

MINUTES

The Kent County Planning Commission met in regular session on Thursday, August 6, 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; County 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: Mr. Kevin Price, Dixie Land Energy; and Mr. Kevin Shearon, DMS & Associates, Inc.

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

MINUTES

The minutes of the June 4, 2020 meeting were approved as corrected.
The minutes of the July 2, 2020 meeting were approved as distributed.

APPLICATIONS FOR REVIEW:

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

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

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

The applicant is requesting an 85-foot variance to both sides and a 50-foot variance to the rear yard to construct a liquid propane and fuel oil storage and distribution facility. The facility will contain 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 entrance to the facility will be concrete and the remainder of the area within the fence will be compact asphalt millings.

Mr. Shearon provided a slideshow presentation consisting of an overview of the project.

Mr. Shearon said a citizen's participation plan had been completed via a conference bridge call on July 21, 2020.

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 variance to the Kent County Board of Appeals based on the following:

- The variance will not cause a substantial detriment to adjacent or neighboring properties.
- The variance will not change the character of the neighborhood.
- The variance is consistent with the intent of the *Land Use Ordinance* and *Comprehensive Plan*.
- The practical difficulty is caused by the overall size and shape of the existing lot.
- The practical difficulty was not caused by the applicant's own actions.
- The proposed use is reasonable for this parcel.

Approval of the variance will be conditioned upon final site plan approval. Mr. Sutton seconded the motion, and the motion passed unanimously.

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

Ms. Jones gave a brief overview of the proposal, 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.

Mr. Hickman asked about setting hours of operation for the business.

Mr. Shearon said the main hours of operation will be during the day, however, during emergencies the business may need to conduct business during off-hours.

After discussion the following will need to be completed before preliminary site plan approval:

- Approval of the variance from the Kent County Board of Appeals.
- The layout of all proposed improvements with the following additions:
 1. Location, height, setbacks and dimensions of tanks.
 2. Indicate the types of tanks to be stored in the tank storage yard.
 3. Proposed loading areas and vehicular circulation.
- Correct zoning indicated on site plan.
- The Planning Commission requested a containment plan to address State and Federal regulations.
- The lighting plan should be combined with the overall site plan.
- Sediment and erosion control and stormwater management plans must be approved.
- Sureties for stormwater management, sediment and erosion control, and forest conservation must be posted prior to final approval.
- Add landscaping to the rear.

GENERAL DISCUSSION

Town of Millington - Parks & Recreation Master Plan 2020

Mr. Hickman asked about water and trail access to a property referenced in the plan.

Ms. Morris said she noticed a typo/misspelled word in the plan.

STAFF REPORTS

Ms. Jones:

- Drafted letter of support for ShoreRivers in their effort to seek funding through the Watershed Assistance Grant to complete the design for a stream restoration and floodplain reconnection on a County property along Turner's Creek. The letter was signed by Commissioners this week.
- Attended the Commissioners Meeting on July 21 for the introduction of the update to the Campground ZTA and Growth Allocation Policy per conditions of Critical Area Commission Approval. Public Hearings to occur on August 11.
- Participated in an Eastern Shore Climate Adaptation Partnership meeting.
- Attended the quarterly Critical Area Commission meeting.
- Finalized the Bi-Annual Critical Area report.

Carla Gerber:

- The county surpassed its 2010 self-response rate for the 2020 census. Enumerators will continue to work in the community. Ms. Gerber said citizens have until the end of September to submit responses.
- Has been working on a couple of projects with emergency management to improve 911 communications.

Mr. Tracey:

- Attended a past Commissioner's meeting to introduce a Zoning Text Amendment for microbreweries in the Crossroads Commercial zoning district.

Mr. Mackey:

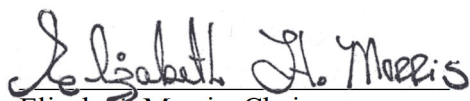
- The webpage for the Comprehensive Rezoning project has been launched.
- Inserts went out with the property tax bills informing citizens of the Comprehensive Rezoning project and how they can participate.
- The consultant is busy researching and comparing the Comprehensive Plan and the Land Use Ordinance and walking through the zoning districts.
- The first public forum for the CRU will be held on August 18, 2020.

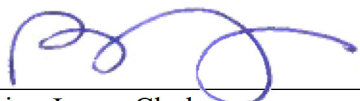
Ms. McCann:

- Attended a virtual Planning Commissioner Meeting on July 21, 2020.

ADJOURN

There being no further business for the good of the organization, the meeting was adjourned at 2:28 p.m.


Elizabeth Morris, Chairman


Brian Jones, Clerk