



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

County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
January 6, 2022
1:30 p.m.

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

Public participation and audio-only call-in number:

- 1. Dial **1-872-239-8359**
- 2. Enter Conference ID: **533 708 858#**

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

ELECTION OF OFFICERS

MINUTES

December 2, 2021

APPLICATIONS FOR REVIEW

- 21-37 Bonnie Plants –Site Plan Review (Final)** PC Decision
12515 Augustine Herman Highway – Second Election District – Zoned Agricultural Zoning District (AZD)
and Crossroads Commercial (CC)
- 21-65 The Bungalow, LLC – Variance (Side Yard Setback)** Rec to BOA
25171 Wymont Park Road – Third Election District – Zoned Critical Area Residential (CAR)
- 21-66 Beechwood Glen HOA – Variance (Pier Length and Side Yard Setback)** Rec to BOA
North end of Gregg Neck Road – First Election District – Zoned Critical Area Residential (CAR)

GENERAL DISCUSSION

Draft Forest Conservation Easement Template

STAFF REPORTS

ADJOURN

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

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

MINUTES

The Kent County Planning Commission met in regular session on Thursday, December 2, 2021, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair Kim Kohl, Vice Chair F. Joseph Hickman, Paul J. Ruge, Jr. (remote), William Sutton, P. Thomas Mason, and Cynthia L. McCann, Esq., Planning Commission Attorney. Staff in attendance were William Mackey, Director; Carla Gerber, Deputy Director; and Mark Carper, Associate Planner.

Ms. Kohl called the meeting to order at 1:30 p.m.

MINUTES

Mr. Ruge made a motion to accept the minutes for the November 4, 2021, meeting, as distributed.

Mr. Hickman seconded the motion; the motion passed with all in favor.

PUBLIC HEARING

Ms. Kohl opened the public hearing at 1:35 p.m.

Mr. Mackey presented the staff report for the zoning text amendment to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. *Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfer in accordance with these Regulations*, in order to allow for one-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district. The proposed zoning text amendment is modeled on similar provisions in other sections of the Land Use Ordinance.

There was some discussion concerning various provisions of the proposed text. Mr. George Boyd, resident of Broad Neck, asked a question concerning the definition of "immediate family". Ms. McCann suggested that the County could use the definition found within COMAR.

Mr. Hickman made a motion to send a favorable recommendation to add the proposed use to the Land Use Ordinance with the following recommendations for amendments to the proposed text:

- Amend "15 e" to be a maximum lot size of 2 acres.
- Amend Article XI, Section 2 to add the State's definition of immediate family

Mr. Sutton seconded the motion, and all were in favor.

The public hearing was closed at 2:03 p.m., and the regular meeting was reopened.

APPLICATIONS FOR REVIEW

ALP 21-01 – Redman Family Farms LLC – Ag Preservation District

Mary Ann Scott, Redman Family Farms LLC, wishes to create an Agricultural Preservation District on its 118.31-acre farm located on Bakers Lane in the Sixth Election District. The farm consists of 114.5 acres of crop land. Approximately 98.5% of the soils are considered Class I or II. There is one dwelling on the property and approximately 0.5 acres will be withheld for an existing cellular communications tower. The farm is zoned Agricultural Zoning District (AZD). It is outside the 10-year water and sewer plan.

The farm is adjacent to over 5,360 acres of districts and easements and is located within the Priority Preservation Area.

DRAFT

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Ms. Kohl asked for public comment and there was none.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

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

ALP 21-02 – Goose Chase Farm LLC – Ag Preservation District

Mark Miller, Goose Chase Farm LLC, wishes to create an Agricultural Preservation District on its 380.96-acre farm located on Edesville Road in the Fifth Election District. The farm consists of 200 acres of crop land, and 180 acres of woodland. Approximately 55.9% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD). It is outside the 10-year water and sewer plan.

The farm is not adjacent to other protected lands and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Ms. Kohl asked for public comment and there was none.

Mr. Mark Miller was sworn in. He had no comments.

Mr. Ruge raised a concern about the farm's proximity to Rock Hall and if preserving it would be detrimental to the town. Mr. Mason indicated that a number of farms similarly situated near towns have already been preserved. He raised a concern about the whether the farm would perc and mentioned concerns of the MALPF Board of Trustees to spend State funds to preserve farms that cannot be developed.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

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

ALP 21-03 – B and K Family Farm LLC – Ag Preservation District

Kevin Miller, B and K Family Farm LLC, wishes to create an Agricultural Preservation District on its 202-acre farm located on Morgnec in the Second Election District. The farm consists of 187 acres of crop land and 13 acres of woodland. Approximately 96% of the soils are considered Class II or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD). It is outside the 10-year water and sewer plan.

The farm is adjacent to over 480 acres of districts and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Ms. Kohl asked for public comment and there was none.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

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

21-50 – Chris and Susan Pavon – Buffer Variance

Chris and Susan Pavon are requesting a variance to the Critical Area buffer standards in order to demolish and reconfigure an existing waterfront deck, add a small front porch, add a formal entrance to the "rear" of the house, expand the kitchen by five feet, and reconfigure an existing brick sidewalk. None of the work will be closer to the water or the top of the slope, and the reconfigured deck will be farther from the water. The house was built in 1973, and due to steep slopes along the shoreline, there is an expanded buffer which completely encompasses the house.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. Staff recommends forwarding a favorable recommendation to the Board of Appeals.

Mr. Buck Nickerson, Extreme Measures LLC, representing the applicants, was sworn in. He submitted pictures of the house and property that were entered into the record as Applicant's Exhibit 1, A-E.

Mr. Ruge asked a question about the health of a 24-inch oak tree that the applicants hope to save by reconfiguring the deck. Mr. Nickerson replied that the tree had survived the 2012 derecho and appeared to be healthy and stable.

Mr. Hickman made a motion to send a favorable recommendation to the Board of Appeals based on the following findings:

- Granting a variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The granting of a variance is consistent with the Comprehensive Plan and general intent of the Land Use Ordinance.
- The extraordinary topographical condition of the property whereby 90% of the property is within the expanded buffer creates an unwarranted hardship.
- The house was built prior to the adoption of the Critical Area Law.
- The granting of the variance is in harmony with the general spirit and intent of the Critical Area Law.
- The granting of the variance will not adversely affect water quality, impact fish, wildlife, or plant habitat.
- Any change to the footprint of the house would require a variance

DRAFT

Mr. Ruge seconded the motion, which was approved unanimously.

Queen Anne’s County Draft Comprehensive Plan (PlanQAC 2021)

Mr. Mackey presented the staff report outlining the structure of the Queen Anne’s County draft Comprehensive Plan and noted several items on which the Planning Commission may want to discuss and comment.

The Planning Commission noted that the Plan was done well, especially in the area of agriculture. The Commission decided to reiterate Kent County’s position on the importance of the Chester River Bridge boulevard concept and the specific right-of-way alignment that is included in Kent County’s Comprehensive Plan.

STAFF REPORTS

Mr. Mackey informed the members that today’s meeting would be the last one for Sandy Adams as she is moving to Parks and Recreation. He asked for patience while DPHZ tries to fill the opening. He noted that he was planning to discuss reducing Task Force meetings in order to address current projects and needs of residents.

Carla Gerber noted that November was busy and trying to keep up with project and permit review.

Mark Carper informed the members that he is becoming more engaged with a broader range of tasks.

Ms. McCann mentioned that she would be presenting a draft, standardized forest conservation easement document in January.

GENERAL DISCUSSION

There was no general discussion.

ADJOURN

Mr. Sutton made a Motion to Adjourn which was seconded by Mr. Ruge. The meeting adjourned at 3:00 p.m.

Kim Kohl, Chair

Carla Gerber, Acting Clerk



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Meeting: January 6, 2022
Subject: Bonnie Plants LLC / Dave Drury
21-37: Site Plan – Final Review

EXECUTIVE SUMMARY

Request by Applicant

The applicant is proposing to construct a 30-foot by 84-foot one-story structure to house up to twenty-four H2A guest workers from February through July.

Public Process

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans. Per Article VII, the Planning Commission shall make a recommendation to the Board of Appeals for the Special Exception.

Summary of Staff Report

The property is located at 12515 Augustine Herman Highway and is zoned Agricultural Zoning District (AZD) and Crossroads Commercial (CC). The dormitory will be located on the rear of the property within the AZD portion. The surrounding area is a mix of commercial uses and farmland. The property is currently improved with many greenhouses and associated structures which are used to grow herbs and vegetables. The proposal is consistent with the Comprehensive Plan and meets the requirements of the Ordinance.

Staff Recommendation

Staff recommends approving the site plan conditioned upon submitting a completed Forest Conservation Declaration of Intent.

PRELIMINARY STAFF REPORT

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Subject: Bonnie Plants LLC / Dave Drury
21-37: Site Plan – Final Review
Date: December 28, 2021

Description of Proposal

The applicant is proposing to construct a 30-foot by 84-foot one-story structure to house up to twenty-four H2A guest workers from February through July. The dormitory is proposed to have 2 independent units that will house up to twelve workers in each unit. Each unit will have three bedrooms, a common area with kitchen, and a large bathroom. A mechanical room accessed only from outside will be attached to the front of the building. Guest workers are currently housed in rental hotel rooms that are over 45 minutes from the site.

The property is located at 12515 Augustine Herman Highway and is zoned Agricultural Zoning District (AZD) and Crossroads Commercial (CC). The dormitory will be located on the rear of the property within the AZD portion. The surrounding area is a mix of commercial uses and farmland. The property is currently improved with many greenhouses and associated structures which are used to grow herbs and vegetables.

The Board of Appeals granted a special exception for migrant housing in October 2021. The approval was conditioned upon adding a landscape screen behind the proposed structure and obtaining final site plan approval.

Relevant Issues

- I. Site Plan Review
 - A. *Comprehensive Plan*: “Implement thorough design review for new development and major renovations.” (Page 33)
 - B. *Applicable Law*: Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
 - a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with strategies and goals of the Comprehensive Plan.
- The property is served by private well and septic. The Health Department has approved the septic reserve area.
- Formal stormwater management and sediment control plans are not required.
- The proposed building will be located approximately 70 feet from the closest property line.
- The proposed building will meet all Federal Department of Labor standards for H2A workers.
- There are no proposed changes to site access.
- "Agricultural activities, not resulting in a change in land use category, including agricultural support buildings" are exempt from Forest Conservation if a Declaration of Intent is filed with the Planning Department. Mr. Drury has been provided a Declaration of Intent.
- The applicant has 2 vans and provides transportation for guest workers. Individual cars for workers will not be parked onsite.
- A Citizen Participation letter was sent to neighboring properties.
- The land scape screen has been shown on the site plan. The applicant is proposing a line of white pines, planted 20 feet on-center, to supplement the screen planted by the adjacent property owner.

Staff Recommendation

Staff recommends approval conditioned upon submission of a signed Forest Conservation Declaration of Intent. .

SITE PLAN APPLICATION

File Number: 21-37 Amount Paid: \$200⁰⁰ Date: 8/18/21

Project Name: _____

District: 02 Map: 0014 Parcel: 0076 Lot Size: 20.39 Deed Ref: _____ Zoning: (AZD)(CC)

LOCATION: 12515 AUGUSTINE HERMAN HIGHWAY KENNEDYVILLE, MD. 21645

PROPOSED USE: ADD MIGRANT WORKER HOUSING

OWNER OF LAND:

Name: BONNIE PLANTS LLC Telephone: 410-348-5904

Address: 121 SOMERVILLE RD. NE
DECATUR, ALABAMA 35601-2659
APPLICANT: 35601-2659
Email: KENNEDYVILLEMD@BONNIEPLANTS.COM
USE *KENNEDYVILLE, MD @ BONNIEPLANTS.COM
this email

Name: David Drury Telephone: 571-277-6566

Address: 29215 Glencoe Rd. Kennedyville, MD 21645
Email: david103@aol.com

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: DMSANDASSOCIATES.COM

REGISTERED ENGINEER OR SURVEYOR:

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

Address: 207 E. WATER STREET, SUITE 100
P/O Box 80 CENTERVILLE, MD. 21617
Email: DMSANDASSOCIATES.COM

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: Kennedyvillemd@bonnieplants.com

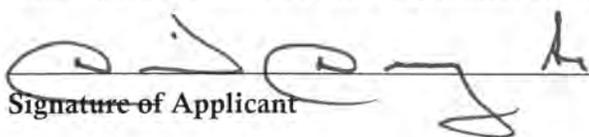
Water Supply: Public System On lot system

Sewerage: Public System On lot system

TELEPHONE SERVICED BY: VERIZON

ELECTRIC SERVICED BY: CHOPTANK

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Signature of Applicant 

8-11-2021
Date

- Concept Plan Approving Authority: _____ Date _____
- Preliminary Approving Authority: _____ Date _____
- Final Approving Authority: _____ Date _____

Narrative

1. **Owner Information:**

Bonnie Plants, LLC.
1727 AL-223, Union Springs, AL 36089

2. **Property Address:**

12515 Augustine Herman Highway, Kennedyville, MD 21645
Parcel 76, Lot 3

3. **Zoning:**

Agricultural Zoning District (AZD) and Crossroads Commercial (CC)

4. **Property Use:**

The property is currently being used to grow herbs and vegetables using agricultural greenhouses. The land use would not change based on the proposed improvements. The improvements consist of adding a 30'x84' dormitory to house migrant workers onsite. The building consists of 6 bedrooms that can house a maximum of 24 workers. Migrant workers are currently being housed in rental hotel rooms that are over 45 minutes from the site.

5. **Site Plan Design**

The proposed structure is 2520 SF. Grade work is negligible and will be kept to the bare minimum on the site. The site plan calls for over 2 acres of pervious, grassed area to remain adjacent to the structure. 1.6 acres of this area will remain as a septic reserve area.

6. **Comprehensive Plan and Land Use Ordinance Compliance:**

The planned improvements will aid in furthering Kent County's economic and cultural commitment to the agricultural industry. Bonnie Plants wishes to continue supporting the agricultural industry in the region by bolstering its production in the area and providing a product in local stores that will continue to promote agricultural practices as buyers buy and plant Bonnie vegetables and herbs.

Bonnie Plants is committed to adhering to all design and environmental standards of the Land Use Ordinance. This includes predesign meetings and permitting, stormwater management and erosion control measures onsite during and after construction, and inspections and certification once construction is complete

7. **Water and Sewer Service**

The proposed dormitory will receive water from an existing well located on the site. A septic system will be adequately sized, approved, and installed per Health Department requirements.

8. **Number of Employees**

Up to 24 seasonal, migrant workers will be housed in the proposed structure

9.

10. **Ownership and Maintenance:**

The new structure will be owned and maintained by Bonnie Plants, LLC. The dormitory will meet yearly Department of Labor inspections for H2A housing.

11. **Dependent Uses in Critical Area**

N/A

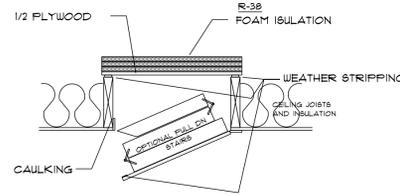
12. Citizen Participation Plan

A letter and site plan have been sent to the adjacent property owners. The letter, comments and responses will be sent to Kent County to review.

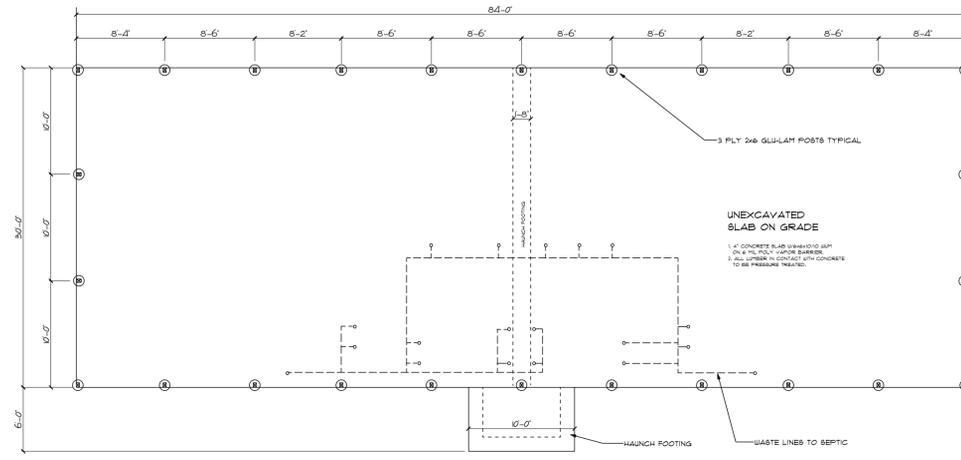
SECTION R801 ATTIC ACCESS

R801.1 Attic access. Buildings with combustible ceiling or roof construction shall have an attic access opening to attic areas that exceed 30 square feet (2.8 m²) and have a vertical height of 30 inches (762 mm) or more.

