



Kent County Board of Zoning Appeals  
Department of Planning, Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)

**County Commissioners Hearing Room**  
**MEETING TO BE HELD VIRTUALLY via CONFERENCE CALL**

*COVID-19 Special Announcement Regarding Meeting Attendance*

In response to the State of Emergency due to COVID-19, individuals must refrain from attending meetings. In lieu of public appearance, this meeting is being held virtually, via teleconference. Members of the public may listen to the meeting either online at <https://www.kentcounty.com/commissioners/meeting-live-video>, OR via the audio-only phone number and conference identification number listed below. The way for members of the public to provide verbal comments during the meeting is via the audio-only phone number.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **405 447 249#**

Members of the public are asked to mute their phones/devices, until the Board Chair opens the floor for comment. Please note that if you are listening to the online livestream while waiting to call in to participate, there is an approximately 45-second delay. In order to avoid audio feedback issues, please mute the livestream before calling in.

**AGENDA**

Monday, April 19, 2021  
7:00 p.m.

**MINUTES**

March 15, 2021

**APPLICATIONS FOR REVIEW:**

**21-07 David and Eileen Smack – Special Exception - Adaptive Reuse of Historic Structure**  
22622 Handy Point Road – First Election District – Zoned Resource Conservation District “RCD”

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

**APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD AND WILL BE RESCHEDULED AT THE APPLICANT’S EXPENSE.**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals 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.

Projects will not be reviewed prior to their scheduled time. 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.

Other business without assigned times may be discussed during the meeting.

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: March 15, 2021  
 Time: 7:00 P.M.  
 Location: Virtual Meeting/County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p><b>MINUTES: October 19, 2020</b></p> <p><b>#21-01 Roseland, Inc. – Special Exception – Expansion of existing sand and gravel pit.</b></p> <p>The applicant is seeking a Board of Appeals Special Exception for a five-acre expansion of an existing and active sand and gravel pit on the lands of Roseland, Inc.</p> <p>The property is located on Bradford Johnson Road, in the First Election District, and is zoned Agricultural Zoning District “AZD”.</p> <p><u>Applicant(s)/Representative(s):</u>                      Andy Schlosser, Roseland, Inc.                      Kevin Shearon, DMS &amp; Associates</p> <p>Mr. Shearon represented the applicant and was sworn in.</p> <p>Mr. Shearon presented several Exhibits which have been documented in the file.</p> <p><u>Staff:</u>                      Rob Tracey, Community Planner                      William Mackey, Director</p> <p>One piece of correspondence was received and was provided to the Board.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>John Massey, Member</p> <p>Joan Horsey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Sandy Adams, Clerk</p>	<p>Ms. Horsey made a motion to approve the minutes as presented, and Mr. Massey and Mr. Hill seconded the motion. Dr. Townshend was not present at the October meeting.</p> <p>Ms. Horsey made a motion to grant the special exception with the following conditions:</p> <ul style="list-style-type: none"> <li>• The operation shall not be expanded beyond the proposed 5 acres.</li> <li>• The applicant’s mining permits, sediment and erosion control plan, and operating and restoration plan must be strictly followed at all times.</li> <li>• The applicant must provide documentation pertaining to the access road agreement; the documentation must be satisfactory to staff and counsel.</li> <li>• Operations are to be conducted during normal, daylight business hours only.</li> <li>• There will be no parking on public road(s).</li> </ul> <p>Mr. Massey seconded the motion; the motion passed with all in favor.</p>	<p>3 members approved; 1 member abstained.</p> <p align="center">Unanimous Approval</p>
<p><b>Adjourn</b></p>		<p>Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 8:12 p.m.</p>	<p align="center">Unanimous Approval</p>

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Dr. Albert Townshend, Chairman

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Sandy Adams, Clerk



**Kent County Planning Commission**  
Department of Planning, Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)

April 12, 2021

Dr. Al Townshend  
Kent County Board of Appeals  
400 High Street  
Chestertown, MD 21620

**RE: #21-07: Tasting Room proposal by Dr. and Mrs. Smack  
Special Exception for Adaptive Reuse of a Historic Structure**

Dear Dr. Townshend:

At its April 1, 2021 meeting, the Kent County Planning Commission reviewed the application of Dr. and Mrs. Smack for a special exception for an adaptive reuse of a historic structure. The applicants propose to renovate the existing two-story dwelling into a reservation-only tasting room for their small, boutique winery located on their adjacent 80-acre farm. The 1.6-acre property is zoned Resource Conservation District, RCD, and located in the 6th Election District. The property is currently improved with a two-story dwelling. Following a review of all applicable laws and the Comprehensive Plan, the Planning Commission voted to send a favorable recommendation on the special exception conditioned upon site plan approval.

The Planning Commission cited the following findings:

- The applicant has provided significant research on the history of the property and provides the context for the adaptive reuse; and the Comprehensive Plan addresses that we seek to use adaptive reuses.
- The applicant intends to preserve the history of the property and no alternations to the building.
- The aerial of the property identifies existing forest on the east portion of the property along the water. Landscaping is in keeping with the character of the building.
- The applicant proposes access to the site from the existing driveway on Handy Point Road. The proposed use will have minimal impact on traffic. No vegetation will be removed, and the proposed tasting room will be located in the interior of the existing house.
- The number of dwellings does not exceed the density permitted in the Resource Conservation District.
- The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- The site will continue to be accessed by the existing driveway.
- The surrounding area is characterized by sparse residential development and is surrounded by both agricultural and forested land.
- This property is located approximately seven miles north-west of the Town of Chestertown where the closest churches, schools, and places of public gathering are located.
- The site is served by private well and septic. The Kent County Health Department provided the following comment: An adequate sewage reserve area will need to be established for the proposed use.
- The Comprehensive Plan and the Ordinance encourage the preservation of historic structures. The full scope of the proposal of the uses onsite has been described, identified, and limited by the applicant in the narrative.
- The applicant has outlined use of the property which is specific and clearly defined which should not have a negative impact on property values.

- The proposed use is considered agriculture and will be conducted within the interior of the existing structure. No additions or additional lot coverage will be added.
- The proposal is consistent with many Comprehensive Plan strategies concerning preservation of historic structures.
- The proposal is consistent with many Comprehensive Plan strategies.
- Areas of vehicular flow are clearly identified.
- The property provides sufficient parking.
- The use places reasonable demands on public services and infrastructure.
- The proposed use will be conducted within an existing historic structure thereby protecting abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor fumes, dust, odors, glare, stormwater runoff, etc.
- No tree or vegetation removal is proposed, and adequate screening currently exists.

Sincerely,

Kent County Planning Commission

A handwritten signature in black ink, appearing to read "Kim Kohl". The signature is written in a cursive, flowing style.

Kim Kohl  
Chair

cc: file



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

To: Kent County Planning Commission  
From: Rob Tracey, Community Planner  
Meeting: April 1, 2021  
Subject: ACED, LLC: Special Exception- Adaptive Reuse of a Historic Structure

### EXECUTIVE SUMMARY

#### **Request by Applicant**

David and Eileen Smack, members ACED, LLC, are requesting a special exception for an adaptive reuse of a historic structure on their property located at 22622 Handy Point Road. Dr. & Mrs. Smack propose to renovate the existing two-story dwelling into a reservation-only tasting room for their small, “Boutique” winery located on their adjacent 80-acre farm. According to the applicant’s research, the lot upon which the dwelling is located was originally part of the 1658 Great Oak Manor land grant held by one of the most controversial and influential Colonial Governors of the Maryland Colony. This historic farm was subsequently patented and owned for over a century by one of the founding Quaker families of Kent County and the Maryland colony. The structure was originally constructed in the early 1940’s and was remodeled in 2008 to complement the existing period historic features of the circa 1790 Main house on their adjacent farm. The house is not listed on the Maryland Historic Inventory of Properties. The 1.6-acre property is zoned Resource Conservation District, RCD, and located in the 6th Election District.

#### **Public Process**

Per Maryland State Law and Article VII, Section 6.2 of the Kent County *Land Use Ordinance* the Planning Commission shall send a recommendation to the Board of Appeals on special exceptions for the adaptive reuse of historic structures.

#### **Summary of Staff Report**

The applicant has addressed all specific and general special exception standards. The intent of the special exception provisions is to provide for certain uses with unique characteristics. The Commission must consider the impact of the uniqueness of these characteristics upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

This application addresses all standards and outlines limitations on its proposed uses onsite. There is a definite uniqueness to the applicant’s site and the historic structure specifically. The use as proposed, in conjunction with the limitations outlined, offers a novel community interface with a valuable historic structure.

#### **Recommendation**

Staff recommends approval of the special exception conditioned upon site plan approval.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: ACED, LLC – Special Exception, Adaptive Reuse of Historic Structure  
DATE: March 26, 2021

### DESCRIPTION OF PROPOSAL

David and Eileen Smack, members ACED, LLC, are requesting a special exception for an adaptive reuse of a historic structure on their property located at 22622 Handy Point Road. Dr. and Mrs. Smack propose to renovate the existing two-story dwelling into a reservation-only tasting room for their small, “Boutique” winery located on their adjacent 80-acre farm. According to the applicant’s research, the lot upon which the dwelling is located was originally part of the 1658 Great Oak Manor land grant held by one of the most controversial and influential Colonial Governors of the Maryland Colony. This historic farm was subsequently patented and owned for over a century by one of the founding Quaker families of Kent County and the Maryland colony. The structure was originally constructed in the early 1940’s and was remodeled in 2008 to complement the existing period historic features of the circa 1790 Main house on their adjacent farm. The house is not listed on the Maryland Historic Inventory of Properties.

