

**MINUTES**

November 3, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, November 3, 2022, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge (remote), William Sutton, James Saunders, and County Commissioner P. Thomas Mason. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Jamie Williams, CECD, Economic Development Director; Dawson Hunter, Housing and Transportation Coordinator; Shalyn Boulden, Administrative Specialist; and Campbell Safian, Planning Specialist.

Members of the public in attendance included Kevin Shearon, P.E., LEED AP, Principal of DMS & Associates; Harry Smith Jr., LS, Delmarva Survey; Buck Nickerson, LS of Extreme Measures, LLC; Mary Hurtt Tazewell; Margaret Hurtt; John Hickey; Russ Richardson; Karen Miller; Patricia Gore; Nona Porter; Nick Mirales; John Williamson; Joy Kim; George Dudek; Bill White; Mary White; Cindy Anderton (remote); Nancy Connolly; Catherine Durham; Allan Durham; Kyle Durham; Ed Breitenbach; Melanie Breitenbach; John Lysinger; Janet Christensen-Lewis; and Chip MacLeod, Esquire.

Chair Hickman called the meeting to order at 1:30 p.m.

**MINUTES**

Ms. McCann requested that the sentence in the Staff Reports section of the October 6 minutes which reads "Ms. McCann introduced a workshop on motions which is pending for December", be changed to "Ms. McCann is coordinating with staff on a motions training for December."

Mr. Saunders moved to accept the minutes of October 6, 2022, with the correction. Mr. Sutton seconded the motion. The motion passed with all in favor.

**APPLICATIONS FOR REVIEW**

*22-65 Massey Aero, LLC (Robert Dierker) – Site Plan Amendment  
33541 Maryland Line Road, Massey – First Election District – Agricultural Zoning District (AZD)*

The applicant is requesting an amendment to an approved final site plan for the removal of the landscaping requirement along Maryland Line Road. As a condition of site plan approval in 2017, the applicant was required to landscape an area equal to 15% of the disturbed area for the construction of a new hangar. The applicant planted 85 shrubs in 3 locations, however, the shrubs planted along Maryland Line Road did not survive due to site conditions. The property is located at 33541 Maryland Line Road, Massey, Maryland in the First Election District and is zoned Agricultural Zoning District (AZD).

Ms. Gerber presented the staff report, recommending approval. The Chair swore in Mr. Nick Mirales and Mr. John Williamson, owners of Massey Aero, LLC.

Mr. Mirales and Mr. Williamson presented their case as to the need for the site plan amendment. Mr. Mirales assured the Planning Commission that an effort was made in good faith by Massey Aero to fulfill the planting requirements of the 2017 site plan approval. The applicants informed the inspectors of the site's wet conditions. Mr. Mirales is of the opinion that if Massey Aero re-plants shrubs along Maryland Line Road, the plants will not survive.

Mr. Saunders noted the applicant's effort to fulfill the planting requirements of the site plan approval.

Chair Hickman spoke in agreement with Mr. Saunders, citing the precedent of the Planning Commission waiving planting requirements for applicants whose trees died due to the wet nature of their lots.

Mr. Saunders moved to grant approval of the site plan amendment for the Massey Aero, finding that the applicants made quality attempts to adhere to all of the landscaping requirements that were conditions of the site plan approval.

The motion was seconded by Mr. Sutton, and the motion passed unanimously, 4-0.

*22-54 Mary Lou Hurtt – Major Site Plan (Preliminary and Final)  
32762 Galena Sassafras Road – First Election District – Resource Conservation District (RCD)  
and Rural Residential (RR)*

The applicant is requesting preliminary and final site plan review for the adaptive reuse of a historic structure on Federal Hill Farm. On September 19, 2022, the Kent County Board of Appeals approved the special exception on the condition of site plan approval by the Planning Commission and that the adaptive reuse of the barn and granary exclusively for the selling of cut and pre-cut Christmas trees and holiday related items shall occur from 8:00 a.m. through 5:00 p.m. from the Friday after Thanksgiving and every Saturday and Sunday until Christmas Eve. The property is located at 32762 Galena Sassafras Road in the First Election District and is zoned Resource Conservation District (RCD) and Rural Residential (RR).

Mr. Carper presented the staff report, recommending approval. The Chair swore in Buck Nickerson, LS, Extreme Measures, LLC, and John Hickey, applicant representing the property.

