



County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland

**AGENDA**  
November 3, 2022  
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **889 060 383#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

**MINUTES**

October 6, 2022

**APPLICATIONS FOR REVIEW**

- 22-65 Massey Aero, LLC (Robert Dierker) – Site Plan Amendment ..... PC Decision  
33541 Maryland Line Road, Massey – First Election District – Agricultural Zoning District (AZD)
- 22-54 Mary Lou Hurtt – Major Site Plan (Preliminary and Final)..... PC Decision  
32762 Galena Sassafras Road – First Election District – Resource Conservation District (RCD)  
and Rural Residential (RR)
- 22-67 Everton Industrial – Major Site Plan (Concept)..... PC Review  
Map 31, Parcel 6, Part 1 – First Election District – Employment Center (EC)
- 22-80 Green's Septic and Excavation, LLC – Special Exception ..... Rec to BOA  
10252 Fairlee Road – Sixth Election District – Village (V)
- 22-79 Green's Septic and Excavation, LLC - Major Site Plan (Concept)..... PC Review  
10252 Fairlee Road – Sixth Election District – Village (V)

**GENERAL DISCUSSION**

**STAFF REPORTS**

**ADJOURN**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.



# DRAFT

## Planning Commission Department of Planning, Housing, and Zoning

### MINUTES

October 6, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, October 6, 2022, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, Ray Strong, James Saunders, and County Commissioner P. Thomas Mason. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Campbell Safian, Planning Specialist.

Members of the public in attendance included Richard Keaveney, Executive Director of the Animal Care Shelter of Kent County; and Brian Wood, KRM Construction.

Chair Hickman called the meeting to order at 1:30 p.m.

### MINUTES

Chair Hickman requested that "mediate" be changed to "mitigate" in the 5<sup>th</sup> paragraph of page 2 of the September 1 minutes. The sentence will read as follows, "Chair Hickman asked about what steps can be taken to mitigate glare for surrounding properties."

Chair Hickman moved to accept the minutes of September 1, 2022, with the correction. Mr. Ruge seconded the motion. The motion passed with all in favor.

### APPLICATIONS FOR REVIEW

22-65 Massey Aero, LLC (Robert Dierker) – Site Plan Amendment  
33541 Maryland Line Road, Massey – First Election District – Agricultural Zoning District (AZD)

On advice by counsel, Chair Hickman deferred the application to the November 3 Planning Commission meeting.

22-69 Animal Care Shelter of Kent County – Site Plan Amendment  
10168 Worton Road, Chestertown – Third Election District – Industrial (I)

The applicant is requesting an amendment to an approved final site plan to eliminate the proposed cat silo, the proposed enrichment building, and a portion of the proposed concrete sidewalk in order to construct a 30-foot by 46-foot pole building along with five feet of concrete walkway. According to the applicant, the proposed building is to be architecturally and aesthetically tied to the main structure. The five-acre property is located at 10168 Worton Road, Chestertown, MD in the Third Election District and is zoned Industrial (I). The surrounding area is characterized by agricultural land and residential uses.

Mr. Mackey presented the staff report, recommending that the Planning Commission not approve the submitted amendment to the final site plan. Staff further recommends that the applicant offer a revised design of the replacement structure that is in keeping with the original character and quality of the proposed buildings.

The Chair swore in Mr. Richard Keaveney, Executive Director of the Animal Care Shelter of Kent County, and Mr. Brian Wood, KRM Construction.

Mr. Keaveney and Mr. Wood presented their case as to the need for the site plan amendment. Mr. Wood stated that the round cat silo fit in with the community; however, it came at a very high price. A significant cost that KRM Construction needed to cut was the cat silo, in order for the project to fit into the budget. Mr. Wood is of the opinion that the proposed pole building, which will replace the cat silo, fits in aesthetically with the Animal Care Shelter's surroundings. The cat silo provided 416 square feet of usable space and the pole building will provide 1,300 square feet of usable space, at one third of the cost. Mr. Wood stated that the cat silo's proposed exterior structure was red, metal 29-gauge steel and the proposed exterior structure of the pole building is red, metal 29-gauge steel.

Mr. Keaveney stated that the enrichment building was going to cost \$350,000. The Animal Care Shelter was able to move all of the services which were going to be in the enrichment building, into the main building. The cat silo's sole purpose was to house barn cats. The proposed pole building will provide additional square footage of multi-purpose space separate from the barn cat's space. The pole building will have black windows to match the main building that have black, aluminum windows.

Chair Hickman asked for details about the inside of the pole building, and what the foundation will be made of.

Mr. Keaveney responded that the foundation will be a poured concrete slab, and hay will cover the floor in the barn cat area of the pole building. The rest of the building will be for storage.

Commissioner Mason asked what the original purpose of the cat silo was.

Mr. Keaveney explained that the cat silo was put into plan for visual purposes to fit in with the surrounding Worton community. The major site plan was approved by the Planning Commission before the Animal Care Shelter received bids and estimates on the construction costs.

Commissioner Mason spoke in disagreement with the applicant's \$225,000 cost estimate to build the cat silo as designed.

Mr. Wood responded, stating that the cost of steel has been driving the price of the silo upwards. Most conventional agricultural silos do not include structural steel.

Mr. Saunders opined that the pole building will blend in better with the Animal Care Shelter's main building as well as the surrounding Worton community.

Chair Hickman asked Mr. Mackey whether the staff's recommendation has changed after hearing the applicant's testimony.

Mr. Mackey stated that when the Site Plan Amendment application was received, the drawings of the pole building did not include color or additional information to describe its design. Mr. Mackey believes that the Animal Care Shelter is an important facility in the community and wanted the Planning Commission to hear the applicant's proposal instead of the Site Plan Amendment approval being an internal decision made by staff.

**DRAFT**

Ms. McCann asked for further information on what the pole building will be used for in addition to housing the barn cats.

Mr. Keaveney noted that 400 square feet of the 1,100 square feet will be for the barn cats. The rest of the available space will be for storage, and a walk-in freezer for dead animals, which will be a collection facility for the veterinarian community. The pole building can also serve as an indoor space for outdoor events that are impacted by inclement weather.

Chair Hickman moved to approve the amendment to the Final Site Plan of the Animal Care Shelter of Kent County, also known as the Humane Society of Kent County Inc., for the removal of the proposed cat silo and the proposed enrichment building to construct a 30-foot by 46-foot pole building with five feet of concrete walkway, per the plans submitted by the applicant. The Planning Commission is granted authority to review and approve Major Site Plans under Article VI, Section 5.2 of the Kent County Land Use Ordinance. We feel that this amendment is still in character with the original plan that was submitted in April 2021. We feel that the proposed pole building is still an attractive feature and compliments the original main building.

The motion was seconded by Mr. Sutton, and the motion passed unanimously, 4-0.

## **GENERAL DISCUSSION**

## **STAFF REPORTS**

Mr. Mackey reported on the Town of Millington charrette hosted by the Millington Crossing Associates on October 25-27, which would address the 2018 Kent County Comprehensive Plan which designated the area surrounding the Millington interchange of U.S. Route 301 & MD 291 as a Growth Area. A group of cooperating property owners surrounding the Millington interchange have been working together, in collaboration with Kent County and the Town of Millington, to lay the groundwork for a coordinated master plan for the Millington Growth Area.

Ms. McCann introduced a workshop on motions which is pending for December.

Ms. McCann mentioned the upcoming Planning Commissioners Association conference in the City of Frederick on October 25-26.

## **ADJOURN**

Mr. Sutton moved to adjourn. Mr. Ruge seconded. The meeting adjourned at approximately 2:21 pm.

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Francis J. Hickman, Chair

/s/ Campbell Safian  
Campbell Safian, Planning Specialist

**To:** Kent County Planning Commission  
**From:** Carla Gerber, Deputy Director  
**Meeting:** October 6, 2022  
**Subject:** Massey Aero, LLC  
Amendment to 2017 Site Plan

## Executive Summary

### **Request by Applicant**

Massey Aero, LLC, is requesting a reduction in the landscaping that was required as a condition of site plan approval in 2017.

### **Public Process**

Per Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission may approve amendments to approved site plans.

### **Summary of Staff Report**

Massey Aero, LLC, was required to landscape an area equal to 15% of the disturbed area for the construction of a new hangar in 2017. The applicant planted 85 shrubs in 3 locations – on the edge of a parking area, along a driveway, and along Maryland Line Road. The shrubs in the area along Maryland Line Road did not survive due to site conditions. The applicant is seeking a reduction of the landscaping requirement to remove the requirement for planting along Maryland Line Road.

### **Staff Recommendation**

Staff recommends approving an amendment to the site plan by reducing the landscaping as originally approved.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: Massey Aero, LLC – Amendment to 2017 Site Plan  
DATE: September 27, 2022

### DESCRIPTION OF PROPOSAL

Massey Aero, LLC is requesting a reduction of the landscaping required as part of a site plan approved in 2017. As a condition of the approval for a new 12,650 square foot, 10-unit aircraft hangar, the applicant was required to landscape an area equal to 15% (6,525 square feet) of the limits of disturbance (43,500 sq. ft.) for the new hangar.

The airport and museum operate on a 93.40-acre property located at 33541 Maryland Line Road in the First Election District. The site is currently occupied by a 3,000 linear foot grass runway, taxi-ways, several buildings that have been converted to airport hangars, a building occupied by the museum, and the hangar built in 2017, as well as a 2-story dwelling. The airport is operated by Massey Aerodrome, which is registered with the Maryland Department of Transportation Maryland Aviation Administration Office of Regional Aviation Assistance (ORAA) as a “Public-Use Airport.” Additionally, in 2007 the Massey Air Museum, Inc., which is a 501(c)(3) non-profit organization, became a tenant at the site. The museum is open to the public and hosts several community events during the year.

The property is in the Agricultural Zoning District (AZD). The surrounding area is predominately characterized by farms, preserved land, and public property. The Millington Wildlife Management Area (WMA) abuts the eastern and southern boundaries of this property, as well as across the road to the north where the Check Station, Office and parking for the WMA are located. The property is otherwise surrounding by agricultural land.

In 2017, there were 25 aircraft based at the airfield and peak activity occurs on the weekends when there may be up to 30 takeoff/landings. On weekdays, flying activity averages about 6 takeoff/landings per day. Since there is no runway or navigation lighting, all flying activity is restricted to day-time hours. According to the website, the hours of the Massey Air Museum are Wednesday and Friday through Sunday from 11:00 a.m. to 5:00 p.m. and anytime by appointment. No additional lighting or signage is proposed.

### HISTORY

On May 3, 2001, the Board of Appeals granted conditional use approval for the airstrip and an exposition center on the property, which was then owned by the Beiler Charitable Trust. The property was previously used for a crop-dusting business and there were existing empty hangars. Since the granting of the conditional use approval, an additional aircraft hangar building has been added, as well as the building now occupied by the museum and office. In 2017, the Board of Appeals approved modifications to the original conditions. Two conditions were amended: 1) the limitation on the area that could be removed from agricultural production was increased from 15 to 30 acre and 2) a requirement that if the museum ceased operation that approval for the airstrip would also lapse was removed.

## RELEVANT ISSUES

### VI. AGRICULTURAL ZONING DISTRICT GENERAL STANDARDS

- A. *Applicable Law:* Article V, Section 1.8 of the Kent County *Land Use Ordinance* establishes the Agricultural Zoning District Design Standards which address the physical appearance with respect to the design of the site, buildings and structures, as well as landscaping, and miscellaneous other objects observed by the public.
- B. *Staff and TAC Comments:* Per the TAC minutes from August 10, 2017:

The Village District General Landscaping and Perimeter Landscaping and Screening provisions found in Article V, Section 7.8.C.6., 7, and 8 should be considered as guidance for landscaping for this project, which includes parking lot landscaping. Extending the landscaping bed to the east and curving it into a more crescent shape on the west side would soften the view of this 12,640 square foot building from the road as travelers approach the site from both directions. Shrubs and dwarf cultivars or understory trees would be appropriate.

The landscape plan approved with the site plan consisted of 6,525 square feet of landscaping which was equivalent to 15 percent of the disturbed area for the new hangar. Landscaping, comprised of rhododendrons and azaleas, was to be provided along Maryland Line Road in front of the new hangar and to the side of the existing driveway next to the new hangar building in order to provide some screening from the road to soften the view of the structure. Additional landscaping, consisting of black chokeberry, was also proposed adjacent to the existing parking area that is directly visible from the road. All landscaping plants are shrubs due to the conflict between flight activity and trees.

The applicant made a good faith effort to plant and maintain the approved landscaping. They planted 85 shrubs in three locations and worked with staff on species suitable to the site, but 18 shrubs planted on the eastern end of the eastern driveway did not survive due to site conditions. The area selected for the landscaping along Maryland Line Road is periodically wet and ended up being unsuitable for landscaping.

The landscaping standards allow the Planning Commission to reduce or waive the landscaping requirement when it is demonstrated that the spirit and intent of the requirement are accomplished through other means or the nature of the change does not require additional landscaping.

## RECOMMENDATION

Staff recommends that the requirement to replant the remaining landscaping be waived. The applicant has demonstrated that the spirit and intent of the requirement is met through other means. Annual field crops provide some softening of the view, and the hangar, albeit larger, is similar to pole buildings commonly found on farms. In addition, Maryland Line Road is not a high traffic location.

**Kent County Department of Planning, Housing and Zoning**

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

**SITE PLAN APPLICATION  
Amendment**

File Number: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Date: 29 AUG 22  
Project Name: \_\_\_\_\_

District: \_\_\_\_\_ Map: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot Size: \_\_\_\_\_ Deed Ref: \_\_\_\_\_ Zoning: \_\_\_\_\_

LOCATION: 33541 MARYLAND LINE ROAD, MASSEY, MD

PROPOSED USE: \_\_\_\_\_

**OWNER OF LAND:**

Name: MASSEY AERO LLLC Telephone: 410-920-5270

Address: 33541 MARYLAND LINE RD, MASSEY, MD Fax/Email: EMAIL@MASSEYAERO.ORG

**APPLICANT:**

Name: ROBERT DIERKER Telephone: 410-699-1697

Address: 25235 FOXCHASE DRIVE, CHESTERTOWN, MD Fax/Email: RRDIERKER@GMAIL.COM

**AGENT/ATTORNEY (if any):**

Name: N/A Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax/Email: \_\_\_\_\_

**REGISTERED ENGINEER OR SURVEYOR:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax/Email: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: RRDIERKER@GMAIL.COM

Water Supply:  Public System  On lot system

Sewerage:  Public System  On lot system

TELEPHONE SERVICED BY: \_\_\_\_\_

ELECTRIC SERVICED BY: CHOPTANK ELECTRIC

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Robert R. Dierker 29 AUG 22  
Signature of Applicant Date

Final - Amended Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_  
Minor / Major

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 8/29/22

In 2017, Massey Aero LLC submitted a site plan for approval to erect a hangar on the Massey Aerodrome property. With that approval came the requirement to post a landscaping bond and to plant 85 shrubs (shrubs were selected that would not attract deer or birds, both of which are not compatible with aircraft operations). We planted the shrubs, but 18 that were all in one area (east of the end of the east driveway) did not survive the required number of months due to flooding. The remainder of the planted scrubs are thriving.

It was explained to us that the purpose of the landscaping was to visually screen the Aerodrome facilities from cars driving on the nearby road (Maryland Line Road). The area between the road just north of the Aerodrome property and all the buildings on the property is agricultural and planted every year in either corn, soybeans, or wheat following by soybeans. These crops alone provide more screening of the Aerodrome facilities from the road than the landscaping required by the county.

