

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 4, 2021, virtually in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members attending via audio/video conference: Kim Kohl, Chairman; William Sutton, Vice Chairman; F. Joseph Hickman; County Commissioner P. Thomas Mason; B. Douglas Megargee; Paul J. Ruge, Jr.; James Saunders; and Cynthia L. McCann, Esq., Planning Commission Attorney; Staff in attendance were William Mackey, Director; Carla Gerber, GIS Specialist; Robert Tracey, Community Planner; and Sandy Adams, Clerk.

Ms. Kohl called the meeting to order at 1:30 p.m.

### ELECTION OF OFFICERS

Ms. Kohl opened the annual election asking for nominations for Planning Commission Chairman and Vice Chairman. Mr. Hickman nominated Ms. Kohl for Chairman, and Mr. Megargee nominated Mr. Hickman for Vice Chairman. There being no further nominations, the nominations were closed at 1:35 p.m.

Ms. Kohl opened the floor for elections. Mr. Hickman made a motion to elect Ms. Kohl as Chairman, and Mr. Sutton seconded the motion. Mr. Saunders made a motion to elect Mr. Hickman as Vice Chairman, and Mr. Megargee seconded the motion. The motions to elect Ms. Kohl as Chairman and Mr. Hickman as Vice Chairman passed with all in favor.

The annual election was closed at 1:38 p.m. Ms. Kohl thanked Mr. Sutton for his many years of service as Vice Chairman of the Planning Commission.

## MINUTES

Mr. Sutton made a motion to accept the minutes of the February 4, 2021, meeting as distributed.

Mr. Saunders seconded the motion; the motion passed with all in favor.

### APPLICATIONS FOR REVIEW:

#### **16-57 Bayshore Land Holdings, LLC/Frederick J. Wick – Major Site Plan Review (Preliminary) – In accordance with the process to Amend the Kent County Comprehensive Water and Sewerage Plan**

Ms. Gerber gave a description of the proposal, the history of the project, and staff's comments and recommendation.

Ms. Gerber reported that since 2016, Fred Wick of Bayshore Land Holdings, LLC has been working toward expanding his existing campground on Eastern Neck Road south of Rock Hall. The current application is for preliminary site plan review in accordance with Step 5 of the process to amend the Kent County Comprehensive Water and Sewerage Plan. The Comprehensive Water and Sewerage Plan requires the Planning Commission to review the project for compliance with the Comprehensive Plan and Land Use Ordinance and its feasibility, environmental, and design characteristics based on a

specific project that complies with the requirements for a preliminary plan. At this stage, the applicant must demonstrate adequate provisions for water supply and sewage disposal, proposed methods for fire protection, preliminary stormwater management, and Forest Conservation Plans. The 57.86-acre property is located on Eastern Neck Road in the Fifth Election District and split zoned Resource Conservation District, RCD, and Agricultural Zoning District, AZD.

Ms. Gerber said that no correspondence has been received pertaining to the application.

Mr. Kevin Shearon of Davis, Moore, Shearon, and Associates; Megan Owings of MacLeod Law Group; and Mr. and Mrs. Wick, applicants, were present at the meeting to discuss the application.

Ms. Owings concurred with staff that Step 5 of 12 is for amending the comprehensive water and sewer plan and said that the purpose of this step is to get a statement of certification of consistency with the County's Comprehensive Plan.

Ms. Owings, clarifying staff's report, said 160 sites currently exist at the campground, but up to 248 sites will be permitted once the pending growth allocation is approved. She said in addition to staff's report she wanted to point out for the record that the County's Comprehensive Plan's first area of focus is the economy, and the goals also state support for existing business (Pages 1,7, and 8-10). Its highest priority is for the expansion of existing businesses (Page 129). Ms. Owings said the applicants' sole purpose today is for the recommendation letter, so they may proceed with the amendment process.

Ms. Kohl asked for further comments from the applicants, and there were none.

Ms. Kohl asked the Commission if they had any questions.

