

Kent County Planning Commission

TELEPHONE 410-778-7475

Kent County Government Center
400 High Street
Chestertown, Maryland 21620

FACSIMILE 410-810-2932

County Commissioners Hearing Room **MEETING TO BE HELD VIRTUALLY via CONFERENCE CALL**

AGENDA July 2, 2020 1:30 p.m.

COVID-19 Special Announcement Regarding Meeting Attendance

In response to the State of Emergency, individuals must refrain from attending meetings. Planning Commission meetings are live streamed, and citizens may call in with questions when the Chair opens the floor for comment.

To access the Kent County conference bridge service off site:

1. Call 410-810-2213.
2. Enter PIN number **55266** when prompted.
3. Announce yourself to the group. Please mute your phone / device until the Commissioner President opens the floor for comment.

Visit the County's website at <https://www.kentcounty.com> for the most up to date information regarding County Government operations.

MINUTES

June 4, 2020

APPLICATIONS FOR REVIEW

- 19-72 County Commissioners of Kent County – Zoning Text Amendment Campgrounds**
Amendments to Article V, Section 2.2 (Resource Conservation District, Permitted Uses and Structures), and Article V, Section 2.7.A (Resource Conservation District General Environmental Standards)Rec to CC’s
(Staff: Stephanie Jones)
- 20-21 Fifth Investments, LLC, and Emily C. McCoy and Christopher A. Delahanty – Major Subdivision (Final Approval)**
Tolchester Road - Sixth Election District - Zoned Agricultural Zoning District “AZD”PC Decision
(Staff: Carla Gerber)
- 20-24 Delmarva Power & Light Co. (Chestertown Substation) – Site Plan Review (Concept) - Expansion**
509 Morgnec Road – Fourth Election District – Zoned Commercial “C”PC Review
(Staff: Rob Tracey)
- 20-23 Dixie Land Energy – Site Plan Review (Concept)**
East side of Massey and Sassafras Road – First Election District – Zoned Industrial “I”PC Review
(Staff: Stephanie Jones)
- 20-26 Dixie Land Energy – Set Back Variance (Side & Rear Yards)**
East side of Massey and Sassafras Road – First Election District – Zoned Industrial “I”Rec to BOA
(Staff: Stephanie Jones)

STAFF REPORTS

GENERAL DISCUSSION

2019 Annual Report

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

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

Projects will not be reviewed prior to their scheduled time. All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Therefore, the time each application is heard may be later than the time indicated on the agenda. Agenda items are subject to change due to cancellations.

Other business without assigned times may be discussed during the course of the meeting.



MINUTES

The Kent County Planning Commission met in regular session on Thursday, June 4, 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: Mr. John Rutkowski; Christopher Drummond, Esquire; and Mr. Jack Kirby, Kirby and Associates, Inc.

Ms. Morris called the meeting to order at 1:31 p.m.

MINUTES

The minutes of the meeting on May 7, 2020, were approved as written and distributed.

APPLICATIONS FOR REVIEW:

20-20 John E. and Susan M. Rutkowski - Buffer Variance

Present and duly sworn in by Ms. Morris was the applicant, Mr. Rutkowski.

Ms. Gerber gave a brief overview of the proposal, citing relevant issues, the applicable laws and staff comments. The applicants wish to install a 50-foot long privacy fence beginning 80 feet from the shoreline. The fence will be 8-foot long panels with the end posts set in concrete. The end posts will overlap but have a 4-inch gap between them. The panels will have 6 inches of clearance off the ground.

Ms. Gerber said the applicants have applied for a variance to construct 20 feet of their proposed 50-foot fence within the buffer.

Ms. Gerber said that the applicant has tried to maintain a living fence, but due to the nature of the property, he has had to replace the plantings more than once. Ms. Gerber said some of the evergreens need to be replaced again, and the applicant would prefer to install a fence.

Ms. Gerber said the Critical Area Commission does not regulate fences without footers in the Buffer and does not oppose the variance request.

Ms. Gerber said staff recommends granting the variance with the following conditions for mitigation:

- Mitigation be set at a ratio of 1:1 for removal of the existing vegetation and that the areas of mitigation be planted with native cultivars.

- A Critical Area Forest Clearing Plan and a Buffer Management Plan shall be approved by the Department of Planning, Housing, and Zoning during building permit review.

Ms. Morris asked if any correspondence has been received.

Ms. Gerber said correspondence was received by the Critical Area Commission. She provided a summary of their letter and noted that they do not oppose the variance request. She reviewed the Commission's recommendation for mitigation.

Mr. Rutkowski said that he and his wife have owned the property for 16 years and they have done everything they can to keep the property natural. Mr. Rutkowski said they are looking for privacy and that this is the third generation of plantings that have done. Mr. Rutkowski said the plantings where the fence is being proposed keep dying. Mr. Rutkowski further noted that the area sees a large amount of traffic on a daily basis and without any kind of protection, someone could look into their dining room.

Mr. Hickman asked about the practicable difficulty.

Ms. Gerber said one practicable difficulty was the unusual size of the property: it is relatively narrow and the house sits close to the property line. A second practical difficulty is the extraordinary topographical and soil conditions of the property.

Mr. Rutkowski said there is a large ditch that runs adjacent to the property and during high tide the brackish water comes up to a level that the trees had to be planted on raised soil. Despite watering the plantings, during dry periods, they cannot survive in the raised soil environment.

No public input was received.

After further discussion and additional questions by the Commission, Mr. Hickman made a motion to send a favorable recommendation for the buffer variance to the Kent County Board of Appeals based on the following findings:

- Granting a variance will not cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
- The request represents a minimal disturbance to the buffer.
- The Critical Area Commission does not oppose the granting of the variance and the application is consistent with the general spirit and intent of the Land Use Ordinance.
- The granting of the variance does not confer any special privileges that would be denied to other similar lands and uses.
- The reasonable use of the entire property was considered.

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 (Concept Review) and Road Waiver

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 and TAC comments. The applicants are requesting a road waiver and concept review for a major subdivision of their 10.712-acre parcel into 24 lots and a common area lot. The purpose of the subdivision is to terminate the existing Delta Heights Condominium Regime and create fee-simple lots for each existing dwelling. The remainder of the property will be a common area lot owned by the Delta Village Townhouses Community Association, Inc. The property is located on Tolchester Road. It is in the Sixth Election District and is zoned “AZD,” Agricultural Zoning District.

Ms. Morris asked if any correspondence has been received.

Ms. Gerber said no correspondence has been received.

Mr. Drummond provided a brief history of the property and overview of the proposal.

Mr. Drummond said the applicant has spent a lot of money over the past several years rehabilitating the units, and Kent County extended water and sewer service replacing old infrastructure.

Mr. Drummond explained that federal loan programs are not available for condominium projects until at least fifty percent of the condominium units are sold. That prompted the applicant to move towards townhouses where the fifty percent threshold does not apply.

Mr. Drummond said the applicant requested a zoning text amendment which the County Commissioners approved, allowing this project to move forward as it relates to home ownership.

During concept review the Planning Commission recommended the following:

- Adding one parking space to the proposal to eliminate the need for a parking waiver.
- Use standard “AZD” setbacks for alterations/additions to the existing units and for accessory structures.
- A 50-foot right-of-way be established for each entrance road and that the applicant considers naming each road in order to assign unique addresses to each unit.

Ms. McCann suggested having the applicant’s attorney draft a private road agreement.

Mr. Drummond said he would draft a road maintenance agreement releasing the county from any obligations.

No public input was received.

In considering the road waiver request to allow a private road in a major subdivision, Mr. Hickman said the strict application of the ordinance would inhibit achieving goals of workforce housing. He said the reason these properties will be sold at the prices they are is because the infrastructure costs stay down to the owners.

After further discussion and additional questions, Mr. Hickman made a motion to grant a road waiver based on the following findings:

- The waiver would not cause substantial detriment to neighboring properties.
- The waiver is consistent with the Comprehensive Plan and County ordinances.
- The cost to improve the road to public road standards would inhibit the goals of the Comprehensive Plan which encourages development of workforce housing.
- The extraordinary hardship was not caused by the applicant.

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

STAFF REPORTS

Carla Gerber:

- Ms. Gerber said the Annual Report should be ready for review by the Planning Commission at the next meeting.
- Ms. Gerber said she has been working on a project in cooperation with Emergency Services to prepare the county for Next Generation 911. A consultant has been hired to assist with the project.

