



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
March 2, 2023
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: **851 885 170#**

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

MINUTES

February 2, 2023

APPLICATIONS FOR REVIEW

- 22-53 Gillespie Precast, LLC – Major Site Plan (Concept & Preliminary).....PC Review
27030 Morgnec Road – Second Election District – Industrial (I) and Industrial Critical Area (ICA)
- 23-10 Gillespie Precast LLC – Major Site Plan (Concept & Preliminary)
Map 37, Parcel 490 – Fourth Election District – Industrial (I) and Industrial Critical
Area -- LDA (ICA-LDA)..... PC Review
- 23-11 Camp Fairlee – Major Site Plan (Concept & Preliminary)..... PC Review
22242 Bay Shore Road – Sixth Election District – Agricultural Zoning District (AZD) and Resource Conservation
District (RCD)
- 23-07 Darrell and Carla Morgan – Variance – Critical Area Clearing..... Rec to BOA
Map 27, Parcel 481 – Third Election District – Critical Area Residential (CAR)
- 23-09 Scott and Shari Smith – Variance – Side Yard Setback..... Rec to BOA
26933 Mallard Road – Fourth Election District – Critical Area Residential (CAR)



Ag Preservation District Applications Rec to BOCC

ALP Number	Name	Location
22-01	Jack Coleman	Lambs Meadow Road, Lynch
22-02	Fry Cooper Farm LLC	11471 Augustine Herman Hwy, Kennedyville
22-03	Fry Cooper Farm LLC	28151 Comegys Road, Kennedyville
22-04	David Hill	12192 Kennedyville Road, Kennedyville
22-05	Chris and Susan Jackman	12986 Augustine Herman Hwy, Kennedyville
22-06	Lester C. Jones and Sons, Inc	13121 Massey Road, Massey
22-07	Lester C. Jones and Sons, Inc	Speer Road, Millington
22-08	Owings and Sons Business Trust	29960 Morgnec Road, Kennedyville, Lots 1 and 2
22-09	Rich Levels at Mill Creek LLC	32269 Galena Sassafras Road, Galena
22-10	Thomas Wiltbank	10187 Augustine Herman Hwy, Chestertown

GENERAL DISCUSSION

2023 Transportation Priority Letter Rec to BOCC
 Review of Task Force Recommendations Rec to BOCC

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.



DRAFT

Planning Commission
Department of Planning, Housing, and Zoning

MINUTES

February 2, 2023

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, February 2, 2023, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, James Saunders, Ray Strong, Paula Reeder, and William Crowding. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Jamie Williams, CEcD, Economic Development Director; Dawson Hunter, Housing and Transportation Coordinator; and Campbell Safian, Planning Specialist.

Members of the public in attendance included Raymond D'Esposito, property owner; Phillip Gray, property owner (remote); David Pines; Zack Kelleher; Annie Richards; Carole Trippe; Chip MacLeod, Esquire; Anne Stevens; Justinian Dispenza; Laurel Dispenza; Sarah Starman; Owen Bailey; John Lysinger; Cindy Genther; Jennifer Debnam; Patricia Langenfelder; Janet Christensen-Lewis; and Judy Gifford.

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

ELECTIONS

Mr. Ruge made a motion to re-elect Chair Hickman as Chair of the Planning Commission. Mr. Strong seconded the motion. The motion passed with all in favor.

Mr. Saunders moved to re-elect Mr. Ruge as Vice Chair. Mr. Crowding seconded the motion. The motion passed with all in favor.

MINUTES

Mr. Sutton moved to accept the minutes of January 5, 2023, without correction. Mr. Strong seconded the motion. The motion passed with all in favor.

APPLICATIONS FOR REVIEW

*23-06 Raymond D'Esposito – Variance – Front Yard Setback
28519 Spring Road – Second Election District – Critical Area Residential (CAR)*

Raymond D'Esposito is requesting a variance of 37.5 feet from the required 50-foot front yard setback to construct a 20-foot by 18-foot carport. The proposed 20-foot by 18-foot carport is to be placed over and at the end of the existing driveway, and it will increase the lot coverage by 60 square feet from the portions extending beyond the sides of the drive. At 1,922 square feet, the resultant lot coverage will be well below the allowable maximum. A buffer enhancement plan for the installation of 60 square feet of plantings in the buffer will be required. The property is unique in that it has a waterfront view but is without a shoreline, is irregular in shape, and is steeply sloped. This 0.451-acre property is located at 28519 Spring Road in the Second Election District and is zoned Critical Area Residential (CAR).

Adopted on [version for review]

Mr. Carper presented the staff report, recommending approval with conditions. The Chair swore in Raymond D'Esposito, owner of the property.

Ms. Reeder asked Mr. D'Esposito if he has completed the buffer enhancement plan.

Mr. Carper stated that the buffer enhancement plan has not yet been created. It will be required before the permit can be issued.

Ms. Reeder questioned the ability to plant enhancements to the buffer given the steep slopes of the property.

Mr. D'Esposito noted the available space on his property to plant trees and bushes.

Mr. Saunders made a motion to grant Mr. Raymond D'Esposito a favorable recommendation to the Board of Appeals for the variance of 37.5 feet from the required 50-foot front yard setback to construct a 20-foot by 18-foot carport with the conditions that staff recommended in the staff report.

Mr. Saunders amended his motion, stating that he has reviewed the staff report and cites the staff's comments as findings for sending a favorable recommendation to the Board of Appeals.

Mr. Crowding seconded the motion as amended, and the motion passed unanimously, 7-0.

*22-74 Phillip Gray – Buffer Variance
23550 Canvasback Road – Third Election District – Critical Area Residential (CAR)*

Phillip and Una Gray are requesting a buffer variance to construct 448 square feet of exterior decking attached to their dwelling and 30 square feet of stairway to this deck, all within the 100-foot Critical Area buffer. The purpose of the proposed deck is to improve access to exterior amenities of the property for one of the applicants for whom mobility is limited. The existing lot coverage is in excess of the 15% of allowable, and the property will need to come into compliance with Critical Area regulations. Mitigation of 3:1 will be required for the proposed permanent disturbance in the buffer. The 1.529-acre property is located at 23550 Canvasback Road in the Third Election District and is zoned Critical Area Residential (CAR).

Mr. Carper presented the staff report, recommending approval with conditions. The Chair swore in Phillip Gray, owner of the property.

Mr. Gray stated that the purpose of the variance application is to build a deck and stairs to relieve his wife's mobility limitations.

Ms. Reeder asked for additional information on what will be removed from the existing lot to meet the allowable amount of lot coverage.

Mr. Carper indicated that a portion of the gravel driveway will be removed to offset any increase in the lot coverage. The site plan is to be updated prior to the Board of Appeals hearing to show the removal of existing lot coverage to bring the property into compliance with the 15% lot coverage limit.

Mr. Crowding reiterated Mrs. Gray's difficulty in maneuvering on a steep sloped lot. Mr. Crowding also opined that the 3:1 mitigation will enhance the buffer.

Mr. Crowding made a motion to send a favorable recommendation to the Board of Appeals for Phillip and Una Gray for a variance in the buffer to construct a 448 square foot exterior deck attached to their dwelling and 30 square feet of stairway added to the deck, all within the 100-foot Critical Area buffer. Based on the staff comments and testimony, the Planning Commission finds that the Comprehensive Plan advocates for the maintenance, enforcement and if necessary, strengthening of existing regulations. The intent of the Ordinance is to set the standards for variances from certain enumerated provisions. The practical difficulty is that the entirety of the principal structure is within the 100-foot buffer. The proposed decking will allow for water to freely flow through. The granting of this variance will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations. The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat. Based on aerial imagery, it appears that other homes in the area also within the 100-foot buffer have attached decks that extend waterward. Authorization of the variance will not be a substantial detriment to adjacent property, and the character of the district will not be changed. Decks are a common feature of waterfront homes, and a literal interpretation of this Ordinance would deprive the applicants of the rights commonly enjoyed by other properties in similar areas. Without a variance, the applicant would be deprived of use of a structure permitted to others in accordance with the provisions of the Critical Area program. The Critical Area Commission has reviewed the application and is not opposed to the variance. The site plan is to be updated prior to the Board of Appeals hearing to show removal of existing lot coverage to bring the property into compliance with the 15% lot coverage limit. Buffer mitigation of 3:1 for the permanent disturbance to include the 30 square feet for the proposed steps and the area required for the footings to support the proposed deck. The variance will lapse after the expiration of one year, if no substantial construction in accordance with the plans herein presented occurs.

The motion was seconded by Mr. Strong, and the motion passed unanimously, 7-0.

Chair Hickman made a motion that the Planning Commission go into a closed session in order to consider a letter of concern regarding matters that the Planning Commission may or may not consider.

The motion was seconded by Mr. Crowding, and the motion passed unanimously, 7-0.

The Planning Commission went into a closed session on February 2, 2023, at 1:59 p.m.

The Planning Commission resumed the open meeting on February 2, 2023, at 2:19 p.m.

Ms. McCann stated that no action was taken in the closed session. Ms. McCann had received a letter from a member of the public who was concerned about the views and opinions that Ms. Reeder expressed in a Letter to the Editor of the Kent County News in March 2022. Ms. Reeder's viewpoints were regarding the Comprehensive Plan and the 10% rule. Ms. McCann advised the Planning Commission that Ms. Reeder's views, which she expressed prior to her appointment to the Planning Commission in December 2022, would not preclude her from participating in the review of the Task Force recommendations. The Planning Commission is making recommendations on a legislative matter to the County Commissioners. The recommendations are not quasi-judicial applications regarding findings of fact, thus allowing Ms. Reeder to participate.

Chair Hickman noted that a second letter from a member of the public was received. The letter declared that the Task Force recommendation “TF2. Review elimination of the 10% rule (related to new agricultural subdivisions),” should be removed from the list of recommendations to be reviewed. The citizen cited the fact that the former County Commissioners relieved the Task Force of the responsibility to further discuss the 10% rule as a reason why this recommendation should not be reviewed. Counsel advised that members of the Planning Commission can make recommendations to add items to the agenda at any point in time.

Ms. McCann stated there is no legal basis to relieve the Planning Commission from considering TF2, as the legislation was reintroduced in March 2022. The Planning Commission has the power to introduce new text amendments and make recommendations on existing text amendments sent to the Planning Commission by the County Commissioners.

GENERAL DISCUSSION

The Planning Commission reviewed the Task Force Recommendations document, version 6, as requested by the Board of County Commissioners at the County Commissioners’ work session meeting held on January 10, 2023.

P4. Request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district.

Mr. Ruge expressed interest in tabling P4 in anticipation of receiving correspondence from the Town of Millington regarding the matter.

Ms. Reeder spoke in agreement with Mr. Ruge.

Chair Hickman noted that the County Commissioners will hold a public hearing on the item before making a final decision. Chair Hickman spoke in favor of receiving updated correspondence from the Town of Millington, however, he wishes to send the current recommendation to the County Commissioners.

Mr. Crowding spoke in agreement with Chair Hickman, noting that Millington has had an ample amount of time to update their opinion on P4.

Mr. MacLeod reiterated the importance of Millington’s opinion on the matter and noted that the opinion is outdated. Mr. MacLeod also spoke against the idea of allowing Millington’s opinion to be the only factor taken into consideration when making the recommendation on P4 to the County Commissioners.

Mr. Crowding asked for clarification whether P4 will create two, new floating zones in the designated growth areas or whether it affects particular parcels.

Mr. Mackey replied stating that a parcel could potentially be rezoned if the designated eligibility requirements were met. These could be limited to a specific geographic area, such as near US 301 and MD 291, or the size of the property, and other factors as well.

No motion was offered.

P5. Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district.

Ms. Reeder anticipates that the Town of Millington's opinion on this item has changed. Ms. Reeder spoke in favor of this recommendation.

Chair Hickman noted that the recommendation would allow the additional uses in the entire Industrial zoning district. Chair Hickman opined that the uses would be more suitable for the Commercial zoning district.

Mr. Crowding spoke in agreement with Chair Hickman and expressed concerns with allowing truck stops to occupy substantial acreage in the Industrial district. Allowing the additional use would limit the opportunities and lots available for a new industrial business that is interested in expanding to Kent County.

No motion was offered.

Request to amend the Forest Conservation provisions of the Land Use Ordinance (Article VI. Special Provisions, Section 8. Forest Conservation, beginning on page 373 of the current Land Use Ordinance under Part 8).

Ms. Richards noted the written testimony and the petition signed by 412 ShoreRivers members in support of the text amendment. In December 2022, a comprehensive study of forest and canopy cover across the State of Maryland was completed. The study shows that the Upper Eastern Shore is the least forested region in the State of Maryland. Kent County has the lowest percentage of forest among counties in Maryland. Ms. Richards asks that Kent County be a leader in forest conservation efforts on the Eastern Shore and adopt the text amendment.

Mr. Bailey expressed the Eastern Shore Land Conservancy's support for the text amendment.

Mr. Dispenza, Ms. Dispenza, Ms. Starman, and Ms. Stevens spoke in support of the text amendment. They would like Kent County to invest in the future for the younger generations.

Ms. Gifford opined there is a lack of evidence that increasing the Forest Conservation provisions of the Land Use Ordinance would hurt development. Ms. Gifford noted that Montgomery County has adopted strict Forest Conservation measures and it has not impacted their development.

Ms. Reeder spoke in disagreement by stating that the additional cost and burden of reforestation will have an effect on development.

Mr. Mackey referenced the staff report which says that the impact of the amendment to the Forest Conservation provisions will have on development cannot be predicted. The amendment would increase the amount of required afforestation; however, it is inconclusive whether the amendments would achieve the Comprehensive Plan's goal of zero net loss in forest.

Chair Hickman opined that the County could benefit from stricter Forest Conservation policies. Many younger residents choose to live in Kent County because of the forested lands and natural landscapes.

Ms. Richards stated that agricultural lands have a greater potential for forestation. Agricultural lands can establish easements and conservation buffers. Forests cannot be established in subdivisions due to the presence of septic systems.

No motion was offered.

TF2. Review elimination of the 10% rule (related to new agricultural subdivisions).

Mr. Bailey expressed the Eastern Shore Land Conservancy's support for keeping the 10% rule in place. The 10% rule has been a contributing factor in maintaining a successful agricultural economy in the County. Development should be focused in and around the town centers.

Ms. Langenfelder opposed the elimination of the 10% rule, noting that the rule helps to prevent the subdivision of agricultural land.

Ms. Christensen-Lewis opposed the elimination of the 10% rule. Ms. Christensen-Lewis noted that at least 15 members of the public opposed removing the 10% rule at previous Task Force meetings.

Ms. Reeder spoke in favor of eliminating or revising the 10% rule. Ms. Reeder noted that two letters were received from Task Force members requesting the 10% rule be eliminated. Ms. Reeder is aware of three other farmers who oppose the 10% rule.

Mr. Crowding stated that he is against the elimination of the 10% rule. The 10% rule is built into the Comprehensive Plan.

Chair Hickman noted that he has business relationships with 21 different farmers and none of them have spoken in favor of eliminating the 10% rule.

No motion was offered.

In lieu of reviewing Task Force recommendations that required more discussion, Mr. Crowding made a motion that the Planning Commission move through the proposed Task Force recommendations and identify those that could be recommended "as is" to the Kent County Commissioners by the Planning Commission. The Planning Commission then worked through the following:

TF13. Review streamlining the Cottage Industry process.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

TF18. Review timelines. Currently, projects scheduled before Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary and final review, this allows only a week for applicants to address comments and resubmit for the following meeting. // S4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

TF3. Review landscaping to reduce the requirements for trees (for example, one business site was required to have 185 trees and bushes on a 1.3-acre site)

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners and to consider using buffer yards (Queen Anne’s County was cited as the model) and standardizing the landscaping with consistency in mind.

TF7. Review setbacks and required rights-of-way for roads, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way.

Planning Commission recommends eliminating this Task Force recommendation from any further consideration.

S2. Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S3. Consider clarifying how accessory structures can be located in front yards.

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

P9. Request to review standards related to subdivisions accessing private roads.

Planning Commission passed over this item, as no further action was needed.

S1. Consider adding accessory dwelling units to the Village zoning district.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S9. Consider reviewing demolition process as it relates to age of structure.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S13. Consider discussing an overall approach to short-term vacation rentals (STVR).

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P7. Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment.

Planning Commission passed over this Task Force Recommendation, as no action was needed.

P10. Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18).

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

TF9. Review elimination of the County’s maximum pier length of 150 feet.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S10. Consider reviewing the definition of waterway width versus State approach.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P1. Request to change farm definition so a shed could be built without a dwelling.

Chair Hickman spoke against reducing the definition of a farm to five acres.

Ms. Reeder expressed support for the creation of a special exception to allow non-farms under 20 acres in the AZD the ability to apply for accessory sheds.

Chair Hickman voiced concerns that small parcels will be purchased for the sole purpose of building storage sheds.

Mr. Crowding spoke in agreement with Chair Hickman.

Planning Commission tabled item P1 for review at a later date.

P2. Request to allow utility-scale energy systems in the Agricultural Zoning District.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P3/TF8. Request to continue to exclude data centers from Agricultural Zoning District // TF8. Review allowing data centers on land in AZD at 0.5% of total land (about 630 acres) in order to let the landowners decide if they want to look at this option.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

TF1/TF17. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages. // TF17. Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback.

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

TF2. Review elimination of the 10% rule (related to new agricultural subdivisions).

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

TF5. Review concept of a reset to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

TF6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts where such homesites do not meet the current requirements for 20 acres.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P17. A. Request to add Agritourism, as defined by the State of Maryland, as a permitted use in AZD.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P.17 B. Inclusion of Weddings as Special Exceptions within the Agricultural Zoning District.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S6. Consider removing the renewal requirements for sand and gravel pits.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S7. Consider reviewing the definition of structures, especially considering fences.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S8. Consider reviewing the definition of accessory structure and accessory use.

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

S11. Consider reviewing the conditions related to hunting trailers on farms.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

S12. Consider reviewing the side setbacks and rear setbacks of three feet and five feet, respectively, for accessory structures in rear yards, which occur throughout the LUO.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens.

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

P18. (NEW) Request to consider allowing backyard goats with provisions similar to backyard chickens.

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

TF4. Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

TF14. Review waterfront regulations. Waterfront is now considered the Front Yard. This causes issues such as pools are not allowed in the front yard and since the road is now considered the rear yard, accessory sheds can be 5' from the road.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

TF15. Review size limitations on accessory structures currently limited to 1,200 ft² in most properties under five acres. This could be enlarged to at least 2,000 ft² as long as stormwater management and screening regulations are met.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

TF16. Review Front Yard definition on corner lots; currently, it's the side with the smallest dimension. Review of the side where the driveway entrance is located is a better option. If there are two driveways, one could then be removed.

Planning Commission recommends that the current text in the code stay the same.

S5. Consider removing renewal language for telecommunications.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

TF10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

TF11/12. Review how to better define an Expanded Buffer. // TF12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

New Requests

Request to amend the Forest Conservation provisions of the Land Use Ordinance (Article VI. Special Provisions, Section 8. Forest Conservation, beginning on page 373 of the current Land Use Ordinance under Part 8 here)

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

Request to revise Marine zoning district provisions (Article V. District Regulations, Section 13. Marine District, beginning on page 219 under Part 4 and Article VII. Special Exceptions, beginning on page 413 under Part 9.

Planning Commission recommends presenting this Task Force recommendation "as is" to County Commissioners.

Request to the parking regulations for parking maximums instead of parking minimums (Article VI. Special Provisions, Section 1. Parking and Loading Requirements, beginning on page 309 under Part 6.

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

Request to amend setbacks in the Village District for agricultural uses on Village zoned land (Article V. District Regulations, Section 7. Village District, beginning on page 109 under Part 3).

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

Request to amend setbacks in the Village District for accessory structures in the front yard to be closer to the street than the house and to allow for small farms within Village District (Article V. District Regulations, Section 7. Village District, beginning on page 109 under Part 3).

Planning Commission recommends presenting this Task Force recommendation “as is” to County Commissioners.

Review the concept and permitted use of an enclave in AZD as it relates to the 10% rule (Article V. District Regulations, Section 1. Agriculture Zoning District, beginning on page 18 under Part 1).

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

Request to consider a general noise ordinance in the zoning code.

Planning Commission passed over this item; discussion is expected at another Planning Commission meeting.

Mr. Crowding moved that the recommendations be made ready to be forwarded to the County Commissioners.

The motion was seconded by Mr. Strong, and the motion passed unanimously, 7-0.

Chair Hickman made a motion that the Planning Commission go into a closed session to review a third letter received and consult with counsel.

Mr. Crowding seconded the motion. The motion passed with all in favor.

The Planning Commission went into a closed session on February 2, 2023, at 5:10 p.m.

The Planning Commission resumed the open meeting on February 2, 2023, at 5:24 p.m.

STAFF REPORTS

ADJOURN

Mr. Saunders moved to adjourn the open meeting. Mr. Ruge seconded. The meeting adjourned at approximately 5:24 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: March 2, 2023
Subject: Gillespie Precast, LLC/Morgan Creek Land Holdings, LLC
Concept and Preliminary Site Plan Review – Storage Yard Expansion

Executive Summary

REQUEST BY THE APPLICANT

Gillespie Precast, LLC/Morgan Creek Land Holdings, LLC is requesting concept and preliminary site plan review for expansion of its contractor's storage yard from 4.75 acres to 12.75 acres and to construct a 60-foot by 80-foot equipment storage building. An additional entryway from Morgnec Road is also proposed.

PUBLIC PROCESS

Per Article VI, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans.

SUMMARY OF THE STAFF REPORT

Located on the north side of Maryland Route 291 (Morgnec Road), the 190.633-acre property is zoned Industrial (I), Industrial Critical Area (ICA), and Resource Conservation District (RCD). The proposed expansion will be in the I and ICA districts. In 2018, a change of use for a contractor's yard and manufacturing of concrete and ceramics was granted by the Planning Commission.

A submerged gravel wetland (SGW) to manage stormwater is proposed to be installed in the ICA. No increase in lot coverage in the Critical Area is proposed, and no buffer mitigation is required. As more than 50% of the property is within the Critical Area, the proposed activity is exempt from Forest Conservation requirements per Article VI, Section 8.2.10. At the request of Staff, the applicant has agreed to mitigate 15% of disturbance in the Industrial district through a combination of landscaping, screening, forest conservation, and afforestation.

The application complies with the standards of the Land Use Ordinance.

STAFF RECOMMENDATION

Staff recommends granting preliminary site plan approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping
- Approval of the stormwater management and sediment and erosion control plans
- Approval by the Planning Commission for the proposed access
- MDOT SHA approval for the proposed access
- Citizen Participation Report

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #22-53 – Gillespie Precast, LLC/Morgan Creek Land Holdings, LLC
Concept and Preliminary Site Plan Review – Storage Yard Expansion
DATE: February 24, 2023

DESCRIPTION OF PROPOSAL

Gillespie Precast, LLC/Morgan Creek Land Holdings, LLC is requesting concept and preliminary site plan review for expansion of its contractor's storage yard from 4.75 acres to 13.50 acres and to construct a 60-foot by 80-foot equipment storage building. An additional entryway from Morgnec Road is also proposed.

Located on the north side of Maryland Route 291 (Morgnec Road), the 190.633-acre property is zoned Industrial (I), Industrial Critical Area (ICA), and Resource Conservation District (RCD). The proposed expansion will be in the I and ICA districts. In 2018, a change of use for a contractor's yard and manufacturing of concrete and ceramics was granted by the Planning Commission.

Of the two approved septic reserve areas on the parcel, one within the footprint of the proposed expansion is to be abandoned. The other will remain available but will be unused. A submerged gravel wetland (SGW) to manage stormwater is proposed to be installed in the ICA. No increase in lot coverage in the Critical Area is proposed, and no buffer mitigation is required.

As more than 50% of the property is within the Critical Area, the proposed activity is exempt from Forest Conservation requirements per Article VI, Section 8.2.10. At the request of Staff, the applicant has agreed to mitigate 15% of disturbance in the Industrial district through a combination of landscaping, screening, forest conservation, and afforestation.

RELEVANT ISSUES

I. Permitted Uses and Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Laws:* Article V, Sections 15.2 and 16.2 of the *Kent County Land Use Ordinance* establish site plan review requirements for all permitted industrial uses in the Industrial District and the Industrial Critical Area District.

15.2.5: Manufacture of concrete and ceramics products, commercial sawmills, sewage treatment plants, and lumberyards provided such use shall be located at least 400 feet from any residential district boundary.

15.2.10: Contractor's yard

16.2.5: Manufacture of concrete and ceramics products provided such use shall be located at least 400 feet from any residential district boundary. Outdoor Storage of materials is prohibited unless otherwise permitted by the Planning Commission and subject to conditions as may be determined by the Planning Commission.

16.2.9: Contractor's yard

- B. Article V, Sections 15.5 and 16.4 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Industrial District Industrial Critical Area District.
- C. *Staff and TAC Comments*: The proposed use is permitted, and the applicant property is more than 400 feet from any residential district. Building plans with front, side, and rear elevations of all exterior walls for the proposed storage structure have been submitted for review. The proposed storage structure meets the minimum setback requirements and height limitations. The Planning Commission gave approval for outdoor storage with the change in use to contractor's yard.

II. Industrial Performance Standards

- A. *Applicable Law*: Article V, Sections 15.6 and 16.5 of the *Kent County Land Use Ordinance* establish the performance standards for industrial activity. These performance standards address noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odorous matter limitations with compliance certified in an engineer's report.
- B. *Staff and TAC Comments*: The applicant has addressed the performance standards and has submitted a Certified Engineer's Report.

III. Industrial Environmental Standards

- A. *Applicable Law*: Article V, Sections 15.8 and 16.7 of the *Kent County Land Use Ordinance* establish the Industrial Environmental Standards which include agriculture, anadromous fish, forest conservation, natural heritage areas, nontidal wetlands, stream protection corridor, stormwater management, threatened and endangered species, and water quality standards. Additional standards in the ICA include buffer, modified buffer, forest management, forest interior dwelling birds, habitat, impervious surfaces, slopes, threatened and endangered species, timber harvest, and wildlife corridors.
- B. *Staff and TAC Comments*:
 - Industrial (I)
 - Per Article VI, Section 8.2.10 of the Land Use Ordinance, the proposed activity is exempt from Forest Conservation requirements as more than 50% of the property is within the Critical Area.
 - The applicant proposes to mitigate an area equal to 15% of the limits disturbance in the Industrial district through a combination of landscape screening, forest conservation, and afforestation for a total of 2.78 acres.
 - A preliminary stormwater management plan has been submitted for review and has received comments.
 - Maryland's Environmental Resource and Land Information Network (MERLIN), indicates that there are no threatened or endangered species in the vicinity of the proposed activity.
 - Industrial Critical Area (ICA)
 - No development in the buffer is proposed.
 - No vegetation is proposed to be removed, and no increase in lot coverage is proposed.
 - Maryland's Environmental Resource and Land Information Network (MERLIN), indicates that there are no threatened or endangered species in the vicinity of the proposed

activity, and there are no Habitat Protection Areas or Wildlife Corridors that will be affected.

IV. Design Standards

- A. *Applicable Law*: Article V, Sections 15.9 and 16.8 of the *Kent County Land Use Ordinance* establishes the Industrial Design Standards which address site access, on-site circulation, floodplain, landscaping, screening, lighting, site planning, and subdivision. Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses. Lighting on the site should be sufficient to provide for the safety and security of the business, its employees, and its customers while avoiding glare onto adjacent properties and adjacent roadways and not interfere with traffic or create a safety hazard.

15.9.1(c) and 16.8.B.1(c): Site Access: Only one direct approach onto a primary road from an individual parcel of record as of August 1, 1989 shall be permitted unless the Planning Commission, or where applicable the Planning Director, finds one of the following:

- i. An additional entrance is significantly beneficial to the safety and operation of the highway.
- ii. One entrance is a safety hazard or increases traffic congestion.
- iii. The property is bisected by steep slopes, bodies of water, or other topographic feature so as to render some portion of the property inaccessible without additional road access.

B. Staff and TAC Comments:

- An additional access point from Maryland Route 291 is proposed. Plans for the proposed access have been submitted to MDOT SHA District 2 for review.
- The Planning Commission shall make a decision on whether to approve the proposed second access.
- Adequate spacing is provided to ensure on-site circulation for the proposed use.
- A landscaping, forest conservation, and afforestation plan has been submitted for review. The plan provides for adequate screening for adjoining properties and the roadway to protect from noise and glare. Additionally, the plan mitigates for 15% of the limits of disturbance in the Industrial District.
- No exterior lighting is proposed.

V. Site Plan Review

- A. *Comprehensive Plan*: “Strategy: Retain and promote existing businesses and assist in their growth” (Page 8)
- B. *Applicable Law*: Article VI, Section 5 of the *Kent County Land Use Ordinance* outlines the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the *Comprehensive Plan*, *Land Use Ordinance*, *Village Master Plans* and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

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

- a. Conformance with the *Comprehensive Plan* and, where applicable, the *Village Master*

Plan

- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The 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 natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with the Comprehensive Plan.
- The proposal conforms with the provisions of all applicable rules and regulations.
- Areas for vehicular flow appear to be adequate for the use proposed.
- Demands on public services and infrastructure are reasonable.
- No sewage or refuse disposal is proposed, and protection from pollution of surface and groundwater is proposed through stormwater management.
- Except for the limited removal of trees for the proposed access, no other vegetation is proposed to be removed.
- The proposed use will be conducted on a large property surrounded by active farmland. The development will be integrated into the existing landscape through landscaping and an afforested strip on the eastern boundary of the property.

STAFF RECOMMENDATION

Staff recommends granting preliminary site plan approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping
- Approval of the stormwater management and sediment and erosion control plans
- Approval by the Planning Commission for the proposed access
- MDOT SHA approval for proposed access
- Citizen Participation Report

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)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** 1/25/2023

Project Name: Morgan Creek Land Holdings, LLC Storage Yard Expansion

District: 2nd Map: 38 Parcel: 1 Lot Size: 190.6 ac. Deed Ref: 723/419 Zoning: I / ICA

LOCATION: 27030 Morgnec Road, Chestertown, Maryland 21620

PROPOSED USE: Contractor's Yard / Manufacturing of Concrete and Ceramics

OWNER OF LAND:

Name: Morgan Creek Land Holdings, LLC Telephone: 410-778-0940

Address: P.O. Box 450, Chestertown, MD 21620 Email: agillespie@gillespieprecast.com

APPLICANT:

Name: (same as owner) Telephone: _____

Address: _____ Email: _____

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DMS & Associates c/o Kevin Shearon Telephone: 443-262-9130

Address: P.O. Box 80, Centreville, MD 21617 Email: kjs@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: kjs@dmsandassociates.com

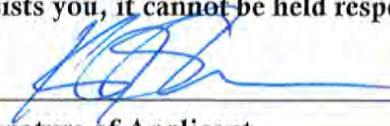
Water Supply: Public System On lot system n/a - no water service proposed

Sewerage: Public System On lot system n/a - no sewerage system proposed

TELEPHONE SERVICED BY: n/a

ELECTRIC SERVICED BY: n/a

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

1/25/23

Date

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____

PROJECT NARRATIVE

Morgan Creek Land Holdings, LLC 27030 Morgnec Road, Chestertown, Maryland

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

The site is located at the north side of Morgnec Road (Maryland Route 291) and is 190.633 acres in size. The property received a change of use approval from the Planning Commission in 2018 (18-58) for a “contractor’s yard” and “manufacturing concrete and ceramics”. The purpose of this site plan is to expand the proposed “manufacturing of concrete and ceramics” and “contractor’s yard” within the Industrial (I) and Industrial-Critical Area (ICA) zoning districts from 4.75-acres± to 12.75-acres±. A 60’x80’ storage building is also proposed to house equipment used to move finished products around the yard.

The property is owned by Morgan Creek Land Holdings, LLC and will be operated by Gillespie Precast, LLC. The corporate address is P.O. Box 450 Chestertown, Maryland 21620. The property is identified as Tax Map 38 Parcel 1. The subject parcel is split into the following zoning districts: Industrial (I), and Industrial Critical Area (ICA), and Resource Conservation District.

There are currently two approved septic reserve areas on the site. One will be abandoned as it will be in the footprint of the proposed storage yard. The other will remain available but will not be used as part of this project as no full time employees will be at the site and no bathroom facility is provided.

Am more than 50% of this property is located within the Critical Area, the proposed activity is exempt from Forest Conservation requirements per Article VI, Section i.2(10). However, at the request of Kent County, a combination of forest conservation, afforestation, and landscape screening is proposed to mitigate the visual impact of the project on the public road and neighboring property. The total area of planting is based on 15% of the Limit of Disturbance within the Industrial zoning district.

Given the scale of the proposed impervious cover, micro-scale stormwater management practices present a challenge. This project has been developed using a submerged gravel wetland (SGW) to treat the stormwater runoff from the storage yards. SGWs are an accepted practice the Maryland Department of the Environments Stormwater Design Manual. Grass swales are proposed to direct the runoff to the SGW. A conceptual stormwater management report is included in this submittal for initial review and comment.

Hours of operation will mimic those of Gillespie Precast, LLC which are generally between 7am and 5pm. The property is intended to remain under the ownership and maintenance of Morgan Creek Land Holdings, LLC.

INDUSTRIAL PERFORMANCE STANDARDS

**Morgan Creek Land Holdings, LLC
27030 Morgnec Road, Chestertown, MD**

In accordance with Article V, Section 15.6 of the Kent County Zoning Ordinance, we offer the following:

1. **NOISE** – The expansion of the use on this site will not generate excessive noise. Noise associated with the expanded yard will be limited to heavy equipment used to transport the finished concrete product to and from the storage yard such as fork lifts, cranes, and tractor trailers, all typical pieces of equipment found in an industrial zoned property.
2. **VIBRATION** – The expansion of the use of this site will not generate excessive vibration. Any vibration generated will be a direct result of the heavy equipment noted above under “noise”.
3. **GLARE** – The expansion of the use of this site will not generate excessive glare.
4. **AIR POLLUTION** - The expansion of the use of this site will not generate air pollution. Dust will be the only pollutant that may be generated from the site, however, it will not be excessive and will be generally in keeping with the current operation. Water is sprayed on dusty surfaces during extended dry periods to control dust.
5. **WATER POLLUTION** - The expansion of the use of this site will not generate water pollution.
6. **RADIOACTIVITY** - The expansion of the use of this site will not generate radioactivity.
7. **ELECTRICAL INTERFERENCE** - The expansion of the use of this site will not generate electrical interference.
8. **SMOKE AND PARTICULATE MATTER** - The expansion of the use of this site will not generate smoke. See “Air Pollution” noted above regarding particulate matter.
9. **TOXIC MATTER** - The expansion of the use of this site will not generate toxic matter.
10. **ODOROUS MATTER** - The expansion of the use of this site will not generate odorous matter.

PRELIMINARY SITE PLAN ON THE LANDS OF MORGAN CREEK LAND HOLDINGS, LLC NEAR THE TOWN OF CHESTERTOWN SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : GILLESPIE AND SONS, INC.

GENERAL NOTES

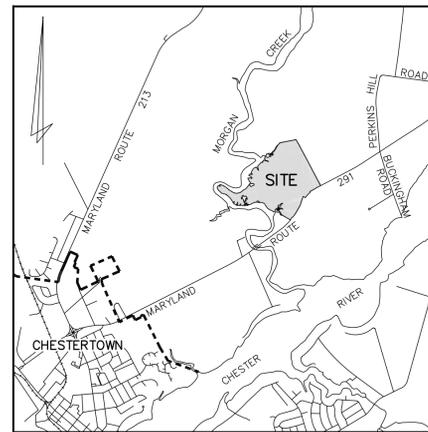
1. These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
2. The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:
 Delmarva Power & Light Company ----- 1-800-375-7117
 Miss Utility ----- 1-800-441-8355
 DMS & Associates, LLC ----- 1-443-262-9130
 Kent County Dept. Public Works ----- 1-410-778-7439
 Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7437
 Kent Co. Dept. of Water & Wastewater ----- 1-410-778-3287
 Maryland Department of the Environment ----- 1-410-631-3510
3. All construction shall be marked for traffic and pedestrian safety.
4. The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
5. The owner is responsible for the acquisition of all easements, both permanent and temporary.
6. The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
7. All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
8. All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
9. Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
10. Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
11. The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
12. All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
13. All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
14. All water valves, boxes and hydrants shall be set and adjusted to finish grade.
15. Whenever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
16. Minimum cover over the sewer main shall be 42".
17. All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
18. All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
19. Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
20. Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

SITE STATISTICS

GROSS SITE AREA	= 190.633 ac.±
NON-CRITICAL AREA	= 46.177 ac.±
CRITICAL AREA	= 144.456 ac.±
GROSS SITE AREA	= 190.633 ac.±
ZONE (I)	= 47.231 ac.±
ZONE (ICA)	= 39.968 ac.±
ZONE (RCD)	= 103.434 ac.±
AREA WITHIN ZONE (I)	= 47.231 ac.±
NON-CRITICAL AREA	= 41.903 ac.±
CRITICAL AREA	= 5.328 ac.±
AREA WITHIN ZONE (ICA)	= 39.968 ac.±
NON-CRITICAL AREA	= 1.122 ac.±
CRITICAL AREA	= 38.846 ac.±
AREA WITHIN ZONE (RCD)	= 103.434 ac.±
NON-CRITICAL AREA	= 3.152 ac.±
CRITICAL AREA	= 100.282 ac.±
IMPERVIOUS AREA (EXISTING)	= 5.38 ac.±
IMPERVIOUS AREA (ZONE "I")	= 4.53 ac.±
IMPERVIOUS AREA (ZONE "ICA")	= 0.85 ac.±
IMPERVIOUS AREA (TO BE REMOVED)	= 0.00 ac.±
IMPERVIOUS AREA (ZONE "I")	= 0.00 ac.±
IMPERVIOUS AREA (ZONE "ICA")	= 0.00 ac.±
IMPERVIOUS AREA (PROPOSED)	= 7.98 ac.±
IMPERVIOUS AREA (ZONE "I")	= 7.98 ac.±
IMPERVIOUS AREA (ZONE "ICA")	= 0.00 ac.±
IMPERVIOUS AREA (TOTAL)	= 13.36 ac.±
IMPERVIOUS AREA (ZONE "I")	= 7.98 ac.±
IMPERVIOUS AREA (ZONE "ICA")	= 5.38 ac.±
IMPERVIOUS AREA (EXISTING)	= 5.38 ac.±
IMPERVIOUS AREA (NON-CRITICAL)	= 4.26 ac.±
IMPERVIOUS AREA (CRITICAL)	= 1.12 ac.±
IMPERVIOUS AREA (TO BE REMOVED)	= 0.00 ac.±
IMPERVIOUS AREA (NON-CRITICAL)	= 0.00 ac.±
IMPERVIOUS AREA (CRITICAL)	= 0.00 ac.±
IMPERVIOUS AREA (PROPOSED)	= 7.98 ac.±
IMPERVIOUS AREA (NON-CRITICAL)	= 7.98 ac.±
IMPERVIOUS AREA (CRITICAL)	= 0.00 ac.±
IMPERVIOUS AREA (TOTAL)	= 13.36 ac.±
IMPERVIOUS AREA (NON-CRITICAL)	= 7.98 ac.±
IMPERVIOUS AREA (CRITICAL)	= 5.38 ac.±

NOTES

1. PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM A SUBDIVISION PLAT PREPARED BY MICHAEL A. SCOTT, INC. IN MAY, 2015. SEE PLAT BOOK W.H.G. 1/25.
2. FOR DEED REFERENCE, SEE LIBER M.L.M. 723, FOLIO 419 (LOT 1).
3. CURRENT ZONING CLASSIFICATION - (I) INDUSTRIAL, (ICA) INDUSTRIAL CRITICAL AREA AND (RCD) RESOURCE CONSERVATION DISTRICT.
4. THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATIONS - LDA & RCA.
5. SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0281D AND 24029C0285D. (ZONE "AE") EFFECTIVE DATE JUNE 9, 2015.
6. SOILS SHOWN HEREON ARE SCALED FROM THE WEBSITE: <http://websoilsurvey.nrcs.usda.gov>.
7. EXISTING CONTOURS SHOWN HEREON ARE TAKE FROM AERIAL TOPOGRAPHY FLOWN IN THE FALL OF 20___. VERTICAL DATUM IS NAVD 88.
8. THE PROPOSED USE WILL NOT HAVE A FULL-TIME EMPLOYEE ON-SITE, THEREFORE, NO BATHROOM FACILITY IS PROVIDED.



VICINITY MAP
SCALE 1" = 4000'

FOREST CONSERVATION NOTES

AS MORE THAN 50% OF THIS PROPERTY IS LOCATED WITHIN THE CRITICAL AREA, THE PROPOSED ACTIVITY IS EXEMPT FROM FOREST CONSERVATION REQUIREMENTS PER ARTICLE VI, SECTION 8.2(10). HOWEVER, AT THE REQUEST OF KENT COUNTY, A COMBINATION OF FOREST CONSERVATION, AFFORESTATION, AND LANDSCAPE SCREENING IS PROPOSED TO MITIGATE THE VISUAL IMPACT OF THE PROJECT ON THE PUBLIC ROAD AND NEIGHBORING PROPERTY. THE TOTAL AREA OF PLANTING WILL BE BASED ON 15% OF THE LIMIT OF DISTURBANCE WITHIN THE INDUSTRIAL ZONING DISTRICT AND BROKEN DOWN AS FOLLOWS:

AREA WITHIN THE L.O.D. ZONED INDUSTRIAL (I)	= 14.29 acres
15% OF THE AREA WITHIN THE I-L.O.D.	= 2.14 acres
PROPOSED PLANTINGS:	
FOREST CONSERVATION AREA	= 0.98 acre
AFFORESTATION AREA	= 0.95 acre
LANDSCAPE SCREENING	= 0.85 acre
TOTAL	= 2.78 acres

TABLE OF CONTENTS

SHEET C-1	- TITLE SHEET
SHEET C-2	- PRELIMINARY OVERALL SITE PLAN
SHEET C-3	- PRELIMINARY SITE AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-4	- MDOT SHA ROAD IMPROVEMENTS PLAN
SHEET C-5 thru C-7	- SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-8	- SITE DETAILS AND STORMWATER MANAGEMENT DETAILS AND SPECIFICATIONS
SHEET C-9 thru C-12	- STORMWATER MANAGEMENT SECTIONS
SHEET C-13	- SEDIMENT AND EROSION CONTROL AND SPECIFICATIONS
SHEET LS-1 thru LS-3	- LANDSCAPE PLAN
SHEET LS-4	- LANDSCAPE SCHEDULES AND DETAILS

STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE NORTH SIDE OF MARYLAND ROUTE 291 NEAR THE TOWN OF CHESTERTOWN, MARYLAND. THE SITE IS THE LOCATION OF THE FORMER CAMPBELL'S SOUP FACTORY. THE INTENT OF THIS PRELIMINARY SITE PLAN IS TO CONSTRUCT A NEW STORAGE BUILDING AND TO EXPAND THE EXISTING "MANUFACTURING OF CONCRETE AND CERAMICS" AND "CONTRACTOR'S YARD" WITHIN THE INDUSTRIAL (I) AND INDUSTRIAL-CRITICAL AREA (ICA) ZONING DISTRICTS.

THE PURPOSE OF THIS SITE PLAN IS TO OBTAIN PRELIMINARY SITE PLAN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED IMPROVEMENTS ON THE SITE.

