

MINUTES

The Kent County Planning Commission met in regular session on Thursday, July 2, 2020, virtually in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members attending via audio/video conference: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; F. Joseph Hickman; Kim Kohl; Commissioner P. Thomas Mason; B. Douglas Megargee; James Saunders; Cynthia L. McCann, Esq., Planning Commission Attorney; Staff in attendance were Carla Gerber, GIS Specialist; Stephanie Jones, Environmental Planner; William Mackey, Director; Robert Tracey, Community Planner; and Brian Jones, Clerk.

The following attended and participated in the meeting: Attorney Christopher Drummond; Mr. Jack Kirby, Kirby and Associates, Inc.; Mr. David Seay, Delmarva Power and Light, Co.; and Mr. John Fellows, Duffield Associates, Inc.

Ms. Morris called the meeting to order at 1:32 p.m.

MINUTES

The minutes of the June 4, 2020 meeting were tabled until the next meeting.

APPLICATIONS FOR REVIEW:

19-72 County Commissioners of Kent County – Zoning Text Amendment Campgrounds

Ms. Jones gave a brief overview of the amendment, which is required as a condition of the Critical Area Commission approval, citing relevant issues, the applicable laws and staff comments.

Ms. Jones said the proposed amendment is consistent with many goals and strategies of the Comprehensive Plan, and after adopting the language it would be consistent with Critical Area regulations.

Ms. Jones said staff recommends sending a favorable recommendation on this item to the Board of County Commissioners.

Ms. Morris asked if any correspondence has been received.

Ms. Jones said no correspondence has been received.

No public input was received.

After further discussion, Mr. Hickman made a motion to send a favorable recommendation for the zoning text amendment to the Board of County Commissioners based on the following:

- The Critical Area Commission requirement for the amendment addresses public need.
- The amendment complies with the Comprehensive Plan with retaining and supporting existing businesses.

- The amendment benefits the county.

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

20-21 Fifth Investments, LLC, and Emily C. McCoy and Christopher A. Delahanty – Major Subdivision (Final Review)

Present and representing the applicant were Attorney Christopher Drummond and Mr. Jack Kirby.

Ms. Morris swore in Mr. Jack Kirby.

Ms. Gerber gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

Ms. Gerber said during concept review, the applicant and the Planning Commission discussed requiring a 30-foot rear setback which is consistent with current standards for the Agricultural Zoning District. Since then the applicant has realized that the proposed townhouse lots do not meet this standard due to the attached shed for each unit. The applicant would like to propose requiring a rear setback of 25 feet.

Ms. Gerber said the applicant would also like to request that Building Restriction Lines not be required on the plat.

Ms. Gerber said a 50-foot right-of-way has been established from the entrance to the parking area.

Ms. Gerber said the applicant has proposed naming the road serving the duplexes Lynn Lane and the road serving the townhouses Persimmon Drive. The road names have been approved.

Ms. Gerber said adequate parking is provided. The parking easement for the duplex spaces that fall within the proposed lots have been shown on the plat and language has been included in the deed restrictions to maintain those spaces as part of the common parking area.

Ms. Gerber said the application is consistent with the Comprehensive Plan. Adequate water and sewer are available. An easement for the pump station on the property has been included on the plat. Existing vegetation will not be removed. The development will not place unreasonable demands on public services and infrastructure.

Ms. Gerber further noted that staff recommends granting final approval conditioned upon approval of the deed restrictions by the Planning Commission attorney.

Ms. Morris asked if there was any public input

Ms. Morris asked if any correspondence has been received.

Ms. Gerber said no correspondence has been received.

Ms. McCann said the road conveyance for the private road is described as a 50 ft. wide right-away. However, that was a time before the road names were designated. The roadways are 50 ft. wide at the entrance but not 50 ft. wide in the parking area.

Mr. Drummond said the parking lot and the private roads are within the common area and that he would work with Ms. McCann on the concern.

After further discussion and additional questions, Mr. Hickman made a motion to grant final approval of the major subdivision based on the following findings:

- The subdivision is a permitted use.
- The subdivision is consistent with the Comprehensive Plan as it relates to work-force housing.
- The subdivision meets the open space and forest conservation requirements.
- The Commission approves a 25 ft. rear yard setback.
- The Commission will not require any building restriction lines on the plat.
- The road access has been addressed with a private road and the roads have been identified per the Commission's request.
- Adequate parking is provided.
- There are reasonable demands of public services.
- There is adequate water and sewer.
- The applicant integrated design features making it an attractive rehabilitation of an old facility.
- By approving the subdivision of land on the proposed plat, the Kent County Planning Commission are in no way representing that the existing structures on the property meet life/safety codes, or current fire safety separation standards, or any standards, other than those related to land subdivision and the location of structures related to zoning.

