

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, August 4, 2016, 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; James Saunders; Kim Kohl; William Crowding; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Katrina Tucker, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

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

## MINUTES

The minutes of July 7, 2016, meeting, were approved as presented.

## APPLICATIONS FOR REVIEW:

**# 16-21 and #16-26 Rhesa K. Antone requests renewal of the Special Exception and combined preliminary and final site plan approval to continue operation of the existing sand and gravel pit on his 61.361-acres property.** The sand and gravel pit is leased by Mr. Jeffrey A. Bartsch, who is the operator and co-applicant. The property is located at 33609 Sassafras Caldwell Road in the First Election District.

The excavation site comprises 4.3-acres located near the southeastern corner of the property which is also otherwise farmed. Approximately 1.4-acres of the pit have been reclaimed. Access to the sand and gravel pit is by the farm lane from Sassafras Caldwell Road. The parcel is zoned "AZD," Agricultural Zoning District. The edge of the gravel pit is approximately 50-feet from the eastern property line and over 100-feet from the southern boundary. The adjoining parcels in this vicinity of the property are farmland and woodland. Herring Branch, affiliated non-tidal wetlands, and adjacent Forest Interior Dwelling Bird habitat are located along the southern and western boundaries of the property.

Present and duly sworn in were the applicant, Mr. Jeffrey Bartsch, and Ms. Tucker, Community Planner.

Ms. Tucker gave an overview of the application, the history of prior approvals of special exceptions for the sand and gravel pit, and cited all the applicable laws of the *Kent County Land Use Ordinance* to include Article VII, Section 2 which sets forth the standards applicable to all special exceptions; Article VII, Section 7.52 which establishes the special exception standards for sand and gravel pits; and Article VI, Section 5 that outlines the procedures and requirements for site plan review.

Ms. Tucker advised the initial conditional use/special exception approval for the operation of this sand and gravel pit was granted in 2001 for a period of three years (Appeal # 01-19). Conditions of this initial approval included a requirement for reclamation of the pit to restore the site to prime agricultural land. The Board of Appeals in its 2004 decision for renewal (#04-21) noted that the reclamation plan was for ponds and aquaculture. However, a condition in the 2007 renewal again required that the pit be reclaimed as prime agricultural land.

The operator in his narrative submitted with the instant application stated that the intent is and has been since 2001 to create a fish pond which was also stated in a letter submitted by the property owner with the 2007 application for renewal. Ms. Tucker noted that the method of reclamation must be resolved.

Mr. Bartsch gave an overview of the gravel pit in its current state and explained that this area of the property was not suitable for tilling or farming. The gravel is used for personal use on job sites. He advised that he

intends to close this operation over the next three years and convert the excavated pit into a pond that will be stocked with fish. He will grade the banks of the pit to a 4 to 1 slope and then provide topsoil and seed around the edge of the pond.

Ms. Morris asked the applicant how long he anticipated the pit to remain open and when will he convert the pit into a pond.

Mr. Bartsch stated that the pit will be closed within three (3) years and it will be a private pond for personal fishing and boating.

After much discussion and consideration of the testimony and all applicable laws, Mr. Hickman made a motion to forward a favorable recommendation to the Board of Appeals for renewal of the special exception to continue the operation of the sand and gravel pit based on the following findings and recommendations for conditions of the special exception:

