



MINUTES

May 5, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, May 5, 2022, at 1:30 p.m. 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 President P. Thomas Mason, William Sutton, and Ray Strong. Cynthia L. McCann, Esq., Planning Commission Attorney was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; and Mark Carper, Associate Planner.

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

MINUTES

Mr. William Sutton moved to accept the minutes of April 7, 2022, as distributed. Mr. Ray Strong seconded the motion. The motion passed with all in favor.

PUBLIC HEARING

#22-23 Steven Green – Zoning Text Amendment

To add "septic tank maintenance and excavation" as a special exception to the Village district

Cynthia McCann, Esq., read the public notice published in the Kent County News on April 28, 2022. Ms. Carla Gerber presented the staff report.

Vice Chair Ruge inquired about the rationale for the application and expressed concern that there are small lots in the Village District and this use would involve large equipment. Fencing in the Village District is also limited to eight feet in height, which would be inadequate to screen trucks. Mr. Ruge also encouraged the Planning Commission to possibly refer the application to the Comprehensive Rezoning Update Task Force.

Ms. Gerber stated the applicant is looking to relocate to a property zoned Village, noting that the use was proposed as a special exception with specific conditions.

Chair Hickman and President Mason noted that the conditions and location of any such uses would be reviewed by the Board of Appeals. The Planning Commission would review any applications to recommend to the Board of Appeals. Site plans at the concept, preliminary, and final stages would also be reviewed by the Planning Commission.

Mr. Sutton asked if there were any complaints about flies or odor at the current locations of such uses. Staff responded that there were no known complaints. The Planning Commission had questions for the applicant and asked staff to reach out to see about his availability.

Mr. Sutton moved to table the item to the end of the meeting. Mr. Strong seconded. The motion passed 4-0.

APPLICATIONS FOR REVIEW

#22-20 Hall Properties, LLC – Variances (Side Yard Setback and Lot Size) 28036 Creamery Street, Kennedyville – Second Election District – Village (V)

Ms. Gerber presented the staff report. The Chair swore in Mr. Michael Scott, PLS, representing the applicant.

Mr. Scott noted that the property was originally subdivided in the 1800's. When surveying the property, it was discovered that the house was built over the property line. The applicant is requesting three-foot setbacks for the existing building.

Vice Chair Ruge asked why the requested property line was returned to the original corner marker, suggesting that the property line come straight out to the street. Mr. Ruge also asked about the variance figure being requested. Mr. Ruge also raised concern over access to the property by emergency vehicles, and the possibility of fencing.

Ms. Gerber noted the variance was only needed for the lot that was being decreased in size, since this would increase the nonconformity, while the other lot was being increased in size, thus decreasing nonconformity.

Mr. Scott responded that the application was based on the applicant's request for the proposed configuration.

Mr. Strong moved for approval based on the information in the packet that the application meets all criteria, that this is a reasonable request, that this allows for reasonable use of the property, and that it include the staff recommendation that the variance granted will expire if a lot line adjustment is not recorded in one year. Vice Chair Ruge seconded. The motion passed 4-0.

#22-22 Marci Tarrant Johnson – Variance (Pier Length) 22059 Harrington Park Road – Fifth Election District – Critical Area Residential (CAR)

Mr. Mark Carper presented the staff report. Chair Hickman swore in Ms. Johnson who attended remotely.

Vice Chair Ruge asked if what is being proposed is strictly replacement of what is existing. This was confirmed.

Chair Hickman asked if the channel is located via the same manner by both the State MDE and Kent County.

Ms. Gerber noted they are the same; however, the County measures the width of the waterway differently.

Mr. Sutton noted that the main aspect that he reviews for is the 25% of the width of the waterway for safety.

Vice Chair Ruge moved to send a favorable recommendation to the Board of Appeals, based on the fact that this appears to be a safety concern, that the variance will not cause a substantial detriment to adjacent or neighboring property, that the variance will not change the character of the neighborhood or the district, that the variance is consistent with the Comprehensive Plan and the general intent of the Land Use Ordinance, and that the practical difficulty is the pier has been in this location for 70 years and the water is very shallow now (bathometric and topographic difficulty). Mr. Strong seconded. The motion passed 4-0.