OWNER:

MORGAN CREEK LAND HOLDINGS, LLC
c/o ANDREW GILLESPIE
P.O. BOX 450
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-0940

SURVEYOR

MICHAEL A. SCOTT, INC.
c/o MIKE SCOTT
400 S. CROSS STREET
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-2310

ENGINEER

DMS & ASSOCIATES, LLC
c/o KEVIN J. SHEARON, PE LEED AP
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED:

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

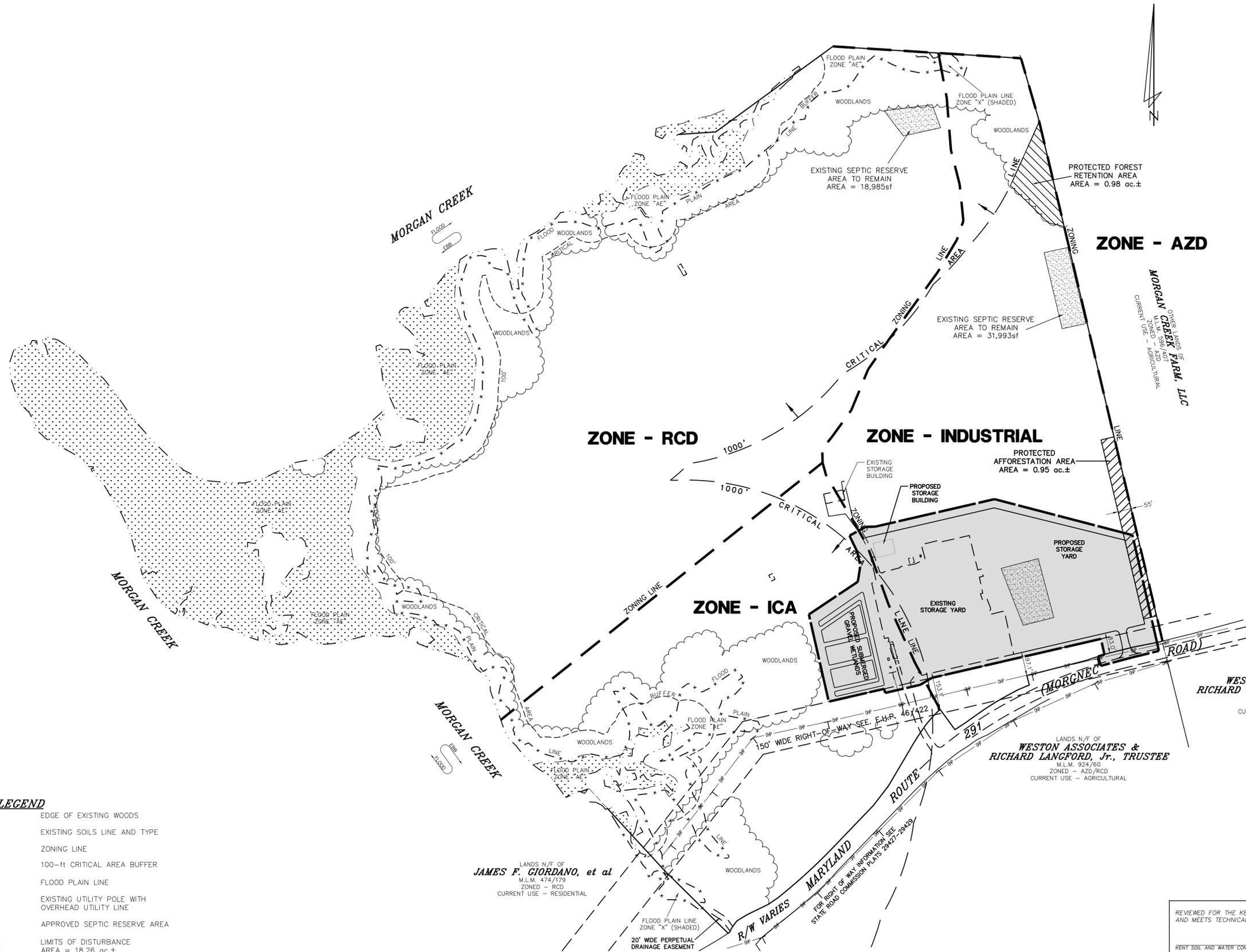
- A. ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- B. ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- C. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

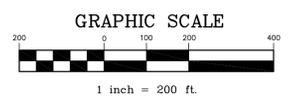
ADDRESS _____ CARD No. _____

PHONE No. _____

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING _____ DATE _____	KENT COUNTY DEPARTMENT OF PUBLIC WORKS _____ DATE _____	KENT COUNTY HEALTH DEPARTMENT _____ DATE _____	KENT SOILS AND WATER CONSERVATION DISTRICT _____ DATE _____	PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A SELF LICENSED PROFESSIONAL ENGINEER UNDER THE AUTHORITY OF THE STATE OF MARYLAND, LICENSE No. 2004690, AND MY EXPIRATION DATE IS 9-2-23  DATE _____ SEAL _____	DAVIS, MOORE, SHEARON & ASSOCIATES, LLC ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE : 1-443-262-9130 FAX : 1-443-262-9148	DATE 2/16/23	REVISION PER COMMENTS	TITLE SHEET ON THE LANDS OF MORGAN CREEK LAND HOLDINGS, LLC NEAR THE TOWN OF CHESTERTOWN TAX MAP - 38, GRID - 18, PARCEL - 1 SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND	DATE JANUARY '23	SCALE AS SHOWN
JOB No. 2022019 DRAWN BY WJM		FOLDER Ref. 38-2022019 DESIGNED BY KJS		SHEET No. - C-1		CADD FILE - 22019C01				



- LEGEND**
- EDGE OF EXISTING WOODS
 - EXISTING SOILS LINE AND TYPE
 - ZONING LINE
 - 100-ft CRITICAL AREA BUFFER
 - FLOOD PLAIN LINE
 - EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE
 - APPROVED SEPTIC RESERVE AREA
 - LIMITS OF DISTURBANCE AREA = 18.26 ac.±



LANDS N/F OF
JAMES F. GIORDANO, et al
M.L.M. 474/173
ZONED - RCD
CURRENT USE - RESIDENTIAL

LANDS N/F OF
WESTON ASSOCIATES & RICHARD LANGFORD, Jr., TRUSTEE
M.L.M. 924/60
ZONED - AZD/RCD
CURRENT USE - AGRICULTURAL

LANDS N/F OF
WESTON ASSOCIATES & RICHARD LANGFORD, Jr., TRUSTEE
M.L.M. 866/138
ZONED - AZD
CURRENT USE - AGRICULTURAL

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004690, AND MY EXPIRES ON 02/16/2025.

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
DATE: FEBRUARY 16, 2023

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION
2/16/23	PER COMMENTS

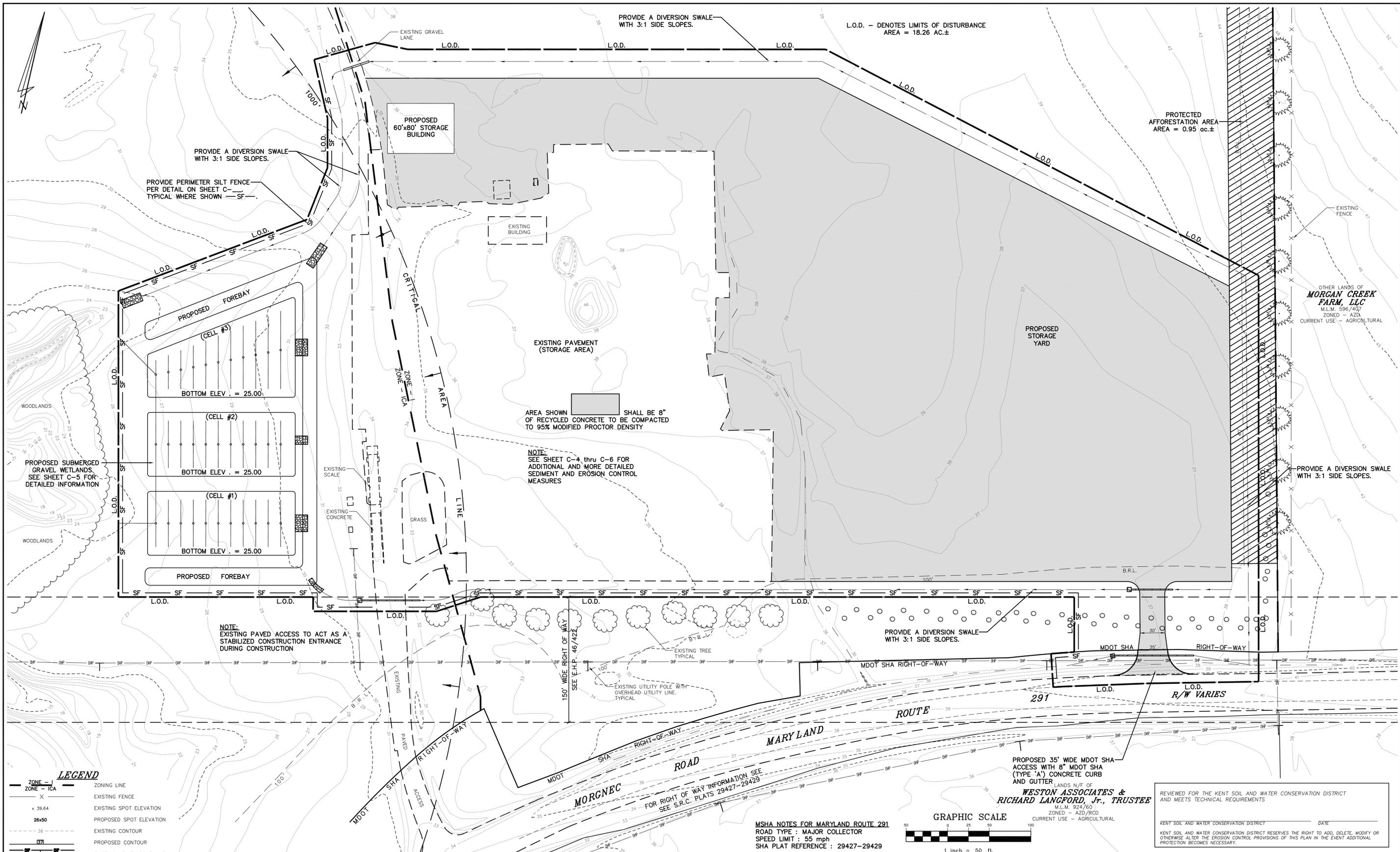
PRELIMINARY OVERALL SITE PLAN

ON THE LANDS OF
MORGAN CREEK LAND HOLDINGS, LLC
NEAR THE TOWN OF CHESTERTOWN

TAX MAP - 38, GRID - 18, PARCEL - 1

SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
JANUARY '23	1" = 200'
JOB No. 2022019	DRAWN BY WJM
FOLDER Ref. 38-2022019	DESIGNED BY KJS
SHEET No. - C-2	
CADD FILE - 22019C02	



LEGEND

---	ZONE - I	ZONING LINE
-X-	ZONE - ICA	EXISTING FENCE
x 39.64		EXISTING SPOT ELEVATION
26x50		PROPOSED SPOT ELEVATION
---		EXISTING CONTOUR
---		PROPOSED CONTOUR
---		EXISTING UTILITY POLE LINE
---		OVERHEAD UTILITY LINE
---		EDGE OF EXISTING TREES
---		EXISTING TREE
---		STONE WEIR
---		RIPRAP OUTLET/INFLOW PROTECTION
---		PERIMETER SILT FENCE
---		LIMITS OF DISTURBANCE

NOTE:
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

NOTE:
ALL SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY DEPARTMENT OF PUBLIC WORKS
KENT COUNTY HEALTH DEPARTMENT	KENT SOILS AND WATER CONSERVATION DISTRICT



DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION
2/16/23	PER COMMENTS

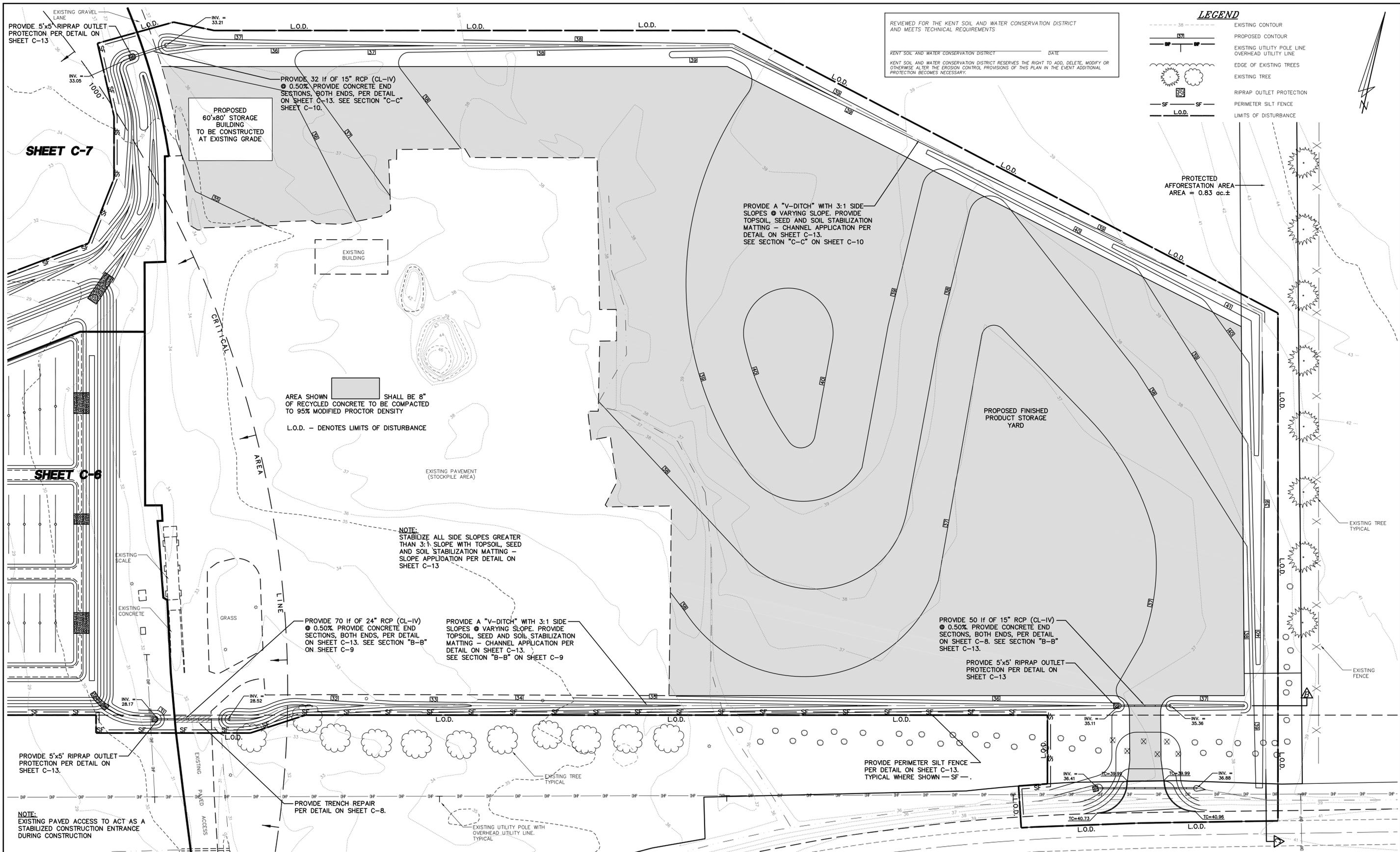
SITE AND SEDIMENT & EROSION CONTROL PLAN
ON THE LANDS OF
MORGAN CREEK LAND HOLDINGS, LLC
NEAR THE TOWN OF CHESTERTOWN
TAX MAP - 38, GRID - 18, PARCEL - 1
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
JANUARY '23	1" = 50'
JOB No.	DRAWN BY
2022019	WJM
FOLDER Ref	DESIGNED BY
38-2022019	KJS
SHEET No. - C-3	
CADD FILE - 22019C03	

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING UTILITY POLE LINE
- OVERHEAD UTILITY LINE
- EDGE OF EXISTING TREES
- EXISTING TREE
- RIPRAP OUTLET PROTECTION
- PERIMETER SILT FENCE
- LIMITS OF DISTURBANCE

SHEET C-7

SHEET C-6

PROVIDE 32 IF OF 15" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-13. SEE SECTION "C-C" SHEET C-10.

PROPOSED 60'x80' STORAGE BUILDING TO BE CONSTRUCTED AT EXISTING GRADE

PROVIDE A "V-DITCH" WITH 3:1 SIDE SLOPES @ VARYING SLOPE. PROVIDE TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL ON SHEET C-13. SEE SECTION "C-C" ON SHEET C-10

AREA SHOWN SHALL BE 8" OF RECYCLED CONCRETE TO BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY

L.O.D. - DENOTES LIMITS OF DISTURBANCE

NOTE: STABILIZE ALL SIDE SLOPES GREATER THAN 3:1 SLOPE WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - SLOPE APPLICATION PER DETAIL ON SHEET C-13

PROVIDE 70 IF OF 24" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-13. SEE SECTION "B-B" ON SHEET C-9

PROVIDE A "V-DITCH" WITH 3:1 SIDE SLOPES @ VARYING SLOPE. PROVIDE TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL ON SHEET C-13. SEE SECTION "B-B" ON SHEET C-9

PROVIDE 50 IF OF 15" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-8. SEE SECTION "B-B" SHEET C-13.

PROVIDE 5'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-13

PROVIDE PERIMETER SILT FENCE PER DETAIL ON SHEET C-13. TYPICAL WHERE SHOWN - SF -

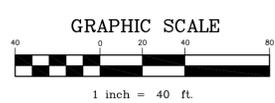
PROVIDE 5'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-13.

PROVIDE TRENCH REPAIR PER DETAIL ON SHEET C-8.

NOTE: EXISTING PAVED ACCESS TO ACT AS A STABILIZED CONSTRUCTION ENTRANCE DURING CONSTRUCTION

NOTE: FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

NOTE: ALL SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED



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KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY DEPARTMENT OF PUBLIC WORKS
KENT COUNTY HEALTH DEPARTMENT	KENT SOILS AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004690, EXPIRES JANUARY 25, 2023.

DATE _____ SEAL _____

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC

ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION

SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN

ON THE LANDS OF
MORGAN CREEK LAND HOLDINGS, LLC
NEAR THE TOWN OF CHESTERTOWN

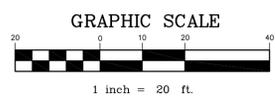
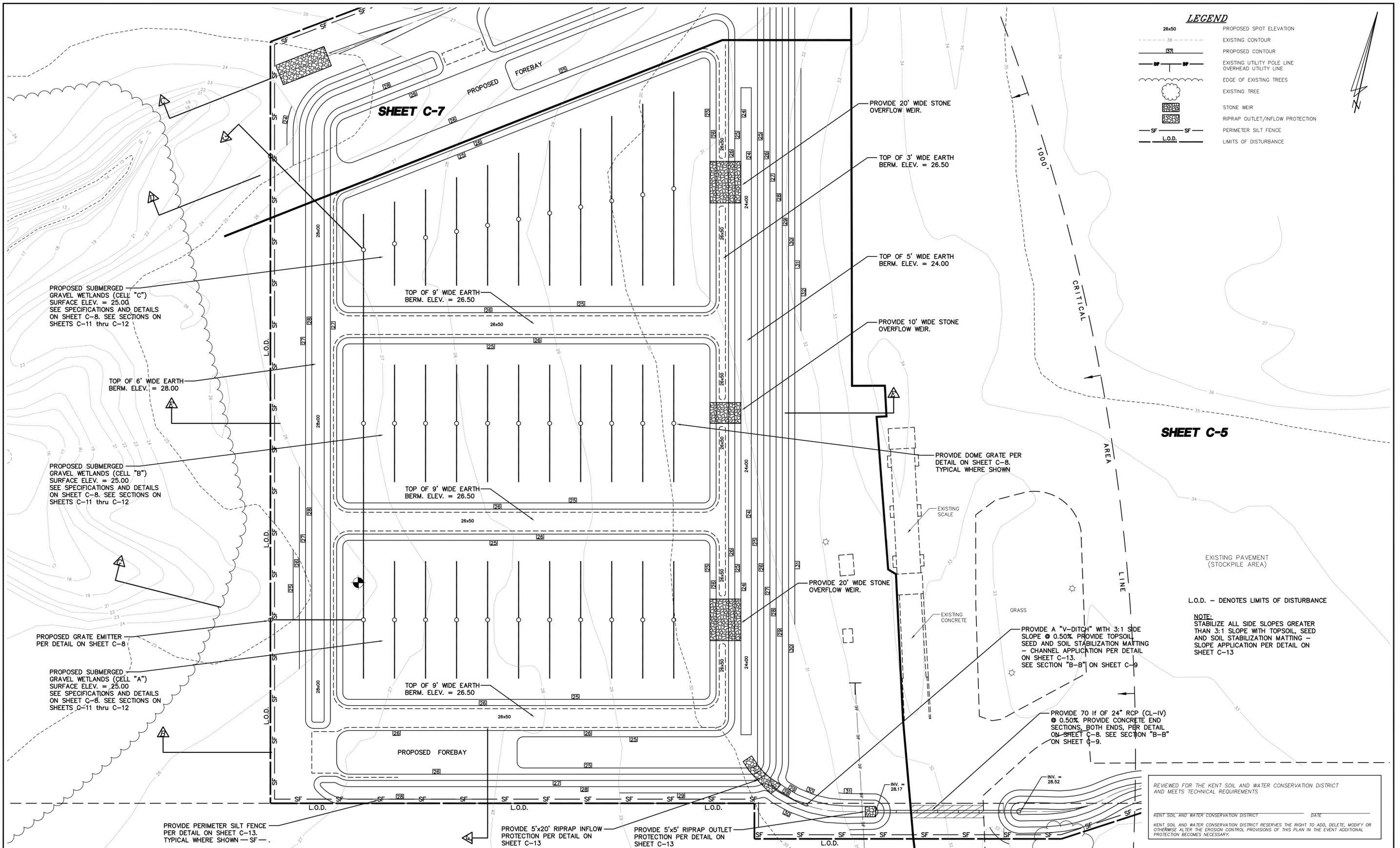
TAX MAP - 38, GRID - 18, PARCEL - 1

SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
JANUARY '23	1" = 40'
JOB No.	DRAWN BY
2022019	WJM
FOLDER Ref.	DESIGNED BY
38-2022019	KJS
SHEET No. - C-5	
CADD FILE - 22019C05	

LEGEND

- 26x50 PROPOSED SPOT ELEVATION
- EXISTING CONTOUR
- - - PROPOSED CONTOUR
- EXISTING UTILITY POLE LINE OVERHEAD UTILITY LINE
- EDGE OF EXISTING TREES
- EXISTING TREE
- STONE WEIR
- RIPRAP OUTLET/INFLOW PROTECTION
- PERIMETER SILT FENCE
- L.O.D. LIMITS OF DISTURBANCE



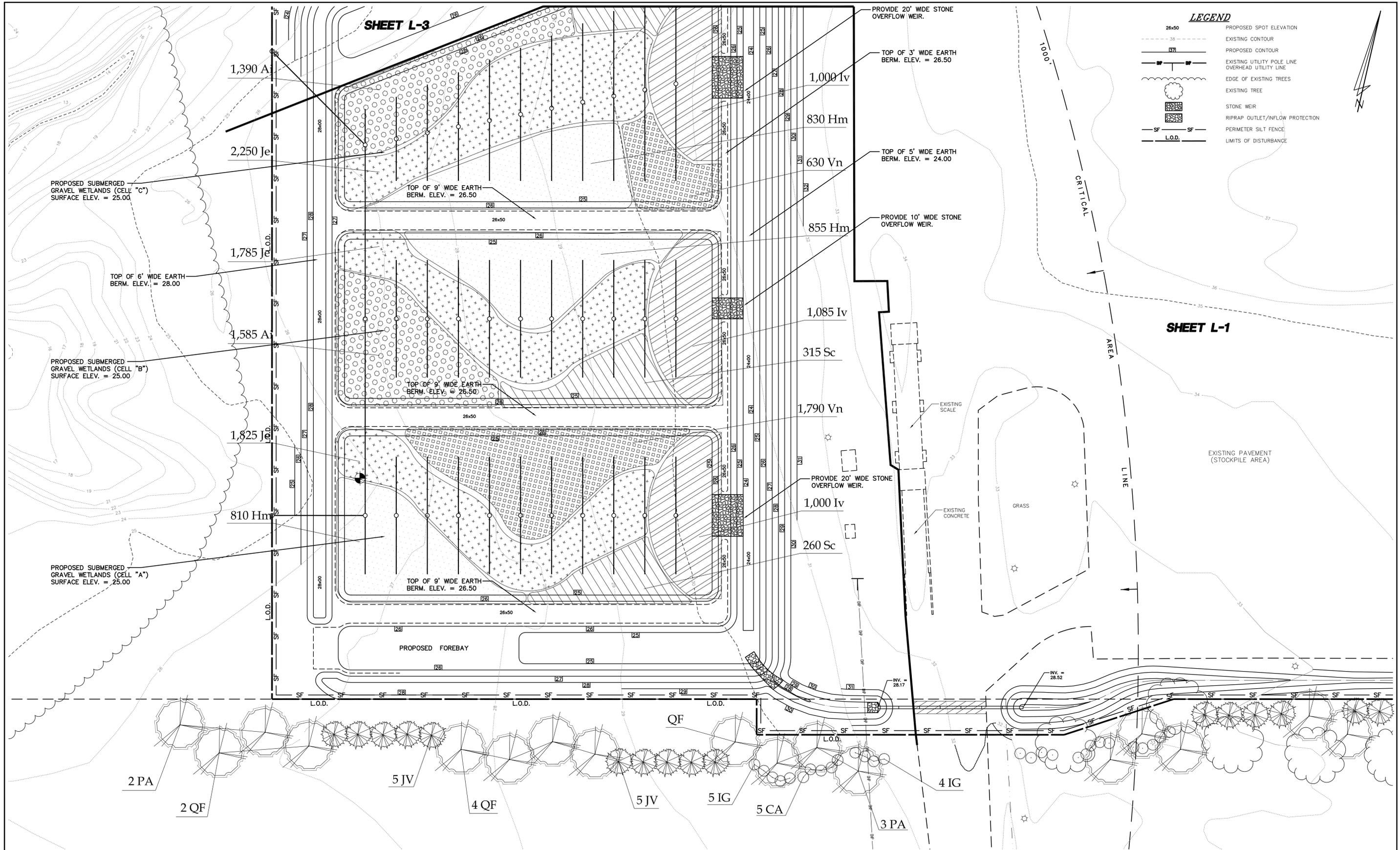
NOTE:
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

NOTE:
ALL SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY DEPARTMENT OF PUBLIC WORKS	PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004650. MY EXPIRATION DATE: 9-2-23
KENT COUNTY HEALTH DEPARTMENT	KENT SOILS AND WATER CONSERVATION DISTRICT	

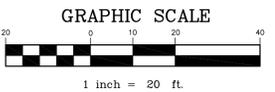
DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION	SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN	DATE	SCALE
		ON THE LANDS OF MORGAN CREEK LAND HOLDINGS, LLC NEAR THE TOWN OF CHESTERTOWN TAX MAP - 38, GRID - 18, PARCEL - 1 SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND	JANUARY '23	1" = 20'
			JOB No. 2022019	DRAWN BY WJM
			FOLDER Ref. 38-2022019	DESIGNED BY KJS
			SHEET No. - C-6	
			CADD FILE - 22019C06	



