

MINUTES

October 2, 2025

1:30 p.m.

Video recordings of the meetings may be available online, dependent on internet availability, access, and functionality: <https://kentcountymd.portal.civicclerk.com/>

The Planning Commission met in regular session on Thursday, October 2, 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, Sean Jones, Bill Crowding, and Jon Quinn.

Acting Planning Commission Attorney Karen Ruff, Esquire, was present. Staff attending included Bill Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Rob Tracey, AICP, Associate Planner; Holly Baldwin, Associate Planner; Beth Grieb, Office Manager, serving as Clerk; and Tyler Arnold, GIS Specialist, assisting with technology.

Representatives for Mr. and Mrs. Miller included Mr. Larry Miller; and Buck Nickerson, LS, Extreme Measures, LLC.

The representative for Mr. and Mrs. Ashmore included Mr. William Ashmore.

Individuals who signed the sign-in sheet included only the three representatives listed above.

Chair Hickman called the meeting to order at 1:31 p.m.

MINUTES

Mr. Saunders moved to accept the minutes of the meeting on September 5, 2025. Mr. Quinn seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

22-17: William & Valerie Ashmore – Major Site Plan – Private Destination/Residence Club – Extension of Approval Location: Skinners Neck Road and Kelly's Park Road – Fifth Election District – Zoned M -- PC Decision

Staff Presentation by Carla Gerber: Ms. Gerber reported that this is the third time Mr. Ashmore has requested an extension of the final site plan approval originally granted in 2022 for a private destination / residence club in the Marine district. Kevin Shearon had made a minor change to the site plan based on the new Unified Development Ordinance, which did not materially affect the overall site plan. The building will be raised one additional foot for flood elevation, accomplished within the area already designated at eight feet without expanding the contours.

Staff reported a single phone call from Janice Nordoff at 5859 Skinners Neck Road, who expressed concerns about parking at the public landing and increased traffic from other Airbnb's on Kelly's Park Road, which have appeared

Adopted on November 6, 2025

in the past three years. Ms. Gerber noted that parking requirements were addressed in the initial site plan approval, requiring users of the facility to park on Mr. Ashmore's property.

Ms. Gerber also noted that zoning of surrounding properties did not change with adoption of the new ordinance, standards for private destination residence clubs remained the same, and site plan review standards did not change significantly. Staff felt the request for extension was appropriate despite the transition from the 2002 Land Use Ordinance to the 2025 Unified Development Ordinance.

Public Comment: No members of the public spoke to the application.

Board Discussion: Commission members discussed that the parking issue was addressed in the original approval and noted that Mr. Ashmore had completed other parts of the project.

Motion: Mr. Crowding moved and amended the motion to grant an extension of the final site plan approval for the construction of a private destination / residence club on the lands of William and Valerie Ashmore located at the intersection of Kelly's Park Road and Skinners Neck Road, with the condition of submission of all required sureties for stormwater management, sediment and erosion control, and landscaping; and the recordation of the slip agreement. Vice Chair Paul Ruge seconded the motion and the amendment. The motion passed unanimously.

25-45: Lawrence and Donna Miller – Buffer Variance

Location: 10129 Cove Road – Sixth Election District – Zoned CAR -- Recommendation to Board of Appeals

Staff Presentation by Rob Tracey: Mr. Tracey presented the variance request for a 580-square-foot addition to an existing single-family dwelling partially located within the 100-foot Critical Area buffer. Of the 580-square-foot footprint, 266 square feet will be within the buffer and 314 square feet outside the buffer. The net increase in permanent disturbance within the buffer will be 246 square feet, with net increase in lot coverage outside the buffer of 262 square feet. In 2023, the Kent County Board of Appeals granted a variance for a smaller 467-square-foot addition in the same location, noting that the location of the existing septic tank prohibits the addition from being moved back from the water. A narrative was provided addressing why this building is larger than the previously approved version.

Mr. Tracey reviewed the variance criteria from Article 4, Section 5.6 of the Kent County Unified Development Ordinance. The primary unwarranted hardship is that approximately half of the principal structure is within the 100-foot buffer, and the location of the existing septic tanks prevents construction of the proposed addition outside the buffer. The applicants wish to have larger dimensions to accommodate a study as well as washer and dryer, which are currently located downstairs.

The variance will not have a significant impact on water quality or environmental features. The application was forwarded to the Critical Area Commission for comment, and staff's understanding is they do not oppose the application. The proposal appears consistent with the Comprehensive Plan and Unified Development Ordinance.