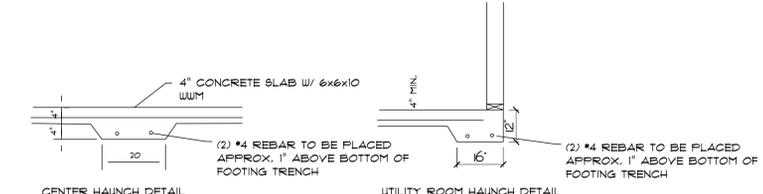
The rough-framed opening shall not be less than 22 inches by 30 inches (559 mm by 762 mm) and shall be located in a hallway or other readily accessible location. A 30-inch (762 mm) minimum unobstructed headroom in the attic space shall be provided at some point above the access opening. See Section M1 305.1.3 for access requirements where mechanical equipment is located in attic.



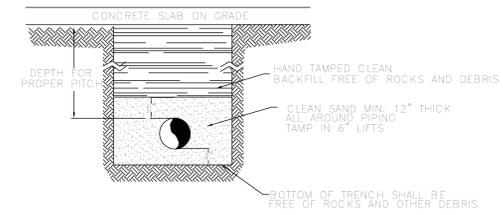
ATTIC ACCESS
INSULATION DETAIL
NT8



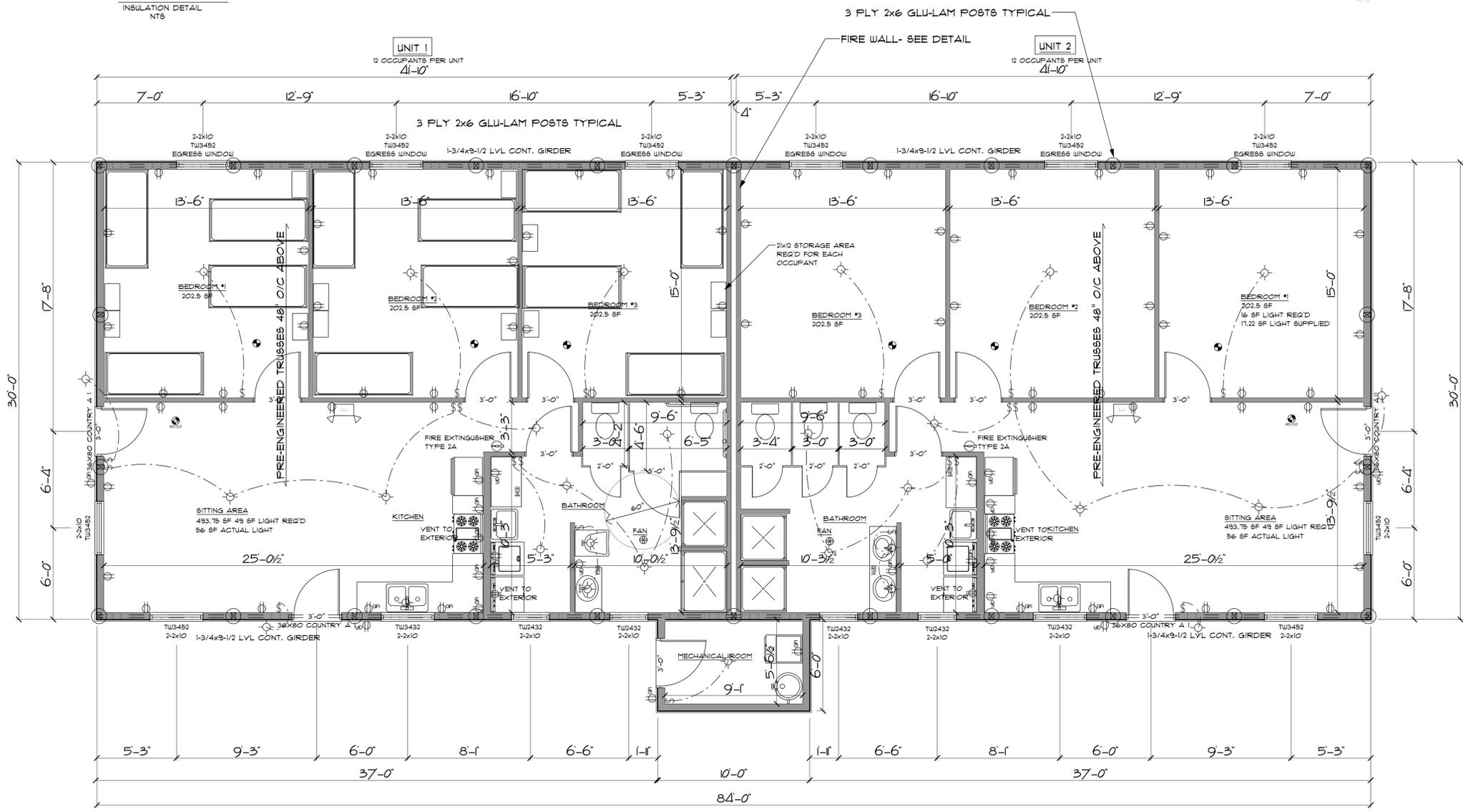
FOOTING PLAN
SCALE: 1/8" = 1'-0"



HAUNCH FOOTING DETAIL
NT8



TYPICAL TRENCH DETAILS
NT5



FLOOR PLAN
SCALE: 1/4" = 1'-0"

UTILITY ROOM NOTES:

- MIN. 16" CLEARANCE AROUND FURNACE. MIN. 18" ABOVE FLOOR.
- SELF CLOSING FIRE RATED DOOR ON UTILITY ROOM.
- 5/8" TYPE 'X' GYPSUM BOARD THROUGHOUT UTILITY ROOM AND ON OPPOSITE SIDE OF COMMON WALL.
- FRESH AIR VENT REQUIRED.

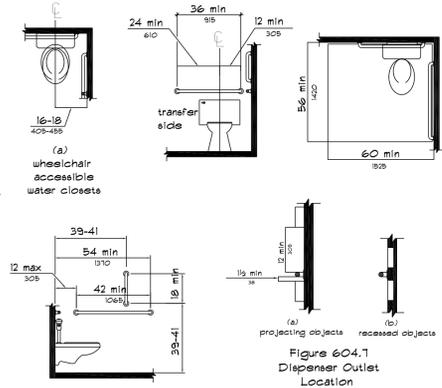
HEATING AND COOLING EQUIPMENT SHALL BE SIZED BASED ON BUILDING LOADS CALCULATED IN ACCORDANCE WITH ACCA MANUAL J (1401.3)

ALL DOOR AND WINDOW HEADERS NOT SPECIFIED ARE TO BE 2-2x10 ON BEARING WALLS

SECTION 404 ELECTRICAL POWER AND LIGHTING SYSTEMS

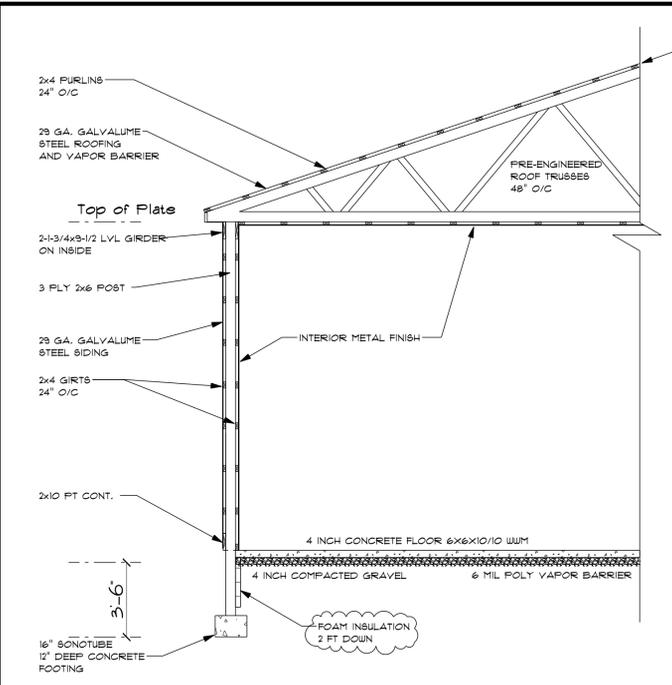
404.1 Lighting equipment (Mandatory). A minimum of 80 percent of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps.

NO STORAGE OF HAZARDOUS MATERIALS PERMITTED

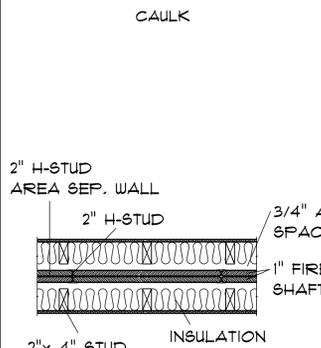


HANDI-CAP DETAILS

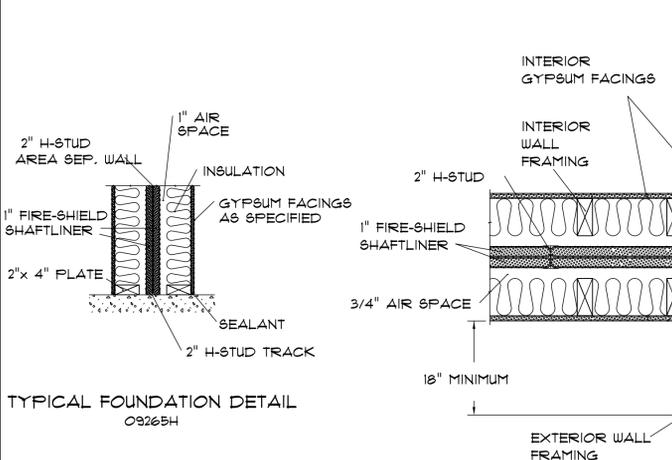
| | |
|--------------------------------------|--|
| SCALE: 1/4" = 1' | JK TEC INC. PLANS & DRAFTING |
| DRAWN BY: J. SCHNEIDER | MICHAEL J. AIELLO, P.E. CONSULTING ENGINEER |
| DATE: 10-20-16 | 12566 452 County Rte. 48 MONTGOMERY, NY |
| FLOOR PLAN | |
| BONNIE PLANTS MIGRANT HOUSING | |
| REVISION | DATE |
| | |
| PAGE: 2 | OF: 3 |
| 16BONNIEPLANTS-0 | |



TYPICAL SECTION



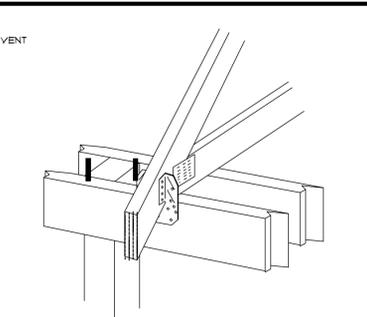
TYPICAL WALL CROSS SECTION



TYPICAL FOUNDATION DETAIL



FIRE SEPARATION WALL



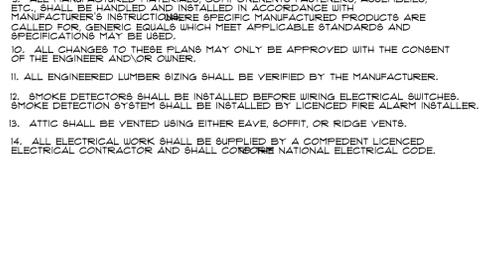
TRUSS CONNECTION DETAIL

MATERIALS SPECIFICATIONS

WOOD:
PRESSURE TREATED MATERIAL SHALL BE SOUTHERN YELLOW PINE #1 OR BETTER. POSTS IN CONTACT WITH SOIL OR MINIMUM RETENTION SHALL BE #6 (THESE POSTS SHALL BE LABELED AND MEET AWPB STANDARD LP-22)
ALL OTHER PRESSURE TREATED MATERIAL OCA MINIMUM RETENTION SHALL BE #4
THIS MATERIAL SHALL BE USED AND HANDLED IN ACCORDANCE WITH THE LITERATURE ATTACHED TO THESE SPECIFICATIONS. ALL UNTREATED MATERIAL SHALL BE SPF OR BETTER.
PLYWOOD SHALL BE EXTERIOR GRADE, YELLOW PINE APA RATED SHEETING PBI-14 C-D EXTERIOR GLUE.
STEEL:
HOT ROLLED STEEL FRAMING REINFORCEMENTS SHALL BE GRADE A36 OR BETTER AND PAINTED WITH ONE COAT OF CORROSION RESISTANT PAINT AFTER DRILLING AND CUTTING AND PRIOR TO ASSEMBLY.
ALL NAILS USED FOR ATTACHMENT TO PRESSURE TREATED MATERIAL SHALL BE PHILADELPHIA FOLE BARN MECHANICAL GALVANIZED, HARDENED STEEL, SPIRAL THREAD (D (3/4") AND 20 (4") OR APPROVED EQUAL. NUTS AND BOLTS SHALL BE GRADE 5 OR BETTER.
CONCRETE:
CONCRETE SHALL MEET 3000 PSI AT 28-DAYS (.85 ULTIMATE STRENGTH)
FIBERGLASS REINFORCED, 235 LB. MINIMUM 25-YEAR LIFE OR BETTER.
TRUSSES:
OWNER/BUILDER TO PROVIDE CERTIFIED TRUSS DESIGNS TO BUILDING OFFICIAL

Material and Installation:
Truss Type: Wood chord plate connection.
Connectors for all prefabricated members shall be of an approved type designed with a minimum safety factor as per AITC specifications.
All bridging and lateral bracing required in the finished structure, as well as during all stages of construction, shall be designed and indicated on the shop drawings.
Fabrication details, connectors and individual member types shall be identified. All bridging and lateral bracing required in the finished structure, as well as during all stages of construction, shall be designed and indicated on the shop drawings.
Fabrication details, connectors and individual member types shall be identified. Web penetrations called for on plans shall be provided without loss of structure strength of the member.
All trusses shall be anchored to the end bearing walls as shown on the drawings. Fire-engineered trusses shall utilize machine stress rated lumber (MSRL) with a minimum grade designation of FB 2000F51.
Guest plates shall be gong nail connector plates of size and quantity to adequately transmit the loads applied.
Guest plates shall be provided on each side of the joint.
Trusses shall be bottom chord bearing unless otherwise noted.
All gable and roof trusses to be end wall trusses with vertical members for nailing.
All roof trusses are to have temporary and permanent diagonal bracing and lateral bracing as per BUT - 16 of the truss plate Institute.
EXECUTION:
Erect wood framing members in accordance with applicable code. Place members level and plumb. Place horizontal members crown side up.
Frame double joist headers at floor and ceiling openings. Frame rigidly into joists. Frame double joists under wall studing.
Install sheathing to two span continuous minimum length.
Secure wall sheathing with ends sheathing, over firm bracing.
Place building paper over wall sheathing, washer lap joints and end laps, staple in place.
In attic provide platforms between trusses and support HVAC air handling units as shown on the mechanical drawings.