LEGEND

26x50	PROPOSED SPOT ELEVATION
- - - -	EXISTING CONTOUR
---	PROPOSED CONTOUR
— — —	EXISTING UTILITY POLE LINE OVERHEAD UTILITY LINE
~~~~~	EDGE OF EXISTING TREES
○	EXISTING TREE
■	STONE WEIR
▨	RIPRAP OUTLET/INFLOW PROTECTION
—SF—SF—	PERIMETER SILT FENCE
—L.O.D.—	LIMITS OF DISTURBANCE



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KENT COUNTY DEPARTMENT OF PLANNING AND ZONING  
KENT COUNTY DEPARTMENT OF PUBLIC WORKS  
KENT COUNTY HEALTH DEPARTMENT  
KENT SOILS AND WATER CONSERVATION DISTRICT



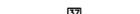
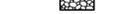
**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
**HUSTEAD Landscape Architecture, LLC**  
120 Bay Meadows Lane Stevensville, MD. 21666  
Phone : 443.988.2294  
E-mail: Vhustead@Husteadla.com Web: www.Husteadla.com

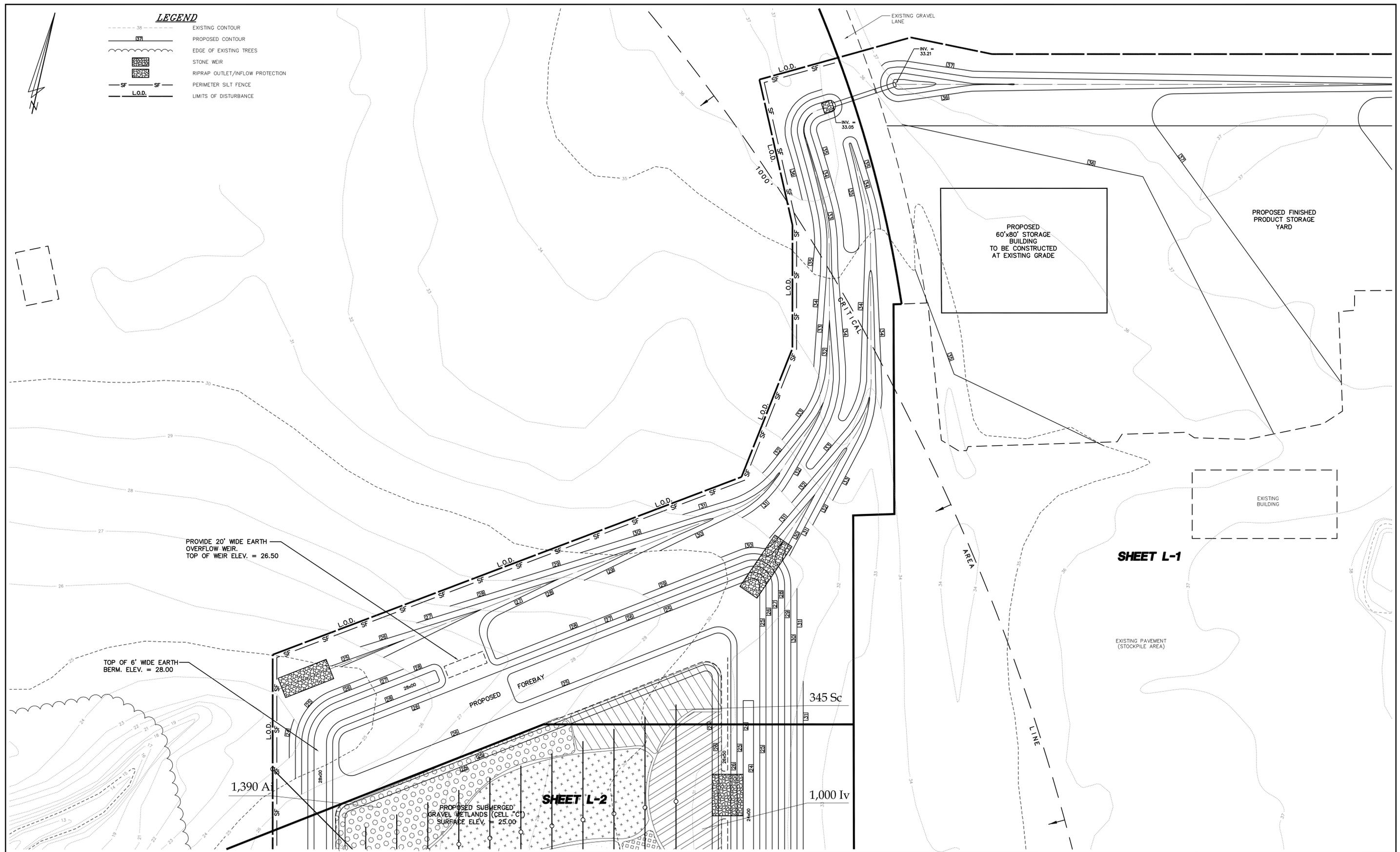
DATE	REVISION

PRELIMINARY LANDSCAPE PLAN  
ON THE LANDS OF  
**MORGAN CREEK LAND HOLDINGS, LLC**  
NEAR THE TOWN OF CHESTERTOWN  
TAX MAP - 38, GRID - 18, PARCEL - 1  
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
JANUARY '23	1" = 20'
JOB No. 2022019	DRAWN BY WJM
FOLDER Ref. 38-2022019	DESIGNED BY KJS
SHEET No. - L-2	
CADD FILE - 22019L02	

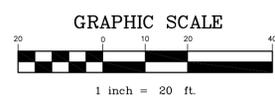
**LEGEND**

-  EXISTING CONTOUR
-  PROPOSED CONTOUR
-  EDGE OF EXISTING TREES
-  STONE WEIR
-  RIPRAP OUTLET/INFLOW PROTECTION
-  PERIMETER SILT FENCE
-  LIMITS OF DISTURBANCE



**SHEET L-1**

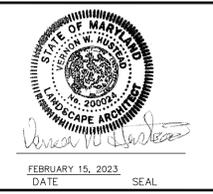
**SHEET L-2**



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KENT COUNTY DEPARTMENT OF PLANNING AND ZONING  
KENT COUNTY DEPARTMENT OF PUBLIC WORKS  
KENT COUNTY HEALTH DEPARTMENT  
KENT SOLS AND WATER CONSERVATION DISTRICT

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING  
KENT COUNTY DEPARTMENT OF PUBLIC WORKS  
KENT COUNTY HEALTH DEPARTMENT  
KENT SOLS AND WATER CONSERVATION DISTRICT



**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
**HUSTEAD Landscape Architecture, LLC**  
120 Bay Meadows Lane Stevensville, MD. 21666  
Phone : 443.988.2294  
E-mail: Vhustead@Husteadla.com Web: www.Husteadla.com

DATE	REVISION

PRELIMINARY LANDSCAPE PLAN  
ON THE LANDS OF  
**MORGAN CREEK LAND HOLDINGS, LLC**  
NEAR THE TOWN OF CHESTERTOWN  
TAX MAP - 38, GRID - 18, PARCEL - 1  
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
JANUARY '23	1" = 20'
JOB No. 2022019	DRAWN BY WJM
FOLDER Ref. 38-2022019	DESIGNED BY KJS
<b>SHEET No. - L-3</b>	
CADD FILE - 22019L03	

**LANDSCAPING SPECIFICATIONS**

OVERALL COMPLIANCE WITH THE TERMS OF THIS LANDSCAPE PLAN INCLUDING ALL MAINTENANCE AND WARRANTY REQUIREMENTS PRESCRIBED HEREON IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER. MAINTENANCE, WARRANTY AND PLANT MATERIAL SURVIVAL RESPONSIBILITIES OF THE LANDSCAPE CONTRACTOR SHALL BE AS SPECIFICALLY NEGOTIATED BETWEEN OWNER, DEVELOPER AND CONTRACTOR.

ALL WORK SHALL BE ACCOMPLISHED WITH QUALIFIED PERSONNEL, UTILIZING INDUSTRY STANDARD PRACTICES AND TECHNIQUES. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE INSTALLATION OF ALL LANDSCAPING SHOWN OR IMPLIED ON THIS PLAN. PRIOR TO INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR PLAN PREPARER IF SITE PLANTING CONDITIONS WARRANT RE-DESIGN CONSIDERATION AND VERIFY THE RECEIPT OF MOST CURRENT APPROVED BUFFER MANAGEMENT PLAN.

**A. MATERIALS**

(1) PLANTS SHALL BE NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES, AND GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT. THEY SHALL HAVE BEEN ROOT PRUNED WITHIN THE LAST TWO YEARS.

THEY SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, PEST, EGGS OR LARVAE, AND SHALL HAVE A HEALTHY, DEVELOPED ROOT SYSTEM. TREES AND SHRUBS SHALL NOT BE PRUNED BEFORE DELIVERY. ALL PLANTS WITH A DAMAGED OR CROOKED LEADER OR MULTIPLE LEADERS, ABRASIONS ON THE BARK, SUNSCALD, DISFIGURING KNOTS OR FRESH CUTS OVER 1 1/2" WILL BE REJECTED. THE OWNER RESERVES THE RIGHT TO HAVE THE PLANT MATERIAL INSPECTED AND TAGGED AT THE GROWING SITE AND TO REJECT ANY DEFICIENT MATERIAL AT THE JOB SITE. THE LANDSCAPE ARCHITECT OR PLAN PREPARER SHALL REJECT ANY AND ALL PLANT MATERIAL THAT DOES NOT MEET SPECIFICATIONS, IS DISEASED, OR IS OTHERWISE UNHEALTHY.

NO CHANGE IN QUANTITY, SIZE, KIND OR QUALITY OF PLANT SPECIFIED WILL BE PERMITTED WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE PLANT COUNT AND IN ANY INSTANCE WHERE THERE IS A DISCREPANCY BETWEEN THE PLAN VIEW AND THE LANDSCAPE SCHEDULE, THE PLAN VIEW SHALL PRESIDE.

(2) TOPSOIL SHALL BE FERTILE, FRIABLE AND TYPICAL OF THE LOCALITY. IT SHALL BE FREE OF STONES, LUMPS, PLANTS, ROOTS, STICKS AND SHOULD NOT BE DELIVERED IN A FROZEN OR MUDDY CONDITION. COMPACTED SOILS THAT CANNOT BE RESTORED TO A REASONABLE PLANTING SOIL SHALL BE REMOVED AND REPLACED WITH FRIABLE NATIVE SOILS.

(3) PLANTING SOIL (BACKFILL MIX) SHALL BE THREE PARTS NATIVE TOPSOIL AND ONE PART LEAF-GRO.

(4) STAKING MATERIALS: GUY WIRE SHALL BE PLIABLE 12 GAUGE GALVANIZED TWISTED TWO STRAND WIRE. HOSE SHALL BE A SUITABLE LENGTH OF TWO-PLY, REINFORCED BLACK RUBBER HOSE 3/4" INCH IN DIAMETER; STAKES SHALL CONFORM TO THE DETAIL ON THIS SHEET.

(5) MULCH: MULCH SHALL BE ORGANIC DOUBLE SHREDDED HARDWOOD BARK FREE OF HERBICIDES, LARGE CHUNKS AND WEEDS AND SEED AND AGED A MINIMUM OF 6 MONTHS.

**B. APPLICABLE SPECIFICATIONS AND STANDARDS:**

- (1) "STANDARDIZED PLANT NAMES," LATEST EDITION AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE.
- (2) "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, AMERICAN ASSOCIATION OF NURSERYMEN.

**C. PRE-DELIVERY DIGGING AND HANDLING OF PLANT MATERIALS:**

- (1) IMMEDIATELY BEFORE DIGGING, SPRAY ALL EVERGREEN OR DECIDUOUS PLANT MATERIAL IN FULL LEAF WITH ANTI-DESICCANT, APPLYING AN ADEQUATE FILM OVER TRUNKS, BRANCHES, TWIGS, AND/OR FOLIAGE.
- (2) DIG BALL AND BURLAP (B&B) PLANTS WITH FIRM NATURAL BALLS OF EARTH, OF DIAMETER NOT LESS THAN THAT RECOMMENDED BY AMERICAN STANDARD FOR NURSERY STOCK, AND OF SUFFICIENT DEPTH TO INCLUDE THE FIBROUS AND FEEDING ROOTS. PLANTS MOVED WITH A BALL WILL NOT BE ACCEPTED IF THE BALL IS CRACKED OR BROKEN BEFORE OR DURING PLANTING OPERATIONS.
- (3) THE LANDSCAPE CONTRACTOR SHALL PLAN DELIVER AND PLANT INSTALLATION TO MINIMIZE STRESS ON PLANT MATERIAL. MATERIAL TO BE STAGED ON OR OFF THE JOB SITE SHALL BE LOCATED TO MAXIMIZE PROTECTION FROM HOT SUN AND DRYING WINDS AND SHALL BE WATERED TO MAINTAIN A STRESS FREE CONDITION. THE LACK OF AVAILABLE WATER SHALL NOT RELIEVE THE CONTRACTOR OF ADEQUATE MAINTENANCE.

**D. SITE PREPARATION:**

- PLANTING AREAS THAT HAVE BEEN IN CONSISTENT AGRICULTURAL PRODUCTION SHALL BE PLANTED WITH NO OTHER REQUIRED SITE PREPARATION.
- PLANTING AREAS THAT ARE VEGETATED AND STABLE WITH MINIMAL WEEDS SHALL BE MOWED TO 8" OR AS REQUIRED FOR PLANTING OR SEEDLING INSTALLATION.

**E. EXCAVATION OF PLANTING AREAS:**

THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK. COORDINATE WITH OTHER CONTRACTORS ON SITE AND MISS UTILITY TO VERIFY UTILITY LOCATIONS. ANY REPAIRS TO EXISTING UNDERGROUND UTILITIES REQUIRED AS A RESULT OF ACTIONS OF THE CONTRACTOR AND/OR HIS ASSIGNS SHALL BE BORNE BY THE CONTRACTOR.

STAKE OUT ON THE GROUND LOCATIONS FOR PLANTS AND OUTLINES OF AREA TO BE PLANTED AND OBTAIN APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER BEFORE EXCAVATION IS BEGUN. CONTRACTOR IS TO CAUTIOUSLY TEST PIT AREAS WHERE UNDERGROUND UTILITIES (ELECTRIC, GAS, CABLE/COMMUNICATIONS LINES, WATER LINES, SEWER, ROOT LEADERS, STORM DRAIN PIPE, ETC.) ARE SUSPECTED TO EXIST AND WHERE PROPOSED TO BE PLACED ACCORDING TO PLAN TO AVOID ANY DAMAGE OR DISRUPTIONS TO SERVICES. DO NOT PLACE PLANTS DIRECTLY OVER ANY EXISTING UNDERGROUND UTILITIES. OFFSET A REASONABLE AND PRACTICAL DISTANCE TO AVOID ANY IMMINENT OR FUTURE CONFLICT.

**F. PLANTING OPERATIONS:**

DO NOT MIX OR PLACE SOILS AND SOIL AMENDMENTS IN FROZEN, WET OR MUDDY CONDITION. SUSPEND SOIL SPREADING, GRADING AND TILLING OPERATIONS DURING PERIODS OF EXCESS SOIL MOISTURE UNTIL MOISTURE CONTENT REACHES ACCEPTABLE LEVELS TO ATTAIN THE REQUIRED RESULTS. UNIFORMLY MOISTEN EXCESSIVELY DRY SOIL THAT IS NOT WORKABLE AND TOO DUSTY.

TREE PITS SHALL BE EXCAVATED TO A DEPTH THAT ALLOWS FOR THE PLANTS TO BE SET AT THE SAME RELATIONSHIP TO FINISHED GRADE AS THEY BORE TO THE GROUND FROM WHICH THEY WERE DUG. ADD 1 OZ. OF MYCOAPPLY ENDO GRANULAR PER 2 CU.FT. OF BACKSOIL TO THE SIDES OF THE ROOTBALL. PLANTING PITS SHALL BE DUG A MINIMUM OF 6 INCHES BELOW THE ROOT BALL AND 2 FEET PAST THE EDGE OF THE ROOT BALL TO ALLOW ROOM FOR AN EXPANDED AREA OF PLANTING SOIL. USE PLANTING SOIL TO BACKFILL APPROXIMATELY 2/3 FULL. WATER THOROUGHLY BEFORE INSTALLING. REMAINDER OF THE PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. SET PLANTS PLUMB AND BRACE RIGIDLY IN POSITION UNTIL THE PLANTING SOIL HAS BEEN STAMPED SOLIDLY AROUND THE BALL AND ROOTS. CUT ROPS OR STRINGS FROM TOP OF BALL AFTER PLANT HAS BEEN SET. LEAVE BURLAP OR CLOTH WRAPPING INTACT AROUND BALLS. TURN UNDER AND BURY PORTIONS OF BURLAP AT TOP OF BALL. FOR CONTAINER GROWN PERENNIALS, CAREFULLY REMOVE FROM CONTAINERS WITHOUT BREAKING APART PLANTS OR ROOT SYSTEMS AND GENTLY LOOSEN SOIL. PLACE IN PIT EXCAVATED TO THE DEPTH THAT ALLOWS FOR THE PLANT TO BE SET AT ITS FORMER GRADE. BACKFILL TO 2/3 FULL AND WATER THOROUGHLY. BACKFILL WITH REMAINING PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. DISPOSE OF REMOVED CONTAINERS OFFSITE AT AN APPROVED LANDFILL.

PROTECT PLANTS AT ALL TIMES FROM SUN OR DRYING WINDS. PLANTS THAT CANNOT BE PLANTED IMMEDIATELY ON DELIVERY SHALL BE KEPT IN THE SHADE, WELL PROTECTED WITH SOIL, WET MOSS OR OTHER ACCEPTABLE MATERIAL AND SHALL BE KEPT WELL WATERED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN THREE DAYS AFTER DELIVERY. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR BREAK BRANCHES. PLANTS SHALL BE LIFTED AND HANDLED FROM THE BOTTOM OF THE BALL ONLY.

MULCH ALL PITS AND BEDS WITH A TWO-INCH LAYER OF BARKMULCH IMMEDIATELY AFTER PLANTING. TO WORKED BEDS OF HERBACEOUS PERENNIALS ADD MULCH TO A DEPTH OF 2". PROVIDE AN 3-FOOT DIAMETER MULCH CIRCLE AROUND THE BASE OF ALL LARGE TREES. IN NO INSTANCE IS MULCH TO BE PILED AGAINST THE BASE OF TREE AND SHRUB TRUNKS. MULCH AREAS AROUND BASE OF EACH PLANT AND IN PLANTER AREAS. WATER ALL PLANTS IMMEDIATELY AFTER PLANTING.

**G. STAKING AND PRUNING:**

STAKE LARGE TREES IMMEDIATELY AFTER PLANTING. PLANTS SHALL STAND PLUMB AFTER STAKING. STAKES AND GUY WIRES SHALL BE OF THE SIZE AND MATERIAL SPECIFIED ABOVE AND POSITIONED AS SHOWN ON THE ACCOMPANYING PLANTING DETAIL. THEY SHALL BE REMOVED AT THE END OF THE GUARANTEE PERIOD AND DISPOSED OF OFF-SITE BY THE CONTRACTOR.

REMOVE ALL DEAD WOOD, SUCKERS, OR BROKEN BRANCHES AND PRESERVE THE NATURAL CHARACTER OF THE PLANT.

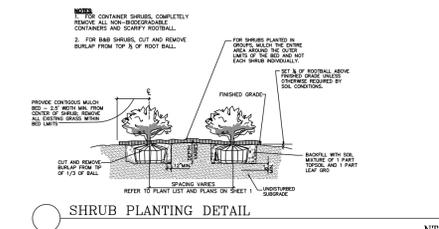
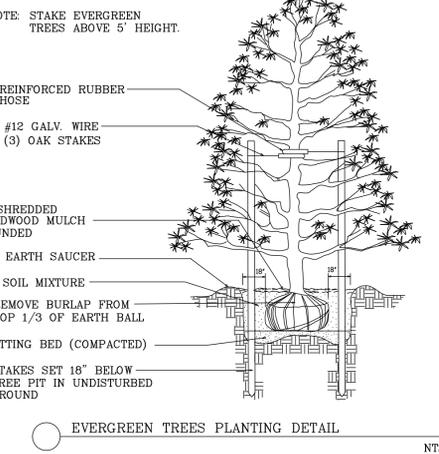
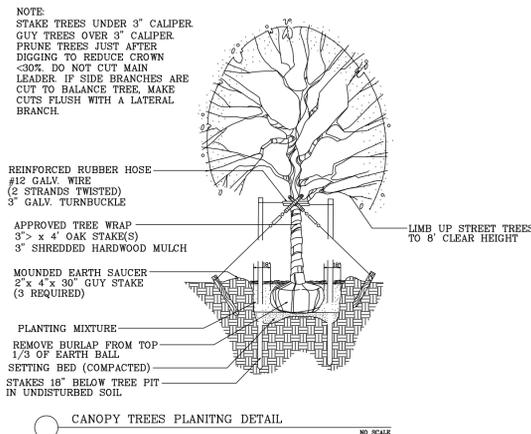
**H. POST PLANTING RESPONSIBILITIES:**

THE OWNER/DEVELOPER, THROUGH HIS/HER CONTRACT WITH THE LANDSCAPE CONTRACTOR IS RESPONSIBLE AND SHALL INSURE ADEQUATE MAINTENANCE IS PROVIDED THROUGH THE INSTALLATION AND WARRANTY PERIOD AND FINAL INSPECTION BY THE COUNTY.

**I. GUARANTEE:**

TREES AND HERBACEOUS PERENNIALS SHALL BE GUARANTEED FOR TWO (2) FULL YEARS FROM THE DATE THAT THE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETE AND HAVE A 100% SURVIVABILITY RATING AT THE END OF THE TWO YEARS. PLANT MATERIAL NOT FOUND TO BE IN A HEALTHY, VIGOROUS CONDITION AT THE BEGINNING OF THE SECOND GROWING SEASON IS TO BE REPLACED. BARE-ROOT SEEDLINGS SHALL BE GUARANTEED FOR A PERIOD OF FIVE (5) YEARS AND HAVE A 50% SURVIVABILITY RATE AT THE END OF 5 YEARS. SEEDLINGS NOT FOUND TO BE IN A HEALTHY VIGOROUS CONDITION AT THE END OF THE FIVE-YEAR PERIOD ARE TO BE REPLACED.

**PLANTING DETAILS**



**LANDSCAPE PLANT SCHEDULE**

KEY	QUA	BOTANICAL NAME	COMMON NAME	SIZE
Canopy Trees				
PA	16	Platanus acerifolia 'Exclamation'	Exclamation London Plane Tree	2 - 2 1/2" Cal. B&B
OF	15	Quercus falcata	Southern Red Oak	2 - 2 1/2" Cal. B&B
OP	6	Quercus palustris	Pin Oak	2 - 2 1/2" Cal. B&B
Evergreen Trees				
JV	61	Juniperus virginiana	Eastern Redcedar	5 - 6' Ht. B&B
Shrubs				
CA	19	Callicarpa americana	American Beautyberry	3 - 4' Cont.
IG	28	Ilex glabra	Inkberry	3 - 4' Cont.

**SWM LANDSCAPE PLANT SCHEDULE**

KEY	QUA	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
Grasses					
Je	5,860	Juncus effusus	Soft Rush	Quart Size	18" o.c. stag.
Sc	920	Scirpus cyperinus	Woolgrass	Quart Size	30" o.c. stag.
Emergents/Perennials					
Ai	2,975	Asclepias incarnata	Swamp Milkweed	Quart Size	18" o.c. stag.
Hm	2,495	Hibiscus moscheutos	Swamp Rosemallow	Quart Size	24" o.c. stag.
Iv	3,085	Iris versicolor	Blue Flag	Quart Size	18" o.c. stag.
Vn	2,420	Vernonia noveboracensis	New York Ironweed	Quart Size	18" o.c. stag.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY DEPARTMENT OF PUBLIC WORKS		<b>DAVIS, MOORE, SHEARON &amp; ASSOCIATES, LLC</b> P.O. BOX 80 CENTREVILLE, MARYLAND 21617	DATE	REVISION	PRELIMINARY LANDSCAPE DETAILS FOR <b>MARYLAND ROUTE 291 (MORGNEC ROAD)</b> NEAR THE TOWN OF CHESTERTOWN TAX MAP - 38, GRID - 18, PARCEL - 1 SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND	DATE	SCALE
				KENT COUNTY HEALTH DEPARTMENT KENT SOILS AND WATER CONSERVATION DISTRICT	FEBRUARY 15, 2023 DATE		SEAL	JANUARY '23 NTS
HUSTEAD Landscape Architecture, LLC 120 Bay Meadows Lane Stevensville, MD. 21666 Phone : 443.988.2294 E-mail : Vhustead@Husteadla.com Web: www.Husteadla.com						SHEET No. - L-4	CADD FILE - 22019L04	



## Building Specs

Width: 60'  
Length: 80'  
Height: 20'  
Roof Type: Gabled  
Roof Pitch: 3.5":12"  
Post Footing: Perma-Column

## Colors

Roof Color: Regal White  
Wall Color: Regal White  
Trim Color: Ash Gray  
Walk Doors: Regal White  
Large Doors: Regal White  
Track: Regal White  
Interior Panels: Regal White

## Interior

Ceiling: None

## Walls

F Wall: Enclosed  
B Wall: Enclosed  
L Wall: Enclosed  
R Wall: Enclosed

## Roof Options

F Gable Extension: 1'  
B Gable Extension: 1'  
L Eave Extension: 1  
R Eave Extension: 1

## Lean-tos

## Windows & Doors

Walk Door 9-Lite Qty: 1  
Overhead Panel Window Door  
Qty: 4

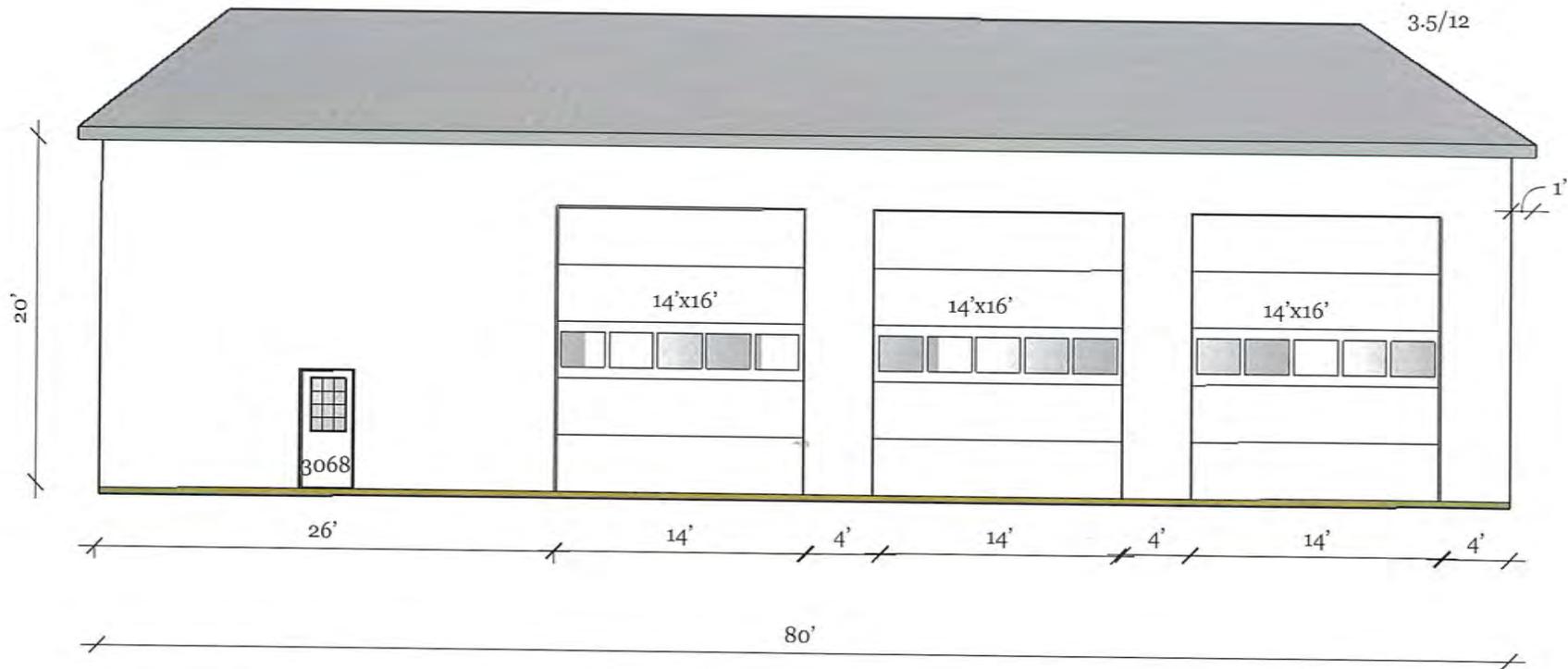
### Item Sizes:

Overhead Panel Window Door:  
w14' x h16'  
Overhead Panel Window Door:  
w14' x h16'  
Overhead Panel Window Door:  
w14' x h16'  
Walk Door 9-Lite: w36' x h84'  
Overhead Panel Window Door:  
w14' x h16'

Roof Color: Regal White  
Wall Color: Regal White  
Trim Color: Ash Grey

Post Footing: Perma-Column

Front Eave



Campbell Soup Yard Expansion



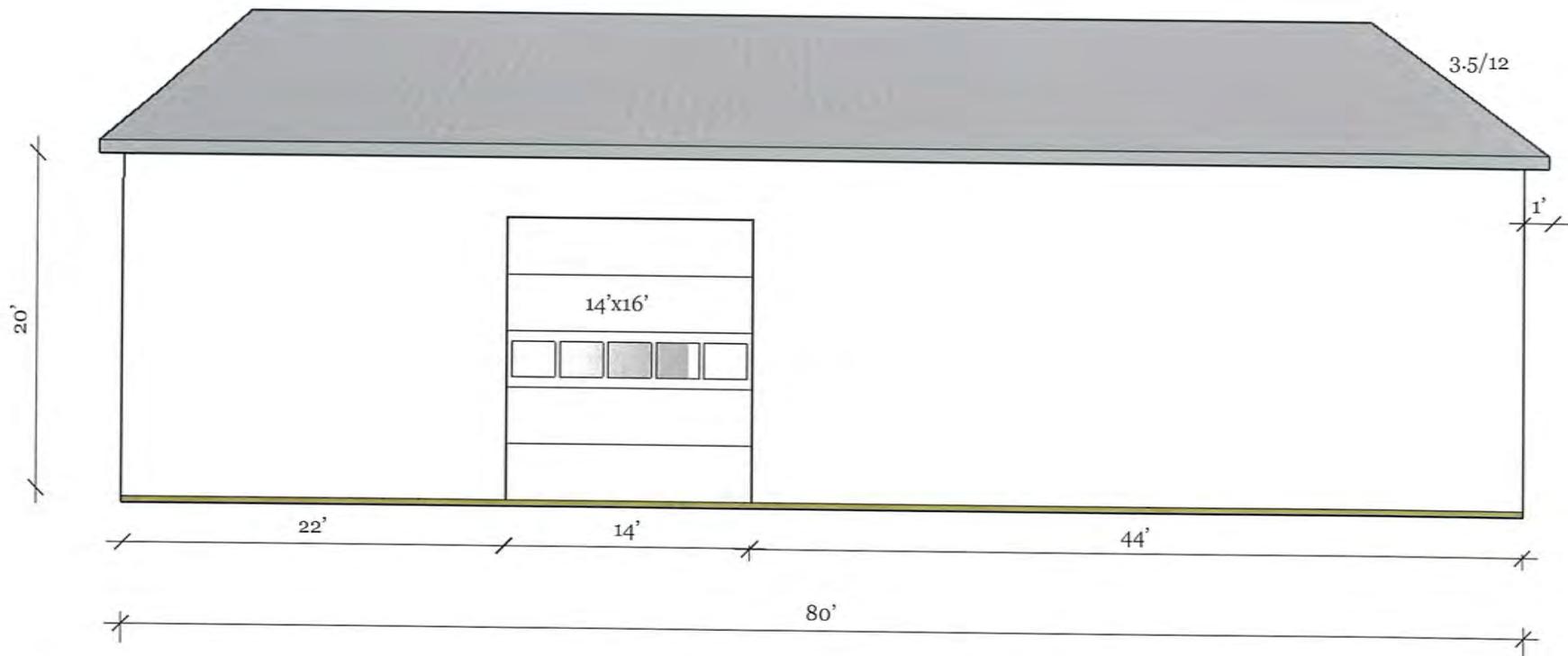
Shari Sapp  
(302) 943-3974  
Dreamstructuresllc@gmail.com

February 13, 2023

Back Eave

Roof Color: Regal White  
Wall Color: Regal White  
Trim Color: Ash Grey

Post Footing: Perma-Column



Campbell Soup Yard Expansion



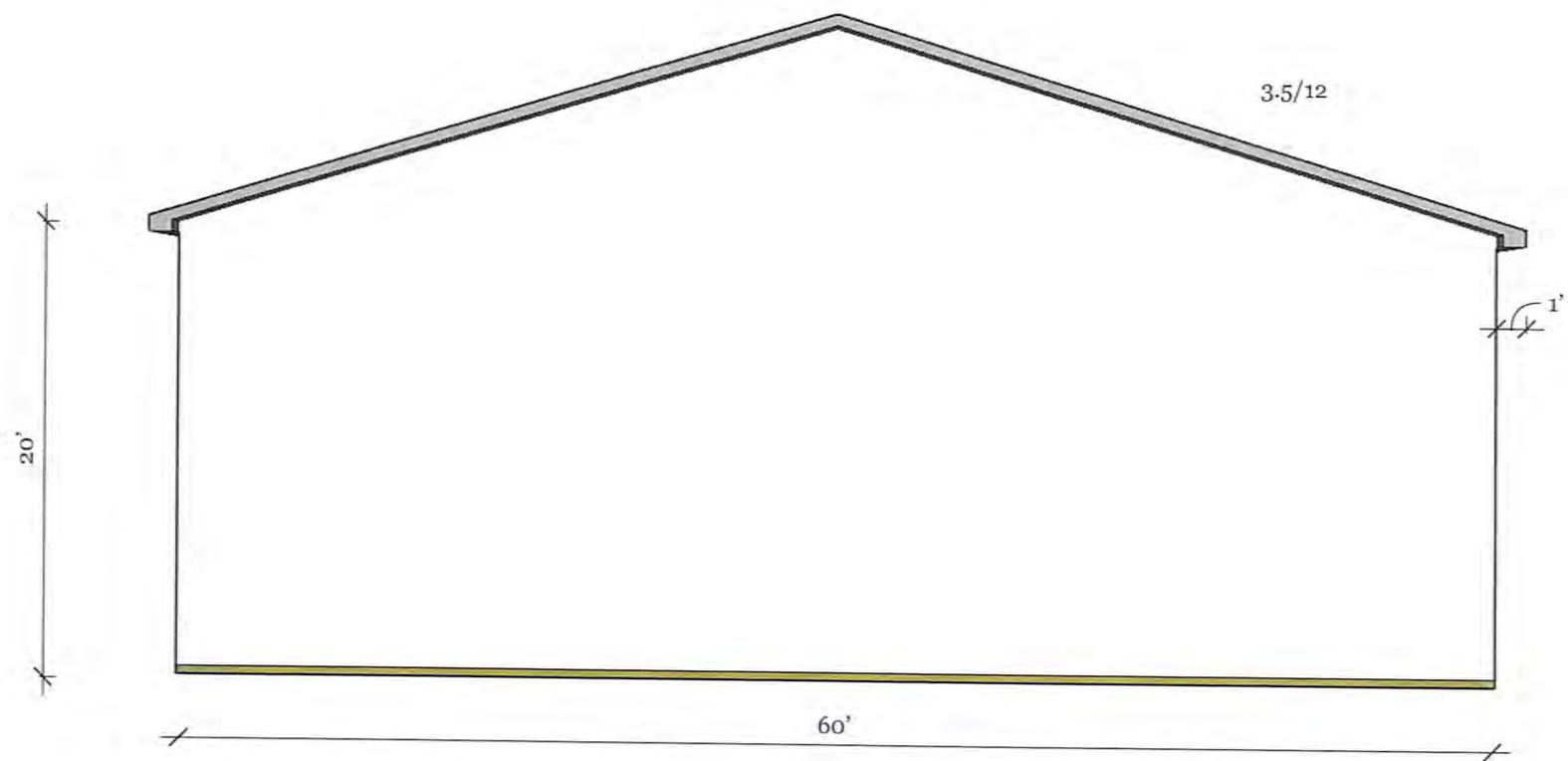
Shari Sapp  
(302) 943-3974  
Dreamstructuresllc@gmail.com

February 13, 2023

Roof Color: Regal White  
Wall Color: Regal White  
Trim Color: Ash Grey

Post Footing: Perma-Column

Left & Right Gable



Campbell Soup Yard Expansion



Shari Sapp  
(302) 943-3974  
Dreamstructuresllc@gmail.com

February 13, 2023

**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** March 2, 2023  
**Subject:** Gillespie Precast, LLC/Brickyard Landing Holdings, LLC  
Concept and Preliminary Site Plan Review – Storage Yard Expansion

## Executive Summary

### REQUEST BY THE APPLICANT

Gillespie Precast, LLC is requesting concept and preliminary site plan review for a 6.22-acre expansion of its finished product storage yard, to construct a 16,000 square foot storage building, and to construct a new entrance on to Maryland Route 291.

### PUBLIC PROCESS

Per Article VI, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans.

### SUMMARY OF THE STAFF REPORT

Located at 101 Brickyard Road, Chestertown, Maryland, this precast facility operates across three adjacent parcels (26, 161, and 490) under the ownership and maintenance of Brickyard Land Holding, LLC. The current facility entrance is onto Parcel 26, which is zoned Commercial (C), Industrial (I), and Industrial Critical Area (ICA). Parcel 161 is zoned Industrial (I), and Parcel 490 is zoned Industrial (I) and Industrial Critical Area (ICA). The proposed storage yard expansion and proposed storage building are to be on Parcel 490, but the proposed submerged gravel wetlands (SGW) for the stormwater management is to be constructed on Parcel 161.

As more than 50% of the project site is within the Critical Area, Staff has determined that the proposed activity is exempt from Forest Conservation requirements per Article VI, Section 8.2.10. However, as the proposed development is exclusive to the industrially zoned portion of the project site, Staff recommends that the environmental standards for the Industrial (I) district be applied and that the Planning Commission require that a minimum of 15% of the proposed area of disturbance be mitigated in the non-Critical Area part of the project site through landscape screening and/or afforestation.

The application complies with the standards of the Land Use Ordinance.

### STAFF RECOMMENDATION

Staff recommends granting preliminary site plan approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping
- Approval of the stormwater and sediment and erosion control plans
- Approval by the Planning Commission for the proposed access
- MDOT SHA approval for proposed access.
- Existing road frontage landscaping remains intact or is replaced in-kind if disturbed.
- A minimum of 15% of the proposed area of disturbance be mitigated through landscape screening and/or afforestation.
- Citizen Participation Report

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #23-10 – Gillespie Precast, LLC/Brickyard Land Holdings, LLC  
Concept and Preliminary Site Plan Review – Storage Yard Expansion  
DATE: February 24, 2023

### DESCRIPTION OF PROPOSAL

Gillespie Precast, LLC is requesting concept and preliminary site plan review for a 6.22-acre expansion of its finished product storage yard, to construct a 16,000 square foot storage building, and to construct a new entrance on to Maryland Route 291 (Morgnec Road).

Located at 101 Brickyard Road, Chestertown, Maryland, this precast facility operates across three adjacent parcels (26, 161, and 490) under the ownership and maintenance of Brickyard Land Holding, LLC. The current facility entrance is onto Parcel 26, which is zoned Commercial (C), Industrial (I), and Industrial Critical Area (ICA). Parcel 161 is zoned Industrial (I), and Parcel 490 is zoned Industrial (I) and Industrial Critical Area (ICA). The proposed storage yard expansion and proposed storage building are to be on Parcel 490, but the proposed submerged gravel wetlands (SGW) for the stormwater management is to be constructed on Parcel 161. All proposed development is to occur entirely within the Industrial Zoning District.

With a combined area of 76.558 acres for the three parcels, 49.606 acres (approximately 65%) is in Critical Area. As more than 50% of the project site is within the Critical Area, Staff has determined that the proposed activity is exempt from Forest Conservation requirements per Article VI, Section 8.2.10. However, as the proposed development is exclusive to the industrially zoned portion of the project site, Staff recommends that the environmental standards for the Industrial (I) district be applied and that the Planning Commission require that a minimum of 15% of the proposed area of disturbance in the Industrial (I) district be mitigated in the non-Critical Area part of the project site through landscape screening and/or afforestation.

### RELEVANT ISSUES

#### I. Permitted Uses and Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Laws:* Article V, Section 15.2 of the *Kent County Land Use Ordinance* establishes site plan review requirements for all permitted industrial uses in the Industrial District.

Manufacture of concrete and ceramics products, commercial sawmills, sewage treatment plants, and lumberyards provided such use shall be located at least 400 feet from any residential district boundary.

- B. Article V, Section 15.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Industrial District Industrial Critical Area District.
- C. *Staff and TAC Comments:* The proposed use is permitted, and the applicant property is more than 400 feet from any residential district. Building plans with front, side, and rear elevations of all exterior walls for the proposed storage structure have been submitted for review. The proposed storage structure meets the minimum setback requirements and height limitations.

## II. Industrial Performance Standards

- A. *Applicable Law:* Article V, Section 15.6 of the *Kent County Land Use Ordinance* establishes the performance standards for industrial activity. These performance standards address noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odorous matter limitations with compliance certified in an engineer's report.
- B. *Staff and TAC Comments:* The applicant has addressed the performance standards and has submitted a Certified Engineer's Report.

## III. Industrial Environmental Standards

- A. *Applicable Law:* Article V, Section 15.8 of the *Kent County Land Use Ordinance* establishes the Industrial Environmental Standards which include agriculture, anadromous fish, forest conservation, natural heritage areas, nontidal wetlands, stream protection corridor, stormwater management, threatened and endangered species, and water quality standards.

15.8.B.3(a): A parcel with less than 15% of its net tract area in forest cover shall be afforested to 15% of its net tract area.

- B. *Staff and TAC Comments:*
  - Per Article VI, Section 8.2.10 of the Land Use Ordinance, the proposed activity is exempt from Forest Conservation requirements as more than 50% of the project site is within the Critical Area.
  - Staff recommends that the Planning Commission require that 15% of the proposed area of disturbance be mitigated in the non-critical Area part of the project site through landscape screening and/or afforestation. The proposed area of disturbance is 8.35 acres, and 15% of that is 1.25 acres.
  - A preliminary stormwater management plan has been submitted for review, and comments have been provided.
  - Maryland's Environmental Resource and Land Information Network (MERLIN), indicates that there are no threatened or endangered species in the vicinity of the proposed activity.

## IV. Design Standards

- A. *Applicable Law:* Article V, Section 15.9 of the *Kent County Land Use Ordinance* establishes the Industrial Design Standards which address site access, on-site circulation, floodplain, landscaping, screening, lighting, site planning, and subdivision. Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses. Lighting on the site should be sufficient to provide for the safety and security of the business, its employees, and its customers while avoiding glare onto adjacent properties and adjacent roadways and not interfere with traffic or create a safety hazard.

15.9.1(c): Site Access: Only one direct approach onto a primary road from an individual parcel of record as of August 1, 1989, shall be permitted unless the Planning Commission, or where applicable the Planning Director, finds one of the following:

- i. An additional entrance is significantly beneficial to the safety and operation of the highway.
- ii. One entrance is a safety hazard or increases traffic congestion.
- iii. The property is bisected by steep slopes, bodies of water, or other topographic feature so as

to render some portion of the property inaccessible without additional road access

15.9.5 Screening - Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses.

B. Staff and TAC Comments:

- An additional access point from Maryland Route 291 is proposed. Plans for the proposed access have been submitted to MDOT SHA District 2 for review.
- The Planning Commission shall make a decision on whether to approve the proposed second access.
- Adequate spacing is provided to ensure on-site circulation for the proposed use.
- An existing hedgerow along the road frontage of Parcel 490, where the proposed storage yard and building are to be constructed, satisfies the screening requirement for that parcel.
- In 2018, a landscape plan was approved and implemented on the road frontage of Parcel 161 for an addition to the existing concrete production building. Current site plans for the proposed access point and the submerged gravel wetland (SGW) for stormwater management indicate that the previously installed landscaping may be removed or disturbed.
- Existing landscape on the road frontage of Parcel 161 must be retained intact, or any disturbed portions must be replaced in-kind.
- No exterior lighting is proposed.

V. Site Plan Review

- A. *Comprehensive Plan*: “Strategy: Retain and promote existing businesses and assist in their growth” (Page 8)
- B. *Applicable Law*: Article VI, Section 5 of the Kent County Land Use Ordinance outlines the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

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

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.

- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The 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 natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with the Comprehensive Plan.
- The proposal conforms with the provisions of applicable rules and regulations.
- Areas for vehicular flow appear to be adequate for the use proposed.
- Demands on public services and infrastructure are reasonable.
- Standard waste from the office is discharged into the Chestertown sewage system. No sewage or refuse disposal is proposed for this project, and protection from pollution of surface and groundwater is proposed through stormwater management.
- Except for the removal/disturbance of road frontage landscaping for the proposed access and proposed submerged gravel wetlands (SGW), no other vegetation is proposed to be removed.
- A Citizen Participation letter was sent to neighboring properties and an in-person meeting was held.

**STAFF RECOMMENDATION**

Staff recommends granting preliminary site plan approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping
- Approval of the stormwater and sediment and erosion control plans
- Approval by the Planning Commission for the proposed access
- MDOT SHA approval for proposed access.
- Existing road frontage landscaping remains intact or is replaced in-kind if disturbed.
- A minimum of 15% of the proposed area of disturbance be mitigated through landscape screening and/or afforestation.
- Citizen Participation Report

**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)

**SITE PLAN APPLICATION**

**File Number:** _____ **Amount Paid:** _____ **Date:** 1/25/2023

**Project Name:** Gillespie Precast, LLC Storage Yard Expansion (on former David A. Bramble, Inc. property)

District: 4th Map: 37 Parcel: 490 Lot Size: 19.422ac, Deed Ref: 2/286 Zoning: I / ICA

**LOCATION:** 101 Brickyard Road, Chestertown, Maryland 21620

**PROPOSED USE:** Contractor's Yard / Manufacturing of Concrete and Ceramics

**OWNER OF LAND:**

Name: Brickyard Land Holding, LLC Telephone: 410-778-0940

Address: P.O. Box 450, Chestertown, MD 21620 Email: agillespie@gillespieprecast.com

**APPLICANT:**

Name: (same as owner) Telephone: _____

Address: _____ Email: _____

**AGENT/ATTORNEY (if any):**

Name: _____ Telephone: _____

Address: _____ Email: _____

**REGISTERED ENGINEER OR SURVEYOR:**

Name: DMS & Associates c/o Kevin Shearon Telephone: 443-262-9130

Address: P.O. Box 80, Centreville, MD 21617 Email: kjs@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:** kjs@dmsandassociates.com

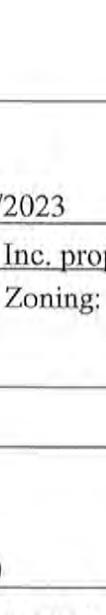
Water Supply:  Public System  On lot system n/a - no water service proposed

Sewerage:  Public System  On lot system n/a - no sewerage system proposed

**TELEPHONE SERVICED BY:** n/a

**ELECTRIC SERVICED BY:** n/a

**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

1/25/23

Date

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____

## PROJECT NARRATIVE

### **Brickyard Land Holding – Morgnec Road, Chestertown, Maryland**

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