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

20-24 Delmarva Power & Light Co. (Chestertown Substation Expansion) – Concept Site Plan Review

Present and duly sworn in representing the applicant were Mr. David Seay, Delmarva Power and Light, and Mr. John Fellows, Duffield Associates, Inc.

Mr. Tracey gave a brief overview of the proposal, citing relevant issues, the applicable laws, and staff comments.

Mr. Tracey said Delmarva Power & Light Company is requesting concept site plan review to expand the existing substation located at 509 Morgnec Road (Tax Map 37/Parcel 82), to the recently purchased adjacent parcel located at 511 Morgnec Road (Tax Map 37/Parcel 85), just outside of the Town of Chestertown. The combined site area totals 2.40 acres and is located in the Fourth Election District.

Mr. Tracey said the following will need to be addressed, in order to receive preliminary site plan approval:

- Completed Citizen Participation Plan.
- Completed Forest Conservation Plan.
- Sediment and erosion control and stormwater management plans must be approved by the Kent County Soil and Water Conservation District.
- If applicable, sureties for stormwater management and sediment and erosion control and forest conservation must be posted prior to final approval.

Mr. Tracey said no correspondence has been received.

Mr. Seay said the project is a reliability project for Delmarva, the intent is to expand an existing substation that was built 1968 or 1969 and the equipment needs to be replaced.

Mr. Seay said they are replacing 2 transformers and installing a new switch gear.

Mr. Fellows asked staff why they had to conform with forest conservation since the expansion is less than 40,000 sq. ft. Mr. Tracey said that could be an error and would work with Mr. Fellows.

Mr. Fellows said the project is unoccupied and has no demands for well or septic and inquired if the Commission would combine the preliminary and final site plan with one submission.

Mr. Hickman said he didn't see a problem with combining a preliminary and final review and approval as long as there was a robust citizen participation plan, especially regarding landscaping.

20-26 Dixie Land Energy – Set Back Variance (Side & Rear Yards)

Ms. Jones gave a brief overview of the application, citing relevant issues, the applicable laws and staff comments.

Present and duly sworn in representing the applicant were Mr. Kevin Shearon with DMS & Associates, LLC.

Mr. Shearon explained he would like to alter the variance request for the rear yard from 85 feet to 50 feet and indicated so on Exhibit 1.

Mr. Hickman said he is concerned about addressing the setback variance if a citizen's participation plan has not been completed.

Mr. Shearon agreed to table the application until a citizen participation plan could be completed in conjunction with the site plan application (#20-23).

20-23 Dixie Land Energy – Site Plan Review (Concept)

Ms. Jones gave a brief overview of the application, citing relevant issues, the applicable laws and staff comments.

Ms. Jones said Dixie Land Energy is requesting concept site plan review for a proposed liquid propane and fuel oil storage and distribution facility. The proposal consists of two above ground fuel oil tanks and two above ground liquid propane tanks surrounded by an 8-foot tall chain link fence with a lockable gate. The applicant is also requesting an 85-foot variance to both sides and the rear yard to construct the facility.

Mr. Shearon gave a presentation which included an overview of the project.

Mr. Shearon agreed to table the application until a citizen participation plan could be completed.

GENERAL DISCUSSION

2019 Annual Report

Mr. Tracey presented the 2019 Annual Report. Mr. Sutton said the staff did a good job compiling the report.

Ms. Kohl made a motion to adopt the 2019 Annual Report as submitted. Mr. Sutton seconded the motion, and the motion passed unanimously.

County Commissioners of Kent County – Amendment to Kent County Growth Allocation Policy

Ms. Jones gave a brief overview of the amendment, which is required as a condition of the Critical Area Commission approval.

Mr. Hickman made a motion to forward a favorable recommendation to the County Commissioners for the amendment to the Kent County Growth Allocation Policy to reformat Section 2.2.g through 2.2.j to be consistent with the Critical Area Law and the conditions placed on the previous Resolution.

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

STAFF REPORTS

Carla Gerber:

- Ms. Gerber said she has been busy working on various projects.
- Ms. Gerber gave an update on the comprehensive rezoning project.

Mr. Tracey:

- Mr. Tracey said he has been working on the applications to sell easements to MALPF.

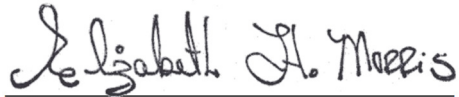
Ms. Jones:

- Ms. Jones said the planners have been working with the Office of Emergency Services on updating the *Hazard Mitigation Plan*.

- Ms. Jones said she has been working on the *Biannual Critical Area Report*.
- Ms. Jones said she has been working on reviewing the current requirements for the Critical Area Program for the comprehensive rezoning.
- Ms. Jones said she virtually attended a National Flood Insurance Program (NFIP) training.

ADJOURN

There being no further business for the good of the organization, the meeting was adjourned at 3:34 p.m.



Elizabeth Morris, Chairman



Brian Jones, Clerk