

MINUTES

September 4, 2025

1:30 p.m.

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The Planning Commission met in regular session on Thursday, September 5, 2025, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Ray Strong, Sean Jones, Bill Crowding, and Jon Quinn.

Acting Planning Commission Attorney Elissa Levan, Esquire, was present. Staff attending included Bill Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Rob Tracey, AICP, Associate Planner; Holly Baldwin, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk.

Representatives for Gillespie Precast, LLC included Andrew Gillespie, President; and Kevin Shearon, P.E., LEED AP, DMS & Associates.

Representatives for Chester River Yacht and Country Club included Board Members Dick Swanson and Jim Moseman; and Kevin Shearon, P.E., LEED AP, DMS & Associates.

Representative for Charles B. Schottland included Duncan Welsh, owner of Chesapeake Boat Lift Services, LLC.

Representatives for Massey Aero LLC included Mr. Mirales (online), owner; and Buck Nickerson, LS, Extreme Measures, LLC.

Representatives for Halo Worton, LLC included Brendan S. Mullaney, Esquire, McAllister, DeTar, Showalter & Walker, LLC (MDSW); and Sean Miller, PE, Kimley-Horn and Associates, Inc.

Representatives for Treeline Harvesting, LLC/Halo Warwick, LLC included Brendan S. Mullaney, Esquire, McAllister, DeTar, Showalter & Walker, LLC (MDSW); and Sean Miller, PE, Kimley-Horn and Associates, Inc.

Representatives for Dylan Baitsholts included the applicant himself, Dylan Baitsholts (online).

Individuals who signed the sign-in sheet included Andrew Beazley, Janet Christensen-Lewis, and Janet Fosque.

Other members of the public attended virtually (online) including Helen Curtis Nelson and an unidentified caller.

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

MINUTES

Mr. Crowding moved to approve the minutes of the meeting on July 10, 2025, as read. Vice Chair Paul Ruge seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

22-53: Gillespie Precast LLC -- Major Site Plan (Final) -- Storage Yard Expansion

Location: 27030 Morgnec Rd., Chestertown -- Second Election District -- Zoned EC and ECCA

Staff Presentation by Rob Tracey: Gillespie Precast LLC (also known as Morgan Creek Landing Holdings LLC) is requesting final site plan review for the expansion of their contractor storage yard from 4.75 acres to 12.08 acres, as well as construction of a 50-foot by 90-foot storage building, a stormwater management facility, and a new entrance onto Maryland Route 291. The 190-acre property is zoned Industrial, Industrial Critical Area (ICA- LDA), and Resource Conservation District. The proposed improvements will mostly be in the Industrial district, with only the stormwater management facility disturbing the ICA-LDA, and no disturbance in the RCD.

At the June meeting, a waiver was granted for the second entrance approximately 700 feet from the existing entrance, provided that the entrances and exits have proper signage to restrict truck traffic to one entrance and one exit. The proposal is consistent with the Kent County Comprehensive Plan, vehicular flow appears adequate, demands on public services are reasonable, and no sewage or refuse disposal is proposed except for limited tree removal for the proposed access.

Staff recommends granting final site plan approval with conditions including approval of erosion and sediment control and stormwater management plans; detailed information on the 15% landscaping and mitigation area; submission of all required sureties for stormwater management, sediment and erosion control, and landscaping; and signage details for the entrances and exits.

Applicant Presentation: Kevin Sharon of DMS and Associates (PO Box 80, Centerville, Maryland) and Andrew Gillespie of Gillespie Precast (Box 450, Chestertown, Maryland) testified after being sworn in. They indicated they were seeking final approval and had addressed most conditions. For the forest conservation area, they requested that it be allowed to naturally regenerate. Regarding signage, Gillespie is still determining the best traffic flow for ingress and egress and will provide signage details on the final plan before signatures.

Commission Discussion: Chair Hickman noted the natural growth in the back section area along the eastern property line.

Public Comment: No members of the public spoke on this application.