The 1.6-acre property is zoned Resource Conservation District, RCD, and located in the 6th Election District. The property is currently improved with a two-story dwelling. The surrounding area is characterized by agricultural and forested land with sparse residential development. This property is located approximately seven-miles north-west of the Town of Chestertown.

### RELEVANT ISSUES

#### I. Special Exception – Specific Standards for Adaptive Reuse of Historic Structures

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

- The County seeks the adaptive reuse of historic structures and resources as appropriate, through the development review process. (Page 127)
- Assist property owners in preserving historic sites. (Page 124)

##### B. *Applicable Laws:* Article V, Section 2.3 identifies the adaptive reuse of historic structures as a special exception in RCD, subject to site plan review and standards found in Article VII.

Article VII, Section 7.4 of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for the adaptive reuse of historic structures in RCD provided the application complies with the following:

- a. Structures shall be listed in the Kent County Historic Site Survey or approved as a historically significant structure by the Planning Commission.
- b. It is shown that exterior changes to site structures will be minimized. Extensions or enlargement of the principal and accessory structures may not exceed 25% of the gross floor area of each individual building above that which existed as of August 1, 1989. Enlargements shall be designed in keeping with the character of the building.
- c. Landscaping is in keeping with the character of the building.
- d. The site must have access to a public road adequate to handle traffic generated. The proposed use shall not generate traffic of a type or amount inappropriate for all access roads and the surrounding area. The use does not require road improvements detrimental to the character of the area.

- e. The number of dwellings shall not exceed the density permitted in the district in which the structure is located.
- f. The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- g. In RCD, adaptive reuse projects shall be limited to non-commercial and non-industrial uses.

C. *Staff and TAC Comments:*

- a. According to the applicant's research, the lot upon which the dwelling is located was originally part of the 1658 Great Oak Manor land grant held by one of the most controversial and influential Colonial Governors of the Maryland Colony. This historic farm was subsequently patented and owned for over a century by one of the founding Quaker families of Kent County and the Maryland colony. The structure was originally constructed in the early 1940's. The structure is not listed in the Maryland Historic Inventory of Properties (MIHP). The house was remodeled to compliment the features of the historic structure located on their adjacent farm. Please see the attached narrative relative to the history of the building and the overall project proposal.
- b. The applicant intends to preserve the history of the property and no alternations to the building are proposed at this time.
- c. The aerial of the property identifies existing forest on the east portion of the property along the water. Landscaping is in keeping with the character of the building.
- d. The applicant proposes access to the site from the existing driveway on Handy Point Road. The proposed use will have minimal impact on traffic. No vegetation will be removed, and the proposed tasting room will be located in the interior of the existing house.
- e. The number of dwellings does not exceed the density permitted in the Resource Conservation District.
- f. The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.

III. Special Exception - General Standards

A. *Comprehensive Plan:*

- The County will continue to promote the compatible adaptive reuse of significant historic structures through the use of flexible protocols. (Page 124)

B. *Applicable Law:* Article VII, Section 2 of the Kent County Land Use Ordinance requires that the Board of Appeals make findings on the following where appropriate:

- 1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- 2. Traffic Patterns;
- 3. Nature of surrounding area;
- 4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
- 5. The impact of the development or project on community facilities and services;
- 6. Preservation of cultural and historic landmarks, significant natural features and trees;
- 7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
- 8. The purpose and intent of this Ordinance as set forth in Article II;
- 9. Design, environmental, and other standards of this Ordinance as set forth in Article V;

10. The most appropriate use of land and structure;
11. Conservation of property values;
12. The proposed development's impact on water quality;
13. Impact on fish, wildlife and plant habitat;
14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the Critical Area Program; and
16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

C. *Staff and TAC Comments:*

1. The site will continue to be accessed by the existing driveway.
2. The surrounding area is characterized by sparse residential development and is surrounded by both agricultural and forested land.
3. This property is located approximately seven miles north-west of the Town of Chestertown where the closest churches, schools, and places of public gathering are located.
4. The site is served by private well and septic. The Kent County Health Department provided the following comment: An adequate sewage reserve area will need to be established for the proposed use.
5. The Comprehensive Plan and the Ordinance encourage the preservation of historic structures. The full scope of the proposal of the uses onsite has been described, identified, and limited by the applicant in the narrative.
6. The applicant has outlined use of the property which is specific and clearly defined which should not have a negative impact on property values.
7. The proposed use is considered agriculture and will be conducted within the interior of the existing structure. No additions or additional lot coverage will be added.
8. The proposal is consistent with many Comprehensive Plan strategies concerning preservation of historic structures.

#### IV Site Plan Review

- A. *Applicable Law:* Article VI, Section 5 of the Kent County Land Use Ordinance outlines the procedures and requirements for site plan review.

Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

All other commercial and industrial development, multi-family dwellings, special exceptions, public facilities, and quasi-public facilities require Major Site plan Review - Concept Plan, Preliminary Plan and Final Plan. The Technical Advisory Committee reviews these projects. The Planning Commission reviews and approves major site plans. Where deemed appropriate by the Planning Director, the final site plan may be combined with the preliminary site plan. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary and final site plans may be combined.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- 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 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:* Major site plan review has been deemed appropriate in this case.
- The proposal is consistent with many Comprehensive Plan strategies.
  - Areas of vehicular flow are clearly identified.
  - The property provides sufficient parking.
  - The use places reasonable demands on public services and infrastructure.
  - The proposed use will be conducted within an existing historic structure thereby protecting abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor fumes, dust, odors, glare, stormwater runoff, etc.
  - No tree or vegetation removal is proposed, and adequate screening currently exists.

#### STAFF RECOMMENDATIONS

The applicant has addressed all specific and general performance standards. The intent of the special exception provisions is to provide for certain uses with unique characteristics. The Commission must consider the impact of the uniqueness of these characteristics upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

This application addresses all standards and outlines limitations on its proposed uses onsite. There is a definite uniqueness to the applicant's site and the historic structure specifically. The use as proposed, in conjunction with the limitations outlined, offers a novel community interface with a valuable historic structure.

Staff recommends approval of the special exception conditioned upon site plan approval.

**BOARD OF APPEALS 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)

**David P. Smack & Eileen A. Smack, members ACED, LLC**

**22620 & 22622 Handy Point Road**

**Chestertown, MD 21620**

**410-810-3131**

**Email: dsderm@aol.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: dsderm@aol.com**

**TO THE KENT COUNTY BOARD OF APPEALS:** In accordance with Article VII Section 7.4

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

       Appealing Decision of Kent County Zoning Administrator        Variance

  X   Special Exception        Non-conforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) 22622 Handy Point Road; Chestertown, MD 21620

In the 1<sup>st</sup> Election District of Kent County.

**Size of lot or parcel of Land:** 1.57 acres

Map: 0018 Parcel: 0002 Lot #: \_\_\_\_\_ Deed Ref: /00194/00170

List buildings already on property: Frame 1 ½ story house

If subdivision, indicate lot and block number: \_\_\_\_\_

If there is a homeowners association, give name and address of association: \_\_\_\_\_

**PRESENT ZONING OF PROPERTY:** RCD

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) Please see attached written narrative and surveyed site plan.

If appealing decision of Zoning Administrator, list date of their decision: \_\_\_\_\_

**Present owner(s) of property:** David P. Smack & Eileen A. Smack, members ACED, LLC

Telephone: 410-810-3131

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: \_\_\_\_\_ David P. Smack & Eileen A. Smack, members ACED, LLC \_\_\_\_\_

Owner(s) on the South: \_\_\_\_\_ David P. Smack & Eileen A. Smack, members ACED, LLC \_\_\_\_\_

Owner(s) to the East: \_\_\_\_\_ George Harms, GreenPoint Marina; Pepper Gilbert, Wharf at Handy Point \_\_\_\_\_

Owner(s) to the West: \_\_\_\_\_ David P. Smack & Eileen A. Smack, members ACED, LLC \_\_\_\_\_

