



MACLEOD
LAW GROUP LLC

Charles D. MacLeod, Esq.
cmacleod@mlg-lawyers.com

March 1, 2023

Kent County Planning Commission
c/o William A. Mackey, AICP
Director of Planning, Housing and Zoning
400 High Street
Chestertown, MD 21620
wmackey@kentgov.org

Re: Comprehensive Rezoning - Proposed Text and Map Amendment
Parcels 28 and 68; Tax Map 16

Dear Planning Commission Members:

With the understanding that the Planning Commission is now considering the findings and recommendations of the Comprehensive Rezoning Task Force ("Task Force") for purposes of making recommendations to the County Commissioners, the purpose of this letter is to supplement the September 2020 filing and request on behalf of the owner of Parcel 28 (49 +/- acres) and Parcel 68 (9.1 +/- acres) on Kent County Tax Map 16.

Maryland Structural Fabricators, Inc. is the owner of the subject parcels located on the east side of U.S. Route 301 at intersection of MD Route 313 (Galena-Massey Road). The southern boundary of Parcel 28 abuts the railroad line. The properties are currently zoned Industrial (I). In the proposed Land Use Ordinance update, the current Industrial zoning and Employment Center zoning are combined in a new Employment Center District (EC) intended to be located "in areas having one or more major highways, and clearly demonstrated suitable for the intended uses in so far as physical characteristics and relationship to surrounding development.) (Article II, Section 30). The subject parcels are suitable for the new (combined) EC District designation.

The original request (September 2020) to the Task Force focused on expanding permitted uses within the Industrial District to allow truck stops (aka travel plazas) and ancillary uses related to truck stops). Item P5 in the Proposed Task Force Recommendations paraphrases the original request as "to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial District." The Recommendation from the Task Force concludes that because the Town of Millington "expressed that it was not supportive" the Task Force withdrew its support. The weight given to the Town of Millington in this regard is perplexing given that the subject parcels are situated approximately 3.5 miles from the Town of Millington. The question within the context of comprehensive rezoning is the appropriateness of truck stops and ancillary land uses being permitted in the combined EC District zoning, particularly where the updated EC District will be mapped along major highways (i.e., U.S. Route 301).

Letter to Kent County Planning Commission

March 1, 2023

Page 2

Such an expansion of permitted uses in the new Employment Center District implements economic development and land use policies for the Route 301 corridor included in the 2018 Comprehensive Plan and advances the goals of objectives of the 2022 Kent County Strategic Plan for Economic and Tourism Development.

Your attention and consideration are appreciated. Should you need additional information or have any questions, please do not hesitate to contact us.

Sincerely,



Charles D. MacLeod

cc: Maryland Structural Fabricators, Inc

Town of Millington

Incorporated 1890

P. O. Box 330 - Millington, Maryland 21651

Phone: (410) 928-3880 Fax: (410) 928-5764

Website: millingtonmd.us

March 1, 2023

Mr. William Mackey, Director
Kent County Planning
400 High Street
Chestertown, MD 21620

Re: proposed zoning amendment

Dear Mr. Mackey:

In reference to the proposed zoning in the Route 301 Corridor Growth Area; the Town cannot comment on the proposed zoning map without the details in the Kent County Zoning text amendment that corresponds with this map. Prior to a final decision on County zoning in the Route 301 Corridor Growth Area; we feel County officials, Town officials, and property owners in the Planned Growth area need to be in agreement as to how each party can achieve its objectives in a mutually supportive manner. This may be achieved through a meeting to discuss among other things:

- Annexation, timing, agreements;
- Zoning, including entitlements;
- Sewer and water service;
- Workshop consensus; and
- Critical Area Growth Allocations.

The Town assumes properties in its Planned Growth area will be annexed and developed following Town zoning standards.

The Town of Millington supports Kent County's economic development objectives and has no objection to the County approving the pending warehouse project on the west side of US 301 only, provided off-site impacts (e.g., highway congestion, wetlands, endangered species, etc.) are addressed.