Besides being an airport (and the only public use airport in Kent County), Massey Aerodrome hosts the Massey Air Museum which celebrates and promotes Grassroots Aviation. Besides the indoor displays and exhibits, the Museum has several outside exhibits to include a Douglas DC-3, an Antonov AN-2 Colt and a Navy F-4U Corsair. These are displayed outside not just for convenience but to attract people driving by to come in and visit/enjoy the Museum. Screening these aircraft from being seen from the nearby road is actually counter to promoting the Museum.

Massey Aerodrome planted all the required shrubs in good faith in the areas designated by the site. The area between where the unsuccessful scrubs were planted and the building that they were to screen from the road is planted in crops which provide as much if not more screening (especially in the years that the crop is corn) than the shrubs would have provided.

Massey Aero LLC respectfully requests relief from having to replant the shrubs that drown in the same designated area or to have to relocate them.

Note: Please see the attached photos of the three designated planting areas and note the screening provided by the soybeans (corn would screen even more).



①



Shrubs in front of the DC-3 (looking west)

②



Shrubs in front of the DC-3 (looking east)

③



Shrubs on west side of East Driveway (looking southwest from Maryland Line Road)

4



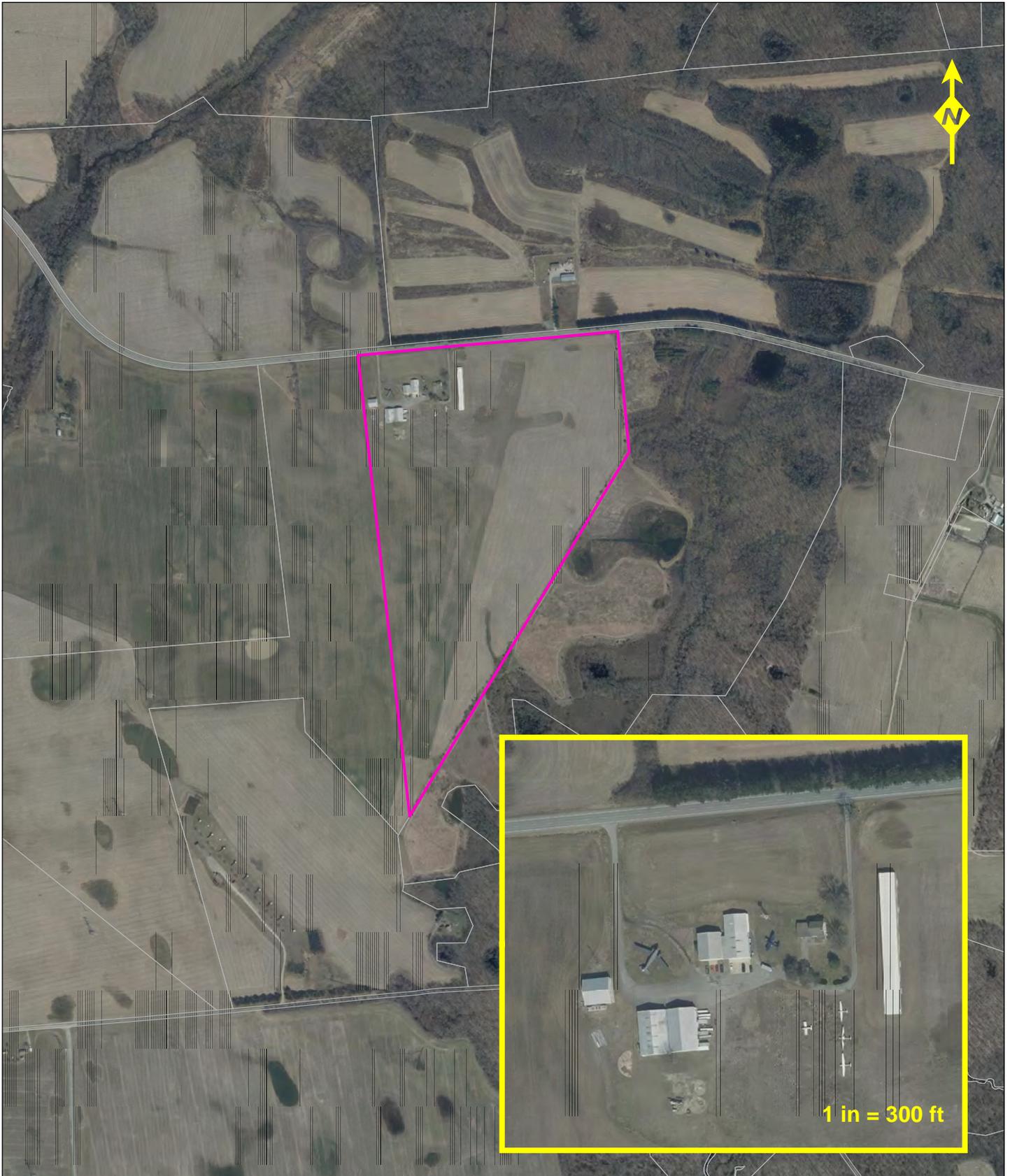
Area on east side of East Driveway (looking due south) where scrubs drown

5



Area on east side of East Driveway (looking due south) where scrubs drown

Massey Aero, LLC  
Amendment of Site Plan



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared September 2022.

1 inch = 1,000 feet



**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** November 3, 2022  
**Subject:** Mary Lou Hurtt, Trustee  
Preliminary and Final Site Plan Review – Adaptive Reuse of a Historic Structure

## Executive Summary

### REQUEST BY THE APPLICANT

Mary Lou Hurtt, Trustee, is requesting preliminary and final site plan review for the adaptive reuse of a historic structure on Federal Hill Farm. The structures for adaptive reuse are an historic barn and granary to be utilized exclusively for the sale of pre-cut Christmas trees and other holiday items.

The property is located at 32762 Galena Sassafras Road in the First Election District and is zoned Rural Residential (RR) and Resource Conservation District (RCD). The barn and granary, as well as the principal structure, are listed in the Maryland Inventory of Historic Properties. No more than 6,200 square feet of the structures will be used for sales or storage. Inventory for the first season will be 300 trees, but an annual growth of 200 additional trees is anticipated with a maximum annual production of 1,500 trees. An estimated high average of 22 vehicles at a time will require parking, and 31 spaces are provided for along with 5 spaces for employees. Two porta-potties will be on site during hours of operation.

On September 19, 2022, the Kent County Board of Appeals approved the special exception for the adaptive reuse of an historic structure on the condition of site plan approval by the Planning Commission and that the adaptive reuse of the barn and granary exclusively for the selling of cut and pre-cut Christmas trees and holiday related items shall occur from 8:00 a.m. through 5:00 p.m. from the Friday after Thanksgiving and every Saturday and Sunday until Christmas Eve.

### PUBLIC PROCESS

Per Maryland State Law and Article V, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans.

### SUMMARY OF THE STAFF REPORT

The intent of site plan reviews is to ensure that development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County Residents. The applicant has addressed all specific and general performance standards for the adaptive reuse of an historic structure and the objectives of site plan development.

### STAFF RECOMMENDATION

Staff recommends granting final site plan approval.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #22-82 – Mary Lou Hurtt, Trustee  
Preliminary and Final Site Plan Review – Adaptive Reuse of an Historic Structure  
DATE: October 25, 2022

### DESCRIPTION OF PROPOSAL

Mary Lou Hurtt, Trustee, is requesting preliminary and final site plan review for the adaptive reuse of a historic structure on Federal Hill Farm, located at 32762 Galena Sassafras Road, Galena Maryland. The principal and accessory structures are listed in the Maryland Inventory of Historic Properties. Reported to have been built in 1883, the home is typical of the large Victorian Gothic Revival farmhouses that had been constructed around Kent County in the last quarter of the nineteenth century, made possible by prosperous orchards of the times. The associated bank barn, more typically seen in Cecil County and Pennsylvania, is believed to have been built in several stages and is of an increasingly rarer architectural style. As stated in a 2004 update of the Maryland Historical Trust NR-Eligibility Review Form, “The property is in excellent condition and retains a high degree of its architectural integrity (house, barn, outbuildings) and its historic plan. The property appears to be eligible for listing in the National Register of Historic Placers under Criterion C as an outstanding example of a late nineteenth century farmstead with a Gothic Revival style house. The structures for adaptive reuse are the barn and granary, which are to be utilized exclusively for the sale of pre-cut Christmas trees and other holiday items. A small area of land approximately 375 feet northeast of the barn is leased by American Tower. The base is thickly screened by evergreen trees.

The 200-acre property is zoned Rural Residential (RR) and Resource Conservation District (RCD) and is in the First Election District. All the historic structures are in the Rural Residential zoning district. No more than 6,200 square feet of the structures will be used for sales or storage. Inventory for the first season will be 300 trees, but an annual growth of 200 additional trees is anticipated with a maximum annual production of 1,500 trees. An estimated high average of 22 vehicles at a time will require parking, and 31 spaces are provided for in the front lawn area. Five employee parking spaces are proposed to be located behind the existing barn. Two porta-potties will be on site during hours of operation.

On September 19, 2022, the Kent County Board of Appeals approved the special exception for the adaptive reuse of an historic structure on the condition of site plan approval by the Planning Commission and that the adaptive reuse of the barn and granary exclusively for the selling of cut and pre-cut Christmas trees and holiday related items shall occur from 8:00 a.m. through 5:00 p.m. from the Friday after Thanksgiving and every Saturday and Sunday until Christmas Eve.

### RELEVANT ISSUES

#### I. Site Plan Review

##### A. *Comprehensive Plan:*

- Assist property owners in preserving historic sites (Page 124)
- The County will continue to promote the compatible adaptive reuse of significant historic structures through the use of flexible protocols. (Page 124)
- The County seeks the adaptive reuse of historic structures and resources as appropriate, through the development review process (Page 127)

- B. *Applicable Law:* Article VI, Section 5 of the Kent County Land Use Ordinance outlines the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan
  - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
  - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
  - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
  - e. Reasonable demands placed on public services and infrastructure.
  - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
  - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
  - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
  - i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
  - j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
  - k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and natural landscape.
- C. *Staff and TAC Comments:*
- The proposal is consistent with the Comprehensive Plan.
  - Areas of vehicular flow are clearly identified, and sufficient parking is provided.
  - The proposed use places reasonable demands on public services and infrastructure.
  - The proposed use will be conducted on a large property surrounded by active farmland, will be approximately 800 feet from the road, and will be with limited number of visitors at any one time, thereby protecting abutting properties from any undue disturbance cause by excessive or unreasonable noise, smoke, vapor fumes, dust, odors, glare, stormwater runoff, etc.
  - No tree or vegetation removal is proposed, and the setback is more than adequate.

#### **STAFF RECOMMENDATION**

Staff recommends granting final site plan approval.



July 26, 2022

**Special Exception for Adaptive Reuse of a Historic Structure Narrative**

Land Owner: Mary Lou Hurtt, Trustee  
Premises Address: 32762 Galena Sassafras Road  
Galena, Md. 21635  
Tax Map: 8  
Parcel: 5  
Current Zoning: Rural Residential & Resource Conservation District  
Current Use: Agricultural  
Proposed Use: Agricultural/Agribusiness

**Farm History:**

Federal Hill Farm is situated on 246 acres nestled along Jacob’s Creek. The properties earliest records are circa 1834 showing the sale of the property from John L. and William D. Wilmer, both of Kent County, to Ebenezer Welch of Kent County. (Kent County Land Records, JNG/350) The present house, was not there at this time, though the one whose fragment now appears to be under the dining room may have been. Welch owned and operated the farm until his death, in 1859. Upon Welch’s passing he bequeathed the farm to his nephew Thomas Jacobs, unfortunately there were several financial commitments associated with the Will and some were also charged against the farm. In the early 1880s Jacob’s built the present house, but by 1896 he was on his way to losing the farm because he was unable to pay his creditors. It was first assigned to Charles T. Westcott and John D. Urie In trust. They were authorized to sell to

convert as much of his property as possible into cash. The trustees sold the farm at public sale to Andrew Woodall of Georgetown the shipping, grain, and lumber entrepreneur who acquired Kent and Cecil County farms as investments, owning over 30 by the time of his death in 1906. The farm is still in the Woodall/Hurt family. After Woodall's death in 1906, Emily A. Woodall, wife of James F. M. Woodall, inherited Federal Hill farm along with others after the division of Andrew Woodall's estate into six portions. After her death, it passed to her daughter Bessie, who married Woodland Hurtt. After serving in the Navy during World War One, their son James F. Hurtt returned to Federal Hill in January of 1920. James F. and Ruth MacArthur Hurtt operated Federal Hill Farm until 1970. In 1971 their son, James F. Hurtt Jr. and his wife Mary Lou Aiken Hurtt returned to Federal Hill farm and took over the operations. The farm was owned and operated by Jim and Mary Lou Hurtt until 2008 when Jim Hurtt passed on February 21, 2008. The Farm is owned by Mary Lou Hurtt and is being operated today by John W. and Beth Hickey.

### **Operations:**

Federal Hill Farm is nestled along Jacob's creek just outside of Galena, MD. and for nearly 190 years it has grown various crops such as peaches, asparagus, corn, soybean, wheat, barley, and managed a dairy operation over the years. In the next chapter of Federal Hill Farm, we will embark on planting Christmas trees where locals can come and experience the rich history of our farm and create a family tradition and memories as they pick out the perfect tree. The strategy is to utilize the exiting barns to create the stage for our Christmas Tree Operations.

The farm has several outbuildings with an unusually long barn, measuring about 122 feet. It is assumed this may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County. Fewer and fewer of these large old barns survive as with modern farm operations. The Christmas tree operation will utilize this barn in all aspects of the

operation. The intent is to use the cow stable to set up pre-cut trees as well as display and market wreaths and greens. The granary will be used as a shop/market to sell ornaments, holiday items, offer hot drinks to warm up, secure the sale of the tree as well as offering local Kent Co artisan items. Other outbuildings such as the wagon shed will be used to showcase pre-cut trees as well as storage of trees and supplies.

In the spring of this year, we planted 2500 trees with the intent to start harvesting these trees in 2030. Our plan is to continue to plant 2000 to 3000 trees annually. Until we can offer a U-Cut tree operation we plan to establish a tree lot with Pre-Cut trees. In 2022 our plan is to offer 300 trees for purchase to the public. Our hours of operations are planned for Friday through Sunday, starting on the Friday after Thanksgiving, November 25<sup>th</sup>. The hours of Operations would be from 8am to 5pm. With 300 trees to sell, we anticipate 1200 guests. This is based on 4 guest per family and a sale of 300 trees. Based on sales we would anticipate a growth in the pre-cut tree sales to build up to our intended launch of U-Cut sales in 2030 and selling on average 1500 trees. Therefore, the anticipated growth would be 200 trees annually to build up to our intended U-Cut numbers of 1500 trees in 2030.

**Other Activities:**

As the Christmas Tree operations grows, we are sure other activities may offer opportunities to grow our business. Such activities would be fall festivities such as a pumpkin patch or corn maze or even a venue for events such as weddings or photo opportunities. Whatever the activity maybe it will need to align with the mission of Federal Hill Farm, where our focus is agriculture and the purpose is to offer others an opportunity to step back in time to create special memories and traditions with their family and friends.





