

MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 3, 2016, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; Ed Birkmire; James Saunders; William Crowding; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Stephanie Jones, Critical Area Planner; Katrina Tucker, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

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

MINUTES

The minutes of February 4, 2016, meeting, were approved as presented.

AGRICULTURAL PRESERVATION DISTRICTS APPLICATIONS FOR REVIEW:

Bruce E. and Sarah Wescott McCoy seek to establish an Agricultural Preservation District on their farm located at 13279 Shallcross Wharf Road, Kennedyville, in the Second Election District. The farm is comprised of 144 acres containing 63.2% qualifying soils. There are two dwellings on the property. Approximately 95-acres of the farm are zoned "AZD", Agricultural Zoning District, and 49-acres are zoned Resource Conservation District "RCD." The farm is outside the 10-year water and sewer planning area.

The farm is part of a block with over 1,400 acres of district and easement properties and is adjacent to other protected farms. Directly to the north are lands protected by easements held by the Maryland Environmental Trust and the Maryland Agricultural Land Preservation Foundation (MALPF). Also, the farm on the west side of Shallcross Wharf Road is also under a MALPF easement. The McCoy's farm is located within the Priority Preservation Area.

The Agricultural Preservation Advisory Board reviewed this application at their meeting on February 17, 2016, and unanimously submits a favorable recommendation.

Following discussion by the members of the Planning Commission, Mr. Sutton made a motion to forward a favorable recommendation to the County Commissioners. Mr. Crowding seconded the motion, and it was approved unanimously.

Casey C. and Meagan B. Owings requested to postpone their application for consideration of an Agricultural Preservation District on their farm located at 28690 River Road, Millington, in the Second Election District.

Casey C. and Meagan B. Owings seek to establish an Agricultural Preservation District on their farm located at 28470 River Road, Millington, in the Second Election District. The farm is comprised of two parcels. Parcel 7 is 107.64 acres, and Parcel 45 is 25 acres. Combined, the farm is 132.64 acres containing 75.7% qualifying soils. There is one dwelling on the property, located on Parcel 45. The farm is zoned "AZD", Agricultural Zoning District and is outside the 10-year water and sewer planning service area.

Other protected lands are in the vicinity. Within a one mile distance to the east is a significant block of protected lands that include properties with easements held by the Maryland Agricultural Land Preservation Foundation (MALPF) well as with the Maryland Environmental Trust. The Owings farm is located within the Priority Preservation Area.

The Agricultural Preservation Advisory Board reviewed this application at their meeting on February 17, 2016, and unanimously submits a favorable recommendation.

Following discussion by the members of the Planning Commission, Mr. Sutton made a motion to forward a favorable recommendation to the County Commissioners. Mr. Crowding seconded the motion, and it was approved unanimously.

Staff Reports

Amy Moredock:

- Mr. Mowell and she are involved with multiple Public Service Commission cases:
 - On February 5th, she reported that she testified at an evidentiary hearing for OneEnergy. Since that time, the Judge has requested additional information and briefs from the applicant and the PPRP staff. Ultimately, the Judge will reach a decision as to whether or not he finds that solar energy companies seeking public utility licenses are eligible for exceptions from the Forest Conservation requirements under utility scale solar system provisions.
 - They have also been working on Mills Branch (Apex) case in which the County has petitioned to intervene. Mr. Mowell and she met with Apex staff and attorneys two weeks ago. Apex counsels' position is that the Law Judge has already made a decision of preemption based on a 1990 case. The Law Judge has been contacted by the Mr. Mowell stating the County's position is that the 1990 case is distinguishable from the facts of this project.
- Sandy Coyman, Commissioner William Short, and she appeared on the Kent County High School Radio show on February 18th to talk about the Comprehensive Plan to lay the ground work to gather student interest.
- Coastal Vulnerability workshop was held on Feb 23rd and the 24th. The purpose was to bring everyone together who had been interviewed to prioritize and brainstorm for useful strategies that can be used in the Comprehensive Plan and Hazard Mitigation Plan updates.
- The Zoning Text Amendment Public Hearing for increase in size of signs in the Village Districts was held on March 1st; other than a brief presentation by the applicant's attorney, there was no public testimony offer at the hearing. The Commissioners will vote on the proposed amendment on March 15th.

Stephanie Jones:

- She and staff met with Critical Area Commission staff regarding the Rock Hall Critical Areas mapping update. Mapping errors are being addressed and corrected. Some areas that are currently mapped Limited Development Areas will be corrected and remapped Intensely Developed Areas. Eventually the same will be done in the County.
- She applied for a grant to attend the Eastern Regional Climate Preparedness Conference in Baltimore from April 4th through the 6th. The conference topics include planning infrastructure, adaption, resilience, and vulnerability and will be hosted by the Antioch University and the Environmental Protection Agency (EPA).

Katrina Tucker:

- MALPF will have an Easement cycle this year. The application to sell an easement to the State for Fiscal Year 2017 is on the MALPF website. We will be sending letters to all property owners that have property in Kent County Agricultural Preservation Districts advising them of the easement cycle and to submit their easement applications. Staff expects that there will

also be more applications to establish the Kent County Agricultural Preservation District, which is a prerequisite to an easement application.

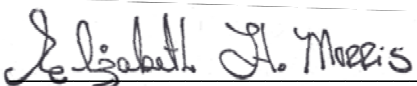
- Annual inspections of farms in MALPF easements will be conducted again this Spring.
- We anticipate submission of a Petition seeking a Text Amendment to increase the number of beds in assisted living facilities.
- The Maryland Department of Transportation has started design work for the rehabilitation of the railroad bed from Massey to Worton. It was brought to our attention by a land owner that survey work commenced in December without the consent of property owners. We contacted staff with the Office of Freight and Multimodalism at MDOT and provided them with a listing of the mailing addresses for all property owners adjoining the railroad, to whom MDOT sent letters by certified mail advising of the project and survey work; since additional surveying is still being conducted. We met with MDOT and their contractor on February 16, 2016, at which they advised that their surveyors in December staked 128 steel pins on properties in areas that are outside of the railroad right-of-way. We have requested that the steel pins be removed by March 1, 2016. The contractor advised that they will not be removing the steel pins, and we have requested that they reconsider. Further correspondence may be necessary.
- The Renewable Energy Task Force continues to meet on their bi-weekly schedule, and is making progress on drafting a text amendment.
- The Comprehensive Plan update is proceeding. Stakeholder group meetings are being scheduled, and the Planning Commission worksessions will be held on the first Wednesday of every month from 6:30 to 8:00 p.m.

General Discussion:

John Stoltzfus has contacted staff regarding his growth allocation award that is set to expire March 16, 2016. The submittal deadline was not met in order to be reviewed by the Planning Commission at this meeting. The original growth allocation award was granted March 2010. The Planning Commission favorably reviewed the initial application and also reviewed and sent a favorable recommendation for an extension to the growth allocation award in March 2013, citing that all conditions attached to the 2010 shall remain in effect. A letter from Mr. Stoltzfus requesting a second extension has been filed with the County Commissioners who will hear and decide upon the request at their March 8th meeting.

The Planning Commission discussed the project and applicant's request for a second extension. The Commission unanimously concurred that the request should be reviewed favorably and granted by the County Commissioners. The Planning Commission noted that neither the Ordinance, the Growth Allocation Policy, the state Code, nor the circumstances under which the project was reviewed in 2010 have changed. The Commission also noted that the applicant may not put forward any alteration to the 2010 proposal.

There being no further business for the good of the organization, the meeting was adjourned at 2:20 p.m.



Elizabeth Morris, Chairman



Tonya L. Thomas, Clerk