This project involves the expansion of the Gillespie Precast, LLC finished-product storage yard at their existing facility located at 101 Brickyard Road, Chestertown, Maryland. In December, 2022, Brickyard Land Holding, LLC (property owner) purchased 7.969 acres from David A. Bramble, Inc for the purpose of expanding the storage yard. A lot line adjustment was recorded in the Kent County Land Records. The additional land brings the subject property (Tax Map 37, Parcel 490) to a total of 19.422 acres. It is zoned Industrial and Industrial Critical Area. The storage yard expansion falls entirely within the Industrial zoning district.

Gillespie Precast, LLC is proposing to expand the existing storage yard by 6.22 acres, construct a 16,000-sf storage building, and construct a new MDOT SHA entrance on to Morgnec Road (MD Route 291) to improve onsite circulation. An existing hedgerow along the road frontage will remain and be used as the required screening.

In accordance with Article V, Section 15:7.1 of the Industrial General Standards, we provide the following:

- a. The existing precast process will continue as it is currently operating. Generally the process involves the mixing of raw materials (sand, cement, and water) which are stored on-site. The mixing occurs at the existing precast building where the mixture is loaded into an overhead hopper. The hopper is controlled by an overhead crane that pours the concrete into forms to create a variety of structures including storm drain inlets, manholes, headwalls, etc.
- b. The industrial portion of this proposal does not discharge any chemicals or solids into the sewage system. Standard waste from the office will discharge into the sewage system.
- c. The added storage yard will allow Gillespie Precast to cast finished products in advance of customer orders for quicker and more efficient deliveries. It is anticipated that there will be an additional five truck trips per week.
- d. The hours of operation will remain the same. Hours at the facility are generally 6:30am to 5:00pm.
- e. Architectural elevations of the proposed storage building will be provided for review.

The property is intended to remain under the ownership and maintenance of Brickyard Land Holding, LLC.

# PRELIMINARY SITE PLAN

## FOR A NEW

# STORAGE BUILDING AND YARD

## NEAR THE TOWN OF CHESTERTOWN

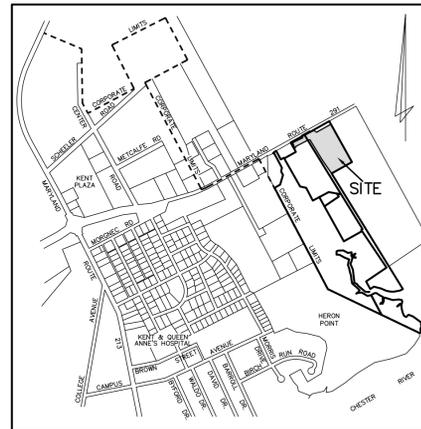
# FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

## PREPARED FOR : BRICKYARD LAND HOLDING, LLC

**SITE STATISTICS**

GROSS AREA	=	76,558 acrs±
PARCELS 26 & 161	=	57,136 acrs±
PARCEL 490	=	19,422 acrs±
CRITICAL AREA	=	49,606 acrs±
INDUSTRIAL CRITICAL AREA - LDA ZONE	=	49,606 acrs±
NON-CRITICAL AREA	=	26,952 acrs±
CROSSROADS COMMERCIAL ZONE	=	6,196 acrs±
INDUSTRIAL ZONE	=	26,756 acrs±
AREA IN FLOODPLAIN	=	23,90 acrs±
<b>NON-CRITICAL AREA:</b>		
FLOOR AREA (EXISTING) ( 9.5%)	=	2,548 acrs± (111,008 sq. ft.±)
FLOOR AREA (TO BE REMOVED)	=	0,000 acrs± ( 0,000 sq. ft.±)
FLOOR AREA (PROPOSED)	=	0,367 acrs± ( 16,000 sq. ft.±)
FLOOR AREA (TOTAL)	=	2,916 acrs± (127,008 sq. ft.±)
<b>LOT COVERAGE (EXISTING) (47.3%)</b>		
LOT COVERAGE (TO BE REMOVED)	=	12.76 acrs±
LOT COVERAGE (PROPOSED)	=	0.00 acrs±
LOT COVERAGE (TOTAL) (68.7%)	=	5.75 acrs±
<b>LANDSCAPE AREA (EXISTING) (52.7%)</b>		
LANDSCAPE AREA (PROPOSED) (31.3%)	=	14.19 acrs±
LANDSCAPE AREA (TOTAL)	=	8.44 acrs±
<b>CRITICAL AREA:</b>		
FLOOR AREA (EXISTING)	=	0,000 acrs± ( 0,000 sq. ft.±)
FLOOR AREA (TO BE REMOVED)	=	0,000 acrs± ( 0,000 sq. ft.±)
FLOOR AREA (PROPOSED)	=	0,000 acrs± ( 0,000 sq. ft.±)
FLOOR AREA (TOTAL)	=	0,000 acrs± ( 0,000 sq. ft.±)
<b>LOT COVERAGE (EXISTING) ( 6.0%)</b>		
LOT COVERAGE (TO BE REMOVED)	=	2.96 acrs±
LOT COVERAGE (PROPOSED)	=	0.00 acrs±
LOT COVERAGE (TOTAL) ( 6.0%)	=	2.96 acrs±
<b>LANDSCAPE AREA (EXISTING) (94.0%)</b>		
LANDSCAPE AREA (PROVIDED) (94.0%)	=	46.65 acrs±
<b>FOREST CALCULATIONS (ALL PROPERTIES):</b>		
AREA OF EXISTING FOREST (OVERALL)	=	19,086 acrs±
15% OF GROSS AREA (OVERALL)	=	11,48 acrs±
PERCENTAGE OF FOREST ONSITE (OVERALL)	=	24.9%
<b>AREA OF EXISTING FOREST (NON-CRITICAL AREA)</b>		
15% OF GROSS AREA (NON-CRITICAL AREA)	=	1.34 acrs±
PERCENTAGE OF FOREST ONSITE (NON-CRITICAL AREA)	=	4.04 acrs±
<b>AREA OF EXISTING FOREST (CRITICAL AREA)</b>		
15% OF GROSS AREA (CRITICAL AREA)	=	17,742 acrs±
PERCENTAGE OF FOREST ONSITE (CRITICAL AREA)	=	7,441 acrs±
<b>PERCENTAGE OF FOREST ONSITE (CRITICAL AREA)</b>		
= 35.8%		

- NOTES**
- PROPERTY LINE INFORMATION FOR P. 26 AND P. 161 ARE TAKEN FROM PLATS ENTITLED "LOT LINE ADJUSTMENT OF THE LANDS OF BRICKYARD LAND HOLDING, LLC" PREPARED BY DMS AND ASSOCIATES, LLC, RECORDED IN PLAT BOOK LIBER M.L.M. 5, FOLIO 164 A-B AND LIBER M.L.M. 5, FOLIO 250 A-B. PROPERTY LINE INFORMATION FOR P. 490 IS TAKEN FROM A PLAT ENTITLED "LOT LINE ADJUSTMENT OF THE LANDS OF BRICKYARD LAND HOLDING, LLC AND DAVID A. BRAMBLE, INC." PREPARED BY DMS AND ASSOCIATES, LLC IN NOVEMBER, 2022.
  - FOR DEED REFERENCE, SEE LIBER M.L.M. 1002, FOLIO 110.
  - CURRENT ZONING - 1 (INDUSTRIAL)  
- CC (CROSSROADS COMMERCIAL)  
- ICA-LDA (INDUSTRIAL CRITICAL AREA - LDA)
  - THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - LDA.
  - SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24049C0281D. (ZONE "AE") ELEV. = 6.0
  - SOILS SHOWN ONSITE ARE SCALED FROM <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY, MARYLAND.
  - NONTIDAL WETLANDS SHOWN HEREON ON THE PROPERTY ARE SCALED FROM THE U.S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE WETLAND INVENTORY MAP OF CHESTERTOWN, MARYLAND.
  - PERENNIAL/INTERMITTENT STREAMS DO NOT APPEAR ON THE PROPERTY AS SCALED FROM U.S. GEOLOGICAL SURVEY, CHESTERTOWN, MARYLAND TOPOGRAPHIC QUADRANGLE MAP.
  - STEEP SLOPES DO NOT APPEAR TO OCCUR ON THE SUBJECT PROPERTY.
  - EXISTING IMPROVEMENTS AND CONTOURS AROUND THE PROPOSED DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN DECEMBER, 2022. VERTICAL DATUM IS NAVD 88.
  - THE PROPOSED DEVELOPMENT DOES NOT REQUIRE THE NEED FOR SEWAGE DISPOSAL OR A POTABLE WATER SUPPLY.

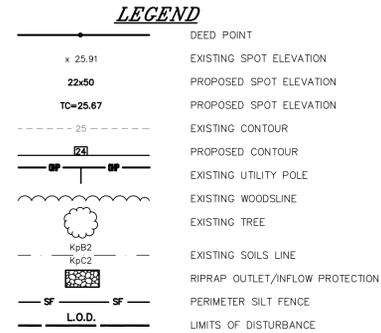


**VICINITY MAP**

SCALE 1" = 1200'

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SHEET C-1	-	TITLE SHEET
SHEET C-2	-	PRELIMINARY OVERALL SITE PLAN
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SHEET C-5 & C-6	-	PRELIMINARY STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-7	-	SITE DETAILS AND STORMWATER MANAGEMENT DETAILS AND SPECIFICATIONS
SHEET C-8	-	SEDIMENT AND EROSION CONTROL AND SPECIFICATIONS



- GENERAL NOTES**
- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
  - The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:  
Delmarva Power & Light Company ----- 1-800-375-7117  
Miss Utility ----- 1-800-441-8355  
DMS & Associates, LLC ----- 1-443-262-9130  
Kent County Dept. Public Works ----- 1-410-778-7439  
Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7423  
Kent Co. Dept. of Water & Wastewater ----- 1-410-778-3287  
Maryland Department of the Environment ----- 1-410-631-3510
  - All construction shall be marked for traffic and pedestrian safety.
  - The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
  - The owner is responsible for the acquisition of all easements, both permanent and temporary.
  - The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
  - All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
  - All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
  - Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
  - Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
  - The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
  - All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
  - All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
  - All water valves, boxes and hydrants shall be set and adjusted to finish grade.
  - Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
  - Minimum cover over the sewer main shall be 42".
  - All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
  - All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
  - Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
  - Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

**STATEMENT OF PURPOSE AND INTENT**

THE SITE IS LOCATED ON THE SOUTH SIDE OF MARYLAND ROUTE 291 (MORNEG ROAD) AND IS THE CURRENT LOCATION OF A PRECAST CONCRETE PRODUCTION FACILITY, STORAGE BUILDING AND AN OFFICE BUILDING. THE INTENT OF THE PLAN IS TO EXPAND THE EXISTING STORAGE AREA AND CONSTRUCT A NEW STORAGE BUILDING. NO ADDITIONAL EMPLOYEES OR PARKING ARE REQUIRED FOR THIS STORAGE AREA.

THE PURPOSE OF THIS PRELIMINARY SITE PLAN IS TO OBTAIN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED IMPROVEMENTS ON THIS SITE AS REPRESENTED ON THESE PLANS.

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED: _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

- ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ONSITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

ADDRESS _____ CARD No. _____

PHONE No. _____

**OWNER:**  
BRICKYARD LAND HOLDING, LLC  
c/o MIKE SCOTT  
P.O. BOX 450  
CHESTERTOWN, MARYLAND 21620  
PHONE No. 1-410-778-0940

**SURVEYOR:**  
MICHAEL A. SCOTT, INC.  
c/o MIKE SCOTT  
400 S. CROSS STREET  
CHESTERTOWN, MARYLAND 21620  
PHONE No. 1-410-778-2310

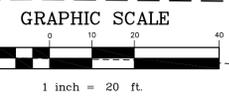
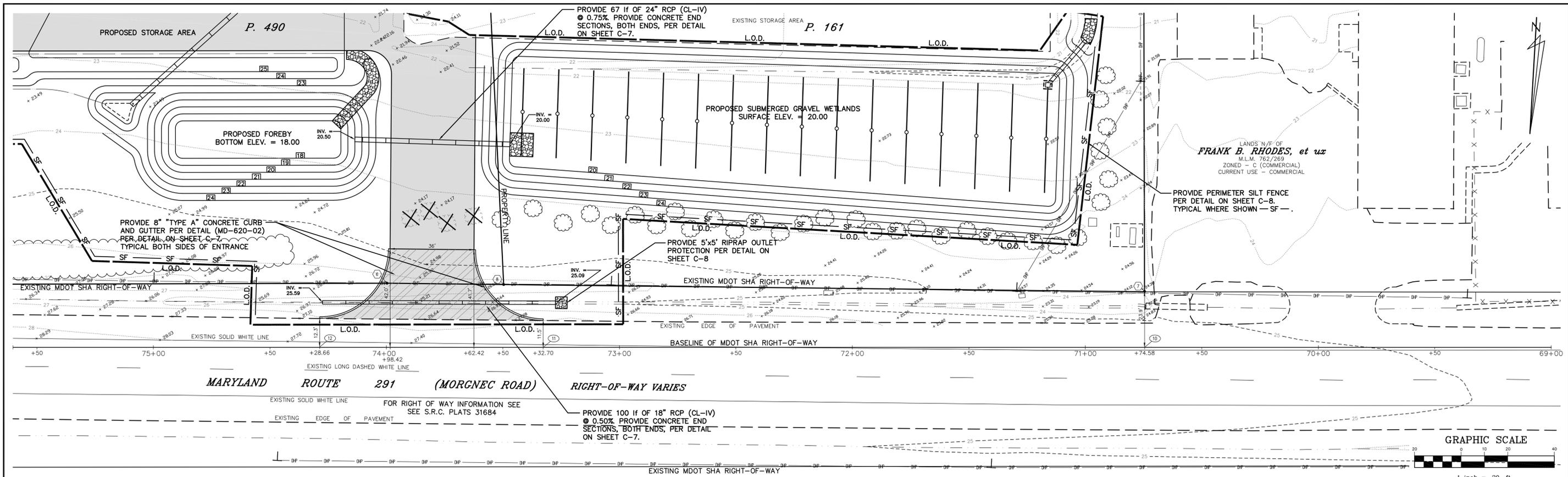
**ENGINEER:**  
DMS & ASSOCIATES, LLC  
c/o KEVIN J. SHEARON, PE LEED AP  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE No. 1-443-262-9130



**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-262-9130  
FAX : 1-443-262-9148

DATE	REVISION	TITLE SHEET	DATE	SCALE
2-16-23	PER COMMENTS	FOR <b>BRICKYARD LAND HOLDING, LLC</b> NEAR THE TOWN OF CHESTERTOWN FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND TAX MAP - 37, GRID - 3F, PARCEL - 26, 161 & 490 PREPARED FOR : BRICKYARD LAND HOLDING, LLC	JANUARY '23	AS SHOWN
			JOB No. 2022149	DRAWN BY WJM
			FOLDER Ref. 37-2022149	DESIGNED BY KJS
			SHEET No. - C-1	
			CADD FILE - 22149C01	





**LEGEND**

- x 26.72 EXISTING SPOT ELEVATION
- TC=26.50 PROPOSED TOP OF CURB ELEVATION
- 38 --- EXISTING CONTOUR
- 57 --- PROPOSED CONTOUR
- x - EXISTING FENCE
- OP --- EXISTING UTILITY POLE LINE  
OVERHEAD UTILITY LINE
- ~ ~ ~ EDGE OF EXISTING TREES
- EXISTING TREE
- ⊗ EXISTING TREE TO BE REMOVED
- ⊠ RIPRAP OUTLET PROTECTION
- SF - PERIMETER SILT FENCE
- L.O.D. - LIMITS OF DISTURBANCE

PAVEMENT SHOWN (MSHA SECTION) SHALL BE 8" BITUMINOUS CONCRETE (2" SUPERPAVE ASPHALT MIX 9.5mm FOR SURFACE, PG64S-22, LEVEL 2 ON 6" SUPERPAVE ASPHALT MIX 19.0mm FOR BASE, PG64S-22, LEVEL 2, ON 12" OF CR-6 ON COMPACTED SUBGRADE. SUBGRADE AND CR-6 ARE TO BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY. FINAL MSHA SECTION SHALL BE AS WRITTEN IN ACCESS PERMIT.

AREA SHOWN SHALL BE 8" OF RECYCLED CONCRETE TO BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY

**CONTROL POINT COORDINATE TABLE**

POINT #	DESCRIPTION	NORTHING	EASTING	ELEVATION
(6)	CONCRETE MONUMENT	9999.9849	9999.9707	---
(7)	IRON ROD	9984.6541	9675.1180	---
(8)	HUB	9997.6421	9949.9162	---

**BASELINE COORDINATE TABLE**

POINT #	DESCRIPTION	NORTHING	EASTING
(10)	Sta. 70+74.58	10008.5155	9673.7354
(11)	Sta. 73+32.70	10023.4486	9931.4316
(12)	Sta. 74+28.66	10028.8770	10027.2331

PLAN SCALE 1" = 20'

**MSHA NOTES FOR MARYLAND ROUTE 291**  
 ROAD TYPE : MAJOR COLLECTOR  
 SPEED LIMIT : 55 mph  
 SHA PLAT REFERENCE : 31684

**NOTE:**  
 CONTRACTOR SHALL PROVIDE STANDARD TRAFFIC CONTROLS PER MARYLAND STATE HIGHWAY ADMINISTRATION DETAIL MD-104.02-03 AND MD-104.02-09

**NOTE:**  
 STABILIZE ALL SIDE SLOPES GREATER THAN 3:1 SLOPE WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - SLOPE APPLICATION PER DETAIL ON SHEET C-8

**NOTE:**  
 FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

**NOTE:**  
 ALL SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY PLANNING AND ZONING _____

KENT COUNTY PLANNING COMMISSION _____

KENT COUNTY HEALTH DEPARTMENT _____

KENT SOIL AND WATER CONSERVATION DISTRICT _____

PROFESSIONAL CERTIFICATION:  
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004690, AND MY EXPIRES ON OPERATION DATE: 9-2-23

DATE _____ SEAL _____

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80  
 CENTREVILLE, MARYLAND 21617  
 PHONE : 1-443-262-9130  
 FAX : 1-443-262-9148

DATE	REVISION
2-16-23	PER COMMENTS

MDOT SHA ROAD IMPROVEMENTS PLAN

FOR

**MARYLAND ROUTE 291 (MORGNEC ROAD)**

NEAR THE TOWN OF CHESTERTOWN

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

TAX MAP - 37, GRID - 3F, PARCEL - 26, 161 & 490

DATE	SCALE
JANUARY '23	1" = 20'
JOB No. 2022149	DRAWN BY WJM
FOLDER Ref. 37-2022149	DESIGNED BY KJS
SHEET No. - C-3	
CADD FILE - 22149C03	

**NOTE:**  
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

**NOTE:**  
ALL SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED

AREA SHOWN  SHALL BE 8" OF RECYCLED CONCRETE TO BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY

L.O.D. - DENOTES LIMITS OF DISTURBANCE

PROVIDE A DIVERSION SWALE WITH 3:1 SIDE SLOPES @ VARYING SLOPE. PROVIDE TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL ON SHEET C-8.

PROVIDE 6" WIDE EARTH BERM @ VARYING SLOPE

EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE. TYPICAL

PROVIDE 150 lf of 24" RCP (CL-IV) @ 0.60% PROVIDE CONCRETE END SECTION, UPSTREAM, PER DETAIL ON SHEET C-7.

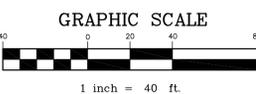
PROVIDE 100 lf of 18" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-7.

PROVIDE 5'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-8.

PROVIDE 10'x10' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-8.

EXISTING TREE TYPICAL

PROVIDE PERIMETER SILT FENCE PER DETAIL ON SHEET C-8. TYPICAL WHERE SHOWN - SF -



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY PLANNING AND ZONING

KENT COUNTY PLANNING COMMISSION

KENT COUNTY HEALTH DEPARTMENT

KENT SOIL AND WATER CONSERVATION DISTRICT

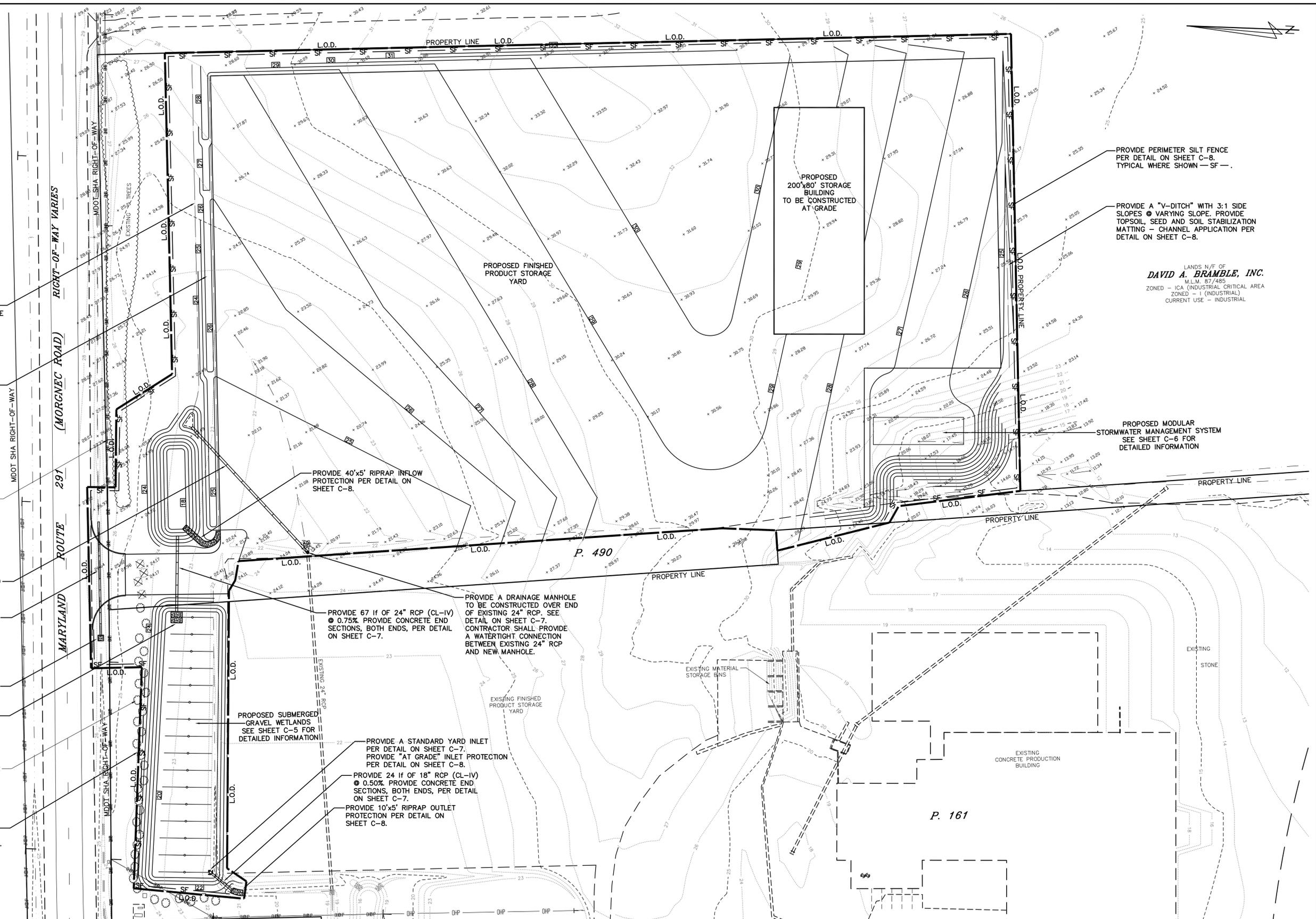


**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-262-9130  
FAX : 1-443-262-9148

DATE	REVISION
2-16-23	PER COMMENTS

PRELIMINARY SITE, GRADING AND SEDIMENT & EROSION CONTROL PLAN  
FOR  
**BRICKYARD LAND HOLDING, LLC**  
NEAR THE TOWN OF CHESTERTOWN  
FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
TAX MAP - 37, GRID - 3F, PARCEL - 26, 161 & 490  
PREPARED FOR : BRICKYARD LAND HOLDING, LLC

DATE	SCALE
JANUARY '23	1" = 40'
JOB No. 2022149	DRAWN BY WJM
FOLDER Ref. 37-2022149	DESIGNED BY KJS
SHEET No. - C-4	
CADD FILE - 22149C04	



PROVIDE PERIMETER SILT FENCE PER DETAIL ON SHEET C-8. TYPICAL WHERE SHOWN - SF -

PROVIDE A "V-DITCH" WITH 3:1 SIDE SLOPES @ VARYING SLOPE. PROVIDE TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL ON SHEET C-8.

PROPOSED MODULAR STORMWATER MANAGEMENT SYSTEM SEE SHEET C-6 FOR DETAILED INFORMATION

PROVIDE 40'x5' RIPRAP INFLOW PROTECTION PER DETAIL ON SHEET C-8.

PROVIDE 67 lf of 24" RCP (CL-IV) @ 0.75% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-7.

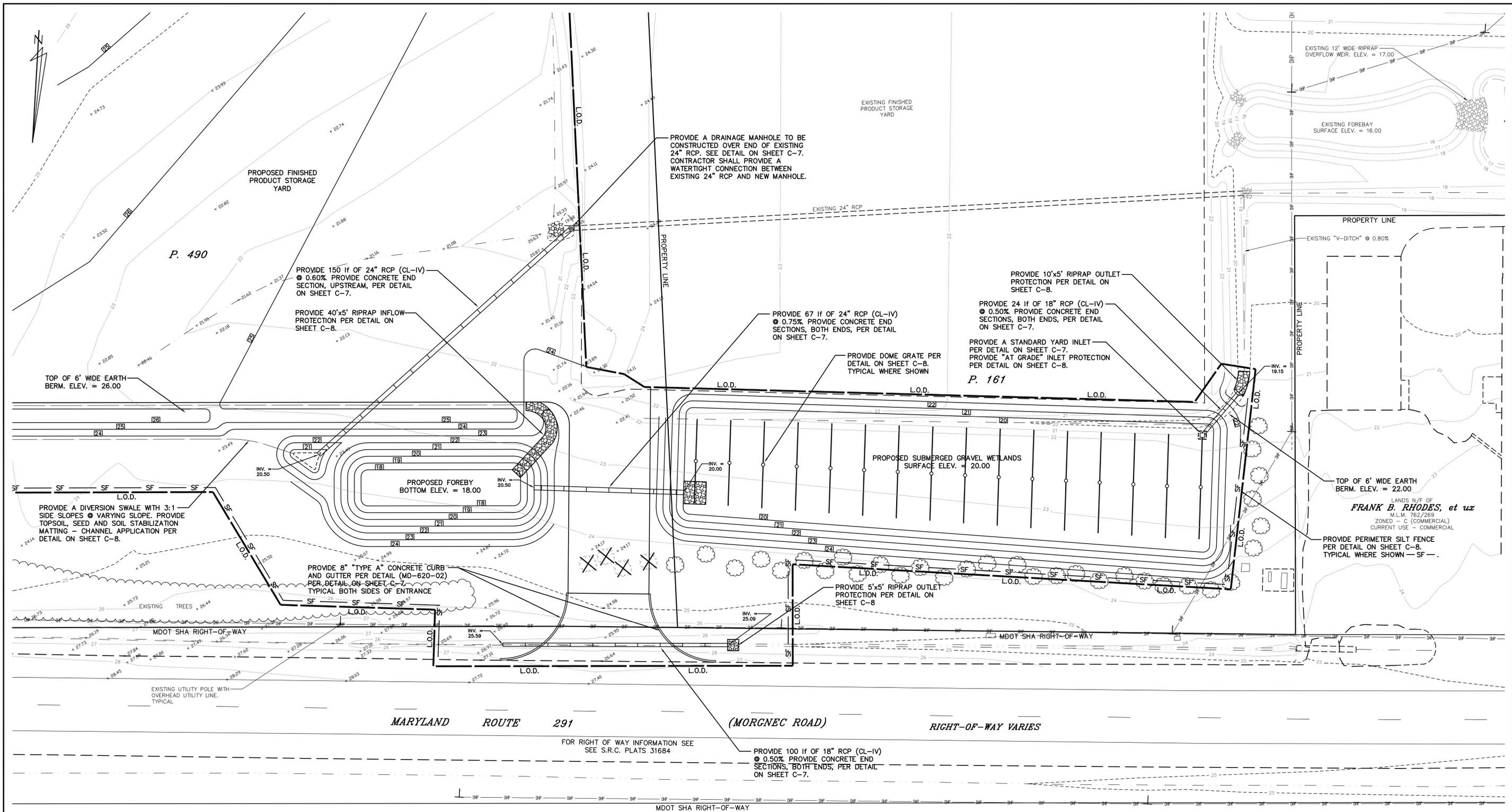
PROVIDE A DRAINAGE MANHOLE TO BE CONSTRUCTED OVER END OF EXISTING 24" RCP. SEE DETAIL ON SHEET C-7. CONTRACTOR SHALL PROVIDE A WATER TIGHT CONNECTION BETWEEN EXISTING 24" RCP AND NEW MANHOLE.

PROVIDE A STANDARD YARD INLET PER DETAIL ON SHEET C-7. PROVIDE "AT GRADE" INLET PROTECTION PER DETAIL ON SHEET C-8.

PROVIDE 24 lf of 18" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-7.

PROVIDE 10'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-8.

LANDS N/F OF  
**DAVID A. BRAMBLE, INC.**  
M.L.M. 877485  
ZONED - ICA (INDUSTRIAL CRITICAL AREA)  
ZONED - I (INDUSTRIAL)  
CURRENT USE - INDUSTRIAL



PROVIDE A DIVERSION SWALE WITH 3:1 SIDE SLOPES @ VARYING SLOPE. PROVIDE TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL ON SHEET C-8.

PROVIDE 150 lf of 24" RCP (CL-IV) @ 0.60% PROVIDE CONCRETE END SECTION, UPSTREAM, PER DETAIL ON SHEET C-7.

PROVIDE 40'x5' RIPRAP INFLOW PROTECTION PER DETAIL ON SHEET C-8.

PROVIDE A DRAINAGE MANHOLE TO BE CONSTRUCTED OVER END OF EXISTING 24" RCP. SEE DETAIL ON SHEET C-7. CONTRACTOR SHALL PROVIDE A WATERTIGHT CONNECTION BETWEEN EXISTING 24" RCP AND NEW MANHOLE.

PROVIDE 67 lf of 24" RCP (CL-IV) @ 0.75% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-7.

PROVIDE DOME GRATE PER DETAIL ON SHEET C-8. TYPICAL WHERE SHOWN

PROVIDE 24 lf of 18" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-7.

PROVIDE A STANDARD YARD INLET PER DETAIL ON SHEET C-7. PROVIDE "AT GRADE" INLET PROTECTION PER DETAIL ON SHEET C-8.

P. 161

PROVIDE 8" "TYPE A" CONCRETE CURB AND GUTTER PER DETAIL (MD-620-02) PER DETAIL ON SHEET C-7. TYPICAL BOTH SIDES OF ENTRANCE

PROVIDE 5'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-8

PROVIDE PERIMETER SILT FENCE PER DETAIL ON SHEET C-8. TYPICAL WHERE SHOWN - SF -

PROVIDE 100 lf of 18" RCP (CL-IV) @ 0.50% PROVIDE CONCRETE END SECTIONS, BOTH ENDS, PER DETAIL ON SHEET C-7.

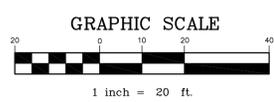
FOR RIGHT OF WAY INFORMATION SEE SEE S.R.C. PLATS 31684

L.O.D. - DENOTES LIMITS OF DISTURBANCE

NOTE: STABILIZE ALL SIDE SLOPES GREATER THAN 3:1 SLOPE WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - SLOPE APPLICATION PER DETAIL ON SHEET C-8

NOTE: FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

NOTE: ALL SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY PLANNING AND ZONING	KENT COUNTY PLANNING COMMISSION	PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004690, AND MY EXPIRES ON FEBRUARY 16, 2023.
KENT COUNTY HEALTH DEPARTMENT	KENT SOIL AND WATER CONSERVATION DISTRICT	DATE _____ SEAL _____

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
 P.O. BOX 80  
 CENTREVILLE, MARYLAND 21617  
 PHONE : 1-443-262-9130  
 FAX : 1-443-262-9148

DATE	REVISION
2-16-23	PER COMMENTS

PRELIMINARY STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN

FOR  
**BRICKYARD LAND HOLDING, LLC**  
 NEAR THE TOWN OF CHESTERTOWN  
 FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
 TAX MAP - 37, GRID - 3F, PARCEL - 26, 161 & 490  
 PREPARED FOR : BRICKYARD LAND HOLDING, LLC

DATE	SCALE
JANUARY '23	1" = 20'
JOB No.	DRAWN BY
2022149	WJM
FOLDER Ref.	DESIGNED BY
37-2022149	KJS
SHEET No. - C-5	
CADD FILE - 22149C05	



PROPOSED  
200'x80' STORAGE  
BUILDING  
TO BE CONSTRUCTED  
AT GRADE

PROPOSED FINISHED  
PRODUCT STORAGE  
YARD

PROPOSED STORMPOD SYSTEM

PROVIDE A "V-DITCH" WITH 3:1 SIDE  
SLOPES @ VARYING SLOPE. PROVIDE  
TOPSOIL, SEED AND SOIL STABILIZATION  
MATTING - CHANNEL APPLICATION PER  
DETAIL ON SHEET C-8.

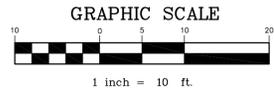
LANDS N/F OF  
**DAVID A. BRAMBLE, INC.**  
M.L.M. 577/485  
ZONED - ICA (INDUSTRIAL CRITICAL AREA)  
ZONED - I (INDUSTRIAL)  
CURRENT USE - INDUSTRIAL

PROVIDE PERIMETER SILT FENCE  
PER DETAIL ON SHEET C-8.  
TYPICAL WHERE SHOWN - SF -

L.O.D. - DENOTES LIMITS OF DISTURBANCE

NOTE:  
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR  
TEMPORARY, STABILIZATION SHALL BE COMPLETED  
WITHIN 3 CALENDAR DAYS ON ALL PERIMETER  
CONTROLS AND SLOPES GREATER THAN 3:1 AND  
7 DAYS ON ALL OTHER DISTURBED AREAS ON  
THE SITE.

NOTE:  
ALL SEDIMENT AND EROSION  
CONTROL WILL BE STRICTLY  
ENFORCED



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT  
AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____  
KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR  
OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL  
PROTECTION BECOMES NECESSARY.

KENT COUNTY PLANNING AND ZONING	KENT COUNTY PLANNING COMMISSION
KENT COUNTY HEALTH DEPARTMENT	KENT SOIL AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR  
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL  
ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE  
No. 2004650, AND THAT MY EXPIRATION DATE IS 9-2-23

DATE _____ SEAL _____

**DAVIS, MOORE, SHEARON  
& ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-262-9130  
FAX : 1-443-262-9148

DATE	REVISION
2-16-23	PER COMMENTS

PRELIMINARY STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN

FOR  
**BRICKYARD LAND HOLDING, LLC**

NEAR THE TOWN OF CHESTERTOWN  
FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
TAX MAP - 37, GRID - 3F, PARCEL - 26, 161 & 490  
PREPARED FOR : BRICKYARD LAND HOLDING, LLC

DATE	SCALE
JANUARY '23	1" = 10'
JOB No. 2022149	DRAWN BY WJM
FOLDER Ref 37-2022149	DESIGNED BY KJS
SHEET No. - C-6	
CADD FILE - 22149C06	





KEY PLAN



WAREHOUSE

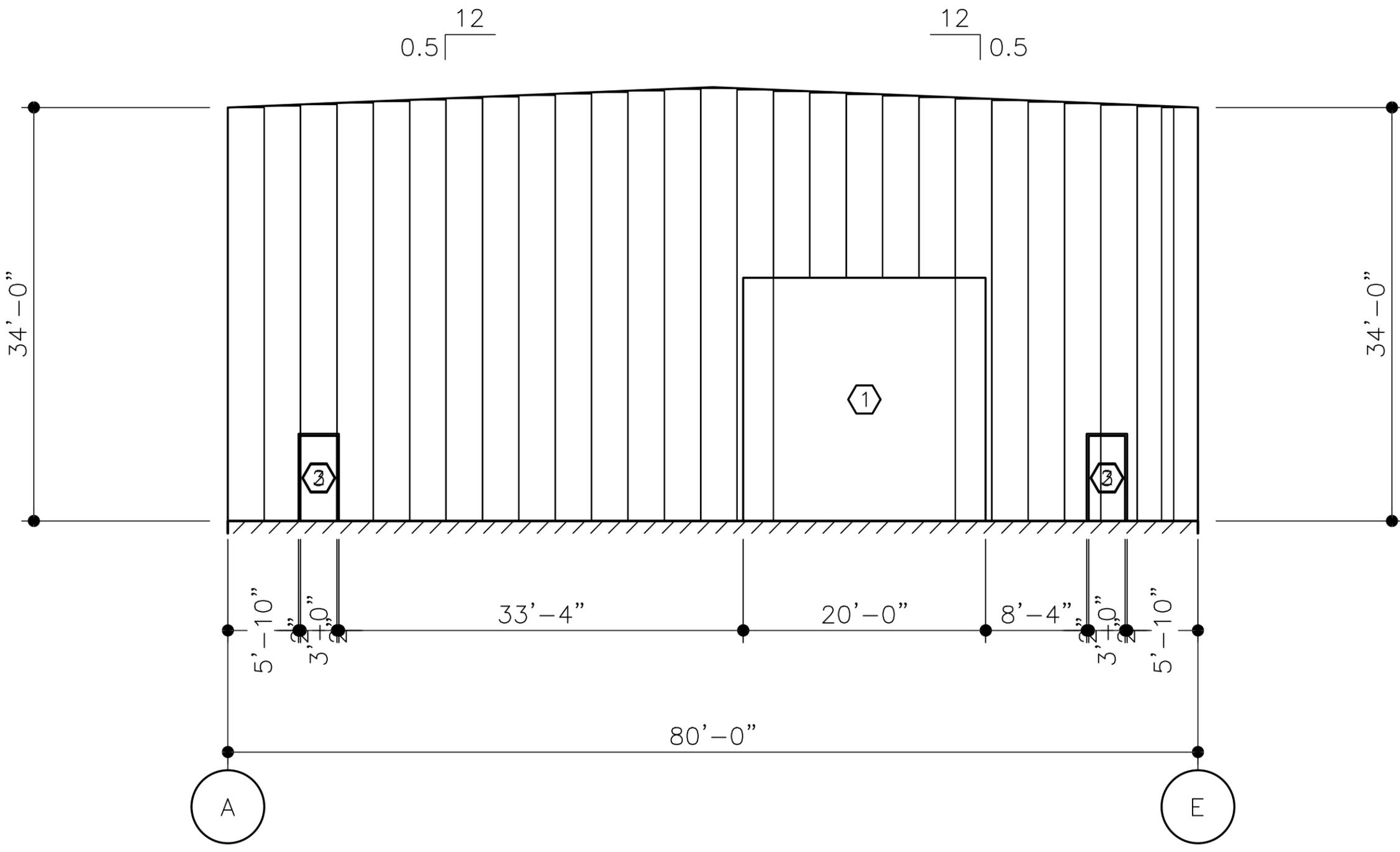
### FRAMED OPENING SCHEDULE

ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	1	20'-0"	20'-0"	0'-0"	FACTORY
2	2	3'-4"	7'-2"	0'-0"	FACTORY
3	2	3'-0"	7'-0"	0'-0"	FACTORY



PROJECT NAME:  
 GILLESPIE  
 CHESTERTOWN, MD  
 CUSTOMER NAME:  
 BOB BREEDING GENERAL CONTRACTORS, LLC  
 DENTON, MD

**DO NOT USE FOR FINAL CONSTRUCTION**  
 SHEET TITLE:  
 PRELIMINARY SHEETING ELEVATIONS  
 SHEET NUMBER:  
 WS5  
 GILLESPIE  
 2/14/2023 6:13 AM

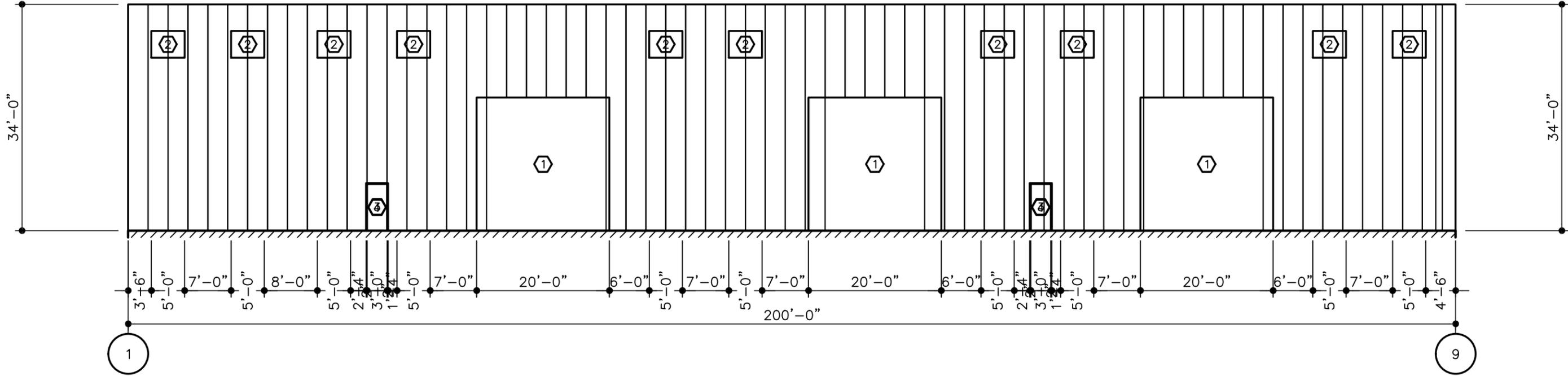


## WALL SHEETING ELEVATION AT LINE 1

PANELS: 26 GA. R-PANEL - REGAL WHITE (PVDF)



FRAMED OPENING SCHEDULE					
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	3	20'-0"	20'-0"	0'-0"	FACTORY
2	10	5'-0"	4'-0"	26'-0"	FACTORY
3	2	3'-4"	7'-2"	0'-0"	FACTORY
4	2	3'-0"	7'-0"	0'-0"	FACTORY



### WALL SHEETING ELEVATION AT LINE E

PANELS: 26 GA. R-PANEL - REGAL WHITE (PVDF)

DO NOT USE FOR FINAL CONSTRUCTION

SHEET TITLE: 2/14/2023 6:13 AM

PRELIMINARY SHEETING ELEVATIONS

SHEET NUMBER: QUOTE NUMBER:

WS6

GILLESPIE

PROJECT NAME:

GILLESPIE

CHESTERTOWN, MD

CUSTOMER NAME:

BOB BREEDING GENERAL CONTRACTORS, LLC

DENTON, MD



AMERICAN BUILDINGS FABRICATORS

2/14/2023 6:13 AM

PRELIMINARY SHEETING ELEVATIONS

SHEET NUMBER: QUOTE NUMBER:

WS6 GILLESPIE

PROJECT NAME:

GILLESPIE

CHESTERTOWN, MD

CUSTOMER NAME:

BOB BREEDING GENERAL CONTRACTORS, LLC

DENTON, MD



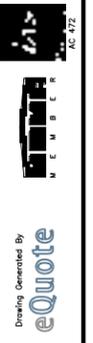
KEY PLAN



WAREHOUSE

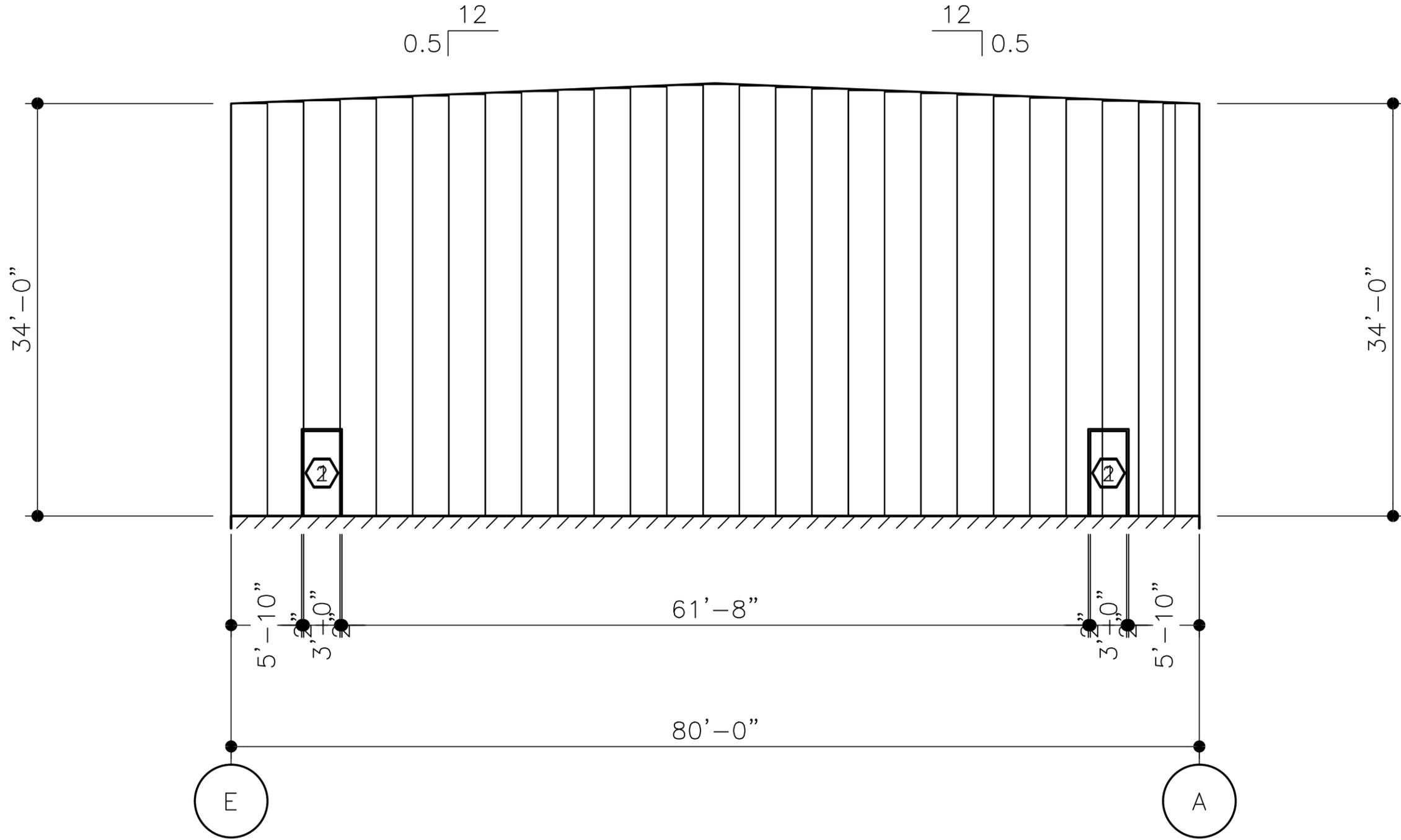
FRAMED OPENING SCHEDULE

ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	2	3'-4"	7'-2"	0'-0"	FACTORY
2	2	3'-0"	7'-0"	0'-0"	FACTORY



PROJECT NAME:  
 GILLESPIE  
 CHESTERTOWN, MD  
 CUSTOMER NAME:  
 BOB BREEDING GENERAL CONTRACTORS, LLC  
 DENTON, MD

DO NOT USE FOR FINAL CONSTRUCTION  
 SHEET TITLE:  
 PRELIMINARY SHEETING ELEVATIONS  
 SHEET NUMBER:  
 WS7  
 GILLESPIE  
 2/14/2023 6:13 AM



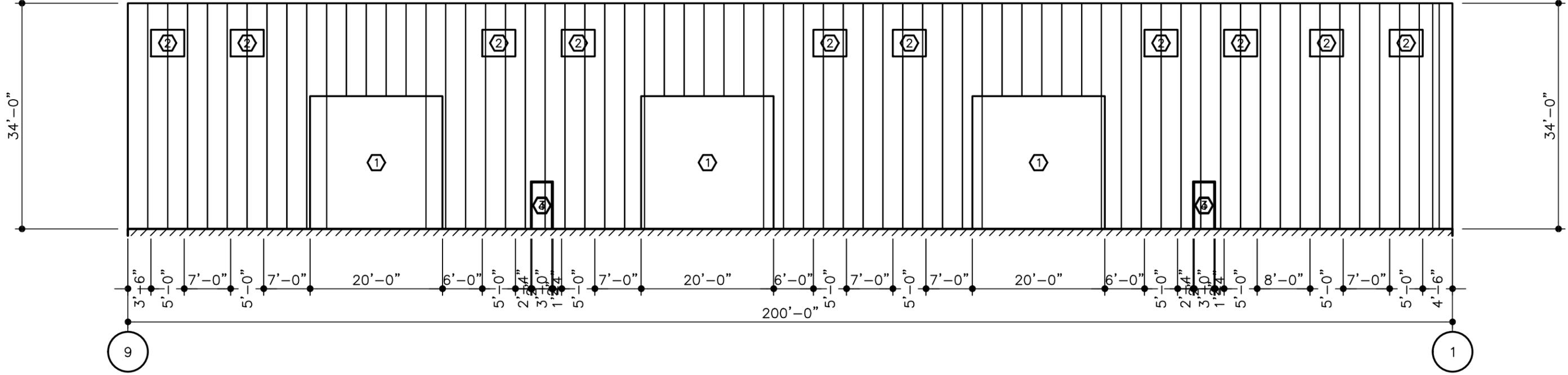
WALL SHEETING ELEVATION AT LINE 9

PANELS: 26 GA. R-PANEL - REGAL WHITE (PVDF)

KEY PLAN

WAREHOUSE

FRAMED OPENING SCHEDULE					
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	3	20'-0"	20'-0"	0'-0"	FACTORY
2	10	5'-0"	4'-0"	26'-0"	FACTORY
3	2	3'-4"	7'-2"	0'-0"	FACTORY
4	2	3'-0"	7'-0"	0'-0"	FACTORY



### WALL SHEETING ELEVATION AT LINE A

PANELS: 26 GA. R-PANEL - REGAL WHITE (PVDF)



PROJECT NAME: GILLESPIE  
 CHESTERTOWN, MD  
 CUSTOMER NAME: BOB BREEDING GENERAL CONTRACTORS, LLC  
 DENTON, MD

**DO NOT USE FOR FINAL CONSTRUCTION**

SHEET TITLE: 2/14/2023 6:13 AM  
 PRELIMINARY SHEETING ELEVATIONS  
 SHEET NUMBER: WS8 QUOTE NUMBER: GILLESPIE





**To:** Kent County Planning Commission  
**From:** Carla Gerber, Deputy Director  
**Meeting:** March 2, 2023  
**Subject:** Camp Fairlee/ESSD-M, Inc.  
23-11: Site Plan – Preliminary Review

## Executive Summary

### Request by Applicant

The applicant is proposing to construct two, single-story dwellings for full-time, permanent staff.

### 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.

### Summary of Staff Report

The property is located at 22242 Bay Shore Road and is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). The dwellings will be located along the main driveway within the AZD portion. The surrounding area is a mix of cropland and forest. The property is currently improved with other cottages and buildings associated with the use as a camp. The proposed cottages will allow staff who currently live in the Manor House to move into single-family dwellings. The proposal is consistent with the Comprehensive Plan and meets the requirements of the Ordinance.

### Staff Recommendation

Staff recommends granting preliminary site plan approval. Final approval would be contingent upon approval of:

- 1) Forest stand delineation and forest conservation easement.
- 2) Stormwater management and sediment control plans, including the submission of any required letters of credit.
- 3) Approval of water and sewer improvements.

## PRELIMINARY STAFF REPORT

To: Kent County Planning Commission  
From: Carla Gerber, Deputy Director  
Subject: Camp Fairlee/ESSD-M, Inc.  
23-11: Site Plan – Preliminary Review  
Date: February 22, 2023

### Description of Proposal

The applicant is proposing to construct two, single-story dwellings for full-time, permanent staff. The proposed cottages will allow staff who currently live in the Manor House, which is also used for administrative purposes, to move into single-family dwellings. The property is located at 22242 Bay Shore Road and is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). The dwellings will be located along the main driveway within the AZD portion. The surrounding area is a mix of cropland and forest. The property is currently improved with other cottages and buildings associated with the use as a camp.

### 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 public water and sewer. The applicant is working with the Department of Public Works concerning allocations, utility plans, and updates to easements and maintenance agreements.
- Stormwater management and sediment control plans are under review.
- The cottages will be located approximately 2,400 feet from Bay Shore Road and will not be noticeably visible from the road due to existing vegetation. The cottages will be approximately 300 feet from the closest property line.
- The proposed location is along the main driveway in a small field just outside of the Maryland Historic Trust easement for the Manor House. The field is screened on two sides by mature forest and by the existing trees along the driveway.
- The proposed cottages will be reviewed as commercial buildings for building code regulations.
- There are no proposed changes to site access.
- No trees will be removed, and forest conservation will be addressed by deed restricting an area of existing forest equal to 20% of the limits of disturbance for this project. A Forest Stand Delineation must be submitted prior to final review.
- A Citizen Participation letter was sent to neighboring properties.

**Staff Recommendation**

Staff recommends granting preliminary site plan approval. Final approval would be contingent upon approval of:

- 1) Forest stand delineation and forest conservation easement.
- 2) Stormwater management and sediment control plans, including the submission of any required letters of credit.
- 3) Approval of water and sewer improvements.

**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)

**SITE PLAN APPLICATION**

**File Number:** _____ **Amount Paid:** _____ **Date:** 1/25/2023

**Project Name:** Camp Fairlee Cottages

District: 6th Map: 35 Parcel: 2 Lot Size: 246.64ac Deed Ref: 2/286 Zoning: AZD/RCA

**LOCATION:** 22242 Bay Shore Road, Chestertown, Maryland 21620

**PROPOSED USE:** Continued use as a "Camp" - proposing two employee cottages

**OWNER OF LAND:**

Name: ESSD-M, Inc. Telephone: 320-221-2016

Address: 61 Corporate Circeel, New Castle Delaware 19720 Email: gaucott@esdel.org

**APPLICANT:**

Name: (same as owner) Telephone: _____

Address: _____ Email: _____

**AGENT/ATTORNEY (if any):**

Name: _____ Telephone: _____

Address: _____ Email: _____

**REGISTERED ENGINEER OR SURVEYOR:**

Name: DMS & Associates c/o Kevin Shearon Telephone: 443-262-9130

Address: P.O. Box 80, Centreville, MD 21617 Email: kjs@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:** kjs@dmsandassociates.com

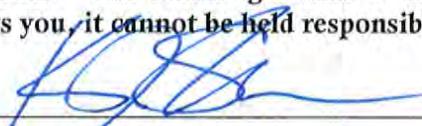
Water Supply:  Public System  On lot system

Sewerage:  Public System  On lot system

**TELEPHONE SERVICED BY:** n/a

**ELECTRIC SERVICED BY:** n/a

**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.

 _____ 1/25/23  
**Signature of Applicant** **Date**

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____

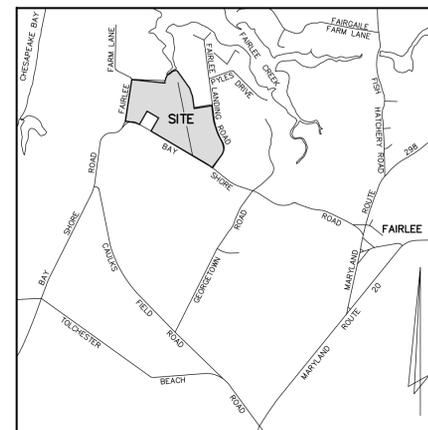
# CONCEPT / PRELIMINARY SITE PLAN FOR CAMP FAIRLEE COTTAGES NEAR THE TOWN OF CHESTERTOWN SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

### SITE STATISTICS

CURRENT USE - CAMP	
PROPOSED USE - CAMP	
GROSS SITE AREA	= 246.64 ac.± (per SDAT)