GENERAL NOTES:
1. IN ALL CASES CONSTRUCTION SHALL CONFORM TO THE LATEST REVISION OF THE NEW YORK STATE UNIFORM FIRE PROTECTION AND BUILDING CODE, THE LOCAL BUILDING OFFICIAL, MAY HAVE MORE RIGOROUS REQUIREMENTS. THE LOCAL BUILDING OFFICIAL MAY ALSO ALLOW VARIANCES TO THESE PLANS BUT THESE VARIANCES SHALL NOT NECESSARILY BE BINDING ON THE ENGINEER WITHOUT EXPRESSED WRITTEN APPROVAL.
2. BUILDER SHALL RIGIDLY ADHERE TO ALL LAWS, CODES, AND ORDINANCES WHICH APPLY TO THIS WORK. HE SHALL NOTIFY AND RECEIVE CLARIFICATION FROM OWNER IN WRITING OF ANY VARIATIONS BETWEEN CONTRACT DOCUMENTS AND GOVERNING REGULATIONS.
3. BUILDER SHALL VERIFY ALL MATERIALS, DIMENSIONS, AND CONDITIONS SHOWN ON STRUCTURAL DRAWINGS OR NOTED IN STRUCTURAL SPECIFICATIONS. ANY VARIANCES WITH STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR WITH CONDITIONS ENCOUNTERED AT JOB SITE, SHALL BE REPORTED TO OWNER IN WRITING BEFORE COMMENCEMENT OF ANY WORK EFFECTED BY SUCH VARIANCE.
4. IN THE EVENT OF CONFLICT BETWEEN PERTINENT CODES AND REGULATIONS AND REFERENCED STANDARDS OF THESE SPECIFICATIONS, THE MORE STRINGENT PROVISIONS SHALL PREVAIL.
5. STRUCTURAL SPECIFICATIONS AND DRAWINGS FOR THIS WORK HAVE BEEN PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICE TO MEET MINIMUM REQUIREMENTS OF THE LATEST EDITION OF THE UNIFORM BUILDING CODE.
6. CONSTRUCTION LOADS SHALL NOT OVERLOAD STRUCTURE NOR SHALL THEY BE IN EXCESS OF PRELOADING INDICATED ON DRAWINGS. SEE BS-507
7. SPECIFICATIONS AND DRAWINGS INCLUDE FINISHED STRUCTURE. BUILDER SHALL BE RESPONSIBLE FOR CONSTRUCTION METHODS, PROCEDURES, AND CONDITIONS (INCLUDING SAFETY) EXCEPT AS SPECIFICALLY INDICATED OTHERWISE IN THE CONTRACT DOCUMENTS.
8. BUILDER SHALL FILE SEPARATELY, PLOT PLAN INDICATING FRONT-SIDE AND REAR-YARD DIMENSIONS, ELEVATIONS AT DRIVEN/ADJACENT GARAGE, AND FINISHED 1ST FLOOR.
9. BUILDING INSPECTOR NOTE THAT THESE PLANS ARE INVALID...
A. IF ALTERED
B. IF NOT SIGNED BY A NEW YORK STATE REGISTERED ENGINEER OR ARCHITECT WHOSE SEAL MUST BE EITHER IMPRESSED OR STAMPED IN RED.
C. IF NOT COLLATED WITH ALL PRESCRIBED SHEETS, INCLUDING THESE NOTES.
10. ALL MANUFACTURED MATERIALS, COMPONENTS, FASTENERS, ASSEMBLIES, ETC., SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS FOR SPECIFIC MANUFACTURED PRODUCTS ARE CALLED FOR. GENERAL EQUALS WHICH MEET APPLICABLE STANDARDS AND SPECIFICATIONS MAY BE USED.
11. ALL CHANGES TO THESE PLANS MAY ONLY BE APPROVED WITH THE CONSENT OF THE ENGINEER OR OWNER.
12. ALL ENGINEERED LUMBER SHALL BE VERIFIED BY THE MANUFACTURER.
13. SMOKE DETECTORS SHALL BE INSTALLED BEFORE WIRING ELECTRICAL SWITCHES. SMOKE DETECTION SYSTEM SHALL BE INSTALLED BY LICENSED FIRE ALARM INSTALLER.
14. ATTIC SHALL BE VENTED USING EITHER EAFF, SOFFIT, OR RIDGE VENTS.
15. ALL ELECTRICAL WORK SHALL BE SUPPLIED BY A COMPETENT LICENSED ELECTRICAL CONTRACTOR AND SHALL CONFORM NATIONAL ELECTRICAL CODE.



SECTION M1507 MECHANICAL VENTILATION

M1507.1 General. Where local exhaust or whole-house mechanical ventilation is provided, the equipment shall be designed in accordance with this section.

M1507.2 Recirculation of air. Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bedrooms and toilet rooms shall not discharge into an attic, crawl space or other areas inside the building.

M1507.3 Whole-house mechanical ventilation systems. Whole-house mechanical ventilation systems shall be designed in accordance with Sections M1507.3.1 through M1507.3.3.

M1507.3.1 Mechanical ventilation rate. The whole-house mechanical ventilation system shall provide outdoor air at a continuous rate of not less than that determined in accordance with Table M1507.3.3(1).

Exception: The whole-house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 20-percent of each hour segment and the ventilation rate prescribed in Table M1507.3.3(1) is multiplied by the factor determined in accordance with Table M1507.3.3(2).

TABLE M1507.3.3(1) CONTINUOUS WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM AIRFLOW RATE REQUIREMENTS

| SWELLING NUMBER OF BEDROOMS | FLOOR AREA | CFM | CFM | CFM | CFM |
|-----------------------------|---------------|-----|-----|-----|-----|
| 1 | 0 - 1,500 | 50 | 60 | 70 | 80 |
| 2 | 1,500 - 3,000 | 60 | 70 | 80 | 90 |
| 3 | 3,000 - 4,500 | 70 | 80 | 90 | 100 |
| 4 | 4,500 - 6,000 | 80 | 90 | 100 | 110 |
| 5 | 6,000 - 7,500 | 90 | 100 | 110 | 120 |
| 6 | 7,500 - 9,000 | 100 | 110 | 120 | 130 |

For 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.0, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 5.0, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 6.0, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 7.0, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 8.0, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 9.0, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 10.0, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 11.0, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 12.0, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9, 13.0, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 13.9, 14.0, 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 15.0, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 16.0, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8, 16.9, 17.0, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 18.0, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, 18.9, 19.0, 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 20.0, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, 20.9, 21.0, 21.1, 21.2, 21.3, 21.4, 21.5, 21.6, 21.7, 21.8, 21.9, 22.0, 22.1, 22.2, 22.3, 22.4, 22.5, 22.6, 22.7, 22.8, 22.9, 23.0, 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, 24.0, 24.1, 24.2, 24.3, 24.4, 24.5, 24.6, 24.7, 24.8, 24.9, 25.0, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 26.0, 26.1, 26.2, 26.3, 26.4, 26.5, 26.6, 26.7, 26.8, 26.9, 27.0, 27.1, 27.2, 27.3, 27.4, 27.5, 27.6, 27.7, 27.8, 27.9, 28.0, 28.1, 28.2, 28.3, 28.4, 28.5, 28.6, 28.7, 28.8, 28.9, 29.0, 29.1, 29.2, 29.3, 29.4, 29.5, 29.6, 29.7, 29.8, 29.9, 30.0, 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, 30.7, 30.8, 30.9, 31.0, 31.1, 31.2, 31.3, 31.4, 31.5, 31.6, 31.7, 31.8, 31.9, 32.0, 32.1, 32.2, 32.3, 32.4, 32.5, 32.6, 32.7, 32.8, 32.9, 33.0, 33.1, 33.2, 33.3, 33.4, 33.5, 33.6, 33.7, 33.8, 33.9, 34.0, 34.1, 34.2, 34.3, 34.4, 34.5, 34.6, 34.7, 34.8, 34.9, 35.0, 35.1, 35.2, 35.3, 35.4, 35.5, 35.6, 35.7, 35.8, 35.9, 36.0, 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, 36.7, 36.8, 36.9, 37.0, 37.1, 37.2, 37.3, 37.4, 37.5, 37.6, 37.7, 37.8, 37.9, 38.0, 38.1, 38.2, 38.3, 38.4, 38.5, 38.6, 38.7, 38.8, 38.9, 39.0, 39.1, 39.2, 39.3, 39.4, 39.5, 39.6, 39.7, 39.8, 39.9, 40.0, 40.1, 40.2, 40.3, 40.4, 40.5, 40.6, 40.7, 40.8, 40.9, 41.0, 41.1, 41.2, 41.3, 41.4, 41.5, 41.6, 41.7, 41.8, 41.9, 42.0, 42.1, 42.2, 42.3, 42.4, 42.5, 42.6, 42.7, 42.8, 42.9, 43.0, 43.1, 43.2, 43.3, 43.4, 43.5, 43.6, 43.7, 43.8, 43.9, 44.0, 44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 44.7, 44.8, 44.9, 45.0, 45.1, 45.2, 45.3, 45.4, 45.5, 45.6, 45.7, 45.8, 45.9, 46.0, 46.1, 46.2, 46.3, 46.4, 46.5, 46.6, 46.7, 46.8, 46.9, 47.0, 47.1, 47.2, 47.3, 47.4, 47.5, 47.6, 47.7, 47.8, 47.9, 48.0, 48.1, 48.2, 48.3, 48.4, 48.5, 48.6, 48.7, 48.8, 48.9, 49.0, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 49.7, 49.8, 49.9, 50.0, 50.1, 50.2, 50.3, 50.4, 50.5, 50.6, 50.7, 50.8, 50.9, 51.0, 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 52.0, 52.1, 52.2, 52.3, 52.4, 52.5, 52.6, 52.7, 52.8, 52.9, 53.0, 53.1, 53.2, 53.3, 53.4, 53.5, 53.6, 53.7, 53.8, 53.9, 54.0, 54.1, 54.2, 54.3, 54.4, 54.5, 54.6, 54.7, 54.8, 54.9, 55.0, 55.1, 55.2, 55.3, 55.4, 55.5, 55.6, 55.7, 55.8, 55.9, 56.0, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8, 56.9, 57.0, 57.1, 57.2, 57.3, 57.4, 57.5, 57.6, 57.7, 57.8, 57.9, 58.0, 58.1, 58.2, 58.3, 58.4, 58.5, 58.6, 58.7, 58.8, 58.9, 59.0, 59.1, 59.2, 59.3, 59.4, 59.5, 59.6, 59.7, 59.8, 59.9, 60.0, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 61.0, 61.1, 61.2, 61.3, 61.4, 61.5, 61.6, 61.7, 61.8, 61.9, 62.0, 62.1, 62.2, 62.3, 62.4, 62.5, 62.6, 62.7, 62.8, 62.9, 63.0, 63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 63.7, 63.8, 63.9, 64.0, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6, 64.7, 64.8, 64.9, 65.0, 65.1, 65.2, 65.3, 65.4, 65.5, 65.6, 65.7, 65.8, 65.9, 66.0, 66.1, 66.2, 66.3, 66.4, 66.5, 66.6, 66.7, 66.8, 66.9, 67.0, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9, 68.0, 68.1, 68.2, 68.3, 68.4, 68.5, 68.6, 68.7, 68.8, 68.9, 69.0, 69.1, 69.2, 69.3, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 70.0, 70.1, 70.2, 70.3, 70.4, 70.5, 70.6, 70.7, 70.8, 70.9, 71.0, 71.1, 71.2, 71.3, 71.4, 71.5, 71.6, 71.7, 71.8, 71.9, 72.0, 72.1, 72.2, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.0, 73.1, 73.2, 73.3, 73.4, 73.5, 73.6, 73.7, 73.8, 73.9, 74.0, 74.1, 74.2, 74.3, 74.4, 74.5, 74.6, 74.7, 74.8, 74.9, 75.0, 75.1, 75.2, 75.3, 75.4, 75.5, 75.6, 75.7, 75.8, 75.9, 76.0, 76.1, 76.2, 76.3, 76.4, 76.5, 76.6, 76.7, 76.8, 76.9, 77.0, 77.1, 77.2, 77.3, 77.4, 77.5, 77.6, 77.7, 77.8, 77.9, 78.0, 78.1, 78.2, 78.3, 78.4, 78.5, 78.6, 78.7, 78.8, 78.9, 79.0, 79.1, 79.2, 79.3, 79.4, 79.5, 79.6, 79.7, 79.8, 79.9, 80.0, 80.1, 80.2, 80.3, 80.4, 80.5, 80.6, 80.7, 80.8, 80.9, 81.0, 81.1, 81.2, 81.3, 81.4, 81.5, 81.6, 81.7, 81.8, 81.9, 82.0, 82.1, 82.2, 82.3, 82.4, 82.5, 82.6, 82.7, 82.8, 82.9, 83.0, 83.1, 83.2, 83.3, 83.4, 83.5, 83.6, 83.7, 83.8, 83.9, 84.0, 84.1, 84.2, 84.3, 84.4, 84.5, 84.6, 84.7, 84.8, 84.9, 85.0, 85.1, 85.2, 85.3, 85.4, 85.5, 85.6, 85.7, 85.8, 85.9, 86.0, 86.1, 86.2, 86.3, 86.4, 86.5, 86.6, 86.7, 86.8, 86.9, 87.0, 87.1, 87.2, 87.3, 87.4, 87.5, 87.6, 87.7, 87.8, 87.9, 88.0, 88.1, 88.2, 88.3, 88.4, 88.5, 88.6, 88.7, 88.8, 88.9, 89.0, 89.1, 89.2, 89.3, 89.4, 89.5, 89.6, 89.7, 89.8, 89.9, 90.0, 90.1, 90.2, 90.3, 90.4, 90.5, 90.6, 90.7, 90.8, 90.9, 91.0, 91.1, 91.2, 91.3, 91.4, 91.5, 91.6, 91.7, 91.8, 91.9, 92.0, 92.1, 92.2, 92.3, 92.4, 92.5, 92.6, 92.7, 92.8, 92.9, 93.0, 93.1, 93.2, 93.3, 93.4, 93.5, 93.6, 93.7, 93.8, 93.9, 94.0, 94.1, 94.2, 94.3, 94.4, 94.5, 94.6, 94.7, 94.8, 94.9, 95.0, 95.1, 95.2, 95.3, 95.4, 95.5, 95.6, 95.7, 95.8, 95.9, 96.0, 96.1, 96.2, 96.3, 96.4, 96.5, 96.6, 96.7, 96.8, 96.9, 97.0, 97.1, 97.2, 97.3, 97.4, 97.5, 97.6, 97.7, 97.8, 97.9, 98.0, 98.1, 98.2, 98.3, 98.4, 98.5, 98.6, 98.7, 98.8, 98.9, 99.0, 99.1, 99.2, 99.3, 99.4, 99.5, 99.6, 99.7, 99.8, 99.9, 100.0, 100.1, 100.2, 100.3, 100.4, 100.5, 100.6, 100.7, 100.8, 100.9, 101.0, 101.1, 101.2, 101.3, 101.4, 101.5, 101.6, 101.7, 101.8, 101.9, 102.0, 102.1, 102.2, 102.3, 102.4, 102.5, 102.6, 102.7, 102.8, 102.9, 103.0, 103.1, 103.2, 103.3, 103.4, 103.5, 103.6, 103.7, 103.8, 103.9, 104.0, 104.1, 104.2, 104.3, 104.4, 104.5, 104.6, 104.7, 104.8, 104.9, 105.0, 105.1, 105.2, 105.3, 105.4, 105.5, 105.6, 105.7, 105.8, 105.9, 106.0, 106.1, 106.2, 106.3, 106.4, 106.5, 106.6, 106.7, 106.8, 106.9, 107.0, 107.1, 107.2, 107.3, 107.4, 107.5, 107.6, 107.7, 107.8, 107.9, 108.0, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, 108.7, 108.8, 108.9, 109.0, 109.1, 109.2, 109.3, 109.4, 109.5, 109.6, 109.7, 109.8, 109.9, 110.0, 110.1, 110.2, 110.3, 110.4, 110.5, 110.6, 110.7, 110.8, 110.9, 111.0, 111.1, 111.2, 111.3, 111.4, 111.5, 111.6, 111.7, 111.8, 111.9, 112.0, 112.1, 112.2, 112.3, 112.4, 112.5, 112.6, 112.7, 112.8, 112.9, 113.0, 113.1, 113.2, 113.3, 113.4, 113.5, 113.6, 113.7, 113.8, 113.9, 114.0, 114.1, 114.2, 114.3, 114.4, 114.5, 114.6, 114.7, 114.8, 114.9, 115.0, 115.1, 115.2, 115.3, 115.4, 115.5, 115.6, 115.7, 115.8, 115.9, 116.0, 116.1, 116.2, 116.3, 116.4, 116.5, 116.6, 116.7, 116.8, 116.9, 117.0, 117.1, 117.2, 117.3, 117.4, 117.5, 117.6, 117.7, 117.8, 117.9, 118.0, 118.1, 118.2, 118.3, 118.4, 118.5, 118.6, 118.7, 118.8, 118.9, 119.0, 119.1, 119.2, 119.3, 119.4, 119.5, 119.6, 119.7, 119.8, 119.9, 120.0, 120.1, 120.2, 120.3, 120.4, 120.5, 120.6, 120.7, 120.8, 120.9, 121.0, 121.1, 121.2, 121.3, 121.4, 121.5, 121.6, 121.7, 121.8, 121.9, 122.0, 122.1, 122.2, 122.3, 122.4, 122.5, 122.6, 122.7, 122.8, 122.9, 123.0, 123.1, 123.2, 123.3, 123.4, 123.5, 123.6, 123.7, 123.8, 123.9, 124.0, 124.1, 124.2, 124.3, 124.4, 124.5, 124.6, 124.7, 124.8, 124.9, 125.0, 125.1, 125.2, 125.3, 125.4, 125.5, 125.6, 125.7, 125.8, 125.9, 126.0, 126.1, 126.2, 126.3, 126.4, 126.5, 126.6, 126.7, 126.8, 126.9, 127.0, 127.1, 127.2, 127.3, 127.4, 127.5, 127.6, 127.7, 127.8, 127.9, 128.0, 128.1, 128.2, 128.3, 128.4, 128.5, 128.6, 128.7, 128.8, 128.9, 129.0, 129.1, 129.2, 129.3, 129.4, 129.5, 129.6, 129.7, 129.8, 129.9, 130.0, 130.1, 130.2, 130.3, 130.4, 130.5, 130.6, 130.7, 130.8, 130.9, 131.0, 131.1, 131.2, 131.3, 131.4, 131.5, 131.6, 131.7, 131.8, 131.9, 132.0, 132.1, 132.2, 132.3, 132.4, 132.5, 132.6, 132.7, 132.8, 132.9, 133.0, 133.1, 133.2, 133.3, 133.4, 133.5, 133.6, 133.7, 133.8, 133.9, 134.0, 134.1, 134.2, 134.3, 134.4, 134.5, 134.6, 134.7, 134.8, 134.9, 135.0, 135.1, 135.2, 135.3, 135.4, 135.5, 135.6, 135.7, 135.8, 135.9, 136.0, 136.1, 136.2, 136.3, 136.4, 136.5, 136.6, 136.7, 136.8, 136.9, 137.0, 137.1, 137.2, 137.3, 137.4, 137.5, 137.6, 137.7, 137.8, 137.9, 138.0, 138.1, 138.2, 138.3, 138.4, 138.5, 138.6, 138.7, 138.8, 138.9, 139.0, 139.1, 139.2, 139.3, 139.4, 139.5, 139.6, 139.7, 139.8, 139.9, 140.0, 140.1, 140.2, 140.3, 140.4, 140.5, 140.6, 140.7, 140.8, 140.9, 141.0, 141.1, 141.2, 141.3, 141.4, 141.5, 141.6, 141.7, 141.8, 141.9, 142.0, 142.1, 142.2, 142.3, 142.4, 142.5,



