

MINUTES

The Kent County Planning Commission met in regular session on Thursday, June 1, 2017, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; James Saunders; William Sutton; Kim Kohl; William Crowding; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Stephanie Jones, Environmental Planner; Katrina Tucker, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

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

MINUTES

The minutes of May 4, 2017, meeting, were approved as presented.

APPLICATIONS FOR REVIEW:

#15-40 David A. Bramble, Inc./OneEnergy Blue Star Solar, LLC (Sol Systems, LLC) is requesting a final site plan approval on lands that are owned by David A. Bramble, Inc., for a proposed utility scale solar energy system. The system would be sited on 35.33 acres of the 225-acre parcel and consists of 3 separate areas of ground-mounted solar panels with 5 inverter stations to be accessed by 25-foot wide gravel lanes. The solar panels are 12 feet in width and placed in rows approximately 265 feet in length. The overall height is 8 feet. The entire 35.33-acre area will be enclosed by an 8-foot high chain length fence. Landscaping is proposed to screen portions of the system which are directly visible from Galena Road/Maryland Route 313.

Present and duly sworn in were Gia Clark, Representing OneEnergy Renewables; Kevin Shearon of DMS & Associates; and Amy G. Moredock, Director of Planning, Housing, and Zoning.

Ms. Moredock gave an overview of the application and cited all of the applicable laws of the *Kent County Land Use Ordinance* to include Article V, Sections 14.2 and 15.2 that establish site plan review requirements for all permitted industrial uses in the Employment Center and Industrial Districts; Article V, Sections 14.5 and 15.5 which establish the density, height, width, bulk, and fence requirements for the EC and I Districts; Article V, Section 14.6 and 15.6 which establish the EC and I performance standards; Article V, Section 14.7 which establish the EC and I general standards; Article V, Section 14.8 and 15.8 that establish the EC and I environmental standards; Article V, Section 14.9 and 15.9 which establish the EC and I design standards; and Article VI, Section 5 which establishes the procedures and standards for site plan review.

Ms. Moredock stated that no correspondence had been received regarding this application.

Mr. Shearon gave a brief overview of the extended screening that was added to the site plan.

After some discussion and the review of all applicable laws and the Comprehensive Plan, Mr. Hickman made a motion to approve the final site plan based on the following findings:

- The proposal is consistent with the Comprehensive Plan and the Ordinance provisions.
- The applicant addressed and met most of the applicable law standards during the preliminary site plan approval process.
- All outstanding matters and required submittals have been addressed by the applicant as follows:
 - A protective Forest Conservation Plan easement agreement with a metes and bounds description of the protected area was submitted and approved by the Planning

Attorney.

- A revised landscape plan was submitted and accepted. The Planning Commission noted that, while it acknowledged that not every non-reflective surface of the solar collection system will be screened as a portion, the intent of the Ordinance landscape screening provisions have been met in accordance with bulk and design standards outlined in the Employment Center and Industrial Zoning Districts.
 - The stormwater management and sediment erosion control plans have been approved by the Soil and Water Conservation District.
 - The landscape plan, stormwater management plan, and sediment control plan cost estimates have been submitted and the required sureties have been submitted.
- In order to finalize the approval process, the agreement must be recorded in the Kent County Land Records along with the Forest Conservation Plan. The applicant has submitted an adequate Forest Conservation Plan and affiliated planting sureties.

Ms. Kohl seconded the motion, and the motion passed unanimously.

Kent County Water and Sewer Plan Amendment - Tolchester Estates/Delta Heights (Additional denied access water line) Kent County proposes amendments to Chapter 3, Section 3.5.9 (Water/Water Supply Systems/Delta Heights).

Present and duly sworn in were Robert Sell, PE, Division Manager of McCrone; Sharon Houser, Kent County Department of Water and Wastewater Office Manager; and Greg Swartz, Acting Director of Department of Water and Wastewater; and Ms. Moredock, Director.