Sincerely,


Elizabeth Jo Manning
Town Administrator

Kevin Hemstock, Mayor

Michelle Holland, Council

Zita Seals, Council

Mark Linton, Council

Wayne Starkey, Council

**Redacted to remove personal email
address and personal phone number**

From: Ashley Kraemer
Sent: Wednesday, March 1, 2023 9:18 PM
To: Kent County Commissioners
Subject: March 2nd Meeting

Dear County Commission board,

I am writing to you in representative of our family regarding the scheduled County Commision Hearing scheduled for March 2nd, 2023.

It is with deepest regret that my husband and I will not be able to attend tomorrow's meeting due to work conflicts. However, I am writing to you in hopes that this message is recieved in consideration due to our lack of ability to attend.

Our family sought out Kent County to plant roots and start our own family in 2018. The opportunity of peaceful, neighborly connections. Opportunities of sitting outside in nature, soaking in the serene quiet the landscapes here in Chesterville offer. The many benefits and opportunities here made it an easy decision for us to choose this area to make our home.

With recently hearing about the Warehouse Project, knowing how similiar buildings have plowed through neighboring communities with our inlaws and the destruction it has caused on so many levels, it is a devastating thought for us that what we have all sought out and love could be greatly impacted I'm such a negative way. From properties being taken in preparation to construction, high dangerous traffic patterns, to constant big rigs flooding the streets, I fear the impacts of this within our community, environmental concerns and impacts with our local wildlife. Additionally, as a new mom again, infear the potential dangers that an increase in traffic could cause for those of us with smaller children. Where this safety that's been established can so quickly be jeopardized for corporate greed. I believe in growth and I celebrate ideas of new opportunities amid communities. However, this is a project that I cannot stand with.

I hope our concerns are understood, heard, and taken into consideration towards not approving this project. Although we will not be able to attend the meeting, I offer my contact information for any additional questions or information you may need from me. I have included my contact information below for your convenience.

I appreciate your time, considerations, and support in this matter in advance.

Sincerely,

The Kraemers

Redacted to remove personal email
address and personal phone number

From: B Vujanic
Sent: Wednesday, March 1, 2023 10:53 PM
To: William Mackey; Kent County Commissioners
Subject: Proposed Distribution Warehouse

Hello Mr Mackey & Kent County Commissioners -
I won't be able to attend the Planning Commission meeting tomorrow however I wanted to send a letter expressing concerns about the impact of building a large distribution center near Millington.

I strongly support our county attracting new business however not at the expense of creating an unhealthy and potentially unsafe environment for the people who live near the proposed site. Locals, anywhere in Kent County, should never have to worry about being impacted negatively when it comes to growth and expansion - especially if it could lead to future health issues and financial losses, such as reduced property values. We deserve better!

Residential communities, farms, local wildlife, streams that flow into our local Chester river **should be protected by our local government officials** from large businesses with deep pockets trying to change our area for their benefit. Please do not make exceptions for the Everton project which would likely have a negative impact on families in our county who have lived here for many generations and for new neighbors who chose to move to Kent County to get away from places much louder and less healthy. None of us want to live near a facility that will have large trucks coming and going at all hours of the day & night. Our quality of life should not be impacted by a project solely driven by dollars & cents which will likely not even stay within our county.

Putting such a large facility in our "neighborhood" is not wanted for the obvious reasons of being unsightly, noisy and creating massive traffic concerns. The road infrastructure for the area was not designed for such a facility which would most definitely have a high level of traffic. But the most important concern is the long-term health of the people living in the area.

Please put yourself in our shoes and understand our concerns and fears about this massive project.

Best regards, Brenda Vujanic

**Redacted to remove personal email
address and personal phone number**

From: Elizabeth Watson, FAICP
Sent: Thursday, March 2, 2023 12:35 PM
To: William Mackey
Subject: Watson comments for this afternoon's planning commission meeting

Dear Mr. Mackey –

Regarding this afternoon's planning commission meeting, I wish to register my deep concerns about the proposed rezoning of land west of Millington owned by Mr. Russ Richardson, and also the general tendency of recent discussion of the Planning Commission to allow reduction of land zoned for agriculture. For the record for future conversations by the commission, I support retention of the 10% rule.