Kent County Department of Planning, Housing, and Zoning

TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
MEETING: January 6, 2022
SUBJECT: The Bungalow, LLC
 #21-65, Setback Variance

EXECUTIVE SUMMARY

Request by Applicant

The applicant is requesting a 14-foot and a 12-foot variance from the required 15-foot side yard setbacks in the Critical Area Residential (CAR) District.

Public Process

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

Summary of Staff Report

The property is located at 25171 Wymont Park Road in the Third Election District and is zoned Critical Area Residential (CAR). The practical difficulty is caused by narrowness of the lot and the steep slopes that occur across much of the length of the property, conditions that existed prior to the purchase by the current owner.

Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for the variances.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
SUBJECT: The Bungalow, LLC
 #21-65, Setback Variance
DATE: December 30, 2021

DESCRIPTION OF PROPOSAL

The Bungalow, LLC is requesting a 14-foot variance from the required 15-foot side yard setback to demolish an existing dwelling and replace it with a small, single-family residence that will be one (1) foot from the side property line. They are also requesting a 12-foot variance from the required 15-foot side yard setback to remove a portion of an existing patio and replace it with a small swimming pool that will be three (3) feet from the opposite side property line. The property is located at 25171 Wymont Park Road in the Third Election District and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

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

- A. *Applicable Law:* Article V, Sections 5.5 of the *Kent County Land Use Ordinance* requires the following area and minimum yard in the Critical Area Residential (CAR) District:

| | |
|-------------------|--|
| Minimum lot size | ½ acre |
| Minimum lot width | 75 feet |
| Minimum yard | |
| Front | 50 feet |
| Side | 15 feet |
| Rear | 30 feet |
| Waterfront | Minimum 100-foot buffer or modified buffer |

- B. *Staff and TAC Comments:* The applicant is requesting a variance of 14 feet from the required 15-foot side yard setback to construct a single-family dwelling. The applicant is also requesting on the other side a variance of 12 feet from the required 15-foot side yard setback to install a small swimming pool. The property is within a Modified Buffer Area, but the proposed redevelopment will not be located closer to the water than the existing development. With an area of 0.226 acres and a lot width of 47 feet, the property does not meet current bulk standards.

II. Variance

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

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of

variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

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

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area. James Peary #21-12, Setback and Forest Clearing Variance 3
- e. That the practical difficulty or other injustice was not caused by the applicant's own actions.
...
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed

- B. *Staff and TAC Comments:* Granting a variance will not cause any detriment to adjacent properties or the neighborhood. The proposed dwelling and swimming pool will not be located nearer to the boundary lines than the existing dwelling and stone patio, and they will enhance the appearance of the neighborhood, which consists of older, single-family dwellings.

The proposed structures will be on the level footprint of the existing structures, there will be no further extension toward the waterline in the modified buffer, and there will be no increase in lot coverage. Therefore, a Buffer Enhancement Plan is not required.

The proposed activity is consistent with the Comprehensive Plan as it rehabilitates a substandard structure with a structurally sound dwelling that will be more energy efficient, equipped with an improved septic system, visually appealing, and increasing of the tax base.

The practical difficulty is caused by narrowness of the lot and the steep slopes that occur across much of the length of the property, the only level portions of which are occupied by the existing dwelling and septic systems. These conditions existed prior to the purchase by the current owner, The Bungalow, LLC, and the dwelling existed years before the current ordinance and bulk standards were adopted.

STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for the variances.

WILLIAM M. CROWDING SURVEYS, LLC

25237 PORTERS GROVE ROAD

WORTON, MARYLAND 21678

410-778-2622

November 22, 2021

The Kent County Department of Planning, Housing and Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Attention: Director of Planning, Housing and Zoning

Dear Director,

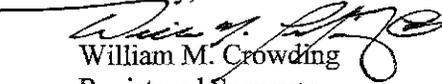
The Bungalow, llc., are the owners of a 0.226 acre parcel of land located at 25171 Wymont Park Road and indicated as Lot 13, Section "A" of Parcel 278 on Tax Map 12. The property is zoned Critical Area Residential, it is located in a buffer modified area and is improved with a one story single family residence, two detached frame sheds and a large slate patio. The dwelling has numerous structural problems and does not meet the existing building code. The existing dwelling is located 0.12 feet from the property line at its nearest point and 6.6 feet from the adjacent property line. The Bungalow, llc., would like to demolish the existing dwelling and replace it with a small single family residence. The new dwelling will be located 1.0 from the boundary line requiring a 14 foot variance from the required 15 foot side yard setback. They would also like to remove a portion of the existing stone patio area and replace it with a small swimming pool. The pool will not be located nearer the boundary line than the existing patio and retaining wall, however it will be located 3.0 feet from the boundary line and will require a 12 foot variance from the required 15 foot side yard setback.

The Bungalow, llc., had originally hoped to just renovate and down size the existing structure to give it a more modern appeal, upgrade the heating and air conditioning system, replace the windows and just try to create a more harmonious appearance. However once they and their builder started to really look at the how the existing dwelling was constructed, obvious problems started to emerge. The replacement dwelling will be located further from the boundary lines than the existing dwelling, the proposed pool will replace a portion of the existing slate patio.

- 1) Board of Appeals Application along with the required application fee.
- 2) Copy of the Existing Conditions Plat indicating all existing improvements.
- 3) Copy of the Proposed Conditions Plat.
- 4) Background explanation.
- 5) List of the Findings Of Fact
- 6) Existing and Proposed lot coverage explanations.
- 7) Critical Area Lot Coverage Checklist
- 8) Set of the proposed construction plans.

Please do not hesitate to contact me at 410-778-2622 if you have any questions or comments.

Sincerely,


William M. Crowding
Registered Surveyor

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)

The Bungalow, LLC.

8008 Macarthur Blvd.

Cabin John, Md., 20818

Email:

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: wmcsurveys@atlanticbb.net

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article Section of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator X Variance
Special Exception Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 25171 Wymont Park Road

In the Third Election District of Kent County.

Size of lot or parcel of Land: 0.226 acres

Map: 12 Parcel: 278 Lot #: 13 Deed Ref: M.L.M.1123/111

List buildings already on property: Concrete Block Dwelling (2) frame sheds

If subdivision, indicate lot and block number: Lot 13, Section A, Wymont Park

If there is a homeowners association, give name and address of association: None

PRESENT ZONING OF PROPERTY: C.A.R.

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a 14 foot side yard setback variance in order to replace an existing non-conforming single family residence within 1 foot of the side boundary line. Requesting a 12 side yard setback variance in order to replace a portion of the existing slate patio with a 18 foot by 24 foot swimming pool within 3 feet of the side boundary line.

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

Present owner(s) of property: The Bungalow, llc. c/o Kathleen Flanagan Telephone: 1-240-426-2744

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

Has property involved ever been submitted to a previous application? _____

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: Susan W. Berson & Katina W. Lee

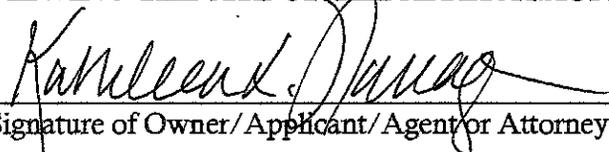
Owner(s) on the South: Larry L. Orr & Kathleen L. Flanagan

Owner(s) to the East: Wymont Park Road

Owner(s) to the West: Still Pond Creek

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

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

 _____ 11.21.21
Signature of Owner/Applicant/Agent or Attorney 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.

**THE BUNGALOW, LLC.
25171 WYMONT PARK ROAD
WORTON, MARYLAND 21678**

BACKGROUND:

The Bungalow, llc., purchased this property in February of 2021. According to Maryland Tax Assessment Records, the original portion of the dwelling was constructed in 1950. The property is 47 feet wide and has a steep slope from Wymont Park Road to Still Pond Creek. The property has a timber bulkhead along the water line of Still Pond Creek and is improved by single family dwelling, two frame sheds, a pier and a large slate patio area. The original dwelling has had several additions over the years, all of which were prior to the purchase by The Bungalow, llc., The dwelling has numerous structural problems and does not meet the existing building code.. The existing dwelling is located 0.12 feet from the property line at its nearest point and 6.6 feet from the adjacent property line. The Bungalow, llc., would like to demolish the existing dwelling and replace it with a small single family residence. The new dwelling will be located 1.0 from the boundary line requiring a 14 foot variance from the required 15 foot side yard setback. They would also like to remove a portion of the existing stone patio area and replace it with a small swimming pool. The pool will not be located nearer the boundary line than the existing patio and retaining wall, however it will be located 3.0 feet from the boundary line and will require a 12 foot variance from the required 15 foot side yard setback. The Bungalow, llc., had originally hoped to just renovate and down size the existing structure to give it a more modern appeal, upgrade the heating and air conditioning system, replace the windows and just try to create a more harmonious appearance. However once they and their builder started to really look at the how the existing dwelling was constructed, obvious problems started to emerge. The most severe problem was the foundation under the original portion of the dwelling was in bad shape and would have to be replaced at considerable cost in order to meet current building code. The materials used in the original construction were not up to current standards and would have to be replaced. The builder, architect and home owners all came to the conclusion that the only viable solution would be to remove the existing dwelling and replace it with a more compact and energy efficient dwelling.

**THE BUNGALOW, LLC.
25171 WYMONT PARK ROAD
WORTON, MARYLAND 21678**

REFERENCE: The Bungalow, llc.

FINDINGS OF FACT:

- a.** This variance will not cause any detriment to adjacent neighboring properties. The resulting dwelling and swimming pool will not be located nearing the boundary lines than the existing dwelling and stone patio area.
By allowing a portion of the existing dwelling to be replaced and construction of the swimming pool, it will enhance the appearance of neighborhood. The neighborhood predominantly consists of older single family dwelling units which are all very well maintained.
- b.** This variance will be in harmony the character of the neighborhood and district. The proposed dwelling side yard setbacks will be consistent with other dwellings in the neighborhood.
- c.** This variance is consistent with the comprehensive plan as this rehabilitates a substandard structure with a structurally-sound dwelling. This dwelling will be more energy efficient, visually pleasing, and will add to the value of the tax base. In anticipation of receiving approvals, a new nitrogen removal septic system will be installed which theoretically reduces the amount of pollutants entering into the Chesapeake Bay and its tributaries.
- d.** The practical difficulty is caused by the steep slope which exists along the entire length of this property. The width of the lot is only 47 feet wide and the location of the required septic system encompasses all the open area on road side of the existing dwelling. The existing dwelling and septic reserve area are located on the only portion of the property which does not have steep slopes.
- e.** The practical difficulty existed prior to The Bungalow, llc., purchasing the property. The dwelling existed years before the current zoning ordinance which has established the required 15 foot side yard setbacks.
- f.** A variance of the 15% slope easement is not required.
A variance of the impervious surface requirement is not required due to the fact this dwelling replacement and pool construction will not increase the amount of impervious surface currently existing on the property.

A buffer variance is not required because this property lies in a "Modified Buffer Area" and the proposed construction will not extend any further towards the approximate waterline of Still Pond Creek than the existing dwelling.

- i.** This variance is in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County. Because it allows for the replacement of a structure which is in need of repair and will be located as far from the property lines as possible.
- ii.** This variance will not adversely affect the water quality or adversely impact fish, wildlife or plant habitat. It will have a positive impact on all of the above because of the required Storm Water Management practices which will be installed during and after construction.
- iii.** The application has been made in writing and a copy has been provided to the Critical Area Commission.
- iv.** The strict application of the Ordinance will produce an unwarranted hardship, as it would not allow the portion of the dwelling which is structurally unsound to be replaced without extending the dwelling towards the waterline which would require a Slope Variance.
- v.** Other properties in this zoning district and same vicinity are located close to the boundary lines.
- vi.** This variance will not be a detriment to adjacent property and the character of the district will not change by the granting of this variance as other building have similar setbacks and this is a replacement of a of an existing structure with one that is smaller in size and is located further from closer to the boundary line.
- vii.** The literal interpretation of the ordinance will deprive the applicant rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.
- viii.** The granting of this variance will not confer upon this applicant any special privilege that would be denied by this ordinance to other lands or structures because similar variances have been granted over the years.
- ix.** This site has special features such as a lot width of 50 feet, steep slopes with only a small portion of lot having an area of 2% or less slope and that area is being used for the required septic reserve area.
The site has special conditions and circumstances because if the existing dwelling that needs to be replaced was to be remolded in the same area as the existing structure no side yard variance would be required. The site also has a required septic reserve area that encompasses all of the flat area directly adjacent and east of the existing structure.
- x.** The applicant believes they have satisfied each one of the variance provisions.
- xi.** Without this variance the applicant would be deprived of a use of land and structure permitted to others in accordance with the provisions of the critical area program.

