

MINUTES

The Kent County Planning Commission met in regular session on Thursday, November 5, 2020, virtually in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members attending via audio/video conference: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; F. Joseph Hickman; Kim Kohl; County Commissioner P. Thomas Mason; B. Douglas Megargee; and James Saunders; Cynthia L. McCann, Esq., Planning Commission Attorney; Staff in attendance were Carla Gerber, GIS Specialist; William Mackey, Director; Robert Tracey, Community Planner; and Brian Jones, Clerk.

Ms. Morris called the meeting to order at 1:35 p.m.

MINUTES

The minutes of the September 3, 2020, meeting were approved as distributed.
The minutes of the October 1, 2020, meeting were approved as distributed.

APPLICATIONS FOR REVIEW:

20-12 Chester River Yacht & Country Club – Major Site Plan (Preliminary)

Present and duly sworn in were, Mr. Kevin Shearon, and the applicant, Mr. Dave Curran.

Ms. Gerber gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

MS. Gerber said the applicants wish to increase their onsite parking for an existing Private Club and Golf Course. The expanded parking lot of 32 additional spaces includes permeable pavers and bituminous concrete. The 175-acre property is located on Quaker Neck Road in the Seventh Election District.

Mr. Shearon shared a presentation which provided an overview of the project.

Ms. Gerber said staff recommends granting preliminary site plan approval. Ms. Gerber further noted that to receive final approval, the applicant must address and/or submit the following outstanding items:

- Approval of stormwater management and erosion and sediment control plans.
- Cost estimates and sureties for stormwater management and erosion and sediment control.
- A revised Major Buffer Management Plan, including plantings being located within or as close to the 100-foot buffer as possible.
- Address vehicular and pedestrian flow.

Ms. Morris asked if any correspondence has been received.

Ms. Gerber said no correspondence has been received.

No public input was received.

After further discussion, Mr. Hickman made a motion to grant preliminary site plan approval based on the following:

- The proposal is consistent with goals and strategies of the Comprehensive Plan.
- The Maryland Department of Transportation and Critical Area Commission approved this application.

- The applicant is addressing vehicular and pedestrian movement at the site pending input from members.
- The existing sign is proposed to be relocated.
- This proposal will not increase the demands on water and sewer or services.
- There is adequate public road access.
- A lighting plan has been provided and approved.
- The Buffer Enhancement Plan is proposing mitigation outside of the Buffer. We agree that this can be done in this case because part of the Club's charge is a water-dependent use. However, mitigation outside of the buffer needs to be located as close as possible to the buffer. Some of the proposed plantings are spread out too far from the buffer which may not be within the spirit and intent of the buffer regulations.
- Screening is provided between the parking area and Quaker Neck Road.
- The Board of Appeals approved a variance for 176-square feet of additional lot coverage within the Buffer.
- No citizen concerns were raised during the Citizens' Participation meeting.
- Prior to final approval, they will need to:
 - Obtain approval of stormwater management and sediment and erosion control plans and submit any required sureties.
 - Submit a revised Major Buffer Enhancement Plan.
 - Address vehicular and pedestrian flow.

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

20-24 Delmarva Power and Light Company – Major Site Plan (Preliminary)

Present and duly sworn in were, Mr. John Fellows, and the applicant, Mr. David Seay.

Mr. Tracey gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

Mr. Tracey said the applicant is requesting preliminary site plan approval to expand the existing substation located at 509 Morgnec Road, to the recently purchased adjacent parcel located at 511 Morgnec Road.

Mr. Tracey said staff recommends granting preliminary site plan approval. Mr. Tracey further noted that to receive final approval, the applicant must address and/or submit the following outstanding items:

- Stormwater management and sediment control plans must be approved, and any required sureties must be submitted.
- The final landscaping plan and any required sureties must be submitted and approved.
- Payment to the Kent County Forest Conservation Fund.

Ms. Morris asked if any correspondence has been received.

Mr. Tracey said no correspondence has been received.

Mr. Hickman asked the applicant if a different colored fence rather than the one being proposed could be installed.

Mr. Seay said he would check with the engineers.

No public input was received.

After further discussion, Mr. Hickman made a motion to grant preliminary site plan approval based on the following:

- The proposal is consistent with many strategies and goals of the Comprehensive Plan.
- The State Highway administration (SHA) has no issues or concerns with County/Town approval.
- The Health Department has approved this application.
- There is no problem with vehicular and pedestrian flow.
- Applicant will need to submit a lighting plan.
- A citizen participation meeting was held on September 17, 2020. There were no issues. A narrative from the citizen participation meeting will be submitted.
- Stormwater management and sediment control plans have been submitted. These plans must be approved prior to final site plan approval.
- According to the applicant's narrative, the south, east, and west portions of the property are screened by existing vegetation and a six-foot privacy fence.
- Landscaping plans and building renderings have been submitted. The applicant plans on using more native plantings.
- No new or additional signage is proposed at this time.
- The applicant agrees to pay into the forest conservation fund.