Mr. Tracey:

- Mr. Tracey said he has been working on building permits and various projects.

Ms. Jones:

- Ms. Jones said she attended the virtual Critical Area Commission meeting for the Campground Text Amendment and Growth Allocation Policy. She said the Critical Area Commission recommends amending the text amendment and policy that was approved by the Commissioners.

Mr. Mackey

- Mr. Mackey reported the County Commissioners adopted a modified version of the Data Center Ordinance. Mr. Mackey said the modified version removed “AZD” and “Intense Village” from the Ordinance. Mr. Mackey said the Commissioners also approved the housekeeping legislation regarding agricultural structures in “AZD.”
- Mr. Mackey reported that COVID-19 has delayed some of the processes, however the Department has been able to continue with full operations of all services to the citizens.
- Mr. Mackey said some of the aspects of the rezoning project have been placed on hold, he said the goal within the next several days is to launch the webpage that will announce to the citizens how to get involved. He said the consulting team has begun working on the project completing various tasks.

Ms. Morris and Ms. Kohl expressed concern regarding how citizens without internet accessibility could participate in the rezoning process.

Mr. Mackey said other avenues will be utilized to get the word out to those without internet accessibility about the rezoning project.

GENERAL DISCUSSION

Ms. Morris thanked everyone for their cooperation, hard-work, and dedication.

Ms. Kohl thanked Ms. Morris for doing a good job at chairing the meetings.

ADJOURN

There being no further business for the good of the organization, the meeting was adjourned at 2:55 p.m.

Elizabeth Morris, Chairman

Brian Jones, Clerk

DRAFT – DRAFT – DRAFT

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Campground Zoning Text Amendment
Critical Area Commission Conditions
DATE: June 23, 2020

DESCRIPTION OF PROPOSAL

On March 3, 2020, the Board of County Commissioners of Kent County adopted Code Home Rule Bill 1-2020 (see attached) to allow for expansion of campgrounds in existence before August 1, 1989, within the Resource Conservation District. The text amendment was determined to be a refinement of the County's Critical Area Program which required approval by the Critical Area Commission. The Commission approved the language with conditions at its June 3, 2020, meeting.

The conditions include amendments to *Kent County Land Use Ordinance* Article V, Section 2.2, Permitted Principal Use and Structures, and Section 2.7.A, Resource Conservation District General Environmental Design Standards.

Specifically, to add the language in **BOLD, CAPITAL LETTERS** and delete the language in ~~strikethrough~~ as follows:

Article V, Section 2.2 (Resource Conservation District, Permitted Principal Uses and Structures)

...

17. Conference centers, resorts, retreats, ~~campgrounds~~, hotels, and motels existing and in use as of August 1, 1989 in the Resource Conservation District. It is the intent of this section to provide for the continued existence and operations as well as the expansion of conference centers, resorts, retreats, ~~campgrounds~~, hotels, and motels existing and in use as of August 1, 1989 in the Resource Conservation District. It is not the intent to permit the creation of new conference centers, resorts, retreats, ~~campgrounds~~, hotels, or motels, but rather to protect those enterprises that exist in the Resource Conservation District on August 1, 1989. An expansion shall require site plan review by the Planning Commission and shall require a net improvement in water quality at or leaving the site. An expansion may require growth allocation.
18. **CAMPGROUNDS EXISTING AND IN USE AS OF AUGUST 1, 1989, IN THE RCD. IT IS THE INTENT OF THIS SECTION TO PROVIDE FOR THE CONTINUED EXISTENCE AND OPERATION AS WELL AS THE INTENSIFICATION OR EXPANSION OF CAMPGROUNDS EXISTING AND IN USE AS OF AUGUST 1, 1989, IN THE RCD. IT IS NOT THE INTENT TO PERMIT THE CREATION OF NEW CAMPGROUNDS, BUT RATHER TO PROTECT THOSE ENTERPRISES THAT EXISTED IN THE RCD ON AUGUST 1, 1989. ANY EXPANSION OR INTENSIFICATION OF AN EXISTING CAMPGROUND, INCLUDING THE ADDITION OF SITES OR CONVERSION OF EXISTING SITES TO ALLOW FOR ADDITIONAL RECREATIONAL VEHICLES, SHALL REQUIRE GROWTH ALLOCATION.**

Article V, Section 2.7.A (Resources Conservation District General Environmental Standards)

7. GROWTH ALLOCATION

ANY PROPERTY THAT RECEIVES GROWTH ALLOCATION SHALL COMPLY WITH THE REQUIREMENTS OF COMAR 27.01.02.06, AS WELL AS, THE KENT COUNTY GROWTH ALLOCATION POLICY. IN ADDITION TO THE STANDARDS OF 2.7.B. BELOW, THE FOLLOWING STANDARDS APPLY:

- a. WATER QUALITY: WITHIN A NEW INTENSELY DEVELOPED AREA, NEW DEVELOPMENT OR REDEVELOPMENT SHALL REDUCE THE POLLUTANT LOADINGS LEAVING THE SITE BY AT LEAST 10%.**
- b. SETBACKS: A NEW INTENSELY DEVELOPED AREA OR LIMITED DEVELOPMENT AREA SHALL BE LOCATED AT LEAST 300 FEET BEYOND THE LANDWARD EDGE OF TIDAL WETLANDS OR TIDAL WATERS. AN APPLICANT MUST PROVIDE AN EQUIVALENT OFFSET IF THE SETBACK REQUIREMENT CANNOT BE MET.**
- c. LOT COVERAGE: PROPERTIES GRANTED GROWTH ALLOCATION IN ACCORDANCE WITH THE KENT COUNTY GROWTH ALLOCATION POLICY MAY BE EXEMPT FROM THE 15% LOT COVERAGE REQUIREMENT**

APPLICABLE LAW

Article XII, Section 6 of the *Kent County Land Use Ordinance* establishes the standards for the review and approval of a zoning text amendment as follows.

- 1. The County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of this Ordinance. Any amendment may be initiated by resolution of the County Commissioners, motion of the Planning Commission, or petition of any property owner using forms specified by the Planning Commission.

- 4. Before taking any action on any proposed amendment, supplement, or change, the County Commissioners shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:
 - a. The public need for the proposed amendment; and
 - b. The extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area Law.
 - c. When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning. The Planning Commission shall not recommend the adoption of the amendment unless it finds that the adoption of the amendment is in the public interest and not solely for the interest of the applicant. Failure of the Planning Commission to report to the County Commissioners within 60 days after its first meeting after the proposal was referred to them, shall be deemed approval.

COMPREHENSIVE PLAN

There are several Comprehensive Plan goals and strategies which are consistent with this proposal:

Goals: Support existing businesses (p. 8).

Enhance and expand locally based tourism that is rooted in the unique natural, cultural and historical features and qualities of Kent County (p. 18).

Strategies: Retain and promote existing businesses and assist in their growth (P. 8).

Promote and expand facilities, services, and activities that support natural resource-based economic development (p. 19).

STAFF COMMENTS

In order to recommend favorably, the Planning Commission must consider the public need for the amendments to the ordinance. In addition, the Commission must consider the proposed amendment's consistency with the zoning district statement of intent, as well as consistency with the Comprehensive Plan and Critical Area Law.

On March 3, 2020, the County Commissioners of Kent County approved amendments (CHR 1-2020) to the Land Use Ordinance for the expansion of campgrounds in existence before August 1, 1989, within the Resource Conservation District. The adopted amendment listed campgrounds that receive growth allocation as an IDA (Intensely Developed Area) and included adding recreational vehicles to the definition of campground.

After review by the Critical Area Commission it was made clear that, there were no Critical Area specific rules currently listed in the Land Use Ordinance for how development would occur in the new IDA, as the zoning remains Resource Conservation District. Therefore, any development in an IDA-RCD campground, would conform to traditional Resource Conservation Area (RCA) Critical Area development standards (not IDA) and would not be required to meet the Critical Area 10% pollutant reduction stormwater rule for new IDAs and it was unclear whether the development could exceed the 15% lot coverage limit.

According to the Critical Area Commission, the campground text amendment requires revisions that will bring the Ordinance's changes into conformance with Critical Area law and regulations. The amendment does not clarify that an expanded or intensified campground in the RCD, including the expansion of sites to accommodate RVs, would require growth allocation to an Intensely Developed Area (IDA). Additionally, Critical Area development standards for sites that obtain growth allocation in the RCD could be added to the Land Use Ordinance to address stormwater and other requirements.