**THE BUNGALOW, LLC.
25171 WYMONT PARK ROAD
WORTON, MARYLAND**

TAX MAP 12, PARCEL 278

LOT 13, SECTION "A" , WYMONT PARK

AREA = 0.226 ACRES ± OR 9,844 SQUARE FEET±

AREA OF EXISTING COVERAGE

**DWELLINGS & OVERHANGS =775 SQUARE FEET
CONCRETE STEPS=.....284 SQUARE FEET
SLATE PATIO & WALK =.....1,960 SQUARE FEET
FRAME SHEDS=.....108 SQUARE FEET
WATER PUMP PIT=.....66 SQUARE FEET
SLATE SLAB=.....27 SQUARE FEET
STONE=.....170 SQUARE FEET
TOTAL COVERAGE =.....3,390 SQUARE FEET**

AREA OF RESULTING COVERAGE

**DWELLINGS & OVERHANGS =561 SQUARE FEET
SWIMMING POOL=.....432 SQUARE FEET
CONCRETE STEPS=.....284 SQUARE FEET
SLATE PATIO & WALK =.....1,742 SQUARE FEET
FRAME SHEDS=.....108 SQUARE FEET
WATER PUMP PIT=.....66 SQUARE FEET
SLATE SLAB=.....27 SQUARE FEET
STONE=.....170 SQUARE FEET
TOTAL COVERAGE =.....3,390 SQUARE FEET**



**Kent County Department of Planning and Zoning
Critical Areas Lot Coverage Checklist**

Following is a list of items meant to simplify lot coverage calculations on permits for building in Critical Areas. Any development item must be listed as existing or proposed as restrictions apply to new lot coverage created in a Critical Area. See acreage calculations listed below for lot coverage limits on your parcel.

| | Existing Lot Coverage (sq. ft.) | Proposed Lot Coverage (sq. ft.) | Total Lot Coverage (sq. ft.) |
|--|--|--|---|
| New or Existing Single Family Dwelling (including roof overhangs) | 775 | 561 | 561 |
| Decks/porches (without spaces to allow water to pass through freely) | 0 | 0 | 0 |
| Driveway/sidewalks (gravel, dirt, paved) | 2,414 | 2,150 | 2,150 |
| Detached/attached garage | 0 | 0 | 0 |
| Outbuildings (sheds, gazebos, boat houses) | 174 | 174 | 174 |
| Swimming pools (including any concrete areas or decking) | 0 | 478 | 478 |
| Tennis courts | 0 | 0 | 0 |
| Other (barbeque pits, concrete slabs) | 27 | 27 | 27 |
| Guest or tenant houses | 0 | 0 | 0 |
| Proposed additions | 0 | 0 | 0 |
| Totals: | 3,390 | 3,390 | 3,390 |

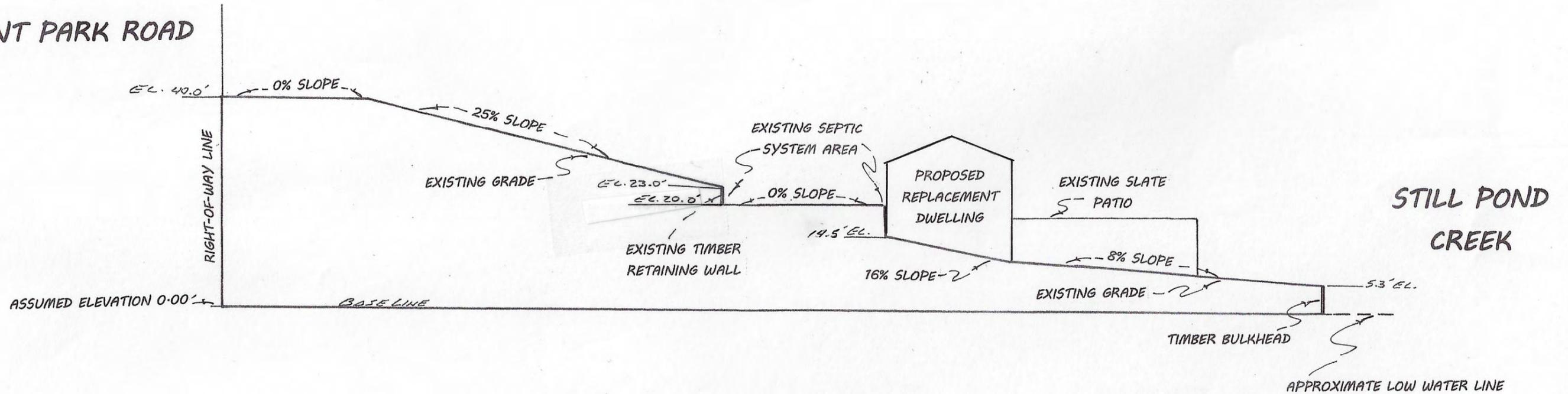
Lots Created prior to 1 July 2008

| <i>Lot Coverage Limit</i> | <i>Lot Size</i> |
|---------------------------|---------------------------|
| * .15% | (36,301 sq. ft. or more) |
| * 5,445 sq. ft. | (21,781 - 36,300 sq. ft.) |
| * .3125% | (8,001 - 21,780 sq. ft.) |
| *.25% | (8,000 sq. ft. or less) |

Lots Created after to 1 July 2008

Lot Coverage Limit: 15%

WYMONT PARK ROAD



NOTES:

1. PROPERTY ADDRESS: 25171 WYMONT PARK ROAD
2. TOPOGRAPHIC INFORMATION INDICATED HEREON IS BASED ON AN ASSUMED ELEVATION.
3. THIS SURVEY AND PLAT HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS THEREIN. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SURVEYED PROPERTY REFLECTED HEREON INCLUDING BUT NOT LIMITED TO EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS AND PLAT RESTRICTIONS.

SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09-13-06-12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

William M. Crowding, II

PROPERTY LINE SURVEYOR
EXPIRES 11-03-2022



PROFILE PLAT
ON THE LANDS OF
THE BUNGALOW, LLC.
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 20' DECEMBER 2021

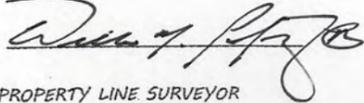
WILLIAM M. CROWDING SURVEYS, LLC
WILLIAM M. CROWDING, II
REGISTERED SURVEYOR
WORTON, MARYLAND
410-778-2622

AREA = 0.226 ACRES +

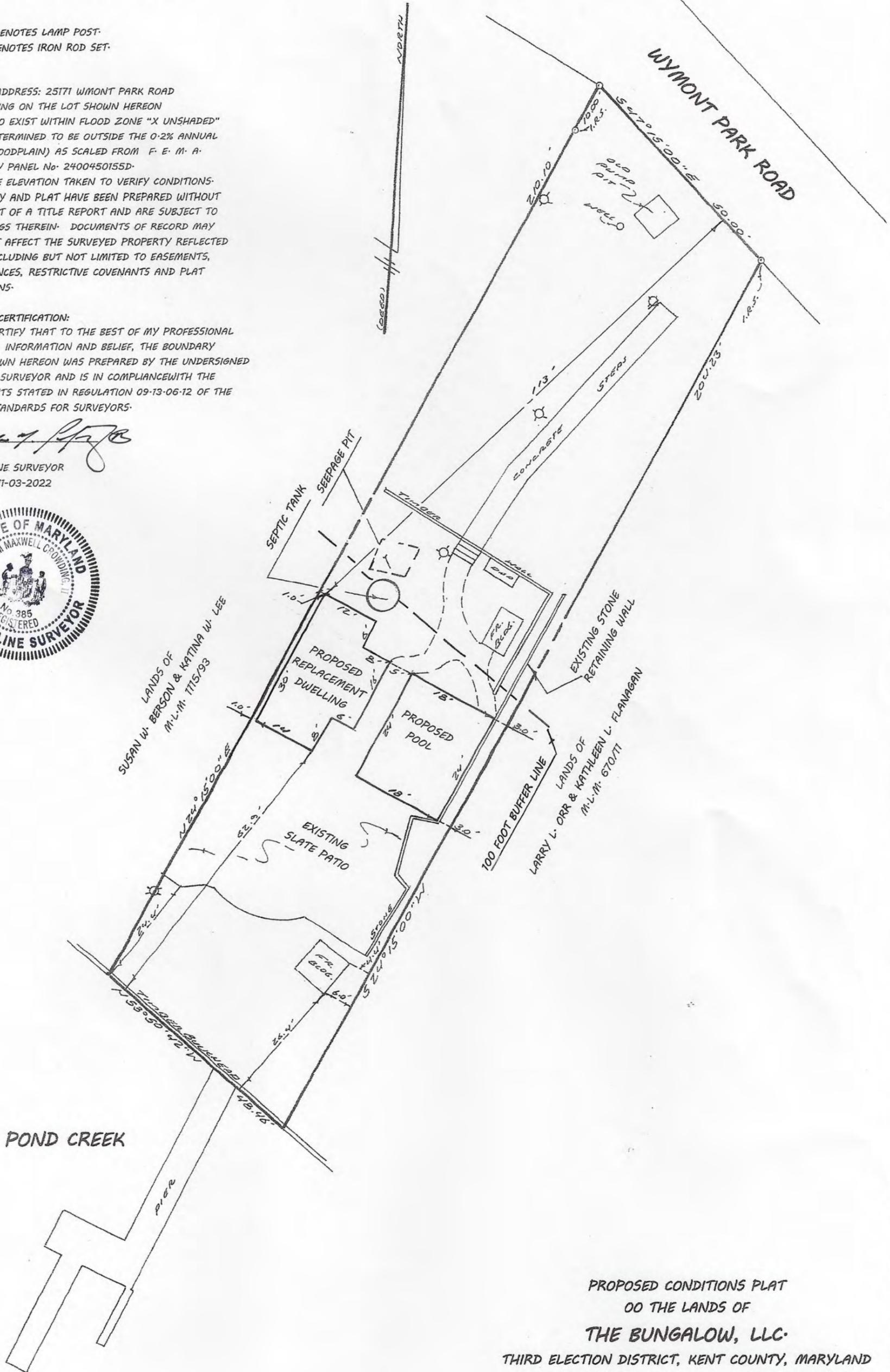
- LEGEND:
 1.  DENOTES LAMP POST.
 2. I-R-S DENOTES IRON ROD SET.

- NOTES:
 1. PROPERTY ADDRESS: 25171 WYMONT PARK ROAD
 2. THE DWELLING ON THE LOT SHOWN HEREON APPEARS TO EXIST WITHIN FLOOD ZONE "X UNSHADED" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM F. E. M. A. COMMUNITY PANEL No. 2400450155D. NO ON SITE ELEVATION TAKEN TO VERIFY CONDITIONS.
 3. THIS SURVEY AND PLAT HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS THEREIN. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SURVEYED PROPERTY REFLECTED HEREON INCLUDING BUT NOT LIMITED TO EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS AND PLAT RESTRICTIONS.

SURVEYORS CERTIFICATION:
 I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09-13-06-12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

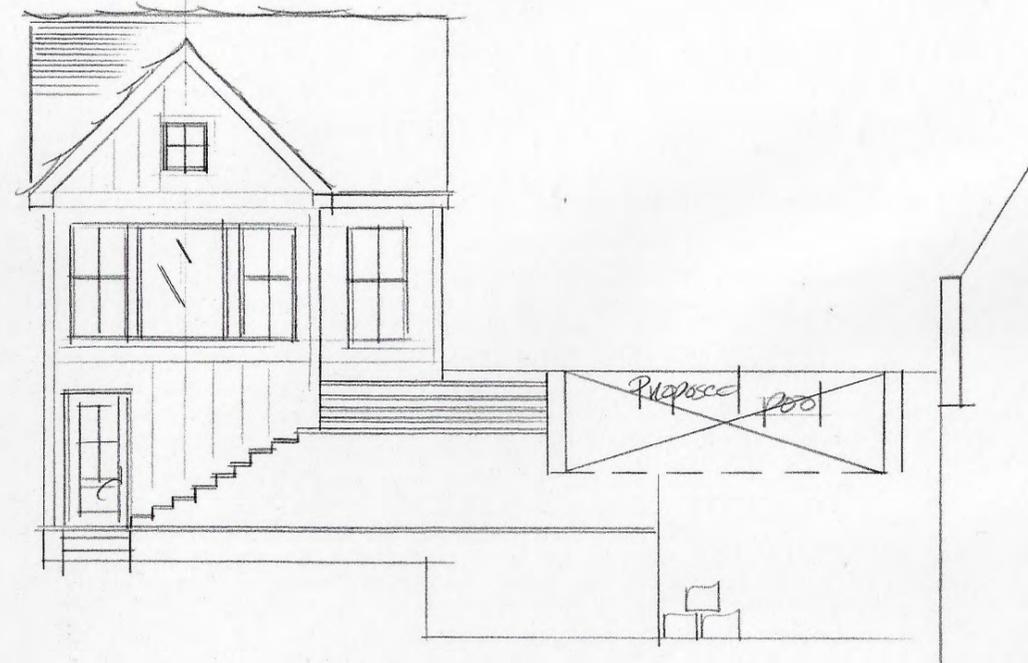
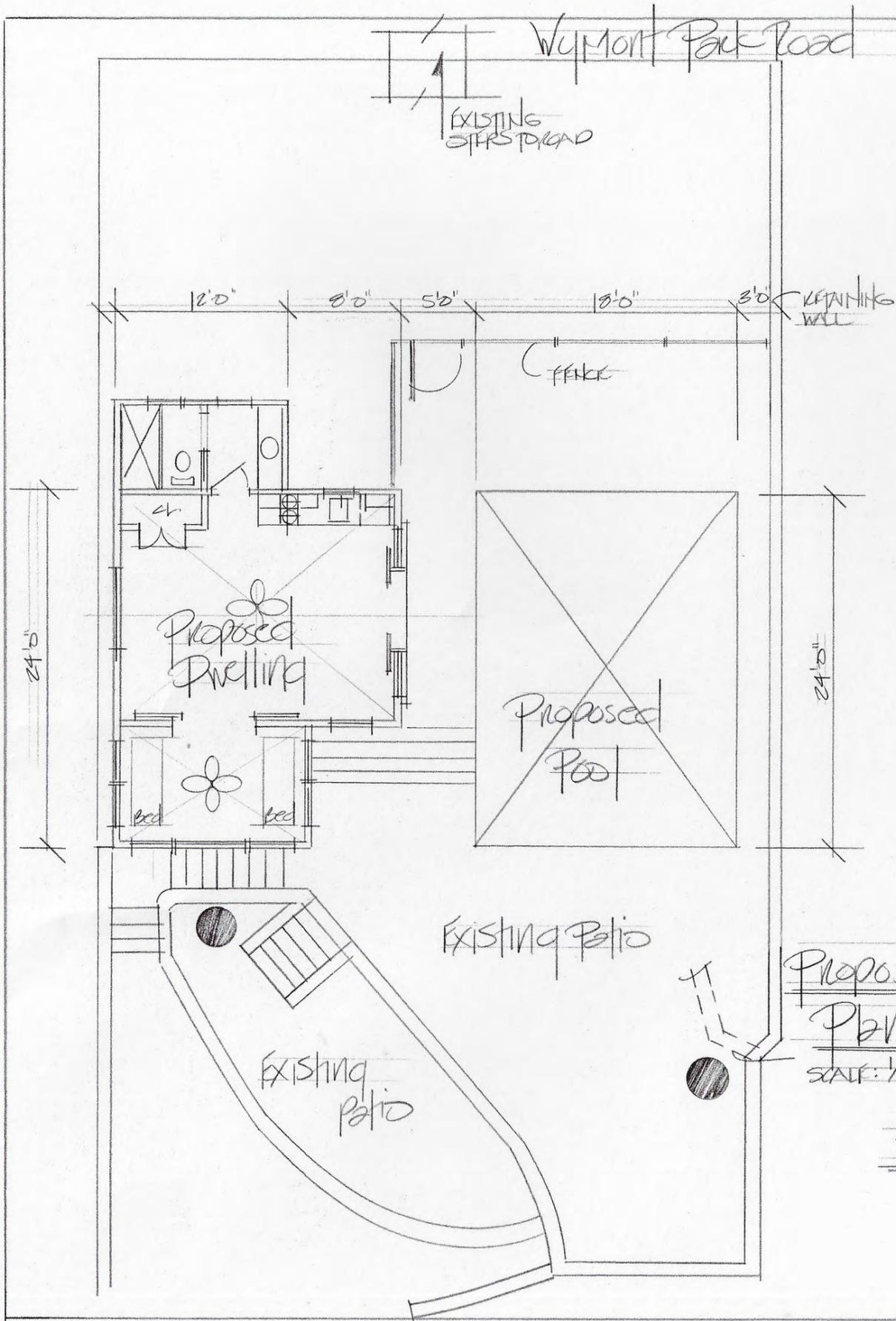


PROPERTY LINE SURVEYOR
 EXPIRES 11-03-2022



PROPOSED CONDITIONS PLAT
 OO THE LANDS OF
THE BUNGALOW, LLC.
 THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
 SCALE 1" = 20' NOVEMBER 2021

WILLIAM M. CROWDING SURVEYS, LLC
 WILLIAM M. CROWDING, II
 REGISTERED SURVEYOR
 WORTON, MARYLAND
 410-778-2622



THE BUNGALOW LLC
 25111 WYOMONT PARK ROAD
 WYOMONT, MD 21678
 10/24/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