Motion: Mr. Crowding moved to grant final site plan approval for Gillespie Precast LLC / Morgan Creek Land Holdings Company LLC for the expansion of the contractor storage yard from 4.75 acres to 12.08 acres, as well as the construction of the 55-foot by 90-foot storage building, their stormwater management facility, and the new entrance onto Route 291, finding that the proposal is consistent with the Comprehensive Plan; areas for vehicular flow appear to be adequate; demands on public services and infrastructure are reasonable; there's no sewage or refuse disposal proposed for this phase; that except for limited removal of trees for the proposed access, no vegetation will be removed; and the development will integrate into the existing landscape through landscaping and a forested strip along the eastern boundary of the property, which is to be signed, and conditioned upon the approval of the erosion and sediment control / stormwater management plans, provision of all required sureties

for stormwater management, erosion and sediment control, and landscaping; and provide signage details for entrances and exits on the final plan prior to signatures. Ray Strong seconded. The motion passed unanimously.

25-36: Chester River Yacht & Country Club -- Site Plan (Concept, Prelim., and Final) Pier replacement / reconfiguration; Location: 7738 Quaker Neck Road -- Seventh Election District -- Zoned M
(Note: This application was moved up in the agenda as a courtesy to the applicants.)

Staff Presentation by Carla Gerber: The applicant is requesting combined site plan review (concept, preliminary, and final) to replace and lengthen the existing dock and reconfigure the number of boat slips. The proposed improvements are to install an 8-foot by 299-foot floating dock. The floating dock will have an 8-foot by 25-foot gangway and an 8-foot by 90-foot floating "T" head. There will be 14 finger piers and 50 mooring piles. The maximum channelward encroachment is 316 feet. They will be increasing the number of slips by 11 (from 19 to 30). The increase in slips would require additional parking; however, they are not proposing new parking and are requesting a waiver from the Planning Commission. The property is located on Quaker Neck Road and the waterfront area has been rezoned to Marine, marking this as a water-dependent facility. Parking standards require 151 spaces, and they have 135, requesting a waiver for 16 spaces.

Staff recommends granting final approval contingent upon providing signs informing members and transient boaters of nearby pump-out facilities and a parking agreement should the waiver be granted.

Applicant Presentation: The applicant's representatives, Kevin Shearon of DMS and Associates, and CRYCC's Board Member Dick Swanson, testified after being sworn in, explaining this is a replacement project for an existing dock. It's referred to as "A dock" but is essentially the middle one, as it was their first dock. Currently a fixed dock, they are seeking to replace it with a floating dock. This culminates about two years of State and federal permitting. Since the property was rezoned to Marine, the pier length no longer requires a variance and is a permitted use regardless of length in the Marine district.

There is demand at the club for additional slips (11 additional). Marina users come and go, unlike golf events where everyone is present simultaneously. With additional parking added a few years ago, the club has not experienced overflow parking needs or issues with parking spilling onto the road.

Commission Discussion: Extensive discussion occurred regarding parking, with Planning Commission members expressing concerns about current parking practices. Discussion revealed that boat trailers are currently parked in some of the 135 designated parking spaces, and there was concern about vehicles parking in areas marked for boat trailers only. The applicant explained that people bring cars to work on boats and use the ramp four to five times on weekends, with most boats being permanent rather than trailered. Members discussed the combined site plan approach, noting they don't normally combine all three levels but accepted staff's recommendation, given that no land disturbance is involved.

Motion for Parking Waiver: Mr. Crowding moved and amended a motion to reduce the required parking spaces by 16, provided that all parking spaces are for automobile parking only. Mr. Quinn seconded. Mr. Jones seconded the amended motion. The amended motion passed unanimously.

Motion for Site Plan Approval: Mr. Crowding moved for combined preliminary and final site plan approval for Chester River Yacht & Country Club to replace and lengthen the existing pier and reconfigure the number of boat slips. Mr. Strong seconded. The motion passed unanimously.

25-23: Charles B. Schottland -- Variance -- Pier Length

Location: 7989 Quaker Neck Road, Chestertown -- Seventh Election District -- Zoned CAR

Staff Presentation by Rob Tracey: The applicant is requesting a 100-foot variance to construct a 250-foot long pier with floating platforms. The Kent County Unified Development Ordinance requires that piers must not exceed 25% of the width of the waterway, edge of the channel, or 150 feet in length, whichever is less.

The neighborhood is characterized by small waterfront properties. The variance will not cause substantial detriment to adjacent properties or change the character of the neighborhood. According to the applicant's narrative, the practical difficulty is the consequence of limited mean high-water depth of five feet at the end of the existing pier. The applicant has noted that the reduced water depth was caused by increased sedimentation from nearby farms. The proposed pier would be able to attain seven feet, six inches of water depth at the end.