Mr. Nickerson stated that he and Mr. Hickey analyzed traffic patterns and pedestrian movement. The site plan was revised to depict traffic flow and the locations of directional signs on the property. An overflow parking lot was added, as well as a fence to shield the private residence from the Christmas tree operation.

Chair Hickman moved to grant preliminary and final site plan review approval for the adaptive reuse of a historic structure for the application of Mary Lou Hurtt, Trustee, for their ability to use the barn to sell Christmas trees and other holiday items. The proposal is consistent with the Comprehensive Plan. The applicants have addressed the means of vehicular and pedestrian traffic, and as well as the loading and off-loading of vehicles that will be servicing the operation. The proposal will not place demands on public services and will only be open for a little over a month. The proposal will not create problems for sewer and refuse. Because of the nature of the property, it will not disturb the neighboring properties with excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, or stormwater runoff. The only vegetation to be removed will be when the trees are planted and removed, however, the trees will be replanted. For those reasons, Chair Hickman moved to grant preliminary and final site plan approval for this application.

The motion was seconded by Mr. Ruge, and the motion passed unanimously, 4-0.

*22-67 Everton Industrial – Major Site Plan (Concept)  
Map 31, Parcel 6, Part 1 – First Election District – Employment Center (EC)*

The applicant is requesting concept site plan review for two proposed manufacturing/warehouse buildings on newly created lots near the interchange of US 301 and MD 291. Lot 1 will be 26.942 acres and Lot 2 will be 26.604 acres. Both lots have frontage along Edge Road, and Lot 1 also has frontage on Chesterville Bridge Road. Both buildings will be 256,666 square feet. Parking will be phased and, ultimately, there will be over 200 employee/visitor parking spaces per building. Each building will have 66 loading dock spaces and separate trailer parking spaces. The property is located at Map 31, Parcel 6, Part 1 in the First Election District and is zoned Employment Center (EC).

Ms. Gerber presented the staff report, recommending that the Planning Commission consider approving the requested setbacks and waive the requirement that “curb cuts” be at least 3,000 feet apart. In order for the applicant to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items: a Citizen Participation Plan Report; preliminary sediment and erosion control and stormwater management plans; front, side, and rear elevations of all exterior walls; details on signs and lighting; and delineation of development staging. A letter received from a member of the public was read into the record.

The Chair swore in Kevin Shearon, P.E., LEED AP, DMS & Associates.

Mr. Shearon reported that the 114.5-acre property owned by Millington Crossing Associates One, LLC, is located in Kent County’s Designated Growth Area and the Priority Funding Area. Other than the applicant’s request for approval of the proposed setbacks and the waiver of the required distance apart for curb cuts, the Land Use Ordinance allows a development of this type to be approved in the Employment Center (EC) zoning district.

Mr. Shearon stated that the traffic study has not been completed at this time. Traffic Concepts, Inc. conducted a weekday peak hour trip generation calculation. The estimated number of trips for employees is 85 in the peak morning hour (between 7am-9am) and 88 trips in the peak afternoon hour (between 4pm-6pm). The calculation estimates 10 truck trips in the peak morning hour and 15 trips in the peak afternoon hour.

Chair Hickman asked which roads and intersections will be included in the traffic study. Mr. Shearon could not confirm the scope of the traffic study but is certain that the Chesterville Bridge Road and the interchange of US 301 and MD 291 will be included in the study.

Mr. Ruge expressed his concern over a tractor trailer truck’s ability to safely maneuver the ingress and egress of US 301 due to the sharp turns of the access roads.

Chair Hickman is of the opinion that a substantial traffic study needs to be completed.

Mr. Saunders asked what types of companies will utilize the warehouses. Mr. Shearon noted that the end-users who will utilize the warehouses have yet to be determined. All end-users will have to meet the industrial performance standards and be approved by Kent County in order to utilize the warehouse.

The Chair opened the floor for public comment.

Ms. Anderton questioned whether the warehouses would be successful, citing the closure of Amazon warehouses.

Ms. Catherine Durham spoke in opposition to the Everton Industrial proposal. Ms. Durham opined that the proposed warehouse buildings will create substantial amounts of environmental, noise, air, and light pollution.

Ms. Karen Miller expressed her concerns regarding the amount of truck traffic that will be drawn to Millington.