South & Main Designs LLC
 P.O. Box 217, CHRISTERS TOWN, MD 21620
 1-410-778-4300



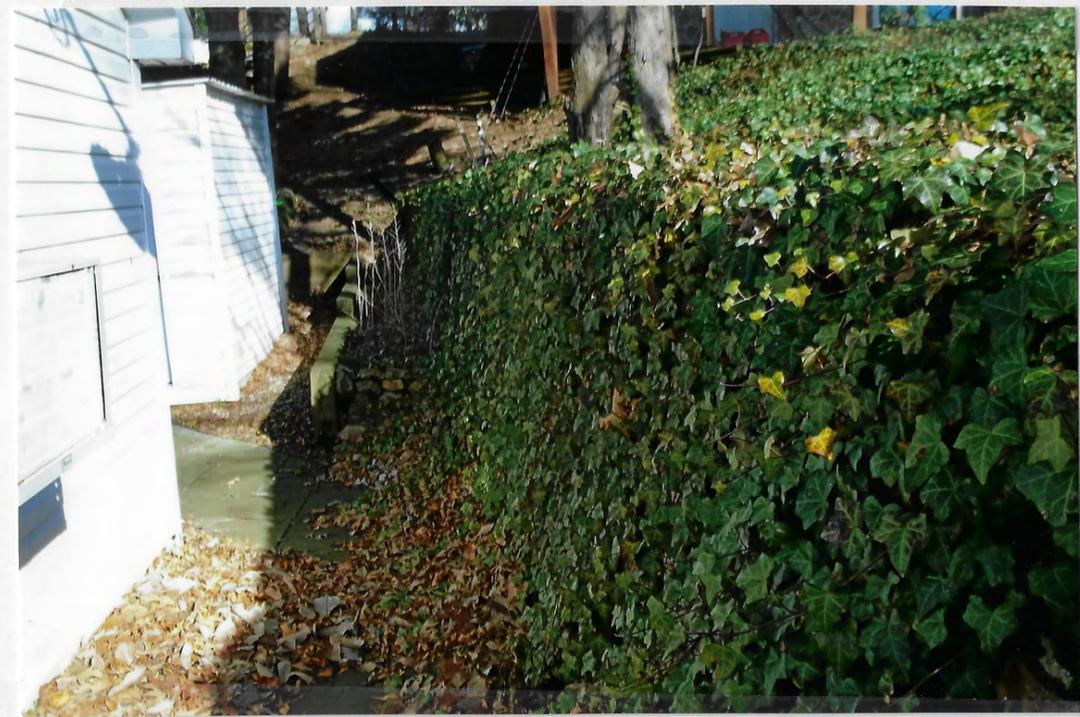
VIEW FROM ROAD LOOKING TOWARDS WATER



WEST SIDE OF EXISTING DWELLING



VIEW FROM WATER LOOKING TOWARDS ROAD



EAST SIDE OF EXISTING DWELLING AND STONE RETAINING WALL



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Meeting: January 6, 2022
Subject: Beechwood Glen, Inc.
21-66: Variance – Pier Length and Side Setback

EXECUTIVE SUMMARY

Request by Applicant

The applicant is proposing to construct a 256-foot replacement pier for use by the Beechwood Glen Homeowners Association. A variance of 106 feet is needed to exceed the 150-foot pier length limit and variances of 1.5 feet and 2.5 feet are needed for the side setbacks for the T-head at the end of the pier.

Public Process

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

Summary of Staff Report

The property is located at the mouth of Swantown Creek on the Sassafras River and is zoned Critical Area Residential (CAR). The pier will be longer than adjacent piers, but the number of slips is the same as were originally available on the existing pier. The proposal is not inconsistent with the Comprehensive Plan and practical difficulties appear to exist due to the shallowness of the river and the narrowness of the property.

Staff Recommendation

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

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
SUBJECT: Beechwood Glen, Inc. - Pier Length Variance
DATE: December 30, 2021

Description of Proposal

Beechwood Glen, Inc., also known as the Beechwood Glen Homeowners Association, requests a variance from the 150-foot pier length limit and side setback requirements in order to construct a replacement pier. The applicant proposes to remove and replace the existing 187-foot pier with a 256-foot pier. The number of slips will not change, but the slips will be wider. The property is owned by the Homeowners Association and serves the Beechwood Glen section of Gregg Neck. It is zoned Critical Area Residential (CAR), and the surrounding area is characterized by a residential neighborhood and the Gregg Neck Boat Yard just to the north. The property is at the mouth of Swantown Creek on the Upper Sassafra River.

Relevant Issues

I. Yard Requirements

A. Applicable Law

Article V, Section 5.5 of the Kent County Land Use Ordinance requires the minimum yard:

| | |
|------------|--|
| Front | 50 ft |
| Side | 15 ft |
| Rear | 30 ft |
| Waterfront | Minimum 100 ft buffer or modified buffer |

B. Staff Comments:

The current pier sits approximately 7 feet from the southern property line and is at such an angle that it crosses the extended property line. Although the new pier will be relocated to the center of the 0.46-acre parcel, the proposed 46-foot-wide T-head will not meet the side setback requirements. As proposed, the setback on the north side of the pier will be 13.5 feet, requiring a 1.5-foot variance, and the setback on the south side will be 12.5 feet, requiring a 2.5-foot variance.

II. Pier Length

A. Comprehensive Plan:

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

B. Applicable Law:

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

Article VI, Section 3.7, states the following regulations shall apply to boathouses, boat docks, piers, and wharves, in any district:

- 3) No boat house or pier may be closer to the side property line or its extension over water than the required side yard width of the district in which it is located. A pier shall not be

closer to the side line or its extension over the water than the required side yard width of the district in which it is located.

- 5) Projections of docks, wharves, and piers into waterways beyond the waterway line, lot lines, or established bulkhead lines shall be limited by applicable county ordinances, state laws, and applicable regulations of the United States Army Corps of Engineers.

C. Staff Comments:

The existing pier is considered nonconforming because it is greater than 150 feet in length; once a nonconforming structure is voluntarily removed it must be replaced in conformance with the Ordinance provisions. A variance of 106 feet is needed in order to construct the proposed replacement pier.

The width of the waterway is approximately 1,600 feet, and the proposed pier will be approximately 16% of the width of the Sassafra River in this location; therefore, the replacement pier would not exceed 25% of the width of the waterway.

The edge of the channel is approximately 300 feet from the shore. The proposed pier would not encroach within the edge of the channel. A permit has been authorized by the Maryland Department of Environment and Army Corps of Engineers for the proposed pier. The State of Maryland also limits piers to no more than 25% of the width of the waterway and the edge of the channel, but it does not regulate pier length.

III. Variance

A. Applicable Law:

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

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

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

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicants own actions.
...
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.

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

C. Staff Comments:

This neighborhood is characterized by small properties, and the community pier serves the approximately twenty houses of the Beechwood Glen Area of Gregg Neck. The current pier was built approximately 60 years ago. The character of the neighborhood would not be changed by the granting of the variance. The applicant is proposing to match the angle of adjacent piers to provide maximum access. However, piers within the immediate vicinity are shorter in length than the applicant's existing and proposed pier.

The variance is not inconsistent with the Comprehensive Plan or the Critical Area Program. The intent of the Ordinance is that once a nonconforming structure is removed voluntarily, it is to be replaced in compliance with all Ordinance requirements (specifically, the 150-foot length requirement). The granting of a variance is required in order to construct a replacement pier at such proposed length.

Conditions have changed over the past 50-60 years. Currently, there are eight slips which are unusable due to the shallowness of the river close to shore. The Mean Low Water (MLW) level is approximately 4 feet at 100 feet from shore. The applicant is proposing that no slips be located with less than 4 feet of depth at MLW. Boats are also wider now. In order to accommodate modern boats and provide the same number of slips as the existing pier, the pier must be longer.

A pier is a reasonable use/structure for a water access community, and a practical difficulty exists due to the shallowness of the river.

As for the side setbacks, the community property does meet the current minimum lot width requirements at the shoreline, but extended property lines are not straight extensions from the landward lines. The lines are extended as the perpendicular line to the tangent where the property line hits the shore, and therefore, these extended property lines are less than the minimum lot width of 75 feet at 256 feet from shore.

The parcel is located within the following sensitive species locations: historic waterfowl staging area and anadromous fish spawning habitat. Although subaquatic vegetation does not appear to be present in this location according to DNR data layers available to staff, limiting disturbance of the river bottom in shallow areas supports conditions for SAV to grow.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for the side setback and pier length variances.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

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

IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

BEECHWOOD GLEN HOA c/o Dockmaster:

COMMUNITY PROPERTY Corey Downer

GALENA, MD 21635 Ph: 302-233-1206

Email: coreydowner@gmail.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: riptidmarine@gmail.com

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

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

_____ Appealing Decision of Kent County Zoning Administrator Variance
_____ Special Exception _____ Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) N. end of Greg Neck Rd. - Bchwd Glen - Greg Neck

In the _____ Election District of Kent County.

Size of lot or parcel of Land: _____

Map: 7 Parcel: 246 Lot #: _____ Deed Ref: 00065/00453

List buildings already on property: Gazebo

If subdivision, indicate lot and block number: unknown

If there is a homeowner's association, give name and address of association: Beechwood Glen Inc.
c/o Teri Gillstrom 15 Mildred Ln. Glen Mills, PA 19342

PRESENT ZONING OF PROPERTY: Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Community wishes to rebuild community pier to extend further then the 150' limit

If appealing decision of Zoning Administrator, list date of their decision: _____

Present owner(s) of property: Beechwood Glen Inc. Telephone: _____

Contact: Corey Downer
Dockmaster
Ph: 302-233-1206

If Applicant is not owner, please indicate your interest in this property: RIPTIDE Marine Construction is applying on behalf of Beechwood Glen Community

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: TORRANCE & LYNNE PITCCAIRN - 14141 W. BEECHWOOD RD.

Owner(s) on the South: PATRICK & MARGARET MCCOY - 14102 E BEECHWOOD RD.

Owner(s) to the East: NO RESIDENCE - SASSAFRAS RIVER

Owner(s) to the West: BLAZE M. KOTLER - 14135 W BEECHWOOD RD.

Homeowners Association, name and address, if applicable: BEECHWOOD GLEN INC. c/o Teri Gillstrom 15 Mildred Ln. Glen Mills, PA 19342

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.

 11/23/21
Signature of Owner/Applicant/Agent or Attorney Date

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

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

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

Supporting Information for the Approval of the Pier Variance – Beechwood Glen Community Pier

Below are some factors we would like for you to review when considering our application for a variance to build a new pier for the Beechwood Glen Community.

- **RELOCATION:** Please see the attached drawing prepared which shows that all parties agree to relocate the pier to the center of the property. Currently the pier sits approximately 7' from the South side property line. With the construction of the new pier, the community and contractor agree to move the pier to the center of the property at an angle that corresponds to neighboring piers to provide maximum access for each neighbor as well as the Beechwood Glen Community residents. When the new pier is constructed, we will abide by current 10' setbacks for property lines.
- **EXISTING PIER SLIP WIDTHS:** Currently there are 18 small slips located at the existing Beechwood Glen Community Pier. The original pier had 20 slips, but 2 of the fingers piers have deteriorated and rotted away. Each slip is approximately 8' wide. These slip widths were a part of the original build in approximately 1950 or 1960. The build was before many modern boats were even designed. With the size of traditional boats today, these slips are much too narrow for new, average sized boats to fit in. Many of the existing slips are unusable due to this factor. The new pier will have the same number of slips as the original pier. The community is not trying to double the number of slips available but make the footprint of the pier more acceptable to accommodate average boat sizes today.
- **WATER DEPTHS OF CURRENT SLIPS:** Currently there are 18 slips available at the Beechwood Glen Community Pier. Of the 18 slips, approximately 8 of them are unusable. These 8 slips are located before you get to the 100' mark of the pier. Where they are currently located, there is only 2'-3' of water at MLW. This is not a safe depth to store an expensive boat. At the 100' mark, the MLW is approx. 4' and this is a more acceptable depth for boat storage. This is where we propose to start the new slips on the new pier.
- **NEIGHBORHOOD ACCEPTANCE:** The community normally has a yearly meeting to review community issues or HOA topics. Over the last 3 years, they have had 2 meetings a year specifically to review the topic of the replacement of the community pier. It has taken many brainstorming meetings to get all in agreement on how to save enough money to have this large project done. Finally, they agreed on a pier assessment for each resident. All agreed. This is a historic waterfront community on the SassafRAS River in which many residents have families that have passed down homes for decades. The residents would like to keep the appeal of the community by having a usable pier and swim platform for all to enjoy. Letters were sent to members; votes have been taken and all are in favor.

- **COMMUNITY AGREEMENT OF REASONABLE RESTRICTIONS:** Beechwood Glen Community would be happy to abide by reasonable restrictions that Kent County may have for this project. They just want a usable pier with enough slips for community members.
- **COMPLIANCE WITH WATER WIDTH:** One of the pier restrictions listed is that any new pier shall not exceed 25% of the width of the waterway. For our proposed pier of 250', the width of the waterway is approximately 1600' across. (see attached) So this project would only be out approximately 15% into the waterway.
 - **CHANNEL:** The pier will not encroach the navigable channel. (see attached)
 - **PUMP OUT STATION:** As required by the MDE for approval of this pier, a portable pump out station will be located on the property. On the drawing there is a concrete slab located for this.
 - **TIMING:** Riptide Marine met with the head of the MDE, Jonathan Stewart over 2 years ago to get his opinion and ideas on the permit submission prior to even preparing the permit for the State of Maryland. In this process we are required to advise adjoining neighbors of the project and give them a chance to respond. We also have to advise Kent County of our proposed project as well. On 9/18/2020, a letter and drawings of this proposed pier were mailed to the adjoining neighbors and Kent County Permits. Once the MDE state approval was obtained, copies of that approval along with the county permit application were dropped off to Kent County permits on Friday July 9th, 2021. After approximately 6 follow up emails to check the status, I received notice on November 3rd that we would need a variance for this project, and that would be in January. I know everyone is busy, but this project has been delayed enough. We have worked hard and followed rules and we would really love to get this project started.
 - **CONDITION:** The condition of the pier is dangerous. If this does not get approved, the community will have to spend a lot of money to re-deck the entire pier and replace the majority of the pilings that are rotted. There are many screws and popped nails in plain sight. The wood and material have lived its life span. They are faced with rebuilding an unaccommodating pier as it is currently unsafe, or rebuilding it to bring it into compliance, with current regulations and a pier where everyone can keep their boat. Residents have tried to maintain this pier for years. It is time for a new pier that will remain strong and safe for the next 50 years.

Thank you very much for considering our request for a variance for this community pier. If you have any questions, we would be happy to answer.

Thank you very much,
 Doug Sample & Lori Sample
 RIPTIDE Marine Construction, LLC

Parcel
no: 0032

Parcel
no: 0246

Parcel
no: 0051

Handwritten annotations in yellow:
31'-5"
46'
12'-5"
65'-5"
18'

Beechwood Glenn
Community Pier
Item 01

Parcel
no: 0032

5.5'
5.5'
Pump Station

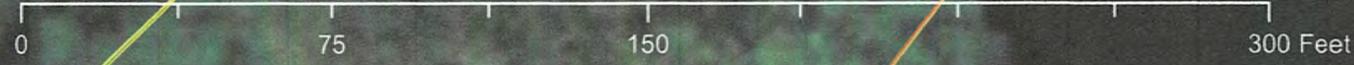
Parcel
no: 0246

Parcel
no: 0051

Parcel
no: 0034

Parcel
no: 0153

13.5'
46'
12.5'



Beechwood Glenn
Community Pier
Item 02

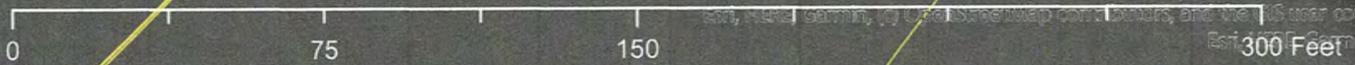
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Parcel
no: 0246

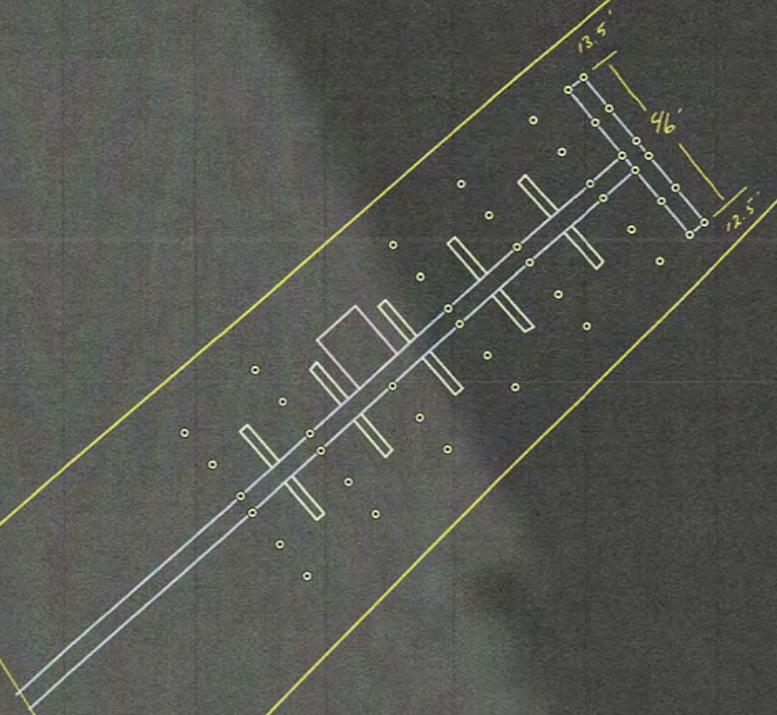
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Parcel
no: 0034