NON-CRITICAL AREA (ZONE - AG)	= 175.87 ac.±
CRITICAL AREA (ZONE - RCD)	= 70.77 ac.±
AREA WITHIN FLOODPLAIN	= 9.40 ac.±
FLOOR AREA (EXISTING) (0.16%)	= 0.398 ac.± ( 17,350 sq. ft.±)
FLOOR AREA (PROPOSED) (0.0%)	= 0.000 ac.± ( 0,000 sq. ft.±)
NON-CRITICAL AREA CALCULATIONS (ZONE - AG)	
IMPERVIOUS AREA (EXISTING) ( 2.0%)	= 3.53 ac.±
IMPERVIOUS AREA (TO BE REMOVED)	= 0.00 ac.±
IMPERVIOUS AREA (PROPOSED)	= 0.15 ac.±
IMPERVIOUS AREA (RESULTING) ( 2.0%)	= 3.68 ac.±
LANDSCAPE AREA (EXISTING) (98.0%)	= 172.34 ac.±
LANDSCAPE AREA (PROVIDED) (98.0%)	= 172.19 ac.±
CRITICAL AREA CALCULATIONS (ZONE - RCD)	
LOT COVERAGE (ALLOWED) (15%)	= 10.62 ac.±
LOT COVERAGE (EXISTING) ( 4.3%)	= 3.06 ac.±
LOT COVERAGE (TO BE REMOVED)	= 0.00 ac.±
LOT COVERAGE (PROPOSED)	= 0.00 ac.±
LOT COVERAGE (RESULTING) ( 4.3%)	= 3.06 ac.±
LANDSCAPE AREA (EXISTING) (95.7%)	= 67.71 ac.±
LANDSCAPE AREA (PROVIDED) (95.7%)	= 67.71 ac.±

### NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM DEED INFORMATION ONLY AND IS NOT THE RESULT OF A FIELD RUN SURVEY AT THIS TIME. GROSS AREA IS TAKEN FROM STATE DEPARTMENT OF ASSESSMENT AND TAXATION RECORDS.
- FOR DEED REFERENCE, SEE LIBER M.L.M. 163, FOLIO 514.
- CURRENT ZONING CLASSIFICATION - (AG) AGRICULTURE AND (RCD) RESOURCE CONSERVATION DISTRICT.
- THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATIONS - RCA.
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0281D AND 24029C0225D. (ZONE "AE") (ELEV. 6). EFFECTIVE DATE JUNE 9, 2014.
- SOILS SHOWN HEREON ARE SCALED FROM THE WEBSITE: <http://websoilsurvey.nrcs.usda.gov>.
- FOREST SHOWN HEREON ARE SCALED FROM ORTHO IMAGERY FLOWN IN THE FALL OF 2019 AND VERIFIED BY A SITE VISIT.
- EXISTING CONTOURS WITHIN THE DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC IN JANUARY, 2023. VERTICAL DATUM IS NAVD 88.
- PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL AND PUBLIC WATER WILL BE UTILIZED FOR POTABLE WATER SUPPLY.



VICINITY MAP  
SCALE 1" = 4000'

### FOREST STATISTICS

GROSS SITE AREA	= 246.64 ac.±
FOREST (29.2%)	= 72.00 ac.±
FOREST WITHIN NON-CRITICAL AREA	= 38.60 ac.±
FOREST WITHIN CRITICAL AREA	= 33.40 ac.±
ZONE (AG)	= 175.87 ac.±
FOREST (21.9%)	= 38.60 ac.±
FOREST TO BE REMOVED	= 0.00 ac.±
FOREST TO BE RETAINED	= 38.60 ac.±
ZONE (RCD)	= 70.77 ac.±
FOREST (47.2%)	= 33.40 ac.±
FOREST TO BE REMOVED	= 0.00 ac.±
FOREST TO BE RETAINED	= 33.40 ac.±

### GENERAL NOTES

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:  
Delmarva Power & Light Company ----- 1-800-375-7117  
Miss Utility ----- 1-800-441-8355  
DMS & Associates, LLC ----- 1-443-262-9130  
Kent County Dept. Public Works ----- 1-410-778-7439  
Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7423  
Kent Co. Dept. of Water & Wastewater ----- 1-410-778-3287  
Maryland Department of the Environment ----- 1-410-531-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

FOREST CONSERVATION WORKSHEET (ZONE - AG)						
<b>NET TRACT AREA</b>						
TOTAL TRACT AREA	= 246.64					
DEDUCTIONS (ZONE - RCD)	= 70.77					
NET TRACT AREA	= 175.87					
<b>LAND USE CATEGORY</b>						
ARA	MDR	IDA	HDR	MPD	CIA	
1	0	0	0	0	0	
AFFORESTATION THRESHOLD (Net Tract Area X 20%) = 35.17						
CONSERVATION THRESHOLD (Net Tract Area X 50%) = 87.94						
<b>EXISTING FOREST COVER</b>						
EXISTING FOREST COVER WITHIN THE NET TRACT AREA	= 38.60					
AREA OF FOREST ABOVE CONSERVATION THRESHOLD	= 0.00					
<b>BREAK EVEN POINT</b>						
BREAK EVEN POINT	= 38.60					
FOREST CLEARING PERMITTED WITHOUT MITIGATION	= 0.00					
<b>PROPOSED FOREST CLEARING</b>						
TOTAL AREA OF FOREST TO BE CLEARED	= 0.00					
TOTAL AREA OF FOREST TO BE RETAINED	= 38.60					
<b>PLANTING REQUIREMENTS</b>						
REFORESTATION FOR CLEARING ABOVE THE CONSERVATION THRESHOLD	= 0.00					
REFORESTATION FOR CLEARING BELOW THE CONSERVATION THRESHOLD	= 0.00					
CREDIT FOR RETENTION ABOVE THE CONSERVATION THRESHOLD	= 0.00					
TOTAL REFORESTATION REQUIRED	= 0.00					
TOTAL AFFORESTATION REQUIRED	= 0.00					
TOTAL PLANTING REQUIRED	= 0.00					

NOTE:  
FOREST CONSERVATION IS BASED OF 15% OF THE PROPOSED LIMITS OF DISTURBANCE  
0.73 (L.O.D.) ac.± X 15% = 0.11 ac.± (REQUIRED)  
0.11 ac.± (PROVIDED)  
0.11 ac.± (FOREST RETENTION)

### TABLE OF CONTENTS

SHEET C-1	- TITLE SHEET
SHEET C-2	- PRELIMINARY OVERALL SITE PLAN
SHEET C-3	- EXISTING CONDITIONS PLAN
SHEET C-4	- SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-5	- DRAINAGE AREA MAP, CREDIT MAP AND DETAILS
SHEET C-6	- UTILITY PLAN AND PROFILE
SHEET C-7	- DETAILED UTILITY PLAN
SHEET C-8	- UTILITY DETAILS
SHEET C-9	- SEDIMENT AND EROSION CONTROL DETAILS AND SPECIFICATIONS

### OWNER/DEVELOPER:

ESSD-M, INC. (EASTERSEALS CAMP FAIRLEE)  
c/o GENE AUCOTT  
61 CORPORATE CIRCLE  
NEW CASTLE, DELAWARE 19720  
PHONE No. 1-320-221-2016

### SURVEYOR

MICHAEL A. SCOTT, INC.  
c/o MIKE SCOTT  
400 S. CROSS STREET  
CHESTERTOWN, MARYLAND 21620  
PHONE No. 1-410-778-2310

### ENGINEER

DMS & ASSOCIATES, LLC  
c/o KEVIN J. SHEARON, PE LEED AP  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE No. 1-443-262-9130

### STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE NORTH SIDE OF BAY SHORE ROAD AND WEST OF FAIRLEE LANDING ROAD NEAR THE VILLAGE OF FAIRLEE, MARYLAND. THE SITE IS THE LOCATION OF EASTER SEALS CAMP FAIRLEE. THE INTENT OF THIS CONCEPTUAL/PRELIMINARY SITE PLAN IS TO PROVIDE THE COUNTY WITH THE EXISTING CONDITIONS WITHIN THE CRITICAL AREA (ZONE - RCD) AND TO CONSTRUCT TWO (2) COTTAGES IN THE NON-CRITICAL AREA (ZONE - AZD).

THE PURPOSE OF THIS SITE PLAN IS TO OBTAIN CONCEPTUAL/PRELIMINARY SITE PLAN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED IMPROVEMENTS ON THE SITE.

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED:

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

#### DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

- ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ONSITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

ADDRESS _____ CARD No. _____

PHONE No. _____

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING		KENT COUNTY DEPARTMENT OF PUBLIC WORKS		KENT COUNTY HEALTH DEPARTMENT		KENT SOILS AND WATER CONSERVATION DISTRICT		PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE PROVISIONS OF THE STATE OF MARYLAND, LICENSE No. 2004690, AND THAT I AM IN GOOD STANDING AS OF THE DATE 9-2-23.		<b>DAVIS, MOORE, SHEARON &amp; ASSOCIATES, LLC</b> ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE : 1-443-262-9130 FAX : 1-443-262-9148		DATE 2-15-23	REVISION PER COMMENTS	TITLE SHEET ON THE LANDS OF <b>ESSD-M, INC.</b> NEAR THE TOWN OF CHESTERTOWN TAX MAP - 35, GRID - 2D, PARCEL - 2 SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : ESSD-M, INC.	DATE JANUARY '23	SCALE AS SHOWN
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**LEGEND**

-  PROPERTY LINE
-  EDGE OF EXISTING FOREST
-  EXISTING SOILS LINE AND TYPE
-  FLOOD PLAIN LINE
-  EDGE OF STREAM/POND
-  DEPICTS EXISTING MARYLAND HISTORICAL TRUST EASEMENT AREA

NOTE:  
SEE SHEET C-3 FOR DETAILED INFORMATION  
WITHIN THE MARYLAND HISTORICAL TRUST  
EASEMENT AREA

LANDS N/F OF  
**MARGUERITE C. GULBRANDSEN, TRUST**  
M.L.M. 841/358  
ZONED - RCD/AG

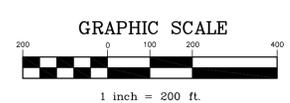
LANDS N/F OF  
**FREDERICK T. & MARY D. LOHR**  
M.L.M. 10/255  
ZONED - RCD/AG  
PROPOSED PROTECTED  
FOREST RETENTION AREA  
AREA = 0.11 ac.±

SEE SHEET C-4 FOR DETAILED  
INFORMATION FOR THE PROPOSED  
COTTAGES

LANDS N/F OF  
**PARKER POINT, LLC**  
M.L.M. 137/341  
ZONED - AG

LANDS N/F OF  
**COUNTY COMMISSIONER  
OF KENT COUNTY**  
M.L.M. 201/267  
ZONED - AG

LANDS N/F OF  
**SCHNELLENBERG, INC.**  
E.H.P. 83/271  
ZONED - AG



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT  
AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

KENT COUNTY HEALTH DEPARTMENT

KENT SOILS AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR  
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL  
ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE  
No. 2004690, EXPIRES ON FEBRUARY 15, 2023.



DATE _____ SEAL _____

**DAVIS, MOORE, SHEARON  
& ASSOCIATES, LLC**

ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-262-9130  
FAX : 1-443-262-9148

DATE	REVISION
2-15-23	PER COMMENTS

OVERALL PRELIMINARY SITE PLAN

ON THE LANDS OF  
**ESSD-M, INC.**

NEAR THE TOWN OF CHESTERTOWN

TAX MAP - 35, GRID - 2D, PARCEL - 2

SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

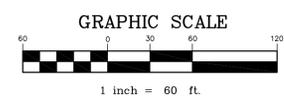
PREPARED FOR : ESSD-M, INC.

DATE	SCALE
JANUARY '23	1" = 200'
JOB No. 2022168	DRAWN BY WJM
FOLDER Ref. 35-2022168	DESIGNED BY KJS
SHEET No. - C-2	
CADD FILE - 22168C02	



TAYLORS CREEK

- LEGEND**
- PROPERTY LINE
  - ~ EDGE OF EXISTING FOREST
  - x- EXISTING FENCE
  - .-.- EDGE OF STREAM/POND



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING _____

KENT COUNTY DEPARTMENT OF PUBLIC WORKS _____

KENT COUNTY HEALTH DEPARTMENT _____

KENT SOILS AND WATER CONSERVATION DISTRICT _____

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**STATE OF MARYLAND**  
ENGINEERING & SURVEYING

DATE: JANUARY 25, 2023

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**

ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-262-9130  
FAX : 1-443-262-9148

DATE	REVISION

EXISTING CONDITIONS PLAN

ON THE LANDS OF  
**ESSD-M, INC.**

NEAR THE TOWN OF CHESTERTOWN

TAX MAP - 35, GRID - 2D, PARCEL - 2

SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

PREPARED FOR : ESSD-M, INC.

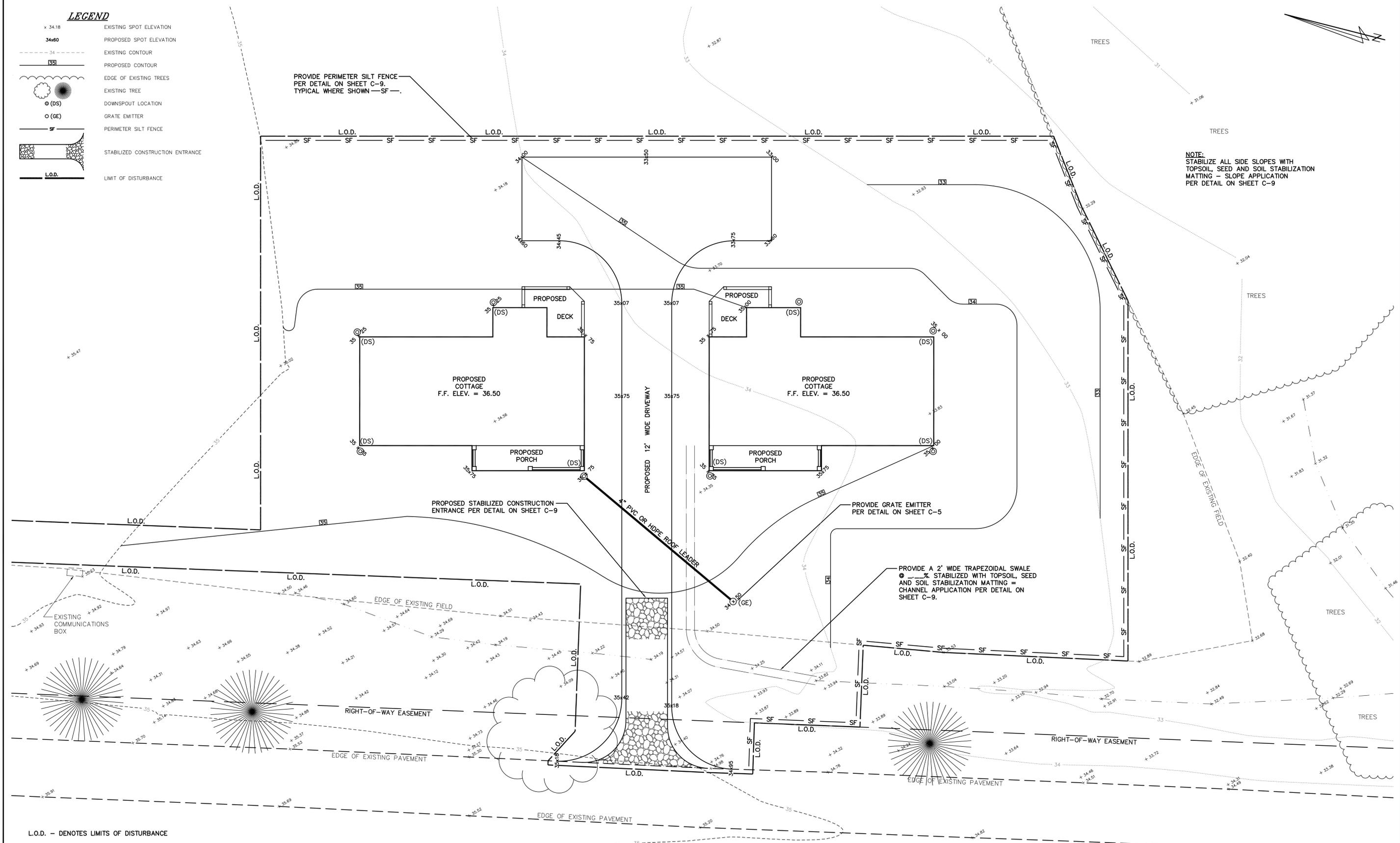
DATE	SCALE
JANUARY '23	1" = 60'
JOB No. 2022168	DRAWN BY WJM
FOLDER Ref. 35-2022168	DESIGNED BY KJS
SHEET No. - C-3	
CADD FILE - 22168C03	

**LEGEND**

- × 34.18 EXISTING SPOT ELEVATION
- 34x60 PROPOSED SPOT ELEVATION
- 34 - - - - EXISTING CONTOUR
- [35] PROPOSED CONTOUR
- ~ ~ ~ ~ EDGE OF EXISTING TREES
- (DS) EXISTING TREE
- (DS) DOWNSPOUT LOCATION
- (GE) GRATE EMITTER
- SF PERIMETER SILT FENCE
- [ ] STABILIZED CONSTRUCTION ENTRANCE
- L.O.D. LIMIT OF DISTURBANCE

PROVIDE PERIMETER SILT FENCE PER DETAIL ON SHEET C-9. TYPICAL WHERE SHOWN - SF -

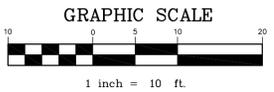
NOTE: STABILIZE ALL SIDE SLOPES WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - SLOPE APPLICATION PER DETAIL ON SHEET C-9



L.O.D. - DENOTES LIMITS OF DISTURBANCE

NOTE: FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

NOTE: SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED



KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY DEPARTMENT OF PUBLIC WORKS
KENT COUNTY HEALTH DEPARTMENT	KENT SOLS AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION  
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STATE OF MARYLAND  
REGISTERED PROFESSIONAL ENGINEER  
JANUARY 25, 2023

DATE SEAL

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-262-9130  
FAX : 1-443-262-9148

DATE	REVISION

SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN

ON THE LANDS OF  
**ESSD-M, INC.**  
NEAR THE TOWN OF CHESTERTOWN  
TAX MAP - 35, GRID - 2D, PARCEL - 2  
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
PREPARED FOR : ESSD-M, INC.

DATE JANUARY '23	SCALE 1" = 10'
JOB No. 2022168	DRAWN BY WJM
FOLDER Ref 35-2022168	DESIGNED BY KJS
SHEET No. - C-4	
CADD FILE - 22168C04	

# CAMP FAIRLEE - HOUSE # 1

22242 BAYSHORE ROAD CHESTERTOWN MD 21620  
PRELIMINARY SET



COVER SHEET

**ROSIN CREEK  
COLLABORATIVE**  
7328 Church Hill Road  
Chestertown MD 21620

REVISIONS

CAMP FAIRLEE -  
HOUSE # 1

31 OCT 2022

**A**  
**A01**



FRONT VIEW



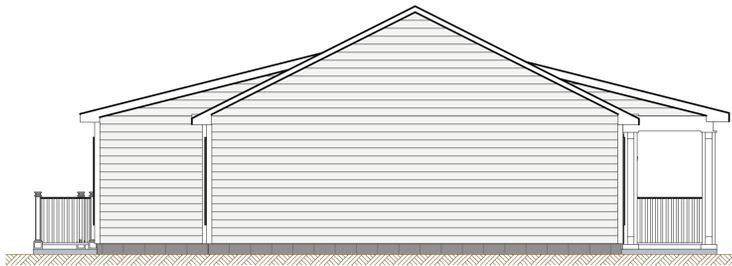
CORNER VIEW - FROM BACKYARD



CORNER VIEW - FROM FRONTYARD



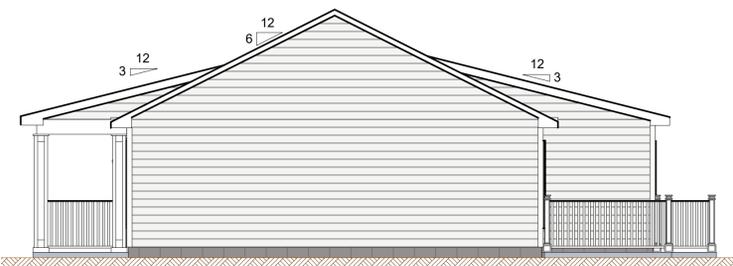
BACKYARD WALKING TO DECK



LEFT ELEVATION 3/16" = 1'-0"



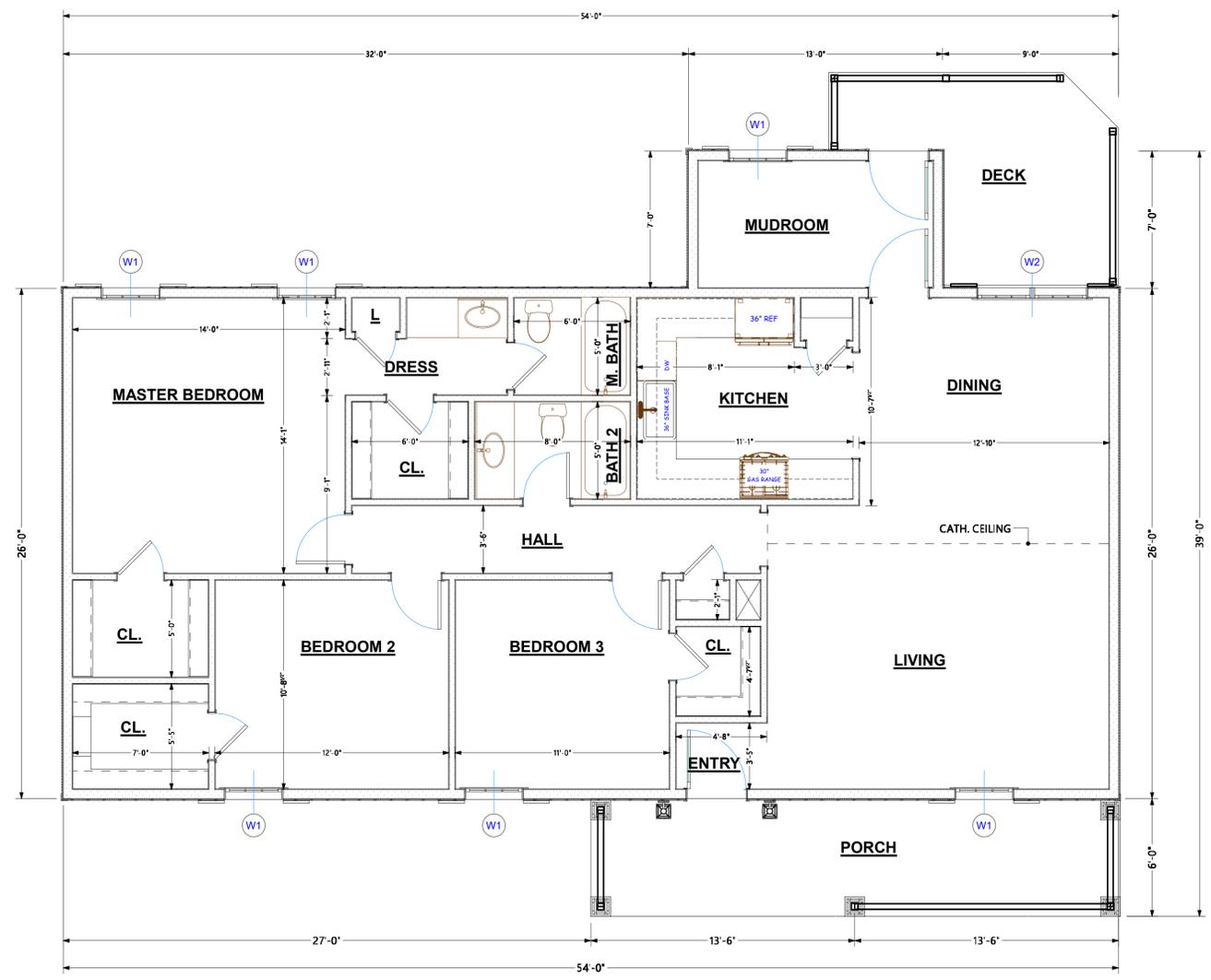
FRONT ELEVATION 3/16" = 1'-0"



RIGHT ELEVATION 3/16" = 1'-0"



REAR ELEVATION 3/16" = 1'-0"



1ST FLOOR PLAN 1/4" = 1'-0"

**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** March 2, 2023  
**Subject:** Darrell and Carla Morgan  
Variance – Critical Area Clearing

## Executive Summary

### REQUEST BY THE APPLICANT

Darrell and Carla Morgan are requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The applicants propose to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system.

### PUBLIC PROCESS

Per 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 THE STAFF REPORT

The 0.42-acre property is located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District and is zoned Critical Area Residential (CAR). The parcel is fully wooded, and the minimum clearing required for the installation of a single-family dwelling with accompanying driveway and septic system exceeds the maximum allowable on a parcel in the Critical Area. The Critical Area Commission (CAC) has reviewed this application and does not oppose the variance if the Board of Appeals determines that the proposed clearing is the minimum necessary. Strict application of the Ordinance would produce an unwarranted hardship. Authorization of the variance will not be a substantial detriment to adjacent property, and the character of the district will not be changed.

### STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the Critical Area forest clearing variance with the following conditions:

- An approved Critical Area Forest Clearing plan with mitigation at a ratio of 3:1 for the area cleared. Fee in lieu of planting is acceptable.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #23-07 – Darrell and Carla Morgan  
Variance – Critical Area Clearing  
DATE: February 22, 2023

**DESCRIPTION OF PROPOSAL**

Darrell and Carla Morgan are requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The applicants propose to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system. The 0.42-acre property is located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District and is zoned Critical Area Residential (CAR).

The Kent County Health Department requires the establishment of a septic reserve area to accommodate an initial drain field and a replacement system. A nitrogen removal septic system will be installed. Stormwater management regulations require that a 10-foot-wide buffer strip be placed adjacent to the driveway, resulting in a 25-foot-wide lane that caused the SDA to be narrow and to extend deep into the lot. The proposed lot coverage of 2,785 square feet is below the maximum allowable limit of 5,841 square feet. The wooded area seems not to be old growth forest but rather the natural regeneration following the subdivision in 1962.

**RELEVANT ISSUES**

I. Development in the Critical Area

A. *Comprehensive Plan:*

Forest and Woodlands. “Goal: Conserve Existing Woodlands, Encourage Reforestation, and Promote Proper Forest Management Practices”.

*Strategy: Retain and expand riparian forest and large forested areas through implementation of forest conservation regulation and education.*

*Strategy: Work cooperatively with Federal, State, and non-profit organizations to achieve to the habitat goals set forth in the Chesapeake Bay Critical Area and the current Chesapeake Bay agreement. (Pages 80,82)*

Housing: “Goal: Provide a Wide Range of Housing Opportunities to Meet the Needs of Kent County Residents.” (Page 90)

B. *Applicable Law:* Article V, Section 5.5 of the Kent County Land Use Ordinance establishes established the bulk standards for the Critical Residential (CAR) zoning district.

Minimum lot size      ½ acre

Article V, Section 5.7.B.4 of the Kent County Land Use Ordinance establishes specific environmental standards in the CAR zoning district with respect to forests.

a. ...

b. Forest shall be replaced on an acre by acre basis, but no more than 20% of any forest or developed woodlands shall be removed unless by prior agreement with the Planning Commission, the developer agrees to afforest on the following basis: a developer may clear or develop more forest than otherwise may be permitted if the total forest removed

is not increased by more than 50% of the area permitted to be disturbed provided that the afforested area consists of 1.5 times the total surface acreage of the disturbed forest or developed woodlands or both. ...

- c. Replacement trees shall be of a species similar to that which was removed or a species appropriate to the replanting site.
- d. Forest or developed woodlands that remain after development shall be maintained through recorded restrictive covenants, easements, or similar instruments.
- e. Sediment, erosion and grading permits shall be required before forest or developed woodlands are cleared. Forest cleared prior to obtaining permits or that exceeds the maximum area allowed shall be replanted at three times the acreage of the cleared forest.
- f. If the acreage of the site limits the application of reforestation requirements forest may be created on other lands in the Critical Area including County lands, or a fee in an amount determined by the Maryland Department of Natural Resources to be the equivalent to the value of the required forest may be paid to the County Commissioners of Kent County. These funds shall be placed in a dedicated fund used to ensure the restoration or establishment of an equivalent forest area, in the Critical Area or riparian areas.
- g. After development, the site shall be planted to provide a forest or developed woodlands cover of at least 20%

C. *Staff and TAC Comments:*

- The Comprehensive Plan advocates for the conservation of existing forests and encourages reforestation. The Comprehensive Plan also promotes a wide range of housing opportunities.
- At 0.42 acres, the parcel does not meet the minimum lot size requirement for this zoning district.
- The parcel is fully wooded, and the minimum clearing required for the installation of a single-family dwelling with accompanying driveway and septic system exceeds the maximum allowable on a parcel in the Critical Area.
- The proposed clearing of 12,845 square feet (69% of parcel area) is the minimum amount practicable to accommodate the proposed 1,320 square foot house and associated drive and to adhere to the stormwater and septic system requirements.

II. Variance

- A. *Applicable Law:* Article IX, Section 2.2, Variances of the Kent County *Land Use Ordinance* authorizes the Board of Appeals to grant variances ... so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants 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.
- f. That within the *Critical Area* for *variances* of 15% *slope, impervious surface, or buffer* requirements:
  - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area* Law and the *regulations* adopted by Kent County
  - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
  - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area* Commission.
  - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
  - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
  - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
  - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
  - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
  - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.
  - xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.
- 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:*

- The applicant's property is within a residentially zoned district populated by single-family developments. The granting of a variance will not cause a substantial detriment to adjacent or neighboring property, nor will change the character of the neighborhood or district.
- The variance is consistent with the Comprehensive Plan and the general intent of the Land Use Ordinance.
- The practical difficulty is that the property is small in size and is entirely wooded, conditions that were not caused by the applicant.
- Mitigation at a rate of 3:1 is required for the proposed clearing, increasing the net forest area.

The granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations.

- The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
- Strict application of the Ordinance would produce an unwarranted hardship that is not generally shared by other properties in the same zoning district and in the same vicinity.
- A literal interpretation of this Ordinance would deprive the applicants the rights commonly enjoyed by other properties in similar areas.
- Without a variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the Critical Area program. The Critical Area Commission has reviewed the application and is not opposed to a variance.
- The proposed improvement is a reasonable use of the property.
- The Critical Area Commission has recommended that the Board of Appeals make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent County Land Use Ordinance and COMAR 27.01.12.04, both of which address whether the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law. As the property is zoned for residential use and the required 3:1 mitigation for clearing will increase the net forest area, Staff has determined that the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law.

#### **STAFF RECOMMENDATION**

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the Critical Area forest clearing variance to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system. Staff further recommends the following:

- An approved Critical Area Forest Clearing plan to mitigate at a ratio of 3:1 to the area cleared. Fee in lieu of planting is acceptable.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Wes Moore  
Governor

Aruna Miller  
Lt. Governor



Charles C. Deegan  
Chairman

Katherine Charbonneau  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

February 14, 2023

Mr. Mark Carper  
Department of Planning, Housing and Zoning  
Kent County  
400 High Street  
Chestertown, Maryland 21620

**Re:** Darrell and Carla Morgan – Clearing Variance – #23-07

Dear Mr. Carper:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a Clearing variance in order to construct a residential dwelling, a driveway, and a septic system on a fully wooded vacant lot, located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District, Tax Map 27, Parcel 481, Lots 225 and 226. The subject property is 0.43 acres in size, located on lands zoned Critical Area Residential and designated as Limited Development Area (LDA). The applicant proposes to clear 12,845 square feet (69%) of the fully wooded lot to accommodate the residential structure and its amenities. The proposed total lot coverage is 2,785 square feet (15%). The allowable lot coverage is 5,481 square feet or 31.25%.

Based on the information provided, if the Board of Appeals determines that the proposed clearing is the minimum necessary, then we do not oppose this Clearing variance request. Mitigation at a 3:1 ratio is required for the proposed clearing as per §2.7.B.4 of the Kent County Land Use Article and COMAR 27.01.04.C(3) and (4). In addition, when deciding the proposed Clearing variance request, the Board of Appeals shall make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent Land Use Ordinance and COMAR 27.01.12.04.

Thank you for the opportunity to review and provide comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. If you have any questions, please feel free to contact me at 410-260-3481 or [tay.harris@maryland.gov](mailto:tay.harris@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Tay E. Harris".

Tay E. Harris  
Natural Resources Planner  
KC 52-23

**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)**

_____  
Darrell & Carla Morgan  
_____  
3662 Goldsboro Road  
_____  
Henderson, MD 21640  
_____

**Email:** drmorgan4444@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 _____ Non-conforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) Clarissa Road  
In the 3 Election District of Kent County.

**Size of lot or parcel of Land:** 18,691ft²  
Map: 27 Parcel: 481 Lot #: 225 & 226 Deed Ref: S.L.K. 1286/168

List buildings already on property: Property is vacant

If subdivision, indicate lot and block number: Chesapeake Landing, Buck Neck Map No 2,

If there is a homeowners association, give name and address of association: _____  
Chesapeake Landing Community Association 23179 Buck Neck Road, Chestertown, MD 21620

**PRESENT ZONING OF PROPERTY:** CAR - Critical Area Residential

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires  
the Appeal Hearing.) Requesting relief of the 30% limit of clearing for this lot

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

**Present owner(s) of property:** Darrell Morgan Telephone: 443-480-9491

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

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: _____

<b>For Office Use Only:</b>
Case Number/Date Filed: _____
Filed by: _____
Applicant: _____
Planning Commission: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

**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: Joseph Geng, 7749 Watson Street, Philadelphia, PA 19111

Owner(s) on the South: William F. & Geraldine E. Pauls PO Box 157, Chestertown, MD 21620

Owner(s) to the East: Joseph Geng, 7749 Watson Street, Philadelphia, PA 19111

Owner(s) to the West: Barbara A. O'Neal, 100 Chesapeake Estates Drive, Stevensville, MD 21666

Homeowners Association, name and address, if applicable: _____

Chesapeake Landing Community Association 23179 Buck Neck Road, Chestertown, MD 21620

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

  
Signature of Owner/Applicant/Agent or Attorney

1/19/2023  
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. Application should be filled in by applicant or its agent. If the Planning Office assists you, they 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.**



January 18, 2023

Property Owner: Darrell & Carla Morgan  
3662 Goldsboro Road  
Henderson, MD 21640  
drmorgan4444@gmail.com

Subject Property: Chesapeake Landing, Tax Map 27, Parcel 481. Lots 225 & 226, Buck Neck Section, Map No 2

Size of Property: 18,691ft² (0.429acres)  
Lot Coverage allowed (31.25%) = 5,841ft²  
Tree Clearing allowed (30%) = 5,607ft²  
Lot Coverage Proposed = 2,785ft² (15%)  
Tree Clearing Proposed = 12,845ft² (69%)

The site is currently zoned – Critical Area Residential with an LDA (Limited Development Area) designation.

Minimum Setbacks: Front Yard – 50’, Side Yard - 15’ and Rear Yard - 30’

This site is in the Critical Area and not in the Floodplain. There are no wetlands on the site but there are wetlands on the adjacent property, according to DNR wetlands map (attached). Wetland buffers do not affect this site.

Current Use – Vacant / Wooded  
Proposed Use – Residential

The property adjoins the residence of Joseph Geng to the north and East, a vacant lot belonging to Barbara A. O’Neal to the west and the residence of William & Geraldine Pauls to the south.

Background: These lots were created on 8/14/1962, as part of the Chesapeake Landing subdivision. The 1972 wetlands map (attached) does not show any trees on this site. Previously, the 30% lot clearing restriction in the Critical Area only counted the area to be cleared for the house and driveway and did not count the area to be cleared for the installation of the septic

system. The Critical Area Commission recently determined the entire area of clearing must be counted.

Mr. & Mrs. Morgan would like to build a 1,320ft² house with a 10' wide x 143.5' long gravel driveway.

Existing Conditions: While I am not qualified to perform a Forest Stand Delineation, I can confidently say that this area is not Old Growth Virgin timber. The lot is mostly covered in 6"-8" diameter gum and maple trees. The largest tree within the proposed Limits of Disturbance is a 24" maple tree which is dead.

Restrictions: The Health Dept requires that a reserve area be established to accommodate the installation of an initial drainfield system and one replacement system, in this case 7,500ft² Sewerage Disposal Area (SDA). The SDA must be 5' from the property lines and the proposed driveway. Septic tanks are not allowed in the SDA and the well must be a minimum of 50' from the SDA. We have worked with the Health Dept to develop a drainfield layout (attached). State law also requires the installation of a nitrogen removal septic system (BAT) for new development within the Critical Area, which requires an additional septic tank.

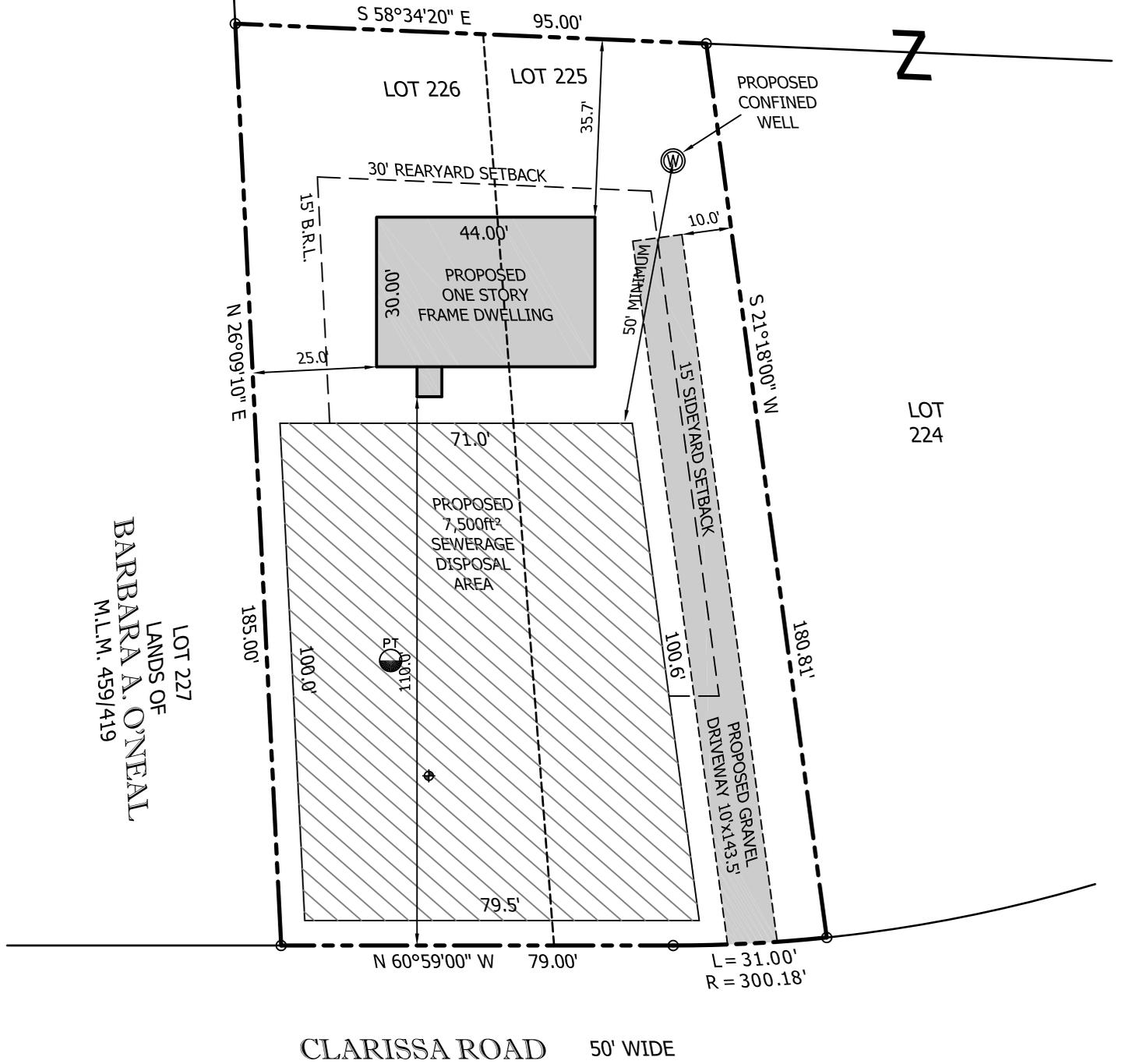