Staff recommends a favorable recommendation to the board of appeals.

Applicant Presentation: Duncan Welsh (7015 Churchill Road, Chestertown, Maryland) testified as the contractor after being sworn in. Mr. Welsh explained that the water depths shown are at mean high water. The water is shallow, and the applicant desires enough water to use his boat at both tides. The immediately adjacent pier achieves roughly the same water depth, but due to topography, Mr. Schottland's pier needs to be longer.

Commission Discussion: Commissioners questioned the attribution of siltation to farmland, noting the area is primarily residential. Discussion included concerns about the pier's length relative to neighboring piers and potential impacts on boating traffic. Mr. Welsh clarified that the total pier would be 250 feet beyond mean high water. After discussion, Commissioners suggested reducing the pier length to 235 feet from mean high water.

Motion: Mr. Crowding moved [to recommend favorably to the Board of Appeals] the grant of a variance for Mr. Charles Schottland for his property located at 7989 Quaker Neck Road for a 92-foot variance, in order to construct a 235-foot-long pier with floating platforms on his property, finding that it will not cause a substantial detriment to adjacent or neighboring properties; the variance will not change the character of the neighborhood or district; that the variance is consistent with the Comprehensive Plan and the general intent of this [Unified Development] Ordinance; that the practical difficulty was caused by siltation from adjoining properties over the years. Mr. Jones seconded. The motion passed unanimously.

25-26: Massey Aero LLC -- Major Site Plan (Final) -- New Hangar

Location: 33541 Maryland Line Road, Massey -- First Election District -- Zoned AZD

Staff Presentation by Carla Gerber: This application was heard at the July meeting for concept review for a new hangar at the Massey Aero LLC property. Nothing in the application has changed except the building permit has been submitted. The proposal meets setback and height requirements. It's consistent with the Comprehensive Plan, and the site plan objectives have been met. Staff recommends granting final site plan approval.

Applicant Presentation: Buck Nickerson (23680 Ricketts Branch Road, Chestertown, Maryland) testified in person, while Nicolas Mirales (representing Massey Aero LLC, 33541 Maryland Line Road, Massey, Maryland) participated via conference call. Mr. Nickerson apologized for suggesting prior to the previous meeting that the client ask for final approval, noting he hadn't anticipated the procedural discussion that ensued. The Planning Commission Chair noted that no apology was necessary.

Motion: Mr. Crowding moved to grant final site plan approval to Massey Aero LLC for their property located at 33541 Maryland Line Road to construct a 60-foot by 100-foot airplane hangar adjacent to existing hangars, finding it in conformance with the Comprehensive Plan; that it conforms with the provisions of all applicable rules and regulations of the County, State, and federal agencies; it provides convenience to both safety and vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties; provisions for off-street loading and parking of vehicles incidental to the normal operation of the establishment are adequate; adequate lighting and internal traffic controls are reasonable; reasonable demands will be placed upon the public services and infrastructure, adequate sewage and refuse disposal, [and] protection of abutting properties, as hangars are going to be far enough away from adjoining properties; the existing vegetation removal is minimized with no trees to be removed; the applicant has made efforts to integrate the proposed development into the existing landscape through compatible building design and building setbacks; parking area and location, architectural compatibility, signage, and landscaping are provided. Vice Chair Paul Ruge seconded. The motion passed unanimously.

*25-28: Halo Worton, LLC -- Site Plan (Concept) -- Utility Scale Solar
Location: Chinquapin Road, Worton -- Third Election District -- Zoned EC*

Staff Presentation by Rob Tracey: Halo Worton LLC is requesting concept site plan approval to construct and operate an 11-acre utility scale solar system in the employment center zoning district. The 11.86-acre property is currently cultivated farmland with a small non-tidal wetland area along the northern property line. The surrounding area is a mixture of farmland to the west, industrial development to the east, and residential development toward Worton in the northeast.

A 60-foot perimeter landscaping buffer has been proposed to screen the facility. The property is located within a Priority Funding Area. The concept plan depicts some overhead electrical lines with associated poles, which is not permitted under Article 5, Section 4.2.3. Staff notes the applicant will need to bury these lines or demonstrate need for the proposed configuration. A glare analysis was submitted concluding no glare is anticipated. The applicant proposes 0.76 acres of wetland disturbance and 0.08 acres of tree removal.