Homeowners Association, name and address, if applicable: \_\_\_\_\_  
\_\_\_\_\_

**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

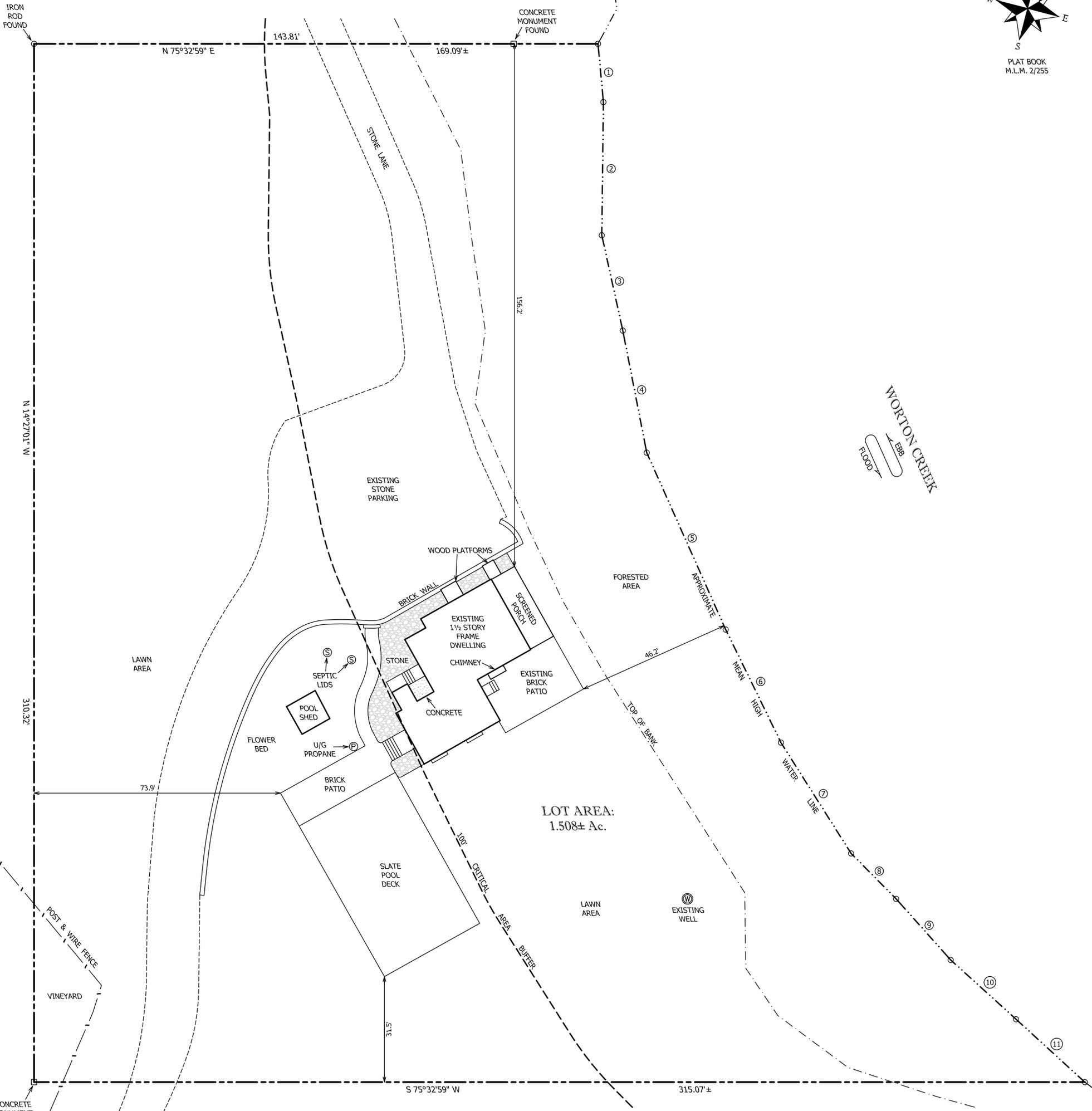
\_\_\_\_\_  
2/19/2021  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals or the Planning Office 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.**

LANDS OF  
ACED, LLC  
PARCEL NO. 1 - M.L.M. 194/170  
PLAT BOOK: M.L.M. 2/255



LOT AREA:  
1.508± Ac.

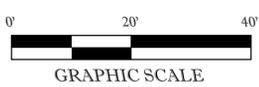
COURSES & DISTANCES ALONG APPROXIMATE MEAN HIGH WATER LINE OF WORTON CREEK

LINE	BEARING	DISTANCE
1	S 19°45'52" E	17.49'
2	S 13°45'16" E	39.81'
3	S 26°55'11" E	29.19'
4	S 25°35'15" E	37.17'
5	S 38°34'15" E	57.91'
6	S 40°34'32" E	37.65'
7	S 46°52'27" E	39.24'
8	S 59°17'17" E	19.14'
9	S 56°18'41" E	24.51'
10	S 62°20'34" E	26.41'
11	S 62°05'41" E	27.92'

LOT COVERAGE SUMMARY

HOUSE & SHED	1,516 Ft <sup>2</sup>
BRICK, SLATE, & CONCRETE	3,032 Ft <sup>2</sup>
DECORATIVE STONE	476 Ft <sup>2</sup>
STONE DRIVEWAY	7,826 Ft <sup>2</sup>
EXISTING TOTAL	12,850 Ft <sup>2</sup>
SITE AREA	65,706 Ft <sup>2</sup>

NOTES:  
DEED REFERENCE: PARCEL NO. 2 - M.L.M. 194/170  
PLAT BOOK: M.L.M. 2/255  
PREMISES ADDRESS: 22622 HANDY POINT ROAD  
CHESTERTOWN, MD. 21620  
CURRENT ZONING: RCD



SITE PLAN

OF THE LANDS OF  
**ACED, LLC**

SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
TAX MAP 18, PARCEL 2  
PREPARED FOR: LANDS POINT WINERY & VINEYARDS

SCALE  
1"=20'  
DRAWN BY  
WJE  
DATE  
2/8/21  
JOB NO.  
1276  
REVISIONS



Chestertown, MD 21620 PHONE 410-778-0147  
www.extrememeasuresllc.com

## **DESCRIPTION OF RELIEF REQUESTED:**

We are requesting approval for the establishment of a farm-based commercial winery and tasting room to be opened to the public on our historic farm. This requires Kent County Planning & Zoning approval of a *Special Exception - Adaptive Reuse of a Historic Structure* located at 22622 Handy Point Road, Chestertown, MD 21620.

For background, our farm consists of two contiguous properties. An 80+ acre MALPF-eased historic farm property at 22620 Handy Point Road and a separate, but contiguous non-MALPF-eased 1.6-acre lot upon which the 22622 Handy Point Road structure is located (refer to aerial photo on page 3).

The 22622 structure was originally constructed in the early 1940's prior to being remodeled recently. The lot upon which it is located was originally part of the 1658 Great Oak Manor land grant held by one of the most controversial and influential Colonial Governors of the Maryland Colony. This historic farm was subsequently patented and owned for over a century by one of the founding Quaker families of Kent County and the Maryland colony. The circa 1790 Main house on the adjacent 22620 historic farm lot is listed on the Maryland Historical Trust State Historic Site Survey (K-239). Therefore, the 22622 structure for which we are requesting the *Special Exception – Adaptive Reuse of a Historic Structure* qualifies by being over 75 years old and by its location on property that is associated with persons who are important to the community or to specific developments in Maryland history.

In 2008, we constructed trellises and deer fencing, and planted 400 grape vines on approximately 0.7 acres of our 80+ acre farm. The farm possesses approximately 47 tillable acres, the balance of which is planted in either corn or soybeans. This will continue to be the case after the opening of the winery and tasting room. We have set aside approximately one acre adjacent to the established vineyard for possible future expansion of grape production that is currently maintained as pasture (see page 3).

Because their cultivation has a very limited environmental impact on adjacent waterways, wine grapes are an ideal crop to plant on Chesapeake Bay waterfront and watershed located farms. For the most part, the most-damaging farm runoff for the bay consists of soil erosion enhanced by tilling, excess nutrients and agrichemicals. Wine grapes are challenging to grow well in our area. This is due to the fact that our area typically receives too much rain, the groundwater table is too shallow and the soil too fertile. Leading experts in viticulture (grape growing for wine production) preach that when looking for an area to establish a vineyard you should ask the farmer what portion of his or her land has south facing slopes, a deep groundwater table, good water drainage, and is impossible to grow anything on without the use of fertilizer/nutrient application and irrigation. One of the finest, award winning vineyards and wineries in our state, “*Black Ankle Vineyards*” outside of Frederick, took this advice to heart and they are doing very well because of it.

Our farm, unfortunately for wine grape growing purposes, possesses fertile soil, an over-abundance of rain most years and a shallow groundwater table. However, we do have a south-facing slope and good water drainage. The less-than-ideal wine grape growing conditions on our farm forced us to plan our vineyard establishment carefully. We consulted Dr. Joe Fiola, the University of Maryland Cooperative Extension's wine grape expert, and solicited his advice on choosing which grape varieties to plant, the ideal vine spacing and arrangement to counteract the over-abundance of water and nutrients, and the proper utilization of training and pruning systems to maximize fruit quality. Even with this careful planning and expert advice, we had to work hard to create a productive vineyard yielding consistently high-quality fruit. We have never had to apply any fertilizers or nutrients over the past 12 years and we think the vines have actually been able to deplete the over-abundance of nutrients present in the soil enough over this time frame to create more ideal growing conditions; since our grape quality continues to improve over the past few vintages. The vineyard is never tilled, so soil erosion is nonexistent. The only sprays we apply consist of fungicides and mildewcides, and the occasional *Sevin* spray to prevent Japanese beetles from consuming all of our grape vine's leaves. We feel the presence of the vineyard has actually created a nice physical buffer between Worton Creek and the nutrient-requiring soy beans and corn grown on the rest of the farm.

The winery operation on the farm consumes a small amount of groundwater that is supplied by the Main house existing well. There is no liquid waste or waste water. Solid waste consists of pomace, which is made up of crushed grape skins and stems. This is composted and reused in the farm's gardens. Required electricity is supplied by our ground-based solar panel array.

In 2011, upon maturation of our vines and initiation of wine grape production, we set up a small temperature-controlled winery within one of the existing pole barns for the purposes of fermentation and aging of wine for our personal use to see how feasible wine and grape production was going to be on the farm.

Over the intervening years we have informally polled family and friends regarding the quality, taste and drinkability of our farm-produced wine with positive reviews. This positive assessment of the wine has held steady over 7 vintages giving us the confidence that we can convert our hobby into a commercially viable product for public consumption.