LAND LEASED BY  
AMERICAN TOWER  
M.L.M. 1049/273

EXISTING BUILDING

EXISTING BUILDING

TILLED FIELD

1000' CRITICAL AREA BUFFER (SCALED)

RCD ZONING  
RR ZONING

FUTURE AREA TO BE PLANTED  
IN CHRISTMAS  
TREES

OVERFLOW  
PARKING  
IF NECESSARY

PROPOSED  
EMPLOYEE  
PARKING  
5 SPACES

CORN CRIB

EXISTING SILO

FUTURE AREA TO BE PLANTED  
IN CHRISTMAS  
TREES

CHRISTMAS TREE  
DISPLAY AREA

EXISTING COW STABLE

EXISTING CONCRETE

CHRISTMAS TREE  
DISPLAY AREA

EXISTING GRANARY

MILK HOUSE

EXISTING CONCRETE

AREA PLANTED  
IN CHRISTMAS  
TREES

EXISTING LIGHT

EXISTING WELL

EXISTING WINDMILL

SHED

REMAINS  
OF WATER  
TOWER

TRAFFIC  
FLOW  
(TYP.)

ICE HOUSE

PROPOSED  
PORTA-POTTIES

LAWN  
AREA

DAYS OF OPERATION PER YEAR = 15  
HOURS OF OPERATION 8a-5p = 9hrs/day  
MAXIMUM TREES SOLD = 1500/yr  
ESTIMATED MAXIMUM NUMBER OF CUSTOMERS PER HOUR = 25  
MAXIMUM NUMBER OF EMPLOYEES = 5  
DAYS OF OPERATION = FRIDAY THRU SUNDAY BETWEEN THE FRIDAY  
AFTER THANKSGIVING AND CHRISTMAS EVE  
HOURS OF OPERATION = 8am TO 5pm

1 STORY  
FRAME  
DWELLING

2½ STORY  
FRAME  
DWELLING

PROPOSED PARKING SPACES  
31 - 10x20'

TILLED  
FIELD

NOTES:  
DEED REFERENCE: M.L.M. 598/350  
PREMISES ADDRESS: 32762 GALENA SASSAFRAS ROAD  
GALENA, MD. 21635  
PROPERTY LINES SHOWN HEREON ARE BASED ON  
SURROUNDING SURVEYS AND DO NOT REPRESENT  
A FIELD RUN SURVEY AT THIS TIME.

25' WIDE  
RIGHT-OF-WAY

LEGEND  
▲ - DENOTES PRIVATE RESIDENCE SIGN  
▲ - DENOTES PARKING ARROW SIGN  
▲ - DENOTES DO NOT ENTER SIGN  
○ - DENOTES BARRIER FENCE

0' 40' 80'  
GRAPHIC SCALE

SITE PLAN

OF THE LANDS OF

MARY LOU HURTT, Trustee

FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND

MAP 8 PARCEL 5

SCALE  
1" = 40'  
DRAWN BY  
WJE  
DATE  
6/13/22  
JOB NO.  
1477  
REVISIONS



Chestertown, MD 21620 PHONE 410-778-0147  
www.extrememeasuresllc.com

SHEET 2 OF 2

To: Kent County Planning Commission  
From: Carla Gerber, Deputy Director  
Meeting: November 3, 2022  
Subject: Everton Industrial – Concept Site Plan Review

## Executive Summary

### Request by Applicant

Everton Industrial is requesting concept site plan review for two proposed manufacturing/warehouse buildings on newly created lots near the interchange of US 301 and MD 291.

### Public Process

Per Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve site plans.

### Summary of Staff Report

The parent parcel is bisected by US 301 with 114.499 acres on the west side of the highway and approximately 98 acres on the east side. Two new lots are being created from the western tract via a minor subdivision. The proposed manufacturing/warehouse buildings will be located on the new parcels. The lots will be purchased from Millington Crossing Associates One, LLC and developed by Everton Industrial Development. Lot 1 will be 26.942 acres and Lot 2 will be 26.604 acres. Both lots have frontage along Edge Road and Lot 1 also has frontage on Chesterville Bridge Road. Both buildings will be 256,666 square feet and will be served by public sewer and water. Parking will be phased and, ultimately, there will be over 200 employee/visitor spaces per building. Each building will have 66 loading dock spaces and separate trailer parking spaces.

The applicant has sufficiently addressed all Concept site plan standards as prescribed by the Kent County Land Use Ordinance.

### Staff Recommendation

In order to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items:

- Citizen Participation Plan Report
- Preliminary sediment and erosion control and stormwater management plans
- Front, side, and rear elevations of all exterior walls
- Details on signs and lighting
- Delineation of development staging

At this meeting, the Planning Commission should consider the following:

- Approving requested setbacks
- Waiving the requirement that “curb cuts” be at least 3,000 feet apart

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: Everton Industrial – Concept Site Plan Review  
DATE: October 26, 2022

**DESCRIPTION OF PROPOSAL**

Everton Industrial is requesting concept site plan review for two proposed manufacturing/warehouse buildings on newly created lots near the interchange of US 301 and MD 291. The parent parcel is bisected by US 301 with 114.499 acres on the west side of the highway and approximately 98 acres on the east side. The western side is zoned Employment Center, Agricultural Zoning District, and Resource Conservation District; the eastern side is zoned Commercial and Resource Conservation District. Two new lots are being created from the western tract via a minor subdivision. The proposed manufacturing/warehouse buildings will be located on the new parcels and will be within the Employment Center district. Lot 1 will be 26.942 acres and Lot 2 will be 26.604 acres. Both lots have frontage along Edge Road, and Lot 1 also has frontage on Chesterville Bridge Road. Both buildings will be 256,666 square feet and will be served by public sewer and water. Parking will be phased, and ultimately, there will be over 200 employee/visitor spaces per building. Each building will have 66 loading dock spaces and separate trailer parking spaces. The buildings will be constructed as flex space and at this time information on potential tenants is not available.

**GENERAL STANDARDS**

I. Permitted Uses and Height, Area, and Bulk Requirements

- A. *Applicable Laws:* Article V, Sections 14.2 of the *Kent County Land Use Ordinance* establish site plan review requirements for all permitted industrial uses in the Employment Center. The use proposed by the applicant is permitted as follows:

Distribution center and warehousing provided that a single building footprint does not exceed 75,00 square feet in size. The restriction on building footprint does not apply to the Employment Center District in the Route 301 corridor. In reviewing the site plan, the *Planning Commission*, or where applicable the Planning Director, shall consider the following:

- a. The impact of the proposed business or industry on existing or planned public facilities.
- b. The impact of the operation of facility on the surrounding area.
- c. The health, safety and welfare of employees and residents of the neighborhood.

Article V, Sections 14.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Employment Center District.

Minimum Yard	Standard	Industrial Subdivision
Front - Primary Roads	100 feet*	100 feet*
Front – Other roads	Per subdivision review	<b><i>Per subdivision review</i></b>
Side and Rear –		
Adjacent to I, ICA, and EC	15 feet	<b><i>Per subdivision review</i></b>
Adjacent to AZD and RCD	40 feet	<b><i>Per subdivision review</i></b>
Adjacent to Public Road	100 feet^	100 feet^
Height – Industrial structure	45 feet	45 feet
Maximum Building Footprint	NA	NA

\*When a side or rear lot line coincides with a side or rear lot line of a property in a non-industrial zone, the required yard shall be landscaped and screened and shall be unoccupied by buildings, structures, or parking area.

^ May be reduced or increased during site plan review.

- B. *Staff and TAC Comments:* The minor subdivision is considered an Industrial Subdivision. The parcels do not front onto a primary road. For Lot 1, which is a corner lot, Chesterville Bridge Road is the technical front yard, and the applicant is requesting a 50-foot front setback. The applicant is requesting a 15-foot setback along Edge Road which is consistent with the Land Use Ordinance requirement that there shall be a front yard of at least 15 feet on the side street of a corner lot in any district. For Lot 2, the applicant is requesting a 50-foot front setback along Edge Road. For the side and rear setbacks on both lots, which abut other land zoned Employment Center, the applicant is requesting a 15-foot setback which is consistent with the Standard Subdivision requirements.

Staff is requesting that the Planning Commission approve the requested setbacks. Given the location along US 301 and existing screening, a reduction of the front setback requirement is appropriate. In addition, the applicant is proposing to locate the buildings as far back as possible on the lots, with the parking between the road and the buildings.

II. Employment Center and Industrial Performance Standards:

- A. *Comprehensive Plan:* “Insure that future development, redevelopment, and infill is completed in an environmentally and context sensitive manner.” (Page 31)
- B. *Applicable Law:* Article V, Section 14.6 of the *Kent County Land Use Ordinance* establish the EC performance standards. These performance standards address noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odor with compliance certified in an engineer’s report.

A Certified Engineer’s Report is required to prove that the uses proposed will not cause violations of Federal, State, or County laws or regulations and which must describe the proposed operation, all machines, processes, products and by-products, stating the nature and expected levels of emission or discharge to land, air, water or liquid, solid, or gaseous effluent and electrical impulses, vibrations and noise under normal operations and the specifications or treatment methods and mechanisms to be used to control such emission or discharge.

- C. *Staff and TAC Comments:* The applicant is requesting that the Certified Engineer’s Report be a condition of obtaining building and/or use permits. The applicant is aware of the standards and understands that all tenants must comply with the performance standards and submit the report.

III. Employment Center General Standards

- A. *Comprehensive Plan:* “Promote the development of County employment centers.” (Page 11)
- B. *Applicable Law:* Article V, Section 14.7 of the *Kent County Land Use Ordinance* establish the EC general standards as follows:
1. As a part of the site plan review, the applicant shall submit a statement that includes an explanation of the following:
    - a. The type of raw materials, waste products, and other by-products associated with the process.
    - b. The identity of all chemicals and solids to be discharged into the sewage system.
    - c. The type and amount of traffic expected to be generated by the operation.
    - d. The proposed hours of operation.
    - e. The proposed architectural design (graphic or narrative) of all structures.
  2. The use established shall not create or be a continuation of highway “strip” development with multiple access points creating highway hazards and visual clutter in so far as practical. A highway strip is two or more access points or “curb cuts” off of an existing State or County

Road within 3,000 feet of each other. Any use in an employment center district shall have access at least 3,000 feet from any highway strip, in so far as possible. The Planning Commission may waive this requirement when the Commission finds all of the following:

- a. The proposal complies with the spirit and intent of the Land Use Ordinance and the Comprehensive Plan.
  - b. That the waiver will not cause a substantial detriment to adjacent or neighboring property.
  - c. That the waiver will not create a safety hazard or increase traffic congestion.
  - d. The waiver is the minimum necessary to relieve a practical difficulty and is not sought for reasons of convenience, profit or caprice.
3. Central water and sewer systems may be required by the Planning Commission in an Employment Center District. If a public system is available, use of such system shall be mandatory.
  4. Signs in industrial areas shall be permitted in accordance with the regulations contained in Article VI, Section 2 of this Ordinance.
  5. In so far as possible, all uses shall be conducted within a completely enclosed structure or be completely screened. Outdoor storage of materials and unfinished products is prohibited unless otherwise approved by the Planning Commission and subject to such conditions as may be determined by the Planning Commission.

C. *Staff and TAC Comments:*

- The applicant is constructing a flex space building and no information on potential tenants is available. Very little information is known at this time concerning types of materials and products that will be handled or hours of operation. Additional information will be required for preliminary review. A traffic study is underway.
- The applicant is proposing multiple “curb cuts” for each parcel in order to keep traffic separated. Lot 1 will have three “curb cuts.” One on Chesterville Bridge Road that will only have access to the loading docks and trailer parking area. It will be angled in such a way that trucks will be forced to turn toward US 301 when leaving. Two additional “curb cuts” will be located on Edge Road approximately 280 feet apart. One entrance will be used only by passenger vehicles for employees or visitors, and the other will be primarily for large trucks to access the trailer parking area or loading docks. Lot 2 will also have three “curb cuts” with 200-300 feet between each one. The Planning Commission will need to determine if a waiver is appropriate to allow multiple “curb cuts” that are less than 3,000 feet apart.
- Edge Road appears to lie within lands owned by SHA. The applicant will need to verify if SHA must grant permission for the entrances to Edge Road.
- The proposed buildings will be served by public sewer and water. The Comprehensive Water and Sewerage Plan will need to be amended and it is likely that the project will need to be phased based on the tenants. The availability of sewer allocations may limit the amount of initial development and use of the proposed structures.
- No information on signs has been provided at this time.
- All uses will be conducted within the proposed buildings. If outdoor storage of material or unfinished products is needed, then the Planning Commission would have to approve this change.

IV. Environmental Standards

- A. *Comprehensive Plan:* “Promote the use of best management practices such as stormwater management” (Page 61)
- B. *Applicable Law:* Article V, Section 14.8 of the *Kent County Land Use Ordinance* establish the EC environmental standards which include forest conservation, nontidal wetlands, stream protection corridor, stormwater management, and water quality standards.

C. *Staff and TAC Comments:*

- The applicant has submitted a Forest Stand Delineation and Forest Conservation Plan. The applicant will be creating a 200-foot-wide forested buffer along Mill Branch and deed restricting an area of forest for the net tract area being subdivided and for the area to be cleared. The total easement area will be 10.905 acres: 8.03 acres for the subdivision and 2.875 acres to mitigate for the 11.5 acres to be cleared.
- The non-tidal wetlands and steep slopes have been delineated and will not be disturbed.
- Stormwater management must be addressed in accordance with Article VI, Section 10 during preliminary site plan review.
- In addition, sediment and erosion control must be addressed in accordance with Article VI, Section 9 during preliminary site plan review.

V. Design Standards

- A. *Applicable Law:* Article V, Section 14.9 of the *Kent County Land Use Ordinance* establish the EC design standards which address site access, landscaping, screening, and lighting. Site access should ensure vehicle and pedestrian safety and alleviate congestion. The applicant should demonstrate that access to the project is adequate and the roads which will be impacted have the capacity to handle the traffic generated by the proposed project and will not endanger the safety of the general public.

Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses. Screening is also required where exterior storage areas are visible from roadways, sidewalks, or nearby residential properties, or where the Planning Commission determines that additional screening is necessary to protect properties in the area. When required, the screen shall be capable of providing year-round screening and consist of coniferous and deciduous trees and plants, species and sizes of which will be chosen to best accomplish an adequate screen (i.e. evergreens used for visual screening, deciduous trees for seasonal screening). Screening may include masonry, or wooden fencing used with or without berms. Screening and fencing shall be maintained in at least the same quality and quantity as initially approved.

Lighting on the site should be sufficient to provide for the safety and security of the business, its employees, and its customers. Lighting should also be designed to avoid glare onto adjacent properties and adjacent roadways and not interfere with traffic or create a safety hazard

B. *Staff and TAC Comments:*

- Onsite vehicular circulation has been designed to avoid conflicts between large trucks and passenger vehicles.
- Concept landscaping plans have been submitted. There is already significant mature screening around much of the property. The rear of both lots backs onto the 200-foot protected stream corridor. Much of the front of the properties is screened from US 301 by existing vegetation on a parcel owned by SHA. The applicant will be providing additional screening where necessary and is proposing a landscape berm along Chesterville Bridge Road to reduce the impact of the development to nearby residentially used properties. The road frontages and parking lots will be landscaped and kept in a neat and attractive condition.
- The applicant's narrative states that a lighting plan will be developed for the site showing no adverse impact on adjacent properties.

VI. Parking and Loading

- A. *Applicable Law:* Article VI, Section 1 of the *Kent County Land Use Ordinance* establishes the parking, loading, and bicycle parking standards.

