

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 7, 2013, in the County Commissioners Hearing Room at 400 High Street, Chestertown, Maryland with the following members in attendance: Elizabeth Morris, Chairman; Bill Sutton, Vice Chairman; Bill Crowding; Ed Birkmire; Joe Hickman; Jay Lancaster and Randy Bellows. Staff: Amy Moredock, Director of Planning, Housing, and Zoning; Carla Gerber, Community Planner; Bill Kerbin, Housing 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 February 7, 2013, meeting were approved as presented.

#### **Election of Officers**

Mitch Mowell conducted the Election of Officers. Elizabeth Morris was elected unanimously to serve as Chairman and Bill Sutton was elected unanimously to serve as Vice Chairman.

**Galena Sewerage Line Extension** - A letter from Dr. Leland Spencer, Health Officer, to Michael Wojton, Deputy Director Water and Waste Water Services, was presented to the members. This letter was written in response to the Kent County Commissioner's request to conduct a sanitary survey of the Georgetown and Olivet Hill communities. Dr. Spencer's letter documents that fact that findings have been made in the Georgetown area which could pose a significant threat to the public's health. He further recommends immediate planning and support for public sewer services in this area.

After some discussion, Mr. Hickman made a motion to send a favorable recommendation to the County Commissioners finding the extension of the sewerage line from Galena to Georgetown is in compliance and conformity with the Comprehensive Plan. The Planning Commission members further acknowledge that minor administrative changes in mapping may occur in accordance with Maryland Department of Environment comments. The motion was seconded and approved. The vote was six to one with Mr. Lancaster abstaining.

**Stoltzfus Properties – Growth Allocation Extension** – Stoltzfus Properties, LLC was granted growth allocation by the County Commissioners on its 7.015-acre parcel located on River Road (Route 291) and MD Route 301. The entire 7.015-acre property is to be re-designated from a Limited Development Area (LDA) to an Intense Development Area (IDA). The applicant is currently requesting that the Growth Allocation award, which expires on March 16, 2013, be extended.

The property is located in the First Election District and is zoned "CCA" Commercial Critical Area (a Limited Development Area). The surrounding area is characterized by single family dwellings along River Road and commercial development along MD Route 301.

Present and duly sworn were Bill Kerbin, Housing Planner, and Debra Orr, representing the applicant.

Mr. Kerbin reviewed the staff report noting the Applicable Law of the Kent County Land Use Ordinance to include Article III, Section 1 which establishes districts within the County; specifically, within the Intense Development Area of the Critical Areas, CCA parcels that have received growth allocation.

Staff recommends approval of the extension of the growth allocation awarded to this property for the project as outlined in the 2010 approval and in accordance with the restrictions, conditions, and limitations established by the Commissioners.

There was no correspondence in this matter.

Ms. Orr testified they have not started the project due to the economy, but they would like an extension of the growth allocation because they would like to have the ability to proceed with the project in the future.

There were no comments from the audience.

After a discussion, Mr. Hickman made a favorable recommendation to the County Commissioners to extend the Growth Allocation award in accordance with the restrictions, conditions, and limitations established in March 2010 finding:

- The reason the project has not proceeded is due to the economy.
- Neither the Ordinance, the Growth Allocation Policy, the state Code, nor the circumstances under which this project was reviewed in 2010 have changed.
- The applicant may not put forward any alteration to the 2010 proposal. The extension should expire within 3 years (March 2016) in accordance with the County Growth Allocation Policy.

The motion was seconded and approved unanimously.

**Kent County Erosion and Sediment Control Ordinance Update** – The Commission reviewed the draft revision of the Kent County Erosion and Sediment Control Ordinance, as well as amendments to the Definitions and Enforcement Sections of the Land Use Ordinance. The update to the Ordinance is mandated in accordance with the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications and the Stormwater Management Act of 2007 and pursuant to Title 4, Environment Article, Subtitle 1, Annotated Code of Maryland.

Ms. Moredock reviewed the staff report noting Applicable Law of the Kent County Land Use Ordinance to include Article XII, Section 6 which establishes the standards for the review and approval of a zoning text amendment.

After a brief discussion, Mr. Hickman made a motion to send a favorable recommendation to the County Commissioners of the update to the Erosion and Sediment Control Ordinance with the exception of lowering the threshold for sediment control review in the Critical Area to include projects which impacts of less than 5,000 square feet of disturbed area (Article VI, Section 9.2.c.i). In addition, he moved that the Commission recommend approval of the associated amendments to the Definitions and Enforcement Sections of the Land Use Ordinance finding:

- The Kent County Comprehensive Plan encourages stewardship of the Chesapeake Bay, its tributaries, and their watersheds through best management practices as proposed in the attached draft Ordinance.
- The Ordinance update addresses a public need to comply with state regulations in accordance with the Code of Maryland Regulations (COMAR) 26.17.01.

The motion was seconded and approved unanimously.

**Annual Report** – Under the provisions of SB280/HB295, the County is required to submit an annual report to the Maryland Department of Planning by July 1. The report must be adopted by the Planning Commission and filed with the County Commissioners.

Ms. Gerber reviewed the highlights of the Annual report to include development activity, number of permits, number of new dwellings, subdivisions and site plan activities.

After a brief discussion Mr. Sutton made a motion to adopt the Annual Report. The motion was seconded and approved unanimously.

## **STAFF REPORTS**

Bill Kerbin – nothing to report

Carla Gerber – The County’s request for an exemption of the “Septic Bill” prohibition on major subdivisions in Tier IV will be heard by the Sustainable Growth Commission on March 25, 2013. The Maryland Department of Planning will be making a favorable recommendation.

Mitch Mowell – nothing to report

Amy Moredock – She informed the members that the Bay Cabinet met with the County Commissioners to discuss the Watershed Implementation Plan and the cost of implementation. She reminded the members of the Joint Planning Commission meeting to be held on March 27, 2013, at 7:00 p.m. at the Kent County Community Center.

## **GENERAL DISCUSSION**

There was no general discussion.

There being no further business for the good of the organization, the meeting was adjourned at 3:07 p.m.

---

Elizabeth Morris, Chairman

---

Kim Dixon, Clerk