The 12-year deliberate approach we have taken in establishing this enterprise reflects our goals regarding the scale envisioned for this farm-based business. We very much value the privacy, tranquility, and quiet we currently experience on the farm.

Our vision for Lands Point Winery & Vineyards, LLC, is as a "Boutique", low-production volume winery. We plan for the Winery's income to cover vineyard and winery operating costs, and to help defray ongoing farm maintenance and property tax expenses.

As currently planted and established, the hobby winery has been averaging approximately 100+ cases of wine production per year. This production could be increased should there be a consumer demand. Our current plan is for most wine sales to be conducted with local restaurants and Maryland state-licensed reseller shops along with a small percentage occurring through a tasting room on the farm on a reservation-only basis.

We currently do not have any employees for the vineyard and winery operation. David manages the vineyard to include all pruning, spraying and anything else that is required. Eileen keeps the grass in the vineyard trimmed. David performs all of the wine making duties. Bottling is a group effort between family and friends. Harvest in the fall requires the help of family, friends and volunteers. Tasting room events may involve part-time workers. If the operation is successful and we are able to ramp up the size of the vineyard and increase wine production, full-time employees may be added.

ACED, LLC - David and Eileen Smack  
Lands Point Winery & Vineyards, LLC  
22620 Handy Point Road, Chestertown



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared February 2020.

1 inch = 200 feet

Thus far, we have obtained Federal TTB approval for the winery operation, MALPF State board and Kent County Agricultural Preservation board approval and have submitted our Maryland state winery application and undergone their onsite inspection. Completion of our State application is contingent upon final Kent County Planning and Zoning approval.

We purposely placed the farm into the MALPF perpetual easement. We currently produce 100+ cases per year of wine and by commercial winery standards that is a small amount of wine.

As delineated in the attached State MALPF board Winery approval terms, we agreed as a condition of approval that should the MALPF-eased farm portion ever be sold, the winery approval is automatically rescinded and cannot transfer with the sale. Additionally, no events other than wine tastings may occur on the farm property. So, even though these conditions do not apply to the 22622 lot - no grapes can be grown and no wine can be produced since all of these activities occur on the MALPF-eased farm portion of the property.

The MALPF board granted approval for tastings to occur in the un-airconditioned pole barn that houses the winery and elsewhere on the 22620 MALPF-eased historic farm parcel. We are requesting that the structure located on the 22622 lot be utilized for more formal tastings in an air-conditioned setting. We view the tastings as reservation-only events from specific groups requesting tastings. We are not planning to have routine drive-up winery visitation hours. Our driveway is gated at the road. The MALPF board conditions of approval prevent us from hosting any large events such as weddings, concerts...etc. So, sound and traffic pollution should be minimal. Planned tastings will consist of small groups of people who reserve a tasting slot ahead of time, i.e.: Washington College groups, Yacht club groups and regattas, Kent County and other Historical Society group events, groups from any of the 3 commercial Marinas located on Worton Creek, clients of nearby Great Oak Bed & Breakfast, groups from nearby Great Oak Marina on Fairlee creek to outline a few possibilities. Meshing with Kent County's Comprehensive Plan, we hope to contribute to promoting Kent County as a destination for tourism, agritourism and experiential learning of early Maryland history. Most of our sales, however, are planned to involve local restaurants and local state-licensed wine resellers.

Limiting our tasting group size allows us to have ample parking utilizing our existing driveways and parking areas around the existing farm buildings and structures. No additions of impervious surface are requested. No additional structures or alterations to existing structures are requested.

## HISTORY:

### **GOVERNOR JOSIAS FENDALL:**

**1658** – During the 23<sup>rd</sup> year since the founding of the Maryland Colony, the Great Oak Manor land grant was created. This tract was originally laid out on 16 August 1658 and formally granted to Lieutenant-General Josias Fendall (1628-1687), the 4<sup>th</sup> Proprietary Governor of the Maryland Colony, on 28 February 1659. Its boundaries were described as beginning south of the Sassafras River mouth where Steel Bone Creek flows into a small bay. In early records this creek was also referred to as Steepone Creek and the bay Steepone Bay, both mentioned in records of 1659; the modern name of Still Pond Creek is of later origin. Churn Creek, lying near Steel Bone Creek, is shown in a map dated 1670/73 (see below) drawn by early mapmaker Augustine Herrman (1605–1686), but left unnamed; it often appears in the land records from 1661 onwards. South of Steelpone Bay appears Beacon Bay (Worton Creek), more often called Bacon Bay (Worton Creek) in early deeds. Development began here in 1658 when Gov. Fendall and Captain Cornwallis took up lands on its shores. On the south side of the bay is Beacon Creek (Worton Creek). Here Gov. Josias Fendall took up his approximately 2,000-acre Great Oak Manor grant, which apparently was referring to a large oak tree on an oyster shell bank which marked the southwest corner of the property. In 1658 and thereafter for a time, the deed records used the name Fendall's Creek (Worton Creek) for this body of water, but Fendall fell into political disgrace in March of 1660 when he led a revolt, Fendall's Rebellion, against the 2<sup>nd</sup> Lord Baltimore. The "careful" mapmaker Herrman on his map instead refers to this water as Beacon Creek (Worton Creek). South from Beacon Creek is Farlo Creek, later called Farley or Fairlee Creek ("*Notes on Augustine Herrman's Map*", Maryland Historical Magazine.). The Great Oak Manor grant is a subject on the rent rolls of the Calvert Papers for Kent County, 1658, and Henry Hosier is listed as possessing 450 of the grant's 2,000 total acres. Fendall was subsequently pardoned by the 2<sup>nd</sup> Lord Baltimore following his rebellion, but had to resign his position as Proprietary Governor. Fendall's family never resided personally at Great Oak Manor, although he succeeded in clearing the forests to cultivate tobacco there.



**1658-1660** – Concurrently elsewhere, the historic record indicates that the lands north of Beacon Creek (Worton Creek) attributed above to being part of the original Great Oak Manor grant actually became part of the Worton Manor land grant given to Henry Meese who assigned it to Col. Edward Carter of Virginia in 1660, and consisted of a 2,300-acre tract.<sup>1</sup>

**March 12, 1673** - Great Oak Manor was resurveyed and a grant given to John Van Neck on the upper ship point of the South side of Worton creek (location of modern Handy Point).

**1673 to 1724** – The Great Oak Manor grant was subdivided into four farms, 450 acres of which on the South side of Worton Creek were owned by Henry Hosier (this parcel consisted of land that included the modern day 22620 & 22622 lots), James Barber (155 acres), William Frisby (422 acres) and William Harris (300 acres).

### **HOSIER FAMILY:**

There are numerous Henry Hosiers found in the historic record. I have found five that appear to have connections to our farm. The historic excerpts presented in this narrative were obtained by accessing numerous online data bases to include: *familysearch.org* - which contains detailed information on Quaker family lineages, the archives of the state of Maryland at *msa.maryland.gov.com* and *query.mdarchives.state.md.us.com*, *myheritage.com*, *wikitree.com*, *ancestry.com*, *colonial-settlers-md-va.us.com* and *historicmapworks.com*. All cited paper references are listed in the bibliography at the end of this narrative. The five Henrys and other important family members originating in different generations who shared first names are distinguished from one another by supra-script sequential numerals.

### **HENRY<sup>#1</sup>:**

Henry<sup>#1</sup> Hosier was born in Barton, Somerset, England 1630 and married to Johanna Jones. He immigrated likely by himself initially from Bristol, England to Calvert County of the Maryland colony by at least 1663 (likely before 1658 as noted in the paragraph above regarding the Calvert Papers Rent Rolls; one source listed his arrival as early as 1651). Henry<sup>#1</sup> was a neighbor and close associate of Richard Johns<sup>#1</sup> who was born in England in the early 1640's; his descendants founded Johns Hopkins University and Hospital. Henry<sup>#1</sup> subsequently moved his residence to Kent County in 1670. This is the same year he petitioned the Colony of Maryland for land payment as compensation for his sponsorship of indentured servants transported to the colony. The compensated land was likely located in Kent County since he resided in this county from then on. He was a free, literate Gentleman and appointed by the 3<sup>rd</sup> Lord Baltimore, Charles Calvert, to serve as a justice and the coroner of Kent County from 1671 through 1683. He was also one of two appointed delegates, Maj. Joseph Wickes the other, representing Kent County in the Lower House of the Maryland colonial legislature during the 3<sup>rd</sup> Lord Baltimore's Proprietary Assembly convened from 1676-1684. He served as a member of the Lower House on the "*Committee of Trade*" and in both houses, Lower and Upper, on the committee "*Bringing in of Money into this Provence*". He was later dismissed from his Kent County justiceship in 1683 for purported misbehavior arising from the alleged collusion of he and two other justices, Major Joseph Wickes and Mr. Michael Miller, in their handling of a complex matter involving