- The excavation site is located interior to the property and the 61.361-acre farm is more than adequate for the existing use.
- Renewal of the special exception will not result in increased traffic as the number of trucks will not increase since the area of the pit is not expanding. The narrative submitted by the operator states that the truck driver “loads himself” and that they “do not haul every day, just occasionally.”
- The nature of the immediately adjacent area is farmland and woodland and there are no schools, houses of worship, or other places of public gathering in the immediate vicinity.
- The record is devoid of any evidence that the use would have negative impact on community facilities and services.
- There are no cultural and historic landmarks or significant natural features in the vicinity that would be adversely impacted by the use. Forested areas or woodlands on the farm will not be disturbed by this operation.
- The applicant through testimony with respect to the native plantings and good management of the excavation sufficiently addressed the measures in place to control deleterious effects from noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties.
- There are no known threatened or endangered species, areas of specific value, or rare assemblages of species or other vital habitat located within the limits of the pit. There are no direct impacts to environmentally sensitive areas on the farm, as such as Herring Branch that is sufficiently to the rear of the farm property such that this operation does not impact the 100-foot stream buffer, or its affiliated non-tidal wetlands or adjacent Forest Interior Dwelling Bird habitat, which are outside the limits of pit and will not be disturbed.
- The record is devoid of any evidence that the use would impact property values, water quality, fish, wildlife, or plant habitat.
- There is no reason to believe that the surrounding properties will be negatively impacted by the continuation of the operation.
- The proposal is consistent with the Comprehensive Plan, the general intent and the use, design, and environmental standards found in the Land Use Ordinance.
- The applicant through testimony stated materials will not be brought from off site for mixing or processing.
- The surface mine permit was last renewed in 2015 (Renewal of Surface Mine Permit No. 00-SP-0565) and is valid until July 31, 2020.

- The sediment and erosion control plan was approved by the Soil Conservation District on 2 August 2016 and is valid for two years.
- The operation will not be expanded beyond 4.3 acres.
- The special exception shall be granted for a period of five (5) years.
- The hours of operation shall be Monday through Saturday between 7:00 a.m. and 6:00 p.m.
- The operation must have approved operating and restoration plan from the Surface and Mining Division of the Maryland Department of the Environment's Water Resources Administration (the "SMD") in place at all times.
- The applicant's mining permit, sediment and erosion control plan, and operating and restoration plan must be strictly followed at all times.
- The reclamation plan for impoundment to create a pond must be implemented.

Mr. Sutton seconded the motion, and it was approved unanimously.

After much discussion and consideration of the testimony and all applicable laws, Mr. Hickman made a motion to grant combined concept review and preliminary and final site plan approval, contingent upon the Board of Appeals' favorable review and granting of the special exception renewal, based on the following:

- The excavation site is located interior to the property and the 61.361-acre farm is more than adequate for the existing use. The edge of the gravel pit is approximately 50-feet from the eastern property line and over 100-feet from the southern boundary.
- Trucks enter and depart the site by an existing farm lane from Sassafrass Caldwell Road. Renewal of the special exception will not result in increased traffic as the number of trucks will not increase since the area of the pit is not expanding.
- The applicant through testimony asserted that materials will not be brought from off site for mixing or processing.
- The property is zoned Agricultural Zoning District (AZD).
- The operation will not further disturb prime agricultural lands.
- The nature of the immediately adjacent area is farmland and woodland and there are no schools, houses of worship, or other places of public gathering in the immediate vicinity.
- Herring Branch and affiliated non-tidal wetlands are located along the edge of the farm, but will not be disturbed by the pit. The stream and adjacent nesting bird habitat is sufficiently to the rear of the farm property such that this operation does not impact the 100-foot stream protection corridor or affiliated non -tidal wetlands.
- The record is devoid of any evidence that the use would have a negative impact on community facilities and services.
- There are no cultural and historic landmarks or significant natural features in the vicinity that would be adversely impacted by the use.
- Forested areas or woodlands on the farm will not be disturbed by this operation.
- The applicant through testimony with respect to the native plantings and good management of the excavation sufficiently addressed the measures to control deleterious effects from noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties.
- There are no known threatened or endangered species, areas of specific value, or rare assemblages of species or other vital habitat located within the limits of the pit.
- There is no reason to believe that the surrounding properties will be negatively impacted by the continuation of the operation.

- The record was devoid of any evidence that the use would impact property values, water quality, fish, wildlife, or plant habitat.
- The Kent County Health Department has approved this application.
- The Citizen Participation Plan report was submitted on 21 June 2016. The applicant's letter to surrounding property owners was dated May 26, 2016.
- A note on the site plan states that there is no exterior lighting or signs on the site.
- The surface mine permit was last renewed in 2015 (Renewal of Surface Mine Permit No. 00-SP-0565) and is valid until July 31, 2020.
- The sediment and erosion control plan was approved by the Soil Conservation District on 2 August 2016 and is valid for two years.
- The proposal is consistent with the Comprehensive Plan, the general intent and the use, design, and environmental standards found in the *Land Use Ordinance*.