Therefore, the public need is to address the concerns of a state agency, the Critical Area Commission, by approving the recommended changes to the Land Use Ordinance within 120 days from June 9, 2020. The public need for CHR 1-2020 was anticipated in the Resource Conservation District during the adoption of the initial Critical Area provisions in allowing for the expansion of conference centers, resorts, retreats, hotels, and motels existing and in use as of August 1, 1989. 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.

RECOMMENDATION

Staff recommends sending a favorable recommendation on this item to the Board of County Commissioners.

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

June 9, 2020

William Mackey
Director of Planning, Housing, and Zoning
Kent County
400 High Street
Chestertown, Maryland 21620

Re: **Kent County Critical Area Program**
Zoning Text Amendment
Code Home Rule Bill 1-2020

Dear Mr. Mackey:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced amendment to the County's Critical Area Program. On June 3, 2020 the Critical Area Commission concurred with my determination that Code Home Rule Bill 1-2020 be reviewed as a refinement to the County's Growth Allocation Policy. I approved the refinement on the same day with the following condition:

1. The County must amend the Land Use Ordinance Section 2.2.17 and add Sections 2.2.18 and 2.7.A.7 as described in the attachment to this letter. Language in ~~striketrough~~ must be deleted and language that is **bolded and underlined** must be added.

Please note that the refinement must be reflected in the County's Critical Area Program within 120 days of the date of this letter. Please provide a copy of the amended ordinance to the Commission staff when it is available.

Thank you for your time and efforts regarding this program update. If you have any questions or concerns, please contact this office at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Charles C. Deegan".

Charles C. Deegan
Chairman, Critical Area Commission
Chesapeake and Atlantic Coastal Bays

Enclosure

Code Home Rule Bill 1-2020
Refinement Agreement Attachment
Kent County Land Use Ordinance
Sections 2.2.17, Sections 2.2.18 and 2.7.A.7

Article V. District Regulations, Section 2. Resource Conservation District, Section 2.2 Permitted Principal Uses and Structures.

17. Conference centers, resorts, retreats, ~~campgrounds~~, hotels, and motels existing and in use as of August 1, 1989 in the RCD. It is the intent of this section to provide for the continued existence and operation as well as the expansion of conference centers, resorts, retreats, ~~campgrounds~~, hotels and motels existing and in use as of August 1, 1989 in the RCD. It is not the intent to permit the creation of new conference centers, resorts, retreats, ~~campgrounds~~, hotels or motels, but rather to protect those enterprises that existed in the RCD on August 1, 1989. An expansion shall require site plan review by the Planning Commission and shall require a net improvement in water quality at or leaving the site. An expansion may require growth allocation.

18. Campgrounds existing and in use as of August 1, 1989 in the RCD. It is the intent of this section to provide for the continued existence and operation as well as the intensification or expansion of campgrounds existing and in use as of August 1, 1989 in the RCD. It is not the intent to permit the creation of new campgrounds, but rather to protect those enterprises that existed in the RCD on August 1, 1989. Any expansion or intensification of an existing campground, including the addition of sites or conversion of existing sites to allow for additional recreational vehicles, shall require growth allocation.

Article V. District Regulations, Section 2. Resource Conservation District, Section 2.7 Resource Conservation District Environmental Standards, A. Resource Conservation District General Environmental Standards

7. Growth Allocation

Any property that receives growth allocation shall comply with the requirements of COMAR 27.01.02.06 as well as the Kent County Growth Allocation Policy. In addition to the standards of 2.7.B. below, the following standards apply:

a. Water Quality

Within a new Intensely Developed Area, new development or redevelopment shall reduce the pollutant loadings leaving the site by at least 10%.

b. Setbacks

A new Intensely Developed Area or Limited Development Area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters. An applicant must provide an equivalent offset if the setback requirement cannot be met.

c. Lot Coverage

Properties granted growth allocation in accordance with the Kent County Growth Allocation Policy may be exempt from the 15% lot coverage requirement.

A BILL ENTITLED CHR 1-2020
CAMPGROUNDS AND RECREATIONAL VEHICLES

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that the Kent County Land Use Ordinance is hereby amended as follows:

ARTICLE III.
DISTRICTS AND DISTRICT MAPS

SECTION 1. ESTABLISHMENT OF DISTRICTS

...

Within the Intense Development Area of the *Critical Area*:

- Intense Village Critical Area (IVCA)
- Marine (M)
- Industrial Critical Area (ICA)
- Conference centers, resorts, retreats, campgrounds and other uses that have received growth allocation.
- Commercial Critical Area parcels that have received growth allocation

...

ARTICLE V.
DISTRICT REGULATIONS

...

SECTION 2. RESOURCE CONSERVATION DISTRICT

...

SECTION 2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A *building* or land shall be used only for the following purposes:

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
- ...
17. *Conference centers, resorts, retreats, CAMPGROUNDS, hotels, and motels* existing and in use as of August 1, 1989, in the Resource Conservation District. It is the intent of this section to provide for the continued existence and operation as well as the expansion of *conference centers, resorts, retreats, CAMPGROUNDS, hotels, and motels* existing and in use as of August 1, 1989 in the Resource Conservation District. It is not the intent to permit the creation of new *conference centers, resorts, retreats, CAMPGROUNDS, hotels, or motels*, but rather to protect those

BILL NO. 1-2020

enterprises that existed in the Resource Conservation District on August 1, 1989. An expansion shall require *site plan* review by the *Planning Commission* and shall require a net improvement in water quality at or leaving the site. An expansion may require growth allocation.

ARTICLE XI.
DEFINITIONS

...

SECTION 2. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined.

1. Acceptable Outfall - The tidewater or that point as determined by the Kent County Soil and Water Conservation District where *stormwater* can be released to a channel without causing scouring, erosion, or resulting sedimentation to the receiving channel or its *floodplain*. (Where necessary, the outlet shall include structural and vegetative measures to assure non-erosive velocities.)

...

46. Campground - Any area or *tract* of land owned by a single entity to which accommodations for temporary and not year-round occupancy are located or may be placed including cabins, tents, **RECREATIONAL VEHICLES**, and campers, and which is used for recreational purposes and retains an open air or natural character.

...

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 13~~th~~ day of March, 2020.

Read Third Time March 3, 2020

PASSED this 3~~rd~~ day of March, 2020.

Failed of Passage _____

By order of:


Sandra M. Blackiston, Clerk

(SEAL)



THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND


P. Thomas Mason, President


Ronald H. Fithian, Member


Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Fifth Investments, LLC – Major Subdivision – Final Review
DATE: June 24, 2020

Description of Proposal

Fifth Investments, LLC, requests final approval for a major subdivision of its 10.712-acre parcel into 24 lots and a common area lot. The purpose of the subdivision is to terminate the existing Delta Heights Condominium Regime and create fee-simple lots for each existing dwelling. The remainder of the property will be a common area lot owned by the Tolchester Village Townhouses Community Association, Inc. The property is located on Tolchester Road in the Sixth Election District and is zoned “AZD,” Agricultural Zoning District.

History

The Delta Heights Condominium Regime was created in 1982 by a previous owner of the property. The current owner purchased the property in 2012 and began work to renovate and update the dwelling units and infrastructure. Once the work was completed, the owner began marketing the units for sale, but due to various mortgage requirements was only able to sell one unit. Upon the advice of an attorney, the owner sought a text amendment to allow the subdivision of the units onto individual lots. The text amendment became effective on May 29.

At its June 4, 2020, meeting the Planning Commission granted a road waiver to allow a private road in a major subdivision and offered the following comments:

- No accessory structures should be permitted in the front yards.
- The rear yard setback should be consistent with the current rear yard setback in the Agricultural Zoning District of 30 feet for principal structures.
- The setbacks for accessory structures in the rear yard should be consistent with the current setback requirements of 3 feet for the side yard and 5 feet for the rear yard.
- The members expressed an interest in seeing Building Restriction Lines added to the plats.
- The private roads should be named, have identifiable rights-of-way and a road maintenance agreement should be prepared. Individual, numeric addresses will be assigned to each dwelling unit.
- A parking space will be added to the townhouse parking area to eliminate the need for a parking waiver.

