

MINUTES

The Kent County Planning Commission met in regular session on Thursday, January 2, 2014, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; Ed Birkmire; Bill Crowding; Kim Kohl and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Carla Gerber, Community Planner; Bill Kerbin, Housing Planner; G. Mitchell Mowell, Planning Commission Attorney; and Jennifer Butz, Secretary.

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

MINUTES

The minutes of the November 7, 2013, meeting were approved as presented.

APPLICATIONS FOR REVIEW:

#13-52 – Steven D. Green – Site Plan Review – Steven D. Green is requesting preliminary and final site plan review in order to operate his septic business as a cottage industry, Green's Septic and Excavation, LLC, on his property located on Hyala Road in the Third Election District. Special exceptions to operate the cottage industry and to construct a structure which exceeds the 1,200 square foot accessory building limit for a parcel less than 5 acres have been granted. Site plan review of the proposed cottage industry and accessory structure are required.

Present and duly sworn were Steven D. Green, Robert "Buck" Nickerson, Surveyor, and Bill Kerbin, Planner.

Mr. Kerbin gave an overview of the application and reviewed the staff report noting the Applicable Laws of the Kent County Land Use Ordinance to include Article V, Section 5 which contains the design guidelines for Critical Area Residential and Article VI, Section 5 which outlines the procedures and requirements for site plan review.

Mr. Nickerson stated a few changes have been made to the site plan and the landscaping plan. He stated that the two sheds located on the right side of the cul-de-sac have been eliminated per a demolition permit and a building permit had been applied for for a container that is pending per site plan approval. Mr. Nickerson also stated to reduce the amount of lot coverage, 8,300 square feet of gravel parking area will be removed and returned back to vegetative coverage. Per Mr. Nickerson, Joe Blizzard has signed off on the sediment and stormwater plan.

Mr. Nickerson also stated that the landscaping plan was updated to meet the requirements of the Commercial Critical Area section of the Land Use Ordinance. Mr. Nickerson stated using the information in the Ordinance and his calculations, the projected square footage of landscaping should be 15% or 2,500 square feet which he has exceeded. Mr. Nickerson also stated there is a fence on the left hand side of the property which will serve as the residential and commercial delineation. Mr. Nickerson stated the property will have all native species planted and said grass will cover the 8,300 square foot of gravel area being removed.

Mr. Green stated he has leased a piece of property to store his equipment and outdoor pipe. Mr. Green was informed a copy of the lease agreement needs to be submitted for his file.

Discussion ensued amongst the applicant and Planning Commission regarding the approval of the site plan and whether or not it would follow with the property if the property was ever sold. In addition, the size of species being planted for the landscaping plan.

Mr. Hickman made a motion to approve the preliminary and final site plan for the approved cottage industry with the following findings relative to the site plan requirements and special exception standards for the operation of a cottage industry onsite:

- The proposal is consistent with the Comprehensive Plan strategies to support cottage industries and small, locally-owned businesses. The proposed addition to the existing pole building will be a part of an expansion of an existing business.
- Business and living areas are seemingly separate. The primary purpose of the site is for residential use and the septic business is incidental to the residence.
- The proposal offers parking for one commercial vehicle and an area for residential parking. Prohibited vehicles such as honey wagons and additional commercial vehicles will be stored in the proposed addition as noted on the site plan.
- The size of the metal building addition has been reduced in order to accommodate the construction of a storage container. This change allows the applicant to store materials inside of structures and eliminate external storage.
- Continued operation of the septic business should not create an unusual amount of traffic or other impacts on infrastructure. The business only has one employee and clients will not visit the site.
- The Health Department has reviewed and approved the application.
- The proposed addition does not create any new lot coverage since the proposed building will be constructed over an existing driveway. The amount of soil erosion/disturbance should be minimal during and after construction.
- The proposal should not result in excessive noise, smoke, or odor and will not include hazardous materials. The applicant does not propose to install exterior lighting or signage.
- The lot coverage and area available for business use will decrease with the removal of 8,300 square feet of existing gravel area. This area will be returned to vegetation reflecting the surrounding character of the neighborhood.
- The proposal provides additional landscaping in the front yard to further screen the business portion of the property and maintain the surrounding character of the neighborhood.

The Planning Commission made the following conditions:

- The landscaping plan must include potted or ball and burlap trees.
- A deed must be prepared with a description of the 2 parcels combined as a result of the lot line adjustment.

The motion was seconded by Mr. Crowding and approved unanimously.