To receive preliminary site plan approval, the following will be required: MDE authorization for wetland disturbance, landscape maintenance agreement and irrigation plan, and preliminary sediment and erosion control and stormwater management plans.

Applicant Presentation: Sean Miller with Kimley-Horn (3904 Boston Street, Suite 202, Baltimore, Maryland 21230) and Brendan S. Mullaney, Esquire, McAllister, DeTar, Showalter & Walker, LLC (100 Northwest Street, Easton, Maryland) testified after being sworn in.

The project is known as Halo Worton LLC, located on Chinquapin Road in Worton. It is a 2-megawatt AC project that does not go through the state CPCN process but goes strictly through Kent County. It is permitted by right in the Employment Center district. The project area is approximately 11 acres.

The developer received setback reduction letters from the three adjacent landowners to the west, south, and east, reducing setbacks from 200 feet to 100 feet on all three sides. Adjacent properties include farmland without structures to the west, farmland with residences approximately half a mile south, a vacant lot with shed to the east, and the Worton-Butlertown sewage treatment plant across the road to the north.

A lineup of seven utility poles is proposed, although Kent County code requires underground connections. The applicants are coordinating with Delmarva Power & Light regarding underground interconnection feasibility.

Public Comment: Janet Christensen-Lewis (Millington, Maryland) noted that the applicants had corrected their original application and cited the cumulative impacts of land displacement related to farms and employment.

Commission Discussion: Planning Commission members discussed setback measurements, buffering requirements, and decommissioning agreements. There was discussion about the 60-foot buffer width versus the new 35-foot maximum in the new code. The applicants responded that they wanted robust buffers. The project will provide standard sureties, maintenance agreements, and decommissioning bonds that will be reevaluated every five years. Planning Commission members expressed frustration with solar projects generally, noting previous projects approved in the County had not demonstrated clear benefits to residents, and emphasizing the importance of proper landscaping given the industrial nature of these facilities.

*25-31: Treeline Harvesting/Halo Warwick, LLC - Edmonds Creek Solar -- Site Plan (Concept) -- Utility Scale Solar
Location: 12206 Galena Road, Massey -- First Election District -- Zoned AZD and EC*

Staff Presentation by Rob Tracey: The applicant is requesting concept site plan review to construct and operate a utility scale solar system on a property that is split-zoned Agricultural Zoning District and Employment Center. The 338.6-acre property currently consists of mixed woodland and cultivated farmland. Approximately 22.3 acres are proposed for development, with 18.8 acres in Employment Center (within a Priority Funding Area) and 3.5 acres in the Agricultural Zoning District (outside both the Priority Preservation Area and Priority Funding Areas). Mr. Tracey noted that the applicant is requesting a waiver to the Citizen Participation Plan as the project has applied for a Certificate of Public Convenience and Necessity (CPCN) which includes a public hearing and public comment component. A 60-foot landscape buffer is proposed along north, east, and south property lines, with existing protected forest retention along the west property line.

Applicant Presentation: The same representatives testified as for the previous application. This project is located at 12206 Galena Road, Massey, Maryland. It is a 5-megawatt AC project going through the state CPCN process. The property is owned by Treeline Harvesting LLC and leased to Halo Warwick LLC. The limits of disturbance is 31 acres, with the fenced area being 22.3 acres. Adjacent properties include US 301 to the west, split-zoned agricultural/employment center property to the south, and village zoned properties over 1000 feet to the east. The existing access drive is being utilized, with the project access connecting perpendicularly.

Commission Discussion: Commissioners questioned the waiver request for citizen participation, noting that while the State held public hearings, one was in Chestertown rather than locally in Massey where it would be more convenient for affected residents. Planning Commission members expressed concern over cumulative impacts in the Massey-Galena area and suggested that a local citizen participation meeting should still be held. Members referenced other projects with excellent solar integration and buffering by private owners in the area.

*25-32: Dylan Baitsholts -- Special Exception -- Raising small animals
Location: 6111 Anderson Avenue, Rock Hall -- Fifth Election District -- Zoned CR*

Staff Presentation by Carla Gerber: Dylan and Caitlin Baitsholts are requesting a special exception to keep a backyard bird flock consisting of 12 chicken hens, two chicken roosters, two Peking ducks, one Indian blue peacock, and eight chicken chicks on their 0.34-acre property. The surrounding area is characterized by other lots with detached, single-family dwellings. The property backs up to the Rock Hall ballpark and wastewater lagoon. The closest neighboring house is about 20 feet from the property. The applicant has installed fencing and planted trees along the southern property line and installed a motion-activated sprinkler to deter the flock from leaving the applicant's yard. The chicken manure is composted and shared with neighbors for gardening.