Relevant Issues

I. Permitted Uses and Structures

- A. Applicable Law: Article V, Section 10.5 of the Kent County Land Use Ordinance establishes Multi-family and two-family dwellings as a permitted use provided:
- a. The multi-family or two-family dwellings existed on the property prior to August 1, 1989.
 - b. The sale or lease of at least 50% of the multi-family or two-family dwellings is

- restricted to an amount affordable to individuals or families earning no greater than 100% of the County median income as determined by the United States Census Bureau.
- c. The dwellings are served by public water and sewerage service.
 - d. The minimum site area shall be five (5) acres.
 - e. If subdivision approval is sought:
 1. Minimum lot size, setback and yard requirements, maximum height of structure, and off-street parking requirements shall be determined by the Planning Commission.
 2. Open space shall be provided as required in Section 1.6(4) of this Article.
 3. Forest Conservation requirements shall be satisfied; and
 4. Site access standards of Section 1.8(B)(1) and (3) of this Article shall be met in so far as possible.

- C. Staff Comments: 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. Staff recommends approval of this request.

The applicant would also like to request that Building Restriction Lines not be required on the plat. Building Restriction Lines would apply to all structures on the property which would limit the location of potential accessory structures. The setbacks are listed on the plat which should be sufficient to notify someone of the requirements.

II. General Standards

- A. Applicable Law: Article V, Section 1.6 sets forth the general standards: Open space, playgrounds, or other recreational areas shall be set aside at a rate of 1/10 acre per dwelling unit...Recreational land required within a subdivision shall be located so as to be reasonably accessible from all lots in the subdivision in accordance with the following:
- a. Steep slopes, streams, lakes, watercourses, and floodplains may constitute up to 40% of the recreational land.
 - b. At least 60% of the recreational land shall be suitable for dry ground recreational use.
- B. Staff Comments: The 24-lot subdivision requires 2.4 acres of open space. The applicants are proposing to dedicate 7.989 acres of the remainder as open space, and 1.285 acres is available for recreational use: basketball court, playground, and walking trails.

III. Environmental Standards

- A. Applicable Law: Article V, Section 1.7 sets forth environmental standards. These standards address species protection, buffers, habitat protection, forest conservation, and water quality.
- B. Staff Comments: Forest conservation will be addressed by deed restricting all the existing forest on-site. A simplified forest stand delineation has been prepared. A draft forest

conservation protective agreement has been submitted. The agreement will need to be approved by the Planning Commission attorney prior to final approval.

IV. Subdivision Design Standards

- A. Applicable Law: Article V, Section 1.8.B(1) and (3) sets forth design standards related to site access. These standards address the physical appearance of the proposal.

3. *Subdivision*

...

- m. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
- i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.
 - ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
 - iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
 - iv. The deed and contract of sale of all lots in the *subdivision* shall state: “The road is private and not the responsibility of Kent County.”
 - v. The plat shall identify all *private roads* and shall state: “The road is private and not the responsibility of Kent County.”
- B. Staff Comments: The Tolchester Village development has an entrance off Tolchester Road for each section of the development, and parking for the units is provided in the common area. The existing street layout is appropriate for the development. The Planning Commission granted a waiver to allow a private road in a major subdivision. A 50-foot right-of-way has been established from the entrance to the parking area.

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.

Adequate parking is provided. The parking easement for the duplex spaces that fall within the proposed lots has 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.

V. Subdivision

- A. Comprehensive Plan: **Goal:** Provide a wide range of housing opportunities to meet the needs of Kent County residents. *Strategy:* Foster opportunities to collaboratively implement approaches, methods, and programs to provide diverse housing options for all levels of household income. (Page 90)
- B. Applicable Law: Article VI, Section 6.3.B.15 sets forth that the *Planning Commission* shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.

- a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relation to adjoining ways and properties.
 - d. Reasonable demands placed on public services and infrastructure.
 - e. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - f. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - g. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.
- C. Staff comments: 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.

Staff recommends granting final approval conditioned upon approval of the deed restrictions by the Planning Commission attorney.

By approving the subdivision of land on the proposed plat, Kent County and 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.

NOTES:

- FOR DEED REFERENCE TO SUBJECT PROPERTY SEE:
PARCEL 155 - M.L.M. 740/347
UNIT B4 - M.L.M. 1028/96
- CURRENT ZONING - AZD - AGRICULTURAL ZONING DISTRICT
- CURRENT USE - RESIDENTIAL
- SITE IS NOT LOCATED WITHIN THE CRITICAL AREA.
- THE OUTLINE COURSES AND DISTANCES SHOWN HEREON FOR PARCEL 55 WERE TAKEN FROM A PLAT ENTITLED "DELTA HEIGHTS CONDOMINIUM" DATED 6-82, PREPARED BY JR MCCOY JR, INC. AND RECORDED AMONG THE PLAT RECORDS OF KENT COUNTY IN PLAT BOOK LIBER E.H.P. 2 FOLIOS 38 & 39. KIRBY & ASSOCIATES, INC. HAVE FIELD VERIFIED EXISTING MONUMENTATION AS INDICATED HEREON.
- THE OUTLINE COURSES AND DISTANCES SHOWN HEREON FOR LOTS 1-24 ARE BASED ON A CURRENT FIELD SURVEY BY KIRBY & ASSOCIATES, INC. IN MARCH 2020.
- THE PROPOSED LOT DOES NOT CONTAIN ANY STEEP SLOPES.
- THERE DOES NOT APPEAR TO BE ANY HISTORIC FEATURES LOCATED ON THE PROPERTY.
- ALL LOTS WILL UTILIZE PUBLIC WATER AND SEWER.
- STORMWATER MANAGEMENT FOR ANY FUTURE DEVELOPMENT ON PARCEL 155 WILL BE ADDRESSED WITH PREFERENCE TO ENVIRONMENTAL SITE DESIGN (ESD) PRACTICES IN ACCORDANCE WITH THE KENT, CO., STORMWATER ORDINANCE.
- NO NEW NON-COMFORMITIES ARE BEING CREATED AS A RESULT OF THIS SUBDIVISION.
- IN THE FUTURE SHOULD ANY DISTURBANCE OCCUR WITHIN THE MAPPED WETLANDS, WOODS, OR STREAM AREA A NON-TIDAL WETLAND JURISDICTIONAL DETERMINATION WILL BE REQUIRED FROM THE U.S. ARMY CORPS OF ENGINEERS.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION EXCEPT AS APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING.
- THIS SUBDIVISION HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REVIEW OF AN ABSTRACT OF TITLE.
- SETBACK REQUIREMENTS AS FOLLOWS:
PRIMARY STRUCTURE: REAR 25'
ACCESSORY STRUCTURE: SIDE - 3', REAR - 5'
- LYNN LANE AND PERSIMMON DRIVE SHOWN HEREON ARE PRIVATE AND NOT THE RESPONSIBILITY OF KENT COUNTY.

SITE STATISTICS

GROSS AREA	=	10,712 Ac.±
OPEN SPACE REQUIRED	=	2,142 Ac.± (20%)
OPEN SPACE PROVIDED	=	7,989 Ac.± (75%)
OPEN SPACE PROVIDED FOR RECREATIONAL USE (BASKETBALL COURT, PLAYGROUND, AND WALKING TRIALS)	=	1,285 Ac.±
FOREST CONSERVATION REQUIRED	=	2,142 Ac.± (20%)
FOREST CONSERVATION PROVIDED	=	6,245 Ac.± (58%)
TOTAL NUMBER OF MULTI-FAMILY UNITS EXISTING	=	24
TOTAL NUMBER OF LOTS PROPOSED	=	24
TOTAL EXISTING PARKING SPACES FOR DUPLEX	=	12
TOTAL EXISTING PARKING SPACES FOR TOWNHOMES	=	39