Ms. Moredock gave an overview of the application and cited the applicable laws to include Maryland Annotated Code §9-506 (Environment/Water, Ice, and Sanitary Facilities/County Water and Sewerage Plans; Kent County Comprehensive Water and Sewerage Plan – Chapter 1.6.2. (Amendments to the Comprehensive Water and Sewerage Plan); and COMAR Title 26. Subtitle 03. Chapter 01 (Planning Water Supply and Sewerage Systems).

She noted that that County proposes to install a looping system to the water line which was approved in 2015 to provide service from the Fairlee service district to Tolchester Village. The purpose of the additional denied access line is to reduce water age and provide redundancy in the event of a water main break.

Mr. Swartz stated that when the new water main was installed from Caulks Field Road to Delta Heights Apartments, it created a very long dead end (also known as a “dead leg”) in the water distribution system.

Mr. Crowding asked how the looping would help the situation. Mr. Swartz stated that in a dead leg situation, the water is refreshed at the rate it is used. If there is low usage compared to the volume of the dead leg, it will negatively impact water quality by allowing chemical and biological reactions to occur due to the extended detention time. There are two ways to remedy the problems associated with a dead leg:

1. Flushing the line to refresh the water. In this case more water than would be used by residents would be flushed to keep the water age down. Flushing is costly and wasteful. Flushing also requires manpower as an operator must perform the task manually.
2. Looping the system. Looping is connecting one part of the water system to another part so it forms a circular connection so that water is being used by more users. Looping also provides redundancy of water supply. In the event there is a water main break, water can be re-routed in a different direction to maintain water service to the customers.

After some discussion, Mr. Hickman made a motion to send favorable recommendation to the Commissioners of Kent County regarding the proposal's consistency with the Kent County Comprehensive Plan. The Commission found that the additional denied access water line from the Fairlee Water Plant into the County to serve 24 units in Tolchester Village is consistent with the Comprehensive Plan based on the following findings:

- In January 2015, the County Commissioners amended Chapter 3, Section 3.5.9 (Water/Water Supply Systems/Tolchester Village) by extending a denied access water line from the Fairlee Service District to serve 24 units in Tolchester Village.
- The water line was approved to be extended into the Countryside to correct a public health concern. This situation involved a community water system which was regulated by Maryland Department of the Environment (MDE) who identified public health and drinking water safety concerns.
- Testimony presented by Department of Water and Wastewater Acting Division Chief Greg Swartz substantiated that the installation of the new water main from Caulks Field Road to Tolchester Village revealed a problem identified by the design engineers at McCrone which results in a "dead leg" in the water distribution system. Since the volume of usage is low at the end of this line at Tolchester Village, water quality is negatively impacted as a result of chemical and biological reactions which occur as a result of the extended detention time of the water. The proposed looping of the line will address this water quality concern.
- The Comprehensive Plan directs the County to extend public water and/or sewer systems into the Countryside to correct public health emergencies and to protect drinking water quality and insure proper wastewater treatment within the County.

Ms. Kohl seconded the motion, and the motion passed with 4:1 vote with Mr. Crowding voting against the motion.

Kent County Water and Sewer Plan Amendment - Town of Chestertown Annexation/KRM Properties (Town Planned Water and Sewer Service Areas) Kent County proposes amendments to Chapter 3, Section 3.5.1 (Water Service Areas/Chestertown) and Chapter 4, Section 4.5.1 (Sewerage Service Areas/Chestertown), and affiliated maps in order to reflect the 2016 Town of Chestertown annexation of parcels located along Washington Avenue and Scheeler Road.

Present and duly sworn in were Robert Sell, PE, Division Manager of McCrone; Sharon Houser, Kent County Department of Water and Wastewater Office Manager; and Greg Swartz, Acting Director of Department of Water and Wastewater; and Ms. Moredock, Director.