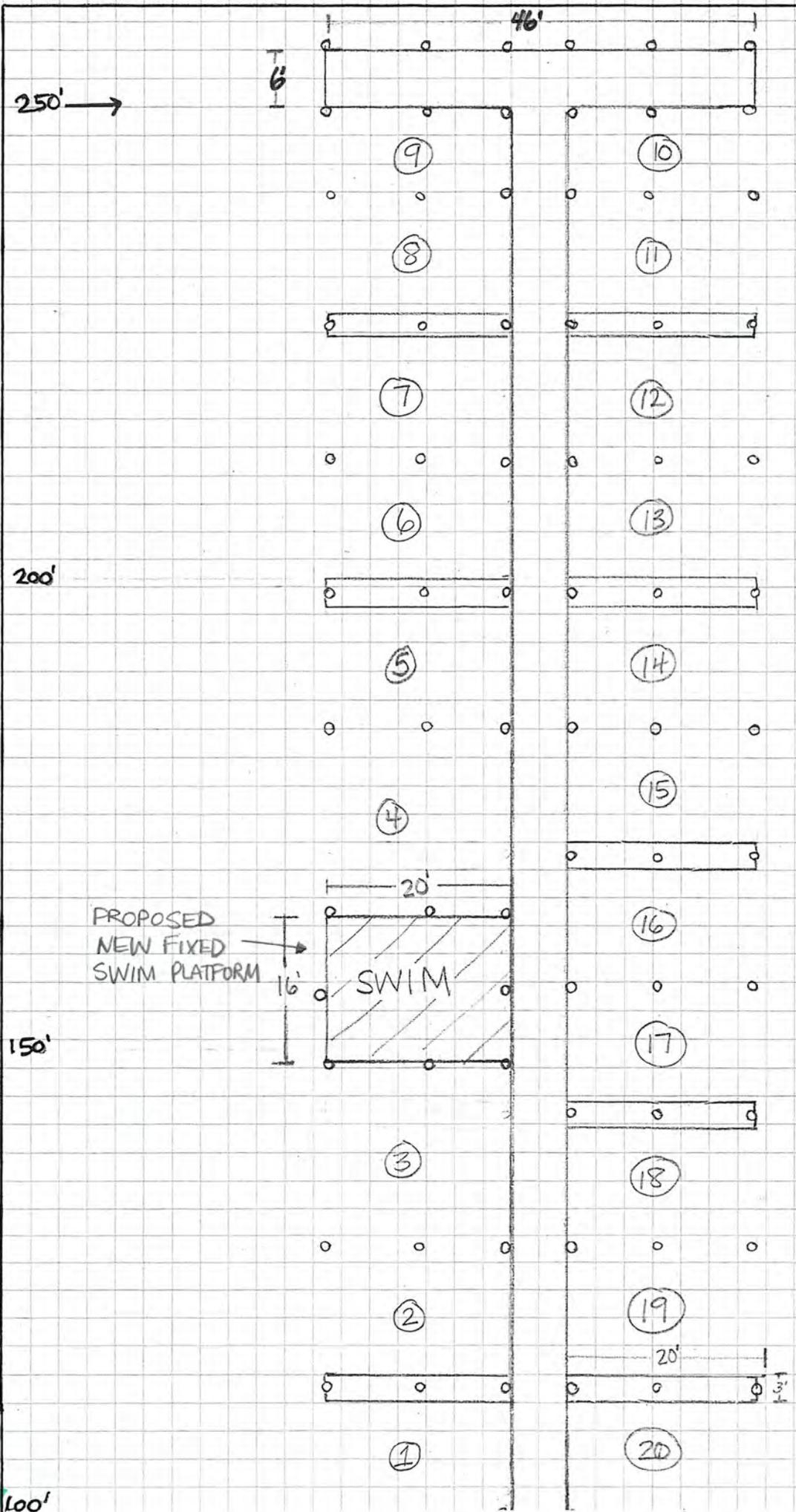
Parcel
no: 0153



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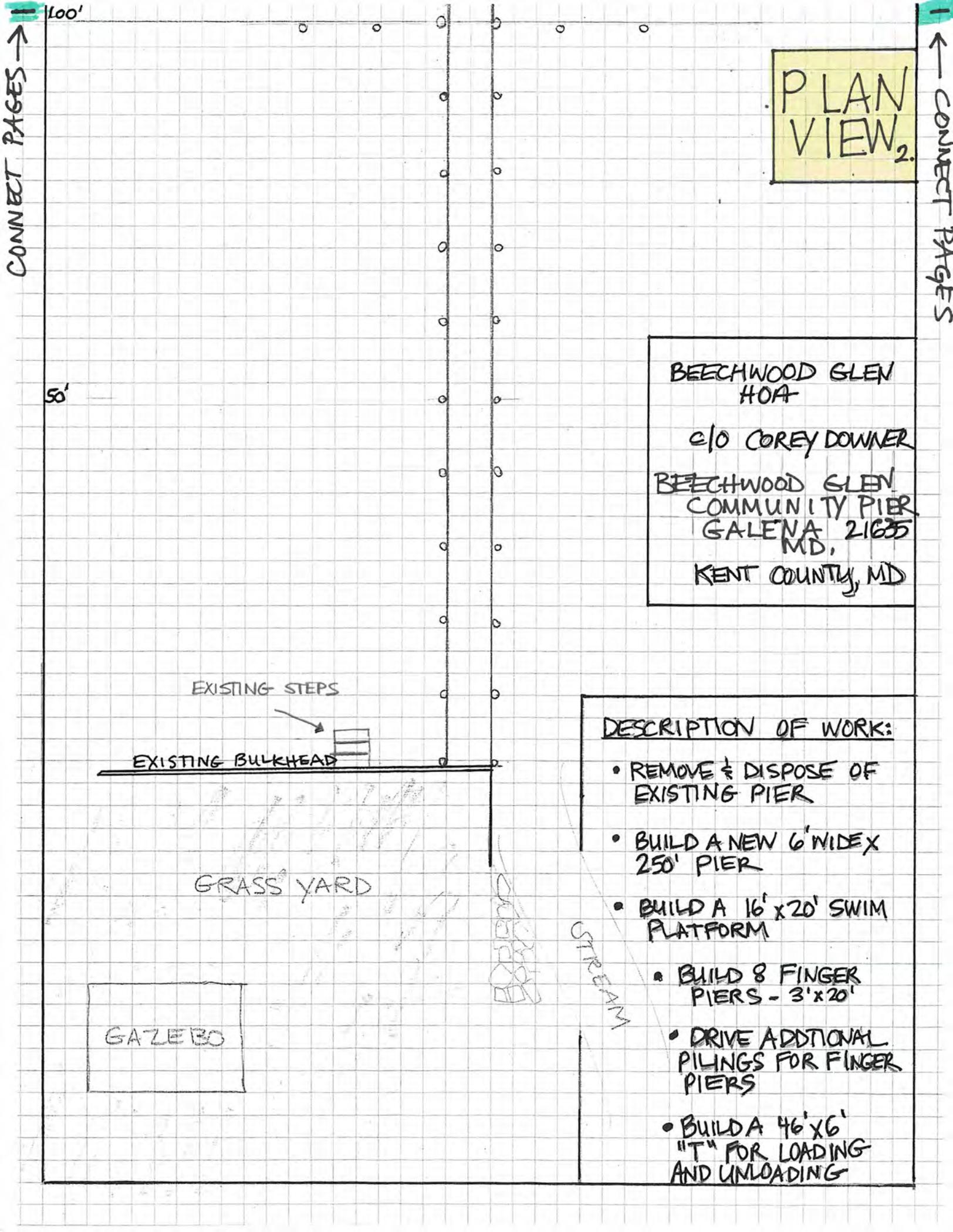
PLAN VIEW 1



| WATER DEPTHS | | |
|--------------|------|------|
| DEPTH | MLW | MHW |
| 300' | 7' | 9'6" |
| 275' | 7' | 9'6" |
| 250' | 7' | 9'6" |
| 225' | 7' | 9'6" |
| 200' | 7' | 9'6" |
| 175' | 6'6" | 9' |
| 150' | 6' | 8'6" |
| 125' | 5' | 7'6" |
| 100' | 4' | 6'6" |
| 75' | 3' | 5'6" |
| 50' | 2' | 4'6" |
| 25' | 1' | 3'6" |
| 0' | 0' | 2'6" |

CONNECT PAGES →

← CONNECT PAGES



PLAN VIEW 2.

BEECHWOOD GLEN HOA
 c/o COREY DOWNER
 BEECHWOOD GLEN COMMUNITY PIER
 GALENA, 21635 MD,
 KENT COUNTY, MD

- DESCRIPTION OF WORK:
- REMOVE & DISPOSE OF EXISTING PIER
 - BUILD A NEW 6' WIDE X 250' PIER
 - BUILD A 16' x 20' SWIM PLATFORM
 - BUILD 8 FINGER PIERS - 3' x 20'
 - DRIVE ADDITIONAL PILINGS FOR FINGER PIERS
 - BUILD A 46' x 6' "T" FOR LOADING AND UNLOADING

EXISTING STEPS
 EXISTING BULKHEAD

GRASS YARD

GAZEBO

STREAM

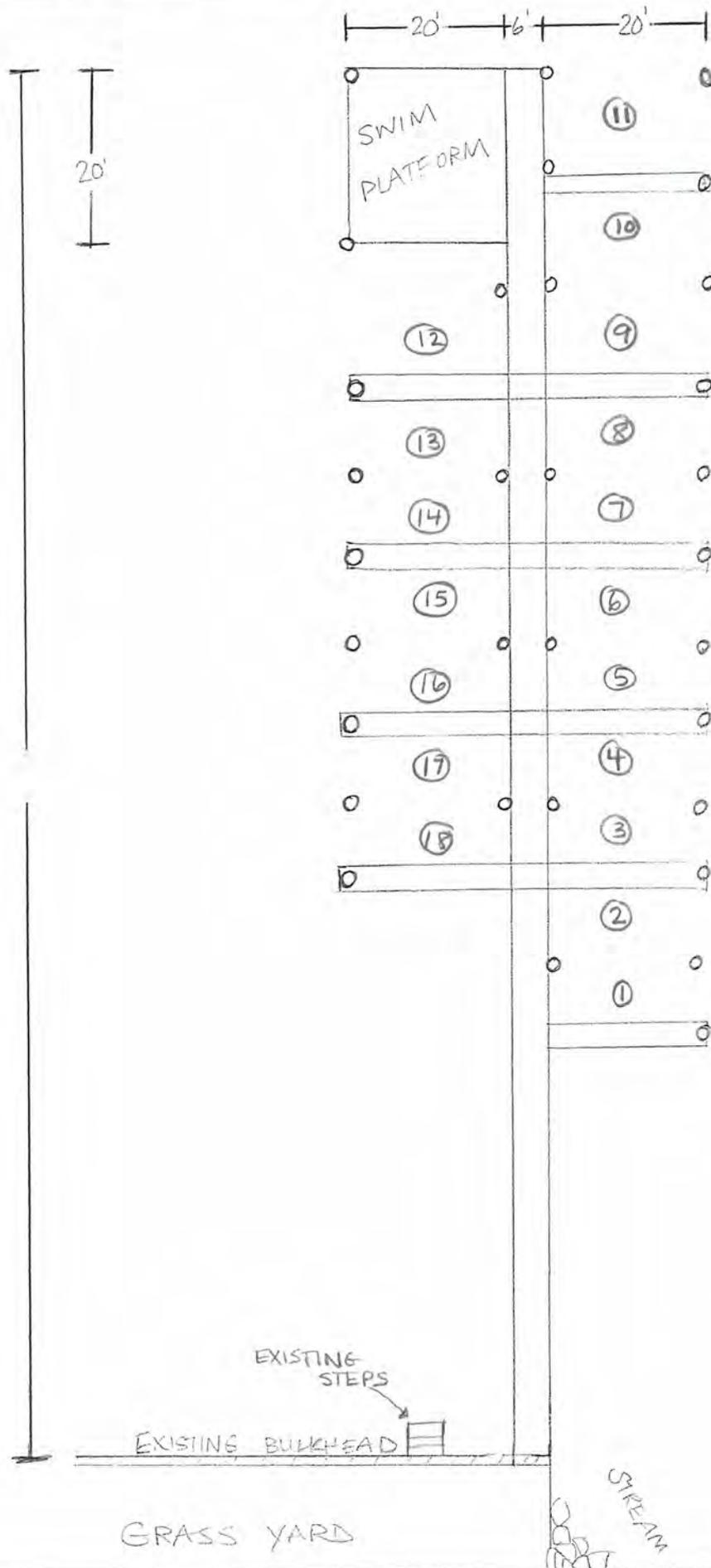
CONNECT PAGES →

← CONNECT PAGES

100'
 50'