IMPERVIOUS COVERAGE TABLE

LOT 1 = 1,727 Sq. Ft.± (25%)	LOT 13 = 1,018 Sq. Ft.± (35%)
LOT 2 = 2,208 Sq. Ft.± (31%)	LOT 14 = 887 Sq. Ft.± (42%)
LOT 3 = 1,633 Sq. Ft.± (26%)	LOT 15 = 874 Sq. Ft.± (41%)
LOT 4 = 1,892 Sq. Ft.± (26%)	LOT 16 = 881 Sq. Ft.± (41%)
LOT 5 = 1,879 Sq. Ft.± (30%)	LOT 17 = 895 Sq. Ft.± (42%)
LOT 6 = 2,018 Sq. Ft.± (27%)	LOT 18 = 998 Sq. Ft.± (35%)
LOT 7 = 1,019 Sq. Ft.± (35%)	LOT 19 = 1,018 Sq. Ft.± (35%)
LOT 8 = 884 Sq. Ft.± (42%)	LOT 20 = 886 Sq. Ft.± (42%)
LOT 9 = 880 Sq. Ft.± (41%)	LOT 21 = 874 Sq. Ft.± (41%)
LOT 10 = 876 Sq. Ft.± (41%)	LOT 22 = 877 Sq. Ft.± (41%)
LOT 11 = 892 Sq. Ft.± (42%)	LOT 23 = 891 Sq. Ft.± (42%)
LOT 12 = 999 Sq. Ft.± (35%)	LOT 24 = 999 Sq. Ft.± (35%)

LEGEND

- DENOTES COMPUTED POINT UNLESS OTHERWISE SPECIFIED
- DENOTES EDGE OF WOODS
- DENOTES EXISTING FENCE
- DENOTES CHAIN LINK FENCE
- DENOTES MAPPED NON-TIDAL WETLAND AND 25' WETLAND BUFFER
- MtCb. DENOTES EXISTING SOIL AND SOIL TYPE
- DENOTES 6,245 Ac.± OF PROTECTED FOREST RETENTION AREA
- DENOTES PUMP STATION EASEMENT (SEE: LIBER, M.L.M. 65 FOLIOS 474-480)
- IRS DENOTES CAPPED IRON ROD TO BE SET
- IPF DENOTES IRON PIPE FOUND
- CMF DENOTES CONCRETE MONUMENT FOUND
- BRL DENOTES BUILDING RESTRICTION LINE
- R/W DENOTES RIGHT-OF-WAY
- N/F DENOTES NOW OR FORMERLY
- SMH DENOTES SEWER MANHOLE
- WM DENOTES WATER METER
- C/O DENOTES SEWER CLEANOUT
- WV DENOTES WATER VALVE
- CONC. DENOTES CONCRETE

RIGHT TO FARM STATEMENT
THERE SHALL BE NO BASIS, UNDER THE KENT COUNTY ZONING ORDINANCE, FOR RECOURSE AGAINST THE EFFECTS OF ANY NORMAL FARMING OPERATIONS CONDUCTED IN ACCORDANCE WITH STANDARD AND ACCEPTABLE BEST MANAGEMENT PRACTICES. NORMAL AGRICULTURAL EFFECTS INCLUDE, BUT ARE NOT LIMITED TO NOISE, ODOR, VIBRATION, FUMES, DUST, SPRAY DRIFT OR GLARE.

LINE	BEARING	DISTANCE
1	N 20°29'48" E	4.74
2	N 31°22'13" E	38.17
3	N 29°13'40" E	61.36
4	N 21°41'08" E	50.00
5	N 15°58'30" E	50.25
6	N 00°06'57" W	53.85
7	N 21°37'52" E	149.37
8	N 29°01'42" E	49.33
9	N 25°05'08" E	98.03
10	N 21°08'55" E	48.33
11	N 28°50'33" E	98.25
12	N 42°14'26" E	50.03
13	N 31°57'39" E	48.91
14	N 21°40'51" E	50.03
15	N 36°04'09" E	36.70

PLANNING COMMISSION CHAIRMAN	DATE
PLANNING DIRECTOR	DATE
ENVIRONMENTAL HEALTH OFFICER	DATE
DIRECTOR WATER AND WASTEWATER SERVICES	DATE

OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS/ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE ANNEXED PLAT AND THAT I/WE HAS/HAVE CAUSED THE LAND TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES SET FORTH HEREIN. I/WE ALSO CERTIFY TO THE BEST OF MY/OUR KNOWLEDGE THAT ALL RECORDED AND UNRECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS OR COVENANTS HAVE BEEN INDICATED ON THE ANNEXED PLAT. I/WE HEREBY ACKNOWLEDGE AND ADOPT THE SAME AS MY/OUR ACT THE ____ DAY OF ____ 20__.

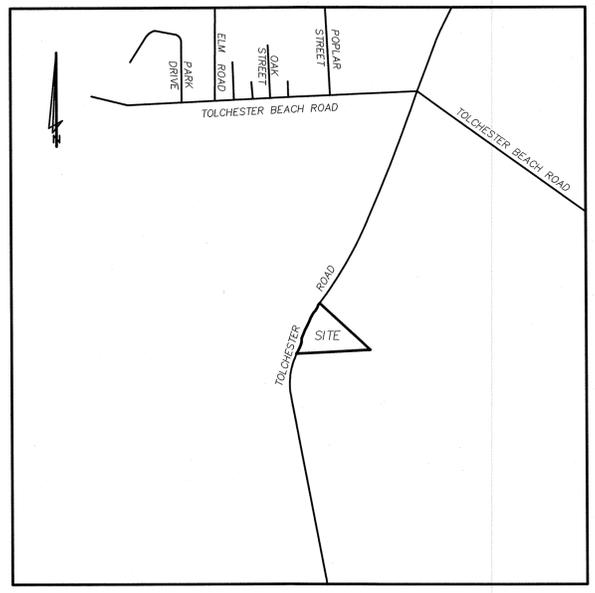
STATE OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED KNOWN TO ME (OR SATISFACTORILY PROVEN) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

OWNER
FIFTH INVESTMENTS, LLC
77 WEST STREET #210
ANNAPOLIS, MARYLAND 21401

OWNER
EMILY C. MCCOY &
CHRISTOPHER A. DELAHANTY
STREET
CHESTERTOWN, MD 21617

SURVEYOR
KIRBY & ASSOCIATES, INC.
P.O. BOX 27
CENTREVILLE, MARYLAND 21617



VICINITY MAP



N/E THE LANDS OF
SPORTING GOODS PROPERTIES, INC.
M.L.M. 133/539
ZONED: AZD
USE: AGRICULTURAL

OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS/ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE ANNEXED PLAT AND THAT I/WE HAS/HAVE CAUSED THE LAND TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES SET FORTH HEREIN. I/WE ALSO CERTIFY TO THE BEST OF MY/OUR KNOWLEDGE THAT ALL RECORDED AND UNRECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS OR COVENANTS HAVE BEEN INDICATED ON THE ANNEXED PLAT. I/WE HEREBY ACKNOWLEDGE AND ADOPT THE SAME AS MY/OUR ACT THE ____ DAY OF ____ 20__.

FIFTH INVESTMENTS, LLC

UNIFORM ACKNOWLEDGMENT ACT
STATE OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED KNOWN TO ME (OR SATISFACTORILY PROVEN) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

N/E THE LANDS OF
SPORTING GOODS PROPERTIES, INC.
M.L.M. 133/539
ZONED: AZD
USE: AGRICULTURAL

SURVEYOR'S CERTIFICATE
THIS IS TO CERTIFY THAT THE UNDERSIGNED, REGISTERED MARYLAND SURVEYOR NO. 21151, HAS SURVEYED AND SUBDIVIDED THE PROPERTY AS DESCRIBED AND SHOWN ON THE ANNEXED PLAT AND THAT SUCH PLAT IS A CORRECT REPRESENTATION OF THAT SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. ALL LOTS MEET THE REQUIREMENTS OF THE KENT COUNTY ZONING ORDINANCE IN REGARD TO LOT AREA, WIDTH, AND BUILDABLE AREA.

AS WITNESS MY HAND AND SEAL THIS ____ DAY OF ____ 20__.