the issuing of a tax levy for Kent County against the estate of William Bateman, a Constable of Langford Bay. This caused Bateman's estate to be sold off with a lack of due process to settle debts of the estate purportedly owed to Henry<sup>#1</sup>, Wickes and Miller. This occurred when the three justices attempted to convene the Kent County court in New Yarmouth to create the tax levy and endeavored to enjoin Maj. James Ringgold, the fourth member of the court, to also sit on the court and create the required quorum of four justices. Maj. Ringgold refused. In response, Henry<sup>#1</sup>, Wickes and Miller proceeded to illegally (absence of a court quorum) liquidate Bateman's estate. Subsequently, they shut down the court, refused to conduct any further legal proceedings and canceled several future scheduled proceedings blaming it on a lack of the required quorum of 4 justices. The three then filed a complaint with Charles Calvert the 3<sup>rd</sup> Lord Baltimore against Maj. Ringgold for dereliction of his duties for not establishing a quorum for the court. In response, Maj. Ringgold sent a lengthy letter to Lord Calvert defending his position and detailing several accusations against the three other justices. Accusations included premeditated fabrication of alleged debts owed by Bateman's estate to the three justices, and undocumented cancellation of an alleged debt owed by Henry<sup>#1</sup> to the estate. In response, Lord Calvert convened the Kent County court and personally attended the proceedings in New Yarmouth on Eastern Neck on 28 August 1683. He listened to each side's arguments, weighed the evidence and sided with Maj. Ringgold. Lord Calvert awarded the Bateman estate proceeds to an orphan of the estate. He then threatened to "turn out" the three justices and relieve them of their duties. Maj. Wickes and Mr. Miller who personally attended the proceedings in New Yarmouth were fined twenty pounds of sterling each and admonished that should their behavior not be exemplary going forward they would be dismissed from their positions as justices. Lord Calvert also ordered the Kent County Sheriff to ensure that Henry<sup>#1</sup> be in attendance at the next hearing on this matter, which would be held before the next Provincial Court at St. Mary's City scheduled for 7 November 1683. No further excuses were to be tolerated for not attending. Henry<sup>#1</sup> did not take this lying down. During the subsequent annual October 1683 meeting of the 3<sup>rd</sup> Lord Baltimore's Proprietary Assembly, he authored legislation to provide for "*Immunity of Legislators*". He did this the very same day after being presented with Lord Calvert's summons by the Sheriff of Kent County. Subsequent to this in November 1683, Henry<sup>#1</sup> did appear in the Provincial Court, submitted to Lord Calvert, was released, and then dismissed as a Kent County justice and coroner.

Henry<sup>#1</sup> continued to serve as a delegate to the 3<sup>rd</sup> Lord Baltimore's Proprietary Assembly until his death and only then was an election held to replace him as a delegate. Henry<sup>#1</sup> had a son named Henry<sup>#2</sup> (born 1659) along with daughters named Elizabeth (born 1643), Johanna (born 1652), and Mary (born 1656). All of the children were likely born in England since it appears his wife and children did not join him in the Maryland colony until several years after his arrival. He died in Kent County on 3 May 1686. He was an active follower of the Quaker faith since in his last Will and Testament dated 5 January 1685-86, he requested his burial be handled by the Friends of the local Kent County Quaker Meeting.

The Will, also, mentions his "*most rebellious children*", daughter Johanna and her husband Minister Morgan Jones (occupation also listed as a tanner elsewhere) who received only 200lbs of tobacco each. Several years later after Henry<sup>#1</sup>'s passing, a court case appears where Morgan Jones sued Henry<sup>#2</sup> to gain possession of a cow and calf and 1,600 pounds of tobacco given to him by his sister-in-law and Henry<sup>#2</sup>'s sister, Mary Hosier. Jones won the case.

Interestingly, one summary of Henry<sup>#1</sup>'s last Will and Testament suggested that 2/3's of his *personal* estate was conveyed to his daughter Elizabeth Hosier, and 1/3 to son Henry<sup>#2</sup>. Elizabeth married Thomas Norris Jr. (born 1638) of St. Mary's County in 1671. Norris died in 1683, leaving Elizabeth widowed with young children. The asymmetric *personal* estate division might have reflected Henry<sup>#1</sup>'s concern for Elizabeth's and his grandchildren's welfare. His other daughters were already well-provided for by their husbands. Elizabeth did apparently re-marry to John Abbott (born 1637) in 1690. However, another summary I found, indicates that his son Henry<sup>#2</sup> was the Executor and residuary legatee of Henry<sup>#1</sup>'s estate, *real* and *personal*; in other words, he got everything. In legalese, *real* estate refers to land and dwellings, while *personal* estate refers to jewelry, furniture, clothes, china, servants...etc. So, Elizabeth may have received 2/3's of his *personal* estate, and Henry<sup>#2</sup> the remaining 1/3 along with all of Henry<sup>#1</sup>'s *real* estate. Either way, as shown below, the land (*real* estate) that comprises our farm continued through Henry<sup>#2</sup>'s lineage.

Henry<sup>#1</sup> had plantations and land holdings in Calvert and Kent Counties and was heavily involved in the cultivation of tobacco. This required a large work force and to fill this need Henry<sup>#1</sup> engaged in extensive use of the head rights or land rights system. Cecil Calvert, 2<sup>nd</sup> Lord Baltimore adopted the headrights system whereby any settler who financed their own passage to the colony was promised 50 acres of land. In addition, those who financed the passage of others also received an additional 50 acres per person they transported to the Maryland colony. Indentured contracts obligated the servants to their sponsor for a time period of typically 5 to 7 years. To ordinary English farmers who could pay their own way, the headrights system offered a powerful incentive to move to Maryland. For the wealthy gentry, the system promised even more; the ability to easily acquire vast plantations worked by large numbers of indentured laborers whose transport to the colony entitled them to the estates they now owned. Henry<sup>#1</sup> sponsored and recruited 21 indentured servants from England to the Maryland colony and in 1670 he formally requested his payment of 1,050 acres of land owed him by the colony. Aside from Henry<sup>#1</sup>'s Great Oak Manor holdings he also, in 1671, patented "*Tulley's Fancy*". This parcel was originally a 100-acre grant patented by John Tulley in 1664. The following year, 1672, Hosier acquired an additional adjoining 100 acres and renamed the now 200-acre parcel "*Hosier's Addition*". This parcel was located on the North side of the Chester river by the side of the upper reaches of East Langford creek.<sup>2</sup> This area is referred to today as "*Quaker Neck*". Henry<sup>#1</sup> also patented a 150-acre tract called "*Bristol*" on 15 June 1681.<sup>3</sup> Could this tract have been part of the parcel on the north shores of Worton creek described in William Hosier's 1826 Will (see page 11)? No description of the location of the "*Bristol*" tract could be found.

## **HENRY<sup>#2</sup>:**

Henry<sup>#2</sup> Hosier was likely born in England in 1659 and married to Rebecca<sup>#1</sup> Kadday (also from a Quaker family in Kent County). He had a son named Henry<sup>#3</sup> (born 1689) along with three daughters named Mary (born 1687), Johanna (born 1685) and Rebecca (born 1691). Henry<sup>#2</sup> died in Kent County on 26 December 1710. Henry<sup>#2</sup>'s last Will and Testament left "*love and affection*" to his 3 daughters who were already well-provided for by their husbands, 200 acres of land to his grandson Richard Johns<sup>#2</sup> (born 1707) and the balance of his estate to his son Henry<sup>#3</sup>. Richard Johns<sup>#2</sup> was the son of Henry<sup>#2</sup>'s daughter Mary and Aquilla Johns. Aquilla was the son

of Richard Johns<sup>#1</sup>. The parcel of land left to Richard Johns<sup>#2</sup> was bought by Henry<sup>#2</sup> from Stephen Coleman and his wife Sarah. Sarah was the daughter of John Van Neck. Van Neck originally patented in 1673 that portion of the Great Oak Manor grant encompassing modern day Handy Point on the south shore of Worton creek.<sup>4</sup>

Of interest, Henry<sup>#2</sup> was willed the Philadelphia home of a formerly-Maryland-based Quaker merchant named Cornelius Mahoney, which was probated on 4 August 1699. Other items in this Will were left to Henry<sup>#2</sup>'s sisters. Henry<sup>#2</sup> and wife Rebecca<sup>#1</sup> were also conveyed on 26 March 1695 part of a tract of land called "*New York*" by John True (Trew) of Kent County. This same tract of land which was granted to Stephen Kadday (Rebecca<sup>#1</sup>'s father) by indenture 27 March 1682 by the same John True and Mary his wife.<sup>4</sup> Henry<sup>#2</sup> and Rebecca<sup>#1</sup> also conveyed on 26 March 1700, 3 ½ acres of land, likely part of the tract originally called "*Tulley's Fancy*" and later "*Hosier's Addition*", to Morgan Brown and George Elliott of Kent County for the people called Quakers. Then on 20 November 1704, Henry<sup>#2</sup> certified to the commissioners of Kent County that "*We the people called Quakers have two meeting houses in this county, which we have built for to meet together in; one is on the south side of the Chester river called Chester Meeting House (modern day Queen Anne County), the other on the north side of the Chester river called Langford's Bay Meeting House.*", signed Henry Hosier.<sup>4</sup>

### **HENRY<sup>#3</sup>:**

Henry<sup>#3</sup> Hosier was born in Kent County 17 December 1689 and married to Hannah Darkin (born 1691 into a Salem, New Jersey Quaker family). Interestingly, Henry<sup>#3</sup> on 9 May 1712 requested a certificate from the Cecil Quaker Meeting of Kent County stating his "*clearness of marriage*". This was likely required by Hannah's parents prior to granting their consent for the marriage and to ensure that Henry<sup>#3</sup> was in good financial standing and not previously married.<sup>4</sup> Henry<sup>#3</sup> had a son named Henry<sup>#4</sup> (born 1715) along with two other children named Richard<sup>#1</sup> (born 1717) and Mary (born 1724). He died on 28 February 1733 in Kent County. In his last Will and Testament, he left to his son Henry<sup>#4</sup> a 2/3 interest in the dwelling plantation, "*Hosier's Farm*", when he became 21 years of age with the remaining interest left to his wife Hannah during her life and at her decease her share to Henry<sup>#4</sup>. To his son Richard<sup>#1</sup>, the tract of land lying between Worton and Farley creeks (Is this tract a portion of the Hosier family's Great Oak Manor holdings separate from the dwelling plantation, "*Hosier's Farm*"?). To his daughter Mary, 1/3 of his personal estate. To his wife Hannah who served as Executrix, 1/3 of his personal estate and the remaining 1/3 to be divided equally between his sons. The children, together with their estates were to be under the care of Hannah until they were of age. Should Hannah die prior, the children would be taken care of by the Cecil Quaker Friends of Kent County. Hannah died by 13 May 1748 when her estate was appraised and Henry<sup>#4</sup> was named executor.