Mr. Crowding seconded the motion, and it was approved unanimously.

**# 16-46 and # 16-47 Millard F. Reed, Jr. requests renewal of the Special Exception, as well as combined concept, preliminary and final site plan review and approval to continue operation of his existing sand and gravel pit on his 250.794-acre property located at 9600 Worton Road, north of Chestertown, in the Third Election District.** The excavation site comprises 4.99 acres located near the southeastern corner of the property which is also otherwise farmed. Access to the sand and gravel pit is by an existing paved farm lane from MD Route 297 that also serves a residential dwelling and agricultural structures on the farm. The parcel is zoned "AZD", Agricultural Zoning District, and is generally surrounded by farmland to the north, east, and west; however the residential neighborhood known as Crestview is located to the south. The edge of the gravel pit is 100-feet from the nearest residential property line. The applicant has created a berm that serves to screen the pit from the neighboring Crestview properties. Present and duly sworn in were Robert Nickerson, representing the applicant; Mr. Millard Reed, Jr., the applicant; and Ms. Tucker, Community Planner.

Ms. Tucker gave an overview of the application, the history of prior approvals of special exceptions for the sand and gravel pit, and cited all the applicable laws of the *Kent County Land Use Ordinance* to include Article VII, Section 2 which sets forth the standards applicable to all special exceptions; Article VII Section 7.52 that establishes the special exception standards for gravel pits; and Article VI, Section 5 that outlines the procedures and requirements for site plan review.

Mr. Nickerson gave an overview of the landscaping and berm between the pit and the Crestview community to the south of the property. He stated that the siting of the pit and excavation for the depth of the pit over time has created a 20-foot wall on the south side of the pit. This along with the accompanying 6-foot berm serves as a buffer for the adjacent neighborhood so that the residents are unaware of activity within the pit.

Mr. Sutton inquired as to the estimated life span of this gravel pit. Mr. Nickerson replied that the current operation is sporadic rather than continuous excavation and only approximately 25 percent of the mineral resource has been currently been extracted. An exact time frame for closing out this pit was undetermined at this time.

After much discussion and consideration of all applicable laws, Mr. Hickman made a motion to forward a favorable recommendation to the Board of Appeals for renewal of the special exception for the continued operation of the sand and gravel pit based on the following findings and recommendations for conditions of the special exception::

- The 4.99-acre excavation site is located 100-feet from the nearest property line and the 250.794-acre farm is more than adequate for the existing use.
- Trucks enter and depart the site by an existing paved lane from MD Route 297. Renewal of the special exception will not result in increased traffic as the number of trucks will not increase since the area of the pit is not expanding. The State Highway Administration reviewed the plan and had no comments or concerns regarding its approval.
- The nature of the area is generally farmland. Though there is a residential neighborhood to the south, the record is devoid of complaints, and there have been no violations associated with this site.
- The closest places of public gathering are several churches located along the commercial corridor of MD Route 213, less than one-quarter mile distance to the south, but not within the immediate viewshed.
- During the course of prior renewals the record has been devoid of any evidence that the use would have a negative impact on community facilities and services.
- There are no cultural and historic landmarks or significant natural features in the vicinity that would be adversely impacted by the use.
- The applicant's testimony described that the location of the pit on the property along with the presence of the berm accompanied by the design and depth of the pit served to control deleterious effects from noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties.
- There are no known threatened or endangered species, areas of specific value, or rare assemblages of species or other vital habitat located within the limits of the pit. There are no direct impacts to environmentally sensitive areas on the farm, such as the unnamed tributary to Radcliffe Creek which is outside the limits of pit and will not be disturbed.
- The operation has been in existence since 1990 and consistently renewed. There is no reason to believe that the surrounding properties will be negatively impacted by the continuation of the operation.
- The record is devoid of any evidence that the use would impact property values, water quality, fish, wildlife, or plant habitat.
- No materials will be brought from off-site for processing, mixing or similar purposes.
- The property is zoned AZD.
- The operation will not disturb prime agricultural lands, nor the forested areas or woodlands on the farm.
- An un-named tributary to Radcliffe Creek bisects the property and feeds an on-site farm pond located near the sand and gravel pit. The distance between the pond and its feeder stream to the sand and gravel pit is such that this operation does not directly impact the pond or the 100-foot stream buffer.
- The surface mine permit was last renewed in August of 2014 (Renewal of Surface Mine Permit No. 89-SP-0316-B) and is valid until July 31, 2019.
- The sediment and erosion control plan was last signed on 5 July 2016 is valid for two years.
- The operation shall not be expanded beyond 4.99 acres;
- The special exception shall be granted for a period of five (5) years;
- The hours of operation shall be Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m.