JOHN P. KIRBY
PROFESSIONAL LAND SURVEYOR #21151
LICENSE EXPIRATION: 01/28/2021



KIRBY & ASSOCIATES, INC.
Professional Land Surveying Services
P.O. Box 27
206A Banjo Lane
Centreville, Maryland 21617
(410) 758-2726 Fax (410) 758-

DATE	SCALE	DESIGNED BY	APPROVED BY
APRIL 2020	1"=50'	KIRBY	KIRBY
JOB NO.	DRAWN BY	DESIGNED BY	APPROVED BY
K-20-049	KIRBY	KIRBY	KIRBY
FOUNDER REF	DATE	DATE	DATE
K-100	8/2020	8/2020	8/2020
	REV	REV	REV
	K-100	K-100	K-100
	DATE	DATE	DATE
	8/2020	8/2020	8/2020
	BY	BY	BY
	KIRBY	KIRBY	KIRBY
	DATE	DATE	DATE
	8/2020	8/2020	8/2020

FINAL SUBDIVISION PLAT
OF THE LANDS OF
FIFTH INVESTMENTS, LLC & CHRISTOPHER A. DELAHANTY
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR: FIFTH INVESTMENTS, LLC

LEGEND

-  DENOTES COMPUTED POINT UNLESS OTHERWISE SPECIFIED
-  DENOTES EDGE OF WOODS
-  DENOTES EXISTING FENCE
-  DENOTES CHAIN LINK FENCE
-  DENOTES PARKING SPACE EASEMENT
- IRS DENOTES CAPPED IRON ROD TO BE SET
- IPF DENOTES IRON PIPE FOUND
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- N/F DENOTES NOW OR FORMERLY
- SMH DENOTES SEWER MANHOLE
- WM DENOTES WATER METER
- C/O DENOTES SEWER CLEANOUT
- WV DENOTES WATER VALVE
- CONC. DENOTES CONCRETE

LYNN LANE

LINE	BEARING	DISTANCE
1	S 68°16'13" W	135.21'
2	N 21°07'31" E	11.82'
3	S 66°50'31" E	34.13'
4	S 19°15'07" W	14.36'
5	S 24°13'03" E	18.00'
RAD = 13.00' ARC = 19.88'		
6	S 68°21'14" E	69.23'
7	N 78°56'54" W	4.43'
RAD = 9.82' ARC = 4.47'		
8	N 22°04'22" E	27.02'
9	S 68°14'02" E	31.71'
10	S 22°38'38" W	70.14'
11	N 69°24'13" W	29.45'
12	N 19°19'18" E	23.62'
13	N 66°40'23" W	5.89'
RAD = 10.49' ARC = 5.93'		
14	N 68°31'30" W	69.45'
15	S 69°13'59" W	13.49'
RAD = 10.00' ARC = 14.75'		
16	S 26°59'28" W	19.23'
17	N 66°44'36" W	36.31'
18	N 22°46'44" E	11.23'
19	N 68°16'13" W	142.78'

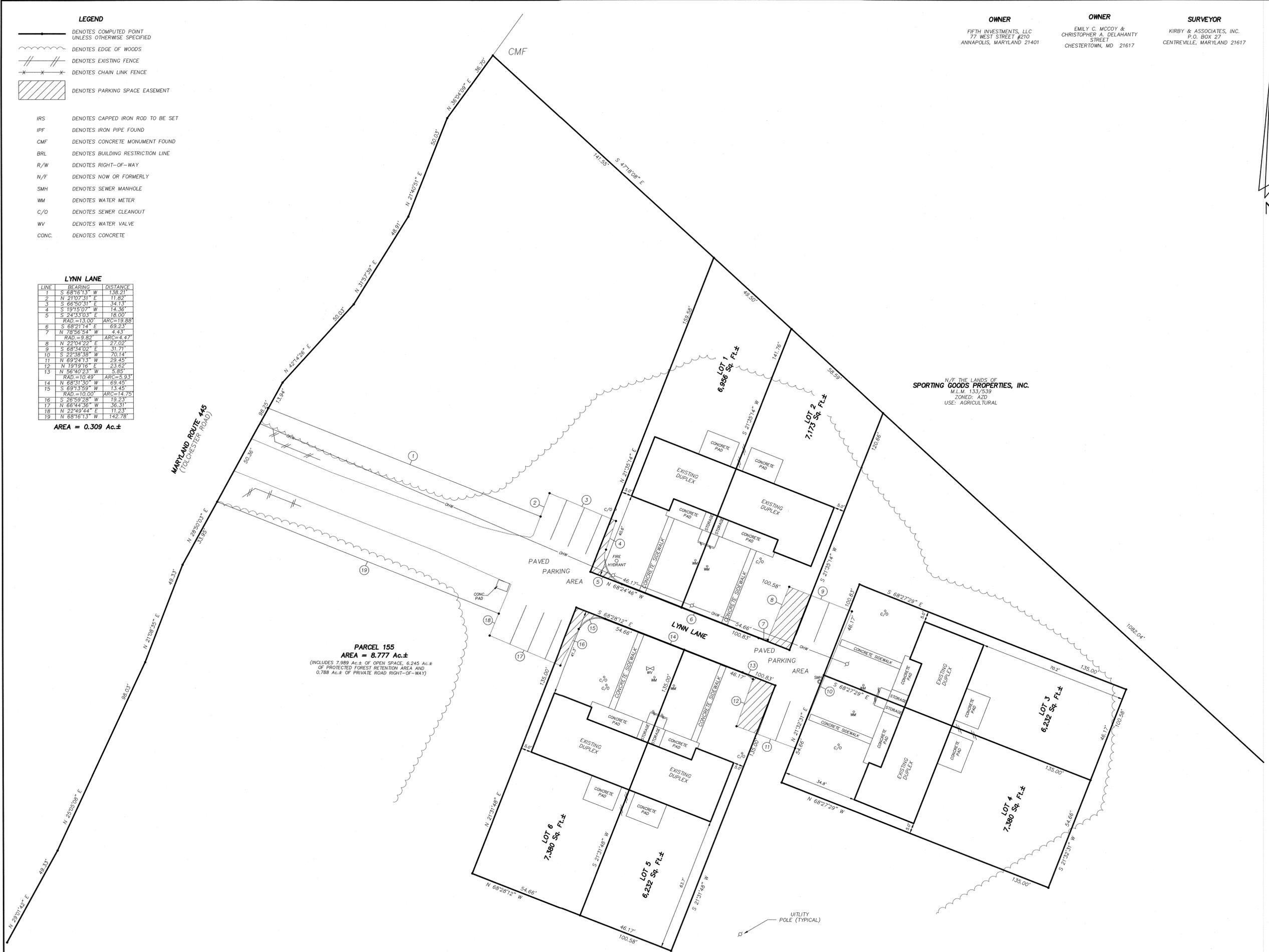
AREA = 0.309 Ac.±

PARCEL 155
AREA = 8.777 Ac.±
 (INCLUDES 7.989 Ac.± OF OPEN SPACE, 6.245 Ac.± OF PROTECTED FOREST RETENTION AREA AND 0.788 Ac.± OF PRIVATE ROAD RIGHT-OF-WAY)

OWNER
 FIFTH INVESTMENTS, LLC
 77 WEST STREET #210
 ANNAPOLIS, MARYLAND 21401

OWNER
 EMILY C. MCCOY &
 CHRISTOPHER A. DELAHANTY
 STREET
 CHESTERTOWN, MD 21617

SURVEYOR
 KIRBY & ASSOCIATES, INC.
 P.O. BOX 27
 CENTREVILLE, MARYLAND 21617



N/E THE LANDS OF
SPORTING GOODS PROPERTIES, INC.
 M.L.M. 133/539
 ZONED: A20
 USE: AGRICULTURAL



KIRBY & ASSOCIATES, INC.
 Professional Land Surveying Services
 P.O. Box 27
 208A Barjio Lane
 Centreville, Maryland 21617
 (410) 758-2726 Fax (410) 758-

DATE	SCALE	REVISION
APRIL 2020	1"=20'	
JOB NO. K-20-049	DRAWN BY KIRBY	DESIGNED BY KIRBY
FOLDER REF K-100	APPROVED BY:	DATE
		06/2020
		08/2020

