion, Mr. Hickman made a motion to grant combined final site plan approval with a condition that all required sureties will be submitted with the building permit application and based upon the following findings:

- The proposal is consistent with strategies and goals of the Comprehensive Plan.
- The Maryland Department of Transportation approved this application and the Critical Area Commission provided comments with the preliminary site plan and variance application.
- The existing sign is proposed to be relocated.
- A lighting plan has been provided, and the two proposed lights will not shine light significantly beyond the parking area.
- This proposal will not increase the demands on water and sewer. The Department of Public Works and the Kent County Health Department have approved this application.
- Stormwater management and erosion and sediment control plans have been approved.
- A Major Buffer Enhancement Plan has been submitted. Some of the plantings have been moved closer to the buffer.
- The proposed parking area should not pose any undue disturbances to neighboring properties.
- A Critical Area Forest Clearing Plan will need to be submitted for the proposed removal of an existing tree.
- The proposed parking area is located adjacent to the existing parking area. Shrubs are proposed to be planted between the parking area and the road.
- A variance was granted by the Board of Appeals on April 20, 2020, for 176-square feet of additional lot coverage within the 100-foot buffer.
- A Citizens’ Participation Plan was completed.

Mr. Sutton seconded the motion, and the motion passed unanimously.

#### **20-24 Delmarva Power and Light Company – Major Site Plan (Final)**

Mr. Tracey gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

The applicant is requesting final site plan approval to expand the existing substation located at 509 Morgnec Road (Parcel 82), to the recently purchased adjacent parcel located at 511 Morgnec Road (Parcel 85). The property, just outside of the Town of Chestertown, totals 2.40 acres and is located in the Fourth Election District.

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Present and duly sworn in were Mr. John Fellows representing Duffield Associates, Inc. and David Seay representing Delmarva Power.

Mr. Seay gave a brief overview of the project.

No correspondence has been received.

After further discussion, Mr. Hickman made a motion to grant final site plan approval of the site plan conditioned upon the approval of the sediment and erosion control and stormwater management plans.

In addition, Mr. Hickman cited the following findings:

- The proposal is consistent with many strategies of the Comprehensive Plan and conforms with applicable regulations.
- The applicant has proposed one access point from Morgnec Road. The site provides space for vehicles to park when servicing the equipment.
- The facility will place reasonable demands on public services and infrastructure.
- The proposed use should not require excessive use of other public infrastructure such as police and emergency services.
- The applicant has proposed adequate methods of solid waste disposal.
- Stormwater management will be implemented to protect surface waters and groundwater. Sediment control will minimize soil erosion during and after construction.
- The proposed colors and design of the building will harmonize with the surrounding area and natural landscape.
- The applicant has submitted sureties for sediment and erosion control, stormwater management, and landscaping.
- The landscaping plan is sufficient and should protect adjacent property owners from excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- In lieu of providing onsite or offsite afforestation, the applicant has paid \$4,782.70 into the Kent County Forest Conservation Fund.

Mr. Sutton seconded the motion, and the motion passed unanimously.

#### **20-41 Great Oak Manor – Major Site Plan (Concept)**

Ms. Gerber gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

The applicants are proposing improvements to expand and enhance their existing county inn use. The improvements include the construction of two free standing cottages with two guest rooms per cottage, expanded parking area to serve the cottage rooms, pedestrian pathways to link the cottages to the manor house, a tent area for events, and an addition to the existing garage to provide storage areas. The project may be split into two phases: the cottages and parking area expansion in phase 1 and the tent area and garage addition in phase 2.

Ms. Gerber read into the record 2 letters of correspondence received. The letters were received by:

Ken and Bronwyn Fry, 10650 Cliff Road, Chestertown, MD 21620  
Bruce Galton, 10626 Cliff Road, Chestertown, MD 21620

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Present and duly sworn in were Mr. Tom Davis representing DMS & Associates, LLC, and Buddy Reed representing Great Oak Manor.

Mr. Davis provided a brief overview of the proposal.

Mr. Davis said a citizen participation meeting was conducted and one person called in and one person called the property owner directly to work through some differences.

Mr. Saunders raised concerns regarding a previous project concerning Great Oak in regarding the amount of traffic and noise in the area. Mr. Saunders further noted that the reason for the lack of participation in the citizen participation meeting could be because the meeting was held virtually.

Ms. Gerber said a zoning text amendment was discussed previously.

Mr. Saunders said one of the biggest concerns raised by near-by neighbors was road maintenance.

Mr. Davis said the plan is to add 2 cottages to the property. Weddings have been occurring on the property for the past several years. He does not anticipate any additional traffic related to the addition of the 2 cottages.

Mr. Reed explained that he has been actively involved in donating money towards the community road maintenance fund and has completed road work in previous years. Mr. Reed further noted that he will continue to be involved in assisting and helping to maintain the road that leads to his business.

Mr. Reed said the hope is to have a good working relationship with neighbors.

Mr. Ruge asked about the expansion of the parking area and the location of the septic reserve area.

Mr. Reed said the well is being redrilled. The new well will be moved to a different location.

Public Input: Mr. Bruce Galton called into the meeting to discuss concerns regarding the proposal.

Mr. Davis and Mr. Reed will communicate with neighbors and will work to address concerns before requesting preliminary site plan approval.

## **GENERAL DISCUSSION**

Ms. McCann discussed amendments to the *Planning Commission By-Laws*. Ms. McCann recommended tabling an action on the amendments until the Co-Chairperson position could be investigated and further discussed.

Ms. McCann also noted the last major update to the *Planning Commission By-Laws* was 2008.

After discussion, the consensus was to table the discussion on adopting any new amendments.

## **STAFF REPORTS**

Carla Gerber:

- Working on various projects.
- Been busy fielding calls from new homeowners regarding renovations and home improvements.
- Working on items related to the Comprehensive Rezoning initiative.

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Mr. Tracey:

- Continue to work on various projects.
- Continue to review and issue building permits.
- Performing baseline inspections for MALPF.

Mr. Mackey:

- Worked with Cecil County and Anne Arundel County to develop additional language for the Kent County 2020 transportation project priority letter. Mr. Mackey asked the Planning Commission if the Commission would like to participate in the formulation of the 2021 priority letter. The Planning Commission answered in the affirmative. An item for the Planning Commission's review will be scheduled.

## **ADJOURN**

There being no further business for the good of the organization, the meeting adjourned at 3:50 p.m.

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Kim Kohl, Chairman

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Brian Jones, Clerk

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