- B. *Staff and TAC Comments:* The applicant is proposing parking and loading spaces that meet or exceed the minimum requirements. The site plan shows phased construction of the employee/visitor parking area. Bicycle parking has not been shown on the site plan. One bicycle parking space is required for every 20 required auto parking spaces. Bicycle parking may be met by providing lockers or racks inside a building, adjacent to the building, in an accessory parking lot, or underneath an awning or marquee.

## **SITE PLAN REVIEW**

- A. *Comprehensive Plan:* “Require developers to engage and inform citizens during the development review process through the incorporation of a participation program.” (Page 27)
- B. *Applicable Law:* Article VI, Section 5 of the *Ordinance* establishes the procedures and standards for site plan review. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
1. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
  2. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
  3. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
  4. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
  5. Reasonable demands placed on public services and infrastructure.
  6. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
  7. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
  8. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
  9. The applicant’s efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
  10. The applicant’s efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
  11. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.
- C. *Staff and TAC Comments:*
- The proposal is consistent with many strategies and goals of the Comprehensive Plan.
  - Onsite vehicular circulation appears to promote clearly defined access to loading and trailer parking areas and the employee/visitor parking areas. Multiple entrances per parcel are necessary to achieve this separation.
  - The applicant is working with the Department of Public Works. The Comprehensive Water and Sewerage Plan will need to be amended. DPW is in discussion with the developer regarding available water and sewer service capacity and the extent of off-site improvements to water, sewer, and roads that will be necessary.

- Stormwater management must be addressed in accordance with Article VI, Section 10. The plan and affiliated sureties must be approved prior to final site plan approval.
- A sediment control plan must be addressed in accordance with Article VI, Section 9. The plan and affiliated sureties must be approved prior to final site plan approval.
- The landscape plan must be finalized; sureties must be submitted prior to final site plan approval.
- A Citizen Participation meeting was held on October 19<sup>th</sup>. The applicant needs to submit a final report.
- A lighting plan has not been submitted.
- Elevation details have not been submitted.
- No signage has been proposed at this time.

#### STAFF RECOMMENDATION

In order to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items:

- Completed Citizen Participation Plan Report
- Preliminary sediment and erosion control and stormwater management plans
- Front, side, and rear elevations of all exterior walls
- Details on signs and lighting
- Delineation of development staging

At this meeting, the Planning Commission should consider the following:

- Approving requested setbacks
- Waiving the requirement that “curb cuts” be at least 3,000 feet apart

**Kent County Department of Planning, Housing and Zoning**

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7475 (phone) • 410-810-2932 (fax)

**SITE PLAN APPLICATION**

**File Number:** \_\_\_\_\_ **Amount Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Project Name:** Everton Industrial office/warehouse

District: 1st Map: 31 Parcel: 6-1 Lot Size: 26.6/26.9ac Deed Ref: MLM 892/458 Zoning: EC

**LOCATION:** west side of Maryland Route 301 near Millington, north of MD Rte 291 and south of Chesterville Bridge Road

**PROPOSED USE:** Industrial office/warehouse

**OWNER OF LAND:**

Name: Millington Crossing Associates One, LLC c/o Russ Richardson Telephone: 410-275-2714

Address: P.O. Box 546, Chester Heights, PA 19017 Email: russ.richardson@rpcrealtors.com

**APPLICANT:**

Name: Everton Industrial c/o Dan Gural Telephone: 609-929-6025

Address: 266 Atsion Road, Medford, NJ 08055 Email: dgural@evertonindustrial.net

**AGENT/ATTORNEY (if any):**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

**REGISTERED ENGINEER OR SURVEYOR:**

Name: DMS & Associates, LLC c/o Kevin Shearon Telephone: 443-262-9130

Address: P.O. Box 80, Centreville, MD 21617 Email: kjs@dmsandassociates.com

**Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:** kjs@dmsandassociates.com

Water Supply:  Public System  On lot system

Sewerage:  Public System  On lot system

**TELEPHONE SERVICED BY:** Verizon

**ELECTRIC SERVICED BY:** Delmarva Power

**NOTICE:** The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.



8/31/22

**Signature of Applicant**

**Date**

Concept Plan Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_

Preliminary Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_



Davis, Moore, Shearon & Associates, LLC

October 20, 2022

Mr. William Mackey, Director  
Kent County Department of Planning & Zoning  
400 High Street  
Chestertown, Maryland 21620

**RE: CONCEPT PLAN FOR TWO MANUFACTURING/WAREHOUSE BUILDINGS  
ON THE LANDS OF MILLINGTON CROSSING ASSOCIATES ONE, LLC  
KENT COUNTY TAX MAP 38, PARCEL 1  
KENT COUNTY CONCEPT PLAN 22-67  
DMS & ASSOCIATES JOB #2021165**

Dear Mr. Mackey,

Attached please find a copy of the revised plans for the above referenced project. The revisions are in response to the TAC comments dated September 14, 2022. We offer the following:

1. A traffic impact study is currently underway. We anticipate having a draft report prior to the Planning Commission meeting.
2. We acknowledge that the Health Department has no concerns with the County approval of this project.
3. We acknowledge that the County Comprehensive Water and Sewerage Plan will need to be amended. We will continue working with the Department of Public Works on the amendment and securing sewer and water allocations.
4. As this is considered an “industrial subdivision”, the code allows for some flexibility in setbacks. We proposed the following:
  - a. Front Yard
    - i. Lot 1 will have legal frontage on Chesterville Bridge Road which is not considered a “primary road”. Therefore, we are requesting that a 50-ft front yard be established.
    - ii. To remain consistent, we also request a 50-ft front yard for Lot 2 which will have legal frontage on Edge Road. 50-ft is an adequate width to sufficiently screen areas that are adjacent to non-industrial zones.
  - b. Side and Rear Yard
    - i. Lot 1 has a rear yard to the west, and a side yard to the south that abut other EC zoning, but do not abut public roads. Therefore, we will comply with the “standard” setback of 15-ft. The eastern property line will be

considered a side yard and abuts a public road. The code states that the 100-ft yard along a public street can be reduced during site plan review. Given the amount of existing vegetation between Lot 1 and Route 301, we request that the Lot 1 side yard along Edge Road be reduced to 15-ft.

- ii. Lot 2 has side yards to the north and south and a rear yard to the west that abut other EC zoning, but do not abut public roads. Therefore, we will comply with the “standard” setback of 15-ft. The eastern property line will serve as Lot 2’s front yard and, per the request above, will have a 50-ft front yard.
5. As the proposed development will accommodate both employee/visitor vehicles as well as tractor trailers, the site has been laid out to separate the two vehicle categories to the extent practical. As a result, more access points than would be required for a standard commercial development have been provided.
  6. The edge of pavement has been shown on all plan sheets.
  7. The narrative has been corrected to state that the deed restricted forest satisfies the net tract area rather than the entire parcel.
  8. The narrative has been expanded to include information regarding design standards, Comprehensive Plan compliance, utilities, and ownership.
  9. The site statistics on Sheet 2 have been simplified as requested.
  10. Lot 1 will have legal frontage on Chesterville Bridge Road. Please see Response 4.A above for a front yard reduction request.
  11. We acknowledge that a Certified Engineer’s Report will be required once an end user is identified. Per previous discussions, we request that the report be made a condition of Building Permit issuance rather than Final Site Plan approval.
  12. We acknowledge that the stream protection corridor and the majority of the existing forest has been left intact. We note that the width of the deed restricted forest is approximately 200-ft, twice what is required by the required stream buffer.
  13. All trash corrals will be located behind the building and will not interfere with vehicle parking spaces.
  14. We acknowledge that the proposed development is located outside of the floodplain.
  15. We acknowledge that additional screening may be necessary. There appears to be sufficient existing screening along Edge Road. Additional screening and a berm will be added along Chesterville Bridge Road near the existing residential homes.

16. We acknowledge that any proposed landscaping should utilize Maryland Native Species.
17. A lighting plan will be developed during the Preliminary Site Plan review stage.
18. Building elevations will be provided during the Preliminary Site Plan review stage.
19. A Traffic Impact Study is currently underway. We will provide a copy of the findings upon receipt from the consultant.
20. A Citizens Participation Meeting was held on Wednesday, October 19<sup>th</sup> at the Millington Firehouse. A summary letter will be provided.

Please see the enclosed Project Narrative for additional details. We ask that you please review this information for placement on the November 3, 2022 Planning Commission agenda. If you have questions please call me at 443-262-9130.

Sincerely,

DMS & Associates, LLC



Kevin J. Shearon, P.E., LEED AP

Enclosures

pc: Mr. Russ Richardson, Millington Crossing Associates One, LLC (via email)  
Mr. Kevin Vitelli, Esq. (via email)  
Mr. Dan Gural, Everton Industrial (via email)

## PROJECT NARRATIVE

### **Everton Industrial Development Lots 1 & 2 of the lands of Millington Crossing Associates One, LLC Near Millington, Maryland**

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

The site is located at the west side of Maryland Route 301 near the Town of Millington. This narrative covers two properties, Tax Map 31, Parcel 6-1, Lots 1 & 2 that are being subdivided from an overall 114.499 acre parcel. The two lots are to be purchased and developed by Everton Industrial Development.

Each of the two lots is zoned Employment Center (EC). Lot #1 will be 26.942 acres and lot 2 will be 26.604 acres. Each lot will be developed with a 256,666-sf manufacturing/warehouse building with associated parking and loading docks.

The buildings are proposed to be connected to the Town of Millington / Kent County public water and sewer systems. A 10" diameter water line will be extended from an existing 10" main at the intersection of Edge Road and West Edge Road. The new main will extend along Edge Road past the two lots to the intersection of Chesterville Bridge Road where it will be capped for future extension (by others) to loop back to the Town of Millington. Service laterals will be installed to connect the two buildings to the new main. Fire hydrants will be provided along the route.

Each of the buildings will be served by public sewer. A grinder pump will be installed at each building. A small diameter force main lateral will connect to a new public 2" force main that will run within MDOT SHA right-of-way to a connection point near Maryland Route 301 and West Edge Road.

A Forest Conservation Plan has been developed as a result of the Forest Stand Delineation Report that was prepared by Davis & Associates Environmental Consulting, LLC. Long term deed restricted forest is proposed along the Mills Branch stream corridor. The forest preservation area provides a width twice the required 100-stream buffer which will be placed in a forest conservation easement. The forest area satisfies the requirements of the net tract area of 53.55 acres and is 8.03 acres in size.

In accordance with Section 14.9.B.1-7 we offer the following relative to standards for site design (responses in *italics*):

1. Site Access

a. Site access shall be subject to the following regulations to help ensure safety and alleviate traffic congestion:

- i. Where property abuts a primary, secondary, or a collector road, access to the property shall be by way of the secondary or collector road. Exceptions to this rule shall be instances where the Planning Commission, or where applicable the Planning Director, determines that direct access onto the primary road would promote traffic safety.

*The proposed development is located just off of US Route 301, but takes access from Chesterville Bridge Road and Edge Road. One tractor trailer access will be located on Chesterville Bridge Road. The orientation of the access is on an angle to the existing road in order to avoid tractor trailers from turning north onto Chesterville Bridge Road. The remaining access points will occur off of Edge Road. Both roads are owned and maintained by Kent County.*

- ii. Where one or more contiguous parcels abutting a primary road are under single ownership and any one of the parcels abuts a secondary or collector road, access to the property shall be by of the secondary road. Exceptions to this rule shall be instances where the Planning Commission, or where applicable the Planning Director, determines that direct access onto the primary road would promote traffic safety.

*N/A – access to a primary road is not proposed.*

- iii. Only one direct approach onto a primary road from an individual parcel of record as of August 1, 1989 shall be permitted unless the Planning Commission, or where applicable the Planning Director, finds one of the following:

*N/A – access to a primary road is not proposed.*

- iv. An additional entrance is significantly beneficial to the safety and operation of the highway.
  1. One entrance is a safety hazard or increases traffic congestion.
  2. The property is bisected by steep slopes, bodies of water, or other topographic feature so as to render some portion of the property inaccessible without additional road access.

*N/A – access to a primary road is not proposed.*

- b. Where a proposed road is designated on an approved County or Town map, site plans for development adjacent to the designated roadway shall include provisions for future access to the roadway.

*N/A – no new public roads are proposed.*

- c. Existing, planned, or platted streets on adjacent properties shall be continued when the Planning Commission or where applicable the Planning Director determines that the continuation is necessary for safe and reasonable circulation between the properties.

*To our knowledge there are no existing, planned or platted streets on adjacent properties that would need to be connected through this development.*

- d. When deemed necessary by the Planning Commission or where applicable the Planning Director, developments shall provide access to adjacent tracts not presently developed.

*Give the topography west of the proposed building sites, we request that a requirement to connect to adjacent tracts be waived.*

- e. Access shall be consolidated whenever possible.

*As noted above, access points have been separated by vehicle type to the extent practical. As the average daily traffic on Edge Road is low, we request that the proposed number of access points be approved.*

- f. Whenever possible, roads shall be constructed above the elevation of the 100-year floodplain.

*The entire development envelope is above the 100-year floodplain.*

- g. The applicant shall demonstrate that access to the project is adequate and the roads which will be impacted have the capacity to handle the traffic generated by the proposed project and will not endanger the safety of the general public.

*The width and condition of Edge Road is adequate for the proposed traffic. We will study the condition and width of Chestertville Bridge Road to determine if upgrades are warranted. Impacts to surrounding intersection are being studied and the results will be issued in a Traffic Impact Study.*

## 2. On-site Circulation

- a. Sites shall be designed to prevent awkward or dangerous vehicular flow.

*The sites have been designed to separate employee/visitor vehicles from tractor trailers to the extent possible to promote a safer vehicular flow pattern.*

- b. Loading and unloading spaces shall not block the passage of other vehicles on the service drive or major pedestrian ways or create blind spots when trucks are loading or unloading.

*All loading and unloading spaces are located behind the building, away from other employee/visitor vehicles.*

- c. Sites shall be designed to discourage pedestrians and vehicles from sharing the same pathways.

*Sidewalks have been provided along the building façade to aid in separating pedestrians from vehicles.*

- d. Safe, convenient, and centralized handicap parking shall be provided.

*All ADA compliant spaces will be located closest to pedestrian entrance doors.*

- e. Trash boxes must be accessible to collection trucks when all vehicle parking spaces are filled.

*Trash corrals will be located to the rear of the buildings to avoid conflict with employee/visitor vehicles.*

- f. Parking shall not be permitted in the required front yard.

*With approval of the requested 50-ft width, no parking is located within the front yard.*

### 3. Floodplain

- a. In order to prevent excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, all development, new construction, and substantial improvements to existing structures in all floodplain zones shall comply with the requirements of Article VI, Section 7 of this Ordinance, including but not limited to the following:

- i. Elevation of all new or substantially improved structures;
- ii. Compliance with venting and other construction standards; and
- iii. Submission and recordation, where applicable, of Elevation Certificates, Declaration of Land Restrictions, deed restrictions, and venting affidavits.

*N/A – development area is not within the floodplain.*

- b. Placement of buildings and materials. In general, buildings and accessory structures should be located entirely out of the floodplain, out of the flood protection setback, or on land that is least susceptible to flooding. All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of floodwaters.

*All proposed buildings are located out of the floodplain.*

- c. General development shall not occur in the floodplain where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized.

*N/A – development area is not within the floodplain.*

### 4. General Landscape Requirements

- a. The front yard shall be landscaped and shall be maintained in a neat and attractive condition.

*The front yards will be landscaped and maintained in a neat and attractive condition.*

- b. Sites shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as originally proposed.

