

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, November 3, 2016, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; Ed Birkmire; James Saunders; Kim Kohl; William Crowding; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Stephanie Jones, Environmental Planner; Katrina Tucker, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

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

## MINUTES

The minutes of October 6, 2016, meeting, were approved as presented with correction of a misspelled word.

## APPLICATIONS FOR REVIEW:

**Radcliffe Cross – Nomination for Historic Site Designation.** John W. and Elionora Silbersack, owners of the property at 8046 Quaker Neck Road, submitted a nomination form seeking designation of the property as a Historic Site and listing in the Kent County Register of Historic Places. This 20.05 acre property is zoned Critical Area Residential and is in the Seventh Election District. The main house has been documented in the Maryland Inventory of Historic Places (MIHP) as K-86, Radcliffe Cross (also known as Ratcliffe or Ratcliff Crosse). The house was built initially in 1770 and has subsequently been enlarged, altered and renovated over the years. Architecturally, the house is significant for its Greek Revival façade which reflects an historical influence not commonly found on the Eastern Shore.

Present and duly sworn in were Cherilun E. Widell, Historic Preservation Consultant of Widell Preservations Services, LLC, representing the applicants, and Katrina Tucker, Community Planner.

Ms. Tucker gave an overview of the application and cited all applicable laws of the *Code of Public Laws of Kent County* to include Chapter 187,; Historic Preservation Section 187-5 which establishes the procedure and criteria for designation.

Ms. Widell gave an overview and history of the property over a period of 200 years. The intention of the Silbersacks' is to do a substantial rehabilitation of the historic building that would protect the character as well as the defining features of the building inside and out, but also make it livable in the twenty-first century. The Historic Designation would enable the Silbersacks to take advantage of the Maryland Historic Tax Credits for Historic properties.

Mr. Crowding asked if including the two out-buildings in Historic Site Designation prevents the buildings from being demolished.

Ms. Widdell stated that including the buildings it would prevent demolition of the buildings unless the owner came before the Historic Preservation Commission. It also enables the owner's the opportunity to take advantage of the historic tax credits and there is interest in rehabilitation of these two buildings.

Ms. Morris asked if there was a written history or diary of the work or changes that were made over the past 200 years.

Ms. Widdell noted the research done by Marcia Fritz, the original surveyor who prepared the MIHP form for the Maryland Historical Trust.

After much discussion and consideration of the testimony and all applicable laws, Mr. Hickman made a motion to forward a favorable recommendation to the Commissioners of Kent County for the Designation of the property located at 8046 Quaker Neck Road also known as Radcliffe Cross as a Historic Site and listing the Kent County Register of Historic Places based on the following findings and recommendations:

- The initial structure dates to the 18<sup>th</sup> century but is currently significant for its Greek Revival facade which reflects an historical influence not commonly found on the Eastern Shore;
- The property embodies the distinctive characteristics of a type, period, or method of construction or architecture; and
- The property possesses significant artistic value; and ,
- It is a rare example of a particular period and style.
- For two–hundred years, Radcliffe Cross was the home of the Sudler family who were subscribers of Washington College. More recently it had been the residence of Richard Ben Cramer, a Pulitzer Prize winning author for the Baltimore Sun and Philadelphia Inquirer,
- Preserving this structure is important for maintaining the community’s character.
- The favorable recommendation of the Historic Preservation Commission based on the main house and the applicant’s addendum that includes the survey, listing, and identification of the location of contributing outbuildings on the property 8046 Quaker Neck Road meeting the criteria as a Historic Site and listing in the Kent County Register of Historic Places.

Ms. Kohl seconded the motion, and it was approved unanimously.

**#16-01 P. Thomas Mason and Oxford Chase Development, Inc., is requesting minor subdivision and preliminary site plan approval to construct a 9,115 square foot Dollar General Retail Store on a 1.302-acre lot proposed to be subdivided from the existing 28.014 acre parcel owned by Thomas P. Mason located in Worton at the corner of Route 297 and Porter’s Grove Road. In addition to the proposed retail store, the site plan consists of 46 automobile parking spaces (including 2 handicapped spaces), 1 bike rack, a dumpster pad, and 1 truck loading/unloading area located behind the building. After development, the 1.339-acre site will have 0.79 acres of impervious surfaces or 61% of the property.**

The applicant also requests approval of an outdoor storage area. The site plan was amended to reflect one access point to the property from a primary road (MD Route 297) per the Planning Commission’s August 2016 recommendation. Therefore, the applicant further requests approval of access by way of the primary road and two direct access points onto a primary road from an individual parcel of record as of 1 August 1989 (created by the subdivision of Parcel 4, Tract 1 into 2 lots of record).