Ms. Moredock gave an overview of the application and cited the applicable laws to include Maryland Annotated Code §9-506 (Environment/Water, Ice, and Sanitary Facilities/County Water and Sewerage Plans; Kent County Comprehensive Water and Sewerage Plan – Chapter 1.6.2. (Amendments to the Comprehensive Water and Sewerage Plan); and COMAR Title 26. Subtitle 03. Chapter 01 (Planning Water Supply and Sewerage Systems). She noted the County proposes to update the Chestertown water and sewerage areas and affiliated maps to reflect the 2016 annexation of lands identified on Tax Map 37 to include Parcels 10, 486, 172 (Lot 1), and 20, as well as a 1.02-acre unidentified parcel/right of way. The parcels will be amended to reflect their inclusion in the Town's proposed service areas.

After some discussion, Mr. Hickman made a motion to send a favorable recommendation to the Commissioners of Kent County regarding the proposal's consistency with the Kent County Comprehensive Plan. The Commission found that amending the County Plan to reflect the 2016 Chestertown annexation of the lands identified above is consistent with the Comprehensive Plan based on the following findings:

- The Town of Chestertown annexed lands owned by KRM Development Corporation in August 2016.

- In June 2016, the Town of Chestertown received favorable recommendations from the Planning Commission and the County Commissioners regarding the annexation of lands identified on Tax Map 37 to include Parcels 10, 486, 172 (Lot 1), and 20, as well as a 1.02-acre unidentified parcel/right of way.
- The parcels are located along Washington Avenue and Scheeler Road. The Comprehensive Plan directs the County to establish a policy to address the provision of adequate public water and sewer facilities in designated growth areas.
- The Comprehensive Plan directs new growth to the existing towns and villages. In order for the towns and villages to accommodate this growth, adequate water and sewer facilities are essential. The water and sewer systems priority for the County is to locate these systems in the designated growth areas.

Ms. Kohl seconded the motion, and the motion passed unanimously.

2016 Annual Report

Ms. Tucker gave a brief overview of the 2016 Annual Report. She noted that she found a typographical error in the document under the section addressing Site Plan Reviews.

Discussion ensued regarding board vacancies and violation reporting as well as a request to clarify the labels in the legend of Figure 3. After much discussion, Mr. Sutton made a motion to approve the 2016 Annual Report with the corrections of a typographical error identified by staff and clarifications of the labels in the legend of Figure 3, and to file the Report with the County Commissioners and submit it to the Maryland Department of Planning.

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

Staff Reports

Mitch Mowell:

- Mr. Mowell stated he is involved in a couple of zoning violations in the County. A zoning violation on property located on Sunnyside Avenue, Rock Hall will be filed in the District Court.

Amy Moredock:

- Ms. Moredock met with staff and their counsel from Morgnec Road Solar, LLC. who plan to proceed with their application and are considering pursuit of a text amendment.
- She attended the annual Power Plant Research Program conference. The focus of the conference was recent community outreach efforts during Certificate of Public Convenience and Necessity applications and applicable energy provision legislation passed during the 2017 session.
- The Economic Development Coordinator played an integral role in opening a Business Incubator and Co-working Space in the shopping plaza located in front of the Pizza Hut in Chestertown. Ms. Moredock attended the ribbon cutting event this month. This is one of 5 such incubators open to small business owners on the Shore with other locations in Easton, Cambridge, Salisbury, and Pocomoke City. A sixth incubator site will be opening in Denton with the possibility of a future site on Kent Island.
- Ms. Moredock reported that a ceremony was held in Worton this month dedicating and renaming the Kent County Community Center. The building will now be identified as the Mr. Clarence A. Hawkins, Sr. Building.

- Ms. Moredock will conduct two administrative hearings: one relating to an accessory farm dwelling located in the front yard of a waterfront parcel, and one relating to a side yard and buffering variance from the Agricultural Zoning District on a Crossroads Commercial parcel.
- Two projects have been finalized in accordance with the Stormwater Management Ordinance Waiver Provisions:
 - Sassafras Holdings/Wilson Point Estates finalized the stormwater management plan as it relates to the road construction for their 14 Lot Major Subdivision approved in September 2008. A SWM waiver was granted in October 2011 with a 4 May 2017 expiration date. Joe Blizzard and Dan Voshell finalized the review of the road. A minor adjustment to the entrance was permitted by Mr. Voshell which will accommodate the installation of 2 brick entrance columns and white horse fencing to prevent trespass.
 - Needham Mushroom Farm finalized the stormwater management plan as it relates to the creation of ponds and culverts approved as a component of their Major Site Plan in October 2008. Two 3-year extensions have been subsequently granted for the overall Site Plan, the most recent set to expire on 2 October 2017. The applicant anticipates putting forth a third request for extension, and has been actively pursuing the project as evidenced by the completion of the SWM Plan. A SWM waiver was granted in October 2011 with a 4 May 2017 expiration date.
- Ms. Moredock will represent Kent County and the Maryland Association of Counties Planners Affiliate at the MACo Agritourism Symposium on 12 June.