### **HENRY<sup>#4</sup>:**

Henry<sup>#4</sup> Hosier was born in Kent County in 1715 and married Rebecca<sup>#2</sup> Troth Thomas, the widow of Henry Thomas, in 1744. He had a daughter named Rebecca<sup>#3</sup> (born 1748). Of note, Henry<sup>#4</sup> acknowledged to the Cecil Quaker Meeting of Kent County that he had taken a wife "*contrary to discipline*". This meant that he and Rebecca<sup>#2</sup> had chosen to be married somewhere

other than in a Quaker Meeting. This likely occurred because Rebecca<sup>#2</sup> was not yet cleared to remarry (did not obtain a “*clearance of marriage*” certificate) within the Cecil Quaker Meeting.<sup>4</sup> Henry<sup>#4</sup> died in 1768. Rebecca<sup>#3</sup> married John Stewart (born 1744) in 1769, and they had a son named Henry Hosier Stewart (born 1773). Henry<sup>#4</sup>'s widow Rebecca<sup>#2</sup> died in 1774. Rebecca<sup>#3</sup> died in 1789. Henry Hosier Stewart married Margaret Starling on 25 August 1799, and he died in 1815.

Henry<sup>#4</sup> did not have a probated Will as was recently confirmed by *The Maryland State Archives Hall of Records Commission* in correspondence dated and certified 3 December 2020. Rebecca<sup>#2</sup> filed an appraisal of debts owed to Henry<sup>#4</sup>'s estate valued at 39-pound sterling on 20 July 1768. On 26 July 1768, Henry<sup>#4</sup>'s estate inventory was filed and appraised at 650-pound sterling. In this filing, Richard<sup>#1</sup> Hosier and Rebecca<sup>#3</sup> Hosier were named as next of kin. On 13 August 1769, another inventory of Henry<sup>#4</sup>'s estate was filed and appraised at 83-pound sterling. Richard<sup>#1</sup> Hosier was also mentioned in this filing. Following this on 15 August 1769 and again on 31 October 1770, distribution of Henry<sup>#4</sup>'s personal estate was made by Rebecca<sup>#2</sup>.<sup>4</sup>

Rebecca<sup>#2</sup> Hosier died by 24 September 1774 when her estate was appraised and valued at 556-pound sterling. Thomas Smyth and Robert Anderson signed as creditors and Rebecca<sup>#3</sup> Hosier Stewart and Samuel Thomas signed as next of kin. On 17 July 1775, Rebecca<sup>#2</sup>'s estate was again appraised and valued at 7-pound sterling.<sup>4</sup> The only recorded distribution from Rebecca<sup>#2</sup>'s estate went to Rebecca<sup>#3</sup>.

Henry<sup>#4</sup> died with no probated Will. Richard<sup>#1</sup> was his closest living relative and also a legatee in their late father Henry<sup>#3</sup>'s Will. Therefore, Henry<sup>#4</sup>'s *real* estate holdings consisting of the dwelling plantation called “*Hosier's Farm*” transferred to Richard<sup>#1</sup>.

### **RICHARD<sup>#1</sup> HOSIER:**

Richard<sup>#1</sup> Hosier was born in Kent County in 1717 and married Ann<sup>#1</sup>. I could not find any information on his wife Ann<sup>#1</sup>'s surname or birth. This is likely because she was not a Quaker. It was reported on 8 June 1757 at the Quaker Cecil monthly Meeting of Kent County that Richard<sup>#1</sup> had “*married out*”. This term means he married a woman who was not a Friend (Quaker) and thus no Quaker-based records existed for Ann<sup>#1</sup>.<sup>4</sup> Richard<sup>#1</sup> had 4 sons named Henry<sup>#5</sup> (born 1750?), Samuel, Richard<sup>#2</sup> and William. He also had a daughter named Ann<sup>#2</sup>. Richard<sup>#1</sup> evidently was still a minor when his mother, Hannah, died on 11 June 1748, since he fell under the care of the Cecil Quaker monthly Meeting of Kent County when they appointed his brother Henry<sup>#4</sup> as his guardian.<sup>4</sup> Richard<sup>#1</sup> died sometime soon after 24 December 1781 (the date his Will and last Testament was last modified). His estate was to be primarily bequeathed to his son Henry<sup>#5</sup> following his wife Ann<sup>#1</sup>'s death. However, he did bequeath to his son Samuel; “*the New House commonly called the Shop with one acre of land adjoining and next to the Orchard*”. Ann<sup>#1</sup> was also his estate's Executrix, and was granted the privilege of enjoying the estate during the entirety of her life.

## HENRY<sup>#5</sup>:

**The Maryland Supply Tax of 1783** – These tax rolls indicated that the Great Oak Manor farms at that time were owned by Elizabeth Frisby, Darius Gamble, Ann<sup>#1</sup> Hosier (Richard<sup>#1</sup>'s widow), Marmaduke Tilden and Charles Tilden, Jr. This special state tax assessment was conducted to settle Revolutionary War debts. I could not find the date of Ann<sup>#1</sup>'s death in my research. This makes it a little confusing since Henry Hosier (likely Henry<sup>#5</sup>) is credited with constructing the historic Main house on the modern day 22620 farm parcel sometime between 1790 and 1810.<sup>5</sup> This suggests that Henry<sup>#5</sup> outlived his mother Ann<sup>#1</sup>, and was conveyed all of his father Richard<sup>#1</sup>'s estate except for the “*New House*” with its surrounding one-acre plot conveyed to his brother Samuel. It also narrows the time frame during which the circa 1790 Main house could have been constructed from 1790 - 1810 to 1783 - early 1795; since William comes into possession of the entire estate soon after May 1795 following Henry<sup>#5</sup>'s death, and William is not credited with the construction of the circa 1790 Main house. Early accounts of the region mention a still earlier house on the property (narrative from the *Maryland Historical Trust Inventory Form for State Historic Site Survey, K-239*).

Samuel Hosier married Sarah Cowardine in 1788. He had no children and died before 1 March 1794. Henry<sup>#5</sup> was initially named his Executor, but could not fulfill this duty (illness?). Brothers William and Richard<sup>#2</sup> assumed these duties and filed the inventory of his estate. His widow Sarah received cash and a 1/3 interest in his estate with the remainder on 6 May 1795 to his sister Ann<sup>#2</sup> for brother Richard<sup>#2</sup>'s share (he had already died); another 1/3 share to his sister Ann<sup>#2</sup> on 8 June 1796 (her own share); and 1/3 share to brother William on 8 June 1796.

Richard<sup>#2</sup> Hosier never married and died shortly before 2 April 1795.

Henry<sup>#5</sup> Hosier never married and died sometime before 5 May 1795. He did not possess a probated Will, and this was recently confirmed by *The Maryland State Archives Hall of Records Commission* in correspondence dated and certified 3 December 2020.

Ann<sup>#2</sup> Hosier married Frisby Dorsey of Kent County on 7 September 1797. She had a son named William H. Dorsey

Following the untimely deaths of his 3 brothers, William Hosier, already having been a legatee of his late father Richard<sup>#1</sup>'s Will, inherited the dwelling plantation “*Hosier's Farm*” and the bulk of Richard<sup>#1</sup>'s estate.

The tragedy of Henry<sup>#5</sup>, Richard<sup>#2</sup> and Samuel all dying in rapid succession within a time frame of 14 months from one another is noteworthy. This is the sort of circumstance that can lead to the decline of generationally-accumulated wealth. Local epidemics of various illnesses were common during this time and may have been the cause. It is also notable that Kent County during this time was experiencing a nearly 20% reduction in its population that likely corresponded to the migration of a significant number of local Quakers to Pennsylvania. Richard<sup>#1</sup> “*marrying out*” and the lack of matrimony for his three sons attest to this to some degree. The son's individual stories were also complicated by them likely being perceived by

potential spouses as neither completely Quaker nor non-Quaker since their mother Ann<sup>#1</sup> was a non-Quaker. The migration of Quakers from Kent County and elsewhere in Maryland had been ongoing since the founding of the Quaker-majority Pennsylvania colony by William Penn in 1681, and this was exacerbated further in 1692 when King William III sent Sir Lionel Copley to be the Royal Governor of Maryland. New laws that abolished religious tolerance, and ensconced the Church of England as the state church of Maryland resulted. Quaker migrations would also accelerate whenever war and conflict erupted. This occurred in England when a Puritan, Oliver Cromwell, assumed power in 1653, and began persecuting the Quakers, Catholics and other religious groups. This likely was behind Henry<sup>#1</sup> and other English Quakers decisions to move their families to the Maryland colony in the 1650's. The Quakers were also pacifists and since their formation had refused to take-up arms and participate in war; no matter the circumstance. This belief frequently led to their non-Quaker neighbors possessing ill feelings toward them since they were injured and dying defending the Quaker's land as well as their own. The American Revolution and the War of 1812 aggravated these historic negative feelings toward the Quakers and in response the Quakers migrated and sought out areas possessing an existing Quaker majority.

