

MINUTES

The Kent County Planning Commission met in regular session on Thursday, February 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, Chairperson; William Sutton, Vice Chairperson; F. Joseph Hickman; County Commissioner P. Thomas Mason; B. Douglas Megargee; and Paul J. Ruge, Jr.; 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. Kohl called the meeting to order at 1:30 p.m.

MINUTES

Mr. Sutton made a motion to accept the minutes of the January 7, 2021, meeting as distributed.

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

PUBLIC HEARING

County Commissioners of Kent County, CHR 7-2020 – Zoning Text Amendment

Ms. Kohl opened the Public Hearing.

The Clerk read into the record the *Public Notice* for the Zoning Text Amendment.

Mr. Mackey and Ms. Gerber provided an overview of the proposed Zoning Text Amendment.

No public input was received.

Ms. Kohl closed the public hearing at 1:42 P.M.

20-47 James and Shirley Alexander – Zoning Text Amendment - Adding Class 8 Farm Brewery as a permitted use.

Ms. Kohl opened the Public Hearing.

The Clerk read into the record the *Public Notice* for the Zoning Text Amendment.

Mr. Tracey provided an overview of the proposed Zoning Text Amendment.

The only comments received during the public hearing were from Mr. Steve Edwards who lives at 12282 Galena Road, Massey, Maryland. He stated that he has been working closely with Mr. Alexander and helped him prepare the paperwork for the text amendment.

Ms. Kohl closed the public hearing at 1:54 P.M.

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After reported sound issues with the live stream of the Public Hearing, based on legal advice from Ms. McCann, a decision was made to redo the public hearings.

Ms. Kohl re-opened the public hearing for the Zoning Text Amendment CHR 7-2020.

The Clerk read into the record the *Public Notice* for the Zoning Text Amendment.

Mr. Mackey and Ms. Gerber provided an overview of the proposed Zoning Text Amendment.

No public input was received.

Ms. Kohl closed the public hearing at 1:56 P.M.

Ms. Kohl then re-opened the public hearing for the Zoning Text Amendment Adding Class 8 Farm Brewery as a permitted use.

The Clerk read into the record the *Public Notice* for the Zoning Text Amendment.

Mr. Tracey provided an overview of the proposed Zoning Text Amendment.

No additional public input was received.

Ms. Kohl closed the public hearing at 1:59 P.M.

APPLICATIONS FOR REVIEW:

20-36 Pep-Up – Major Site Plan Review (Preliminary)

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 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 railcars into one of four 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.

The Clerk read into the record correspondence received from Mr. Roy Hoagland, 9522 Fairlee Rd, Chestertown, Maryland 21620.

Mr. Kevin Shearon and Mr. Brian Pepper were present and duly sworn in by Ms. Kohl to discuss the application with the Planning Commission.

Mr. Shearon gave an overview of the project. He stated that a citizen participation meeting was conducted as a virtual call on December 1, 2020 and a mailing to notify citizens of the meeting was sent out in November. A report of the citizen's participation meeting was submitted to the Department of Planning, Housing, and Zoning.

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Mr. Shearon said since concept review the plans have changed slightly with the most notable change being the turn around area being shifted south.

Mr. Shearon said the plans meets all state requirements of a facility of this nature.

There was discussion regarding the number of tanks being proposed. It was determined that the number of tanks reported on the staff report was inaccurate, and the number of tanks proposed should be four instead of six as was presented during concept review.

No public input was received.

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

- The proposal is consistent with many strategies and goals of the Comprehensive Plan.
- Onsite vehicular circulation appears to promote clearly defined access to the storage tanks while also limiting unauthorized vehicles by gating the entrances to the site.
- The Department of Public Works approved this application.
- The Kent County Health Department is still evaluating the proposed septic reserve area.
- The applicant has addressed the performance standards (noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke, and particulate matter, toxic matter, and odor).
- The applicant submitted a Certified Engineer's Report.
- Forest Conservation was addressed by previous development on the site.
- Sediment and erosion control and stormwater management plans have been submitted for review.
- No additional landscaping is required.
- A Citizen Participation meeting was held on December 1, 2020.
- A lighting plan has been submitted.
- No signage has been proposed at this time.

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

County Commissioners of Kent County, CHR 7-2020 – Zoning Text Amendment

Ms. Gerber gave a brief overview of the proposal.

No correspondence has been received.

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

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

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20-47 James and Shirley Alexander – Zoning Text Amendment - Adding Class 8 Farm Brewery as a permitted use.

Mr. Tracey gave a brief overview of the proposal.

Present and duly sworn in were Mr. James Alexander and Mr. Steve Edwards.

Mr. Alexander and Mr. Edwards gave a brief overview of the proposal.

Mr. Alexander said he would like to see this text amendment pass to provide opportunities for farmers and another source of income. He said it would also help boost tourism for Kent County.

Mr. Megargee said he agrees that this proposal would be good for the county.

No correspondence has been received.

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

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

GENERAL DISCUSSION

2021 Transportation Priority Letter

Mr. Mackey asked the Planning Commission if the Commission would like to participate in the formulation of the 2021 priority letter. The Planning Commission agreed to contribute thoughts and suggestions to the 2021 priority letter at the next meeting.

Amendments to Planning Commission Bylaws

Ms. McCann discussed proposed amendments to the *Planning Commission Bylaws*.

Ms. McCann said she does not recommend any changes to the bylaws regarding creating a new position of Co-Chairperson.

Ms. McCann also recommended an amendment to the bylaws to change the Annual Meeting to occur in January.

After discussion, Mr. Ruge made a motion to proceed with the proposed amendment to change the Annual Meeting from March to the first month of the calendar year.

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

Mr. Sutton made a motion to have Ms. McCann investigate addressing audience participation.

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

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STAFF REPORTS

Carla Gerber:

- Working on various projects.
- Working on the Parks & Recreation plan with Myra Butler

Mr. Tracey:

- Busy working on various projects, reviewing, and issuing building permits.

Mr. Mackey:

- Working on the Comprehensive Re-Zoning process.

ADJOURN

There being no further business for the good of the organization, the meeting adjourned at 3:15 p.m.

Kim Kohl, Chairperson

Brian Jones, Clerk

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