- The operation must have an approved operating and restoration plan from the Surface Mining Division of the Maryland Department of the Environment's Water Resources Administration (the "SMD") in place at all times; and
- The Applicant's mining permit, sediment and erosion control plan, and operating and restoration plan must be strictly followed at all times.

Mr. Crowding seconded the motion, and it was approved unanimously.

After much discussion and consideration of all applicable laws, Mr. Hickman made a motion to grant combined concept review and preliminary and final site plan approval contingent upon the Board of Appeals' favorable review and granting of the special exception renewal based on the following:

- The parcel is zoned "AZD", Agricultural Zoning District, and is generally surrounded by farmland to the north, east, and west. Though the residential neighborhood known as Crestview is located to the south, the edge of the gravel pit is 100-feet from the nearest residential property line. The applicant has created a berm that serves to screen the pit from the neighboring Crestview properties.
- The 4.99-acre excavation site is located 100-feet from the nearest property line and the 250.794-acre farm is more than adequate to support the use.
- Trucks enter and depart the site by an existing paved lane from MD Route 297. Renewal of the special exception will not result in increased traffic as the number of trucks will not increase since the area of the pit is not expanding. The State Highway Administration reviewed the plan and had no comments or concerns regarding its approval.
- The nature of the area is generally farmland. Though there is a residential neighborhood to the south, the record is devoid of complaints, and there have been no violations associated with this site.
- The closest places of public gathering are several churches located along the commercial corridor of MD Route 213, less than one-quarter mile distance to the south, but not within visual view.
- During the course of prior renewals the record has been devoid of any evidence that the use would have a negative impact on community facilities and services.
- There are no cultural and historic landmarks or significant natural features in the vicinity that would be adversely impacted by the use.
- The applicant's testimony described that the location of the pit on the property along with the presence of the berm accompanied by the design and depth of the pit served to control deleterious effects from noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties.
- The operation will not disturb prime agricultural lands, nor the forested areas or woodlands on the farm.
- With the prior renewals the record has been devoid of any evidence that the use would impact property values, water quality, fish, wildlife, or plant habitat.
- An un-named tributary to Radcliffe Creek bisects the property and feeds an on-site farm pond located near the sand and gravel pit. The distance between the pond and its feeder stream to the sand and gravel pit is such that this operation does not directly impact the pond or the 100-foot stream buffer.
- There are no known threatened or endangered species, areas of specific value, or rare assemblages of species or other vital habitat located within the limits of the pit. There

are no direct impacts to environmentally sensitive areas on the farm, such as the unnamed tributary to Radcliffe Creek which is outside the limits of pit and will not be disturbed.

- The operation has been in existence since 1990 and consistently renewed. There is no reason to believe that the surrounding properties will be negatively impacted by the continuation of the operation.
- The applicant's narrative asserts that materials will not be brought from off site for mixing or processing.
- The Kent County Health Department has approved this application.
- The Citizen Participation Plan report was submitted on August 4, 2016.
- A note has been added to the site plan that there is no exterior lighting or signs.
- The narrative states that there is no need for a contractor's yard, and note has been included on the site plan stating that there is not an excavation contractor's yard.
- The surface mine permit was last renewed in August of 2014 (Renewal of Surface Mine Permit No. 89-SP-0316-B) and is valid until July 31, 2019.
- The sediment and erosion control plan was last signed on 5 July 2016 is valid for two years.
- The use is consistent with the Comprehensive Plan and the Land Use Ordinance, as well as existing and planned land use in the area.
- Signature blocks have been added to the site plan for the Health Department and Planning Commission approvals.

