

## M I N U T E S

The Kent County Planning Commission met in regular session on Thursday, January 7, 2010, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; F. Joseph Hickman; Rev Ruben Freeman; Jay Lancaster; Pat Langenfelder; William Sutton; Roy Crow, Ex-Officio Member; Gail W. Owings, Planning Director; Carla Gerber, Community Planner; Amy Moredock, Environmental Planner; G. Mitchell Mowell, Planning Commission Attorney; and Kim Dixon, Secretary.

Ms. Morris called the meeting to order at 1:30 p.m.

### MINUTES

The Minutes of the December 3, 2010, meeting were approved with minor adjustments.

### APPLICATIONS FOR REVIEW

**Andover River Acres – Major Subdivision – Final Review** – John Stoltzfus is requesting final approval of Phase II of Andover River Acres (Lots 18-51, 34 lots). The subdivision is located just east of Millington on MD Route 291 in the First Election District and is zoned Community Residential. The surrounding area includes houses along Rt. 291 and the town of Millington.

Ms. Gerber reviewed the history of the project noting that the Planning Commission granted final approval of Phase I at its February 2003, meeting and preliminary approval of Phase II at its October 1, 2009, meeting.

Ms. Gerber also reviewed the applicable laws to include: Article V, Section 6.5 which establishes the yard and area requirements; Article V, Section 6.6 which establishes the open space requirements for subdivisions; Article V, Section 6.7 which establishes the environmental standards; Article V, Section 6.7.B.2 and Article VI, Section 8 which establish the requirements for forest conservation; Article V, Section 6.8 which establishes design standards for Community Residential District; and Article VI, Section 6.3.B.15 which directs the Planning Commission to prepare findings of fact.

Staff and TAC noted that all of the lots, with the exception of Lot 40, meet or exceed the bulk requirements. Mr. Stoltzfus is proposing to leave 67.105 acres as “open space”, which is 63% of the total tract area. This area includes the stormwater management facility and easements, overhead power line easement, forest conservation area, steep slopes and floodplain. A Forest Stand Delineation and Forest Conservation Plan have been submitted. Mr. Stoltzfus plans to reforest 2.056 acres on-site and pay a fee-in-lieu to cover the rest (3.118 acres). A landscaping plan has been submitted. A traffic study has been submitted showing that even at full build out, traffic remains at Level of Service A. The State Highway Administration has reviewed the plans and has no comments at this time.

Staff recommends final approval contingent upon recordation of the stormwater maintenance agreement, approval of the deed restrictions and all letters of credit, and payment of all fees.

Present and duly sworn was Tristan Stewart, McCrone, Inc. and John Stoltzfus, applicant.

Correspondence was received from Thomas and Marilyn Figgs. They continue to be concerned regarding the stormwater from Andover River Acres running across their property.

Mr. Stewart testified the stormwater issue has been addressed by installing a ditch in front of the Figgs property. He supplied the staff with a copy of the recorded Water Quality Maintenance and Inspection Agreement. He explained this is the same plan as previously presented to the Planning Commission with the exception of the small area of road frontage being combined into parcel 33. Parcel 33 will have no access to Route 291. He stated he has verbal approval on the engineering and the forest conservation numbers have been reconciled with staff.

Reverend Freeman asked who will maintain the berm. Mr. Stewart stated it will not need to be maintained; however, it will part of the landscape maintenance agreement.

Mr. Hickman asked if there are one or two homeowners Homeowner's Associations for Phase I and Phase II. Mr. Stoltzfus said there will be one Homeowners Association for both phases.

There were no comments from the audience.

The applicant did not make a closing statement.

After a brief discussion, Mr. Hickman made a motion to grant final subdivision approval to Andover River Acres Phase II finding:

- The project is consistent with the Comprehensive Plan.
- The project complies with Federal, State and County regulations.
- Vehicular safety has been addressed.
- There will be reasonable demands on infrastructure.
- The project will be supplied by private water and sewer.
- The Forest Conservation Plan has been addressed by planting and paying into the fund.
- The open space will be deeded to the Homeowners Association.
- The landscape plan has been approved.
- The stormwater management plan is adequate with the addition of a berm on lots 31 and 33.
- Letters of credit must be approved.
- Deed restrictions are under review.
- All fees must be paid.

The motion was seconded and approved unanimously.

## General Discussion

Ms. Owings asked the Planning Commission members if they have any suggestions regarding the Commission procedures, educational needs, packet organization or memo organization. During a discussion the following points were made:

- The members feel they receive adequate information.
- A check list is needed to assist with making motions. Perhaps a standard form for each type of application would be of assistance.
- The smaller plans in the packets work much better. Having one set of large plans at the meeting would allow for more information, if needed.
- For new types of applications or for complicated applications, it is helpful have some background information on the subject or fuller explanations of the law/ordinance.
- The length of meetings should be addressed if possible. Need to be careful to make sure all applications are given equal consideration. Staff reports do not always need to be read in their entirety, a brief summary and staff/TAC comments may be sufficient.
- Staff reports should be made available to the public for review by Tuesday prior to the meeting. The public should be notified of this in the meeting notice letter that is sent to adjoining property owners.
- Applications placed on the Planning Commission agenda should be complete.
- Members like the information being secured in a binder.

## STAFF REPORTS

**Amy Moredock** – The Sassafras River Association has completed the Sassafras River Watershed Action Plan (SWAP). This Plan is equivalent to Watershed Restoration Action Strategies (WRAS) which have been completed in the past in the Upper and Middle Chester Rivers. The SWAP has been approved by EPA. The Sassafras River Association will hold a stakeholders meeting in February. The Core Team will focus on implementation.

**Carla Gerber** – Census 2010 is quickly approaching, so don't be surprised if you start seeing notices and other reminders. Everyone needs to be counted. Census Day is April 1, 2010. A Complete Count Committee meeting will be held on January 25, 2010, at the new Community Center.

**Mitch Mowell** – Mr. Mowell did not have a report.

**Gail Owings** – A letter was received from Rich Hall regarding the required training for Planning Commission members. Gail explained the on-line training is estimated to take approximately six hours. She asked if the members would like for staff to tailor the program for Kent County. The members agreed this would be helpful and suggested a weekday, evening meeting. They also agreed the towns should be included.

There being no further business the meeting was adjourned at 2:50 p.m.