Stormwater Management regulations require that a 10' wide buffer strip (non-rooftop disconnect) be placed adjacent to the driveway. This 25' wide allowance for the driveway causes the SDA to be narrow and extend deep into the lot which pushes the proposed house to the rear of the property.

Every effort has been made to minimize disturbance and clearing. We have allowed 15' from the perimeter of the house and 5' from the driveway for construction activities and to create positive drainage (5,607ft²). Accommodations have kept to a minimum to allow room for a well drilling rig to set up and work and for the large crane truck to deliver and set the required concrete septic tanks. The area of clearing for the installation of the drainfields has also been squeezed as much as possible. 7,238ft² of clearing will be needed for the septic system.

This project should not adversely impact traffic patterns within Chesapeake Landing. This project should not adversely impact any community facilities or services. The nearest public meeting place is Mt. Pisgah Church (Melitota), 0.9 miles away. Kent County High School is 4 miles away.



LOT 286  
LANDS OF  
JOSEPH GENG  
E.H.P. 34/334



**NOTES:**  
OWNER: CARLA A. MORGAN et al.  
DEED REFERENCE: S.L.K. 1286/168  
PLAT BOOK: W.H.G. 1/62  
PREMISES ADDRESS: CLARISSA RD  
CHESTERTOWN, MD. 21620  
CURRENT SITE ZONING: CAR

LOT AREA = 18,691ft²  
LOT COVERAGE ALLOWED (31.25%) = 5,841ft²  
PROPOSED LOT COVERAGE = 2,785ft²  
LOT CLEARING ALLOWED (30%) = 5,607ft²  
TOTAL LIMITS OF DISTURBANCE/CLEARING = 12,845ft² (69%)  
CLEARING/LOD FOR HOUSE/DRIVEWAY = 5,607ft²  
CLEARING/LOD FOR SEPTIC = 7,238ft²  
SITE IS IN THE CRITICAL AREA



GRAPHIC SCALE

<b>SITE PLAN</b>
OF LOTS 225 & 226, BUCK NECK MAP 2
<b>CHESAPEAKE LANDING</b>
THIRD ELECTION DISTRICT, KENT COUNTY
MARYLAND
MAP 27 PARCEL 481

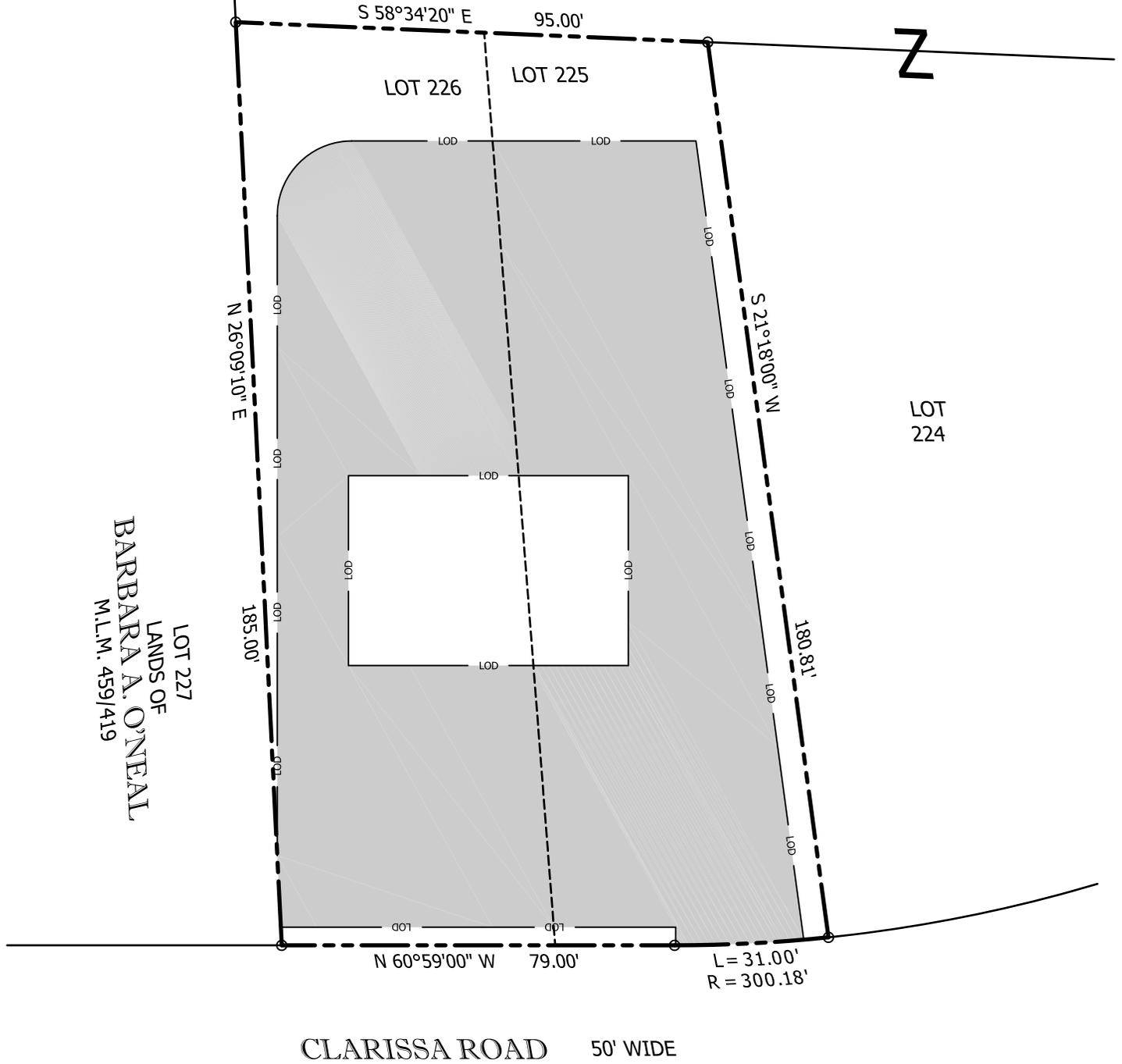
**EXTREME**  
**MEASURES**  
LAND SURVEYORS

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

SCALE 1"=30'
DRAWN BY RAN
DATE 11/14/22
JOB NO. 1524



LOT 286  
LANDS OF  
JOSEPH GENG  
E.H.P. 34/334



LOT 227  
LANDS OF  
BARBARA A. O'NEAL  
M.L.M. 459/419

CLARISSA ROAD 50' WIDE

**NOTES:**

OWNER: CARLA A. MORGAN et al.  
DEED REFERENCE: S.L.K. 1286/168  
PLAT BOOK: W.H.G. 1/62  
PREMISES ADDRESS: CLARISSA RD  
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 - DENOTES TOTAL LIMITS OF DISTURBANCE/CLEARING



GRAPHIC SCALE

**SITE PLAN**

OF LOTS 225 & 226, BUCK NECK MAP 2

**CHESAPEAKE LANDING**

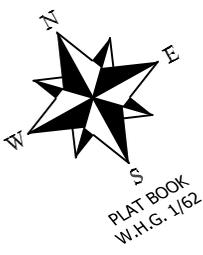
THIRD ELECTION DISTRICT, KENT COUNTY

MARYLAND

MAP 27 PARCEL 481

**EXTREME**  
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SCALE  
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DATE  
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1524



**ESD to the MEP Calculations**

LOD - 12,845ft² (0.295ac±)  
 Existing Impervious within LOD - 0ft²  
 Proposed Impervious within LOD - 2,785ft² or .064ac± (22%)

Soil Types: 100% HSG C

$R_v = .05 + .009(I) = .05 + .009(22) = .248$

Target  $P_e = 1.0$ " (Standard Plan)

$S = 0.13$

TARGET  
 $ESD_v \text{ REQUIRED} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.248)(12,845\text{sq.ft.})}{12} = 265\text{cu.ft.}$

$WQ_v \text{ REQUIRED} = \frac{(P)(R_v)(A)}{12} = \frac{(1.0)(.248)(12,845\text{sq.ft.})}{12} = 265\text{cu.ft.}$

$RE_v \text{ REQUIRED} = \frac{(S)(R_v)(A)}{12} = \frac{(.13)(.248)(12,845\text{sq.ft.})}{12} = 35\text{cu.ft.}$

$ESD_v \text{ TREATED BY NONROOFTOP DISCONNECT} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.95)(1,435\text{sq.ft.})}{12} = 114\text{cu.ft.}$

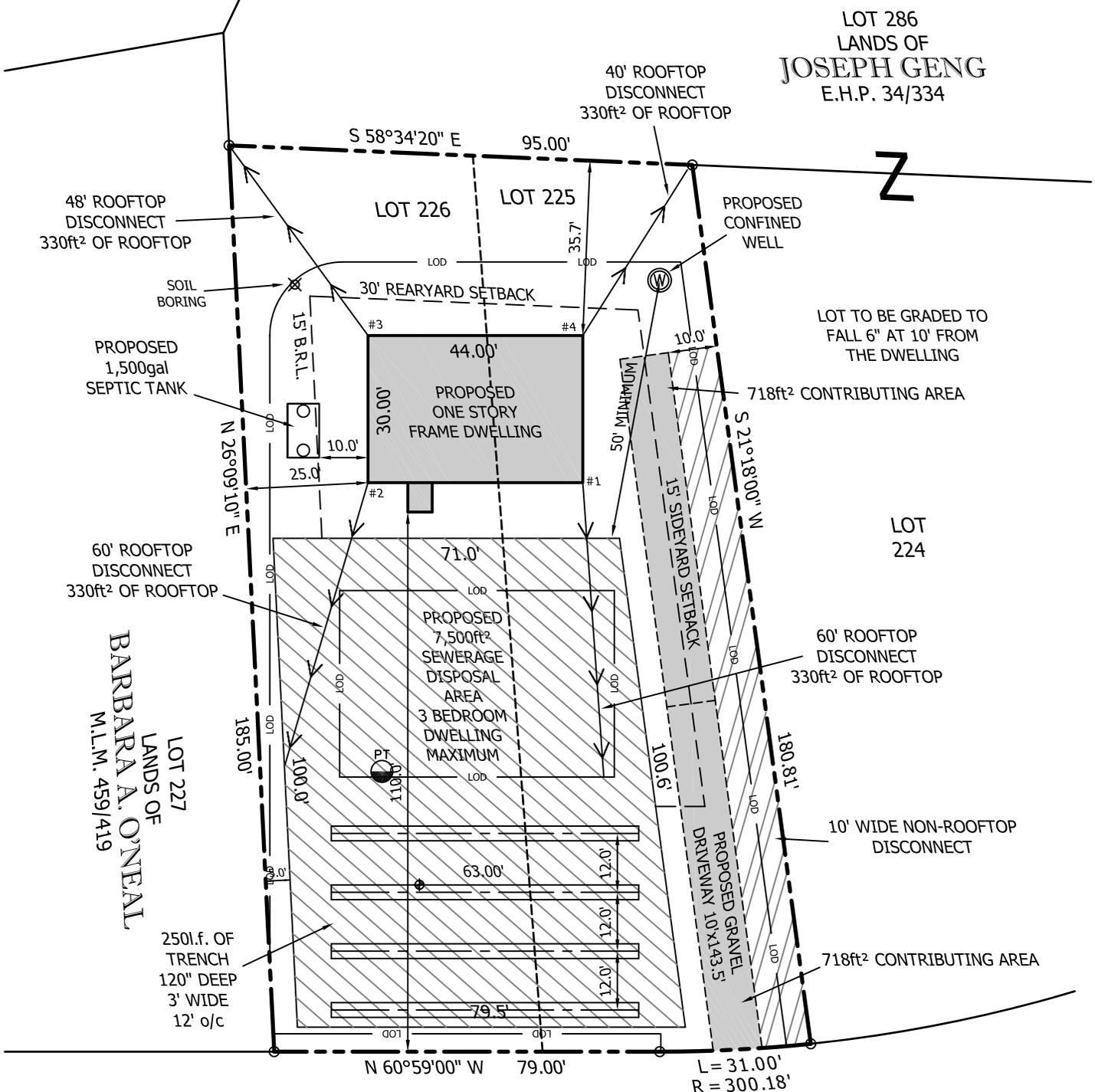
$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#1} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.95)(330\text{sq.ft.})}{12} = 26\text{cu.ft.}$

$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#2} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.95)(330\text{sq.ft.})}{12} = 26\text{cu.ft.}$

$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#3} = \frac{(P_e)(R_v)(A)}{12} = \frac{(0.8)(.95)(330\text{sq.ft.})}{12} = 21\text{cu.ft.}$

$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#4} = \frac{(P_e)(R_v)(A)}{12} = \frac{(.66)(.95)(330\text{sq.ft.})}{12} = 17\text{cu.ft.}$

TOTAL  $P_e$  TREATED = 204cu.ft.  
 TOTAL  $P_e$  REMAINING = 61cu.ft.  
 TOTAL  $P_e$  REMAINING = 456gal. / 50 = 10 RAIN BARRELS



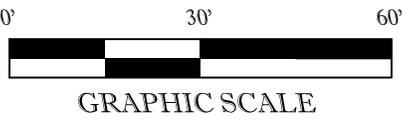
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LOT 227  
 LANDS OF  
**BARBARA A. O'NEAL**  
 M.L.M. 459/419

**CLARISSA ROAD 50' WIDE**

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 CLEARING/LOD FOR SEPTIC = 7,238ft²  
 SITE IS IN THE CRITICAL AREA  
 SOIL TYPE = EM - ELKTON SILT LOAM (HYD GROUP C/D)



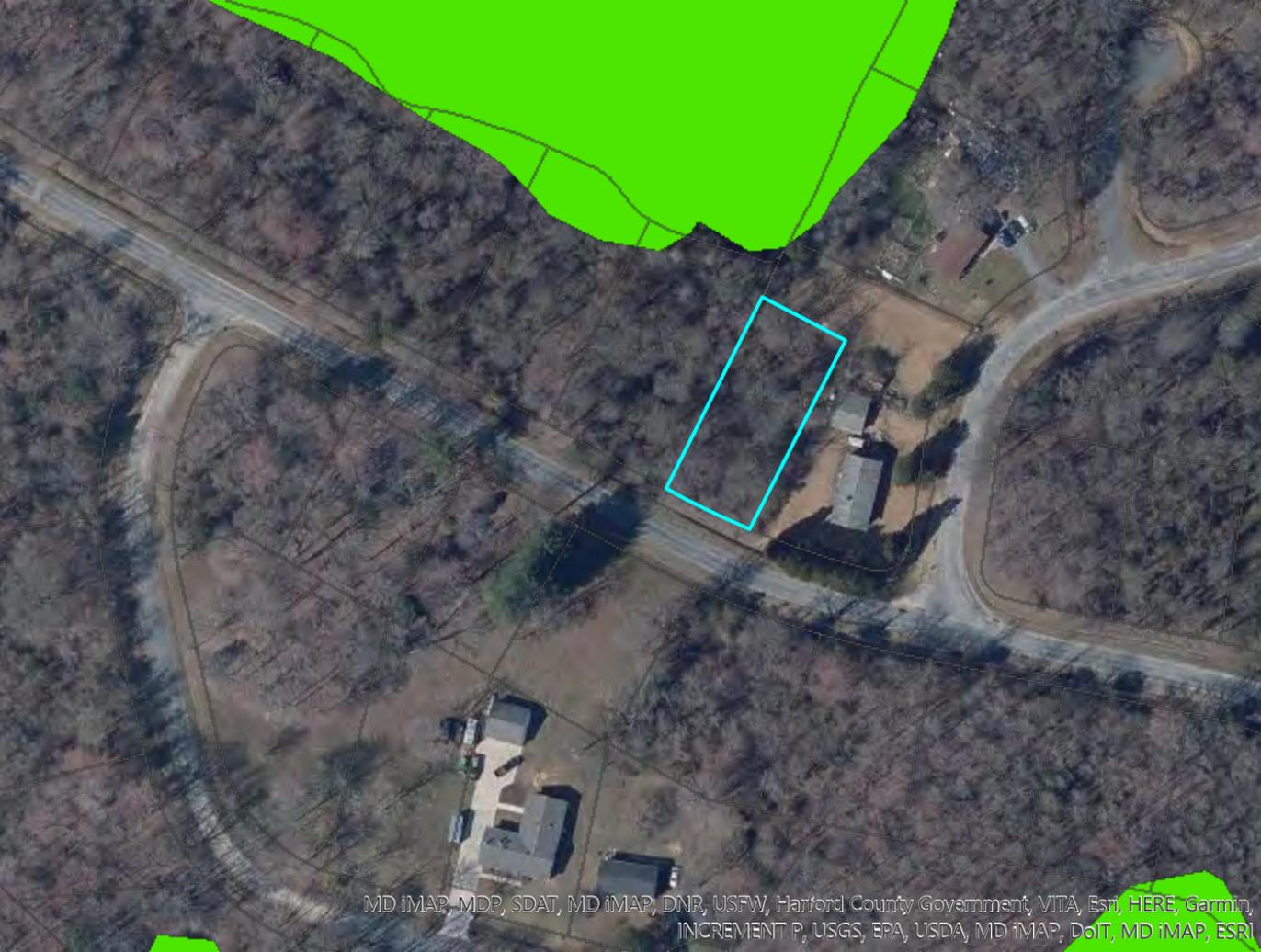
<b>STORMWATER MANAGEMENT PLAN</b>
OF LOTS 225 & 226, BUCK NECK MAP 2
<b>CHESAPEAKE LANDING</b>
THIRD ELECTION DISTRICT, KENT COUNTY
MARYLAND
MAP 27 PARCEL 481

**EXTREME MEASURES**  
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SCALE 1"=30'
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**To:** Kent County Planning Commission  
**From:** Carla Gerber, Deputy Director  
**Meeting:** March 2, 2023  
**Subject:** Scott and Shari Smith  
#23-09 – Variance – side yard setback

## Executive Summary

### Request by Applicant

Scott and Shari Smith are requesting a side yard setback variance to construct an addition which would connect an existing detached garage to an existing dwelling.

### 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 26933 Mallard Road in the Chesmar neighborhood and is zoned Critical Area Residential. The owners were granted a variance for this same request in 2012 but were unable to construct the addition at that time. The owners have since worked with an architect to design a full renovation of the house and garage and are ready to move forward with the project. The requested 12-foot side setback variance will not change the character of the neighborhood or be a detriment to adjacent properties. A practical difficulty exists due to the location of the septic system and the 100-foot Buffer.

### Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals with a proposed condition the no further encroachment shall occur within the side yard setback beyond the proposed addition over the concrete slab.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: Scott and Shari Smith  
#23-09 – Variance – side yard setback  
DATE: February 23, 2023

Description of Proposal

Mr. and Mrs. Smith are requesting a setback variance to construct a residential addition over an existing concrete patio as part of major renovations to the garage and house. The addition would connect the existing dwelling to the existing detached garage. The existing garage currently conforms to side and rear yard setback requirements for an accessory structure. Connecting the garage to the dwelling creates a nonconformance to the side yard setback requirement in that the primary structure would now be 3 feet from the side lot line.

The current dwelling and accessory buildings are located outside of the 100-foot Critical Area Buffer. The applicants' proposal meets the lot coverage requirement for a parcel of its size. The limit is 5,445 square feet. According to a recent survey, the existing lot coverage is 5,550 square feet; and following the proposed renovations, the lot coverage will be 5,331 square feet, which complies with current law.

The 0.623-acre property is located at 26933 Mallard Road in the Chesmar neighborhood. This area is a designated Buffer Modified Area located on the Chester River in the Fourth Election District and is zoned "CAR" Critical Area Residential. The surrounding area is zoned CAR and is characterized by a mixture of one- and two-story homes on varying-sized lots.

History

The owners were granted a variance for this same request in 2012 but were unable to construct the addition at that time. The owners have since worked with an architect to design a full renovation of the house and garage and are ready to move forward with the project.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
  - A. Comprehensive Plan: “Insure that all new development or redevelopment meets high standards for planning, workmanship, and design.” (Page 31)
  - B. Applicable Law: Article V, Section 5.5 of the Kent County Land Use Ordinance establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Yard

Front	50 feet
Side	15 feet
Rear	30 feet
Waterfront	Minimum 100-foot buffer or modified buffer

Minimum Lot Size – ½ acre  
Minimum Lot Width – 75 feet

- C. Staff and TAC Comments: A side yard setback variance of 12 feet is required in order to construct the residential addition which will connect the detached garage to the existing dwelling.

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), ... 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 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.

- B. Staff and TAC Comments: The proposed addition creates a nonconforming structure which requires a side yard setback variance. The existing garage currently conforms to side and rear yard setback requirements for an accessory structure. The existing dwelling also conforms with all required setbacks. The granting of the variance should not cause a substantial detriment to neighboring properties as the massing of this addition will not obstruct existing view sheds. The proposal will not change the character of the neighborhood. Both attached and detached garages, as well as other accessory buildings located within the rear yard (roadside) are common to the neighborhood. The Comprehensive Plan encourages contextual sensitivity.

This parcel is neither unusual in size nor shape; however, the location of the septic system in the rear yard and the 100-foot buffer in the front yard limit available space for relocation of the garage. The applicants are planning extensive renovations to the house and garage, and staff has

requested documentation that the existing structures are sound enough for the proposed renovations. If the garage needs to be demolished and rebuilt, then a 3-foot setback may not be appropriate.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals with a proposed condition the no further encroachment shall occur within the side yard setback beyond the proposed addition over the concrete slab.

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)

Scott O. Smith and Shari Crew Smith

120 Jimstown Circle

Chestertown, Maryland 21620

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: crowdingbill@gmail.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 5.5

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

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

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 26933 Mallard Road

In the Fourth Election District of Kent County.

Size of lot or parcel of Land: 0.623 Acres

Map: 38 Parcel: 58 Lot #: Lot 2, Plat No.1 Deed Ref: M.L.M. 696/390

List buildings already on property: One Story Brick Single Family Dwelling, Detached Frame Garage, Metal Storage Building

If subdivision, indicate lot and block number: Lot No. 2, Plat No.1, Chesmar

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: C.A.R. (Critical Area Residential)

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Variance of 12 feet from the side yard requirement 15 feet to three feet in order to connect the existing detached garage to the existing single family dwelling

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

Present owner(s) of property: Scott O. Smith and Shari Crew Smith Telephone: 410-708-3776

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

Has property involved ever been subject to a previous application? Yes

If so, please give Application Number and Date: Case No. 12-11 March 19, 2012

**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: Mallard Road

Owner(s) on the South: Chester River

Owner(s) to the East: David R. Baldwin

Owner(s) to the West: Emmett Roy Duke, III and Diane McDanolds Duke

Homeowners Association, name and address, if applicable: _____

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

Shari G. Smith  
Signature of Owner/Applicant/Agent or Attorney

1/20/23  
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.**

# SCOTT O. SMITH and SHARI CREW SMITH

HUSBAND and WIFE  
26933 MALLARD ROAD  
CHESTERTOWN, MARYLAND 21620

## BACKGROUND:

Shari Crew Smith inherited this property from her father in 2010. At that time the property had set vacant for a number of years. The existing single family dwelling had fallen into disrepair and has remained unoccupied since the time of Mrs. Smith's inheritance. There presently is a concrete slab between the dwelling and the detached garage which allows moisture to buildup in the dwellings crawlspace causing mold growth. In 2012 Mrs. Smith and her husband applied for and were granted a variance of 12 feet from the side yard setback requirement of 15 feet to 3 feet in order to connect the garage to the single family dwelling. In August of 2012 prior to commencing with the proposed renovations Mrs. Smith and her husband had the required Best Available Technology Onsite Disposal Septic System installed. However they were unable to proceed with renovation of the dwelling because of circumstances beyond their control. Mrs. Smith and her husband are now in a position to renovate the existing dwelling; they have contracted with an Architect and decided on design. The new design will still require a variance of 12 feet from the side yard setback requirement of 15 feet to 3 feet in order to connect the existing detached garage to the single family dwelling.

# SCOTT O. SMITH and SHARI CREW SMITH

HUS BAND and WIFE  
26933 MALLARD ROAD  
CHESTERTOWN, MARYLAND 21620

## FINDINGS OF FACT:

- a.** This variance will not cause any detriment to adjacent neighboring properties. The resulting dwelling will not be located any closer the boundary line than the existing the existing detached garage. The appearance of the neighborhood will be enhance by allowing existing dwelling to be attached to the garage and renovated. 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. A new nitrogen removal septic system has been installed which theoretically reduces the amount of pollutants entering into the Chesapeake Bay and its tributaries.
- d.** The practical difficulty is caused by the location of the detached garage and existing dwelling. All of the unimproved area to the road side of the existing dwelling is being used as the required Septic Reserve Area.
- e.** The practical difficulty existed prior to Mrs. And Mr. Smith acquiring the property. The dwelling existed years before the current zoning ordinance which has established the required 15 foot side yard setbacks.
- f.** A buffer variance is not required because this property lies in a "Modified Buffer Area" and the proposed construction will not extend into the 100 foot further

# SCOTT O. SMITH & SHARI CREW SMITH

HUSBAND & WIFE  
26933 MALLARD ROAD  
CHESTERTOWN, MARYLAND

TAX MAP 38, PARCEL 58

LOT 2, PLAT No. 1, CHESMAR

AREA = 0.623 ACRES ± OR 27,149 SQUARE FEET±

## AREA OF EXISTING COVERAGE

DWELLINGS & OVERHANGS =	2,054 SQUARE FEET
BRICK STEPS=	46 SQUARE FEET
CONCRETE PATIO =	157 SQUARE FEET
FRAME GARAGE & OVERHANGS=	658 SQUARE FEET
ASPHALT DRIVE=	2,240 SQUARE FEET
METAL SHED=	115 SQUARE FEET
CONCRETE PADS=	280 SQUARE FEET
<u>TOTAL COVERAGE =</u>	<u>5,550 SQUARE FEET</u>

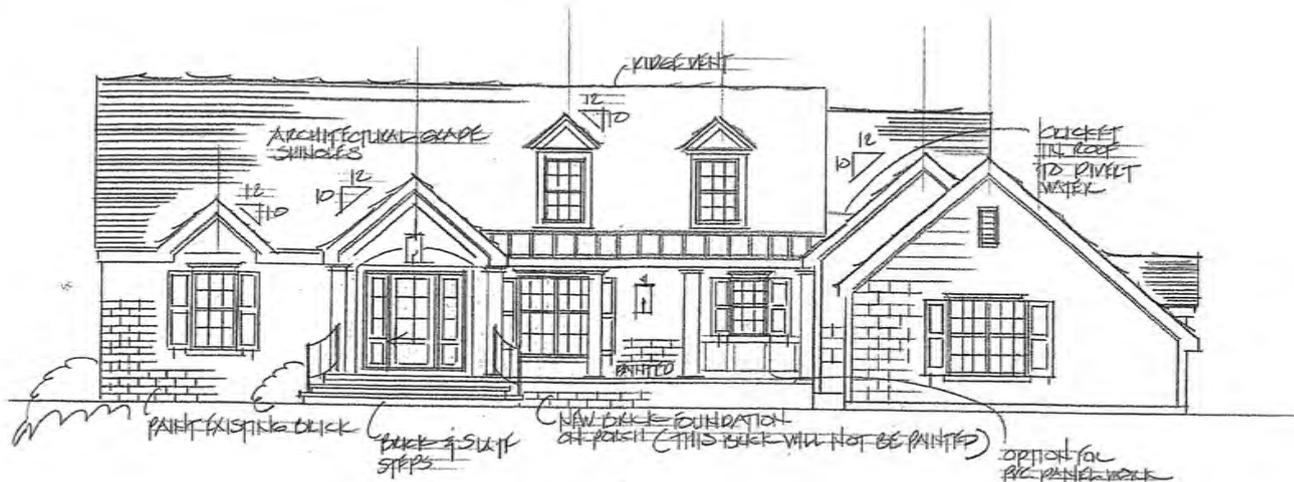
## AREA OF EXISTING COVERAGE TO BE REMOVED

BRICK STEPS=	46 SQUARE FEET
CONCRETE PATIO =	157 SQUARE FEET
ASPHALT DRIVE=	1,024 SQUARE FEET
METAL SHED=	115 SQUARE FEET
CONCRETE PADS=	64 SQUARE FEET
<u>TOTAL COVERAGE TO BE REMOVED=</u>	<u>1,406 SQUARE FEET</u>

## RESULTING COVERAGE

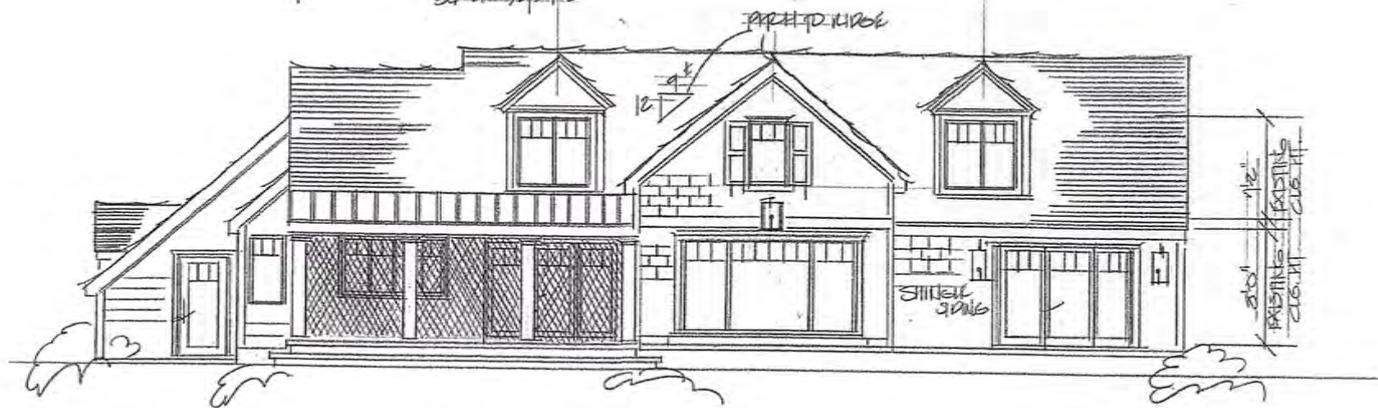
DWELLINGS & OVERHANGS =	2,277 SQUARE FEET
*FRAME GARAGE & OVERHANGS=	658 SQUARE FEET
PORCH & OVERHANGS=	608 SQUARE FEET
BRICK STEPS=	36 SQUARE FEET
BRICK WALK=	320 SQUARE FEET
ASPHALT DRIVE=	1,216 SQUARE FEET
CONCRETE PAD=	216 SQUARE FEET
<u>TOTAL RESULTING COVERAGE=</u>	<u>5,331 SQUARE FEET</u>

*NOTE: DETACHED FRAME GARAGE IS NOW AN ATTACHED GARAGE



Remodeled Front Elevation (STREET ELEVATION)

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



Remodeled Rear Elevation (WATER SIDE ELEVATION)

Plan for Mr. & Mrs. Scott Smith  
2035 Highland Road  
Christytown, MD 21826

1/20/72

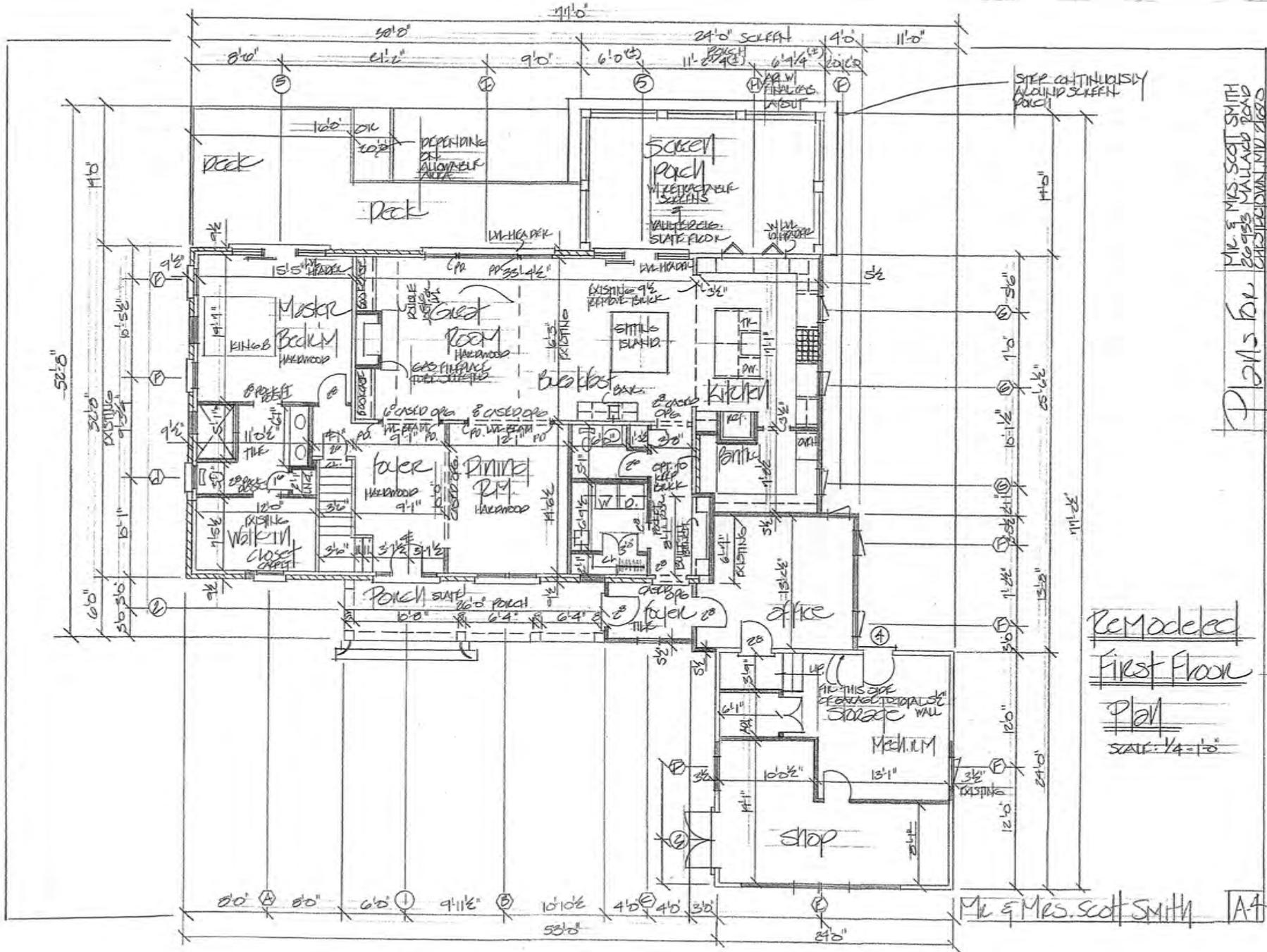
South & Mail Designs Inc.

P.O. Box 211 Christytown, MD 21826  
1-410-718-4025

Mr. & Mrs. Scott Smith AI







Plans for  
 Mr. & Mrs. Scott Smith  
 20105 MALLARD ROAD  
 CHESTERDOWN MD 21030

South & Main Designs LLC

PO BOX 211 CHESTERDOWN MD 21030  
 410-778-8252

Remodeled  
 First Floor  
 Plan  
 SCALE: 1/4" = 1'-0"

Mr & Mrs. Scott Smith A4



# Window Schedule

FIRST FLOOR						
SYM. QTY.	STYLE NO.	ROUGH OP.	REMARKS	LOCATION	ENERGY C.	
A	1	TW2852	2'10" x 5'2 1/2"	TILE WASH DOUBLE HUNG	MASTER CLOSET	U-FACTOR 0.31 SHEC 0.28
B	1	(2) TW2852	2'10" x 5'2 1/2"	TILE WASH DOUBLE HUNG	PANTRY ROOM	U-FACTOR 0.31 SHEC 0.28
C	1	TW20310	2'2 1/2" x 4'0 1/2"	TILE WASH DOUBLE HUNG	SIDE ENTRANCE	U-FACTOR 0.31 SHEC 0.28
D	1	TW2846	2'10 1/2" x 4'0 1/2"	TILE WASH DOUBLE HUNG	SQUARE ROOM	U-FACTOR 0.31 SHEC 0.28
E	1	(1) TW2846	2'10 1/2" x 4'0 1/2"	TILE WASH DOUBLE HUNG	SQUARE ROOM	U-FACTOR 0.31 SHEC 0.28
F	6	CW14	2'4 1/2" x 4'0"	CASEMENT W/W	SQUARE OFF MASTER BEDRM	U-FACTOR 0.28 SHEC 0.31
G	5	CW155	2'4 1/2" x 3'5 3/8"	CASEMENT W/W	BULLPEN PANTRY KITCHEN	U-FACTOR 0.28 SHEC 0.31
H	1	6 1/2" FOLD PASS THRU W/W	TBD	ANDERSEN FOLD W/W	PANTRY PASS THRU W/W	TBD
I	1	(1) TBD (1) TBD (1) TBD	GENERAL SIEF ONLY (1) 3'0" x 6'0" (1) 6'0" x 6'0" (1) 3'0" x 6'0"	ANDERSEN PROXIFRAME ONE A SERIES W/W TO BE CONFIRMED	GEOPAT ROOM	TBD
J	1	C155	2'0 3/8" x 3'5 3/8"	CASEMENT W/W	MASTER BATH M	U-FACTOR 0 SHEC 0.31

11 TOTAL W/W UNITS ON FIRST FLOOR

# Window Schedule

SECOND FLOOR						
SYM. QTY.	STYLE NO.	ROUGH OP.	REMARKS	LOCATION	ENERGY C.	
K	2	CW14	2'4 1/2" x 4'0"	CASEMENT	BRDR ROOM	U-FACTOR 0.28 SHEC 0.31
L	2	TW20310	2'2 1/2" x 4'0 1/2"	TILE WASH DH.	BATH M BRDR ROOM	U-FACTOR 0.31 SHEC 0.28
M	2	CW04	4'9" x 4'0 1/2"	CASEMENT	BONUS ROOM	U-FACTOR 0.28 SHEC 0.31
6 TOTAL W/W UNITS ON SECOND FLOOR						
POOL SCHEDULE						
SYM. QTY.	STYLE NO.	SIZE OR R. OP.	REMARKS	LOCATION	ENERGY C.	
1	1	TBD	GENERAL SIEF ONLY (2) SIDE LIGHTS 5'0" x 6'0"	POKER BOY	TBD	
2	1	TBD	GENERAL SIEF ONLY 2'0" x 6'0" (CONFIRM)	SIDE ENTRANCE	TBD	
3	1	TBD	GENERAL SIEF (2) 3'0" x 6'0" GENERAL ROCK INSULATED	SPRAC	TBD	
4	1	FINW2900A	2'9" x 6'0"	ANDERSEN 400 SERIES FINCH WOOD HINGED THERMALLY PAID POOL	SPRAC	U-FACTOR 0.31 SHEC 0.21
5	2	FW2300S w/ FW2000L	2'9" x 6'0"	ANDERSEN 400 SERIES FINCH WOOD SLIDING POOL UNIT	BRACFAST ROOM MASTER BRDR ROOM	U-FACTOR 0.31 SHEC 0.21

## NOTES:

- ALL W/W TO BE ANDERSEN 400 SERIES WHITE EXTENDED WHITE PREFINISHED INTERIORS WHITE HARDWARE TO BE CONFIRMED SCREENS & THERMING PER CODE REQUIREMENTS
- SHOULD BE DIVIDED LIGHT W/ 1" S. GRILLE SEE DRAWINGS FOR SKILL PATTERN
- PREFER W/W & POOL OR DR. CONFIRM W/ HONEYWELL & SOUTH & MAIN DESIGNS
- ALL INTERIOR DOORS & HARDWARE TBS

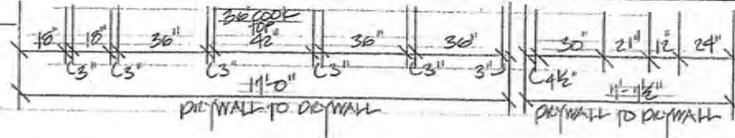
Mr. & Mrs. Scott Smith

Plans for Mr. & Mrs. Scott Smith 10000 VIA WIND ROAD CHRISTIAN TOWN MD 20600

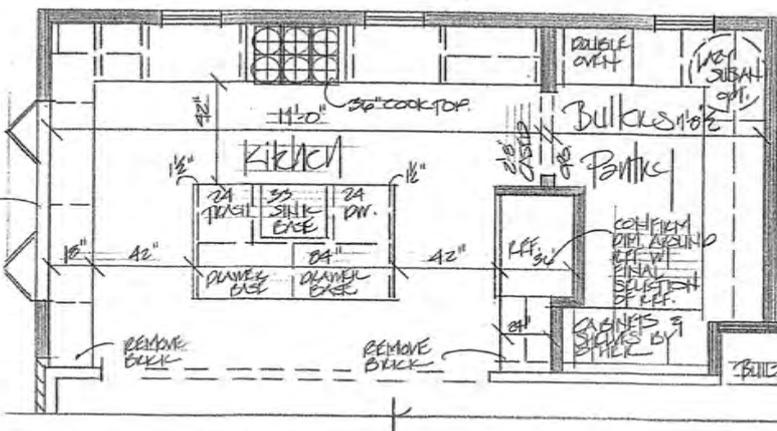
South & Main Designs Inc

PO BOX 21 CHRISTIAN TOWN MD 20600

2002



Remodeled Kitchen  
 & Butler's Pantry  
 Wall Elevations  
 SCALE: 1/2\"/>



Remodeled Kitchen  
 & Butler's Pantry Plan  
 SCALE: 1/2\"/>

MR. & MRS. SCOTT SMITH  
 1225 S. BAYLARD ROAD  
 CHESTERFIELD, MISSOURI 63015

Plans for

South & Mail Designs Inc.

PO BOX 211, CHESTERFIELD, MISSOURI 63015  
 TEL: 314-736-2825

MR. & MRS.  
 SCOTT SMITH A-1

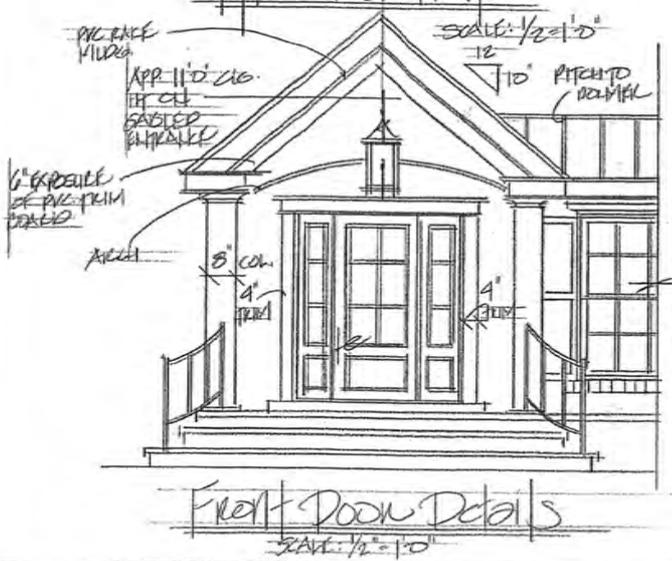


SOUTH & MAIN DECKS W.C.  
 20' ON 21' CATHEDRAL UPSTAIRS  
 1-410-778-4825

TYP. CUT-SECTION  
 SCALE: 1/2" = 1'-0"

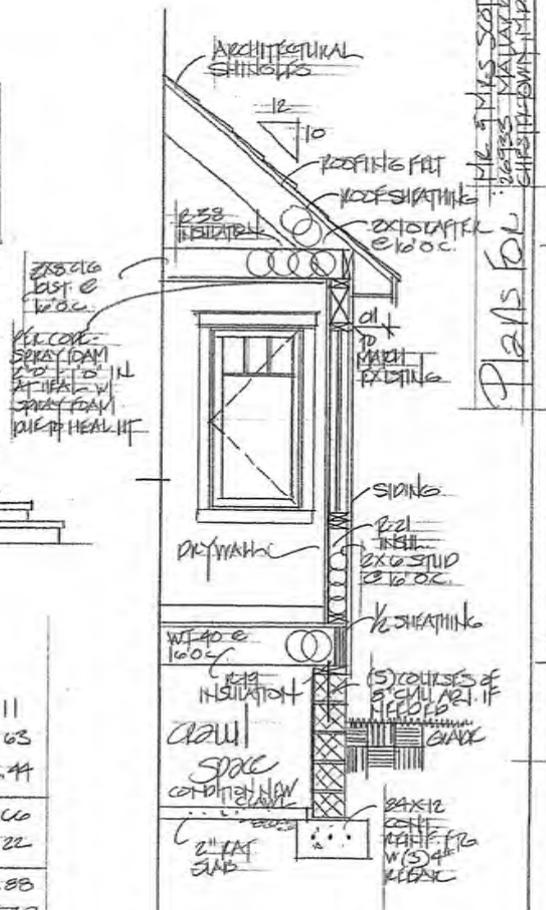
NOT:  
 DRAWINGS ARE GUARANTEED TO BE PROFESSIONAL IN QUALITY & WORKABLE BY ANY COMPETENT LICENSED BUILDING CONTRACTOR. EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES IN THE CREATION OF THE DESIGN & PREPARING OF THE PLANS, HOWEVER, THE CONTRACTOR DOES THE ACTUAL WORK MUST CHECK ALL DIMENSIONS & BUILDING CODE REQUIREMENTS & BE RESPONSIBLE FOR SAME.

MR & MRS SCOTT SMITH AB



### Square Footage Totals

EXISTING FIRST FLOOR TO BE REMODELED	1961.11
ADDED SQ. FT. TO FIRST FLOOR	265.63
<b>TOTAL FIRST FLOOR</b>	<b>2226.74</b>
EXISTING SECOND FLOOR TO BE REMODELED	466.66
ADDED SQ. FT. TO SECOND FLOOR	514.22
<b>TOTAL SECOND FLOOR</b>	<b>1040.88</b>
<b>TOTAL HEATED SQFT</b>	<b>3267.62</b>
NEW FRONT PORCH	156.00
NEW SCREEN PORCH	336.00
NEW DECK TO BE CALCULATED W/ ALLOWABLE AREA	
EXISTING GARAGE TO BE REMODELED	516.00

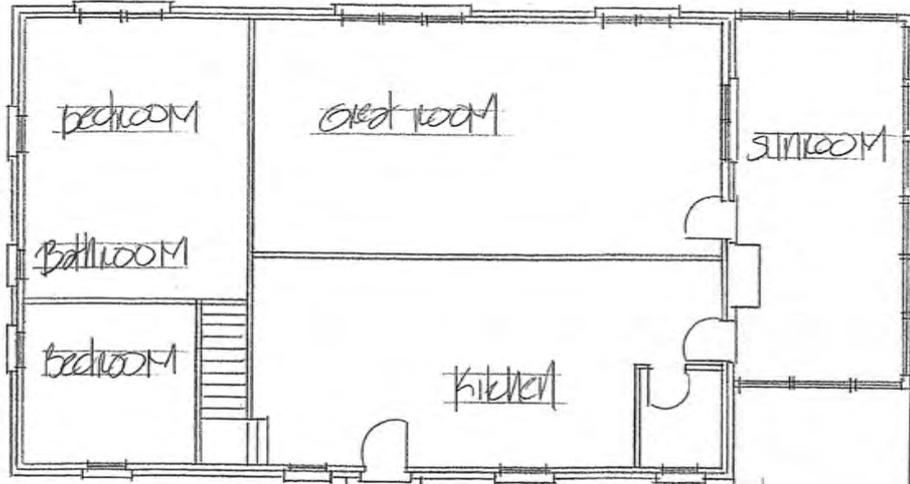


Typ. cut - Section  
SCALE: 3/4" = 1'-0"

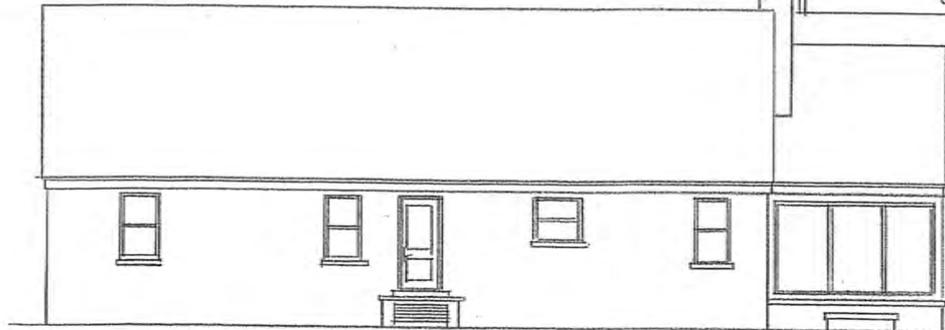
Plans for Mr. & Mrs. Scott Smith  
1410 118th St. S.W.  
Burien, Oregon 97149

South & Mail Designs Inc.  
P.O. Box 211, Clifton, Oregon 97110-0211  
1-410-718-1825

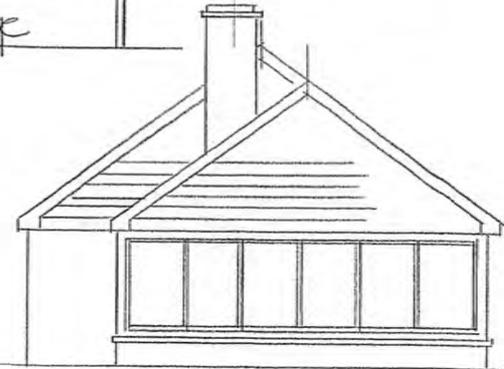
Mr. & Mrs. Scott Smith A9



EXISTING First Floor Plan  
SCALE: 1/4" = 1'-0"



Existing Front Elevation (Street View)



Existing Right Elevation

conc. slab.

Garage

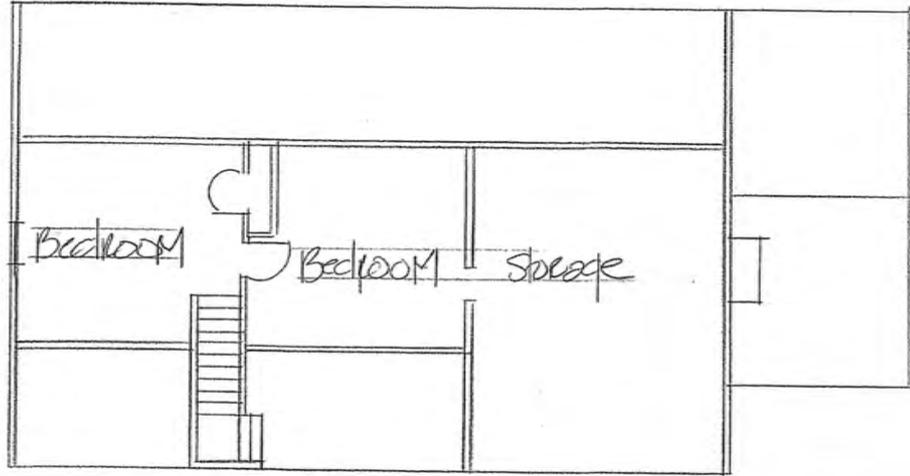
Mr. & Mrs. Scott Smith  
20855 Malvern Road  
Chestertown, Md. 21619  
1982

Plans for

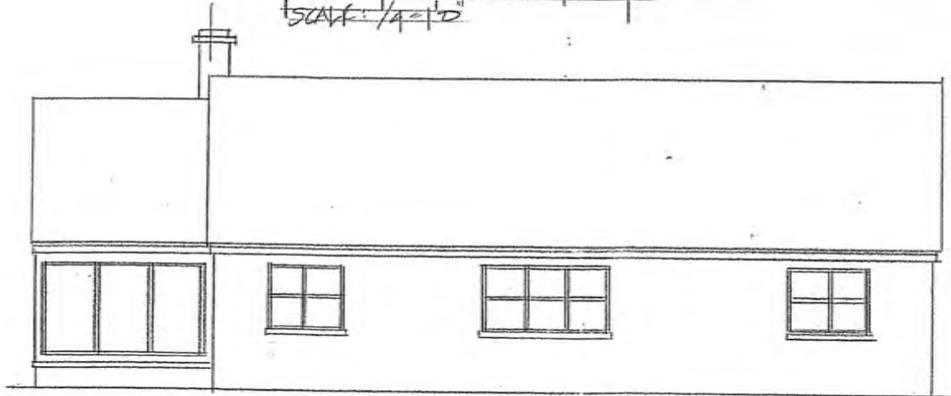
South & Mail Designs, Inc.

P.O. Box 211, Chestertown, Md. 21619  
410-778-4310

Mr. & Mrs. Scott Smith, E.I.



Existing Second Floor Plan  
SCALE: 1/4" = 1'-0"



Existing Rear Elevation (Water View)  
SCALE: 1/4" = 1'-0"



Existing Left Elevation

Mr & Mrs. Scott Smith E2

Plans for:  
Mr & Mrs. Scott Smith  
20755 MARYB. ROAD  
CHESTERTOWN, MD. 21613

South & Main Designs LLC.

PO BOX 211 CHESTERTOWN, MARYLAND  
21613



*VIEW FROM ROAD*



*CONC. PATIO LOOKING EAST*



*VIEW FROM RIVER*



*CONC. PATIO LOOKING WEST*

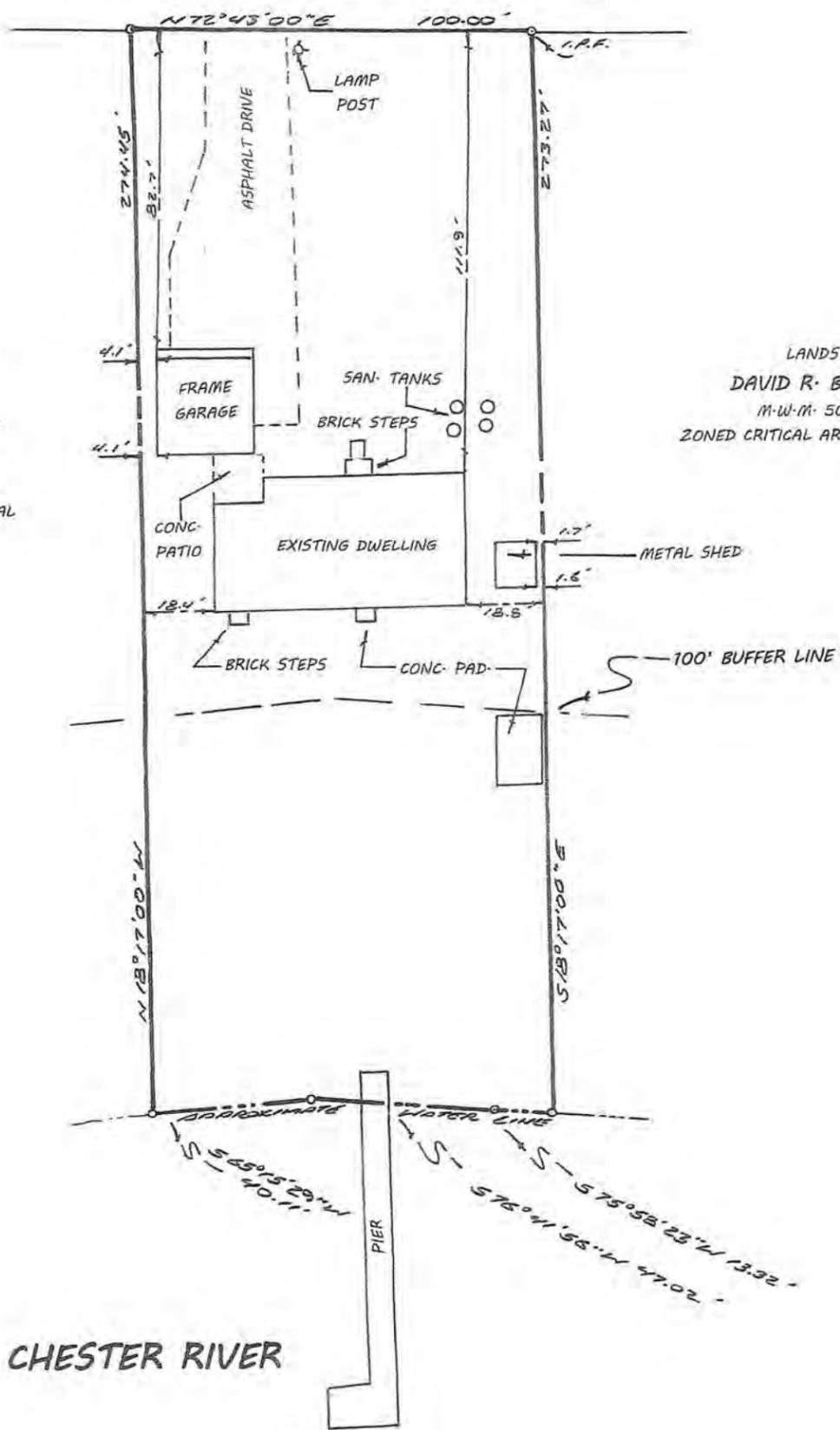
TO LEGION ROAD

### MALLARD ROAD

40' WIDE RIGHT-OF-WAY

LANDS OF  
EMMETT ROY DUKE, III  
&  
DIANE McDANOLDS DUKE  
HUSBAND & WIFE  
M-L-M- 883/367  
ZONED CRITICAL AREA RESIDENTIAL

LANDS OF  
DAVID R. BALDWIN  
M-W-M- 505/156  
ZONED CRITICAL AREA RESIDENTIAL



AREA = 0.623 AC. ±

**LEGEND:**

I.P.F. DENOTES IRON PIPE FOUND.

**NOTE:**

- 1- PROPERTY ADDRESS: 56933 MALLARD ROAD.
- 2- PROPERTY IS ZONED C-A-R. (CRITICAL AREA RESIDENTIAL)
- 3- THE DWELLING INDICATED 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. 240029C0281D. NO ON SITE ELEVATION TAKEN TO VERIFY CONDITIONS.
- 4- 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

EXISTING CONDITIONS PLAT  
ON THE LANDS OF  
**SCOTT O. SMITH**  
AND  
**SHARI CREW SMITH**  
HUSBAND AND WIFE

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
SCALE 1" = 40'                      JANUARY 2022

TAX MAP 38 PARCEL 58  
LOT 2, PLAT No.1 CHESMAR

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

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 1/25/23

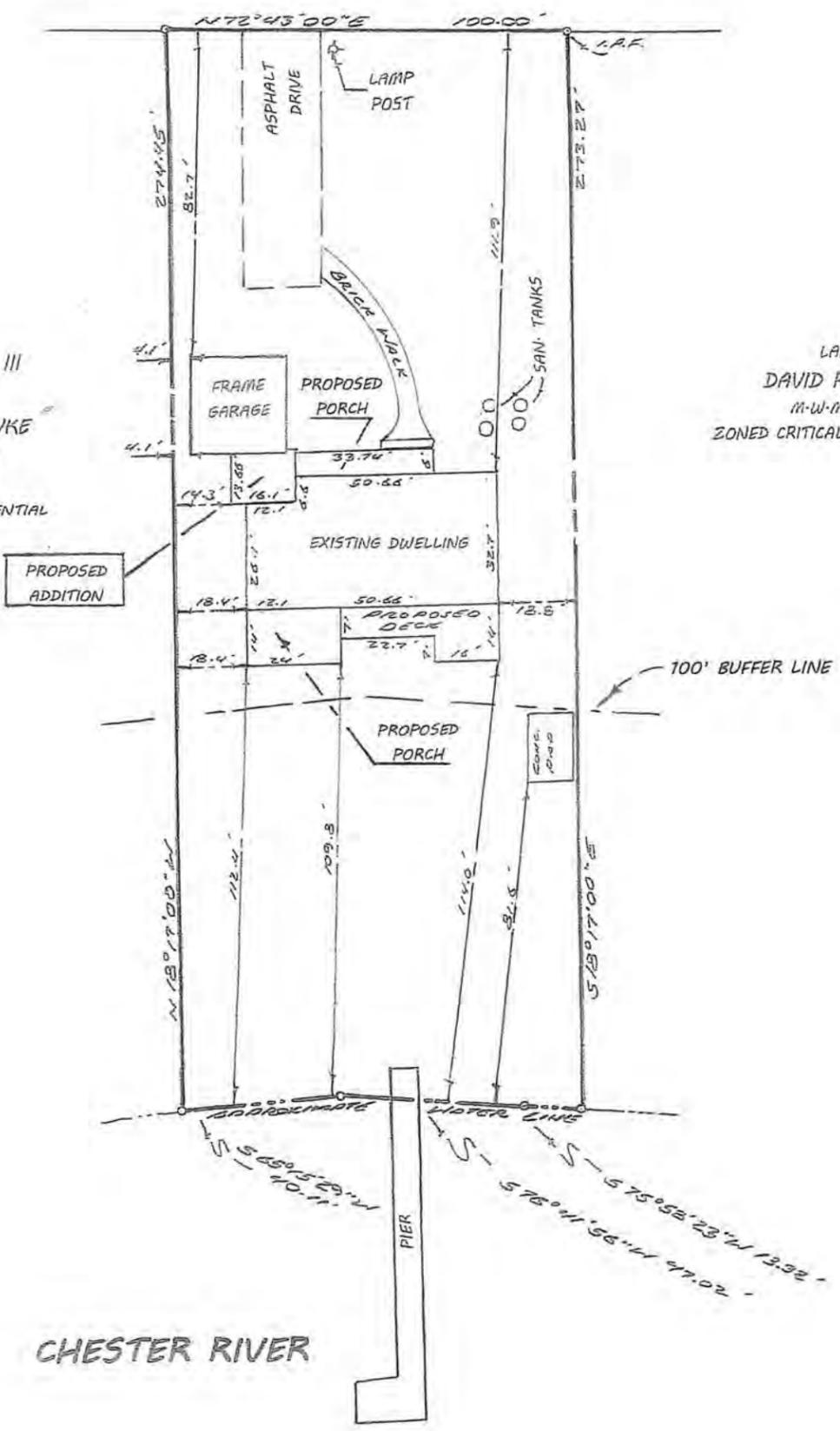
TO LEGION ROAD

# MALLARD ROAD

40' WIDE RIGHT-OF-WAY

LANDS OF  
EMMETT ROY DUKE, III  
&  
DIANE McDANOLDS DUKE  
HUSBAND & WIFE  
M-L-M- 883/367  
ZONED CRITICAL AREA RESIDENTIAL

LANDS OF  
DAVID R. BALDWIN  
M-W-M- 505/156  
ZONED CRITICAL AREA RESIDENTIAL



- NOTE:
- 1- PROPERTY ADDRESS: 56933 MALLARD ROAD.
  - 2- PROPERTY IS ZONED C-A-R (CRITICAL AREA RESIDENTIAL)
  - 3- THE DWELLING INDICATED 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. 240029C0281D. NO ON SITE ELEVATION TAKEN TO VERIFY CONDITIONS.
  - 4- 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 11-03-2024

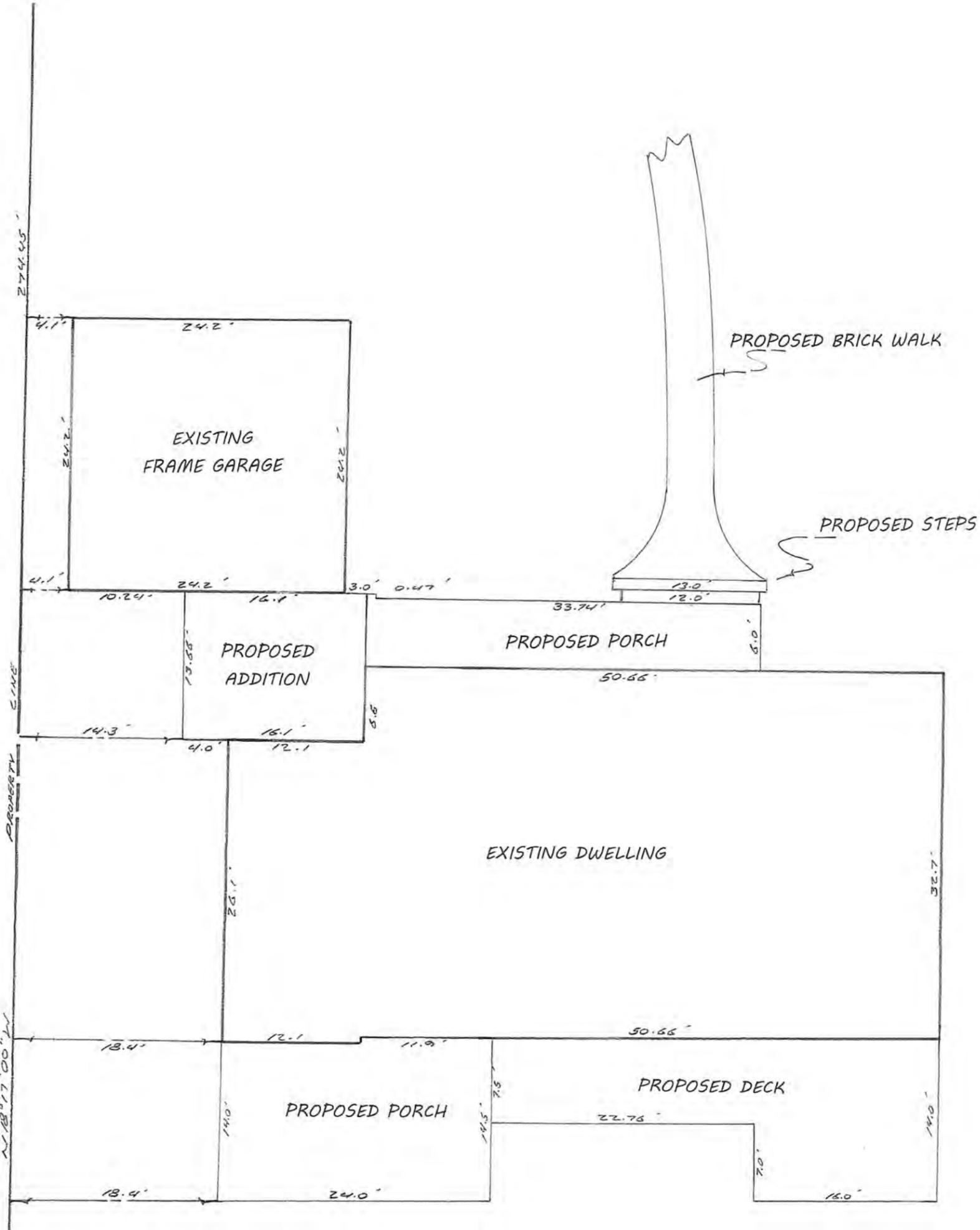


PROPOSED CONDITIONS PLAT  
ON THE LANDS OF  
SCOTT O. SMITH  
AND  
SHARI CREW SMITH  
HUSBAND AND WIFE

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
SCALE 1" = 40'  
TAX MAP 38 PARCEL 58  
LOT 2, PLAT No. 1 CHESMAR  
DECEMBER 2022

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

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 1/25/23 CS



THE LANDS OF  
**SCOTT O. SMITH**  
 AND  
**SHARI CREW SMITH**  
 HUSBAND AND WIFE  
 FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
 SCALE 1" = 10' DECEMBER 2022  
 TAX MAP 38 PARCEL 58  
 LOT 2, PLAT No-1 CHESMAR

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

DEPARTMENT OF  
 PLANNING, HOUSING & ZONING  
 RECEIVED 1/25/23



**To:** Kent County Planning Commission  
**From:** Carla Gerber, Deputy Director  
**Meeting:** March 2, 2023  
**Subject:** Agricultural Preservation Districts

**Executive Summary**

**Proposed Ag Preservation Districts**

22-01 – John F. Coleman, Trustee, wishes to create an Agricultural Preservation District on his 157.75-acre farm located on Lambs Meadow Road near Lynch in the Third Election District. The farm consists of 155 acres of crop land. Approximately 98.5% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 1,100 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

22-02 – Fry Cooper Farm, LLC, wishes to create an Agricultural Preservation District on its 194.3-acre farm located on Augustine Herman Highway near Kennedyville in the Second Election District. The farm consists of 52 acres of crop land, 67 acres of pasture, and 28 acres of woodland. Approximately 62.7% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

22-03 – Fry Cooper Farm, LLC, wishes to create an Agricultural Preservation District on its 270-acre farm located on Comegys Road near Kennedyville in the Second Election District. The farm consists of 146 acres of crop land, 51 acres of pasture, and 26 acres of woodland. Approximately 79.5% of the soils are considered Class II or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

22-04 – David A. Hill wishes to create an Agricultural Preservation District on his 268.3-acre farm located on Kennedyville Road near Kennedyville in the Second Election District. The farm consists of 246 acres of crop land and 22 acres of woodland. Approximately 93.3% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 4,800 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

22-05 – Chris and Susan Jackman wish to create an Agricultural Preservation District on their 113.18-acre farm located off Augustine Herman Highway near Kennedyville in the Second Election District. The farm consists of 60 acres of crop land, 5 acres of pasture, and 45 acres of woodland. Approximately 67.7% of the soils are considered Class II or III. There are two dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

22-06 – Lester C. Jones and Sons, Inc., wishes to create an Agricultural Preservation District on its 192.36-acre farm located on Massey Road near Massey in the First Election District. The farm consists of 183 acres of crop land. Approximately 88.4% of the soils are considered Class I, II, or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 1,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas. There is also a 51 +/- acre woodlot that is separated from the cropland. The woodlot is not being included with the district application.

22-07 – Lester C. Jones and Sons, Inc., wishes to create an Agricultural Preservation District on its 280.31-acre farm located on Speer Road near Millington in the First Election District. The farm consists of 216 acres of crop land and 64 acres of woodland. Approximately 79.5% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 1,000 acres of districts and easements and Cypress Branch State Park. It is outside the 10-year water and sewer plan service areas.

22-08 – Owings and Sons Business Trust wishes to create an Agricultural Preservation District on its 107.683-acre farm located on Morgnec Road near Kennedyville in the Second Election District. The farm consists of 107.683 acres of crop land, all of which is considered Class I, II, or III soils. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

22-09 – Rich Levels at Mill Creek LLC wishes to create an Agricultural Preservation District on its 228.6-acre farm located on Sassafras Caldwell Road near Galena in the First Election District. The farm consists of 182 acres of crop land and 32 acres of woodland. Approximately 79% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is not adjacent to any protected lands. It is outside the 10-year water and sewer plan service areas.