Mr. Crowding seconded the motion, and it was approved unanimously.

**# 16-01 P. Thomas Mason and Oxford Chase Development, Inc., is requesting minor subdivision and preliminary site plan approval to construct a 9,115 square foot Dollar General Retail Store on a 1.339-acre lot proposed to be subdivided from the existing 28.014 acre parcel owned by Thomas P. Mason located in Worton at the corner of Route 297 and Porter's Grove Road. In addition to the proposed retail store, the site plan consists of 46 automobile parking spaces (including 2 handicapped spaces), 1 bike rack, a dumpster pad, and 1 truck loading/unloading area located behind the building. After development, the 1.339-acre site will have 0.78 acres of impervious surfaces or 58% of the property.**

Citing a conflict due to business associations with Mr. Mason, the land owner, Chairperson Morris recused herself from acting as Chair and from deliberations on this application. Ms. Morris left the dais. Vice Chairman Sutton acted as Chair for this application.

Present and duly sworn in were the applicant, Howard Crossan of Oxford Chase Development, Inc.; Megan Owings, Counsel for Applicant; David Strouss of McCrone; and Ms. Moredock, Planning Director.

Ms. Moredock gave an overview of the application and cited all applicable laws of the *Kent County Land Use Ordinance* to include Article V, Section 7.5 which establishes the density, height, width, bulk, and fence requirements; Article V, Section 7.8.C.10 which establishes the Village District Subdivision standards; Article VI, Section 6.2.2 which establishes the Minor Subdivision General Requirements; Article VI, Section 6.3 which establishes the Minor Subdivision review procedures; Article VI, Section 6.4 which establishes the Plat Requirements; Article V, Section 7.6 that establishes the Village District general standards; Article V, Section 7.7 that establishes the Village District environmental standards; Article VI, Section 9 that establishes the sediment and erosion control standards; Article V, Section 7.8.C.1 that establishes the Village District specific

design standards; Article V, Section 7.8 that establishes the Village District general and specific design standards; Article VI, Section 1 that establishes the parking, loading, and bicycle parking standards; Article VI, Section 5 that establishes the procedures and standards for site plan review; and Article V, Section 7.2.16 that establishes neighborhood retail businesses are a Permitted Principal Uses and Structures for the Village District and includes provisions for the review of outdoor retail sales.

Ms. Owings gave a brief overview of the property and the applicant's requests.

Much discussion ensued regarding the safety of pedestrians and vehicular traffic.

Mr. Hickman asked, if the entrance off of Porter's Grove Road were eliminated, whether a single entrance onto Route 297 would be sufficient for traffic and the truck deliveries. Mr. Strouss stated that an entrance onto Route 297 would be safer and more effective.

Testimony from the general public was offered by the following: property owner Tom Mason, Debbie Nickerson, Virginia Gouge, David Blyman, all residents of Worton, Maryland, and Jamie Williams on behalf of the County Economic Development Department. The overall testimony was favorable; however, those offering input expressed concern regarding the safety of having an entrance on Porter's Grove Road.

After much discussion and consideration of the applicable laws, Comprehensive Plan Strategies, and the testimony presented, Mr. Hickman made a motion to reconsider the decision that was made at the April 7, 2016 Planning Commission meeting. During the April conceptual site plan review, the members unfavorably considered the applicant's requests to obtain 2 points of access to the then-1.178-acre site, one from a secondary and one from a primary road; to allow for more than 1 point of access onto a primary road (MD Route 297) from the parent 28-acre parcel owned by Mr. Mason; and to reduce the number of required parking spaces onsite. Based on the revised subdivision plat and site design put forward for preliminary site plan review, Mr. Hickman opined that allowing one point of access off of MD Route 297 presented a safer site design in accordance with Land Use Ordinance Article V, Section 7.8.C.1.

