

MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 7, 2019, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; James Saunders; Kim Kohl; Joe Hickman; William Crowding; and Commissioner, P. Thomas Mason. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Stephanie Jones, Environmental Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

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

MINUTES

The minutes of February 7, 2019, meeting, were approved as presented with corrections.

GENERAL DISCUSSION

Draft Kent County Nuisance Flooding Plan

Present and duly sworn in were Ginger Gregg, Emergency Services Planner; Jim Bass, Eastern Shore Land Conservancy Coastal Resiliency Specialist; and Ms. Jones, Environmental Planner.

Ms. Jones gave an overview of the Kent County Nuisance Flooding Plan. Ms. Jones stated the County received a grant from the Maryland Department of Natural Resources to complete the Nuisance Flooding Plan. The intent is to document and establish the county's process, locations and possible mitigation actions for nuisance flooding. Not only is this document a requirement from the State of Maryland, but it is also another tool for the County that addresses climate change issues in alignment with the Climate Change and Sea Level Rise Report. This Plan will provide data along with preparedness and resilient actions. The goals are to limit development in areas with constraints in order to improve safety and reduce environmental and property damage. Provide effective and efficient emergency services through a unified emergency services system using national and state regulations and standards to guide future system improvements.

Mr. Bass gave a background of the project by stating that in 2016 ESLC worked with Kent County to develop the Climate Change and Sea Level Rise Adaptation Report for Kent County pertaining to sea level rise and existing hazards. That study put Kent County in a bit of a position to be a pilot community for drafting the required nuisance flooding plan. On May 15, 2018, Maryland Senate Bill (SB) 1006 was signed by Governor Hogan. This bill states that "on or before July 1, 2019, a local jurisdiction that experiences nuisance flooding shall develop a plan to address nuisance flooding". The legislation requires that once completed the plan must be submitted to the Maryland Department of Planning, published on the local jurisdiction's website, and updated every five years. The legislation refers to nuisance flooding as "high tide flooding that causes a public inconvenience". Mr. Bass used a power point presentation to represent an overview of the process and depict how the information will be collected and distributed to the appropriate agencies to implement the plan. Mr. Bass stated there are three phases to the response for nuisance flooding for the County. Level one is the warning phase that will include social media outlets, level two is emergency management to include having Public Works and State Highway Administration deploy high water signs, and level three would include road closures and re-routing traffic.

Ms. Gregg thanked Mr. Bass for his presentation and assistance with the Plan. Ms. Gregg further stated there have been 16 counties that were mandated to generate a Nuisance Flooding Plan. Kent County will be the first county to complete the Plan.

Ms. Jones stated most of the areas listed are not tidal, but more weather related, we have had more rainfall this year.

Mr. Crowding stated that we as a County, the Towns, nor the State maintain the storm drain structures. Mr. Crowding stated the flooding that has been an issue over the course of a couple years is due to the lack of maintenance to the drainage ditches and the culvert pipes being damaged. Mr. Crowding stated the study did not take in consideration stormwater runoff. The Conowingo damn has opened 15 flood gates for 8 or 9 months out of the year, this did not happen 15 years ago.

Mr. Bass stated there will be an extreme precipitation study for the entire Eastern Shore. The study will be using the past couple of decades historical rainfall patterns throughout the year and projecting forward to a 20-30-year horizon. Information will be taken from the sea level rise information that is made available to Kent County through the 2016 climate assessment and overlay with the extreme precipitation study that is being done now to figure out where the water will be rising from, and how is the rain going to be falling differently. With that information the county will be able to plan the communities differently, coordinate emergency response and how to work within the region to know that the impacts/decisions that are being made regarding the Conowingo damn effect the counties.

Mr. Saunders stated Boyer Road should be added to the list of nuisance flooding areas.

Mr. Hickman stated he thought the maintenance has been better this year. There have been a lot of new culverts installed around the county and drainage ditches have been cleaned out.

Mr. Mason stated he felt as if this project was not based on history; rather it seems to account for only current conditions. Mr. Mason stated that recent rainfall amounts may not occur for another few years.

After much discussion and consideration, Mr. Hickman made a motion to send a favorable recommendation to the County Commissioners based on the fact that the draft is consistent with the Comprehensive Plan and Hazard Mitigation Plan. He added that concerns should be noted regarding the adequacy of mapping locations (including Boyer Road), maintenance issues, and cost of mitigation.

Ms. Kohl seconded the motion, and the motion passed unanimously.

Ms. Kohl thanked everyone that was involved. Ms. Morris stated everyone did very good work.

Staff Reports

Amy Moredock:

- Mr. Moredock informed the members of the Pep-Up, Inc. proposal for a liquid propane storage facility on a portion of the lands owned by David A. Bramble, Inc., adjacent to the One Energy Blue Star Solar, Inc. project. The Planning Commission has not seen the conceptual review because there is a deed issue relative to the right-of-way leading to the site area. There is a proposed lot line adjustment on the opposite side of the railroad tracks; however, there is no documentation of ownership of that right-of-way. The site is desirable to the applicant due to its adjacency to the railroad tracks and their need to have a rail road spur onsite. Until the applicant can do more deed research to document the ownership of the right-of-way, the lot line adjustment (subdivision) is not compliant with the Ordinance due to the fact it does not have access to a road.

Mr. Mowell further clarified that unless David A. Bramble, Inc. can establish ownership through a deed or court order, they cannot identify that they own the property to be included in the proposed

lot line adjustment/subdivision. Unless the property is a separate lot, it cannot be included in an adjustment of lot lines.