*So noted.*

- c. The landscape plan shall be prepared by a registered professional forester, landscape architect, or other professional with equivalent experience and qualifications.

*The landscape plan will be designed by a licensed landscape architect.*

- d. The Planning Commission, or where applicable the Planning Director, may waive the landscape requirements when it is demonstrated that the spirit and intent of the requirement is accomplished through other means or the nature of the change is one that does not require additional landscaping.

*So noted.*

## 5. Screening

- a. Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses.

Screening is required:

- i. On sites which involve loading or unloading (including the storage of vehicles and boats), trash, or disposal areas and where accessory buildings and structures are adjacent to residential properties.

*The site layouts have been designed to have all loading / unloading areas facing away from adjacent properties and public roads.*

- ii. Where exterior storage areas are visible from roadways, sidewalks, or nearby residential properties.

*N/A*

- iii. When noise not typically occurring in residential areas is expected to project onto nearby properties.

*It is not anticipated that excessive noise will occur at this site. Once an end user is identified, we will provide information relative to the Industrial Performance Standards. Berms will be installed along Chesterville Bridge Road frontage to abate noise to adjacent residential areas.*

- iv. To screen parking areas from motorists, pedestrians, and adjoining residential properties.

*Natural screening exists for these properties between Edge Road and US Route 301. Additional screening and a berm will be added along Chesterville Bridge Road near the existing residential homes.*

- v. Where the industrial district abuts a residential district or a primary or secondary road.

*The property abuts agricultural fields and a few residences. Land a service road. Additional screening and a berm will be added along Chesterville Bridge Road near the existing residential homes.*

- vi. Where the Planning Commission determines that additional screening is necessary to protect properties in the area.

*So noted.*

- b. Landscaped screens shall be designed to complement other landscaping occurring naturally on the site, planted previously, or approved as a part of a site plan review. Whenever possible, existing vegetation and landform shall be used to create screens.

*Natural screening exists onsite as well as on adjacent properties between Edge Road and US Route 301. Additional screening and a berm will be added along Chesterville Bridge Road near the existing residential homes.*

- c. The screen shall be capable of providing year round screening.

*Screening added will be evergreen to provide year round screening.*

- d. When noise is likely to be a factor, the screen shall be of sufficient construction to be an effective noise buffer.

*So noted.*

- e. Screening shall consist of trees and plants and may include masonry, or wooden fencing used with or without berms. Screening shall consist of a functional and well-designed combination of the following:

- i. Vegetative ground cover

- ii. Coniferous and deciduous shrubs

- 1. Specimens of which will reach and maintain a minimum height of 5 feet of full vegetative growth.

- 2. Plants which measure a minimum of 3 feet in height at the time of planting and are expected to attain a 5-foot height within 3 years.

- 3. Coniferous and deciduous trees Species and sizes of which will be chosen to best accomplish an adequate screen (i.e., evergreens used for visual screening, deciduous trees for seasonal screening)

*So noted.*

- f. Natural slopes and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the area from adjoining properties and roadways. The Planning Commission, or where applicable the Planning Director, shall determine the acceptability of using existing slopes and vegetation for this purpose. The Planning Commission, or where applicable the Planning Director, may waive screening where it is physically impossible to accomplish.

*So noted.*

- g. Screening and fencing shall be maintained in at least the same quality and quantity as initially approved.

*So noted.*

## 6. Lighting

- a. Lighting on the site shall be designed to avoid glare onto adjacent properties.

*All site lighting will be dark sky compatible and will be directed downward to avoid glare onto adjacent properties.*

- b. Lighting on the site shall be sufficient to provide for the safety and security of the business, its employees, and its customers.

*A lighting plan will be developed to provide a safe and secure environment for the business, its employees, and its customers / guests.*

- 7. Site Planning External Relationship: Site planning within the District shall provide protection of individual lots from adverse surrounding influences and for protection of surrounding areas from adverse influences existing within the District. In particular:

- a. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Storage, turn lanes, or traffic dividers may be required by the Planning Commission where existing or anticipated heavy flows indicate need. In

general, streets shall not be connected with streets outside the District in such a way as to encourage the use of such streets by substantial amounts of through traffic.

*One tractor trailer access will be located on Chesterville Bridge Road. The orientation of the access is on an angle to the existing road in order to avoid tractor trailers from turning north onto Chesterville Bridge Road. The remaining access points will occur off of Edge Road.*

- b. Yards, fences, walls, or vegetative screening shall be provided where needed to protect residential districts or public streets from undesirable views, lighting, noise, or other offsite influences. In particular, outdoor storage, extensive off-street parking areas, and service areas for loading and unloading vehicles, and for storage and collection of refuse and garbage shall be effectively screened.

*Additional screening and a berm will be added along Chesterville Bridge Road near the existing residential homes.*

This project is consistent with the Kent County Comprehensive Plan. The following are excerpts from the plan that show consistency with the proposed subdivision:

- Promote the development of the County employment centers.
  - The subdivision is proposed in the Employment Center zoning district which allows a variety of industrial scale developments.
- The County can encourage potential employers to locate in areas where employment and industrial uses are desirable and compatible.
- The County can also provide a stronger commercial/industrial tax base to help balance County tax revenues.
- Expand regulatory flexibility for the creation of and location of employment centers and industrial uses...These efforts will especially focus on the Worton area, and the US 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the Route 291-Route 301 intersection be guided by the desired expansion of services and land use identified by Millington's municipal growth element.

Following recordation of the subdivision plats, Lots 1 & 2 will be owned, developed, and maintained by Everton Industrial Development, LLC, 266 Atsion Road, Medford, New Jersey, 08055. The balance of the parcel will be owned and maintained by Millington Crossing Associates One, LLC, P.O. Box 546, Chester Heights, Pennsylvania, 19017.

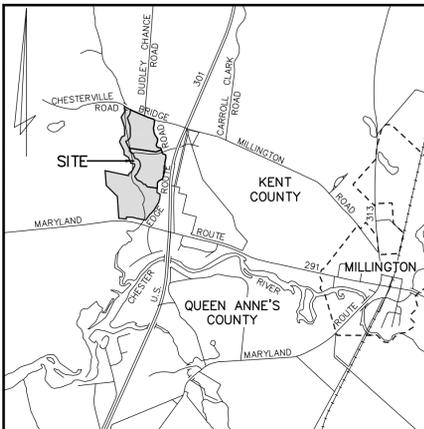
Stormwater management will be address using Environmental Site Design to the Maximum Extent Practicable. Soils within the development footprint are primarily B and C classifications. Based on the size of the lots and the impervious cover, each lot will need to treat approximately 90,000-cf of runoff. A series of bioretention areas along with other stormwater practices will be incorporated into the grading and drainage design to meet the requirements.

## **INDUSTRIAL PERFORMANCE STANDARDS**

### **Everton Industrial Development Lots 1 & 2 of the lands of Millington Crossing Associates One, LLC Near Millington, Maryland**

In accordance with Article V, Section 15.6 of the Kent County Zoning Ordinance, the following will be addressed once an end user has been identified:

1. NOISE
2. VIBRATION
3. GLARE
4. AIR POLLUTION
5. WATER POLLUTION
6. RADIOACTIVITY
7. ELECTRICAL INTERFERENCE
8. SMOKE AND PARTICULATE MATTER
9. TOXIC MATTER
10. ODOROUS MATTER



**VICINITY MAP**

SCALE 1" = 3000'

**GENERAL NOTES**

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:
  - Delmarva Power & Light Company ----- 1-800-375-7117
  - Miss Utility ----- 1-800-441-8355
  - DMS & Associates, LLC ----- 1-443-262-9130
  - Kent County Dept. Public Works ----- 1-410-778-7439
  - Kent Co. Sediment & Erosion Control Inspector ----- 1-410-778-7457
  - Kent Co. Dept. of Water & Wastewater ----- 1-410-778-3287
  - Maryland Department of the Environment ----- 1-410-631-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

**OWNER:**  
MILLINGTON CROSSING ASSOCIATES ONE, LLC  
c/o RUSS RICHARDSON  
P.O. BOX 546  
CHESTER HEIGHTS, PA 19017  
PHONE No. 1-410-275-2714

**SURVEYOR:**  
MICHAEL A. SCOTT, INC.  
c/o MIKE SCOTT  
400 SOUTH CROSS STREET  
CHESTERTOWN, MARYLAND 21620  
PHONE No. 1-410-778-2310

**DEVELOPER/ CONTRACT PURCHASER:**  
EVERTON INDUSTRIAL  
c/o DAN GURAL  
266 ATSON ROAD  
MEDFORD, NEW JERSEY 08055  
PHONE No. 1-609-929-6025

**ENGINEER:**  
DMS & ASSOCIATES, LLC  
c/o KEVIN J. SHEARON, P.E. LEED AP  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE No. 1-443-262-9130

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- SHEET C-2 - OVERALL CONCEPTUAL SITE PLAN
- SHEET C-3 - CONCEPTUAL SITE PLAN - LOT 1
- SHEET C-4 - CONCEPTUAL SITE PLAN - LOT 2
- SHEET C-5 - OVERALL CONCEPTUAL UTILITY PLAN
- SHEET C-6 - CONCEPTUAL UTILITY PLAN
- SHEET C-7 - CONCEPTUAL UTILITY PLAN
- SHEET L-1 - CONCEPTUAL LANDSCAPE PLAN - LOT 1
- SHEET L-2 - CONCEPTUAL LANDSCAPE PLAN - LOT 2

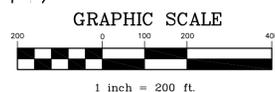
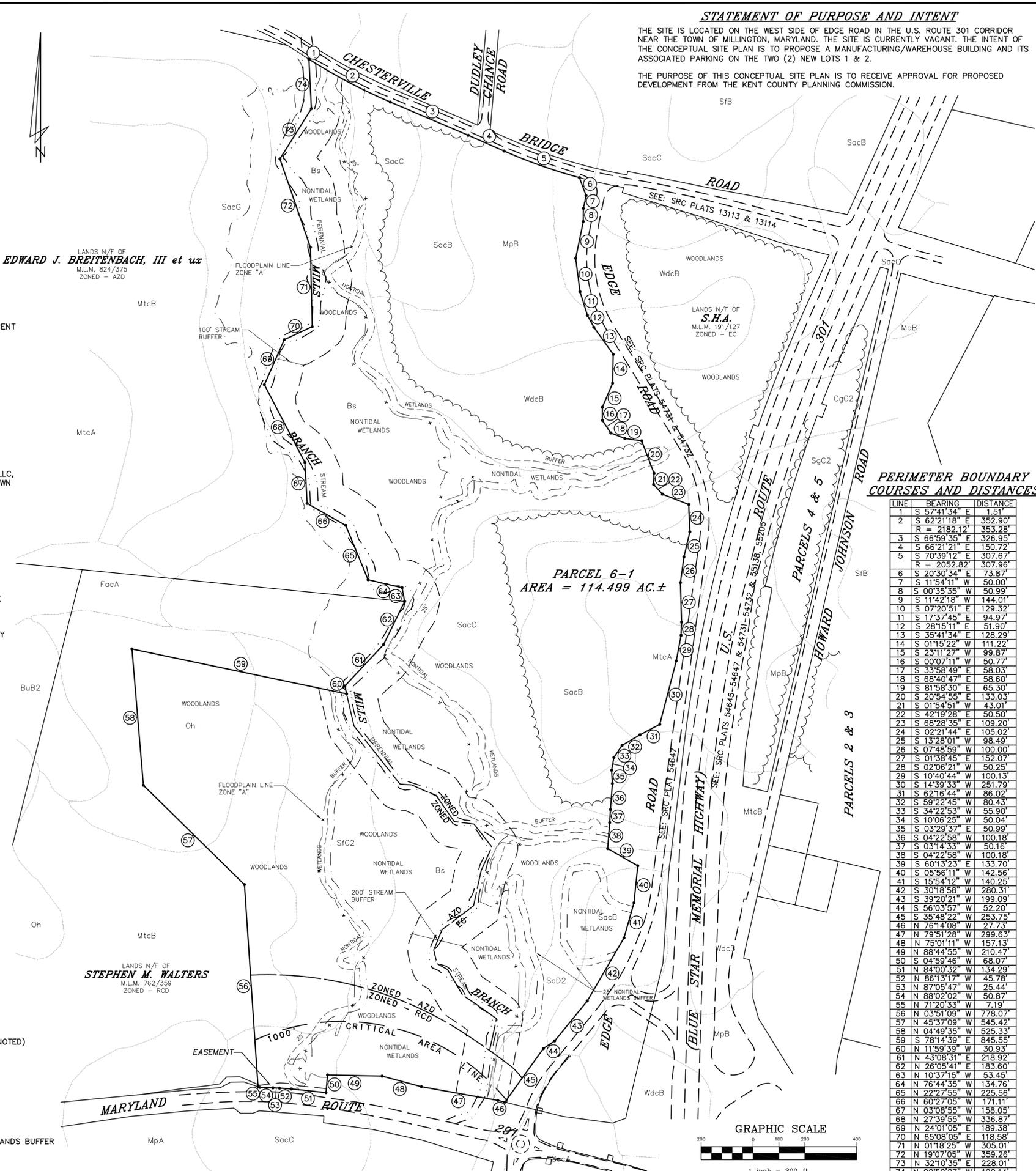
**SITE NOTES**