Therefore, having received additional information in the subsequent applications and the testimony of the applicant, his consultants, and the residents of Worton, Mr. Hickman made a motion to rescind the Planning Commission's April 7, 2016 decision to deny more than 1 point of access onto a primary road. He further proposed to rescind the following points made in the April decision as being no longer valid:

- Adequate documentation was not provided to substantiate a determination that direct access onto primary road would promote traffic safety.
- Adequate documentation was not provided to substantiate that more than one access approach would be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be safety hazard or increase traffic congestion.

Mr. Birkmire seconded the motion, and the motion passed unanimously.

After much discussion and a commitment to have the State Highway Administration conduct a traffic study, the applicant asked to table the request for minor subdivision and preliminary site plan approval at this time.

**# 16-50 & # 16-49 CHC-1, LLC and Shane Bender is requesting a special exception and combined site plan approval to operate an automobile repair shop, Shane's Auto Repair, in an existing 4,046 square foot building on the property owned by CHC-1, LLC on Morgnec Road in the Fourth Election District. The 4.04-acre parcel is zoned "IV" Intense Village. Mr. Bender proposes to operate a full-service automobile repair shop offering the following services: vehicle maintenance, brake, exhaust, diagnostics, tire repair and replacement, vehicle safety inspections, and all major and minor repairs on light trucks and automobiles.**

Present and duly sworn in were the owner, Gary Kaufman; Shane Bender, the applicant; Richard Barker, Realtor; Corey Boyton, Property Caretaker; and Ms. Moredock, Planning Director.

Ms. Moredock gave an overview of the application and cited all applicable laws of the *Kent County Land Use Ordinance* to include Article VII Section 7.8 which establishes the special exception criteria for automobile repair in the Intense Village District; Article VII, Section 2 which sets forth the standards applicable to all special exceptions; Article VI, Section 1 which establishes the parking, loading, and bicycle parking standards; and Article VI, Section 5 establishes the procedures and standards for site plan review.

Mr. Bender gave a brief overview of the property and the buildings location. He also explained the loading and unloading of trucks and the hours of operation.

The Planning Commission first discussed the specific and general special exception standards.

Ms. Morris asked if there were going to be automobiles waiting to be repaired on the premises. Mr. Bender stated there is a gate that will remain locked and on occasion there will be cars dropped off after hours at which time the gate will be left open by prior arrangement. All cars waiting to be worked on will be parked in the rear parking lot.

After some discussion, Mr. Hickman made a motion to send a favorable recommendation to the Board of Appeals for a special exception to operate an automobile repair shop, Shane's Auto Repair based on the following findings:

- Proposal is consistent with many comprehensive plan strategies relative to the retention of existing local businesses, the promotion of small, locally-owned businesses, and the redevelopment of existing structures.
- The area is characterized by service industries and industrial uses with residential properties located amidst commercial uses.
- The State Highway Administration (SHA) staff has reviewed the existing access from Maryland Route 291 and has deemed that it is adequate and that the traffic generated by the auto repair business will not negatively impact existing traffic patterns.
- Schools, churches, and public facilities such as a utility substation and SHA and County offices are located in the immediate vicinity and will not be negatively impacted by the redevelopment of this site.
- Both Environmental Health Department and Chestertown staff have reviewed the proposal to ensure that community facilities and services accommodate all of the onsite uses.
- The applicant proposes to operate his business out of an existing 4,046 square foot metal building located in the rear of the parcel. This building is situated behind a cluster of retail and residential buildings located in the front yard and is further shielded from offsite views by wooden fencing.

- The applicant proposes to limit the number of customer cars stored onsite; however, there is a designated parking area that is also shielded from view because of its location behind the retail buildings and wooden fencing, as well as the proposed auto repair shop.
- Existing vegetation in the vicinity of the metal building also offers additional screening of this parking area.
- Hours of operation are proposed from 8 am until 5 pm from Monday through Friday.
- Impacts of noise, odors, or particulate matter should be typical to an auto repair shop.
- Property values should be improved by the remodeling and redevelopment of the property.