22-10 – Thomas Wiltbank wishes to create an Agricultural Preservation District on his 300-acre farm located off Augustine Herman Highway near Chestertown in the Fourth Election District. The farm consists of 250 acres of crop land and 20 acres of woodland. Approximately 85.2% of the soils are considered Class I, II, or III. There are four dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is within the Priority Preservation Area. It is adjacent to over 5,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

## **Relevant Issues**

### **Agricultural Preservation District - Criteria**

- A. Comprehensive Plan: "Large contiguous areas of prime agricultural land are critical to an expanding and prosperous agricultural industry. The preservation of such areas reduces the potential for conflicts between farmers and their non-farm neighbors, allows the diversification of agricultural operations and reduces the need for regulations governing the nuisances sometimes associated with agribusiness."

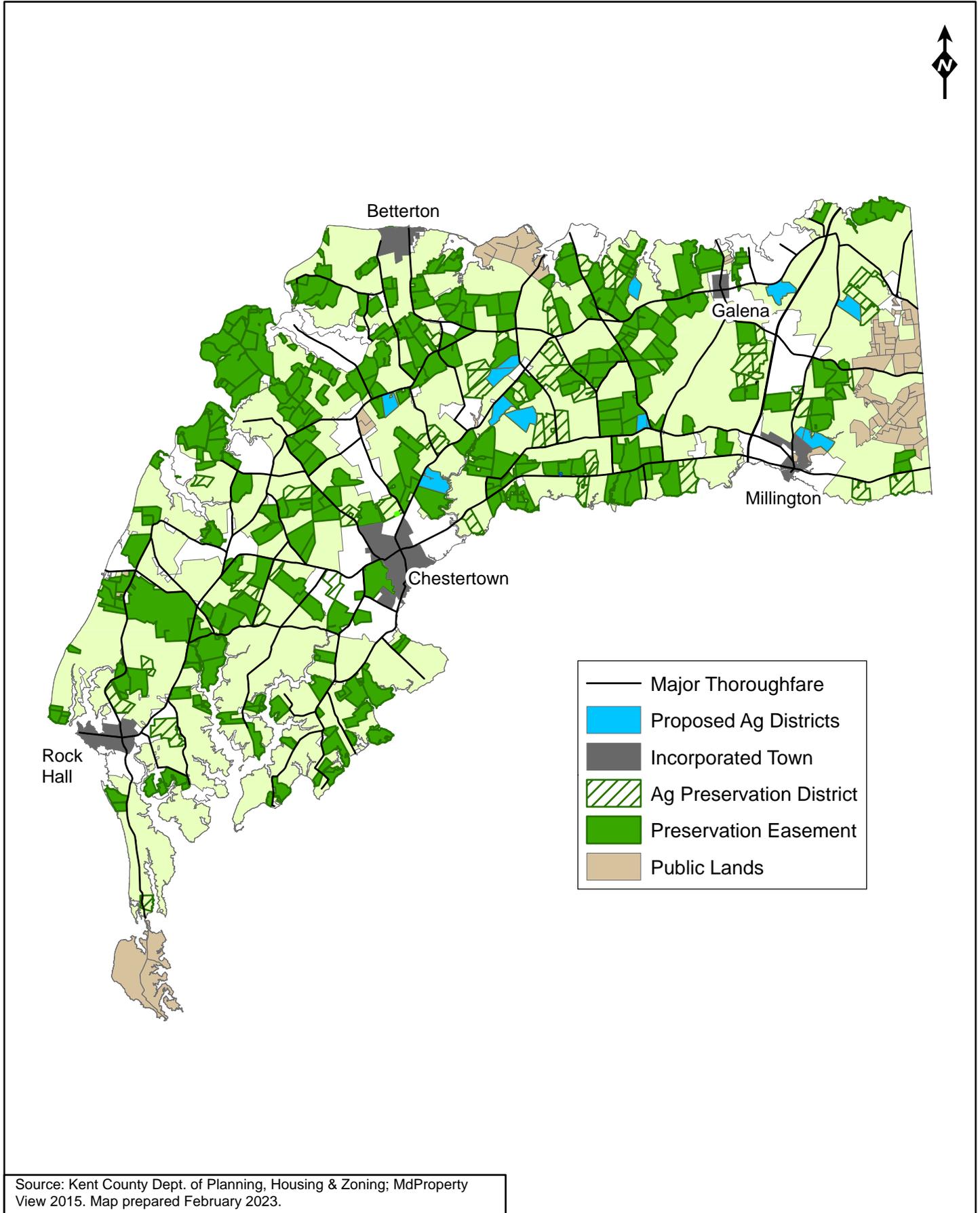
(p. 45)

- B. Applicable Laws: Code of Public Laws of Kent County in Chapter 171-5. Agricultural Preservation Districts, which sets forth the process and criteria for establishment of districts.
- The Agricultural Preservation Advisory Board and the Planning Commission shall advise the County Commissioners as to whether the establishment of the district meets the criteria of the Agricultural Article, Title 2, Subtitle 5, of the Annotated Code of Maryland and is compatible with existing County plans and overall County policy.
  - The application shall be consistent with the criteria to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) established in the Agricultural Article, Title 2, Subtitle 5, of the Annotated Code of Maryland and Maryland Regulations 15.15.01.
    - a. The minimum size is 50 acres, unless the property is contiguous to an existing Agricultural Land Preservation District or Easement property.
    - b. At least 50% of the land consists of Soil Capability Classes I, II, or III or Woodland Groups 1 or 2.
    - c. Generally, the land lies outside the 10-year water and sewer service area.
    - d. The property consists of land which is either used primarily for the production of food or fiber or is of such open space character and productive capability that continued agricultural production is feasible.
    - e. In its consideration, MALPF is to evaluate the land for location in a priority preservation area of the county (§2-509(d)(6)).
    - f. The land must have development potential.
- C. Staff Comments: The proposed districts comply with MALPF criteria for applying to sell an easement. Therefore, the properties meet or exceed the criteria for creating an Agricultural Land Preservation District and comply with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land.

**Staff Recommendation**

The Agricultural Preservation Advisory Board has reviewed these applications and recommends approval of the districts. Staff recommends forwarding a favorable recommendation to the County Commissioners for the establishment of an Agricultural Preservation District on these ten farms.

# Proposed Agricultural Preservation Districts



Source: Kent County Dept. of Planning, Housing & Zoning; MdProperty View 2015. Map prepared February 2023.

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** ALP- 22-01  
**LANDOWNER(S):** Jack Coleman

**LOCATION:** Lambs Meadow Road, Lynch  
**TAX MAP, PARCEL #:** Map 20, Parcel 21

**SIZE:** 157.75 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 1,100 acres of districts and easements.

<b>TOTAL LAND USE:</b>	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	155	0	2.75	0	0

**DWELLINGS:** None

**GENERAL FARMING OPERATION:** Grain Farm

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Yes

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	45.0	102.2	8.0	155.2
PERCENT:	28.5	64.8	5.1	98.4

**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2009. The owner has been notified that the plan needs to be updated.

**RECOMMENDATION:** Staff recommends approval.



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-02  
**LANDOWNER(S):** Fry Cooper Farm LLC

**LOCATION:** 11471 Augustine Herman Hwy, Kennedyville  
**TAX MAP, PARCEL #:** Map 21, Parcel 83

**SIZE:** 194.3 acres

**RELATIONSHIP TO OTHER PRESERVED LAND:** This property is adjacent to over 14,000 acres of districts and easements.

**TOTAL LAND USE:**

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	52.8	67.3	28.1	3.1	43

- Other includes farmstead and field buffers

**DWELLINGS:** 0 dwellings

**GENERAL FARMING OPERATION:** Dairy replacement heifer/dry cow facility, pasture and row crop

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Cash lease

**TOTAL QUALIFYING SOILS:**

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	0	117.0	4.9	121.9
PERCENT:	0	60.2	2.5	62.7

**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2017.

**RECOMMENDATION:** Staff recommends approval.

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-03  
**LANDOWNER(S):** Fry Cooper Farm LLC

**LOCATION:** 28151 Comegys, Kennedyville  
**TAX MAP, PARCEL #:** Map 21, Parcel 86

**SIZE:** 270 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 14,000 acres of districts and easements.

**TOTAL LAND USE:**

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	145.9	50.7	26.0	10.8	36.6

- Other includes farmstead and field buffers

**DWELLINGS:** 1 dwelling

**GENERAL FARMING OPERATION:** Row crop, pasture and dairy replacement facility

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Cash lease

**TOTAL QUALIFYING SOILS:**

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	0	187.2	27.4	214.6
PERCENT:	0	69.3	10.1	79.5

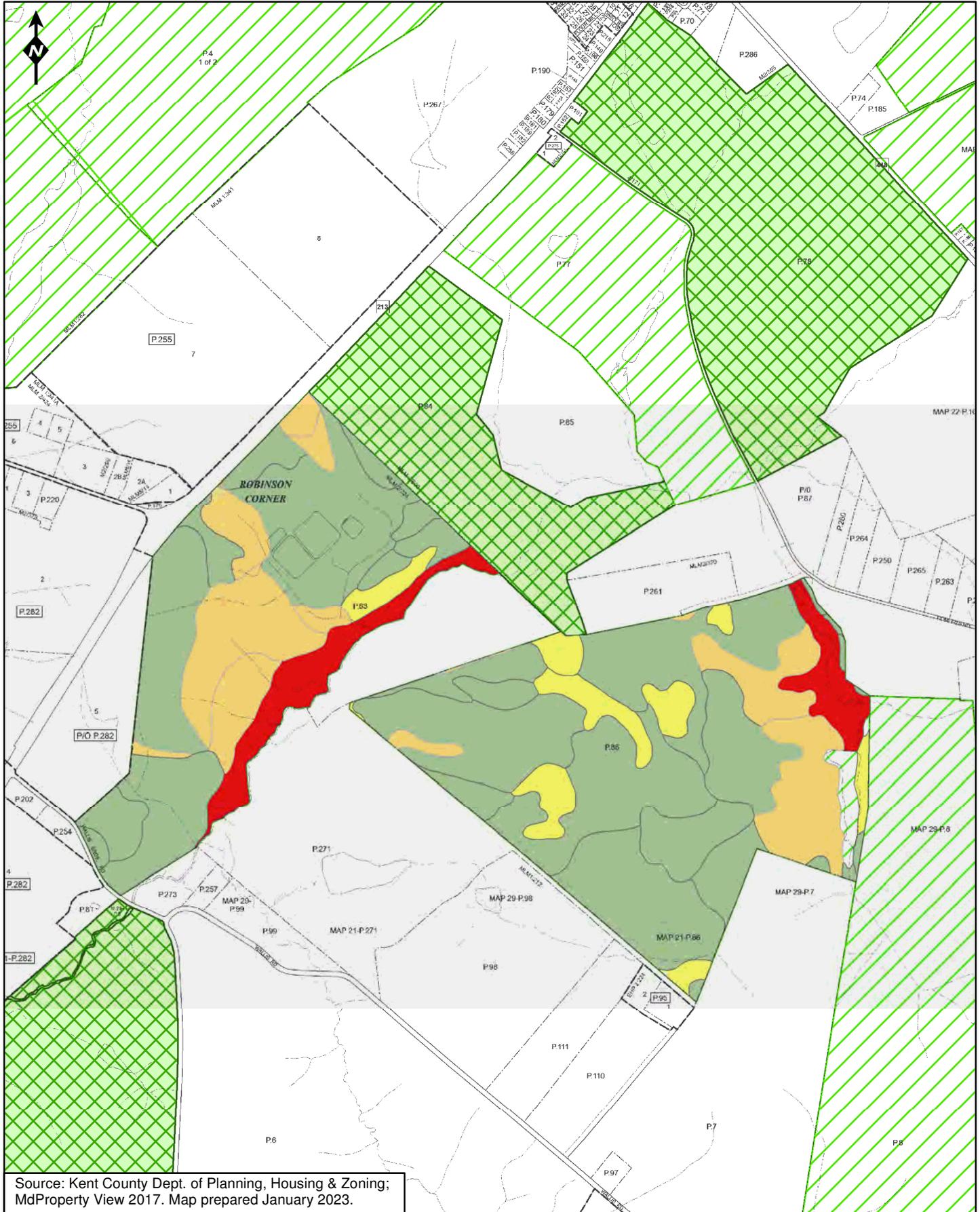
**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2017.

**RECOMMENDATION:** Staff recommends approval.



Source: Kent County Dept. of Planning, Housing & Zoning;  
MdProperty View 2017. Map prepared January 2023.

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-04  
**LANDOWNER(S):** David A. Hill

**LOCATION:** 12192 Kennedyville Road, Kennedyville  
**TAX MAP, PARCEL #:** Map 21, Parcel 4

**SIZE:** 268.3 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 4,800 acres of districts or easements.

<b>TOTAL LAND USE:</b>	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	245.8	0	22.5	0	0

**DWELLINGS:** 0 dwellings

**GENERAL FARMING OPERATION:** Grain

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Yes

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	64.4	174.7	11.1	250.2
PERCENT:	24.0	65.1	4.2	93.3

**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2016.

**RECOMMENDATION:** Staff recommends approval.



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-05  
**LANDOWNER(S):** Chris Jackman

**LOCATION:** 12986 Augustine Herman Hwy, Kennedyville  
**TAX MAP, PARCEL #:** Map 14, Parcel 3

**SIZE:** 113.18 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 14,000 acres of districts and easements.

<b>TOTAL LAND USE:</b>	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	60	5	45	0	3

**DWELLINGS:** 2 dwellings

**GENERAL FARMING OPERATION:** Grain Farm

**PART OF LARGER OPERATION:** No

**OWNER OPERATED:** Yes

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	0.0	47.6	29.1	76.7
PERCENT:	0.0	42.1	25.7	67.7

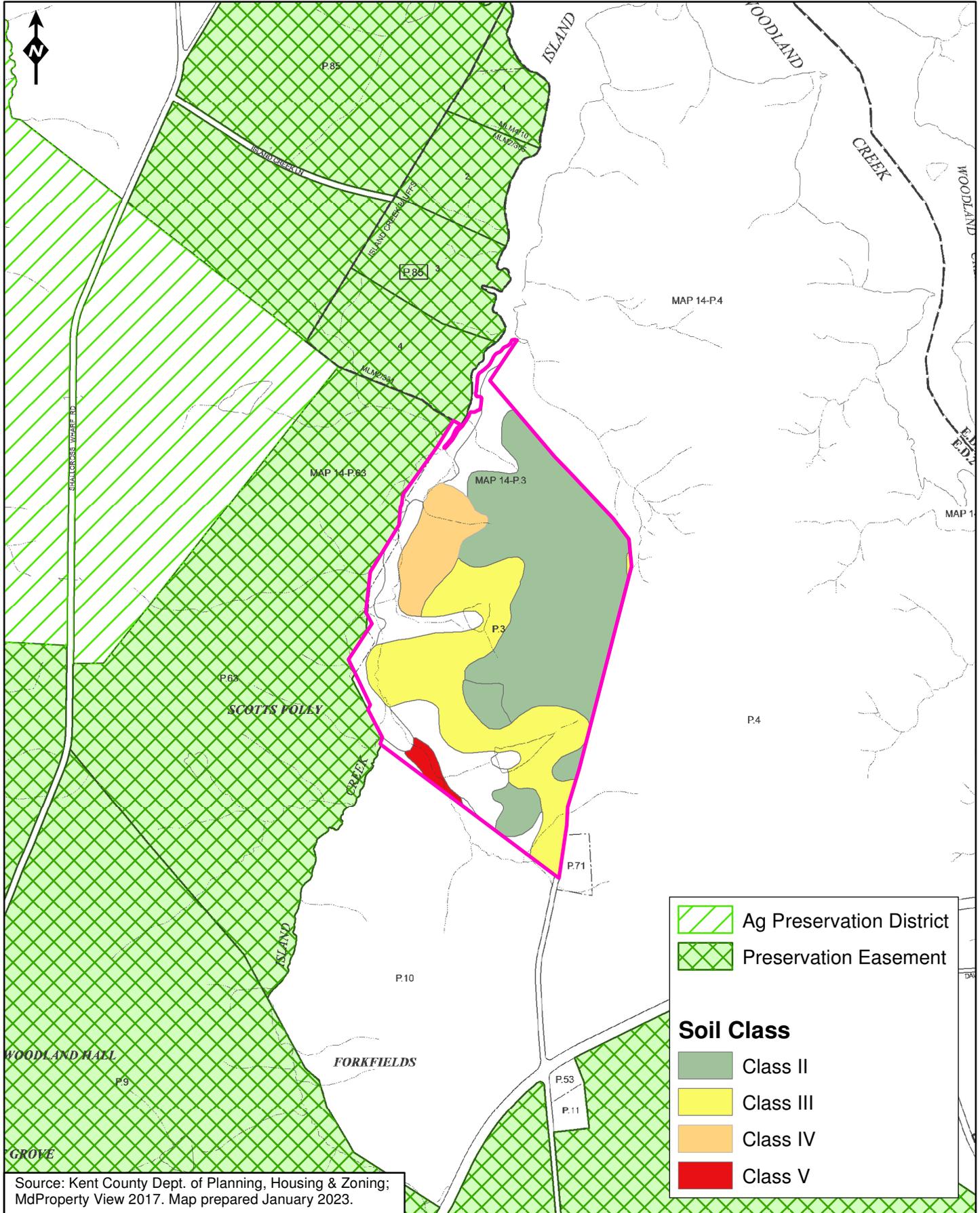
**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30 and Resource Conservation District (RCD), base density 1:20

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2010. The owner has been notified that the plan needs to be updated.

**RECOMMENDATION:** Staff recommends approval.



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-06  
**LANDOWNER(S):** Lester C. Jones and Sons, Inc. (Sean Jones)

**LOCATION:** 13121 Massey Road, Massey  
**TAX MAP, PARCEL #:** Map 16, Parcel 5

**SIZE:** 192.36 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 1,000 acres of districts or easements, and Cypress Branch State Park

**TOTAL LAND USE:**

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	183.1	0	0	7.3	2

**DWELLINGS:** 1 dwelling

**GENERAL FARMING OPERATION:** Grain and some vegetables

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Yes

**TOTAL QUALIFYING SOILS:**

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	44.8	117.5	7.7	170.0
PERCENT:	23.3	61.1	4.0	88.4

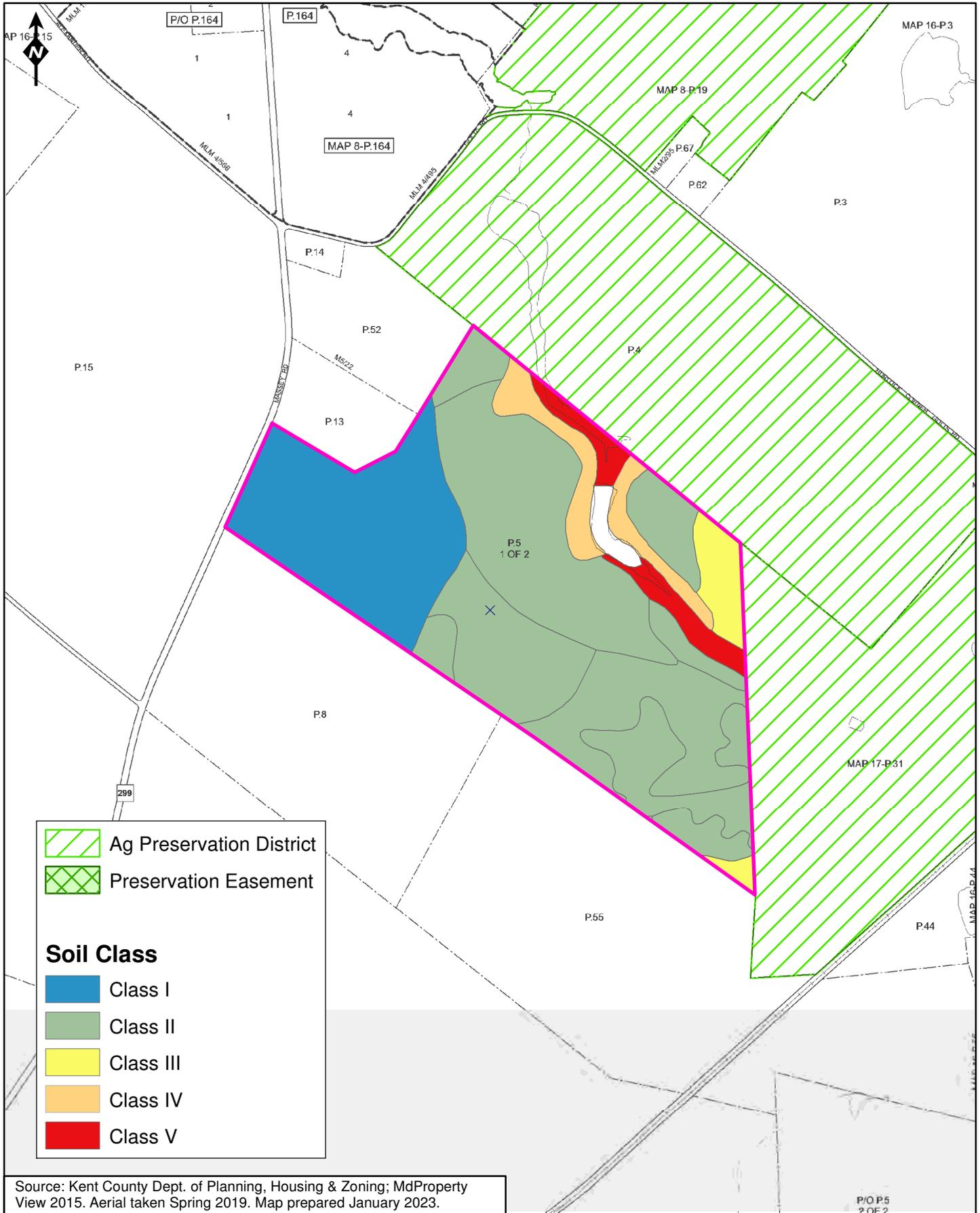
**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2022.

**RECOMMENDATION:** Staff recommends approval.



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-07  
**LANDOWNER(S):** Lester C. Jones and Sons, Inc. (Sean Jones)

**LOCATION:** Speer Road, Millington  
**TAX MAP, PARCEL #:** Map 32, Parcel 4, Lot 1

**SIZE:** 280.31 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 1,000 acres of districts or easements, and Cypress Branch State Park

<b>TOTAL LAND USE:</b>	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	216.5	0	63.81	0	0

**DWELLINGS:** 0 dwellings

**GENERAL FARMING OPERATION:** Grain and some vegetables

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Yes

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	27.1	172.6	23.3	233.0
PERCENT:	9.7	61.6	8.3	79.5

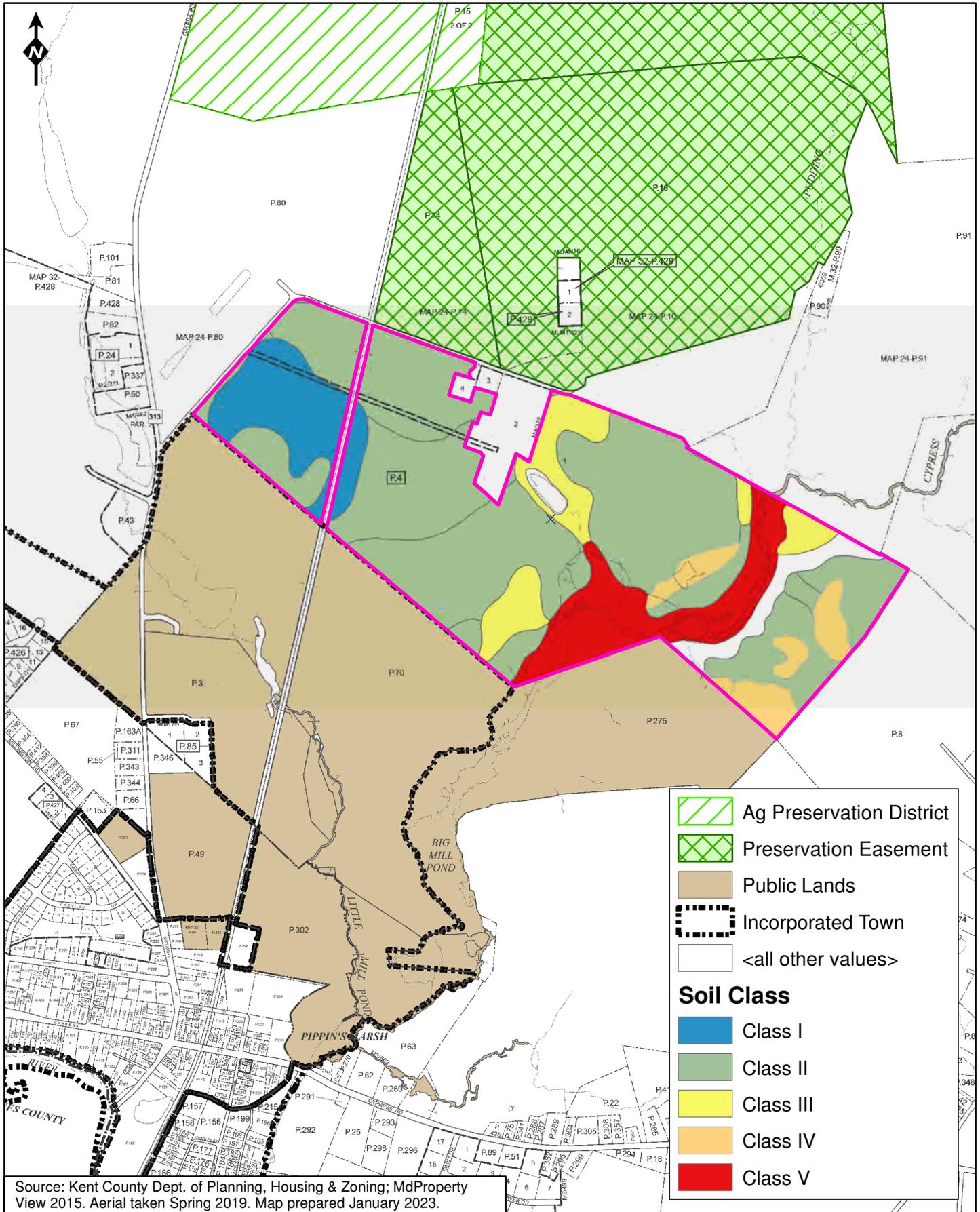
**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2016.

**RECOMMENDATION:** Staff recommends approval.



Source: Kent County Dept. of Planning, Housing & Zoning; MdProperty View 2015. Aerial taken Spring 2019. Map prepared January 2023.

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-08  
**LANDOWNER(S):** Owings and Sons Business Trust

**LOCATION:** 29960 Morgnec Road, Kennedyville  
**TAX MAP, PARCEL #:** Map 22, Parcel 25, Lots 1 and 2

**SIZE:** 107.683 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 14,000 acres of districts and easements.

<b>TOTAL LAND USE:</b>	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	107.684	0	0	0	0

**DWELLINGS:** 0 dwellings

**GENERAL FARMING OPERATION:** Grain Farm

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Yes

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	33.0	71.6	3.0	107.7
PERCENT:	30.6	66.5	2.8	100

**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 1997. The owner has been notified that the plan needs to be updated.

**RECOMMENDATION:** Staff recommends approval.



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-09  
**LANDOWNER(S):** Rich Levels at Mill Creek LLC (Davis)

**LOCATION:** 32269 Sassafras Caldwell Road, Galena  
**TAX MAP, PARCEL #:** Map 16, Parcel 2

**SIZE:** 228.6 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is not adjacent to any districts or easements.

**TOTAL LAND USE:**

	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	?	?	?	?	?

**DWELLINGS:** 0 dwellings

**GENERAL FARMING OPERATION:** Grain

**PART OF LARGER OPERATION:** Yes

**OWNER OPERATED:** Yes

**TOTAL QUALIFYING SOILS:**

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	62.4	109.5	8.6	180.6
PERCENT:	27.3	47.9	3.8	79.0

**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2014.

**RECOMMENDATION:** Staff recommends approval.



**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT  
STAFF REPORT SUMMARY**

**FILE #:** APD - 22-10  
**LANDOWNER(S):** Thomas A. Wiltbank, et al

**LOCATION:** 10187 Augustine Herman Hwy, Chestertown  
**TAX MAP, PARCEL #:** Map 28, Parcel 42

**SIZE:** 300 acres

**RELATIONSHIP TO OTHER PRESERVED LAND** This property is adjacent to over 5,000 acres of districts and easements.

<b>TOTAL LAND USE:</b>	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	250.3	0	19.7	15	15

- Other includes dwellings, buildings and pond

**DWELLINGS:** 4 dwellings

**GENERAL FARMING OPERATION:** Grain Farm

**PART OF LARGER OPERATION:** No

**OWNER OPERATED:** Yes

<b>TOTAL QUALIFYING SOILS:</b>	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>= TOTAL</u>
ACRES:	22.5	173.8	59.2	255.5
PERCENT:	7.5	57.9	19.7	85.2

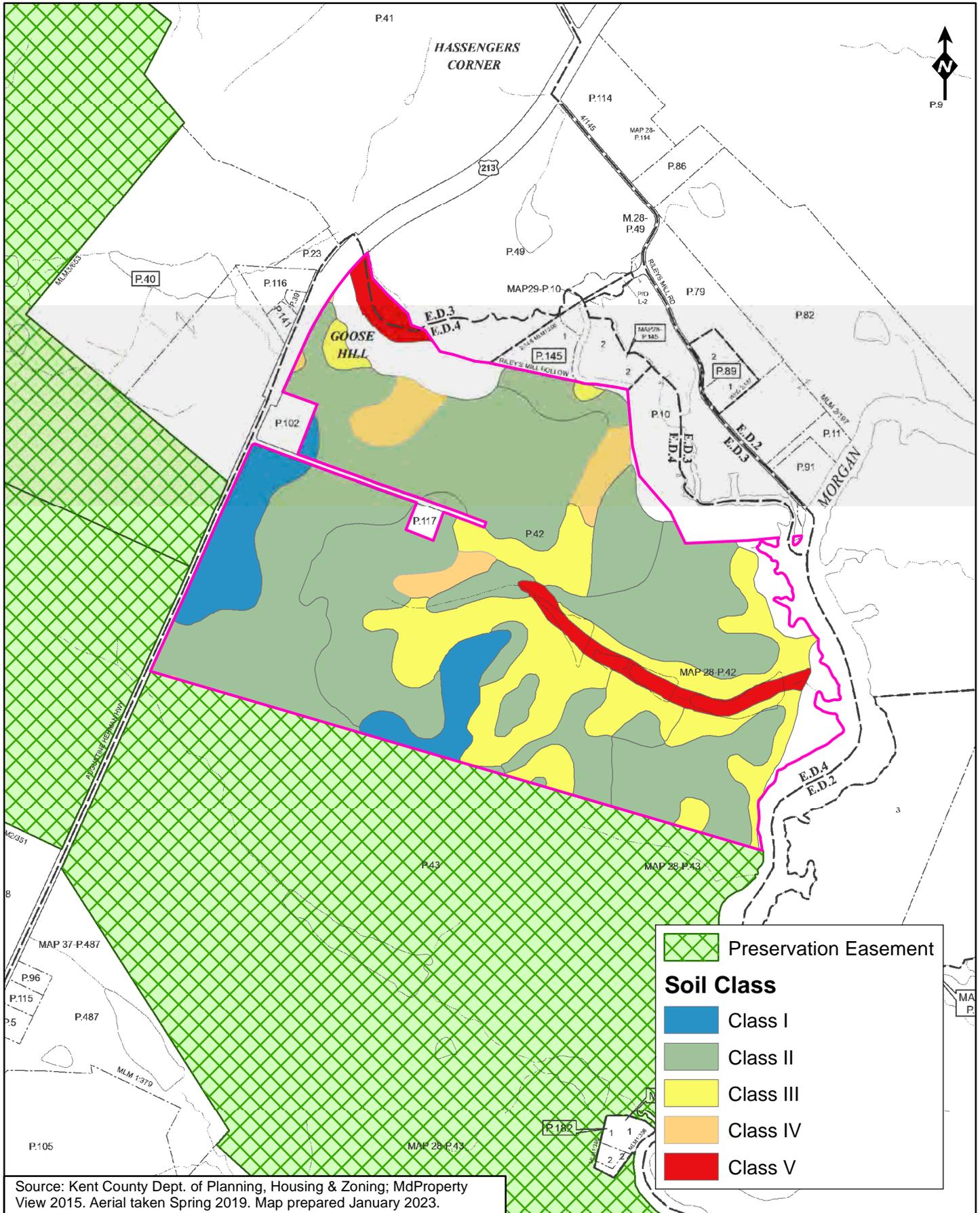
**COUNTY ZONING/DENSITY:** Agricultural Zoning District (AZD), base density 1:30 and Resource Conservation District (RCD), base density 1:20

**DEVELOPMENT PRESSURE:** Moderate

**ACREAGE WITHHELD:** No

**OTHER INFORMATION:** Farm is located within the Priority Preservation Area. The Soil and Water Conservation Plan was last updated in 2011. The owner has been notified that the plan needs to be updated.

**RECOMMENDATION:** Staff recommends approval.



Source: Kent County Dept. of Planning, Housing & Zoning; MdProperty View 2015. Aerial taken Spring 2019. Map prepared January 2023.



**To:** Kent County Planning Commission  
**From:** Bill Mackey, AICP, Director  
**Date:** March 2, 2023  
**Subject:** 2023 Transportation Priority Letter

## Memorandum

Kent County sends a letter to the Secretary of the Maryland Department of Transportation each year outlining the County's transportation priorities. A copy of the 2022 letter and a proposed 2023 letter are attached.

The projects to be included generally start with a planning study. Once a study is funded and completed, funds for project implementation can be requested. The process is long-term, and projects are intended to be integrated into the State's overall plans for its transportation system.

The Maryland Consolidated Transportation Program is available to view here:  
[FY23 FY28 CTP Full Final Report Regular Resolution for viewing.pdf \(maryland.gov\)](#)

There is a section for Kent County that lists SHA projects, which appears on pdf pages 417-420. Additionally, there are a variety of projects and work to be undertaken in Kent County on pdf pages 82, 84, 90, 95, 107, and 295-300.

Traditionally, the second Chester River bridge is included in each year's Priority Letter. The project has undergone the planning phase and a study was completed in 2010. It's my understanding that Queen Anne's County is not supportive of the location; however, this could change over time due to evacuation needs. It's my plan to continue to include the second bridge as a priority for Kent County. The project is ranked on pdf page 550 (see link above).

Please note that the Kent County Board of County Commissioners is the final authority that approves this letter.

For further information on process and the letter, please visit [Capital Programming - MDOT \(maryland.gov\)](#)

# DRAFT

April 1, 2023

The Honorable Paul J. Wiedefeld  
Secretary, Maryland Department of Transportation  
P.O. Box 548  
7201 Corporate Center Drive  
Hanover, MD 21706

## **RE: Kent County 2023 Transportation Priority Letter**

Dear Secretary Wiedefeld:

We would like to thank the staff of the Maryland Department of Transportation for its continued cooperation and support in meeting the transportation needs of the County. The County would like to reaffirm its continued opposition to any proposal for a north Bay Bridge crossing with a terminus in Kent County. The County's position in this regard is based on its long-standing Comprehensive Plan strategies dating back to 1974 and its affiliated Land Use designations.

In cooperation with the local municipalities in Kent County, Maryland, the Board of County Commissioners present the following priority listing of transportation projects for your consideration.

- Construction, Engineering, and Project Planning Priorities
  - Chester River Bridge Crossing – aka Chester River Boulevard (This project has been entered in the MDOT Chapter 30 Portal.)
- US 30 I Toll Diversion Coordination Actions in coordination with Cecil County, Maryland

Of immediate importance is coordination with DelDOT regarding toll-evading traffic now that US 301 has been converted to a limited-access toll road. Toll evasion now threatens the distinctive character and sense of place in both Kent County, Maryland and Cecil County, Maryland. The current toll-evading traffic has shifted an undue burden of maintenance and operations costs from DelDOT's roads to Maryland's local roadways. Likewise, truck weight scale evasion could have similar impacts along the US 1/222/301 corridors. In conjunction with this priority, our project requests are as follows:

- Continued coordination with DelDOT in the operations of US 301 in Delaware.
  - Stepped-up enforcement of truck weight limits along the MD 213 and US 1/222/301, which would be especially helpful to the Town of Galena regarding the traffic impacts.
- Streetscape Priorities
    - Betterton**
      - Re-stamping of crosswalk at intersection of Main Street and 6th Avenue

### **Butlertown and Worton**

- MD 298 and 297 – sidewalks, drainage improvements, and traffic calming

### **Chestertown**

- The safety and speed recommendations of the 2015 Chestertown Community Task Force Report: Issues and Recommendations Regarding State Roads (completed under the assistance of the SHA District 2 office)
- Speed awareness and recording devices (permanent) on MD 213
- Pedestrian sidewalk connections on Washington Avenue (MD 213) and Morgneec Road (MD 291)
- Safe pedestrian crosswalk connection on MD 291 at Haacke Drive for pedestrians and bikers going to and from the Chestertown YMCA and the nearby shopping centers

### **Galena**

- Curbing at the four (4) corners of Galena; move the stop bar on MD 213N (at the light) back further for trucks to pass through; drainage improvements in the vicinity of 145 North Main Street on the east and west side of street; pot hole repairs needed on MD 213N and MD 290E; and repaint all crosswalk lines

### **Millington**

- speed safety concern along Galena Sassafras Road; decrease speed limit entering Town
- inspection and necessary repairs to the small bridge on the east edge of Town
- repair storm drain retaining wall that has collapsed on Sassafras Street
- complete current drainage and ADA sidewalk project; resurface Cypress and Sassafras Streets, grind existing pavement, correct foundation support of roadway, repave.

### **Rock Hall**

- Pedestrian crosswalk at Judefind Ave to Williams Ave across Rock Hall Ave (MD 20)
- install four-way stop signs at Main Street (MD 445) and E Sharp St / W Sharp St, and open the intersection up for better visibility (move power line poles and trees)
- widen the intersection of MD 445 and entrance of Chesapeake Ave
- drainage improvements in the vicinity of MD 20 and Beach Road
- pothole repairs needed on Liberty St, Chesapeake Ave, E / W Sharp St
- repaint all crosswalk lines

### **•• Trail and Pedestrian Priorities**

- Sidewalks and pedestrian walkways along Flatland Road
- Engineering and design for pedestrian and bicycling connections on Quaker Neck Road in order to facilitate safe crossings between the Chestertown waterfront and downtown areas, to include the Rail Trail
- MD 289 to Radcliffe Creek bike/pedestrian improvements for connections to water trail

- Rock Hall Trail System and sidewalk expansion around the waterfront;  
Rock Hall sidewalk - biking Bayside Ave  
Rock Hall sidewalk - biking Chesapeake Ave
- Rock Hall sidewalk/biking Lawton Ave
- Addition of bike lanes during resurfacing projects

Thank you for your consideration of these transportation priorities in Kent County. We look forward to working cooperatively with the Maryland Department of Transportation on the planning and implementation of these important local transportation improvements.

Very Truly Yours,  
THE COUNTY COMMISSIONERS OF  
KENT COUNTY, MARYLAND

Ronald H. Fithian, President

Albert H. Nickerson, Member

John F. Price, Member

c: Danielle Hornberger, County Executive, Cecil County, Maryland  
Shelley L. Heller, County Administrator, Kent County, Maryland  
Mike Moulds, PE, Director of Public Works  
William A. Mackey, AICP, DPHZ Director



## The County Commissioners of Kent County

P. Thomas Mason, President | Ronald H. Fithian, Member | Robert N. Jacob, Jr., Member  
Shelley L. Heller, County Administrator | Thomas N. Yeager, County Attorney

March 22, 2022

The Honorable James F. Ports, Jr.  
Secretary, Maryland Department of Transportation  
P.O. Box 548  
7201 Corporate Center Drive  
Hanover, MD 21706

### **RE: Kent County 2022 Transportation Priority Letter**

Dear Secretary Ports:

We would like to thank the staff of the Maryland Department of Transportation for its continued cooperation and support in meeting the transportation needs of the County. The County would like to reaffirm its continued opposition to any proposal for a north Bay Bridge crossing with a terminus in Kent County. The County's position in this regard is based on its long-standing Comprehensive Plan strategies dating back to 1974 and its affiliated Land Use designations.

In cooperation with the local municipalities in Kent County, Maryland, the Board of County Commissioners present the following priority listing of transportation projects for your consideration.

#### **** Construction, Engineering, and Project Planning Priorities**

- Chester River Bridge Crossing – aka Chester River Boulevard (This project has been entered in the MOOT Chapter 30 Portal.)

#### **** US 301 Toll Diversion Coordination Actions in coordination with Cecil County, Maryland**

Of immediate importance is coordination with DelDOT regarding toll-evading traffic, now that US 301 has been converted to a limited-access toll road. Toll evasion now threatens the distinctive character and sense of place in both Kent County, Maryland and Cecil County, Maryland. The current toll-evading traffic has shifted an undue burden of maintenance and operations costs from DelDOT's roads to Maryland's local roadways. Likewise, truck weight scale evasion could have similar impacts along the US 1/222/301 corridors. In conjunction with this priority, our project requests are as follows:

- Continued coordination with DelDOT in the operations of US 301 in Delaware.
- Stepped-up enforcement of truck weight limits along the MD 213 and US 1/222/301, which would be especially helpful to the Town of Galena regarding the traffic impacts.

•• Streetscape Priorities

- Betterton – Re-stamping of crosswalk at intersection of Main Street and 6th Avenue
- Butlertown and Worton – Maryland Routes 298 and 297 – Sidewalks, drainage improvements, and traffic calming
- Galena – Curbing at the four (4) corners of Galena; move the stopbar on MD 213N (at the light) back further for trucks to pass through; drainage improvements in the vicinity of 145 North Main Street on the east and west side of street; pot hole repairs needed on MD 213N and MD 290E; and repaint all crosswalk lines.
- Millington Streetscape Priorities – complete current drainage and ADA sidewalk project; and resurface Cypress and Sassafras Streets – grind existing pavement, correct foundation support of roadway, repave.
- Rock Hall – Pedestrian crosswalk at Judefind Ave to Williams Ave across Rock Hall Ave (Route #20)

•• Trail and Pedestrian Priorities

- Sidewalks and pedestrian walkways along Flatland Road
- Engineering and design for pedestrian and bicycling connections on Quaker Neck Road in order to facilitate safe crossings between the Chestertown waterfront and downtown areas, to include the Rail Trail
- Maryland Route 289 to Radcliffe Creek bike/pedestrian improvements for connections to the water trail
- Rock Hall Trail System and sidewalk expansion around the waterfront;  
Rock Hall sidewalk biking Bayside Ave  
Rock Hall sidewalk biking Chesapeake Ave
- Addition of bike lanes during resurfacing projects

Thank you for your consideration of these transportation priorities in Kent County. We look forward to working cooperatively with the Maryland Department of Transportation on the planning and implementation of these important local transportation improvements.

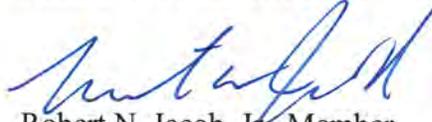
Very Truly Yours,  
THE COUNTY COMMISSIONERS OF  
KENT COUNTY, MARYLAND



P. Thomas Mason, President



Ronald H. Fithian, Member



Robert N. Jacob, Jr., Member

cc: Danielle Hornberger, County Executive, Cecil County, Maryland  
Shelley L. Heller, County Administrator, Kent County, Maryland  
Mike Moulds, PE, Director, Public Works  
William A. Mackey, AICP, Director, Planning, Housing, and Zoning

## PROPOSED TASK FORCE RECOMMENDATIONS

Only items with yellow highlighting are still to be discussed; all other items have received recommendations.

### MAY 26 – ECONOMY

- P4.** Request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district

**Recommendation:** The Task Force expressed that it was uncomfortable expressing support for the proposed change, since the Town of Millington had expressed that it was not supportive. Of the two members who spoke, both expressed concern with the use of floating zones and how the zoning could affect other properties Countywide. The discussion is considered moot, since the Town expressed that it was not supportive, and the Task Force withdrew its support.

- P5.** Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district

**Recommendation:** The Task Force expressed that it was uncomfortable expressing support for the proposed change, since the Town of Millington had expressed that it was not supportive. There were two meetings with discussions, of the seven members who spoke at the first meeting, four were in support with concern that development be local in flavor; three members expressed concern that other areas of the County be included in discussions. At the second meeting, the discussion involved the pros and cons of including drive-through restaurants. The original support of the staff's recommendation by those who spoke in favor is considered moot, since the Town expressed that it was not supportive, and the Task Force withdrew its support.

- TF13. Review streamlining the Cottage Industry process.

**Recommendation:** The Task Force directed staff to incorporate changes into the LUO that would allow for an administrative hearing for cottage industries. Of the two members that spoke, both were in favor, one with a concern that neighbors be notified and one with a concern that the Planning Director be able to waive certain bonding requirements to ease business starts.

- TF18. Review timelines. Currently, projects scheduled before Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary and final review, this allows only a week for applicants to address comments and resubmit for the following meeting. // S4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard

**Recommendation:** The Task Force directed staff to work with a local designer and incorporate revised timelines into the LUO. Of the three members who spoke, two suggested that a flow chart as a handout could be helpful tool for applicants.

### JUNE 9 - TOWNS & VILLAGE

- TF3. Review landscaping to reduce the requirements for trees (for example, one business site was required to have 185 trees and bushes on a 1.3-acre site).

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** The Task Force directed staff to consider using buffer yards (Queen Anne’s County was cited as the model) and standardizing the landscaping with consistency in mind. Of the four members who spoke, three were in support of standardizing landscaping as noted.

- TF7. Review setbacks and required rights-of-way for roads, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way.

**Recommendation:** The Task Force did not come to an agreement. Of the four members who spoke, two expressed concerns on encroachment, and two expressed concerns on enforcement.

### JUNE 23 – TOWNS & VILLAGE

- S2. Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village

**Recommendation:** During discussion, one member spoke, and the Task Force did not object to staff including these changes in the LUO. Per the Questionnaire, more tallies were for *yes* (6) than *no* (2). In this case, the item already appeared on an agenda prior to the Questionnaire.

- S3. Consider clarifying how accessory structures can be located in front yards

