

MINUTES

The Kent County Planning Commission met in regular session on Thursday, August 7, 2014, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; Ed Birkmire; Bill Crowding; Kim Kohl; Randy Bellows 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 Tonya Thomas, Secretary.

Ms. Morris called the meeting to order at 1:39pm.

MINUTES

The minutes of June 5, 2014, meeting, were approved as presented via email correspondences.

APPLICATIONS FOR REVIEW:

Eastern Shore Tents & Events – Industrial District – Shore Entities, LLC requests conceptual site plan review to operate its rental business, Eastern Shore Tents and Events, on its property located on Commerce Lane, Worton, Maryland, in the Third Election District. The site plan consists of a 31,250 square foot industrial warehouse which includes 2,500 square feet of office space in order to operate their business in the Worton Business Park. In an addition to the warehouse/office building, the site plan consists of 25 automobile parking spaces and 2 truck loading/unloading areas located behind the building. After development, the site will have 2.057 acres of impervious surfaces or 40% of the property. Commerce Lane, a county public road, will serve as access to the site. The Shore Entities, LLC property consists of two lots which have been adjusted into one 5-acre parcel.

Present and duly sworn in was Kevin Shearon of DMS and Associates and Rebecca Blizzard, applicant, and Amy Moredock, Planning Director.

Ms. Moredock gave an overview of the application and cited the applicable laws of the *Kent County Land Use Ordinance* to include Article V, Section 15 which contains project review standards for the Industrial District; Article VI, Section 1.3 and 1.4 which establish the parking, loading, and bicycle parking standards; and Article VI, Section 5 which establishes the procedures and standards for site plan review .

Mr. Shearon gave a brief overview of the scope of the proposed business.

Ms. Morris asked the applicant to describe the lighting that will be installed. Mr. Shearon stated that the lights are wall packs mounted on the front of the building that are more pedestrian scale and flood lights in the back for security purposes.

Mr. Sutton asked why the trees had to be replaced or replanted. Mr. Shearon stated that the trees were planted around the perimeter as a part of the subdivision requirements and some would

need to be removed to allow for the space required. Mr. Sutton expressed concerned about the visibility of deer that may run into the road from the site if the front of the site is heavily landscaped. Ms. Moredock asked the Planning Commission to guide the applicant as to what the landscaping should look like. Planning Commission members discussed the wildlife habitat and the view from the road.

Ms. Moredock asked for clarification on outdoor storage. Ms. Blizzard stated the tents are not going to be dried or stored outside and tents will not be displayed for advertisement. She noted that the warehouse is large enough to accommodate drying racks.

Kent Sand & Gravel, LLC – Special Exception – renewal of a gravel pit – Kent Sand & Gravel, LLC requests renewal of its special exception to wash and mine gravel from its 193 acre gravel pit on Alexander Road in the First Election District near Massey. As sections of the pit are completely mined, those areas are being reclaimed and upon final reclamation will consist of a permanent impoundment of 130 acres. The property is zoned Agricultural Zoning District and is surrounded by farmland.

Present and duly sworn in was Adam Sowers and Carl Good, applicants, 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 Article VII, Section 7.52 which permits as special exceptions sand and gravel pits, excavation, or extraction in AZD and Article VII, Section 2 which establishes that no special exception shall be authorized unless the Board finds that the establishment, maintenance or operation of the special exception meets the standards set forth in this Article.

Ms. Morris asked the applicants if they had anything to say about the project.

Mr. Sowers stated that they have complied with all recommendations and requirements that were brought up in last year's meeting.

Mr. Birkmire asked how often Kent Sand & Gravel has to renew with MDE. Mr. Sowers stated that the State license is required every year. A water appropriation permit is renewed every 10 years and is due to expire June 1, 2015.

Ms. Morris recalled that at the last meeting a homeowner on the Route 301 side was having problems with sand. Mr. Sowers noted that was on site this morning, and there were no concerns about the sand. He added that the amount of airborne sand would depend on the wind, and the berm and trees have been keeping dust and airborne sand from leaving the site.