Mr. John Lysinger spoke in opposition to the Everton Industrial proposal. Mr. Lysinger believes that the proposal will negatively impact the Chesterville neighborhood and Chesterville Bridge Road.

Ms. Patricia Gore is of the opinion that Kent County residents are entitled to additional opportunities to voice their opinions about the proposal and have their questions answered by Millington Crossing Associates One.

Mr. Kyle Durham expressed his concern and opposition to the Everton Industrial proposal.

Ms. Janet Christensen-Lewis suggested that the application not move forward until the applicant has addressed the public's concerns.

Mr. Ed Breitenbach stated that the Everton Industrial proposal will negatively impact him and his family's quality of life.

Mr. Allan Durham expressed his concern that the approval of the Everton Industrial project will create a precedent for future warehouses to be developed in Kent County.

Mr. Shearon stated that Millington Crossing Associates One will work to complete the traffic study. Mr. Shearon reiterated that manufacturing/warehouse buildings are a permitted use in the Employment Center (EC) zoning district.

Chair Hickman suggested the traffic study evaluate multiple end-user types and analyze how each end-user type would affect traffic.

Mr. Saunders expressed that Millington Crossing Associates One did not inform enough members of the public about the proposal. Mr. Saunders suggested speaking to more of the Millington residents, and then bringing the proposal back to the Planning Commission.

Mr. Shearon responded, clarifying that two public meetings took place regarding this project: the required Citizen Participation Plan and the Town of Millington charrette. Millington Crossing Associates One incorporated the public's comments from the Citizen Participation Plan into the plans presented today, such as the landscape berm and the removal of access points on Chesterville Bridge Road.

Chair Hickman expressed his interest in reviewing additional information from the applicant, such as a traffic study, before voting whether to approve the requested setbacks and waive the requirement that curb cuts be at least 3,000 feet apart.

Mr. Sutton and Mr. Saunders spoke in agreement with Chair Hickman.

*22-80 Green's Septic and Excavation, LLC – Special Exception and Major Site Plan (Concept)  
10252 Fairlee Road – Sixth Election District – Village (V)*

The applicant is requesting a special exception to operate his septic maintenance and excavation business, except for the associated office uses, on a property zoned Village. A new pole building will be constructed to store equipment used for the business. The property is located at 10252 Fairlee Road in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

Ms. Gerber presented the staff report. Staff has no recommendation at this time, based on the information presented in the application.

The Chair swore in Harry Smith Jr., LS, Delmarva Survey. Mr. Smith presented his case as to the need for the special exception. Mr. Smith noted that shutters will be added to the windows and trees will be planted in between the windows to off-set the building's scale.

Mr. Ruge is of the opinion that this lot should not be zoned in the Village (V) district. Mr. Ruge further explained his preference in seeing this lot be used for a residential use and does not agree with the use being permitted in all of the County's Village zoning districts.

Chair Hickman noted the lack of public water and sewer in Melitota, which limits the area's potential for residential developments.

Mr. Smith reported that the lot is not suitable for a septic system and is best suited for business purposes.

Chair Hickman moved to send a favorable recommendation to the Board of Appeals for the special exception of Green's Septic and Excavation, LLC, at 10252 Fairlee Road, zoned Village (V). The proposal fits with the nature of the area and will have a minimal impact on traffic patterns. In the surrounding area, there are buildings, surrounded by woodland and open farmland. The proposal will not impact dwellings, houses of worship, public facilities, or historic landmarks. It follows the intent of the ordinance, and will not impact water quality, fish, or wildlife habitat. The proposal will not be intrusive and will likely enhance the neighborhood. All equipment will be stored inside the building. All fencing, landscaping, and plans will be approved by the Planning Commission as part of the final site plan approval. For those reasons, a favorable recommendation will be sent to the Board of Appeals.

The motion was seconded by Mr. Saunders, and the motion passed unanimously, 4-0.

**GENERAL DISCUSSION**

Mr. Mackey noted a letter of resignation received from Tyler Brown. Secondly, Mr. Mackey informed the Planning Commission of the upcoming Comprehensive Rezoning Update Public Forum on December 14 at 6 pm.

**STAFF REPORTS**

**ADJOURN**

Chair Hickman moved to adjourn. Mr. Saunders seconded. The meeting adjourned at approximately 4:06 pm.

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Francis J. Hickman, Chair

/s/ Campbell Safian  
Campbell Safian, Planning Specialist