Staff recommends sending an unfavorable recommendation to the Board of Appeals, opining that the applicant's goals could be met within the limits of a permitted backyard chicken flock of five hens.

Applicant Presentation: Mr. Dylan Baitsholts (6111 Anderson Avenue, Rock Hall, Maryland 21661) testified via conference call after being sworn in. Mr. Baitsholts explained the backyard chicken flock started as a rescue project that evolved. The flock helps a neighbor's baking business with duck eggs and provides chicken manure for neighbors' gardens. He noted in his opinion that neighbors' complaints had arisen and increased over time.

Public Comment: A member of the public, Mr. Andrew Beazley, testified requesting that Mr. Baitsholts not be permitted to increase his flock beyond five chickens or keep male chickens or peacocks, citing noise concerns and the need to preserve the residential neighborhood character.

Commission Discussion: Planning Commission members discussed the original rationale for the five-bird limit and noted the small lot size (0.34 acres) and residential setting. Members noted that when the backyard chicken ordinance was passed, those who testified recommended the five-bird limit as being adequate, with no roosters allowed due to noise concerns.

Motion: Mr. Crowding moved to send an unfavorable recommendation to the Board of Appeals for the special exception for Dylan Baitsholts for the property located at 6111 Anderson Avenue, finding that the keeping a large flock of birds consisting of 12 chickens, two roosters, two Peking ducks, one Indian blue peacock, and eight chicken chicks far exceed the allowable limits for backyard flocks, and that under the current zoning ordinance they would be allowed up to five birds and could accomplish the goals listed in their summary. Vice Chair Ruge seconded. The motion passed 6-1 (Mr. Saunders opposed).

GENERAL DISCUSSION

2025 Nuisance Flood Plan Update

Staff Presentation by Bill Mackey: An updated Kent County Nuisance Flood Plan was presented. This is an update to the first version prepared in 2019, which was used by the State of Maryland as a Statewide model. The State requires jurisdictions to update their Nuisance Flood Plans every five years, and the State provided grant money for a consultant to prepare this update. The original steering committee of various groups and organizations was reconvened. The updated plan includes enhanced national data sources, more County-collected data about flooding locations, a new social vulnerability analysis, a building vulnerability assessment section, and newly detailed recommendations. A major change is the three feet of freeboard instead of two feet, which was incorporated by the new Unified Development Ordinance, effective July 25, 2025. The Plan also includes projections based on National Oceanographic and Atmospheric Administration data. The Planning Commission is being asked to make a recommendation to the County Commissioners for formal adoption.

Commission Discussion: Planning Commission members' discussion focused on the practical implications of the increased freeboard requirement, particularly on concerns about builders not being aware of the change from two feet to three feet, along with the potential for height conflicts with existing building height limits. Staff confirmed that all building permits are reviewed by the County's floodplain manager to ensure compliance.

Motion: Mr. Crowding moved to send a favorable recommendation to the County Commissioners for Kent County's Nuisance Flood Plan. Mr. Strong seconded. The motion passed unanimously.

STAFF REPORTS

Staff Introduction

Holly Baldwin was introduced as the new Associate Planner, bringing experience from Cambridge. Chair Hickman welcomed her to Kent County.

Board of Appeals Update

Staff reported that the Board of Appeals met on August 18 and granted an extension of the special exception approval for the Mason Solar project. The project will likely come before the Planning Commission for site plan review in the future. The applicant is also planning to return to the Board of Appeals to request an amendment to remove the berm requirement, though no formal application has been submitted yet.

Office Updates

Staff reported that the planners' work area is receiving new furniture, and Planning Commission members were invited to tour the updated space at the next meeting.

ADJOURN

Chair Hickman called for a motion. Mr. Crowding moved to adjourn. Vice Chair Ruge seconded. The meeting adjourned at approximately 3:45 p.m.

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

/s/ William Mackey
William Mackey, AICP, Director

Please note 95% of this document was created by Claude III Sonnet from Anthropic with a transcript from MS Teams.