#22-17 William & Valerie Ashmore – Site Plan

**Private Destination/Residence Club, Southeast corner of the intersection of
Skinners Neck Road and Kelley’s Park Road – Fifth Election District – Marine (M)**

Ms. Gerber presented the staff report. Chair Hickman swore in Mr. Bill Ashmore and Kevin Shearon, P.E.

Mr. Shearon reported that the citizen participation meeting was held via the County’s conference call bridge line. There were four members of the public who attended.

Mr. Sutton asked if the sewer line would be extended. Mr. Sutton noted that the project would be on well water.

Mr. Shearon responded that a new grinder pump would be utilized and connected to the existing sewer line.

Vice Chair Ruge asked about the utility pole located in the proposed parking lot and the existence of wetlands.

Mr. Ashmore responded that the pole would either be relocated or undergrounded. Mr. Shearon responded that there are no wetlands present; however, the ground under the building will be raised to be out of the floodplain. Mr. Shearon explained that there would also be parking located under the building with two exterior garage doors.

Mr. Ashmore and Mr. Shearon mentioned the pending agreement related to boat slips in response to inquiry by the Planning Commission. Mr. Mackey noted that the agreement had not received final legal review.

Chair Hickman noted that the project would be connected to the sewer, which would be supportive to the system.

Mr. Strong moved for preliminary approval with the following conditions: submission of all required sureties for stormwater management, sediment and erosion control, and landscaping; submission of renderings and elevations; submission of sign details, if proposed; approval by the County Attorney of the agreement regarding boat slips for the residence club; that the project follows the Comprehensive Plan; that the project is served by public sewer and private well; that the applicant has been working with Public Works on the grinder pump; and conceptual SWM and SEC plans have been submitted for review. Mr. Ruge seconded. The motion passed 4-0.

PUBLIC HEARING - CONTINUED

#22-23 Steven Green – Zoning Text Amendment

To add “septic tank maintenance and excavation” as a special exception to the Village district

Mr. Steve Green was present to answer questions, and he discussed his plans for screening and indoor storage.

Vice Chair Ruge asked about the implications of adding the use to the Village district Countywide. A discussion ensued regarding the location of the applicant’s current business and the proposed site for his business expansion that is located in the Village zoning district. The special exception would require a case-by-case review for the use. The Planning Commission members expressed support for allowing local small business to expand appropriately.

Ms. McCann recommended an amendment to add “and excavation” to the use “Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **and excavation**, subject to site plan review” in Article V, Section 7.2 #27, Section 8.2 #10 and Section 9.2 #13 to correspond with the proposed use of this zoning text amendment currently under review.

Chair Hickman moved for a favorable recommendation to the County Commissioners for the proposed zoning text amendment to add the use “septic tank maintenance and excavation” as a special exception to Article V, Section 7.3 as well as adding “and excavation” after the word maintenance to Section 7.2 #27, Section 8.2 #10, and Section 9.2 #13. The public need is to support small businesses and allow their expansion in the proper places. This does not address any Critical Area problems. The Planning Commission also recommends the following conditions:

- 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.

Mr. Strong seconded. The motion passed 4-0.

STAFF REPORTS

Mr. Mackey reported on staffing and the upcoming Comprehensive Rezoning Update Task Force meeting in May.

Ms. Gerber reported on agricultural easements and the lower number of applicants expressing interest this year.

Ms. McCann reported on a motions practice training as a possible session for the Planning Commission members.

Ms. McCann also reported on improvements being made to the model forest conservation easement document.

GENERAL DISCUSSION

Vice Chair Ruge asked about the status of new uses that he had observed and the timing of packet availability.

Mr. Mackey confirmed that the use specified had been reviewed and that the packets were posted on Fridays.

ADJOURN

Vice Chair Ruge moved to adjourn. Mr. Strong seconded. The meeting adjourned at 3:34 pm.

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

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