I also wish to express concern about a series of decisions I see as related: allowing the reset of the subdivision of agricultural lands ("TF5. Review concept of a reset to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously.") and allowing utility solar development on agricultural lands ("P2. Request to allow utility-scale energy systems in the Agricultural Zoning District."). The rezoning of Mr. Richardson's lands falls within this category as well – the rezoning of agricultural land to both "employment center" and "intensive village" (in an area surrounded by resource conservation land) are both unwise and unwarranted.

I am also concerned about the mixed use zoning proposed by Mr. Richardson – should this proceed, I hope you will have highly experienced planning advisors and staff independent of Mr. Richardson's employment who can help the Planning Commission in its decision-making. You can get either poorly designed or well-designed development under a flexible zoning category like this; without excellent guardrails in terms of development review requirements, staffing attention, and a trained Planning Commission, Kent County is far more likely to get poorly designed development. There's a reason so many people are suspicious of new development, because so much of it everywhere is done poorly in terms of materials, design, layout, and environmental impact. For this important and highly visible location in the county for new development, we need the very best - not just the usual attempt to prevent the worst.

The intensive village proposal is especially egregious, and I am also concerned about any rezoning west of 301 altogether. Mill Branch is an especially clean and well-forested stream and benefits from the current, low-intensity uses in its watershed – regrettably not completely included in the mapping for the Maryland Critical Area. The existing zoning protects these conditions. I hope everyone realizes the implications of forest removal in that area and the incursion of residences with dogs and cats – it is important habitat for forest-interior dwelling species (FIDS), especially (but not limited to) the migratory songbirds that will shortly arrive back in our area. Kent County has precious little FIDS habitat, owing to our level, highly productive agricultural lands, so that forests are minimal in many parts of the county and deserving of great care to protect the FIDS habitat we do enjoy.

Kindly relay this to the Planning Commission's record for its discussion this afternoon.

Sincerely yours,
Elizabeth Watson

March 2, 2023

Good Afternoon, Planning Commissioners.

My name is Catherine W. Durham. I live at 10970 Dudley Chance Road. My property is at the corner of Dudley Chance Road and Chesterville Bridge Road.

I am here to tell you about my opposition to some of the recently requested zoning changes ('floating zones', etc.) for the 301 Growth Corridor.

The request to add more property to the Employment Center District, changing yet more property from its Agricultural zoning, along the 301 Growth Corridor, I feel is unacceptable.

This would not only take away more farmland from our area but would also promote even MORE potential traffic problems.

The already proposed 2 HUGE warehouses on Edge Road, with 132 tractor trailer bays and 400 parking spaces, are already posing a possible traffic nightmare for our area.

I realize a Traffic Study of the area is being done. Right now, the Traffic Study is not even looking at how traffic could be effected on the Chesterville Bridge Road and the intersection of it and 290 in Chesterville. The wooden bridge on this road does not have any truck/weight restrictions. Many Kent County citizens who live on Chesterville Bridge Road DO NOT want it or Chesterville to become another Edgar Price Road or Sassafra Road 299 and Warwick nightmare traffic disaster.

Would this Traffic Study take into account adding in even MORE warehouses with heavy traffic ... on properties that might be changed to Employment Center District zoning? And will this traffic study take into account the traffic from two other warehouses that are proposed for the east side of 301 near the same area? All Kent County officials SHOULD take ALL of this into account BEFORE thinking of changing anything more with zoning or regulations for this area!!!

When I think about the size and area that encompasses the 301/291 overpass and traffic circles and Edge Road/Howard Johnson Road that would have to handle this type of traffic, it is a relatively SMALL area/roadways. If compared to the intersection like the size of the one at 301/304 intersection (near Centreville, the QACHS, Tidewater Publishing,

etc.) ours is really small. The exchange at 301/304 is the size intersection THIS kind of traffic would need to accommodate ALL of the traffic that could occur if this chain-reaction of warehouses/other ECD growth starts... and just continues to grow! The roadways/intersections we have now are certainly NOT big enough to accommodate ALL this could turn out to be!