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

20-36 Pep-Up, Inc. – Major Site Plan Review (Concept)

Present and duly sworn in were, Mr. Kevin Shearon, and the applicant, Mr. Brian Pepper.

Mr. Tracey gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

Mr. Tracey said the applicant is requesting concept site plan review for a proposed liquid propane storage and distribution center. The liquid propane (LP) facility will be accessed by a rail spur allowing for bulk delivery by railcars. The LP will be offloaded from the railcars into one of six new 90,000 gallon above-ground storage tanks. Fixed bodied trucks will fill from the storage tanks and provide deliveries throughout the region. The property is located on Galena Road near Massey in the First Election District.

Mr. Shearon gave a brief overview of the project.

Mr. Shearon said a citizen participation plan was completed on February 28, 2019.

Mr. Tracey said the following will need to be addressed in order to receive preliminary site plan approval:

- Completed Citizen Participation Plan.
- Sediment and erosion control and stormwater management plans must be approved by the Kent Soil and Water Conservation District prior to final approval.
- Sureties for stormwater management, sediment and erosion control, and forest conservation must be posted prior to final approval.

Ms. McCann recommends completing another citizen participation plan.

Mr. Shearon said they would schedule a virtual meeting to complete another citizen participation plan.

Mr. Hickman recommended sending notices in multiple languages.

Public Input:

Kathy Florent from 12104 Galena Road asked about accidents and explosions.

Mr. Pepper said the Fire Marshal along with the Galena and Millington Fire Chiefs were satisfied with the plan.

GENERAL DISCUSSION

Cecil County Comprehensive Plan Land Use Amendment

Ms. Gerber gave an overview of the proposed amendment.

Ms. Morris recommends sending a letter from the Planning Commission explaining that the Commission reviewed the amendment and has no objections.

Zoning Text Amendment (CHR 7-2020) – Countywide Standards for Utility-Scale Solar Energy Systems

Ms. Gerber gave an overview of the proposed amendment.

Mr. Hickman said he is a board member of KCPA and did not participate in the effort to provide the standards listed in the amendment, he feels he can offer his opinion without being biased.

Public Input:

Kathy Florent asked if the amendment would address dying bushes at the solar array in Massey.

Ms. Gerber said the amendment would only apply to new solar array locations.

Janet Christenson Lewis asked if the increased setback being a half mile in the perimeter coming into a town or village is adequate.

Ms. Gerber said she thought it was adequate.

After further discussion, Mr. Hickman made a motion to send a favorable recommendation to the Kent County Commissioners.

Ms. Kohl seconded the motion, Mr. Hickman abstained. Mr. Sutton did not vote. All other members were in favor of the motion.

STAFF REPORTS

Carla Gerber:

- Working on various projects.
- Census 2020 has concluded; Kent County had a 61 percent self-response, up 4 percent from 10 years ago. Thank you to all who assisted with the census count.

Mr. Tracey:

- Kent County Agricultural Preservation Advisory Board met on October 14th to continue their discussion of updating the district criteria and easement prioritization formula. The Board is recommending changes for Commissioners' approval.
- The Kent County Historic Preservation held a work session to assist an applicant with an application for County Historic Designation.

Mr. Mackey:

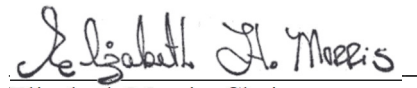
- The Information Technology Department is not comfortable with supporting ZOOM. Mr. Mackey asked if the Planning Commission members were still interested in using the application for meetings.
- Working on a future date for an in-person Comprehensive Re-Zoning Taskforce meeting in December.

Ms. McCann:


- Reviewed Robert's Rules of Order regarding a member making a motion and abstaining during a vote, and it is permissible.
- Recommends amending the Planning Commission By-laws to reflect what the standard practice has been regarding ex officio member's voting privileges.
- Asked if any of the Planning Commission members received the Open Meetings Act training. At least one of the members are required have the training to close a meeting according to the Act.
- The Planning Commissioners' Association 37th Annual Conference is on the Monday, November 9th from 9 to 4 and one of the topics that will be discussed is the Open Meetings Act.

ADJOURN

There being no further business for the good of the organization, the meeting adjourned at 3:36 p.m.



Elizabeth Morris, Chairman



Brian Jones, Clerk