**1814** – During the War of 1812, the British burned the home, farm buildings and wheat of Richard Frisby, owner of one of the adjacent Great Oak Manor farms. The following excerpt from the Historical Society of Kent County's web site illustrates the nearness and juxtaposition of this conflict to our farm:

The British returned to Kent County in July of 1814 - *“Four of their barges entered Worton Creek. Colonel (Phillip) Reed, an old seventy sixer (Revolutionary War Veteran), happened to be on a visit to the neighborhood, he borrowed a musket and hastily collected about 20 men armed with duck guns and muskets, they formed an ambushade, and when the largest barge had fairly passed, opened a certain fire upon them, reported the Niles Weekly Register from Baltimore, before they escaped ... in all possible haste – for though he (the enemy) rowed 24 oars when he entered the creek, he could man only 4 when he went out of it.”*

Additionally, just 26 miles away *“as a crow flies”*, the defining battle of this war was fought at Fort McHenry and the *“Star-Spangled Banner”* was penned by Francis Scott Key, while held prisoner on a British ship.

### **WILLIAM HOSIER:**

**1826** - William Hosier apparently never married. He died sometime after 8 May 1826 the date of his last Will and Testament. Within his Will, the estate was described as consisting of two parcels. A 210-acre parcel being originally part of Great Oak Manor on the South/Southwestern Shore of Worton creek and adjoining the lands of Rev. George D. Handy (bordering our farm to the northwest) and those of the heirs of George Skirven (due east of and directly across Worton creek from our farm). This parcel nearly exactly approximates in total dimension and location the lands making up the 22620 and 22622 historic farm lot prior to the recent modern subdivisions. The second parcel encompassed 227 acres and consisted of land from multiple historic tracts known as Worton Manor, Cornwallis's Choice, Budd's Discovery and Carolla and was primarily located at Worton Point adjoining the lands of William Lamb, Samuel G. Kennard

and Andrew Tolson. This second parcel appears to have been located on the North/Northeastern Shore and Northern Mouth of Worton creek. William conveyed his entire estate to his nephew William H. Dorsey who also served as his Executor. He included provisions for his sister Ann<sup>#2</sup> Hosier Dorsey. She was granted the privilege of being able to reside in the dwelling house where William Hosier had lived (likely the circa 1790 Main house) and utilize the kitchen. Ann<sup>#2</sup> was also entitled to firewood from the estate lands and a two-hundred dollars per annum payment from the aforementioned farms during her natural life. These provisions did not exclude her son William H. Dorsey from also living in the dwelling house and using the kitchen. William Hosier also included a very detailed, staggered schedule for freeing seven of his slaves beginning 6 years following his death through 32 years after his death. He conveyed his eight other slaves to William H. Dorsey. This is interesting since the Quakers were some of the earliest abolitionists and as a group had decreed that Quakers were no longer allowed to own slaves beginning in the year 1800. This suggests that unlike prior generations of his family, William may not have been a Quaker or at least not a strictly-practicing Quaker. The fact his mother Ann<sup>#1</sup> was not a Quaker lends credence to this supposition. However, oral local folklore accounts exist from several different sources in Kent County that detail remarkably similar accounts of *Hosier's Farm* being a very active last stop on the *Underground Railroad* for slaves escaping to freedom in the Quaker Colony and later state of Pennsylvania from 1780 onwards.

The transfer of William Hosier's estate to William H. Dorsey marks the end of the Hosier family name's association with our farm.

**1826 - 1852** – William Hosier's last Will and Testament included an unusual, post-dated modification 24 October 1826 (nearly 6 months after the initial proving of William's Will) delineating that Thomas Waltham, William H. Dorsey and Samuel G. Kennard promised to remit to the State of Maryland the sum of \$50,000.00 dollars jointly and severally. Further, if William H. Dorsey were to fulfill all of his duties as Executor of the estate: paying all debts, maintaining the property, filing an inventory of the estate with the court...etc., he would be relieved from having to pay the \$50,000.00 dollars to the state. The reason for the required payment to the state is unclear: back taxes owed on the estate, taxes or fees associated with the estate transfer or estate carry-over debts? Sometime afterwards, the farm consisting of 213 acres, the circa 1790 Main house and outbuildings was acquired by Samuel G. Kennard who subsequently sold it to William Vannort in 1852.

## VANNORT FAMILY:

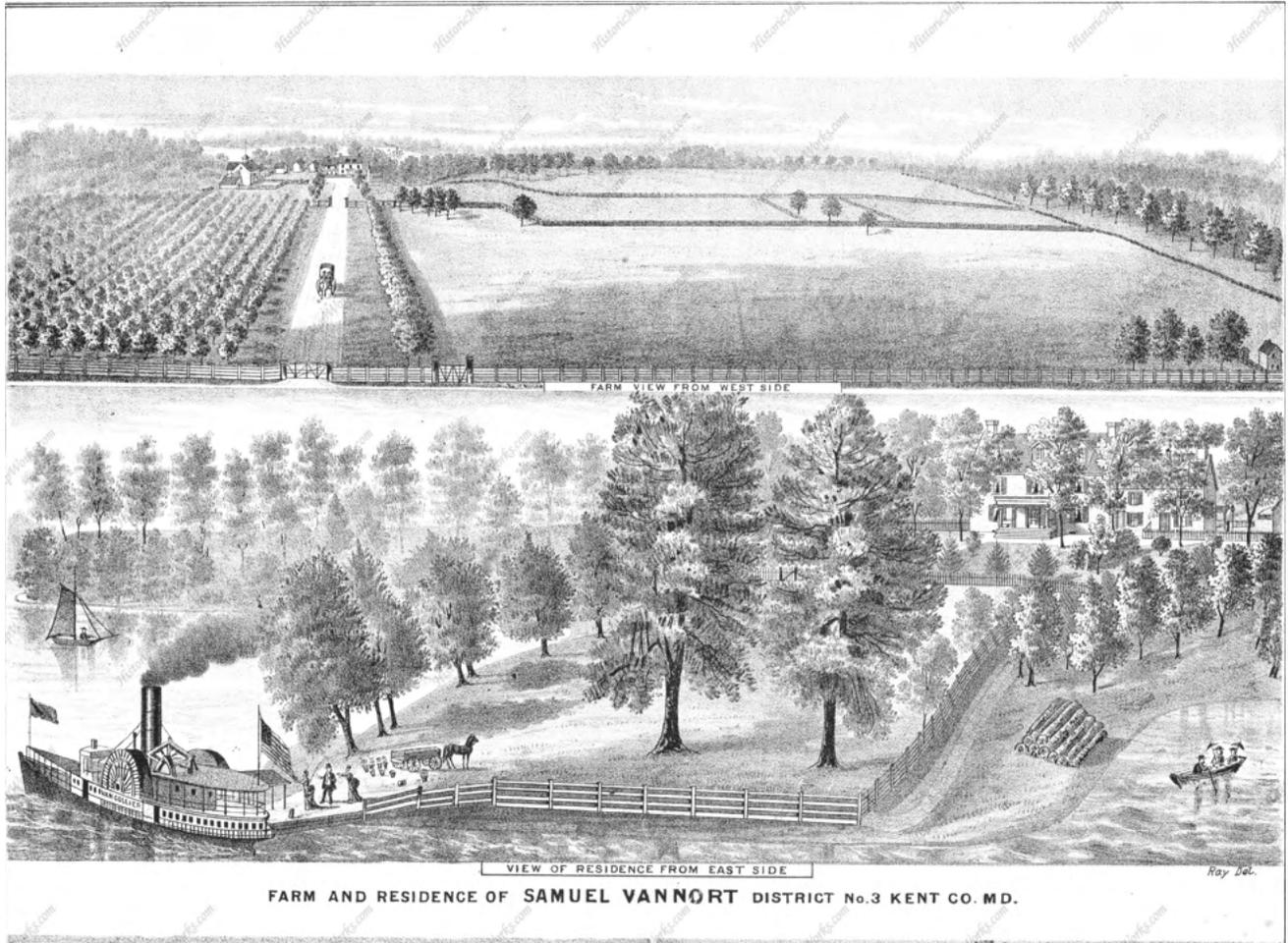
**1860** – The Martenet Kent County map for this year indicates the farm as the residence of Joseph Usilton. Usilton was married to a female member of the Vannort family since according to available historic records it remained in the Vannort family through at least 1877 (see below).



