

## **MINUTES**

July 11, 2024

1:30 p.m.

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

The Planning Commission met in regular session on Thursday, July 11, 2024, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Ray Strong, Paula Reeder, and William Crowding.

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

Representatives for the Morgnec Solar project included Genevive H.R. Macfarlane, Esq., Partner with Stevens Palmer, LLC.; Matt McCluskey, Chief Development Officer, Urban Grid; and Nick Leffner, P.E., Kimley Horn and Associates.

Representatives for Camp Fairlee included Gene Aucott of Easterseals Camp Fairlee; Kevin Shearon, P.E., LEED AP, DMS & Associates; and Miles Barnard, ASLA, RLA, South Fork Studio Landscape Architecture.

Members of the public who spoke were Janet Christensen-Lewis, KCPA; Thomas Kocubinski, RA, AIA, Principal Architect, Kocubinski Architects; Fred Kirchner; Tom Warner; Pat Langenfelder; Doug West; Liz Peterson; Jennifer Vaccaro, Shore Rivers; Melinda Bookwalter (reading an email from A. Elizabeth Watson, FAICP); and Sally Shea.

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

## **MINUTES**

Vice Chair Ruge moved to approve the minutes from June 6, as presented and corrected. Ms. Reeder seconded the motion. The minutes were approved unanimously.

## **APPLICATIONS FOR REVIEW**

### *24-25 John Stoltzfus - Zoning Text Amendment*

Chair opened the public hearing.

Mr. Tracey provided an overview of the text amendment to add self-storage centers as a permitted use in the Industrial District. Staff recommended changes to the rest of the Land Use Ordinance to use the same terminology throughout.

There were no members of the public who wished to speak. The Chair moved, and the public hearing was closed.

Ms. Reeder moved that the Planning Commission send a favorable recommendation on the zoning text amendment, amended as proposed by the staff, to the County Commissioners for their action. Mr. Strong seconded, and the motion passed unanimously.

Adopted on August 1, 2024

*23-34 Morgnec Road Solar, LLC - Major Site Plan (Preliminary)*

Mr. Carper presented the staff report. The applicant's representatives, Genevieve Macfarlane, Esq.; Matt McCluskey; and Nick Leffner, P.E., presented the project details and addressed questions from the Planning Commission.

Public comments were received from Janet Christensen-Lewis, KCPA; Thomas Kocubinski, RA, AIA; Fred Kirchner; Tom Warner; Pat Langenfelder; Doug West; Liz Peterson; Jennifer Vaccaro, ShoreRivers; Melinda Bookwalter (reading an email from A. Elizabeth Watson, FAICP); and Sally Shea. Digital slides were presented as part of the public comments made by Janet Christensen-Lewis and Thomas Kocubinski, RA, AIA.

Planning Commission discussion included topsoil preservation on the site, early public walking trail, landscaping buffers, lack of species listed, the height of berms, effective screening heights, pollinator plantings and use of sheep, irrigation, planting replacements, and undergrounding connections to the power substation on the other side of Morgnec Road, requesting that the applicant provide an explanation of why the location of the substation couldn't be moved to respect a neighboring residential property as well as how the project will improve the community not just maintain status quo.

The applicant requested to table the application, in order to provide more detailed information at a future meeting.

The Planning Commission tabled the application, per Article VI. Special Provisions, Section 5. Site Plan Review, §5.3 Site Plan Review Procedures, B. Major Site Plan, #11, "... If the Planning Commission determines that more information is required for a decision to be made on the proposal, the Planning Commission may table its consideration of the plan."

*24-14 ESSD-M, Inc. - Camp Fairlee - Major Site Plan (Preliminary) - Sensory Cabins*

Mr. Carper presented the staff report.

Kevin Shearon, P.E., LEED AP of DMS & Associates, and Gene Aucott of Easterseals represented the applicant.

Planning Commission discussion included the overall plan for the future, and the applicant's representatives explained that the current project is donor-timeline-dependent. Chair noted that the item was for preliminary and final approval.

Mr. Crowding moved to grant preliminary and final site plan approval for Camp Fairlee Manor ESSD-M Incorporated to construct a 2,170 square-foot sensory cabin, a 20-foot-wide access lane, and an 8-foot wide concrete walkway, which are all within the Critical Areas. Approval is subject to the approval of the project by the Maryland Department of Health Center for Recreation and Community Environmental Services, approval of erosion and sediment control and stormwater management plans, and submission and approval of sureties for erosion and sediment control and stormwater management." The motion was seconded by Ms. Reeder, and the motion passed unanimously.

*24-32 ESSD-M, Inc. - Camp Fairlee - Major Site Plan (Concept) - Replacing Pool and Bathhouse*

Miles Barnard, ASLA, RLA of South Fork Studio and Gene Aucott of Easterseals represented the applicant and presented the concept plan. The project is for in-kind replacement, and the Critical Area buffer is fully established.

The Commission provided favorable feedback and agreed to allow the applicant to return with a combined preliminary and final site plan.

*24-33 Fry Family LP - Variance - Setback for Animal Operation*

Mr. Tracey presented the staff report and provided the history of a similar variance already granted for this property.

Matt Fry and Ed Fry represented the applicant. CAFO operation requires a greater setback, and applicants plan to submit for a longer-term solution by applying for a lot line adjustment, which requires ESLC/MET approval.

Mr. Crowding moved to send a favorable recommendation to the Kent County Board of Appeals for Fry Family Limited Partnership located at 10120 Augustus Herman Highway for a 585-foot variance from the required 600-foot setback. We find that the variance will not cause a substantial detriment to adjacent or neighboring properties, the variance will not change the character of the neighborhood or district, the variance is consistent with the Comprehensive Plan and the general intent of this ordinance, and that the practical difficulty or other injustice was not caused by the applicant, that it has an unusual size and shape of the property, and it has some extraordinary topographical conditions, noting that the Critical Area would not apply to this site. The motion was seconded by Ms. Reeder and approved unanimously.

**GENERAL DISCUSSION**

The Planning Commission discussed and made recommendations on two zoning changes, requested by applicants Mr. Kevin Kimble and Mr. Trey Jones, regarding the County’s Official Zoning Map.

Mr. Crowding moved to eliminate the split zoning on Map 24, Parcel 2. Vice Chair Ruge seconded. The motion was passed unanimously.

Mr. Crowding moved to send an unfavorable recommendation to the Kent County Commissioners to grant split zoning on the property of Kevin Kimble located at 348 Flatland Road, Chestertown Maryland. Vice Chair Ruge seconded. The motion was passed unanimously.

**STAFF REPORTS**

Mr. Tracey provided an update on the MALPF program applications. MALPF allowed 16 applications this year with five alternates to be submitted. There were 17 applications received. All 17 were ranked and will be submitted to MALPF for appraisal. The Kent County Commissioners approved the proposed ranking by staff based on an adopted formula.

**ADJOURN**

Vice Chair Ruge made a motion to adjourn. Mr. Strong seconded. The meeting was adjourned at 5:30 p.m.

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

/s/ William Mackey  
William Mackey, AICP, Director

*Please note that a portion of this document was created by Claude 3 from Anthropic, utilizing a transcript created by Microsoft Teams. Due to various factors, these minutes were created mostly by a human.*