EXISTING CONDITIONS

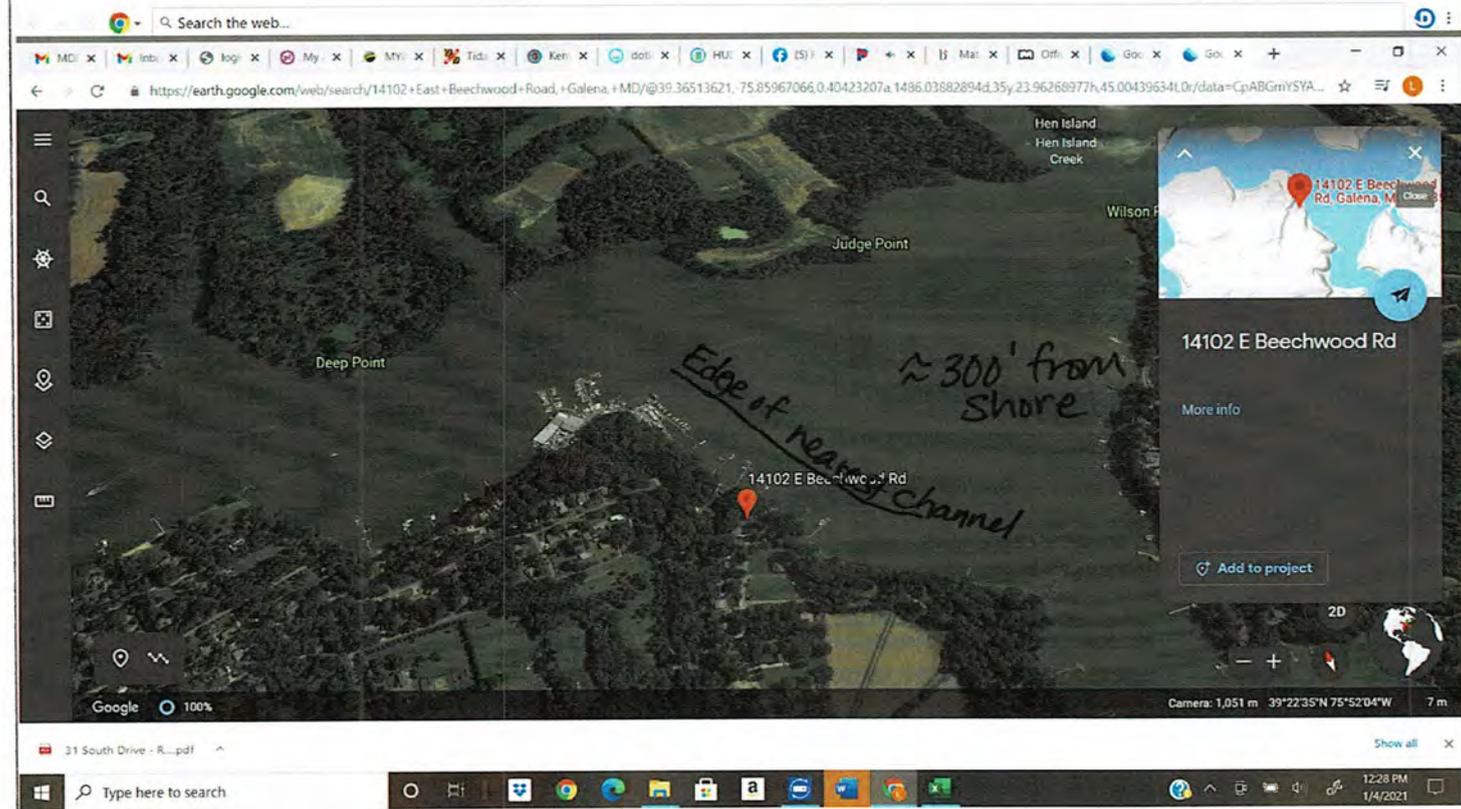
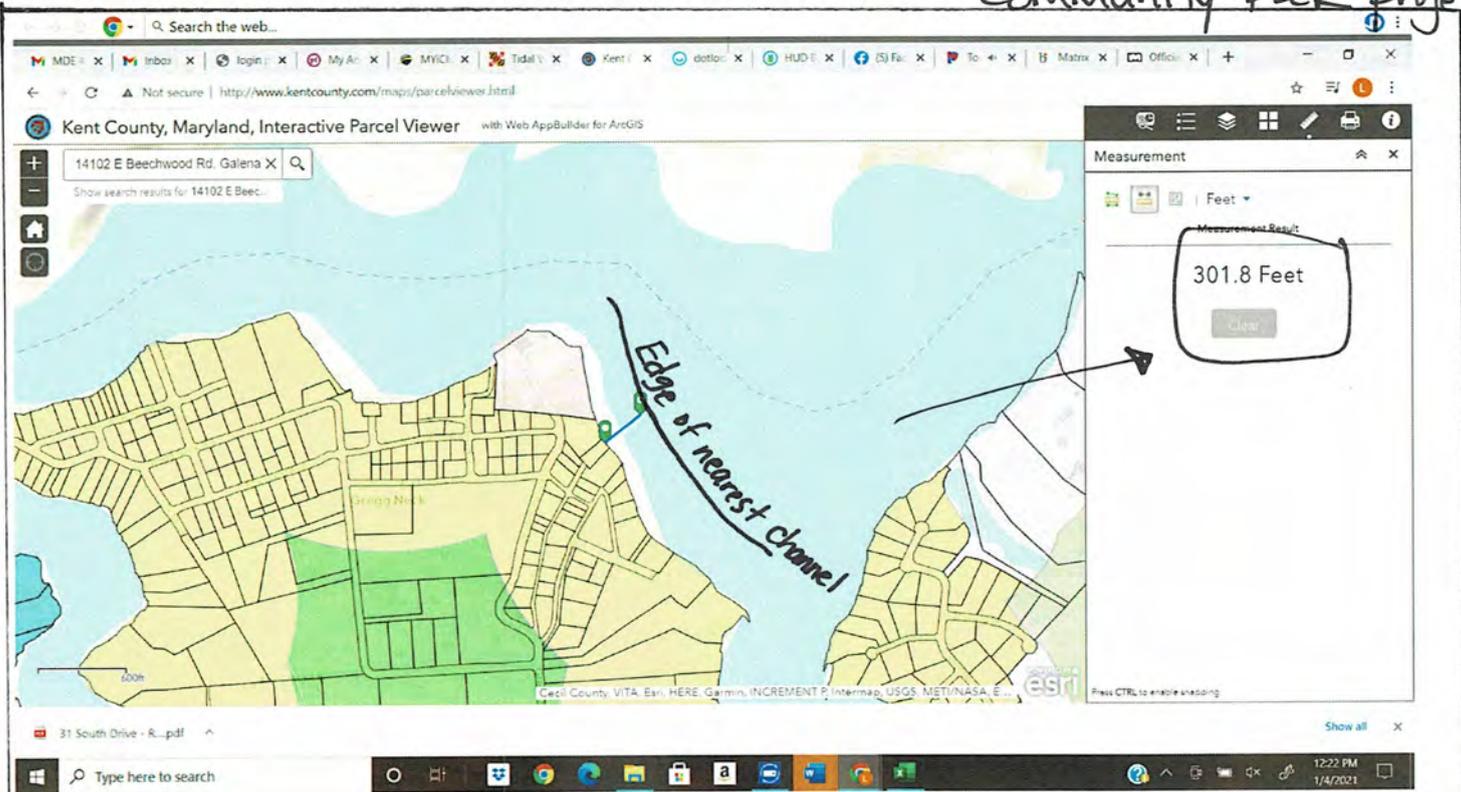
BEECHWOOD GLEN
 c/o COREY DOWNER
 BEECHWOOD GLEN
 COMMUNITY PIER
 LOCATED BETWEEN
 WEST & EAST
 BEECHWOOD RD.
 GALENA MD



NOTES:

- PIER IS DETERIORATING AND BOAT SLIPS BREAKING AND FALLING APART.
- CONDITION IS BECOMING DANGEROUS
- 18 EXISTING SLIPS ARE TOO NARROW AND ACCESS IS VERY DIFFICULT
- NEAR SHORE SLIPS ARE IN TOO SHALLOW OF WATER FOR MOTOR BOATS TO USE

Beechwood Glen
COMMUNITY PIER project



Nearest channel to shore ≈ 300'

WIDTH OF THE WATERWAY ACROSS FROM THE BEECHWOOD GLEN COMMUNITY PIER

The screenshot displays a web browser window with the following elements:

- Browser Tabs:** Includes "Inbox (7,870) - exitlo...", "permit status - Beech...", "Land Use Ordinance...", "My Projects | Shop P...", "Listing Management |", "Facebook", "Kent County, Maryla...", and "Kent County, Maryland".
- Address Bar:** Shows the URL <https://www.arcgis.com/apps/webappviewer/index.html?id=499c1661c72e425e810a55b84ab1f0a4>.
- Page Title:** "Kent County, Maryland, Interactive Parcel Viewer with Web AppBuilder for ArcGIS".
- Search Bar:** Contains the text "e beechwood road galena md" and a search icon.
- Map:** Shows a parcel viewer interface with a blue line indicating a measurement across a waterway. A scale bar for 600ft is visible in the bottom left of the map area.
- Measurement Panel:** A sidebar on the right titled "Measurement" shows a unit of "Feet" and a "Measurement Result" of "1,604.8 Feet". A "Clear" button is located below the result.
- Footer:** Includes the text "Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, Cecil County, VIT..." and the Esri logo.
- Taskbar:** Shows the Windows taskbar with a search bar, various application icons, and system tray information including "40°F" and "11:54 AM 11/23/2021".

Search the web...

https://www.vims.edu/research/units/programs/sav/access/maps/index.php

VIMS VIRGINIA INSTITUTE OF MARINE SCIENCE

DIRECTORY VISIT APPLY EVENTS

ABOUT RESEARCH & SERVICES EDUCATION PUBLIC PROGRAMS NEWS BAY INFO GIVING

SAV Monitoring & Restoration

ACCESS OUR RESULTS

- Maps
- Tables
- Charts
- Segmentation Schemes

Home > Research & Services > Units > Programs > SAV > Data > Maps

Interactive SAV Map

E Beechwood Rd, Galena, VA

Show search results for E Beechwood Rd, Galena, VA

To scale Pier map...pdf

Show all

Type here to search

4:01 PM 12/28/2021

Search the web...

https://www.vims.edu/research/units/programs/sav/access/maps/index.php

VIMS VIRGINIA INSTITUTE OF MARINE SCIENCE

DIRECTORY VISIT APPLY EVENTS

ABOUT RESEARCH & SERVICES EDUCATION PUBLIC PROGRAMS NEWS BAY INFO GIVING

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Interactive SAV Map

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Show search results for E Beechwood Rd, Galena, VA

To scale Pier map...pdf

Show all

Type here to search

4:01 PM 12/28/2021



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Carla Gerber, AICP, Deputy Director
Meeting: January 6, 2022
Subject: Draft Forest Conservation Easement Template

PRELIMINARY STAFF REPORT

Cindi McCann has drafted the attached Deed of Forest Conservation Easement and Agreement for your review and discussion. She would like the County to adopt a standard document that will make easier for applicants and staff to make sure that forest conservation requirements are being satisfied. Currently, the applicant's attorney drafts a document which is reviewed by Ms. McCann for sufficiency with the requirements of the law. The documents are rarely identical which requires Ms. McCann and staff to carefully review each one. If a standard template is adopted, then it will streamline the process. Applicants won't need to ask for examples of other deed restrictions, and staff won't need to spend as much time on review.



DEED OF FOREST CONSERVATION EASEMENT AND AGREEMENT
KENT COUNTY, MARYLAND

THIS DEED OF FOREST CONSERVATION EASEMENT AND AGREEMENT ("Deed of Easement and Agreement"), made this ____ day of _____, 20____, by and between _____, party of the first part, hereinafter called the "Grantor," and COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND, a body politic and corporate of the State of Maryland, hereinafter called the "County."

RECITALS:

WHEREAS, the Grantor, by virtue of a deed dated _____ and recorded among the Land Records of Kent County in Book No. _____, folio _____, is the owner of all that part or parcels of land consisting of _____ acres, more or less, situate, lying and being in the _____ Election District of Kent County, Maryland;

WHEREAS, Grantor has elected to engage in a regulated activity as prescribed by the Kent County Forest Conservation Law under Article IV, Section 8, *Forest Conservation*, of the Land Use Ordinance for Kent County, Maryland (hereinafter "Land Use Ordinance"), on said property, and applied to the Kent County Department of Planning, Housing, and Zoning for approval of the regulated activity, said approval having been given;

WHEREAS, as a condition of the aforesaid approval, Grantor has submitted and the County has approved Final Forest Conservation Plan No. _____ (the "Plan"), which sets forth the requirements for forest retention, reforestation or afforestation in an area located on the aforesaid property and designated on the approval final subdivision plat, site development plan or grading permit as the Protected Forest Conservation Area, and more particularly described by metes and bounds in Exhibit A, attached hereto and made a part hereof. Said Plan is incorporated into and made part of this Deed of Easement and Agreement by reference; and

WHEREAS, the Final Forest Conservation Plan and the Kent County Forest Conservation Law require the establishment of a forest conservation easement in, on, over and through the Protected Forest Conservation Area, to ensure the permanent protection, management, and inspection of said area.

GRANT AND AGREEMENTS

NOW, THEREFORE, for and in consideration of the foregoing, the covenants and promises contained herein and for other good and valuable consideration (no monetary value), the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor does hereby grant and convey unto the County Commissioners of Kent County, Maryland, a body politic and corporate of the State of Maryland, its successors and assigns, a forest conservation, management and access easement, of the nature and character and to the extent hereinafter set forth, in, on, over, through and across the land designated as Protected

Forest Conservation Area on the Forest Conservation Easement Exhibit of the Lands of _____, attached hereto as Exhibit B (as further described in Exhibit A). Grantor further establishes, creates, and declares the restrictions herein set forth in favor of and for the benefit of the County, its successors and assigns.

2. Except as specifically provided in Paragraph 3 and 4 herein, Grantor covenants with the County to refrain from destroying, damaging or removing anything of nature which grows in the Protected Forest Conservation Area now, or hereafter, without approval of the County as to manner, form, extent and any other aspects of the removal whatsoever, it being the express intention of the parties hereto that Grantor shall comply with the Final Forest Conservation Plan approved under the Kent County Forest Conservation Law and that the easement area shall be preserved in a manner which protects the forest thereon, existing or to be established.

3. Grantor hereby relinquishes the right to use or develop the Protected Forest Conservation Area for any purpose whatsoever, except for the following uses:

A. Planting, maintenance, and protection of the forest conservation area in accordance with the terms and conditions of the Plan;

B. Passive recreational activities which are consistent with and do not interfere with forest conservation and management or cause harm to forest management resources, including but not limited to walking, hiking, and bird watching;

C. Forest protection and management practices, including harvesting of trees in accordance with a written agreement with the State Department of Natural Resources; provided suitable provisions are made for the replacement of harvested trees.

4. Grantor may engage in limited clearing of the forest understory, such as may be necessary to allow a walking or hiking trail for foot traffic only; and may allow the removal of dead or dying trees, and noxious plants or weeds.

5. All rights reserved by or not prohibited to Grantor shall be exercised so as to prevent or minimize damage to the forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the easement area.

6. The County, or its duly authorized representatives, shall have the right, at reasonable hours, to enter into the forest conservation area for the sole purpose of inspecting same to determine whether the Grantor is complying with the terms, covenants, conditions, limitations, and restrictions herein contained.

7. No failure on the part of the County to enforce a covenant or provision hereof shall discharge or invalidate such covenant or any other covenant, condition, or provision hereof or affect the right of the County to enforce the same in the event of a subsequent breach or default.

8. Upon any breach of the terms of this Deed of Easement and Agreement by the Grantor, the County's remedies shall be cumulative and shall be in addition to any other rights

available to the County at law or in equity. Upon any breach of the terms of this Deed of Easement and Agreement by the Grantor, the County may exercise any or all of the following remedies: the remedies provided in Article XII, Section 4 of the Land Use Ordinance; institution of a suit including a suit to enjoin any breach or enforce any covenant, by ex parte, temporary and/or permanent injunction, and including civil penalties as authorized by § 5-1612 of the Natural Resources Article of the State Code (as amended); require the Protected Forest Conservation Area be promptly restored to the condition required by the Plan and this Deed of Conservation Easement and Agreement; enter upon the forest conservation area, correct any breach, and hold the Grantor responsible for the resulting cost; and such other legal action as may be necessary to ensure compliance with this Deed of Easement and Agreement and the covenants, conditions, limitations and restrictions herein contained. If Grantor is found to have breached any of its obligations under this Deed of Easement and Agreement, Grantor shall reimburse the County for any costs or expenses incurred, including consultant's fees, court costs, reasonable attorney's fees, and any administrative and overhead costs.

9. Interpretation of this Deed of Easement and Agreement shall be the sole province of the County, and the County may issue interpretations hereof upon request of Grantor, or at the County's discretion.

10. This Deed of Easement and Agreement does not grant the public, in general, any right of access or any right to the use of the easement area, or any other portion of the property. This easement extends only to those areas designated as the Protected Forest Conservation Area and necessary access thereto.

11. The Grantor further covenants and agrees that the easements, rights of way, covenants and agreements contained herein shall run with the Protected Forest Conservation Area and all portions thereof and shall bind the Grantor and their personal representatives, heirs, successors and assigns and shall bind all subsequent owners of the property identified herein.

12. Grantor agrees to make specific reference to this Deed of Easement and Agreement in a separate paragraph of any subsequent sales contract, mortgage, deed, lease, or other legal instrument by which any interest in the Protected Forest Conservation Area is conveyed.

13. This Deed of Easement and Agreement shall be binding upon the personal representatives, heirs, successors and assigns of the parties hereto.

TO HAVE AND TO HOLD the said easement unto the County Commissioners for Kent County, Maryland, a body politic and corporate of the State of Maryland, its successors and assigns, forever, for the uses and purposes hereinbefore described, together with the right to enforce the terms and conditions set forth in this Deed of Easement and Agreement against the Grantor, and up on the Grantor's respective heirs, personal representatives, successors and assigns..

AND the said Grantor covenants that it has not done nor suffered to be done anything to encumber the property, easement, and/or rights hereby conveyed and that he will execute such other and further assurances of the same as may be necessary and requisite.

WITNESS:

GRANTOR(S):

_____[SEAL]
Printed Name

WITNESS:

COUNTY COMMISSIONERS OF
KENT COUNTY, MARYLAND

_____[SEAL]
P. Thomas Mason, President

APPROVED FOR LEGAL SUFFICIENCY:

Cynthia L. McCann
Attorney for the Planning Commission

I HEREBY CERTIFY that the within instrument was prepared by me or under my supervision and that I am an attorney duly admitted to practice before the Court of Appeals in the State of Maryland.

Print Name: _____

STATE OF MARYLAND, _____ COUNTY, to wit:

I HEREBY CERTIFY, that on this ____ day of _____, 20____, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared, _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Notary Public
My Commission expires:

STATE OF MARYLAND, _____ COUNTY, to wit:

I HEREBY CERTIFY, that on this ____ day of _____, 20____, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared, _____, President of the Kent County Commissioners, and he duly acknowledged that he executed the above instrument for the purposes therein contained and further acknowledged said instrument to be the act and deed of the County Commissioners of Kent County, Maryland.

WITNESS my hand and Notarial Seal.

Notary Public
My Commission expires:

Upon recording, please return the original to:
Kent County Department of Planning, Housing and Zoning
R. Clayton Mitchell, Jr. Kent County Government Center
400 High Street
Chestertown, MD 21620