13-83 Town of Chestertown (Gateway Park) – Conceptual Site Plan Review

The Town of Chestertown is requesting concept site plan review for a proposed community park on an 11 acre parcel located on the south side of Route 20, near the intersection with Flatland Road, adjacent

to the town limits in the Seventh Election District. The parcel is zoned "AZD" Agricultural Zoning District. The area is characterized by a mix of commercial/industrial, residential and agricultural uses.

The Town is proposing a basketball court, walking path to a 10x12 observation deck, picnic tables, a bike rack and a 10 space parking lot. Eventually, the Town hopes to connect the park to the rail trail.

Present and duly sworn were Kees de Mooy, Chestertown Zoning Administrator; Perry Otwell, Engineer; and Carla Gerber, Planner.

Ms. Gerber gave an overview of the application and reviewed the staff report noting the Applicable Laws of the Kent County Land Use Ordinance to include Applicable Law: Article V, 1.5 of the Agricultural Zoning District stating the setback requirements, Article V, Section 1.7.B.2 which establishes the forest conservation standards, Article V, Section 1.7.B.6 which establishes the standards for protection of non-tidal wetlands, Article V, Section 1.7.B.7 which establishes the standards for stream protection corridors, Article V, Section 1.8.B.2 and Article VI, Section 7 which establishes the standards for floodplain, Article V, Section 1.7.B.8 and Article VI, Section 10 which states that no person shall develop any land...without having provided for appropriate stormwater management measures that control or manage runoff from such development, Article V, Section 1.8 which establishes the General AZD Design Standards addressing site access, parking, lighting, and landscaping, and Article VI, Section 5.3.B which lists objectives for the Planning Commission to consider when reviewing site plans.

Ms. Gerber stated no correspondence has been received regarding this application.

Mr. de Mooy and Mr. Otwell discussed the reason for the basketball courts, picnic tables and other details of the park with the Planning Commission. The Commission raised concerns regarding the amount of traffic traveling by the proposed park and the safety of both pedestrians trying to cross Route 20 and cars trying to turn into the park. Mr. de Mooy stated that the Town is working with SHA to insure that the entrance will be safe, but recognized that the crosswalk may have to wait until additional improvements are made along Flatland Road. In addition, the park will initially be connected to the rail trail via a sidewalk along Route 20. SHA approval of the entrance will be required for final approval.

The Planning Commission is also concerned with practicality of developing an active park when the property is so limited by the floodway and floodplain. No obstructions or improvements are permitted within the floodway and the Town may need to seek a floodway variance or letter of map amendment in order to proceed.

Mr. Birkmire raised a question concerning the location of the water table and speculated that it may be high in this location which could cause problems with constructing and maintaining a basketball court. The Planning Commission asked the Town to investigate the level of the water table to determine if a basketball court is feasible and what is required to build the court before returning for final approval.

Mr. Hickman asked if the Town had given consideration to the compatibility of a park next to a farm that is actively tilled and hunted. Mr. de Mooy and Mr. Otwell both felt that there is a sufficient buffer of forest and wetlands between the proposed park and the farm which will minimize potential conflicts.

Finally, the Planning Commission briefly discussed stream protection corridor. The members are inclined to approve a waiver of the corridor but want supporting evidence that a reduced corridor

achieves significant water quality and habitat improvements equal to the required corridor.

STAFF REPORTS

Carla Gerber: Ms. Gerber advised the Hazard Mitigation Plan is still in process and will likely come back to the Planning Commission before going to the County Commissioners.

Bill Kerbin: Nothing to report.

Mitch Mowell: Nothing to report.

Amy Moredock: Ms. Moredock advised that the Planning Department received a final draft set of the new floodplain maps in December and the new ordinance and maps should be adopted by June 2014.

Ms. Moredock also advised that staff will conduct a training class for the Bay Area Association of Realtors on January 9, 2014. The training will discuss floodplain, critical area, stormwater, and sediment control. This training is required for realtor continuing education.

Ms. Moredock also noted Kent County will be hosting, with the Eastern Shore Land Conservancy, a Quarterly Planners Meeting on January 16, 2014.

Ms. Moredock stated lastly the Broadband Expansion Plan is still under review for providing the “last mile” of service.

GENERAL DISCUSSION

Mr. Birkmire requested letters of approval from the departments that review TAC agendas. Letters will help to maintain a clear record, especially if there are staff changes, in case the decisions are ever challenged in the future. Mr. Birkmire also stated it would eliminate any questions of approval or review.

There being no further business for the good of the organization, the meeting was adjourned at 3:20 p.m.

Elizabeth Morris, Chairperson

Jennifer M. Butz, Clerk