Mr. Hickman asked for further clarification of the Commission's charge pertaining to the application.

Ms. Gerber said the applicants are requesting a letter be sent to the County Commissioners finding that the Planning Commission has found the campground to be consistent with the County's Comprehensive Plan and Land Use Ordinance.

Mr. Shearon gave an overview of the project. He said that the campground intends to provide an onsite sewage disposal system, and because that flow is over 5,000 gallons per day, there must be an amendment to the County's water and sewer master plan. Mr. Shearon said with these certifications, the applicant can move forward with the amendment.

Mr. Ruge was concerned about giving an approval for future site growth areas without further review. Ms. Owings said they will not be able to move beyond the 160 sites without further site plan and growth allocation review.

Ms. Kohl asked for further questions and/or comments, and there were none.

Mr. Hickman made a motion to send a letter to the County Commissioners stating that Bayshore Land Holdings, LLC has complied with Step 5 of the process to amend the water and sewer plan based on the following findings:

- The use of the property as a campground complies with the Land Use Ordinance and Comprehensive Plan goals to support economic development and locally based tourism and enhance existing businesses.
- The applicant has been working closely with the Kent County Health Department to properly size the proposed “onsite sewage disposal system” as contemplated by COMAR 26.04.02.02.
- There is a potable well onsite.
- Any new structures built by the owner will comply with current building codes.
- Preliminary stormwater management plans are under review.
- The Forest Conservation Act is not applicable.
- Any further enhancement of the site plan will require growth allocation.

Mr. Sutton seconded the motion; the motion passed with all in favor.

### **21-01 Roseland, Inc. – Special Exception – Expansion of existing sand and gravel pit**

Mr. Hickman informed the Commission that he has conducted professional business with Roseland, Inc. in the past, but he said he feels that he can be impartial and not have to recuse himself.

Mr. Tracey gave a brief overview of the proposal, citing the history of the project, relevant issues, the applicable laws, and staff’s comments and recommendation.

Roseland, Inc. requests a special exception for a five-acre expansion of an existing sand and gravel pit. The existing excavation site is comprised of 4.98 acres located near the southeastern corner of the property which is also otherwise farmed. The proposed five-acre expansion to the gravel pit would be directly south east of the existing pit. Access to the sand and gravel pit is by an existing gravel farm lane from Bradford Johnson Road that also serves a dwelling on a separate parcel. The edge of the gravel pit is approximately 175-feet from the nearest property line. The property is comprised of 152.93 acres located on Bradford Johnson Road near Golts in the First Election District and is zoned Agricultural Zoning District, AZD.

Mr. Tracey read into the record correspondence received from Edward C. Dixon, Jr., who is in opposition to the proposal.

Present and duly sworn in were Kevin Shearon, P.O. Box 80, Centreville, Maryland.

Mr. Shearon shared an aerial image of the property and reviewed the proposal with the Commission.

Ms. Kohl inquired about the distance between the proposed expansion and Mr. Dixon’s property. Mr. Shearon replied that it was approximately 860 feet.

Mr. Ruge asked if the gravel pit that is currently operational has been reclaimed, or if it will be reclaimed, if the expansion were to be approved. Mr. Shearon responded that it will be reclaimed after it reaches the end of its capacity, and then the other five acres will begin to be excavated.

Discussion ensued pertaining to redirecting the equipment that passes by the neighboring properties.

Ms. Kohl inquired of staff about their recommendations regarding whether the site would be restored for agricultural or forest use as in previous expansions. Mr. Tracey said that is something the Commission can add, if they so choose.

