

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, September 3, 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; Stephanie Jones, Environmental Planner; 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 August 6, 2020, meeting was approved with corrections.

### APPLICATIONS FOR REVIEW:

#### **05-130 Eastern Shore Mushroom Farm, Inc. – Final Site Plan Approval Extension (Additional 3 Years)**

Present and duly sworn in were the applicant, Mr. Arthur Needham, and Mr. Steve Layden with McCrone.

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

Ms. Gerber said the applicant requests a three-year extension of the final site plan approval for Eastern Shore Mushroom Farm, Inc. which would otherwise expire on September 7, 2020.

Ms. Gerber said staff recommends approval. She further noted that the Eastern Shore Mushroom Farm completed substantial construction on the required site improvements indicating a continued desire to move forward with the project.

Ms. Morris asked if any correspondence has been received.

Ms. Gerber said no correspondence has been received.

Mr. Layden provided a brief overview of the business operation and history of the project and future plans.

Mr. Needham said his vision for the business has changed slightly since March, but the industry remains strong.

No public input was received.

After further discussion, Mr. Hickman made a motion to grant a three-year extension based on the following:

- The business supports local industry and supports agriculture and is consistent with the Comprehensive Plan.
- Eastern Shore Mushroom Farm completed substantial work on the required site improvements.
- The applicant has maintained sediment and erosion control plan approval and all affiliated letters of credit.
- The applicant has completed the structural components of the stormwater management infrastructure.
- The applicant has completed construction of the entrance in accordance with State Highway Administration requirements.
- All grading affiliated with the applicant's nontidal wetland license from MDE has been completed.
- The applicant has prepared groundwater appropriation permit applications and acknowledge that they must be obtained prior to construction.
- The applicant has maintained the access road, leveled building pad, and stormwater facilities.

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

### **20-23 Dixie Land Energy – Final Site Plan Review**

Present and duly sworn in representing the applicant were Mr. Kevon Shearon with DMS & Associates, LLC, and Mr. Kevin Price and Mr. Steve Perry with Dixie Land Energy.

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

Ms. Jones said the applicant is requesting final site plan review for a proposed liquid propane and fuel oil storage and distribution facility. The proposal consists of two above ground fuel oil tanks and two above ground liquid propane tanks. The property is located along the east side of Maryland Route 299 on the north side of Massey (Tax Map 24, Parcel 68). This parcel is zoned Industrial but is surrounded to the north, east, and south by industrial uses on land zoned Village. The surrounding uses include the existing rail line, grain mill, and fertilizer facilities.

Mr. Shearon provided a power-point presentation with a project overview.

Mr. Shearon said the main hours of operation will be during the day, however, during emergencies the business may need to conduct business during off-hours.

No public input was received.

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

- On August 17, 2020, the Board of Appeals granted an 85-foot variance to both sides and 50-foot variance to the rear from the required 100-foot setback. The proposal is consistent with many strategies and goals of the *Comprehensive Plan*.
- The State Highway Administration has stated that they have no issues or concerns with approval.
- The Health Department approves of the application.
- Public water and sewer are not provided on this lot.
- The fire companies were contacted, the applicant will be required to install a knox box.
- There will be a locked gate on the property and no public interaction.
- There will be no off-street parking and no permanent employees.
- Vehicular circulation has been addressed.
- No signage is proposed.
- The hours of operation will be 7 a.m. to 5 p.m. seven days a week with access to the facility for emergency fills.
- The lighting plan is adequate.
- Stormwater management and sediment control plans have been approved and sureties have been submitted.
- The landscaping plan was provided, and sureties submitted.
- Forest Conservation has been addressed by payment of \$2,325 into the Forest Conservation Fund.
- Architectural renderings of the tanks have been submitted.
- A Citizen's Participation Plan was completed on July 21, 2020.
- The applicant provided a Certified Engineer's Report.
- A containment plan has been submitted.

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

## **STAFF REPORTS**

Ms. Jones:

- The Board of Appeals granted the Dixie Land Energy variance.
- Attended the Commissioners Meeting on August 18, 2020. The Commissioners approved the *Campground ZTA* and *Growth Allocation Policy* that included conditions provided by the Critical Area Commission.
- Attended the stakeholders meeting for the *Hazardous Mitigation Plan*.

Carla Gerber:

Staff sent the Town of Millington a letter regarding their *Parks and Recreation Master Plan*. The Town responded to the Planning Commission's question about the DNR parcel that the future use of the parcel is unknown at this time.

Mr. Tracey:

- Attended the last three Commissioner's meetings.
- The Zoning Text Amendment for microbreweries in the Crossroads Commercial zoning district was approved by the Commissioners.

- Members of the Agricultural Preservation Advisory Board were re-appointed, and a new member was appointed.
- Members were re-appointed to the Historic Preservation Commission.

Mr. Mackey:

- The Commissioner's appointed the Comprehensive Rezoning Update Taskforce.

Ms. McCann:

- Available for questions and resources for the Comprehensive Rezoning Update.

## **GENERAL DISCUSSION**

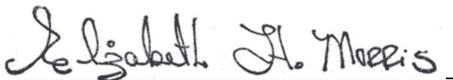
Mr. Hickman said the technology that is currently being used by Kent County to host public forums and meetings is not adequate and needs improvement.

Ms. Kohl and Mr. Megargee suggested looking into a different technology application to use to host meetings and future forums.

Mr. Mackey said he would forward any suggestions to the IT Department.

## **ADJOURN**

There being no further business for the good of the organization, the meeting was adjourned at 2:27 p.m.

  
Elizabeth Morris, Chairman

  
Brian Jones, Clerk