Mr. Birkmire seconded the motion, and it was approved unanimously.

The Planning Commission next discussed the site plan review standards to include parking, landscaping, existing and proposed uses onsite, and signage. In addition, the Commission considered applicant testimony and the expressed support of County Economic Development Coordinator Jamie Williams.

The applicant explained his request for consideration of bonus sign criteria based on the design of his proposed 28 square foot detached sign. He is requesting an addition 3 square feet of signage area. The applicant proposes to place a detached sign totaling 28 square feet within the landscape area. Four business signs are indicated on the detached sign representing the 4 leasable spaces onsite. The detached sign will be constructed of wood; the 4 business signs will consist of black lettering with a traditional font on an off-white background. The proposed lighting will be indirect (mounted on the landscape wall and directed toward the detached sign). Four directional lights will be solar-powered and dark-sky compatible.

After much discussion of all applicable standards and testimony received, Mr. Hickman made a motion to grant the applicant's request for 3 additional square feet of detached signage area in order to construct a 28 square feet detached sign. While the applicant is requesting only 3 square feet of additional signage area, the design as presented meets several the following standards which encourage design excellence:

- Twenty percent when the sign is constructed of solid wood and uses colors approved by the Planning Commission.
- Twenty percent when the sign is installed in a landscaped planter having an area twice the area of the resultant sign and the entire area is approved by the Planning Commission.
- Ten percent when the sign is not designed or used with illumination, or the sign uses indirect lighting.

Mr. Sutton seconded the motion, and it was approved unanimously.

Relative to discussion of the proposed site plan, Mr. Hickman made a motion to grant combined Preliminary and Final Site Plan approval contingent upon the Board of Appeals' favorable review and approval of the special exception application based on the following:

- The proposal is consistent with the following Comprehensive Plan strategies: promote the development of small, locally-owned businesses; retain and promote existing businesses; require developers to work with a citizen's participation plan; and investigate techniques to encourage the maintenance and reuse of existing structures.
- The applicant has reached out to neighbors in the immediate vicinity and received favorable input. Correspondence relative to Mr. Bender's Citizen Participation Plan is on file.

- The SHA has reviewed 2 previous minor site plans onsite and deemed the entrances adequate for those retail uses. Further, SHA has indicated that the existing entrance is suitable for automobiles and light trucks.
- Entrance points, retail parking areas, and residential parking areas are clearly delineated onsite.
- Access to the metal building in the rear yard is controlled by a wooden fence/gate which delineates between the retail and residential areas and the proposed automobile repair area. The areas affiliated with parking for this use are clearly located across from and adjacent to the metal building.
- Parking is adequate onsite and is clearly identified as follows: 33 parking spaces resulting from the 3,910 square feet of retail building space (requiring 20 spaces), 2 professional staff affiliated with the automobile repair shop (requiring 8 spaces), and 2 residential units (requiring 4 spaces). Overall, 33 parking spaces are required and 33 spaces have been provided (29 for commercial uses and 4 for residential uses). Adequate area for loading and unloading clearly exists behind the retail building, as indicated by the applicant.
- The applicant has indicated that he intends to keep the building and immediate surrounding areas clean and organized. He further proposes to limit the number of customer cars stored onsite; however, a designated parking area is located behind buildings (including the proposed auto repair shop) and screened by existing vegetation in the vicinity of the metal building.
- Lighting will be installed on the building and will be dark-sky compatible.
- The Department of Environmental Health has approved this application.
- Chestertown Public Works Department has reviewed this application and has noted that, while intensification of the sewerage usage onsite is acceptable, detail regarding usage and hook up to the existing system will be required during the permitting process.
- The activity associated with this business is located either within a 4,046 square foot metal building or behind wooden fencing and a cluster of buildings.
- The applicant proposes to store reinforced barrels for the disposal of oil and antifreeze within the metal building until collected by a recycling company.
- Hours of operation are proposed from 8 am until 5 pm from Monday through Friday. Therefore, impacts of noise, odors, or particulate matter should be typical to an auto repair shop.
- Property values should be improved by the remodeling and redevelopment of the property.
- The applicant proposes to landscape the entrance of the site by planting shrubs and perennials in the horseshoe-shaped area in front of the retail building and to plant shrubs in front of the residential area onsite. The landscape area located around the proposed detached sign/horseshoe-shaped area totals approximately 5,700 square feet. The landscape plan and affiliated surety has been submitted and represents a reasonable and attractive enhancement of the existing site entrance.
- A detached sign totaling 28 square feet will be installed in the landscaped area in accordance with the bonus signage criteria noted above.
- In addition, the applicant proposes to install one 3 square foot flat sign for each leased space onsite (a total of 4 flat signs are proposed). The flat sign affiliated with Shane's Auto Repair will technically be a directional sign as it will be located on the fencing to direct customers to the workshop in the rear.