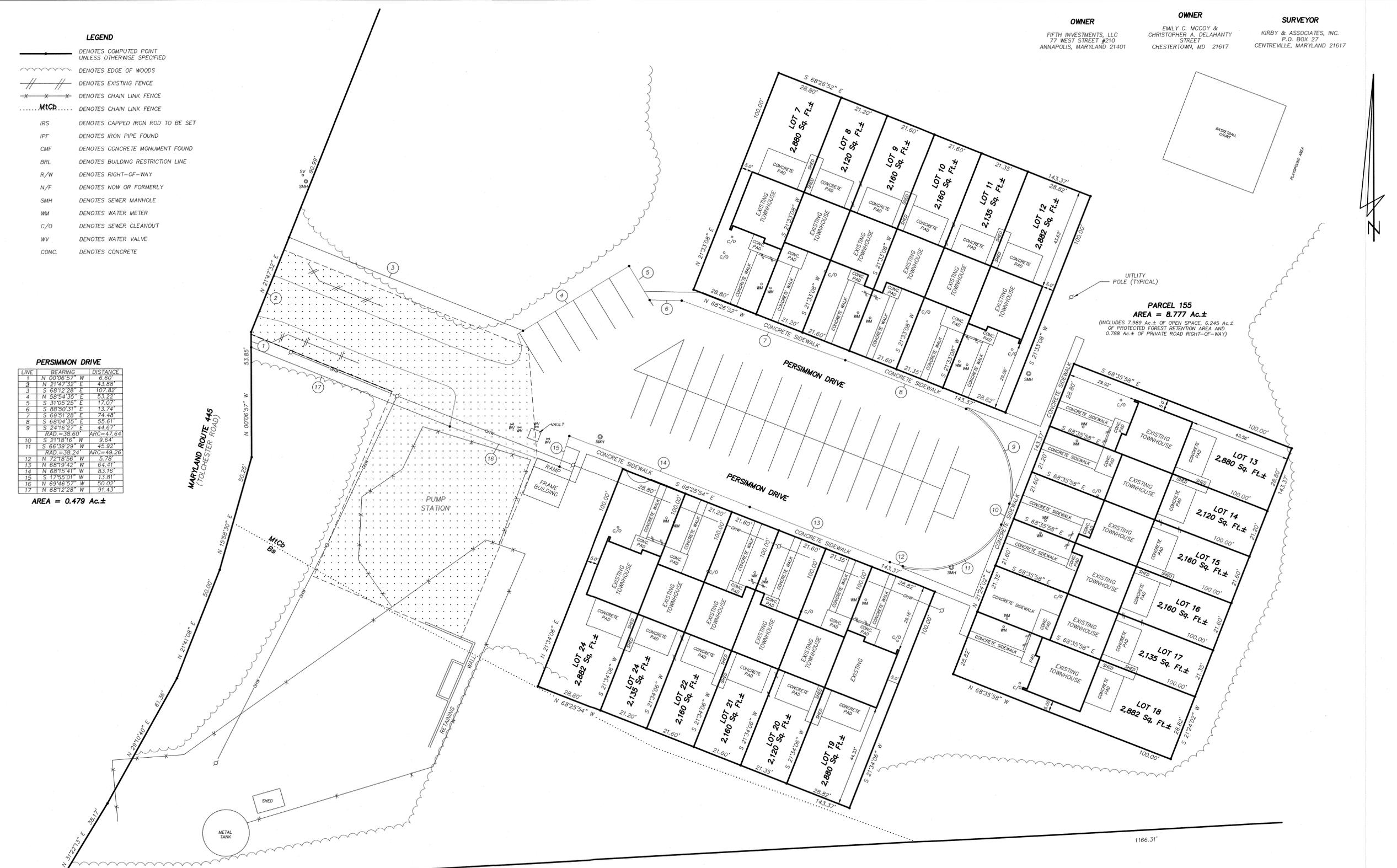
FINAL SUBDIVISION PLAT
 OF THE LANDS OF
FIFTH INVESTMENTS, LLC & CHRISTOPHER A. DELAHANTY
 SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR: FIFTH INVESTMENTS, LLC

- LEGEND**
- DENOTES COMPUTED POINT UNLESS OTHERWISE SPECIFIED
 - DENOTES EDGE OF WOODS
 - DENOTES EXISTING FENCE
 - DENOTES CHAIN LINK FENCE
 - M/CB --- DENOTES CHAIN LINK FENCE
 - IRS DENOTES CAPPED IRON ROD TO BE SET
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 - WM DENOTES WATER METER
 - C/O DENOTES SEWER CLEANOUT
 - WV DENOTES WATER VALVE
 - CONC. DENOTES CONCRETE

PERSIMMON DRIVE

LINE	BEARING	DISTANCE
1	N 00°06'57" W	6.60'
2	N 21°47'32" E	43.88'
3	S 68°12'28" E	107.82'
4	N 58°04'35" E	53.22'
5	S 31°05'25" E	17.07'
6	S 88°50'31" E	13.74'
7	S 69°51'28" E	74.48'
8	S 68°04'35" E	55.61'
9	S 24°16'27" E	44.67'
10	S 21°18'12" W	9.64'
11	S 66°39'29" W	45.92'
12	N 72°18'56" W	5.78'
13	N 68°19'42" W	64.41'
14	N 68°15'41" W	83.16'
15	S 17°55'01" W	13.81'
16	N 69°48'57" W	50.02'
17	N 68°12'28" W	91.43'

AREA = 0.479 Ac.±

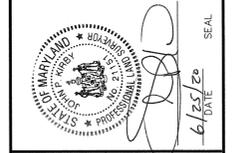
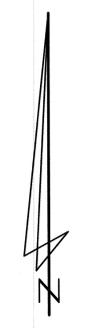


N/F THE LANDS OF
DANIEL W. BANDY, SR.
 E.H.P. 268/278
 ZONED: AZD
 USE: RESIDENTIAL

OWNER
 FIFTH INVESTMENTS, LLC
 77 WEST STREET #210
 ANNAPOLIS, MARYLAND 21401

OWNER
 EMILY C. MCCOY &
 CHRISTOPHER A. DELAHANTY
 STREET
 CHESTERTOWN, MD 21617

SURVEYOR
 KIRBY & ASSOCIATES, INC.
 P.O. BOX 27
 CENTREVILLE, MARYLAND 21617



KIRBY & ASSOCIATES, INC.
 Professional Land Surveying Services

P.O. Box 27
 206A Banjo Lane
 Centreville, Maryland 21617
 (410) 758-2726 Fax (410) 758-

DATE	SCALE	DATE	REVISION
APRIL 2020	1"=20'		
JOB NO. K-20-049	DRAWN BY KIRBY	DESIGNED BY KIRBY	APPROVED BY KIRBY
FOLDER REF K-100			
DATE 06/2020			

FINAL SUBDIVISION PLAT

OF THE LANDS OF
FIFTH INVESTMENTS, LLC & CHRISTOPHER A. DELAHANTY
 SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR: FIFTH INVESTMENTS, LLC

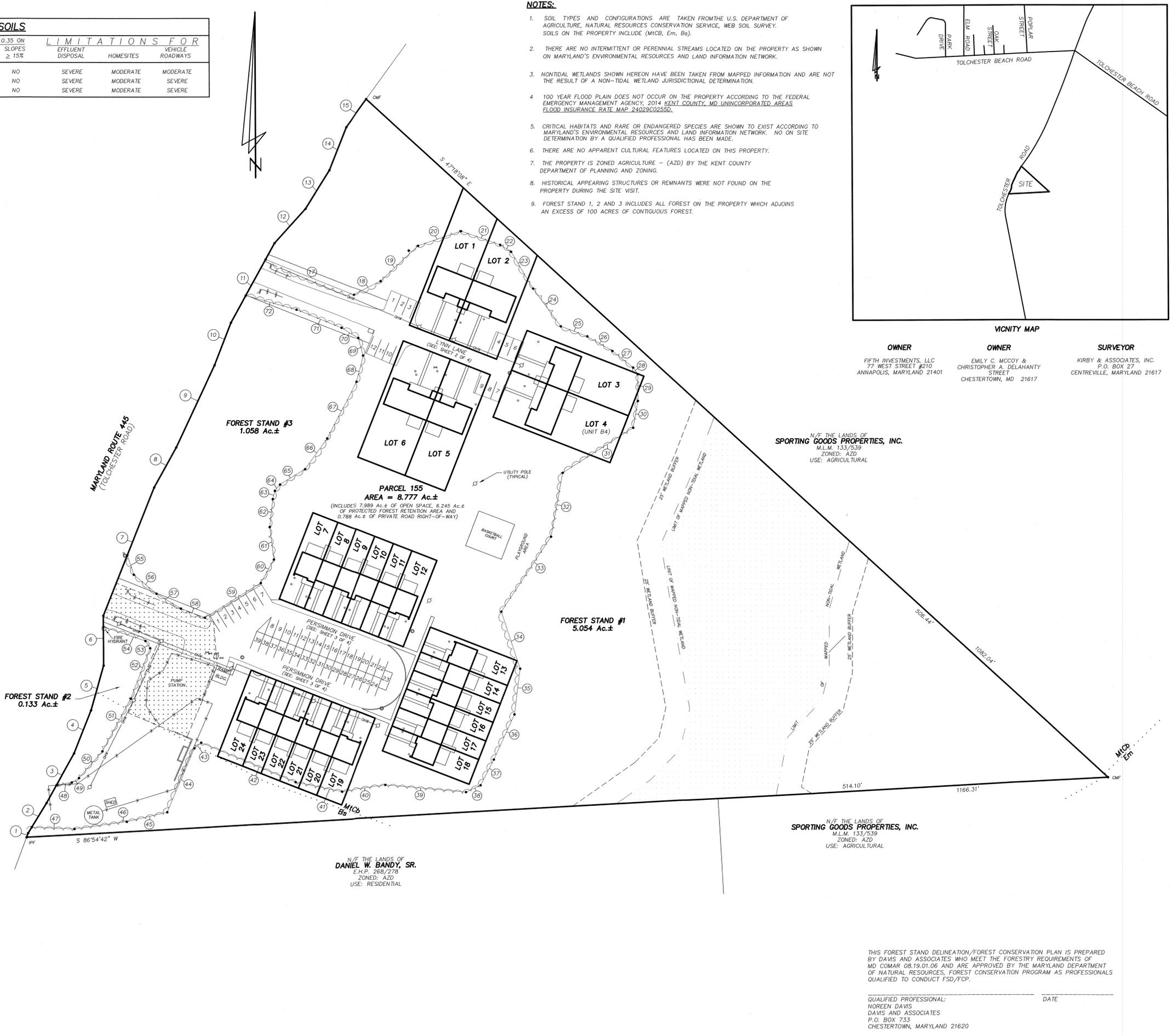
PROPERTY SOILS							
SYMBOL	SERIES	K-FACTOR ≥ 0.35 ON			LIMITATIONS FOR		
		HYDRIC INDICATORS	LEVEL TO 15% SLOPE	SLOPES $\geq 15\%$	EFFLUENT DISPOSAL	HOMESITES	VEHICLE ROADWAYS
MtCb	MATTAPEX SILT LOAM	NO	YES	NO	SEVERE	MODERATE	MODERATE
Em	ELKTON SILT LOAM	YES	YES	NO	SEVERE	MODERATE	SEVERE
Bs	BIBB SILT LOAM	YES	YES	NO	SEVERE	MODERATE	SEVERE