- PROPERTY LINE INFORMATION FOR P. 6-1 SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN JUNE, 2017. HORIZONTAL DATUM IS NAD 83. SEE SUBDIVISION PLATS PREPARED BY DMS & ASSOCIATES, LLC FOR PARCEL 6-1, LOTS 1 AND 2 PROPERTY LINE AND FOREST CONSERVATION INFORMATION.
- FOR DEED REFERENCE, SEE LIBER M.L.M. 892, FOLIO 45B.
- CURRENT ZONING CLASSIFICATION - "RCD" (RESOURCE CONSERVATION DISTRICT), "AZD" (AGRICULTURAL ZONING DISTRICT) AND "EC" (EMPLOYMENT CENTER).
- THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - RCA (RESOURCE CONSERVATION AREA).
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C213D (ZONE "A"), DATED JUNE 9, 2014.
- SOILS SHOWN HEREON ARE SCALED FROM MAPS LOCATED AT THE FOLLOWING WEBSITE: <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY. HYDRIC SOILS ON SITE ARE - Bs & Oh.
- THE PERENNIAL STREAM SHOWN HEREON IS SCALED FROM MARYLAND ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK WEBSITE <http://gisapps.dnr.state.md.us/Merlin/index.html>.
- THE NONTIDAL WETLANDS SHOWN HEREON ARE TAKEN FROM A REPORT PREPARED BY DAVIS & ASSOCIATES, ENVIRONMENTAL CONSULTANTING, LLC, DATE JUNE 17, 2022 AND OTHER MAPPED WETLANDS. DELINEATION SHOWN HEREON HAS BEEN SCALED FROM THE REPORT AND HAS NOT BEEN FIELD VERIFIED.
- STEEP SLOPES SHOWN HEREON ARE TAKEN FROM AERIAL TOPOGRAPHY FLOWN IN THE FALL OF 2013. VERTICAL DATUM IS NAVD 88.
- WOODLANDS SHOWN HEREON IS SCALED FROM ORTHO PHOTOS FLOWN IN THE FALL OF 2019 AND VERIFIED BY A SITE VISIT.
- THE PRESENCE OF ANY OTHER NATURAL RESOURCES (ie... EROSION HAZARD AREAS, etc...) DO NOT EXIST ON THE SITE AS VERIFIED BY A SITE VISIT IN DECEMBER, 2018.
- THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE CONDUCTED AN ENVIRONMENTAL REVIEW OF THE SITE AND DETERMINED THAT THERE ARE NO OFFICIAL STATE OR FEDERAL RECORDS FOR LISTED PLANT OR ANIMAL SPECIES ON THE SITE. THE WILDLIFE AND HERITAGE SERVICE NOTED IN ITS RESPONSE LETTER, DATED JULY 20, 2022 THAT THE NO FORESTED AREA ON THE PROPERTY CONTAINS HABITAT FOR FOREST INTERIOR DWELLING BIRDS (FIDS).
- CONTOURS SHOWN HEREON ARE TAKEN FROM AERIAL TOPOGRAPHY FLOWN IN THE FALL OF 2013. VERTICAL DATUM IS NAVD 88.
- NEW PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL. NEW PUBLIC WATER WILL BE UTILIZED FOR POTABLE WATER SUPPLY AND FIRE SUPPRESSION.
- SECURITY LIGHTING IS PROPOSED MOUNTED TO THE BUILDING. ADDITIONAL SITE LIGHTING PROPOSED IN THE PARKING LOT IS TO BE DARK SKY COMPATIBLE.
- STORMWATER MANAGEMENT FOR THE SITE WILL BE ADDRESSED VIA THE IMPLEMENTATION OF ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP).
- ALL SIGNS SHALL COMPLY WITH THE CURRENT REGULATIONS OF KENT COUNTY CODE (SECTION 2. SIGNS, FOR THE EMPLOYMENT CENTER ZONE (EC)).
- SITE REQUIREMENTS (INDUSTRIAL SUBDIVISION):**  
MINIMUM LOT SIZE = N/A  
FRONT BUILDING RESTRICTION LINE  
- 50' REQUESTED (NOT LOCATED ON "PRIMARY ROADS")  
SIDE BUILDING RESTRICTION LINE  
- 15' REQUESTED (PER "STANDARD" REQUIREMENTS)  
- 50' REQUESTED (ALONG "PUBLIC ROADS")  
REAR BUILDING RESTRICTION LINE  
- 15' REQUESTED (PER "STANDARD" REQUIREMENTS)  
BUILDING HEIGHT = 45'  
SECURITY FENCE HEIGHT = 8'  
MAXIMUM BUILDING SIZE = N/A  
MAXIMUM BUILDING HEIGHT = N/A

**LEGEND**

- DEED POINT (UNLESS OTHERWISE NOTED)
- AZD ZONING LINE
- EDGE OF EXISTING WOODLINE
- FLOOD PLAIN LINE
- PERENNIAL STREAM
- NONTIDAL WETLAND MARGIN
- 25' BUFFER FROM NONTIDAL WETLANDS BUFFER
- SOILS LINE AND TYPE

LANDS N/E OF  
**EDWARD J. BREITENBACH, III et ux**  
M.L.M. 824/375  
ZONED - AZD



**PERIMETER BOUNDARY COURSES AND DISTANCES**

LINE	BEARING	DISTANCE
1	S 57°41'34" E	1.51'
2	S 62°21'18" E	352.90'
3	R = 2182.12'	353.28'
4	S 66°59'35" E	326.95'
5	S 70°39'12" E	307.67'
6	R = 2052.82'	307.96'
7	S 20°30'34" E	73.87'
8	S 00°35'35" W	50.99'
9	S 11°42'18" W	144.01'
10	S 07°20'51" E	129.32'
11	S 17°37'45" E	94.97'
12	S 28°15'11" E	51.90'
13	S 35°41'34" E	128.29'
14	S 01°15'22" W	111.22'
15	S 23°11'27" W	99.87'
16	S 00°07'11" W	50.77'
17	S 33°58'49" E	58.03'
18	S 68°40'47" E	58.60'
19	S 81°58'30" E	65.30'
20	S 20°54'55" E	133.03'
21	S 01°54'51" W	43.01'
22	S 42°19'28" E	50.50'
23	S 68°28'35" E	109.20'
24	S 02°21'44" E	105.02'
25	S 13°28'01" W	98.49'
26	S 07°48'59" W	100.00'
27	S 01°38'45" E	152.07'
28	S 02°06'21" W	50.25'
29	S 10°40'44" W	100.13'
30	S 14°39'33" W	251.79'
31	S 62°16'44" W	86.02'
32	S 59°22'45" W	80.43'
33	S 34°22'53" W	55.90'
34	S 10°06'25" W	50.04'
35	S 03°29'37" E	50.99'
36	S 04°22'58" W	100.18'
37	S 03°14'33" W	50.18'
38	S 04°22'58" W	100.18'
39	S 60°13'23" E	133.70'
40	S 05°56'11" W	142.56'
41	S 15°54'12" W	140.25'
42	S 30°18'58" W	280.31'
43	S 39°20'21" W	199.09'
44	S 56°03'57" W	52.20'
45	S 35°48'22" W	253.75'
46	S 76°14'08" W	27.73'
47	S 79°51'28" W	299.03'
48	S 75°01'11" W	157.13'
49	S 88°44'55" W	210.47'
50	S 04°59'46" W	68.07'
51	S 84°00'32" W	134.29'
52	S 86°13'17" W	45.78'
53	S 87°05'47" W	25.44'
54	S 88°02'02" W	50.87'
55	S 71°20'33" W	7.19'
56	S 03°51'09" W	278.07'
57	S 45°37'09" W	545.42'
58	S 04°49'35" E	525.33'
59	S 78°14'39" E	845.55'
60	S 11°59'39" W	30.93'
61	S 43°08'31" E	218.92'
62	S 26°05'41" E	183.60'
63	S 10°37'15" W	53.45'
64	S 76°44'35" W	134.76'
65	S 22°27'55" W	225.56'
66	S 60°27'05" W	171.11'
67	S 03°08'58" W	158.05'
68	S 27°39'55" W	336.87'
69	S 24°01'05" E	189.38'
70	S 65°08'05" E	118.58'
71	S 01°18'25" W	305.01'
72	S 19°07'05" W	359.26'
73	S 32°10'35" E	228.01'
74	S 02°50'27" W	190.14'

STATE OF MARYLAND  
DEPARTMENT OF PUBLIC WORKS  
KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

DATE: AUGUST '22  
JOB No.: 2021165  
DRAWN BY: WJM  
FOLDER REF.: 31-2021165  
DESIGNED BY: KJS

SCALE: 1" = 200'

SHEET No. - C-1

CADD FILE - 21165C01

EXISTING CONDITIONS PLAN FOR MANUFACTURING/WAREHOUSE BUILDINGS ON THE LANDS OF MILLINGTON CROSSING ASSOCIATES ONE, LLC THIRD ELECTION DISTRICT, NEAR THE TOWN OF MILLINGTON TAX MAP - 31, GRID - 1E, PARCEL - 6-1

REVISION PER TAC COMMENTS DATE 10-19-22

FOR THE LANDS OF MILLINGTON CROSSING ASSOCIATES ONE, LLC

MANUFACTURING/WAREHOUSE BUILDINGS

ON THE LANDS OF MILLINGTON CROSSING ASSOCIATES ONE, LLC

THIRD ELECTION DISTRICT, NEAR THE TOWN OF MILLINGTON TAX MAP - 31, GRID - 1E, PARCEL - 6-1

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC  
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE: 1-443-262-9130  
FAX: 1-443-262-9148

STATE OF MARYLAND  
DEPARTMENT OF PUBLIC WORKS  
KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

STATE OF MARYLAND  
DEPARTMENT OF PUBLIC WORKS  
KENT COUNTY DEPARTMENT OF PLANNING AND ZONING





**SITE STATISTICS**

REMAINING PARCEL 6-1, LOT 2 SITE STATISTICS

GROSS SITE AREA	=	26.604 ac.±
NON-CRITICAL AREA	=	26.604 ac.±
CRITICAL AREA	=	0.000 ac.±
ZONE (EC)	=	26.604 ac.±
ZONE (AZD)	=	0.000 ac.±
ZONE (RCD)	=	0.000 ac.±

WAREHOUSE:

MAXIMUM BUILDING FOOTPRINT (ALLOWED)	=	N/A
MAXIMUM BUILDING FOOTPRINT (PROPOSED)	=	256,666 sq. ft.±
IMPERVIOUS AREA (EXISTING) ( 0.0%)	=	0.000 ac.±
IMPERVIOUS AREA (PROPOSED) (50.5%)	=	13.362 ac.±

LANDSCAPE AREA (EXISTING) (100%)	=	26.604 ac.±
LANDSCAPE AREA (PROPOSED) (49.8%)	=	13.242 ac.±

PARKING REQUIREMENTS:

INDUSTRIAL USES / WAREHOUSING:

PHASE 1:

1 space/2 employees X 240 EMPLOYEES	=	120 SPACES
PARKING (PROVIDED)	=	120 SPACES (7 HANDICAP ACCESSIBLE)

PHASE 2:

1 space/2 employees X 236 EMPLOYEES	=	118 SPACES
PARKING (PROVIDED)	=	238 SPACES (7 HANDICAP ACCESSIBLE)

OFF-STREET LOADING REQUIREMENTS:

WAREHOUSING:

1 space/20,000 sq. ft. X 256,666 sq. ft.	=	13 SPACES
PARKING (REQUIRED)	=	13 SPACES
PARKING (PROVIDED)	=	66 SPACES

PAVEMENT SHOWN  SHALL BE MEDIUM DUTY BITUMINOUS CONCRETE

PAVEMENT SHOWN  SHALL BE HEAVY DUTY BITUMINOUS CONCRETE

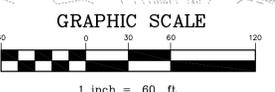
PROPOSED CONCRETE SIDEWALK TYPICAL WHERE SHOWN 

**PERIMETER BOUNDARY COURSES AND DISTANCES**

LINE	BEARING	DISTANCE
1	S 20°54'55" E	133.03'
2	S 01°54'51" W	43.01'
3	S 42°19'28" E	50.50'
4	S 68°28'35" E	109.20'
5	S 02°21'44" E	105.02'
6	S 13°28'01" W	98.49'
7	S 07°48'59" W	100.00'
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14	S 34°22'53" W	55.90'
15	S 10°06'25" W	50.04'
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17	S 04°22'58" W	100.18'
18	N 82°09'25" W	357.39'
19	N 37°59'44" W	105.56'
20	N 83°39'10" W	71.03'
21	N 35°00'34" W	32.23'
22	N 50°35'59" W	107.50'
R = 200.00' L = 108.84'		
23	N 66°11'23" W	121.98'
24	N 37°05'54" W	145.00'
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26	N 43°08'31" E	99.03'
27	N 34°37'06" E	59.29'
R = 200.00' L = 59.51'		
28	N 26°05'41" E	183.60'
29	N 07°44'13" E	125.98'
R = 200.00' L = 128.16'		
30	N 10°37'15" W	53.45'
31	N 43°40'55" W	218.21'
R = 200.00' L = 230.81'		
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37	N 27°39'55" W	23.29'
38	S 82°09'25" E	960.68'
39	N 67°28'14" E	200.00'

NOTE: SEE SUBDIVISION PLATS PREPARED BY DMS & ASSOCIATES, INC. FOR ADDITIONAL PROPERTY LINE INFORMATION

PARCEL 6-1 LOT 1



REVISION PER TAC COMMENTS

DATE 10-19-22

CONCEPTUAL SITE PLAN - LOT 2

FOR MANUFACTURING/WAREHOUSE BUILDING ON THE LANDS OF MILLINGTON CROSSING ASSOCIATES ONE, LLC

THIRD ELECTION DISTRICT, NEAR THE TOWN OF MILLINGTON TAX MAP - 31, GRID - 1E, PARCEL - 6-1

SCALE 1" = 60'

DATE AUGUST '22

JOB NO. 2021165

FOLDER #4 31-2021165

DESIGNED BY RJS

SHEET No. - C-4

CADD FILE - 21165CP4

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC

ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80 CENTREVILLE, MARYLAND 21617

PHONE 410-291-1100 FAX 1-443-262-9148

STATE OF MARYLAND PROFESSIONAL ENGINEER AND SURVEYOR

REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR

NO. 10000000000000000000

OCTOBER 19, 2022

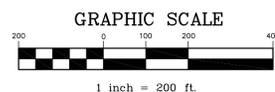
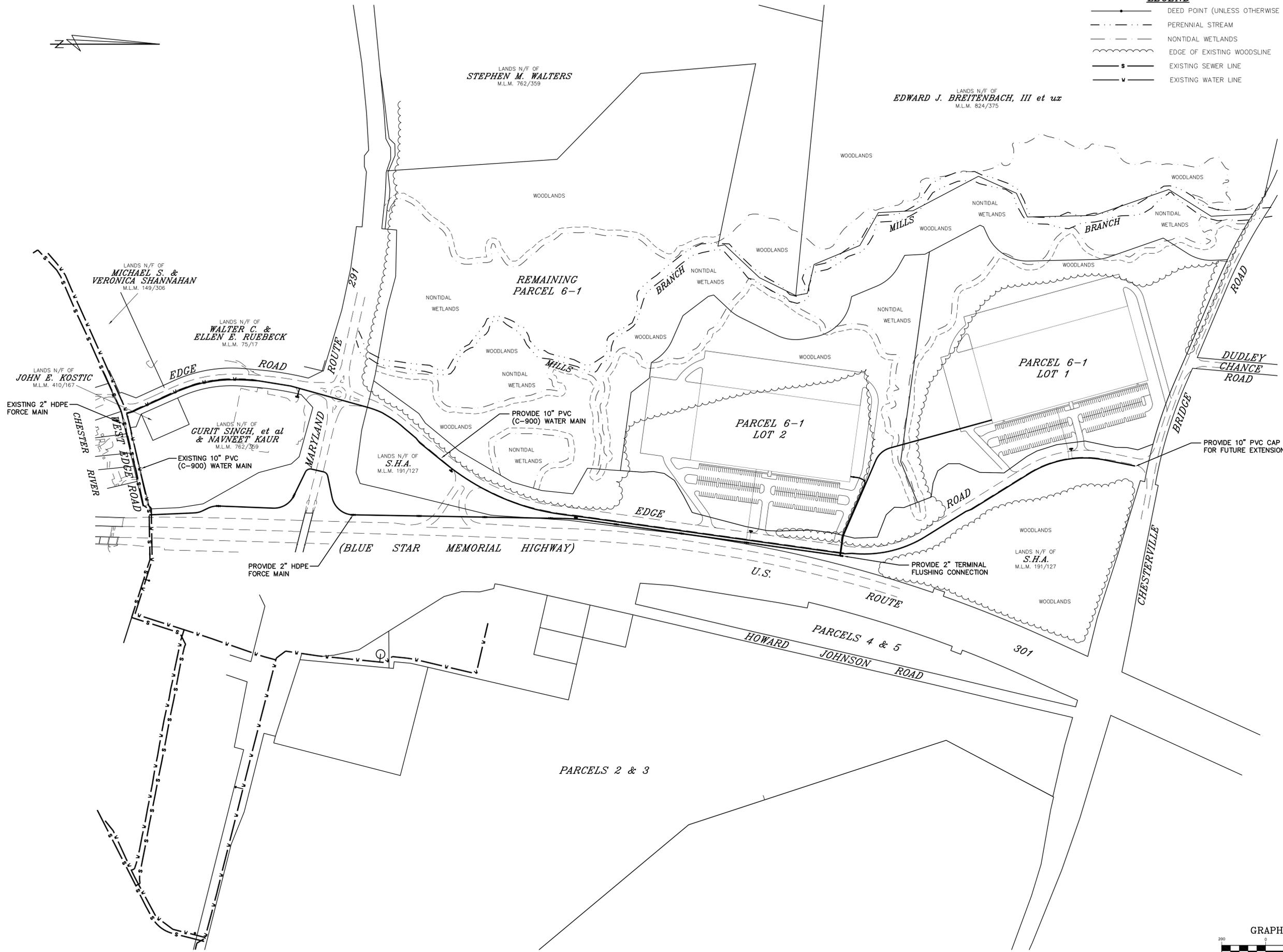
DAVID S. MOORE