Katrina Tucker:

- The draft Comprehensive Plan was issued on May 19th for the 60-day review. Copies of the draft plan are also available for public inspection at the County Office Building, both in the County Commissioner's Office and the Department of Planning, Housing, and Zoning; as well as the Chestertown Public Library, the Kent County Community Center, and the Town Offices. Written comments are due to the Planning Commission by 4:30 p.m. Friday, July 21, 2017, and may be sent by email to Ktucker@kentgov.org. The Planning Commission will hold a public hearing to receive testimony, which is currently scheduled for August 3, 2017 at 6:30 p.m. in the County Commissioner's Hearing Room located at 400 High Street, Chestertown. Following the public hearing, the Planning Commission will prepare and adopt a final draft Comprehensive Plan and transmit it to the Kent County Commissioners. The County Commissioners will then review the plan and must act within 60-days of its transmittal. They may adopt the plan in whole or in part, or return it to the Planning Commission for further consideration.
- The County Commissioners appointed Jennifer Moore who was the HPC's nominee to fill the vacancy created by the expiration of the term of one of the members who did not seek re-appointment.
- The County Commissioner's Public Hearing for the establishment of the 8 Agricultural Preservation Districts reviewed last month will be held on Tuesday, June 8th.
- The County Commissioner's committed \$130,000.00 in matching funds for Maryland Agricultural Land Preservation Foundation (MALPF) acquisitions for this current cycle.
- MALPF annually requires routine inspections of the farms in the County on which they have acquired easements to ensure continued compliance with the easement. Each year at least 10% of all the properties in MALPF easements must be inspected, which are randomly selected, as well as all farms for which federal funding was utilized in acquiring the MALPF easement. This currently translates into conducting inspections on 20 farms, and for which the property owners were notified. A team consisting of myself, an inspector, and a staff person from the Soil Conservation District will conduct these inspections on June 5 and/or 6th depending on weather.

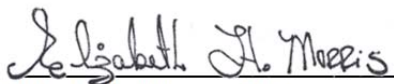
- Ms. Tucker completed the Kent County Annual Report for 2016 and the draft 2016 Annual Report for the Town of Rock Hall.


Stephanie Jones:

- Ms. Jones attended a “Weather It Together” workshop on May 25th that was hosted by the Maryland Historical Trust. Discussion about how to plan for and protect historic buildings threatened by coastal storms, flash floods, nuisance flooding and sea-level rise.
 - The City of Annapolis has integrated cultural resources into their hazard mitigation plan. While, The City of Baltimore has created a Climate Hazard Adaptation Mitigation Plan. Both cities have multiple historical structures within the floodplain and are working to find solutions to protect old structures.
 - Howard County spoke about last year’s Ellicott City flood. No historical structures were lost because of documentation and ability to work across all departments.
- Ms. Jones attended the Eastern Shore Climate Adaptation Partnership meeting on May 16th. Topics of discussion were:
 - ESCAP will be sending a letter to state delegates to inform them that NOAA and FEMA and other federal agencies are important to the rural communities and how we benefit from those agencies.
 - A white paper was drafted for the purpose of being able to inform others about the partnership and what they are trying to achieve with regional collaboration.

General Discussion:

There being no further business for the good of the organization, the meeting was adjourned at 2:59 p.m.


Elizabeth Morris, Chairman


Tonya L. Thomas, Clerk