- Ms. Moredock heard and granted an administrative special exception for an accessory structure on a parcel less than 5 acres and will hear an administrative setback variance for a replacement dwelling on Quaker Neck Road.
- The Bay Bridge Monitoring Committee met on 27 February meeting. Agenda items included updates from Kent Conservation and Preservation Alliance and Queen Anne's County and about proposed legislation (Anne Arundel County). I have communicated with MDOT staff and received an update relative to a Spring public meeting schedule yet to be determined. Also, the Purpose and Need Statement has been released and posted on the Bay Crossing website. The Committee discussed all of these items and hopes to consult with Queen Anne's County staff at its March meeting.
- State, local planning, and public works staff will meet with ShoreRivers staff on 6 March to discuss a potential Waterway Improvement Fund project in Swanton Creek. The dredging project would be coupled with a Shore Erosion Control District project through DNR. The program would allow adjacent property owners to form a tax district with a zero-interest loan through DNR to implement a large-scale shore erosion control project.
- A couple of businesses have changed hands and are growing.
 - The Double Tap, formerly known as CJ's Tavern, in Golts received a use permit and will be constructing a new sign.
 - The Rock Hall Veterinary Hospital and office will be opening in a Crossroads Commercial property just outside Rock Hall, the former Fords Seafood site. The property has been subdivided; the accessory building will now be converted into an animal hospital.
- OneEnergy BlueStar/SolSystems has submitted an application for a minor site plan amendment. Ms. Moredock displayed the amended plan and noted the following proposed changes:
 - The overall project area is the same, and the limit of disturbance is the same.
 - The road locations were relocated from the center of the three project areas (A, B, and C) to the north of those of those areas. This was done to maximize use of each of these project areas in order to accommodate additional panels. There is a slight increase to the acreage of panels; however, there is no increase to the overall leased area.
 - A gated, gravel area containing inverters has been added to Project Area A at the entrance of the site. This area is identified as a temporary construction mobilization and laydown area. This use must be temporary, and this area must not be used for material storage thereafter. The Planning Commission members noted this area must be adequately screened with tall/evergreen trees and shrubs in accordance with the landscape plan. This gravel area and inverter location was not identified on the June 2017 site plan; therefore, the applicant must ensure adequate and enhanced screening in this area. Ms. Moredock noted that enhanced landscaping in this area was identified during TAC review.
- The country inn text amendment public hearing was held on 5 March at the County Commissioners meeting. The Commissioners are accepting comments until noon on 6 March; the vote will occur on 19 March.
- The Commissioners voted to remand the animal shelter zoning text amendment back to the Planning Commission for consideration of adding the Industrial Zoning District to districts already considered at the Planning Commission's public hearing. The reconsideration of the text amendment will be placed as a discussion item on the April agenda, but it will not be the subject of a second public hearing.

Stephanie Jones:

- The second meeting for the required Nuisance Flooding Plan was held on 19 February. Those in attendance reviewed the draft list and clarified locations, roads, and bridges that were provided through testimony at the previous meeting. The documentation tool and draft plan were reviewed. This plan will be reviewed by the County Commissioners on March 19, 2019.
- Ms. Jones attended the citizen participation meeting for Pep Up, Inc that was held in Massey for the proposal of a liquid propane storage and distribution facility. This site plan review will be forthcoming.
- Ms. Jones heard and granted an administrative special exception for an accessory structure over 1,200 square feet and 17 feet in height on a waterfront property in Fox Holes Estates.
- A hearing for House Bill 1196 was heard on March 6th which would exempt a lot or parcel that is being subdivided with an existing dwelling unit in existence before July 1, 2010 from providing a Buffer Management Plan.
- Ms. Jones will be attending the bi-monthly ESCAP meeting on March 19 and giving a presentation along with Ginger Greig from Emergency Services on the Nuisance Flooding Plan.
- Ms. Jones will be attending the ShoreRiver Restoration Project Tour on April 3 which will include showcasing a ravine restoration project that was completed within the Swantown Creek watershed of the Sassafras.

Mitch Mowell:

- Mr. Mowell will represent that County Commissioners at the Public Service Commission scheduling conference on 8 March regarding the Morgnec Road Solar, LLC CPCN Case. The County Commissioners will hold a public hearing on 19 March regarding the applicant's proposed text amendment to allow utility scale energy systems in certain residential districts. Mr. Mowell noted that the outcome of that County Commissioner's public hearing will affect the scheduling. The applicant has tried to expedite the schedule to have everything completed by September.

Mr. Casey Hurd presented a letter to the Planning Commission for their consideration regarding the remanded animal shelter text amendment.

Mr. Crowding advised the Maryland Planning Commission Association has planned 4 regional workshops, the first being held in Hagerstown. There will be additional workshops in Central Maryland, Southern Maryland, and the Eastern Shore (where the last meeting will be held). The meetings will be on a Friday from 10 a.m. until 3 p.m. and will include a free lunch. There will be a conference held in October in Aberdeen. Joe Griffith has taken over and seems to be doing a good job. There has been a lot of interest in the meetings.

Ms. Moredock stated the Planning Department has budgeted for 2 members to attend the annual meeting.

There being no further business for the good of the organization, the meeting was adjourned at 2:49 p.m.

Elizabeth Morris, Chairman

Tonya L. Thomas, Clerk