Mr. Birkmire seconded the motion, and it was approved unanimously

## Staff Reports

Amy Moredock:

- Kent County Total Maximum Daily Load Committee met in July.
- The Langford Creek partners held a Citizen Participation meeting on 19 July at the Kent County Library to share the conceptual major subdivision design of Langford Creek Project. This is a proposed 28-lot subdivision with 17 waterfront lots in the Resource Conservation District with the remaining lots located in the Agricultural Zoning District. The proposal includes a community septic system that involves BAT system installation on each lot with and the effluent pumped into lagoons on-site and ultimately pumped to a maintenance building that will then spray irrigate the a meadow in the middle of the subdivision. This system would entail an amendment to the County Water and Sewerage Plan. There is also a proposal for forest/wetland/nest bird banking program with a potential to provide nutrient trading off-sets to be counted toward load reduction goals identified in the County Watershed Implementation Plan.
- The first Comprehensive Plan Forum was held on 27 July 2016 and was well-attended.
- Will attend the MACo Planners Affiliate meeting on 5 August where renewable energy continues to be a topic.
- Will be a guest speaker at the Kent Community Breakfast Group meeting at 7:30am on 18 August at the Holiday Inn to discuss the Comprehensive Plan update.
- Will address the Talbot County Solar Energy Workgroup on 23 August to discuss share Kent County's renewable energy experiences relative to solar energy (Renewable Energy Task Force and Public Service Commission).
- A public meeting to be held in the Commissioners Hearing Room at 6pm on 24 August regarding the Kent Coastal Vulnerability and Climate Change Report; will send an email reminder to members.
- An Administrative Buffer Variance will be held on 29 August regarding a septic system upgrade to BAT located within the 100 foot Critical Area Buffer.

Mitch Mowell:

- An additional hearing was scheduled by the Public Utility Law Judge for the Mills Branch Solar case in order to consider limited issues. Briefs are due shortly after that supplemental hearing.

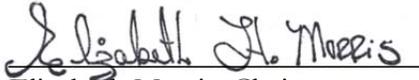
Katrina Tucker:

- Completed reports that are required to accompany the annual on-site inspections of the percentage of farms encumbered by easements held by the Maryland Agricultural Land Preservation Foundation (MALPF). The inspections were conducted in June and the reports are to be filed with MALPF by the end of July.
- The 2014 Applications from landowners to sell an easement to MALPF that received offers require on-site baseline inspections which are now being conducted.
- Participated at the Eastern Shore Land Conservancy's (ESLC) joint "Conservation Easements 101" seminar that they held jointly with the Maryland Environmental Trust (MET) in Easton, Maryland to represent the MALPF aspect of conservation easements. Am in discussion with the staff of the ESLC and MET to coordinate holding a similar seminar in Kent County possibly in February of 2017.

- Ensured the reservation and preparation of the venue for the Comprehensive Plan Community Forum that was held on July 27<sup>th</sup> and finalization of the draft sections to ensure all edits and changes were properly incorporated for the public's review..

**General Discussion:**

There being no further business for the good of the organization, the meeting was adjourned at 5:35 p.m.

  
Elizabeth Morris, Chairman

  
Tonya L. Thomas, Clerk