

MINUTES

May 1, 2025

1:30 p.m.

Video recordings of the Kent County Planning Commission meeting are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>. Meeting materials are available on the County portal at <https://www.kentcounty.com/commissioners/kent-countys-agenda-and-minutes-portal>.

The Planning Commission met in regular session on Thursday, May 1, 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, Ray Strong, Bill Crowding, and Jonathan Quinn. Member Jim Saunders was away and made arrangements in advance. Member Sean Jones did not attend in order to recuse himself from the two items being reviewed for his family's farm at this meeting.

Acting Planning Commission Attorney Thomas N. Yeager, Esquire, was present. Staff attending included Bill Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Robert Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, serving as Clerk; and Tyler Arnold, GIS Specialist.

The representative for Lester C. Jones & Sons, Inc. was Ethan Jones.

Individuals who signed the sign-in sheet included Mary Hurtt Tazewell, John Hyers, Holly Hyers, and Alice Breger.

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

MINUTES

Mr. Strong moved to approve the minutes from April 3, 2025. Vice Chair Ruge seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

25-12 Lester C. Jones & Sons, Inc.; Setback Variance and Special Exception for Structures for the Processing and Sale of Animal Products
32545 Galena Sassafras Road, Galena; First Election District; Zoned AZD

Ms. Gerber presented a combined staff report on the applications for a special exception, setback variances, and concept site plan review, noting that Lester C. Jones & Sons, Inc. were requesting to utilize an existing facility (a former agricultural research facility) for processing and sale of animal products to diversify their agricultural operation. The proposed uses include milk and meat processing, retail sales, events, food preparation, and agricultural education. The special exception requires a 600-foot setback which cannot be met by the existing buildings, necessitating a variance. The 134-acre farm is in the Agricultural Zoning District and has 19,000 square feet of enclosed space to be divided for various proposed uses.

Adopted on June 5, 2025

Ms. Gerber noted:

- The buildings for milk and meat processing are approximately 340 feet from the front property line, 525 feet from the west side, and 135 feet from the east side;
- The building to be used for sales is approximately 167 feet from the front, 500 feet from the west, and 135 feet from the east;
- The practical difficulty is due to the shape of the parcel, which is only 775 feet wide at the front where all buildings are located;
- The existing buildings were built in conformance with regulations when constructed;
- Granting the variance would not cause substantial detriment to adjacent properties or change the character of the neighborhood;
- The proposal is consistent with multiple goals of the Comprehensive Plan;
- The applicant is working with the State and the local Health Department for required permits; and,
- Wastewater from milk processing will be collected and hauled back to the dairy farm for disposal.

Mr. Ethan Jones (32595 Speer Road, Millington, Maryland) represented the applicant and explained they wish to expand operations through selling meat and milk products produced on their farm.

During discussion, Vice Chair Ruge expressed concern about the proposed barn shown on the concept plan being located in the middle of a field rather than behind existing buildings. The applicant explained the location was chosen to facilitate agritourism goals, keeping animals visible to visitors, and allowing for outdoor seating between the main building and proposed barn.

Ms. Alice Breger expressed concern about private, right-of-way access to a shared road for farm equipment.

The Planning Commission noted this is a private matter that would need to be resolved between property owners.

Mr. Crowding moved to send a favorable recommendation to the Board of Appeals for Lester C. Jones & Sons, Inc. for their property located at 32545 Galena Sassafras Road for a 433-foot front yard variance from the required 600 feet, a 465-foot variance from the required east side yard boundary line, and a 100-foot variance from the required 600-foot setback from the west boundary line. The granting of this variance will not cause substantial detriment to adjacent or neighboring properties. The variance will not change the character of the neighborhood or district. The Comprehensive Plan supports this application as it recognizes the importance of diversifying agricultural operations and encouraging agritourism. The practical difficulty is due to the size, shape, and configuration of the parcel. Although the property has a large area, it has an irregular shape, and the existing buildings are located on the narrowest portion of the property. Mr. Strong seconded. The motion passed unanimously.

Mr. Crowding moved to send a favorable recommendation to the Board of Appeals for Lester C. Jones & Sons, Inc. for the property located at 32545 Galena Sassafras Road to use the facility for milk and meat processing, retail sales, events, food preparation, and ag education. I find that the proposed site is already developed with buildings previously utilized as an Ag research facility. The front yard is already landscaped. All of the structures are less than 600 feet from the front and side property lines. The parcel is uniquely shaped with a narrow area along the Galena Sassafras Road that opens to a large field. The activities related to milk and [meat] processing will be completely enclosed. Proposed uses will comply with the required regulations regarding safe food handling and waste disposal. Wastewater from the milk processing plant will be collected and hauled back to the dairy. Because live animals will not be on site, there's no waste management plan through the Natural Resource Conservation Service or the University of Maryland Extension Service. The applicant has been in contact with the Kent County Health Department and the Maryland Department of Health and Mental Hygiene Center for Milk and Dairy

Product Safety. The surrounding area is agriculture, and the nearest house is more than 600 feet from the buildings. The nearest schools, churches, or other public facilities are more than one mile from the site. There are no known impacts on community facilities and services or on cultural or historic landmarks. There will be no known impacts from noise, smoke, vibration, odor or other hazards. The proposed uses are appropriate and consistent with the Comprehensive Plan and Land Use Ordinance. One goal of the Comprehensive Plan is to maintain and strengthen natural-resource and working land-based industries, found on page 15 of the Comprehensive Plan. The strategies to fulfill that goal are to provide, promote, and support the agricultural industries and to secure its future in the County and to encourage the development of farm-based industries including agritourism, which is found on page 17 of the Comprehensive Plan." Mr. Quinn seconded. The motion passed unanimously.

*25-11 Lester C. Jones & Sons, Inc.; Major Site Plan Review
32545 Galena Sassafras Road, Galena; First Election District; Zoned AZD*

This item was addressed as part of the discussion for 25-12 above. The Planning Commission noted the concept plan was acceptable, with the understanding that a more detailed plan would be provided later in the process.

STAFF REPORTS

Mr. Mackey reported that on May 6, 2025, the final version of the Land Use Ordinance text and Zoning Map would be scheduled for introduction by the County Commissioners. The changes include required changes from the Critical Area Commission; required changes from the Governor's Housing Initiative (2024) for single-family residence definitions; mandatory changes related to solar legislation adopted in 2025; and minor corrections for typos and other issues. Mr. Mackey noted that all changes are State-required language rather than optional adjustments. The ordinance will go through a 90-day legislative process, with both the Land Use Ordinance and Zoning Map becoming effective on the same day, likely in July 2025.

Discussion followed on the new solar regulations, the Planning Commission expressed some concerns about the State preempting local control over solar installations, particularly regarding landscaping requirements.

Mr. Mackey explained that the new solar legislation represents a compromise that includes some standards beneficial to Counties, such as required 100-foot setbacks from projects and landscape buffers up to 35 feet wide.

Mr. Mackey also announced that at the next meeting, Jim Constantine from LRK, Inc. will provide an update on the Millington Crossing project, including proposed design guidelines and wastewater treatment plant progress.

ADJOURN

Chair Hickman called for a motion. Mr. Crowding moved. Vice Chair Ruge seconded. The meeting adjourned at approximately 2:45 p.m.

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

/s/ William Mackey
William Mackey, AICP, Director

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