SEAL



**LEGEND**

- DEED POINT (UNLESS OTHERWISE NOTED)
- PERENNIAL STREAM
- NONTIDAL WETLANDS
- EDGE OF EXISTING WOODLINE
- EXISTING SEWER LINE
- EXISTING WATER LINE



<p>DATE: AUGUST '22</p> <p>SCALE: 1" = 200'</p> <p>JOB No.: 2021165</p> <p>FOLDER #4: 31-2021165</p> <p>SHEET No.: C-5</p> <p>CADD FILE: 21165CP5</p>	<p>FOR</p> <p><b>MANUFACTURING/WAREHOUSE BUILDINGS</b></p> <p>ON THE LANDS OF</p> <p><b>MILLINGTON CROSSING ASSOCIATES ONE, LLC</b></p> <p>THIRD ELECTION DISTRICT, NEAR THE TOWN OF MILLINGTON</p> <p>TAX MAP - 31, GRID - 1E, PARCEL - 6-1</p>	<p>DATE: 10-20-22</p> <p>REVISION PER TAC COMMENTS</p>	<p>FOR THE TOWN OF MARYLAND</p> <p>STATE OF MARYLAND</p> <p>PROFESSIONAL SEAL</p> <p>DATE: OCTOBER 20, 2022</p>	<p>DESIGNED BY: KJS</p> <p>DRAWN BY: WJM</p>	<p>WEST COUNTY DEPARTMENT OF PLANNING AND ZONING</p> <p>WEST COUNTY DEPARTMENT OF PLANNING AND ZONING</p> <p>WEST COUNTY HEALTH DEPARTMENT</p> <p>WEST COUNTY DEPARTMENT OF PUBLIC WORKS</p> <p>WEST COUNTY DEPARTMENT OF WATER CONSERVATION DISTRICT</p>
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**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**

ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80  
CENTREVILLE, MARYLAND 21767  
PHONE: 1-410-262-9148  
FAX: 1-410-262-9148







**PLANT LEGEND**

- CANOPY TREES 
- UNDERSTORY (FLOWERING) TREES 
- EVERGREEN TREES 

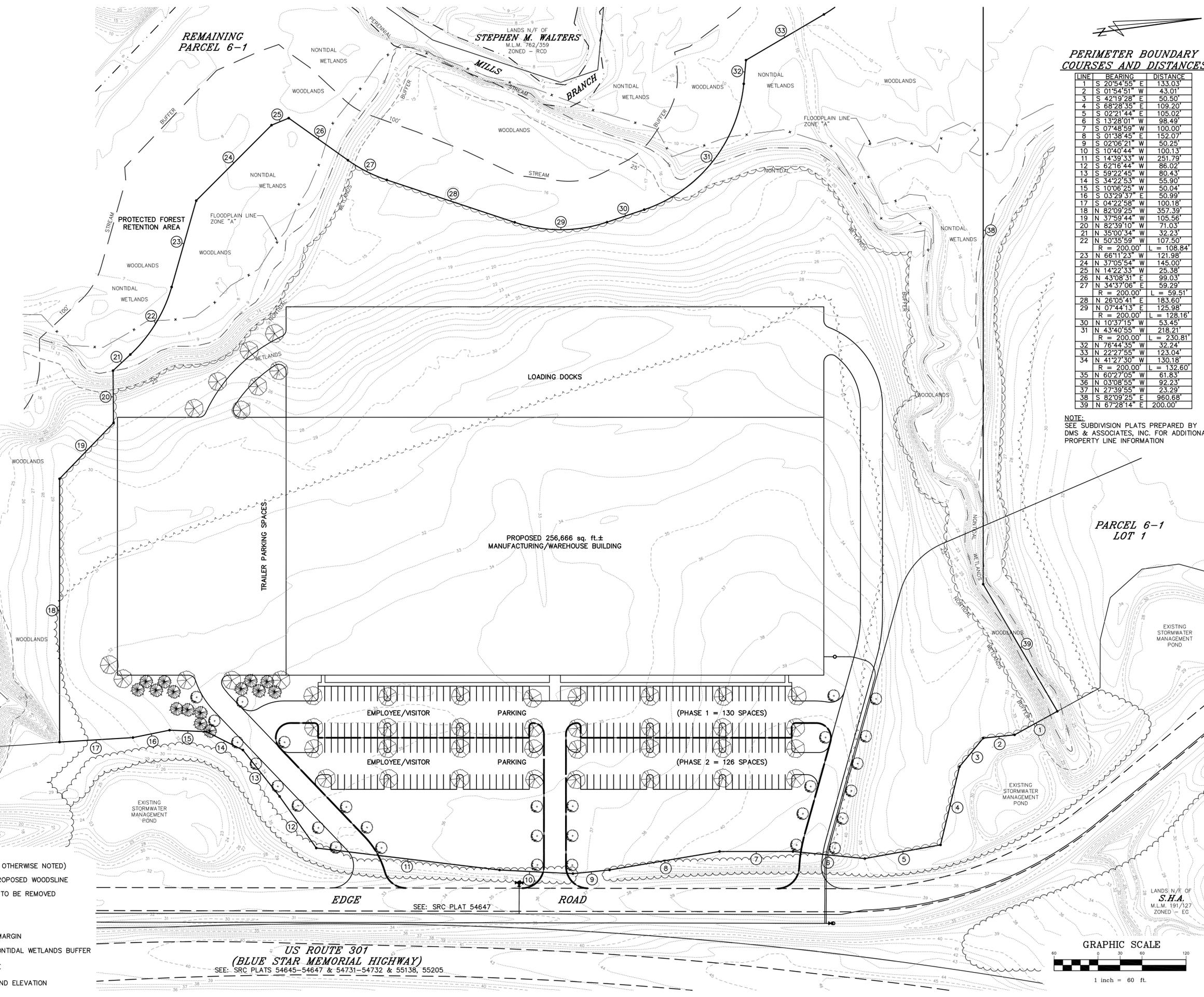
REMAINING  
PARCEL 6-1

REMAINING  
PARCEL 6-1

**LEGEND**

-  DEED POINT (UNLESS OTHERWISE NOTED)
-  EDGE OF EXISTING/PROPOSED WOODLINE
-  EDGE OF WOODLINE TO BE REMOVED
-  FLOOD PLAIN LINE
-  PERENNIAL STREAM
-  NONTIDAL WETLAND MARGIN
-  25' BUFFER FROM NONTIDAL WETLANDS BUFFER
-  Soils Line and Type
-  EXISTING CONTOUR AND ELEVATION

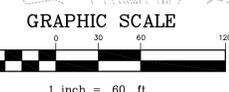
Copyright © 2022, by DMS & ASSOCIATES, LLC



**PERIMETER BOUNDARY COURSES AND DISTANCES**

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NOTE:  
SEE SUBDIVISION PLATS PREPARED BY  
DMS & ASSOCIATES, INC. FOR ADDITIONAL  
PROPERTY LINE INFORMATION



WEST COUNTY DEPARTMENT OF PUBLIC WORKS

WEST COUNTY DEPARTMENT OF PLANNING AND ZONING

WEST COUNTY HEALTH DEPARTMENT

WEST CO. SOL. AND WATER CONSERVATION DISTRICT



OCTOBER 19, 2022  
DATE

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
CENTREVILLE, MARYLAND 21617

**HUSTEAD Landscape Architecture, LLC**  
120 Bay Meadows Lane, Stevensville, MD, 21166  
Phone: 443.988.2294  
E-mail: Vhustead@husteadia.com Web: www.Husteadia.com

CONCEPTUAL LANDSCAPE PLAN - LOT 2

FOR  
**MANUFACTURING/WAREHOUSE BUILDINGS**  
ON THE LANDS OF  
**MILLINGTON CROSSING ASSOCIATES ONE, LLC**  
THIRD ELECTION DISTRICT, NEAR THE TOWN OF MILLINGTON  
TAX MAP - 31, GRID - 1E, PARCEL - 6-1

DATE	REVISION
10-19-22	PER TAC COMMENTS

SCALE  
AUGUST '22 1" = 60'

JOB No. 2021165  
DRAWN BY VH  
FOLDER #46  
DESIGNED BY VH

SHEET No. - L-2  
CADD FILE - 21165-L2

To: Kent County Planning Commission  
From: Carla Gerber, Deputy Director  
Meeting: November 3, 2022  
Subject: Green's Septic and Excavation, LLC (Steven Green)  
Special Exception and Concept Site Plan Review

## Executive Summary

### Request by Applicant

Steven Green is requesting a special exception to construct a pole building for storage of equipment used for his septic maintenance and excavation business on a parcel zoned Village.

### Public Process

Per Article VII, Section 6 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals on certain special exceptions. The Board of Appeals may authorize special exceptions for septic tank maintenance and excavation.

Per Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve site plans.

### Summary of Staff Report

Steven Green is requesting a special exception to operate his septic maintenance and excavation business except for the associated office uses on a property zoned Village. A new pole building will be constructed to store equipment used for the business. The business office will continue to be located at Mr. Green's home in Chesapeake Landing. The property for the storage of equipment is located at 10252 Fairlee Road in Melitota in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

Article VII, Section 7 (54.5)\* of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for septic tank maintenance and excavation provided the application complies with the following:

- a. Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- b. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- c. All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- d. All fences and landscaping must be approved by the Planning Commission as part of site plan review.

With the addition of landscaping, the proposed building may well be found to be appropriate to the setting. Additional information is needed from the applicant to determine that the application meets the Building, Mass, Size and Scale design standards (see #11 on page 126 in the Land Use Ordinance [here](#)). There is no outdoor storage of equipment or materials, no signage, and no lighting being proposed at this time.

### Staff Recommendation

Based on the information presented in the application, staff has no recommendation at this time on the special exception.

\* Amended 8/2/22

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: Green’s Septic and Excavation, LLC (Steven Green)  
Special Exception and Concept Site Plan Review  
DATE: October 27, 2022

**DESCRIPTION OF PROPOSAL**

Steven Green is requesting a special exception to operate his septic maintenance and excavation business except for the associated office uses on a property zoned Village. A new pole building will be constructed to store equipment used for the business. The business office will continue to be located at Mr. Green’s home in Chesapeake Landing. The property for the storage of equipment is located at 10252 Fairlee Road in Melitota in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

**APPLICABLE LAWS**

**I. Special Exceptions – Specific Standards**

- A. *Comprehensive Plan*: Kent County Comprehensive Plan has goals and strategies to support existing businesses and expand and provide more diversity in the size, number, and type of businesses.
- B. *Applicable Laws*: Article V, Section 7.3 identifies the septic tank maintenance and excavation as a special exception in Village, subject to site plan review and standards found in Article VII.

Article VII, Section 7(54.5)\* of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for septic tank maintenance and excavation provided the application complies with the following:

- e. Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- f. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- g. All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- h. All fences and landscaping must be approved by the Planning Commission as part of site plan review.

\* Amended 8/2/22

- C. *Staff and TAC Comments*: The applicant is requesting approval to construct a 50-foot by 80-foot pole building to store equipment used for his septic maintenance and excavation business. There will be no other structures on the property. The interior height will be 16 feet.
  - There is a well on the property but no septic system. The Health Department noted in a letter from MDE dated June 6, 2006, the parcel was evaluated for a sandmound. The proposed building placement cannot impact the disposal area; therefore equipment will need to enter and exit onto the parcel via the gravel lane before, during, and after construction in order to preserve this area for possible future use for sewage disposal.
  - The applicant is proposing a metal pole building that will have dark siding with a lighter colored wainscot. A long side, which will have 4 windows, will face Fairlee Road. One short side, which will have a sliding door, will face the existing gravel lane and will be the primary access to the building. The long side opposite Fairlee Road will have two overhead doors and “normal” doors on either end. The applicant is not proposing to have any parking area on this side of the building. Staff has concerns about the use of the overhead doors without an

adjacent gravel parking/driving area.

- The building will be set almost 88 feet from the front property line. The front yard is currently lawn. The other sides of the property are surrounded by forest.
- The applicant intends to store all equipment inside the building. There will be no outside storage of materials or equipment.
- With the addition of landscaping, the proposed building may well be found to be appropriate to the setting. Additional information is needed from the applicant to determine that the application meets the Building, Mass, Size and Scale design standards in the Village District.
- No landscape plan has been submitted.

## II. Special Exceptions – General Standards

- A. *Applicable Law:* Article VII, Section 2. of the Kent County *Land Use Ordinance* presents the standards by which a special exception may be granted.

The Board, or where applicable the Planning Director, shall make findings on the following where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
5. The impact of the development or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant natural features and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
10. The most appropriate use of land and structure;
11. Conservation of property values;
12. The proposed development's impact on water quality;
13. Impact on fish, wildlife and plant habitat;
14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the Critical Area Program; and
16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

- B. *Staff and TAC Comments:* The surrounding area is comprised of single-family homes and agricultural uses. The property is almost 2 acres and much of it is wooded. The proposed use will not have an impact on community services, such as police, fire, water, or sewer. There will be no impact to traffic patterns. The proposed use is consistent with the Comprehensive Plan.

### STAFF RECOMENDATION

Based on the information presented in the application, staff has no recommendation at this time.