After further discussion, Mr. Hickman made a motion to send a favorable recommendation to the Board of Appeals based on the following findings:

- Sand and gravel pits provide a mineral asset to the County and are vital to the economy.
- The special exception shall be for a period not to exceed five years.
- Material is not brought from off-site for processing, mixing, or similar uses.
- The excavation or extraction operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly in regard to the use of residential streets for access to the site.
- There are no known threatened or endangered species, areas of specific value, or rare assemblages of species or other vital habitat at the site.
- In RCD and CAR zonings, highly erodible soils are not disturbed at the site.
- The operation will not disturb for future use prime agricultural lands or forest and developed woodlands of more than one acre.
- The operation will not degrade water quality.
- The operation does not disturb the minimum 100-foot buffer or stream protection corridor.
- The operation is under an approved operating and restoration plan from the State of Maryland.
- The operation does not adversely affect a non-tidal wetland directly or hydrologically.
- The location of the excavation or extraction with respect to property lines, the depth of excavation, and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.

Mr. Sutton seconded the motion; the motion passed with all in favor.

## **GENERAL DISCUSSION**

### **2021 Transportation Priority Letter**

Mr. Mackey described the Transportation Priority Letter. It is an annual letter that the County Commissioners send to the Maryland Department of Transportation, and the Commissioners prioritize the projects that the County would like to see funded. He said traditionally the plan highlights the Chester River Bridge project and last year the toll diversion issue in Delaware was added. He said there are a variety of projects that could be recommended and requested that the Planning Commission provide its input for consideration. He reported to the Commission the status of current projects:

- The Chester River Bridge has already been formally entered into the Maryland Department of Transportation's Chapter 30 review process.
- Kent County is one of the nine counties on the Eastern Shore that just received an "All American Road" designation for the Chesapeake Scenic Byway. Mr. Mackey conveyed that this status will bring the region national attention.

Ms. Kohl inquired about what happens to those projects that do not get completed and/or addressed. Mr. Mackey said he reaches out to the Towns each year, and they let him know what they would like to see completed.

The Commission informally discussed the Priority Letter and endorsed the Chester River Boulevard bridge crossing as the County's first priority and also asked that the emphasis on solving traffic issues in Galena be strengthened. Additionally, the Planning Commission endorsed maintaining the County's traditional opposition, as noted in the 2020 Letter, to a third span of the Chesapeake Bay Bridge being located in Kent County.

### **Amendments to Planning Commission Bylaws**

Ms. McCann discussed the following amendments to the *Planning Commission Bylaws*:

- Section 1, Annual Meeting: The annual meeting shall be the first regular meeting of the calendar year.
- Section 5, Voting: The words "if any" now follow the term "ex officio," and a tie vote shall fail passage of a motion.
- Section 6D: "public comments" has been added for placing limits.

Mr. Hickman made a motion to accept the amendments to the Planning Commission Bylaws as presented, and Mr. Sutton seconded the motion; the motion passed with all in favor.

### **STAFF REPORTS**

Carla Gerber:

- Reviewed many building permits pertaining to the critical area.
- The department is starting to gear up for the MALPF easement application cycle; letters went out to all district owners letting them know that it is time to apply.
- Last week, the department conducted two Administrative Hearings for accessory structures in the front yard of a waterfront property. One was for a pool, and the other was to relocate an accessory farm dwelling; both applications were approved.

Mr. Tracey:

- Worked on reviewing building permits.
- Participated with the two Administrative Hearings.

Mr. Mackey:

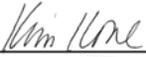
- Congratulated Ms. Kohl, Chair and Mr. Hickman, the new Vice Chair.
- Thanked Mr. Sutton for the years he served as Vice Chair on the Commission.
- Last week, the draft was released for the Environmental Impact Statement for the Bay Bridge Study. The Maryland Department of Transportation Authority's recommendation was for Corridor 7, which was the addition of a third span to the location of the existing Bay Bridge.
- Thanked Cynthia McCann for her great work and advice to the Commission.

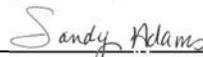
Ms. McCann:

- Nothing new to report.

### **ADJOURN**

There being no further business for the good of the organization, the meeting adjourned at 2:31 p.m.

  
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Kim Kohl, Chairman

  
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Sandy Adams, Clerk