Where will this stop? Once you let one huge warehouse in, what's to stop more and more?... especially if constant zoning changes/ floating zones or whatever it is called, will occur each time a developer comes to the county and asks for changes to be made to accommodate them!

Now there is a request for yet more changes to happen to accommodate these huge warehouses. Why NOT put size restrictions on these huge buildings? I see there are none right now for the 301 Growth Corridor. For example, I think the height restriction of 45 feet is certain too tall already for our country area and now these land owners/developers want you to change it to 60 feet? Absolutely unacceptable! Oh, of course, and I quote from their writing... it is "to accommodate for the 'state of the art advancements in robotics and vertical storage technology'".

Think about what is happening here. If our county is not even going to control the SIZE of these warehouses, there is NO stopping what they will want to build...let alone what will be inside. And thinking on that, WHO will be 'monitoring' what really IS inside these buildings?

Is this the 'look' you want for our county? I, and certainly many of the Kent County citizens who live in the area of 301, do not want this 'look'. We also do not want the **pollution** that will come with ALL of this. Air pollution from all of the tractor trailers and cars in and out of all these buildings, noise and light pollution all hours of the day and night and how about MILLS BRANCH. Really. I know an Environment Report was done on the property on Edge Road. I DO NOT, however, understand why NO ONE, at this point, is CARING about the POLLUTION that WILL occur to this beautiful stream... that flows directly into the Chester River.

Isn't BEAUTY from our farms and our waterways what Kent County is ALL ABOUT? Isn't that what brings tourists here and people here to buy property and want live here? YES, it is! So WHY would it be OK to allow for all of this to happen to this part of Kent County?

I have lived in the Millington area my whole life. I was educated in Kent County Public School and was a Kent County Public School teacher for 35

years. My family and I have lived on Dudley Chance Road for 37 years. It IS a beautiful place to live! We have enjoyed the natural beauty of the woods and the surrounding farm lands, the peace and quiet and also the beauty of the Mills Branch in our backyard.

I know that growth in the 301 Corridor means MONEY for the county. I know our county needs money. I understand that. BUT.... Isn't it the Planning Commissions' job to (as quoted on your webpage) "Provide for the preservation and enhancement of the attractiveness of the county through good design and arrangement...etc."?

Please think about what is really happening here. The BIG picture. Changing more land to ECD and changing zoning rules and regulations in this area will have devastating effects on the area forever. It will change the way of life, as we know it now, for the people who live around the 301 / Millington area.

Please consider putting LIMITS on building sizes and also not making allowances for changes to the zoning rules so that these MEGA structures that are coming to invade us will have to follow the rules that are what is best for ALL Kent County citizens and NOT best for what these landowner/ developers want.

Respectfully submitted,
Catherine W. Durham
Allan V. Durham

Cc:
Kent County Commissioners:
Ron Fithian, President,
Albert Nickerson, Member
John Price, Member
Mike Moulds, Director of Public Works
Sheriff Hickman

**Redacted to remove personal email
address and personal phone number**

**Response by Galena
Priority Letter 2023**

From: John Carroll
Sent: Tuesday, February 28, 2023 10:13 AM
To: William Mackey
Subject: RE: follow up re: Priority Letter 2023

Hey Bill – sorry just sitting down to get back to some of my Town emails this morning. The Town of Galena would like to request the following for our SHA priorities:

- 1) Repave Rt. 290 E from traffic light in the center of town to Fire House entrance. Numerous pot holes and blisters in pavement.
- 2) Drainage improvements needed in the vicinity of 145 N. Main St. on the east and west side of the street.
- 3) Extension of sidewalks along Rt. 290 E from Town Hall to the Firehouse and entrance of the Olivet Hill Community.
- 4) Construction of a safe walk/bike trail along 213 N from the Town to Toal Park and Georgetown to improve pedestrian/bicyclist safety.

Thanks for reminding me and reaching back out!

Respectfully,

Mayor John Carroll