Citing a conflict due to business associations with Mr. Mason, the land owner, Chairperson Morris recused herself from acting as Chair and from deliberations on this application. Ms. Morris left the dais. Vice Chairman Sutton acted as Chair for this application.

Present and duly sworn in were the applicant, John Camp of Oxford Chase Development, Inc.; David Strauss of McCrone; and Ms. Moredock, Planning Director.

Ms. Moredock gave an overview of the application and cited all applicable laws of the *Kent County Land Use Ordinance* to include Article V, Section 7.5 which establishes the density, height, width, bulk, and fence requirements; Article V, Section 7.8.C.10 which establishes the Village District Subdivision standards; Article VI, Section 6.2.2 which establishes the Minor Subdivision General Requirements; Article VI, Section 6.3 which establishes the Minor Subdivision review procedures; Article VI, Section 6.4 which establishes the Plat Requirements; Article V, Section 7.6 that establishes the Village District general standards; Article V, Section 7.7 that establishes the Village District environmental standards; Article VI, Section 9 that establishes the sediment and erosion control standards; Article V, Section 7.8.C.1 that establishes the Village District specific design standards to include Planning Commission review of access by way of the primary road in order to promote traffic safety and two direct access points onto a primary road from an individual parcel of record as of 1 August 1989; Article V, Section 7.8 that establishes the Village District general and specific design standards; Article VI, Section 1 that establishes the parking, loading, and bicycle parking standards; Article VI, Section 5 that establishes the procedures and standards for site plan review; and Article V, Section 7.2.16 that establishes neighborhood retail businesses are a Permitted Principal Uses and Structures for the Village District and includes provisions for the review of outdoor retail sales.

Mr. Strouss gave an overview of the changes that were made since the preliminary site plan was presented at the August 4, 2016 meeting. Mr. Strouss pointed out the entrance on Porters Grove Road has been removed and the entrance on 297 was widened to 35/36 feet wide to accommodate the new truck traffic pattern. A pedestrian striped paved walkway will be provided for pedestrians that approach the entrance from the shoulder of Route 297 that will extend to the front entrance of the building.

Mr. Crowding asked Mr. Strouss to state the elevation of the parking lot above 297. Mr. Strouss stated the parking lot will be approximately 4 feet above the road. Discussion ensued regarding elevation of parking lot, cart safety, outside sales area, forest conservation requirements, landscape standards within the parking lot, and stormwater management. The members discussed the County Engineer's findings relative to the safety of the proposed entrance on MD Route 297. The members also noted State Highway Administration comments relative to the proposed entrance location.

Testimony from the general public was offered by Kathleen Benarick, a resident of Worton, MD. Ms. Benarick stated the color scheme was not attractive with the bright yellow color and asked corporate office to reconsider the signage color scheme. Ms. Benarick also disapproved of the proposed entrance on MD Route 297.

After much discussion and consideration of the testimony and all applicable laws, Mr. Hickman made a motion to grant approvals of the supplementary reviews requested based on the following findings:

- In accordance with the County Engineer's and State Highway Administration's findings relative to the proposed entrance on MD Route 297, the Commission finds that the proposed access by way of the primary road promotes traffic safety.
- Further, in light of SHA's acceptance of the proposed entrance, the Commission finds that the two direct access points onto the primary road as proposed in the preliminary site plan and minor subdivision plat prove a benefit to the safety and operation of the highway.
- An area of outdoor storage is hereby approved not to exceed 25 linear feet as designated on the plan and to consist solely of sale/storage of an ice machine, water, and seasonal merchandise.

