

MINUTES

November 2, 2023

1:30 p.m.

A video recording of the Kent County Planning Commission meeting is available online for viewing on the County's YouTube channel at <https://www.youtube.com/watch?v=PxxvorLDsmLo&list=PL2Rnjclel5LpPRSLmeHJFpJlmf4bFr836&index=5>.

The Kent County Planning Commission met in regular session on Thursday, November 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, 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; and, Beth Grieb, Office Manager, serving as Acting Clerk.

Chair Hickman called the meeting to order at 1:30 p.m., and Chair read a letter from Commissioner Bill Sutton.

MINUTES

Mr. Ruge moved to approve the minutes of October 5, 2023, as presented. Mr. Strong seconded the motion. The motion passed unanimously 6-0.

APPLICATIONS FOR REVIEW

23-53 Humane Society of Kent County Inc./E. Michael Granger – Zoning Text Amendment
Adding the adaptive reuse of existing structures as a special exception in the
Agricultural Zoning District (AZD) on parcels under 20 acres

Mr. Mackey presented the staff report. The applicant, Michael Granger, is requesting that proposed language in the DRAFT Land Use Ordinance for Review be brought forward to add "Adaptive reuse of existing structures in AZD, located on parcels under 20 acres." The proposed amendment would add a new use to the existing Land Use Ordinance in advance of the new LUO. The Kent County 2018 Comprehensive Plan recognizes the importance of providing for more diversity in the size, number, and types of businesses by promoting the development of small, locally owned businesses, as well as the ongoing maintenance and reuse of existing structures to eliminate physical blight in unincorporated Kent County. Staff recommended sending a favorable recommendation to the Kent County Commissioners of the amendment with revisions proposed by staff.

Mr. Edward Michael Granger whose business address is 10720 Augustine Herman Hwy spoke in support of his application. A roofing and home improvement business is planned for the former Humane Society site in AZD. Mr. Granger described his business plan for this three-acre site including hiring local people to work at this site.

No correspondence was received, and no other members of the public spoke in either support or opposition.

The Planning Commission discussed applicability in all of AZD and the public need. Further discussion ensued.

Ms. Paula Reeder moved to send a favorable recommendation to the County Commissioners, based on the staff findings, consistency with the Comprehensive Plan, that the conditions listed are appropriate for review as a special exception, and that the public need is to encourage the expansion and promotion of small businesses throughout Kent County and the maintenance and reuse of existing structures.

Adopted on January 4, 2024

Mr. Crowing seconded the motion, and the motion passed unanimously 6-0.

23-57 The Wharf at Handy Point Inc. – Growth Allocation
23153 Green Point Road, Worton – Third Election District
Resource Conservation District (RCD) and Marine (M)

Mr. Mackey presented the staff report. The Wharf at Handy's Point, Inc. is requesting growth allocation for the remainder of the marina parcel, which was determined to be incorrectly mapped via ministerial error at the prior comprehensive rezoning in 2002. Per the Kent County Growth Allocation Policy, the Planning Commission shall review and make recommendations to the County Commissioners on the granting of growth allocation. The granting of growth allocation by the Kent County Commissioners and approval by the Critical Area Commission is required to make the zoning correction effective. Upon approval, the applicant will move forward with installation of a new septic system and site plan review for new out-of-water boat storage. Staff recommends forwarding a favorable recommendation to the Kent County Commissioners on this matter.

Note: County staff described the need for double allocation; CAC staff later conveyed it is no longer required.

Mr. Lance Young, Esq., of MacLeod Law Group, LLC and Buck Nickerson, LS of Extreme Measures, Inc. spoke in support. Mr. George Harms, the property owner, and Mr. Chris Maier, the property manager, were also present. Mr. Young explained the history of the property, and Mr. Nickerson provided survey documents. Mr. Young further described the desire for an improved septic system for two marinas and relocating boat storage.

The Planning Commission discussed the history of the property, allocations in general, existing conditions, the process for review with the Health Department, and the history of the zoning mapping in the prior Comp Plan.

Mr. Crowding noted that the Planning Commission reviewed the proposed findings and found them sufficient.

No correspondence was received, and no other members of the public spoke in either support or opposition.

Mr. Crowding moved to send a favorable recommendation to the County Commissioners to grant a maximum of 52 acres of growth allocation to the Wharf at Handy's Point, Inc. After review, the Board finds that the Comprehensive Plan supports the improvement and expansion of facilities, services, and activities that support natural-resource-based economic development, that a new septic system will increase the distance between the shoreline and the drain field which will reduce potential negative impacts to water quality, that the new septic system will utilize BAT (Best Available Technology); at this time, the applicant is not proposing mitigation over and above what would be required to mitigate potential negative effects caused by higher intensity development than normally allowed. The applicant has submitted a letter from MD DNR Wildlife and Heritage Services that indicate there are no official State or federal records for listed plant or animal species within that area; the application is for the expansion of an existing IDA (Intensely Developed Area) and is related to an existing Marine use; the area of expansion is potentially a maximum of 25.69 acres which will be clarified prior to finalization of the growth allocation; the applicant has outlined additional findings in a supplement and narrative to the application for growth allocation of the Wharf at Handy's Point as to how the project is consistent with the goals and intent of the Kent County Comprehensive Plan, Land Use Ordinance, and Critical Area Program, which members of this Board have reviewed. We find that there is a public need to support accessibility to the water by residents and tourists; and, in addition, to a new septic system, a portion of the expanded Marine zoned land will be used for out-of-water boat storage, which will require a separate site plan

when reviewed; the marina currently allows trailer parking for a small fee by users of the Green Point Public Landing; and an expanded boat storage area may allow for additional uses of this landing. We find that the proposal is consistent with the Critical Area Law. As stated before, the applicant's Supplement and Narrative that they've provided will prove that the standards for submittals to the Critical Area Commission for the Coastal and Chesapeake Bays as found in Natural Resources Article 8-J 808.l(c) and COMAR 27.01.02.06 through .06-4 have been met.

Mr. Ruge seconded the motion, and the motion passed unanimously 6-0.

GENERAL DISCUSSION

Proposed Draft Land Use Ordinance Review – Articles I, II, III, and IV (legal)

Mr. Mackey noted that correspondence had been received and was provided to the Planning Commission, and then reported on those changes recommended by the Agriculture Advisory Commission at its October meeting.

The Planning Commission reviewed the requirements for ADA-accessible and advertised site meetings; postings and newspaper advertisements; zoning map and zoning text amendment process; public need and public interest; legal nonconforming uses, structures, and their certification, noting Talbot County's process as a potential model for incorporation; animal husbandry uses; the 10% rule; footnote corrections in AZD; chickens and roosters; RCD and Critical Area Law exemptions; cottage industries administrative review process; denied access lines; short-term vacation rentals were clarified as permitted-by-right in all residential districts including AZD; setbacks for the swimming pools in Village and other accessory structures in Village; Intense Village can be discussed in December.

Mr. Mackey received recommended changes to the proposed Land Use Ordinance from the Planning Commission and the Planning Commission Attorney. These changes will be incorporated into a draft for review in December.

STAFF REPORTS

There were no staff reports for this meeting.

ADJOURN

Mr. Crowding moved to adjourn the meeting. The meeting adjourned at approximately 4:10 pm.

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

/s/ Bill Mackey
William Mackey, AICP, Director