**1877** – The Martenet Kent County map for this year indicates the farm as the residence of Samuel Vannort. This version of the map includes an illustration of the eastern and western views of the farm. The eastern perspective depicts the waterfrontage of the farm on Worton creek. The sidewheeler steamboat *Van Collier* is seen docked at the farm's landing and illustrates the commercial function of this wharf (see next page). These ships transported local agricultural products to urban areas such as Baltimore and elsewhere on the Chesapeake Bay. In turn, finished goods were received at the landing to be utilized on the farm and by surrounding areas. Many of the finished goods were likely purchased by Augustine L. Vannort (brother of Samuel Vannort) as stock to be sold in his General Merchandise store located in nearby Hanesville (see below).<sup>6</sup>

*"A. L. Vannort, Dealer in Dry Goods, Groceries, Hats, Caps, Boots, Hardware, Queens ware, Glassware. Drugs, Medicines, Notions etc. Located at Hanesville"*

Passenger embarkations to other ports on the Chesapeake Bay and beyond were also conducted. The landing still exists to this day and is the take-off for our modern dock. The mean low water depth is 8+ feet and could still accommodate the draft requirements of most of the 19<sup>th</sup> century steamboats. Of note, in 2004, when our new dock was being constructed and shoreline work performed, we discovered at the historic landing intact large diameter, vertically-driven cypress wood logs lining the edges of the landing. This likely resulted in the preservation of this early shoreline commercial feature and its water depth (see below).



The western perspective illustrates the landward approach to the farm and depicts the planting of extensive orchards to the left of the farm lane (see above). Following the decline of tobacco production due to soil depletion and lower market prices for tobacco in the late 17<sup>th</sup> and early 18<sup>th</sup> centuries, peaches and apples along with grains likely supplanted tobacco as the principal crops being produced during the 18<sup>th</sup> and most of the 19<sup>th</sup> century on the farm.<sup>7</sup> During the 18<sup>th</sup> and 19<sup>th</sup> century apples were frequently utilized to make hard cider. Hard cider was preferred 3 to 1 over beer as the alcoholic beverage of choice during this time. Peaches to a lesser extent were also utilized in the production of alcoholic beverages. In 1705, Robert Beverley described the "*luxury of the peach*" in early Virginia orchards: " ... *some good Husbands plant great*

*Orchards of [peaches], purposely for their Hogs; and others make a Drink of them, which they call Mobby, and either drink it as Hard Cider, or Distill it off for Brandy."*<sup>8</sup> Thomas Jefferson recorded the production of Mobby from peaches grown in Monticello's orchards in 1782 and 1795, it is difficult to determine whether he also distilled it further into brandy.<sup>9</sup>

It seems "*Past is Prologue*". Our establishment of the vineyard and obtaining licensure for the winery will further complete the restoration of the farm to its 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> century commercial roots.

**Early 1940's** – The structure located on the 22622 lot was constructed – account of the prior owner, Ms. Anne Lowell (daughter of Dr. A.J. Delario).

**Early 1960's** - Dr. A.J. Delario acquired the 200+ acre historic "*Hosier's Farm*".

**1980's** - The 22622 lot was carved out from the 22620 historic farm lot – account of the prior owner, Ms. Anne Lowell.

**1999** - Dr. Delario's heirs sold "*Hosier's Farm*" to Herschel Claggett.

**2000** - The original approximately 200+ acre historic farm including the previously subdivided 22622 lot was again subdivided into a new 110+ acre lot retained by Herschel Claggett along with a new 80+ acre 22620 lot and the existing adjoining 1.6-acre 22622 lot both acquired by us.

**2003** – The 22620 historic farm lot was placed into the MALPF perpetual easement by us, along with the adjacent new 110+ acre lot then owned by Herschel Claggett. The circa 1790 early Federal Style Main house underwent an extensive period and historic restoration under the careful guidance and research of Michael Bourne. A number of key interior trim and woodwork pieces to include 3 of the 5 fireplace mantles no longer existed and had to be researched and recreated. Surviving trim and woodwork elements such as the baseboard trim in the main living room of the circa 1790 house which possesses a delicate reeding inset suggested to Michael that the original builder was likely the same individual who constructed the "*Big Fairlee*" historic house located on nearby Fairlee Creek.<sup>10</sup> "*Big Fairlee*" still possesses much of its original early 19<sup>th</sup> century trim and woodwork and is located on property that was originally part of Richard Frisby's farm. It was the tenant house on his farm and survived the burning of Frisby's Main house, crops and farm buildings by the British in 1814. "*Big Fairlee*" possesses high style, elaborate and ornate interior trim and woodwork atypical for a tenant house of that period. At Michael's urging, we visited this house with him and carefully documented and measured many of these original trim and woodwork elements. These were incorporated into the period-correct replacement of lost and missing trim and woodwork during the restoration of the circa 1790 Main house. We had paint chip analysis performed by paint layer expert Matthew Mosca on the surviving original plasterwork, doors, trim and woodwork in the circa 1790 house. The documented sequence of paint layers enabled us to be sure which trim and woodwork were actually original to the house, and which were not. Once the restoration was complete, we utilized the newly re-discovered colors of the first, original layer of paint as the finish colors for repainting the trim and woodwork in the house.

Worton creek side view of the circa 1790 house (22620) post restoration:



Landward side view of the circa 1790 house (22620) post restoration:



Top: View of Worton creek from front of the circa 1790 House (22620) toward 22622 structure.  
Below: View of 22622 structure from the vineyard.



We purchased the 18<sup>th</sup> century bricks from a building that had to be razed in Millington and recycled these bricks wherever repairs to damaged brickwork had to be performed on the circa 1790 house. This brick was also utilized to convert an existing mid-20<sup>th</sup> century concrete block garden shed on the property to the appearance of an 18<sup>th</sup> century smokehouse designed by Michael Bourne (see below).



**2008** - The structure located on the 22622 lot was remodeled under the direction of Michael Bourne who ensured the renovation and remodel complemented the existing period historic features of the circa 1790 Main house on the farm. The plumbing, electrical, well and septic systems were replaced and upgraded. Outdoor flood lights were installed at each corner of the remodeled structure, and accent lights added around each exterior doorway. This will ensure client safety should a tasting event occur in the evening. The wrought iron hand rails on the exterior steps leading to the kitchen are accented with an inset of the outline of a Baltimore Clipper Ship – “The Pride of Baltimore I”. Michael went to great lengths to ensure this house appears to have been in existence since the late 18<sup>th</sup> century, and compatible with a clapboard tenant house of that period. The landward and creek side views of the 22622 structure are shown below:



### **THE PLAN:**

As previously stated, we plan no physical changes to the property, the driveways, parking or the existing structures. We propose a small, “Boutique” winery with reservation-only tasting events for small groups.

### **THE PLEA:**

We love history, particularly, Eastern Shore history. David was born and raised in Worcester County and both the maternal and paternal branches of his family have resided on the Eastern Shore in Somerset, Caroline, Dorchester, Worcester and Wicomico counties since the mid to late 1600’s. His family was involved from the late 19th through the late 20<sup>th</sup> centuries in the commercial production of local agricultural products through the operation of the former Phillip’s canning factory established in Berlin, Maryland.

We know what a treat it is to visit historic properties, and be able to experience a place that still exists in its essentially original 18<sup>th</sup> century layout and form with surviving period historically restored and maintained 18<sup>th</sup> century structures. We are attempting to mobilize the farm’s natural resources and attributes to help us maintain it in this condition. Currently, we can tally commercial production of corn and soybeans, electricity generation from a ground mounted solar array, and the proposed addition of the commercial production of wine. All of these efforts help offset the carrying cost of the property and allow us to maintain it in the pristine manner its historical significance warrants. Please approve this historic special exception and allow us to further revive the farms historic 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> century commercial roots, while providing the general public the opportunity to interface with and experience in a unique and environmentally low-impact manner all the beauty this historic Kent County farm has to offer.



The following are views of the Winery Barn exterior and interior, along with views of the interior of the temperature-controlled Winery room housed within the barn:







## REFERENCES:

1. Cooper, CE (2016). *Decendents 'Day: The History of the Center of Kent County, Maryland, (Worton Hundred) and its Inhabitants*. Self-Published at Total Printing Systems, Newton, Illinois, page 3.
2. Bourne, MO, Johnstone, EH (1998). *Historic Houses of Kent County*. The Historical Society of Kent County, page 446.
3. Barnes, RW, Wright FE (2014). *Colonial Families of the Eastern Shore of Maryland*, Volume 1. Colonial Roots, Millsboro, Delaware, page 199.
4. Barnes, RW, Wright FE (2014). *Colonial Families of the Eastern Shore of Maryland*, Volume 1. Colonial Roots, Millsboro, Delaware, page 200-03.
5. Bourne, MO, Johnstone, EH (1998). *Historic Houses of Kent County*. The Historical Society of Kent County, pages 292, 387-88.
6. Cooper, CE (2016). *Decendents 'Day: The History of the Center of Kent County, Maryland, (Worton Hundred) and its Inhabitants*. Self-Published at Total Printing Systems, Newton, Illinois, pages 124, 376.
7. Kulikoff, A (1986). *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800*. University of North Carolina Press, Chapel Hill, page 100.
8. Robert Beverley, [\*The History of Virginia\*](#) (Richmond: J. W. Randolph, 1855), [260](#). Original work published London, 1705, with title: *The History and Present State of Virginia*.
9. [Garden Book, 1766-1824, page 24](#), and [Farm Book, 1774-1824, page 47](#), by Thomas Jefferson [electronic edition], [\*Thomas Jefferson Papers: An Electronic Archive\*](#) (Boston: Massachusetts Historical Society, 2003).
10. Bourne, MO, Johnstone, EH (1998). *Historic Houses of Kent County*. The Historical Society of Kent County, pages 294-95, 405-06.