Mr. Crowding stated that he thought the stock pile could only be stored up to 10 days. Mr. Crowding asked how big the stock pile will be allowed to be. Ms. Gerber stated that the width would be up to Kent Sand and Gravel but the height was to be limited to 30 feet. Mr. Sowers stated the stock pile has been decreasing every day due to the sale of large volumes of sand.

Present and duly sworn in was Heather Dann, protestant.

Ms. Dann submitted pictures of the stock pile from 2013 and 2014 and stated that there was no difference in the height from last year to this year. The evidence was entered as exhibits and reviewed by the members. Ms. Dann recommended a one-year renewal.

Mr. Hickman and Mr. Birkmire suggested that Kent Sand and Gravel consult a surveyor to document the height of the stock pile. Mr. Hickman questioned compliance since the height of the stock pile could not actually be confirmed nor was confirmation submitted.

Mr. Hickman made a motion to forward a favorable recommendation for a five-year renewal of the special exception conditioned upon providing the Board of Appeals a surveyed verification of the height of the stockpile. The decision was based on the following findings:

- ❖ The applicant has primarily complied with all conditions of the August 2013 approval.
- ❖ The operation provides reasonable protection for the neighborhood and residents.
- ❖ There are no known endangered or threatened species at the site.
- ❖ The operation will not further destroy agricultural lands.
- ❖ The operation does not degrade water quality and does not disturb any buffers.
- ❖ Applicant is operating under a permit from the Maryland Department of the Environment.
- ❖ Traffic patterns have been delineated and appear to be working.
- ❖ There are no churches or other public places nearby.
- ❖ The operation does not place an unreasonable demand on public services.
- ❖ The effects of noise, vibration, and dust have been minimized by the berms and landscape plantings.
- ❖ The application is consistent with the Comprehensive Plan.

The Planning Commission further recommended the following conditions (consistent with the 2013 review and approval):

1. That the project continues to be phased and sequenced so that reclamation can begin prior to final excavation;
2. The Applicant must maintain a 3:1 slope under water and 4:1 above water;
3. The Applicant is responsible for controlling truck traffic and ensuring that trucks avoid traveling through Massey;
4. The Applicant must instruct all drivers not to drive through Massey;
5. The Applicant shall maintain Alexander Road according to standards required by the County Engineer and contact the County Roads Division at least annually to determine if any road maintenance is necessary;
6. The height of the stockpile shall not exceed 30 feet;
7. The Applicant's sediment control plan shall address dust from the gravel extraction operation and the Applicant shall take any additional steps necessary to control dust by sweeping and/or wetting sand piles;
8. The Applicant shall minimize dust, noise, and vibration to satisfy neighboring residences;

9. The extension shall be granted for five years, at which time the special exception shall be reviewed for compliance with all terms and conditions imposed;
10. All materials and equipment shall be on-site and screened and protected by the berm;
11. Material shall not be brought from off-site for processing, mixing or similar use;
12. The operation shall follow an approved restoration plan from the Surface Mining Division of the Water Resources Administration of the Maryland Department of the Environment;
13. The Applicant's reclamation bond shall be reviewed and adjusted as needed during the biennial review of the sediment and erosion control plan;
14. The reclamation process shall require the site to be restored to prime agricultural land or approved aquaculture operation within five years and proof is to be provided as to the status thereof during each renewal review of the special exception;
15. The hours of operation (defined as gates open, personnel on site, and equipment operating) shall be from 6:00 a.m. to 4:00 p.m., Monday through Saturday, with no trucks arriving or parking along Alexander Road prior to 6:00 a.m.;
16. The berm along Route 301 shall be maintained and remain permanently seeded until the excavation is completed. The Board shall reevaluate the maintaining of screening during each renewal; and
17. The Applicant shall not affect non-tidal wetlands directly or hydrologically.

Ms. Kohl seconded the motion, and it was approved unanimously.

GENERAL DISCUSSION

Chestertown Comprehensive Plan

Mr. Kees de Mooy, Zoning Administrator for the Town of Chestertown, was in attendance.