**Recommendation:** During the discussion, the Task Force did not direct staff to incorporate changes into the LUO. Accessory structures would therefore continue to be allowed in the area between the required front yard and the main building on lots that are not waterfront. Of the two members who spoke, one expressed a desire to leave the LUO as it stands, and the other expressed concern about the overall permitted size of accessory structures in the current LUO.

### JULY 14 – HOUSING, TRANSPORTATION, AND HISTORIC & CULTURAL RESOURCES

- P9. Request to review standards related to subdivisions accessing private roads

**Per the Questionnaire, it was not necessary to discuss this item further, as there were only four tallies to *discuss*. The narrow agreement would appear to be that no action to change the LUO is required. Per the Questionnaire, more tallies were for *no* (5) than for *yes* (4).**

- S1. Consider adding accessory dwelling units to the Village zoning district

**Recommendation:** The Task Force expressed its concurrence that accessory dwelling units be allowed in the Village zoning district with conditions similar to those in other residentially oriented zoning districts. Of the six members who spoke, each had questions about the process.

- S9. Consider reviewing demolition process as it relates to age of structure

**Recommendation:** The Task Force expressed that the current 75-year threshold is appropriate. Of the five members who spoke, each asked clarifying questions.

- S13. Consider discussing an overall approach to short-term vacation rentals (STVR)

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** The Task Force expressed agreement that short-term vacation rentals be added to the Land Use Ordinance as permitted uses with the condition that the County taxes be paid. Of the eight members who spoke, two supported changes in the regulations, and six expressed concerns about regulating it in the LUO; however, after additional information was brought forward regarding best practices from a MACo seminar, agreement was then formed.

### JULY 28 - ENVIRONMENT

- P7. Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment

**Recommendation:** No action was needed, and no action was requested by the Task Force. Two members asked clarifying questions about the process and the State's requirements in this area.

- P10. Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18)

**Recommendation:** The Task Force supported the staff recommendation to formulate changes per State standards and to include graphics in the LUO. Of the seven members who spoke, five requested that staff look into whether illustrative graphics could be included to help the public.

- TF9. Review elimination of the County's maximum pier length of 150 feet.

**Recommendation:** The Task Force did not come to an agreement on this matter. Of those who spoke, there were three members who spoke in support of flexibility to the regulations, and two members who spoke in support of keeping the 150-foot maximum in place, as is.

- S10. Consider reviewing the definition of waterway width versus State approach

**Recommendation:** Per the Questionnaire, more tallies were for *yes* (6) than *no* (3).

- S14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

**Recommendation:** The Task Force expressed agreement to require three feet of freeboard. Of the five members who spoke, each expressed different questions regarding the process; one member concluded with direct support, and there was no objection following this statement.

### AUGUST 11 – COUNTRYSIDE

- P1. Request to change farm definition so a shed could be built without a dwelling

**Recommendation:** The Task Force expressed agreement that the definition of a farm should not be reduced to five acres. Of the four members who spoke, all spoke in favor of not reducing a farm to five acres; four spoke in favor of a special exception to allow non-farms under 20 acres in AZD to apply for accessory sheds; one member clarified providing this could be by the shorter path towards a special exception review, which does not include Planning Commission review; one member expressed support via an email for farms to be allowed at ten to 20 acres in size.

- P2. Request to allow utility-scale energy systems in the Agricultural Zoning District

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** The Task Force did not support utility-scale solar arrays in AZD beyond the currently permitted five acres. Of the two members who spoke, both opposed allowing an expansion of utility-scale solar within AZD; one member expressed that referring to this number of solar arrays (five acres) as utility-scale is a misnomer, and that the term should not be utilized.

P3/TF8 Request to continue to exclude data centers from Agricultural Zoning District // TF8. Review allowing data centers on land in AZD at 0.5% of total land (about 630 acres) in order to let the landowners decide if they want to look at this option.

**Recommendation:** Per the Questionnaire, more tallies were against allowing data centers in AZD (8 in both cases) than for adding them to AZD (3 and 2, respectively).

**TF1/TF17.** Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages. // TF17. Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback.

**Recommendation:** The Task Force did not come to an agreement. An approach to regulating the setbacks was brought forth. For the most intense uses (poultry houses, AFO, CAFO, and dairies) the current 600 feet was seen as appropriate; opinions varied on waste management structures. Of the seven members who spoke, two supported the 600-foot setback for waste management structures, and two were opposed to the 600-foot setback.

### AUGUST 25 – COUNTRYSIDE CONTINUED

**TF2.** Review elimination of the 10% rule (related to new agricultural subdivisions).

**Recommendation:** The Task Force did not come to an agreement on this matter. Of the six members who spoke, three supported retaining the 10% rule with the purpose of preserving agriculture in its current context, and three members supported elimination of the rule with the purpose of allowing more diverse farming outcomes. Two members supported the staff recommendation to create an exception process.

TF5. Review concept of a reset to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously.

**Recommendation:** The Task Force expressed support for the retention of the current date for density with the purpose of supporting the agricultural context and preventing widespread subdivision. Of the four members who spoke, all were opposed to resetting the density clock.

TF6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts where such homesites do not meet the current requirements for 20 acres.

**Recommendation:** Per the Questionnaire, more tallies were in support of allowing sales from small-scale, sustainable agricultural operations and ag production (7) than opposed (1).

P17. A. Request to add Agritourism, as defined by the State of Maryland, as a permitted use in AZD

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation: The Task Force did not express opposition to the proposed definition in the staff report for agritourism. One member spoke to ask a clarifying question on traffic concerns.**

### SEPT 8 – ADMINISTRATIVE MATTERS

B. Inclusion of Weddings as Special Exceptions within the Agricultural Zoning District

**Recommendation: The Task Force expressed itself in favor of weddings as special exceptions in AZD and also expressed that a broader topic such as social engagements for compensation could be considered. Of the four members who spoke, two supported including maximum numbers of participants and events; one supported an approach to regulate noise related to such events; and one supported open-ended standards to allow for the free market and for public choice. One member who was unable to attend the meeting spoke in support at a subsequent meeting.**

S6. Consider removing the renewal requirements for sand and gravel pits

**Recommendation: The Task Force raised no objection to removal of provisions that conflicted with State law. Of the two members who spoke, both asked clarifying questions on the process.**

S7. Consider reviewing the definition of structures, especially considering fences

**Recommendation: The Task Force did not object to the changes proposed by staff. One member stated they were straightforward. One member spoke in support of staff's recommendation.**

S8. Consider reviewing the definition of accessory structure and accessory use

**Recommendation: The Task Force expressed a preference for removing provisions that limit the size of accessory structures and uses to be smaller than principal structures and uses. Of the three members who spoke, two expressed concerns about application of the standards in some of the zoning districts, requesting that there be language to address this in individual districts.**

S11. Consider reviewing the conditions related to hunting trailers on farms

**Recommendation: Per the Questionnaire, there were more tallies in support of staff reviewing conditions related to hunting trailers (8) than not (0). Based on the prior discussion of hunting trailers, this would include protecting hunting and extending the season for trailers in the LUO.**

S12. Consider reviewing the side setbacks and rear setbacks of three feet and five feet, respectively, for accessory structures in rear yards, which occur throughout the LUO.

**Recommendation: The Task Force expressed agreement to support 10-foot side and 10-foot rear setbacks. Of the four members who spoke, three supported the increased setbacks; one member objected to increased setbacks; and one member questioned their effectiveness in preventing the storage of materials between accessory structures and adjacent property lines.**

### SEPT 22 – ADMINISTRATIVE MATTERS

## PROPOSED TASK FORCE RECOMMENDATIONS

- P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens

**Recommendation: The Task Force expressed agreement in support of the staff recommendation not to take any action on this specific request. Eight Task Force members spoke in support.**

- P18. (NEW) Request to consider allowing backyard goats with provisions similar to backyard chickens

**Recommendation: The Task Force expressed support of the staff recommendation to allow for small ruminants with conditions as listed. Three members spoke in support. Three members spoke in support and raised issues regarding enforcement concerns. One member discussed including a definition of grazable land. One member asked about including other animals such as lamas and alpacas, and one member asked about different standards for different zoning districts with the idea that more could be permitted in AZD while less might be permitted in Village districts.**

- TF4. Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).

**Recommendation: The Task Force did not express agreement on this item. One member raised concerns over too much being opened up by such a process. One member expressed concern over the precedents that would be created. One member was in support, and one member mentioned that this would be a complement to the many nonconforming accessory structures that would be created, if the setbacks for accessory structures were to change to ten feet (S12).**

- TF14. Review waterfront regulations. Waterfront is now considered the Front Yard. This causes issues such as pools are not allowed in the front yard and since the road is now considered the rear yard, accessory sheds can be 5' from the road.

**Recommendation: Per the Questionnaire, more tallies were in support of the former review without further discussion (6) than opposed (2). It was noted in the prior discussion on April 28, that in order to keep the waterfront as the front yard, an exception should stipulate pools are allowed in the front yard and sheds must be more than five feet from the road in the other yard.**

- TF15. Review size limitations on accessory structures currently limited to 1,200 ft² in most properties under five acres. This could be enlarged to at least 2,000 ft² as long as stormwater management and screening regulations are met.

**Recommendation: Per the Questionnaire, more tallies were in support of the former review without further discussion (7) than opposed (1). In the prior discussion on April 28, one member stated stormwater management regulations may have to be met for structures over 1,200 feet, as the sitework is usually more than the building area. There was no opposition expressed to allow at least 2,000 ft² as long as stormwater management and screening regulations were met.**

- TF16. Review Front Yard definition on corner lots; currently, it's the side with the smallest dimension. Review of the side where the driveway entrance is located is a better option. If there are two driveways, one could then be removed.

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** Per the Questionnaire, more tallies were in support of the former review without further discussion (8) to (0). In the prior discussion on May 12, one member expressed that there is a need for better definitions related to what constitutes the front of a property, as there are cases with corner lots and three-sided lots, and these lots can have varying frontages.

S5. Consider removing renewal language for telecommunications

**Recommendation:** The Task Force expressed agreement with the staff recommendation. Five members spoke in support with one requesting added language when a tower is no longer used.

### OCTOBER 13 – ENVIRONMENT CONTINUED

TF10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line.

**Recommendation:** The Task Force did not object to establishing clear standards and a set measuring point for determining the average setbacks, subject to the approval of the Critical Area Commission.

TF11/12. Review how to better define an Expanded Buffer. // TF12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers.

**Recommendation:** The Task Force did not object to using Critical Area Commission approved graphics and whole numbers for percentage calculations, when addressing slopes in the buffer. Top of slope needs to be more clearly defined, and a 20-foot setback provided as a minimum.

### MAY 25 – NEW REQUESTS

**Request to amend the Forest Conservation provisions** of the Land Use Ordinance (Article VI. Special Provisions, Section 8. Forest Conservation, beginning on page 373 of the current Land Use Ordinance under Part 8 [here](#))

**Recommendation:** The Task Force supported an increase in the requirements for bonding and other surety requirements as well as an increase in the fee-in-lieu.

Request to revise Marine zoning district provisions (Article V. District Regulations, Section 13. Marine District, beginning on page 219 under Part 4 and Article VII. Special Exceptions, beginning on page 413 under Part 9 [here](#))

**Recommendation:** The Task Force supported maintaining the current requirements for special exceptions related to the multi-level storage of boats.

**Request to the parking regulations** for parking maximums instead of parking minimums (Article VI. Special Provisions, Section 1. Parking and Loading Requirements, beginning on page 309 under Part 6 [here](#))

**Recommendation:** The Task Force did not support changes for maximum parking standards.

## PROPOSED TASK FORCE RECOMMENDATIONS

Request to amend setbacks in the Village District for agricultural uses on Village zoned land (Article V. District Regulations, Section 7. Village District, beginning on page 109 under Part 3 [here](#))

**Recommendation: The Task Force did not support changes to allow roadside stands or roosters.**

Request to amend setbacks in the Village District for accessory structures in the front yard to be closer to the street than the house and to allow for small farms within Village District (Article V. District Regulations, Section 7. Village District, beginning on page 109 under Part 3 [here](#))

**Recommendation: The Task Force did not support changes to allow structures to be closer than 20 feet from the street. Regarding the term *farm*, it was suggested that instead of regulating what is allowed by using the term *farm*, another term could be used to reduce confusion.**

### JULY 27 – NEW REQUESTS CONTINUED

Review the concept and permitted use of an enclave in AZD as it relates to the 10% rule (Article V. District Regulations, Section 1. Agriculture Zoning District, beginning on page 18 under Part 1 [here](#))

**Recommendation: Some Task Force members requested elimination of the enclave standards.**

Request to consider a general noise ordinance in the zoning code

**Recommendation: The Task Force did not support changes to add additional noise provisions.**

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### INITIAL REQUESTS RECOMMENDED FOR ELIMINATION BY STAFF

From the Task Force agenda of January 14, 2021:

#### List of Proposed Text Changes where discussion may not be required

1. Request to make no changes to the current zoning code as response on form
2. Request for increased property maintenance standards (Chestertown zoning)
3. Request to allow small businesses in accessory structure (Chestertown zoning)
4. *Principal residence as residence status* in the Rural Residential zoning district (This is Tax Office related. The property isn't considered a principal residence.)
5. Request to recognize certain uses on land over an acre without a residence (State determines what is assessed agricultural and taxed at the value rate.)
6. Request for water and sewer service areas for lots in Village zoning district (This request is related to mapping and the Water and Sewer Master Plan.)

### LISTED REQUESTS RECOMMENDED FOR ELIMINATION BY STAFF

- P8. Request to allow Class 8 Farm Breweries in the Agricultural Zoning District (already in progress)
- P11. Request to review lot sizes and required setbacks in property owner's district (related to map)
- P12. Request to review subdivision density standards related to zoning map request (rezoning to a different district is preferred option)



**Architects | Designers | Planners**

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Philadelphia, PA 19107  
267.804.7040

## **Proposed Zoning in the Route 301 Corridor Growth Area**

February 23, 2023

**TO:** William A. Mackey, AICP – Director, Kent County Department of Planning,  
Housing, and Zoning

**FROM:** Jim Constantine, PP - LRK

**RE:** Proposed Zoning in the Route 301 Corridor Growth Area - UPDATED

Dear Bill,

This letter is intended to update and supersede the previously proposed text changes on behalf of Mr. Russ Richardson and cooperating Route 301 Growth Area property owners by way of letter dated September 30, 2020 to the Comprehensive Rezoning Update Task Force.

Below and in the attached exhibits, is a summary of a series of proposed zoning map designation changes and a rezoning request for the lands in the Route 301 Corridor Growth Area which the County Comprehensive Plan identifies as one of the largest economic development areas in the County. We have spent the past few months reviewing the County's Comprehensive Rezoning and Update, availing the County with a site for the proposed wastewater treatment plant in an optimal location on our land, and reflecting on how best to realize the consensus-based future vision for the Route 301 Corridor that resulted from the recent three-day Growth Area Planning Workshop.

The proposed zoning map amendments and rezoning outlined in this letter and attached exhibits will achieve the following:

- Implements economic development and land use policies for the Route 301 Corridor Growth Area contained in the 2018 update to the Kent County Comprehensive Plan.
- Advances the goals of the 2022 Kent County Strategic Plan for Economic and Tourism Development.
- Assists the County in leveraging the public funding that will be invested in its new wastewater treatment plant by generating private investment and job creation within a Maryland Priority Funding Area.



Below is a summary of proposed zoning map amendments and rezoning which are illustrated on the attached Existing Zoning and Proposed Zoning Maps:

### **West Side of Route 301 Corridor**

- The existing Employment Center District on the west side of the Route 301 corridor would remain as designated.
- The existing Employment Center District is proposed to be extended north of Chesterville Bridge Road to encompass the Shahan tract which results in more appropriate and consistent zoning along both sides of Route 301 resulting in a Growth Corridor of one mile in length.
- In the Employment Center District in the Route 301 Corridor, both the existing and proposed zoning has no maximum building footprint limit for Distribution Centers and other Industrial Buildings, however, the height is restricted to 45 feet. The design of such structures is often 50 to 60 feet in height due to state-of-the-art advancements in robotics and vertical storage technology. Therefore, it is recommended that the permitted height for Distribution Centers and other Industrial Buildings, limited to the Route 301 Corridor only, be increased from 45 feet to 60 feet to be more consistent with the larger building footprints allowed as-of-right under the Employment Center zoning.
- The Agricultural Zoning District of approximately 25-acres located west of the Mills Branch is proposed to be redesignated to Intense Village District to enable a residential enclave on a limited portion of this tract. One purpose of the Intense Village District, as stated in the Comprehensive Rezoning and Update, is to act as a transition between town and the more rural areas of the County, thus making it an appropriate designation in this location.

### **East Side of Route 301 Corridor**

- The existing Commercial District east of the interchange along with the adjacent existing Employment Center District that extends north along Route 301, and the existing Rural Residential District that extends east to the existing Village District are proposed to be combined into a single new Mixed-Use District. The proposed Mixed-Use District would combine the underlying



Employment Center and Commercial Districts, while adding elements of the Intense Village District, allowing a diverse mix of permitted uses. The purpose of the Intense Village District as stated in the Comprehensive Rezoning and Update is to provide a high quality and well-designed mix of commercial, office, and residential areas resulting in lively, prosperous neighborhoods that serve as an attractive place to live, work, shop, and play.

- Redesignate to Commercial Critical Area that portion of the Resource Conservation District along River Road adjoining the proposed Mixed-Use District, which is adjacent to and across the street from several existing commercial uses zoned as Commercial Critical Area including the Food Lion. This will allow the area within 1,000 feet of the Chester River to be zoned more consistent with the adjacent proposed Mixed-Use District and existing commercial uses while retaining environmental protection for this critical area. This district will also need to permit the proposed wastewater treatment plant.
- The proposed Mixed-Use District is intended to allow the range of uses contained in the Employment Center, Commercial, and Intense Village Districts along with a few additional uses. Some of the zoning requirements and standards relating to density, lot dimensions, yard setbacks, buildings, open space, landscaping, streetscape, parking, and other design issues will require refinement to appropriately accommodate the compatible mixing of uses in proximity versus the separation of each individual use from one another. It is envisioned that the zoning would operate in a PUD-like manner with a developer providing a District Master Plan that would be updated and/or amended with each phase of development and Mixed-Use Development Standards that incorporate other applicable sections of the County zoning ordinance or provide alternate provisions related to the various uses permitted in this district. In March, a draft of the proposed Mixed-Use District will be provided for your review and comment.

The proposed zoning designations and rezoning outlined above and illustrated on the attached map E-2 Proposed Rezoning:

- Represent a logical implementation of the Route 301 Corridor Growth Area targeted in the Kent County Comprehensive Plan



- Advance the goals of the 2022 Kent County Strategic Plan
- Will utilize the additional capacity provided by the proposed wastewater treatment plant

These coordinated actions by the County to increase infrastructure capacity and properly zone the Route 301 corridor to accommodate growth will align with and reinforce numerous public policies at the federal, state, and local levels as follows:

- Promotes economic development and job creation in a Designated Growth Area (DGA).
- Advances Maryland's principles of Smart Growth and sustainable development.
- Provides infrastructure in a Priority Funding Area (PFA) making it more eligible for State and Federal funding to service economic development in Kent County's primary growth area along the Route 301 corridor.
- Assists the County in proactively coordinating development efforts among multiple cooperating property owners in this Growth Area versus reactively responding to isolated piecemeal development.

Finally, the proposed Mixed-Use District can be viewed in the context of Kent County zoning and revenue as follows:

- The vast majority (94.1%) of Kent County is zoned for Agriculture and Residential.
- Only 1.7% of the County is zoned for Commercial, Industrial, or Employment Center.
- Only 1.9% of the County is zoned for mixed-use as either Village or Intense Village.
- 87% of the County property tax revenue is generated from land zoned Agriculture and Residential – almost seven times the amount generated by Commercial.

The Proposed Zoning for the Route 301 Corridor Growth Area outlined in this letter would leverage the development potential and revenues from land that the County



has targeted for growth. The 926-acres contained in this Growth Area would constitute approximately 14% of all Commercial zoned land in Kent County. Optimizing the revenue-generating potential of this specific Growth Area in accordance with Kent County's adopted policies and goals will benefit citizens and taxpayers across the entire County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jim Constantine'.

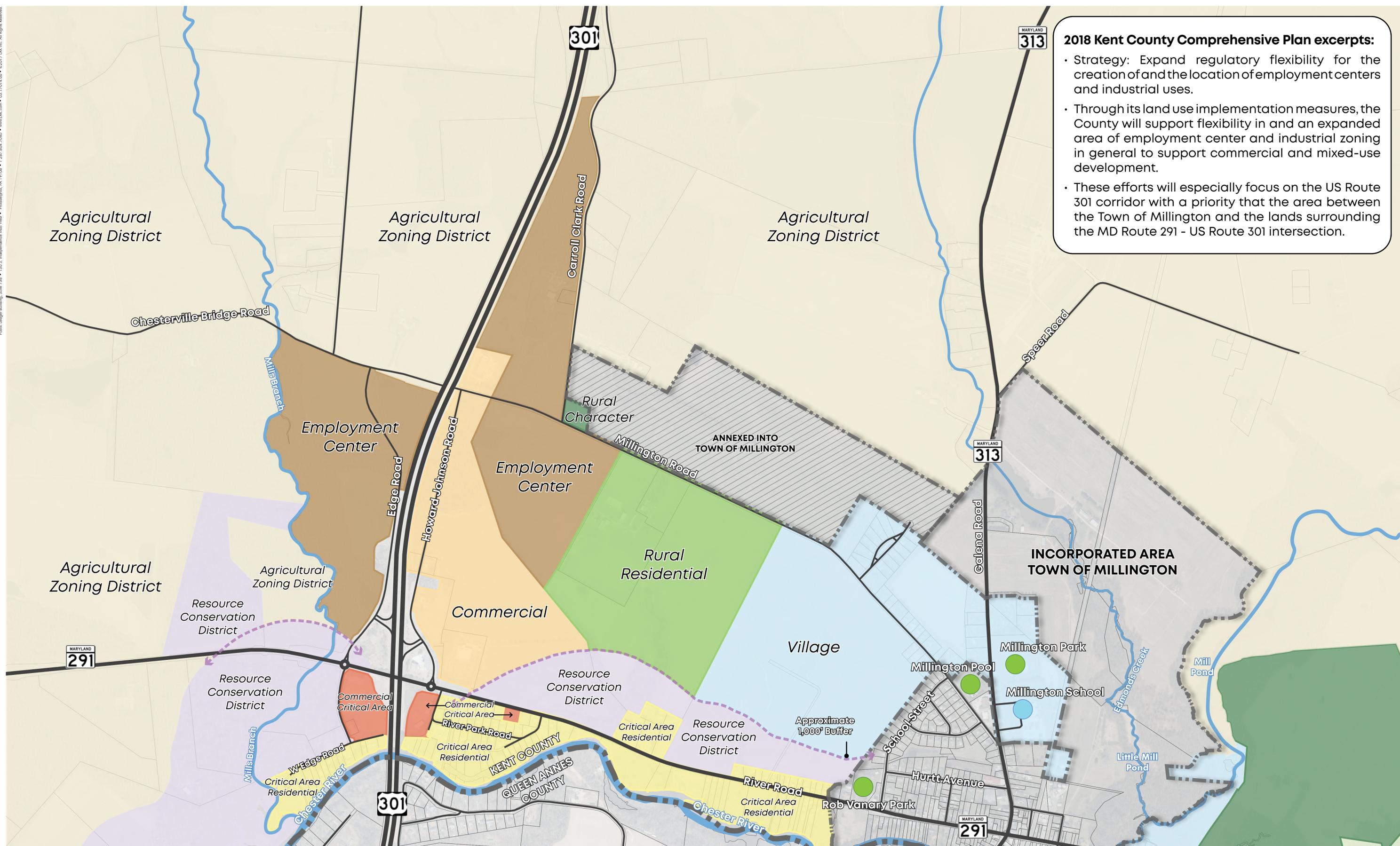
Jim Constantine, PP – LRK

CC:

- Michael Moulds, P.E., Kent County Director of Public Works
- Jamie Williams, CECd, Kent County Director of Economic & Tourism Development
- Kevin Hemstock, Mayor, Town of Millington
- Jo Manning, Town of Millington Administrator
- Charles MacLeod, Attorney at Law
- Russell H. Richardson
- Renee H. Richardson
- Ryan H. Richardson
- Jennifer Richardson
- Stewart Connard
- Sandy Donnelly
- Emily Brophy
- Richard Demmitt
- Stephen Tan
- William Shahan
- Rocky Dutta
- Chad Pitts
- Bob Owens
- Dan Gural
- Erin Murphy
- Kevin Shearon

**2018 Kent County Comprehensive Plan excerpts:**

- Strategy: Expand regulatory flexibility for the creation of and the location of employment centers and industrial uses.
- Through its land use implementation measures, the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development.
- These efforts will especially focus on the US Route 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the MD Route 291 - US Route 301 intersection.



**E-1: KENT COUNTY EXISTING ZONING**

Project Location: Millington, Kent County, Maryland  
 May 5, 2017 | Last Revised February 13, 2023

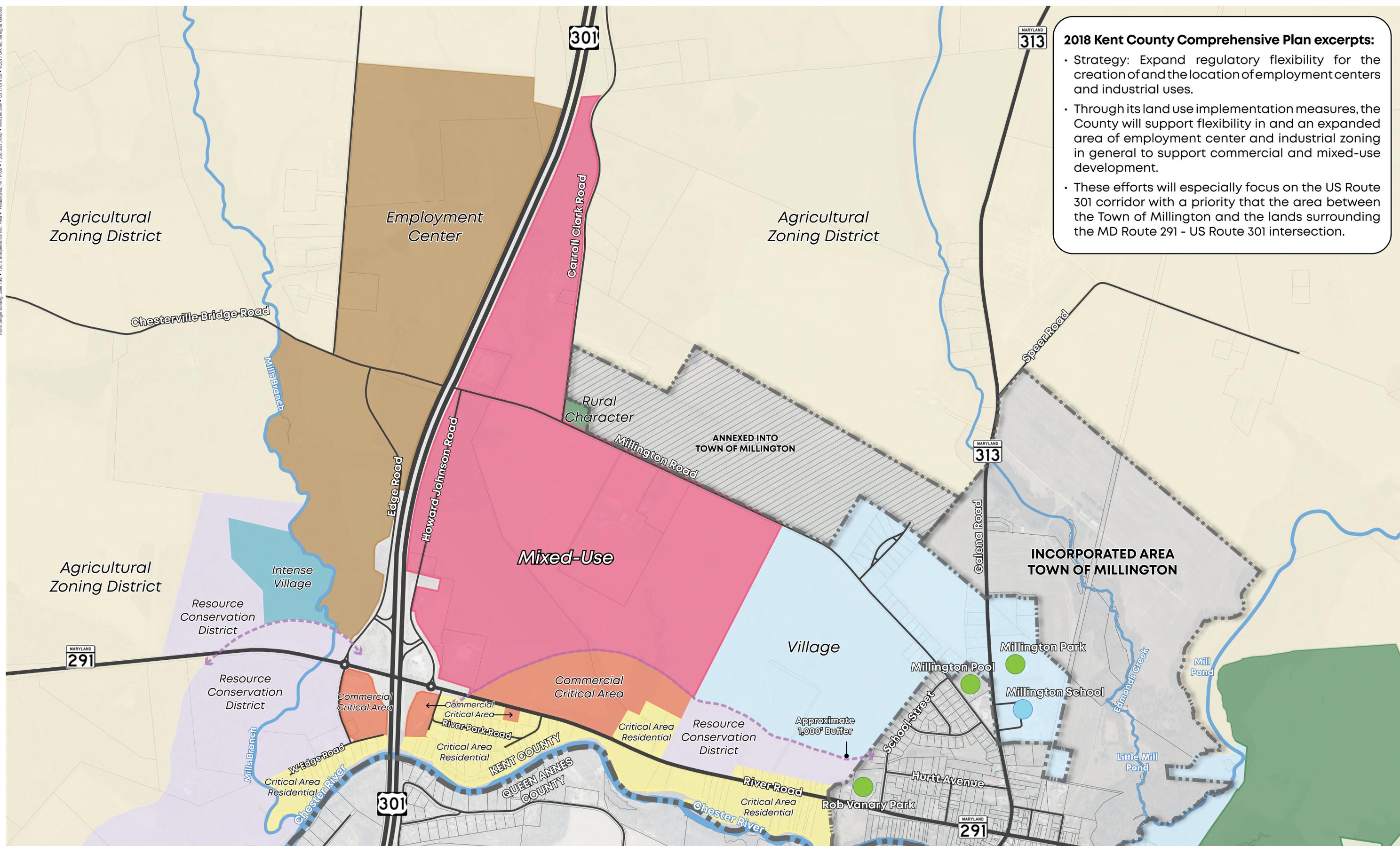


**Richardson  
 Properties  
 Corporation**

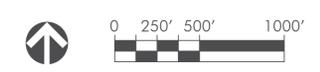
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**2018 Kent County Comprehensive Plan excerpts:**

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- These efforts will especially focus on the US Route 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the MD Route 291 - US Route 301 intersection.



**E-2: PROPOSED REZONING**  
 Project Location: Millington, Kent County, Maryland  
 May 5, 2017 | Last Revised February 13, 2023



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