



County Commissioners:

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Telephone Planning: (410) 758-1255
Email Planning: PlanningApplications@qac.org

Telephone Permits: (410) 758-4088
Email Permits: PermitApplications@qac.org

To: Board of Appeals
From: Steven Johnson, Senior Planner
Meeting Date: August 20, 2025
File Number: BOA 25-03-0210
File Name: Foreman's Branch Observatory Banding Station
Owner: Grasslands Plantation, Inc.
c/o Henry Sears
PO Box 417
Chestertown, MD 21620
Developer: Washington College
c/o Stan Yeakel
300 Washington Avenue
Chestertown, MD 21620
Engineer: DMS & Associates, LLC
PO Box 80
Centreville, MD 21617

General Information:

Map / Parcel: 4 / 109
Size: Total = 415.321± acres
Location: Round Top Road, Chestertown, MD
Zoning District: Countryside (CS)
Agricultural (AG)
Critical Area: Resource Conservation Area (RCA)

Proposal and Requested Action:

The applicant is proposing a bird banding station comprised of a 2,082 sq. ft. main building, a 432 sq. ft. trellis, a 576 sq. ft. pavilion, and an 80 sq. ft. shed in the Countryside zoning district.

Conditional Use approval is requested under §18:1-15.C.(13) for a bird banding station. The applicant is seeking approval for a duration of 18 months.

Project History:

- BOA 23-01-0140:
 - Application Submittal: January 19, 2023
 - Board of Appeals Hearing: January 17, 2024
 - Conditional Use Approval: March 5, 2024
 - Conditional Use Expiration: March 5, 2025
- BOA 25-03-0210:
 - Application Submittal: March 4, 2025
 - Board of Appeals Hearing: August 20, 2025

FACTS AND FINDINGS

- The subject parcel is located within the Countryside (CS) and Agricultural (AG) zoning districts.
 - The proposed project site is located within the CS zoning district.
 - No development is proposed within the AG zoning district.
- The CS zoning district purpose is:
 - §18:1-15.A: The Countryside (CS) district is intended to preserve and protect the rural and agricultural areas of the County that generally lie within the Chesapeake Bay Critical Area and contain extremely sensitive natural resources.
- The proposed bird banding station will be utilized by Washington College for education and research, which qualifies as a nonprofit institutional use.
- Chapter 18 Appendix A: Glossary
 - *INSTITUTIONAL USE* – B. Institutions such as aquariums, youth camps, cemeteries, churches, conference centers associated with nonprofit institutions, community or recreational centers, gymnasiums, privately owned libraries or museums, indoor recreational centers, public or private schools, indoor skating rinks (ice or roller), indoor swimming pools, tennis, racquetball, handball courts, rural country clubs and all other indoor recreational uses.
- In accordance with §18:1-15.C.(13), nonprofit institutional uses are conditional uses in the CS zoning district.
- On March 5, 2024, the Board of Appeals approved conditional use for a proposed bird banding station on the subject property.
 - The conditional use expired March 5, 2025.

EXISTING CONDITIONS:

- The subject parcel, Tax Map 4 Parcel 109, totals 415.321 acres and is owned by Grasslands Plantation, Inc.
- Located at Round Top Road in Chestertown, MD.
- The parcel is currently being utilized for agricultural purposes and contains several outbuildings and silos.
- A moveable tunnel station for avian research exists on-site.
- The subject parcel is completely encumbered by a Rural Legacy Easement.
 - Maryland’s Rural Legacy program, which is managed by the Maryland Department of Natural Resources (DNR), protects large tracts of land rich in agricultural, natural, forestry or cultural resources.
 - DNR and the developer are currently in the process of developing an amended Rural Legacy Easement that would allow the bird banding station to be sited in the proposed location.

PROJECT DETAILS:

- The applicant is proposing a bird banding station comprised of a 2,082 sq. ft. main building, a 432 sq. ft. trellis, a 576 sq. ft. pavilion, and an 80 sq. ft. shed.
 - According to §18:1-93.B.(10)(a), conditional use shall become null and void if construction work has not begun within one year of the signing of the final site plan or plat; or one year from the date of conditional use approval; or a larger period of time as set by the Board of Appeals when granting approval.
 - The applicant did not seek use approval beyond one year with previous application BOA 23-01-0140, which is now expired.
 - Currently, the applicant is seeking approval for a duration of 18 months.
- The proposed bird banding station will be located on a 300’ x 500’ leased area within the Countryside zoned portion of the subject parcel.
 - A lease agreement will be recorded prior to site plan approval.

- Access to the site will be taken from Kennel Lane, through the adjacent property owned by the Gruber's.
 - Mr. Gruber is currently the Master Bander at the Foreman's Branch Bird Observatory.
 - An access agreement will be recorded prior to site plan approval.
- All required setbacks for the CS zoning district have been met.
- Building height:
 - Maximum permitted ----- 45'
 - Proposed ----- 23.5'
- Non-residential Floor Area (FAR):
 - Maximum permitted (10%) ----- 1,218,221 square feet
 - Existing (0.003%) -----288 square feet
 - To Be Removed ----- 288 square feet
 - Proposed (0.02%) -----2,162 square feet
- Impervious surface area:
 - Maximum permitted (30%) -----83.899 acres
 - Existing (1.0%) -----2.70 acres
 - To Be Removed ----- 0.007 acres
 - Proposed ----- 0.304 acres
 - Total (1.1%) -----2.997 acres
- Parking:
 - Required ----- 12 spaces
 - Provided ----- 12 spaces
- The project will be served by a well and septic system.
- Stormwater management has been proposed as shown on sheet C-4. The Department of Public Works will continue their review throughout the site plan process.
- Proposed lighting will comply with the exterior light standards found in §18:1-85.
- Proposed identification signage will comply with the sign performance standards found in §18:1-81.A.(10).