The Commission found the Plan to be well-written, organized, and informative. The Plan is also full of laudable initiatives such as its seven areas of focus within the town limits; walking and biking path implementation and planned expansion; environmental site design focus; streetscape and traffic-calming initiatives; and pocket park enhancements. The Planning Commission further noted its appreciation of the Town's continued support of the Chestertown Parkway Bypass. After a lengthy discussion, the Planning Commission offered the following comments for consideration:

- ≈ The Commission understands the Town's desire to think beyond the standard planning horizon in order to control growth on its borders. The Planning Commission will continue to coordinate and cooperate with the Town on project review, and we will do our best to respect the wishes of the Town when discussing growth areas during project review.
- ≈ Although the Planning Commission does not intend to change zoning, Priority Funding Areas, or Tier designations within the Annexation Area, the Commission supports waiving the "five year rule" at such time as annexation occurs.

- ≈ Kent County provides several important facilities and services for the Town including schools, law enforcement, paramedic service, landfills, detention centers, and libraries, all of which are impacted by additional growth. We would request that during discussions of annexation agreements and Development Rights and Responsibility Agreements, the Town consider the impact on these County facilities just as the County considers impacts on Town services in its planning.
- ≈ The Commission requests the Town identify what it considers to be “low density” in the areas adjacent to the Town boundaries.
- ≈ Chestertown requests that both Kent and Queen Anne’s Counties adopt the Chestertown Plan into their Comprehensive Plans as a sub-area plan. The Commission suggests that the Town reconsider the verbiage of this request and suggests that the Town ask both Kent and Queen Anne’s Counties to “consider” Chestertown Comprehensive Plan adoption.
- ≈ The Commission encourages a dialogue with the Town regarding plans to extend the Rail Trail from Chestertown to Worton.

Mr. Randy Bellows excused himself from the meeting at 3:07 p.m.

Millington Comprehensive Plan

The Commission found the Plan to be well-written, organized, and informative. After a lengthy discussion, the Planning Commission agreed to offer the following comments for consideration.

- ≈ The Commission understands the Town’s desire to think beyond the standard planning horizon and influence and control growth on its borders. The Planning Commission will continue to coordinate and cooperate with the Town on project review and we will do our best to respect the wishes of the Town when discussing growth areas and during project review.
- ≈ Although the Planning Commission does not intend to change zoning, Priority Funding Areas, or Tier designations within the Annexation Area, the Commission supports waiving the “five year rule” at such time as annexation occurs.
- ≈ Kent County provides several important facilities and services for the Town including schools, law enforcement, paramedic service, landfills, detention centers, and libraries, all of which additional growth impacts. We would request that during discussions of annexation agreements and Development Rights and Responsibility Agreements, the Town consider the impact on these County facilities just as the county considers impacts on Town services in its planning.

Planning Commission Bylaws

The members reviewed several examples from other bylaws concerning meeting attendance and unexcused absences. The members agreed to use language from the City of Sioux Falls, SD Planning Commission Bylaws. While that example addressed a conflict of interest policy, the members chose not to include that language. Staff agreed to make the approved changes.

Staff Reports:

Amy Moredock addressed the following topics:

- Introduced Chris Hostetler, a summer student intern from Kent County High School. She noted that Chris has been an active member of staff, training which each staff member in the Department. She pointed out that Chris assisting in the drafting of the Eastern Shore Tents and Event staff report and created the aerial images for the proposed project. The Student Youth Intern Program has been a success for the Department.
- Recently attended an ADA compliance seminar and noted that the County has been assessing compliance within County buildings and on County properties.
- Staff has been implementing the new floodplain ordinance and consulting the new maps. Mr. Hickman asked if the property owners are notified if they are no longer in the flood zone. Ms. Moredock noted that individual property owners should be notified by their insurance agents.
- The Department will be welcoming Katrina Tucker, the new community planner, on August 20, 2014.
- The backyard chicken and marines use in village district text amendments were approved at the last County Commissioners of Kent County meeting and will become effective on Friday, 15 August 2014.

There being no further business for the good of the organization, the meeting was adjourned at 3:55 p.m.

Elizabeth Morris, Chairman

Tonya L. Thomas, Clerk