Staff Recommendation: Staff recommended forwarding a favorable recommendation to the Board of Appeals with the following conditions:

1. Approval of a buffer management plan (applicant has submitted one)
2. Per Kent County Health Department requirements, the location of the well be shown on the site plan
3. The variance will elapse after one year if no substantial construction in accordance with the presented plans occurs

Public Comment: No correspondence was received. No members of the public spoke to the application.

Applicant Presentation: Buck Nickerson (23680 Records Branch Road, Chestertown, Maryland) and Larry Miller (10129 Cove Road, Pittstown, Maryland; also Media, Pennsylvania) were sworn in. Mr. Nickerson noted that the well is already shown on the site plan, and the comment may have been from the previous application.

Mr. Miller explained the delays since the 2023 approval and the reasons for the larger addition:

- Hugh Lofting Timber Framing company's entire shop burned down shortly before they engaged them, causing significant delays while the company regrouped and rebuilt their facility
- Personal circumstances including friends and mother-in-law passing away
- Upon staking out the originally approved dimensions, they realized the space would not be functional once accounting for 8x8 beams, wall thickness, and washer/dryer dimensions
- The addition grew 4 feet toward the ravine (not toward the water) to accommodate the necessary space
- The expanded area is in the most barren part of the property where the original drainage field was located before they purchased the house
- No trees need to be removed

Board Discussion: Commission members discussed the unwarranted hardship being the location of the septic tank, which had been approved in the previous variance. They noted the property has acreage but confirmed the septic location creates the unwarranted hardship. The Commission found the unwarranted hardship is reasonable.

Motion: Mr. Crowding moved to send a favorable recommendation to the Board of Appeals for Lawrence and Donna Miller for the property located at 10129 Cove Road for a variance to construct a 580-square-foot addition to an existing single-family dwelling, which is located partially within the Critical Area 100-foot buffer; based on testimony, finding that it meets the Comprehensive Plan that advocates for the maintenance, enforcement, and if necessary, strengthening of existing regulations regarding floodplains and buffers; that the proposal is consistent with the intent of the Land Use Ordinance; that the unwarranted hardship is that approximately half of the principal structure is within the 100-foot buffer and the location of existing septic tanks prevents construction of the proposed addition outside of the buffer; the applicant has submitted a buffer enhancement plan for review and approval; that the variance will be in harmony with the general spirit and intent of the Critical Area law and Kent County regulations; that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitats; that authorization of the variance will not be a substantial detriment to adjacent property and the character of the district will not be changed; and that the application has been sent to the Critical Area Commission for review and comments. Mr. Quinn seconded the motion. The motion passed unanimously.

GENERAL DISCUSSION

No general discussion items were on the agenda.

STAFF REPORTS

September Board of Appeals Update: Staff reported on two items from the September Board of Appeals meeting:

Ms. Gerber reported that the variance request for pier length for the Schottlands was postponed until the October meeting, because Board members had questions that the applicant's representative could not answer, and the Board wanted to hear directly from the property owner.

Ms. Gerber conveyed that the special exception application for Dylan Baitsholts regarding a special exception for chickens, a peacock, and ducks was not approved. The Board of Appeals gave a timeframe for the applicant to remove the ducks, roosters, and peacock, and reduce the number of hens to the permitted number of five. Ms. Gerber noted the applicant is working to have the peacock designated as an emotional support animal through a licensed mental health professional. If approved, the County's enforcement action would not be taken against the peacock with proper documentation from the therapist. The applicant may appeal the Board of Appeals' decision, if the emotional support animal designation is not successful.

New County Attorney: Ms. Gerber announced that Bobby Mowell, Esquire, will begin on Monday, October 6, 2025, as the new County Attorney, taking the position of in-house counsel for the County. He will serve as attorney for the Planning Commission moving forward.

November Agenda Preview: Staff indicated the November agenda may be large and will include solar applications.

Acknowledgment: Chair Hickman thanked Bill Mackey for his service over the past years, especially during the difficult COVID times and the Land Use Ordinance process, acknowledging his role in keeping everything together. Commissioners wished him well. Mr. Mackey expressed his gratitude for the opportunity to serve the Commission.

ADJOURN

Chair Hickman called for a motion. Mr. Crowding moved to adjourn. Vice Chair Ruge seconded. The meeting adjourned at approximately 1:56 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.