### III. Site Plan Review

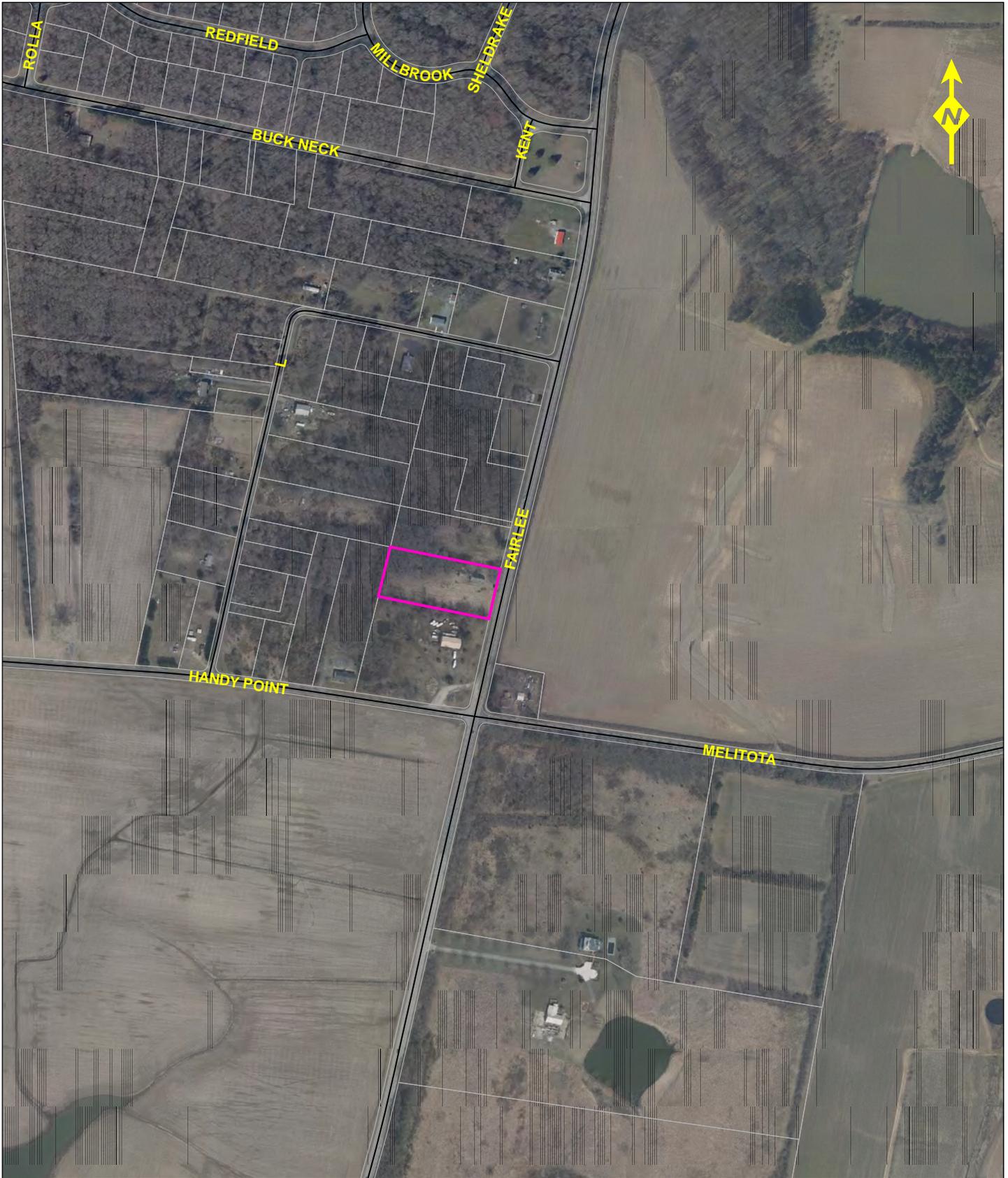
A. *Applicable Law:* Article VI, Section 5 of the *Ordinance* establishes the procedures and standards for site plan review. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.

1. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
2. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
3. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
4. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
5. Reasonable demands placed on public services and infrastructure.
6. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
7. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
8. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
9. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
10. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
11. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with the Comprehensive Plan.
- Forest Conservation must be addressed. The applicant may deed restrict all existing forest onsite or submit a Forest Stand Delineation and Forest Conservation Plan.
- A landscape plan for the front yard must be submitted.
- No new access is planned, and SHA has no concerns with County approval.
- No parking area is being provided. According to the applicant, all equipment will be stored in the building and no parking of other vehicles will be necessary.
- The Building Arrangement and Site Design standards state that buildings should generally be within 40 feet and no closer than 20 feet to the front property line unless there are counterbalancing considerations. The applicant would like to place the building almost 88 feet from the front property line which is similar to the setback of the remaining accessory building on the adjacent property.
- The applicant needs to address the Building, Mass, Size and Scale design standards.
- A lighting plan has not been submitted.
- No signage has been proposed at this time.

The applicant will need to address the outstanding requirements prior to final site plan review.



# BOARD OF APPEALS APPLICATION

## *Kent County Department of Planning, Housing and Zoning*

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

### IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

Green's Septic and Excavation, LLC

C/O Steven Green

10600 Hyala Ct., Chestertown, MD 21620

Email: [greensseptic@gmail.com](mailto:greensseptic@gmail.com)

### For Office Use Only:

Case Number/Date Filed: \_\_\_\_\_

Filed by: \_\_\_\_\_

Applicant: \_\_\_\_\_

Planning Commission: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Parties Notified: \_\_\_\_\_

Notice in Paper: \_\_\_\_\_

Property Posted: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: [delmarvasurveyco@yahoo.com](mailto:delmarvasurveyco@yahoo.com)

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article   V   Section   7.3 (15)  

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

       Appealing Decision of Kent County Zoning Administrator        Variance

  X   Special Exception        Nonconforming Use

### DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 10252 Fairlee Road, Chestertown, MD 21620

In the   6th   Election District of Kent County.

Size of lot or parcel of Land:   1.914 Acres  

Map:   27   Parcel:   87   Lot #: \_\_\_\_\_ Deed Ref:   1244/277  

List buildings already on property:   None  

If subdivision, indicate lot and block number: \_\_\_\_\_

If there is a homeowner's association, give name and address of association: \_\_\_\_\_

PRESENT ZONING OF PROPERTY:   (V) Village  

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Request for a Special Exception in the Village District under Section 7.3 (15) - Special Exception - Septic Tank Maintenance and Excavation to allow for the construction of a 4,000 Square Feet Storage Building.

If appealing decision of Zoning Administrator, list date of their decision: \_\_\_\_\_

Present owner(s) of property: Green's Septic and Excavation, LLC Telephone: 410-778-9294

If Applicant is not owner, please indicate your interest in this property: \_\_\_\_\_

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: \_\_\_\_\_

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**

List all property measurements and dimensions of any buildings already on the property.

**Put distances between present buildings or proposed buildings and property lines.**

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: Hiram O. Ramirez, 302 Manor Ave., Chestertown, MD 21620

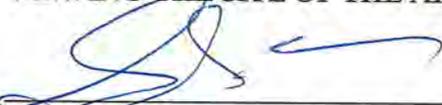
Owner(s) on the South: William & Tina Landon, 8110 Brices Mill Road, Chestertown, MD 21620

Owner(s) to the East: Green Point Farms at Melitota, LLC, PO Box 817, Farmingdale, NJ 07727

Owner(s) to the West: Matthew Murray & Afifa Habbassi, 23730 Handy Point Road, Chestertown, MD 21620

Homeowners Association, name and address, if applicable: \_\_\_\_\_

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

  
\_\_\_\_\_  
Signature of Owner/Applicant/Agent or Attorney

9/28/22  
\_\_\_\_\_  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**

**Kent County Department of Planning, Housing and Zoning**

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

**SITE PLAN APPLICATION**

**File Number:** \_\_\_\_\_ **Amount Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Project Name:** Green's Septic and Excavation, LLC

**District:** 6th **Map:** 27 **Parcel:** 87 **Lot Size:** 1.914ac **Deed Ref:** 1244/277 **Zoning:** Village

**LOCATION:** 10252 Fairlee Road, Chestertown, MD 21620

**PROPOSED USE:** Septic Tank Maintenance and Excavation Storage Building

**OWNER OF LAND:**

**Name:** Green's Septic and Excavation, LLC **Telephone:** 410-778-9294

**Address:** 10600 Hyala Ct., Chestertown, MD 21620 **Email:** greensseptic@gmail.com

**APPLICANT:**

**Name:** Owner is Applicant **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**AGENT/ATTORNEY (if any):**

**Name:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**REGISTERED ENGINEER OR SURVEYOR:**

**Name:** Harry A. Smith, Jr. **Telephone:** 443-480-5080

**Address:** 10644 Big Stone Road, Millington, MD 21651 **Email:** delmarvasurveyco@yahoo.com

**Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:** delmarvasurveyco@yahoo.com

**Water Supply:**  Public System  On lot system

**Sewerage:**  Public System  On lot system

**TELEPHONE SERVICED BY:** Verizon

**ELECTRIC SERVICED BY:** Delmarva Power

**NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.**



**Signature of Applicant**

9/28/22

**Date**

- Concept Plan      Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_
- Preliminary      Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_
- Final      Approving Authority: \_\_\_\_\_ Date \_\_\_\_\_

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**Harry A. Smith, Jr., Prof.L.S.**

10644 Big Stone Road

Millington, MD 21651

Ph.443-480-5080

[delmarvasurveyco@yahoo.com](mailto:delmarvasurveyco@yahoo.com)

**NARRATIVE  
FOR A PROPOSED SITE PLAN  
ON THE LANDS OF  
GREEN'S SEPTIC AND EXCAVATION, LLC.**

*Statement of Intent*

The purpose of this Narrative is to provide members of the Kent County Planning Commission, Planning Director and Staff and the Kent County Board of Appeals information and intentions regarding the proposed application for Site Plan on the lands of Green's Septic and Excavation, LLC.

*Owner/Developer*

The owner/developer is Green's Septic and Excavation, LLC, c/o Steven Green, 10600 Hyala Ct., Chestertown, MD 21620. The Site Plan is located at 10252 Fairlee Road, Chestertown, MD 21620, Tax Map 27, Grid 3C, Parcel 87. The Surveyor is Harry A. Smith, Jr., Professional Land Surveyor, 10644 Big Stone Road, Millington, MD 21651. Any correspondence related to this project should be directed to the owner and surveyor.

*Zoning/Use*

This property is currently zoned (V) Village District. The former use of the parcel was residential. The existing house was dilapidated and has been recently demolished under a permit from the Kent County Planning, Housing & Zoning office. The existing parcel is currently vacant but includes existing improvements of an entrance, gravel lane, concrete pad and well. The proposed use is non-residential/commercial for the construction of a new 4,000 square foot Storage Building by "Special Exception – Septic Tank Maintenance and Excavation".

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### *Viewshed/Open Space/Conservation*

This Site Plan proposes to create no open space. The viewshed of this lot is limited as the parcel is completely surrounded by forested areas with the exception of the east/road frontage side.

### *Comprehensive Plan Compliance*

This Site Plan is in compliance with the Kent County Comprehensive Plan by “fostering economic opportunities for all our citizens” by allowing Green’s Septic and Excavation, LLC to expand its business. The proposed Storage Building is needed by Green’s Septic and Excavation, LLC to provide inside storage of vehicles and equipment. The location for the expansion is in Melitota, a “Village” not serviced by public services but intended for future growth. The proposal is for storage which does not require public facilities. Additionally, the subject parcel has been vacant for many years with an existing dilapidated dwelling, and this proposal intends to “redevelop” within an existing designated “growth area”. Melitota is also designated as a Tier 3 - Priority Funding Area.

### *Proposed Water/Sewer Service*

This Site is serviced by private well water, however no facilities requiring water or septic are proposed. The Site is not suitable for an on-site conventional septic system, thereby making Storage a compatible use of the property.

### *Proposed Development Schedule*

No development schedule is proposed.

### *Ownership/Maintenance*

This Site is owned and will be maintained by Green’s Septic and Excavation, LLC.

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### *Critical Area*

This Site is not located in the Critical Area.

### *Impervious Surface*

This Site Plan proposes 4,000 square feet of new impervious area for the construction of the Storage Building. This Site formally was improved by a residential structure that covered 1,300 square feet of impervious area. Because of the demolition of the dwelling and improvements, the net increase of impervious surface is 2,700 square feet.

### *Citizen Participation Plan & Cost Analysis*

This application requests the Planning Director to waive the requirements for a Citizen Participation Plan and Government Services Cost Analysis as they are not applicable to this Site Plan.

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**Legend**

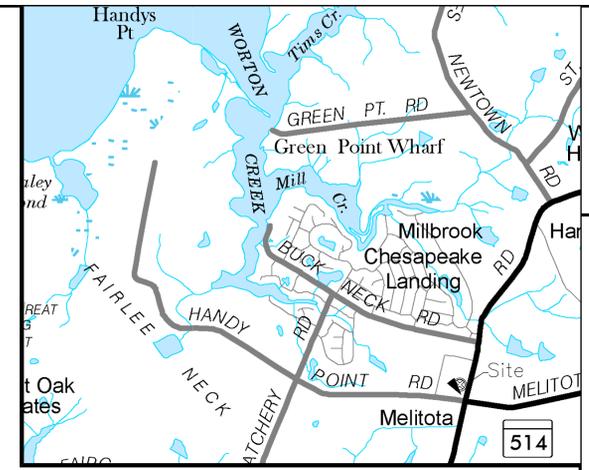
- Parcel Boundary
- Em MtcA Soil Type And Configuration
- Existing Forest
- Topography Contour & Elevation
- Proposed Building
- Limits Of Disturbance

P.79  
Lands N/F Of  
**James Isaac Henry, Jr.**  
14/505

P.86  
Lands N/F Of  
**Matthew A. Murray**  
**Afifa Habbassi**  
1194/271

P.37  
Lands N/F Of  
**Hiram O. Ramirez**  
420/451

P.88  
Lands N/F Of  
**William & Tina Landon**  
754/273



Vicinity Map

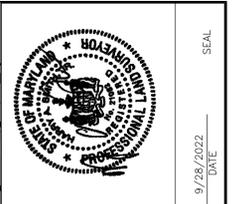
Total Land Area  
1.914 Acres ±

Proposed  
50' x 80'  
Pole/Storage Building

Brg=S 23°04'22" W  
Ch g=189.86'  
L=189.86'  
R=19267.00'

**Site Statistics**

Total Acreage = 1.914 Ac±  
 Area In 100 Year Floodplain = 0.000 Ac±  
 Acreage In Critical Area = 0.000 Ac±  
 Acreage In Open Space = 0.000 Ac±  
 Buildings Existing = 0  
 Buildings Proposed = 1 Non-Residential/Commercial Storage Building  
 Proposed Building Area = 4,000 Sq.Ft.  
 Zoning = (V) Village District  
 Limits Of Disturbance = 4,995 Sq. Ft.  
 Forested Area = 0.641 Ac±  
 Existing Impervious Area = 2,610 Sq.Ft.  
 Proposed Impervious Area = 6,610 Sq.Ft.



Site Plan  
On The Lands Of  
**Green's Septic & Excavation, LLC**  
Tax Map 27 Grid 3C Parcel 87  
Sixth District, Kent County, Maryland  
Prepared For: Green's Septic & Excavation, LLC

**Harry A. Smith, Jr.**  
Professional Land Surveyor  
10644 Big Stone Road  
Millington, Maryland 21651  
Phone 443-460-5080  
Email delmarasurveyor@yahoo.com

DATE	REVISION
Sept. 2022	
JOB NO. 22-040	
TOLER REF. 22-040	
SCALE 1"=20'	
DRAWN BY Smith	
DESIGNED BY Smith	
APPROVED BY Smith	
SHEET NO. 1 OF 1	
CADD FILE 22-040	

9/28/2022  
DATE

SEAL

**Pole Building Outfitters**  
22849 Peaviner RD  
Ridgeley MD 21660  
443-375-0497

**MHIC# 86372**  
**MHBR# 3364**  
**MD General Contractor# 05624390**  
**Delaware Contractor lic# 2020100858**



- Area Of Disturbance – 9/26/2022

Building Proposal for **Steve Green** at **10252 Fairlee Road, Chestertown Md 410-708-1191**  
**greensseptic@gmail.com**

1. 50' width x 80' length x 16' inside height
2. Gable Roof System: 4' o/c trusses, 3.75 / 12 Roof Pitch, 1' Overhangs. H2.5A
3. 8' o/c Three Ply Glu Laminated Column 2 x 8 on sidewall, 8' o/c Three Ply Glu Laminated Column 2 x 8 on gables.

Pole building outfitters will only need a 3' perimeter larger than the size of the building (total disturbed area 4,816 square feet) to construct the building. The area that will primarily be disturbed is on the inside of the building to dig footers, set trusses, ect. Any questions or concerns please contact Chris Wilhelm 443-375-0497 or [chrispboutfitters@gmail.com](mailto:chrispboutfitters@gmail.com)



# 3d View for Steve Green



# 3d View for Steve Green



