

MINUTES

The Kent County Planning Commission met in regular session on Wednesday, September 7, 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; William Crowding; and Joe Hickman. Staff in attendance were: Katrina Tucker, Community Planner and Acting Clerk; Stephanie Jones, Environmental Planner; and G. Mitchell Mowell, Planning Commission Attorney.

Ms. Morris called the meeting to order at 6:30pm.

MINUTES

The minutes of August 4, 2016 meeting were approved as presented.

APPLICATIONS FOR REVIEW

There were no applications for review for the meeting in September 2016.

STAFF REPORTS

Mitch Mowell:

- The County's legal brief for the Mills Branch Solar Energy case was filed.
- Keep Kent Scenic also filed a brief in this case.
- Rebuttal Briefs Due - 15 September.

Amy Moredock (presented by Ms. Tucker):

- An Administrative Buffer Variance was granted on 29 August regarding a septic system upgrade to Best Available Technology (BAT) located within the 100 foot Critical Area Buffer.
- Met with the Kent Community Breakfast Group meeting on 18 August to discuss the Comprehensive Plan update.
- Met with the Talbot County Solar Energy Workgroup on 23 August to share Kent County's renewable energy experiences relative to solar energy (Renewable Energy Task Force and Public Service Commission).
- Held a public meeting on 24 August regarding the Kent Coastal Vulnerability and Climate Change Report; thank you to Planning Commission members Bill Crowding and Joe Hickman for attending the meeting. The draft document will be shared with the Planning Commission at the 6 October PC meeting.
- Keep Kent Scenic has filed to reopen the Mills Brand Solar case in order to submit and reconsider evidence relative to the Stories of the Chesapeake Heritage Area. The hearing regarding this request was held and the request was partially granted on 2 August. As a result, the Public Utility Law Judge has ruled that Keep Kent Scenic may ask 4 specific questions at an additional hearing, and he established the following revised schedule:
 - Hearing - 29 August at 10:30 am in Baltimore – This hearing yielded a procedural question about the Public Service Commission's (PSC) issuance of a Certificate of Public Convenience and Necessity (CPCN) with conditions that have been identified by the Power Plant Research Program (PPRP) staff at the Department of Natural Resources in their recommendation. The question relates to what regulatory mechanism would prompt

compliance with the PPRP condition that the Heritage Area approve the landscape plan for the site. If the Heritage Area does not approve the landscape plan (or should cite that there is no landscape plan which can off-set negative impacts to this heritage area), then who has the regulatory authority to enforce that denial and how would it be enforced.

- The motion that Kent County filed to Dismiss the PSC Law Judge Sober's preemption decision in the Mills Branch Solar case will be heard in Kent County Circuit Court at 8:30 am on 16 September.
- Will attend the MACo Planners Affiliate meeting on 9 September where renewable energy and preemption, BAT Septic System Regulations, Sprinkler Systems, and MDE wetland mitigation regulations will be addressed.
- Have been asked to sit on a panel at the Upper Eastern Shore WIP Workshop on 30 September in order to discuss local perspectives about the County's WIP II experiences and how the process could work in the future (for the development of the WIP III initiative).
- Planning the Maryland Association of Floodplain and Stormwater Managers 12th Annual Conference to be held on 20 October in Linthicum. Will be co-presenting with Brian Ambrette, Eastern Shore Land Conservancy (ESLC) Coastal Resiliency Specialist, a session at the conference regarding the Kent Coastal Vulnerability and Climate Change Report.

Katrina Tucker:

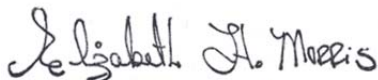
- The annual review of the County's Forest Conservation Program was held with Rick Myers, Kent County Chief Enforcement Officer, and Marian Honeczy, who is the Supervisory of the Urban and Community Forestry Division of the Maryland Department of Natural Resources Forest Service.
- Surveys related to the Comp Plan update continue to be submitted. Thus far, we are in receipt of a total of 430 surveys, both paper and on-line.

Stephanie Jones:

- The Choptank River Symposium was held on August 9 at Chesapeake College. The symposium focused on the status of the Choptank River, but also how the urban and agricultural best management practices used in the watershed can be applied to the entire Eastern Shore.
- Attended the public meeting on August 24 for the Kent Coastal Vulnerability and Climate Change Report.
- The Healthy Waters Roundtable BMP inspection and maintenance priority action group will be holding a workshop on October 5 for BMP Inspection, Maintenance and Retrofit, in which I will be attending.
- The Healthy Waters Roundtable sewer extension priority action group is holding a scoping meeting with MDE and MDP on September 12 to discuss and plan a workshop devoted to the Eastern Shore. Including the legal and policy framework for sewer extensions, wastewater treatment facilities, WIP credits, and financing.

GENERAL DISCUSSION

There being no further business for the good of the organization, the meeting was adjourned at 6:45 p.m. to convene the work-session on the update to the County's Comprehensive Plan



Elizabeth Morris, Chairman



Katrina L. Tucker, Acting Clerk