Mr. Hickman further motioned to grant preliminary approval of the overall preliminary site plan based on the following findings:

- The proposal is consistent with the following Comprehensive Plan goals and strategies:
  - Implement the County's Comprehensive Water and Sewer Plan.
  - Insure that future development, redevelopment, and infill is completed in an environmentally and context sensitive manner.
  - Encourage comprehensive stormwater management.
  - Require developers to work with a citizen's participation program.
  - Promote towns and villages.
- The site plan has been amended to reflect one access point to the 1.302-acre lot from a primary road (MD Route 297) per the Planning Commission's August 2016 recommendation.
- The applicant has identified 46 parking spaces resulting from the construction of the 9,115 square foot retail business. Two handicapped spaces have been provided. A bike rack has been provided.
- A 52'X16' loading/unloading area has been identified on the site plan.
- Vehicular and pedestrian movement has been addressed by the applicant on Sheet No. P-2/Preliminary Truck Turning Plan.
- Lighting is to be by surface mounted lights on the building. These lights will be dark sky compatible.
- The Health Department has approved the submittal.
- The property is served by the Worton public sewer and water systems.
- The Commission accepts a fee in lieu payment in order to meet the Forest Conservation requirement.
- Conceptual landscaping and screening detail has been provided and appears to be adequate. The combination of deciduous trees and shrubs is commendable; the species have been identified and consist mainly of native cultivars.
- Landscaping around the building is provided at the ground level.
- A tree is proposed to be planted in each bump out located amidst the contiguous parking spaces. Groundcover must be added to these areas in accordance with Ordinance requirements.
- While the building design is not typical to Worton, it reflects a scale which is compatible with the area. The building is surrounded by existing commercial structures which are comprised of block, metal, wooden siding, as well as industrial buildings such as the County Water Treatment building, ground crew buildings (both pole and concrete block), as well as the more modern Community Center.
- Signage has been addressed and meets the Ordinance provisions. All proposed signage will be illuminated by indirect lighting.

In order to receive final site plan approval, Mr. Hickman noted that the applicant must address and/or submit the following outstanding items:

- Stormwater management and water quality improvements which address a 10% pollutant load reduction must be addressed.
- Sediment and erosion control must also be addressed.
- Sureties for the sediment and erosion control, stormwater management, and landscape plans must be submitted.

Mr. Birkmire seconded the motion, and the motion passed with 4:1 vote with Mr. Crowding voting against the motion.

The Planning Commission offered the following conceptual comments relative to the minor subdivision application:

- The subdivision is consistent with the Comprehensive Plan and in the intent of the Village Zoning District.
- The subdivision generally is consistent with the Village District Specific Design standards.
- The subdivision creates a corner lot with frontage located along a primary, state road (MD Route 297) and along a secondary, county road (Porter's Grove Road).
- Both the County Roads Department and the State Highway Administration have reviewed the proposal.
- The Health Department has approved the submittal.

In order to receive minor subdivision approval, the applicant must address and/or submit the following outstanding items:

- The Kent County Water and Wastewater Department requires the applicant to purchase the water and sewer allocations prior to approval of the subdivision plat.
- All letters/findings affiliated with the analysis of the cost of providing local government services to the proposed subdivision must be provided.
- The open space fee must be paid.
- The Forest Conservation fee in lieu payment must be submitted.

## Staff Reports

Amy Moredock:

- An order was issued by the Public Service Commission finding that the Forest Conservation Act applies to the two utility scale solar energy cases before them, OneEnergy BlueStar being one of those cases. Ms. Moredock recently discussed FCA compliance with OneEnergy staff and the property owner. They have received preliminary site plan approval conditioned upon the resolution of this matter (among other technical details). OneEnergy staff anticipates this project moving forward with final site plan review in early 2017.
- Mr. Mowell and Ms. Moredock met with Power Plant Research Program staff on 1 November to discuss another utility scale solar energy project proposed to be constructed on the Clark Farm (multiple properties located in the County and within the Town of Chestertown's priority designated growth area and adjacent to the recent Dixon Valve annexation project). If this case were to proceed, it would be the second preemption case for the PSC and the County. PPRP staff stated that they have consulted with the developers and discouraged them from proceeding with the application in light of the pending Mills Branch Solar case. Staff has kept Chestertown Zoning Administrator apprised of the situation.
- Utility Scale Solar Project inquiries continue to be made in Kent County on land which is zoned agricultural zoning district.
- Kent County TMDL Committee met on 18 October to discuss Kent County Phase II Watershed Implementation Plan implementation and the state's plans to develop the Phase III WIP.
- Maryland Association of Floodplain and Stormwater Managers 12<sup>th</sup> Annual Conference was held on 20 October. Rick Myers and Ms. Moredock attended. Brian Ambrette, ESLC Coastal Resiliency Specialist, and she co-presented a session on the Kent County Coastal Resiliency and Vulnerability Study.
- Ms. Moredock will be either presenting or sitting on panels at the following meetings in order to share Kent County's experiences with the PSC and the preemption process: Maryland Association of Counties County Administrators Annual Conference on 10 November; the Maryland Sustainable Growth Commission's regional meeting on 14 November; and the MACo Winter Conference on 8 December.

Stephanie Jones:

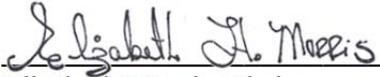
- Approved two administrative buffer variance hearings on October 17, 2016 to allow septic system BAT upgrades within the 100-foot Critical Area Buffer.
- TMDL committee met October 18, 2016 for their quarterly meeting. Discussed workshops that members previously attended including the Choptank River Symposium and Best Management Practice, Inspection, Maintenance and Retrofit Workshop. Members discussed the Climate Change and Sea Level Rise Adaption Report and other projects members are working on. The Phase III WIP conference that Ms. Moredock and Ms. Jones attended on October 5, 2016 was discussed as well.
- Will be attending the Eastern Shore Land Conservancy Annual Conference titled “Food Fight” that will be held on Kent Island at the Chesapeake Beach Club on November 10<sup>th</sup>.

Katrina Tucker:

- MARBIDCO (Maryland Agricultural and Resource-Based Industry Development Corporation) has continued to refine the Next Generation Farmland Acquisition Program (NGFAP) being application, process, and a criteria as well as what they will require from the counties in support of the applications. They have included MALPF staff, the local county Program Administrators, and the Administrators of local land trusts such as the Eastern Shore Land Conservancy through meeting, conference calls, and emails in the crafting of the application and process. MARBIDCO anticipates rolling out with the program as early as summer of 2017.
- The Historic Designation Nomination that was presented to the Planning Commission today was the first application submitted in the past several years. The HPC was pleased to see this interest in the preservation and rehabilitation of historic structures.
- The Historic Preservation Commission (HPC) is in the process of reviewing the Historic and Cultural Preservation element for the Comprehensive Plan update. A meeting is scheduled for November 14<sup>th</sup> at which they assemble their individual comments into a collective recommendation of comments, edits and suggestions from the HPC.
- The Historic Preservation Commission (HPC) conducted stewardship visits of properties on the Kent County Register of Historic Places. The involvement and participation of the members of the HPC is appreciated.
- Several of the MALPF (Maryland Agricultural Land Preservation Foundation) easement applications that were submitted in 2014 are just now being settled. Currently conducting the baseline inspections of the farms and reports that are required prior to settlement. Additionally, appraisals are being performed for the eight applications that were submitted to MALPF in the Spring of 2016. Two separate appraisals by different appraisers are done for each property. Have worked with both appraisers by phone, meeting, and/or email to address their inquiries concerning the County’s zoning and density determinations.
- The Kent Conservation and Preservation Alliance was awarded one of the Six-to-Fix” awards from *Preservation Maryland* for their cultural landscape application for the Chesterville/Morgneec Creek area of Kent County. That organization will be eligible to receive assistance to obtain grant funding to further that application and the *Stories of the Chesapeake Heritage Area*.
- Will be attending the Eastern Shore Land Conservancy Annual Conference titled “Food Fight” that will be held on Kent Island at the Chesapeake Beach Club on November 10<sup>th</sup>.

**General Discussion:**

There being no further business for the good of the organization, the meeting was adjourned at 3:17 p.m.

  
Elizabeth Morris, Chairman

  
Tonya L. Thomas, Clerk