Environmental Details:

- The project meets all landscape planting requirements. This includes on-site and parking lot landscaping.
- Tidal wetlands, nontidal wetlands, streams, woodlands, floodplain, and steep slopes exist on the property.
 - No disturbance to these features is proposed.
- The subject parcel is partially located within the Sensitive Species Project Review Area.
 - A letter dated 4/4/2023 from the Maryland Department of Natural Resources (DNR) indicates Delmarva fox squirrel and Forest Interior Dwelling Bird habitat exist within the forested areas on-site.
 - No disturbance within the Sensitive Species Project Review Area or to forested areas is proposed.
 - DNR offered no objections to the proposed project.
- The requirements of the Forest Conservation Act will be met through the retention of 0.73 acres of existing upland woodlands within the lease area.
- 73.794 acres of the property are located within the Chesapeake Bay Critical Area Resource Conservation Area (RCA) designation.
 - No disturbance within the Critical Area is proposed.

CONDITIONAL USE STANDARDS:

Approval Procedures:

§18:1-93.B(9) In approving the application for any conditional use, the Board of Appeals may impose such restrictions and conditions as it determines are required by the general purposes, goals, and objectives of the Comprehensive Plan and this Chapter 18:1 to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, and welfare of the County. All conditions imposed upon any conditional use approval shall be expressly set forth in the resolution granting such conditional use approval.

General Use Standards:

§18:1-94 An application for a conditional use may not be approved unless the Board of Appeals specifically finds the proposed conditional use appropriate in the location for which it is proposed, based on the following criteria:

- A. The proposed use at the proposed location shall be consistent with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this Chapter 18:1, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.
- *Nonprofit institutional uses are a permitted conditional use in Queen Anne's County under §18:1-15.C.(13).*
 - *2022 Comprehensive Plan Chapter 4: Land Use*
 - *Map 4-9, Comprehensive Plan Map: Countywide Land Use: Identifies the property as Permanently Preserved Lands.*
 - *The subject parcel is completely encumbered by a Rural Legacy Easement. DNR and the developer are currently in the process of developing an amended Rural Legacy Easement that would allow the bird banding station to be sited in the proposed location.*
 - *2022 Comprehensive Plan Chapter 5: Environmental Resources*
 - *The Environmental Resources Vision indicates that the County remain a rural, agricultural, and maritime County that restores, enhances, protects, conserves, and stewards its valuable lands by conserving and protecting agricultural lands, open spaces, woodlands, wetlands, and wildlife habitat. Page 5-1*
 - *Tidal wetlands, nontidal wetlands, streams, and woodlands exist on the subject parcel. No disturbance to these features is proposed. The subject parcel is completely encumbered by a Rural Legacy Easement. DNR has reviewed the proposed project and offered no objections.*
 - *Map 5-3, Chesapeake Bay Critical Areas: Identifies the subject parcel as being partially located within the Critical Area with a designation of RCA.*
 - *No disturbance is proposed within the Critical Area.*
 - *Map 5-4, Species Habitats: Identifies the subject parcel as being located within the Sensitive Species Review Area.*
 - *Sensitive species in the area will not be negatively affected, as there is no disturbance proposed within Sensitive Species Review Area or forested areas. DNR has reviewed the proposed project and offered no objections.*
- B. The proposed use at the proposed location will not result in substantial or undue adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare.
- *The proposed use does not appear to be inappropriate in this location. It will be located on an isolated farm. The adjacent neighbor, James Gruber, is currently the Master Bander at the Foreman's Branch Bird Observatory. Adequate parking will be provided on-site.*

C. The proposed use at the proposed location will be adequately served by, and will not impose an undue burden on, any of the required improvements referred to in this Chapter 18:1, Part 7. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use at the proposed location, the applicant shall, as part of the application and as a condition of approval of the conditional use, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Chapter 18:1, and other plans, programs, maps, and ordinances adopted by the County.

- *The subject site is located on an isolated farm and will be served by a well and an on-site sewage disposal system. An existing road will be utilized for access to the site. It will be graded and topped with 2" of stone by the developer.*

CONCLUSION:

No agencies that have reviewed this Concept Plan have offered objections to its approval.

Staff does not object to the Board of Appeals granting conditional use approval under §18:1-15.C.(13), to permit a bird banding station comprised of a 2,082 sq. ft. main building, a 432 sq. ft. trellis, a 576 sq. ft. pavilion, and an 80 sq. ft. shed, and approval for a duration of 18 months, which is more particularly described in Planning & Zoning file BOA 25-03-0210, subject to the following conditions:

1. Any remaining edits and/or documents required by a reviewing agency, the Department of Public Works or Planning & Zoning be reviewed and approved prior to site plan approval.
2. The amended Rural Legacy Easement must be recorded prior to site plan approval.
3. The lease and access agreements must be recorded prior to site plan approval.



Steven Johnson

Attachment:
Staff Report 1/17/24 BOA 23-01-0140