CHECKLIST OF EXISTING PROPERTY FEATURES	
TOPOGRAPHY LEVEL	NO
SLOPES $\geq 25\%$	NO
HIGHLY ERODIBLE SOIL ON SLOPES $\geq 15\%$	NO
HYDRIC SOIL	YES
100-YEAR FLOOD PLAIN	NO
INTERMITTENT STREAM	NO
PERENNIAL STREAM	NO
TIDAL WETLAND	NO
NON-TIDAL WETLAND	YES
STAND PART OF FOREST ≥ 100 ACRES	YES
FORESTED ADJOINING PROPERTY	YES
TREES ≥ 30 INCHES DIAMETER	NO
CRITICAL HABITAT OF RARE OR ENDANGERED SPECIES	YES
HISTORICAL AND/OR ARCHAEOLOGICAL SITE	NO
CULTURAL FEATURE	NO
DISSECTING ROAD	NO

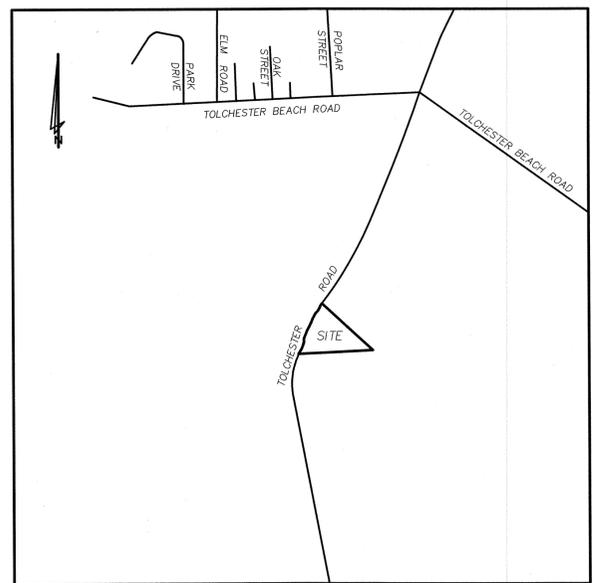
ACRES SUMMARY FOR FOREST STAND DELINEATION	
TOTAL TRACT	10.712 Ac.
CHESAPEAKE BAY CRITICAL AREA	0.0 Ac.
LAND USE UNCHANGED	10.712 Ac.
NET TRACT	10.712 Ac.
EXISTING FOREST	6.245 Ac.
PORTION PRIORITY FOR RETENTION	1.301 Ac.

LEGEND	
	BOUNDARY OF TOTAL TRACT
	EXISTING FOREST MARGIN
	NON-TIDAL WETLAND MARGIN
	25' BUFFER FROM NON-TIDAL WETLAND
	SOIL TYPE AND CONFIGURATION
	TOPOGRAPHY CONTOUR AND ELEVATION
	LOCATION OF PROTECTIVE SIGNAGE
	APPROX. LOCATION OF SPECIMEN TREE
	PRIORITY AREA FOR FOREST CONSERVATION

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	N 20°29'48" E	4.74	37	S 27°25'24" W	31.24
2	N 31°22'13" E	38.17	38	S 64°58'59" W	17.32
3	N 29°10'40" E	61.36	39	N 84°35'56" W	87.23
4	N 21°41'08" E	50.00	40	S 60°05'57" W	47.28
5	N 15°58'30" E	50.25	41	N 78°10'19" W	51.05
6	N 00°06'57" W	53.85	42	N 67°12'45" W	110.10
7	N 21°47'32" E	149.37	43	S 50°35'58" W	9.48
8	N 29°01'42" E	49.33	44	S 23°19'04" W	74.89
9	N 25°05'08" E	98.03	45	S 76°51'18" W	44.86
10	N 21°08'35" E	49.33	46	S 80°03'24" W	56.79
11	N 28°50'03" E	98.25	47	N 87°55'22" W	46.04
12	N 42°14'28" E	50.03	48	N 80°13'03" E	16.70
13	N 31°57'39" E	48.91	49	N 58°16'35" E	9.13
14	N 21°40'51" E	50.03	50	N 41°25'25" E	38.41
15	N 36°04'09" E	36.70	51	N 28°24'39" E	64.69
16	S 67°51'28" E	102.70	52	N 21°17'11" E	58.34
17	N 63°26'06" E	32.17	53	N 34°44'07" W	9.40
18	N 46°54'43" E	55.53	54	N 71°16'27" W	47.71
19	N 71°16'27" E	48.89	55	S 18°20'35" E	22.04
20	S 70°30'15" E	44.68	56	S 49°45'00" E	31.74
21	S 57°12'02" E	14.01	57	S 58°29'29" E	30.85
22	S 30°37'48" E	46.21	58	S 69°02'20" E	27.59
23	S 35°55'05" E	50.39	59	N 58°17'27" E	70.97
24	S 68°55'38" E	30.56	60	N 29°18'31" E	29.10
25	S 59°46'41" E	31.18	61	N 06°50'34" W	35.51
26	S 50°55'53" E	28.64	62	N 06°18'48" E	30.31
27	S 35°08'03" E	8.64	63	N 12°51'15" E	9.27
28	S 00°00'00" E	29.04	64	N 39°41'57" E	8.83
29	S 10°12'50" W	29.51	65	N 58°33'34" E	31.70
30	S 57°24'51" W	90.35	66	N 35°56'05" E	40.85
31	S 10°30'53" W	70.25	67	N 10°30'53" E	68.75
32	S 33°41'24" W	92.16	68	N 12°27'00" E	10.11
33	S 17°51'01" E	64.86	69	N 15°07'26" W	19.65
34	S 07°14'13" W	49.84	70	N 57°20'47" W	21.62
35	S 24°48'51" W	53.51	71	N 67°46'50" W	52.20
36	S 27°25'24" W	31.24	72	N 74°25'52" W	56.74



- NOTES:**
- SOIL TYPES AND CONFIGURATIONS ARE TAKEN FROM THE U.S. DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, WEB SOIL SURVEY. SOILS ON THE PROPERTY INCLUDE (MtCb, Em, Bs).
 - THERE ARE NO INTERMITTENT OR PERENNIAL STREAMS LOCATED ON THE PROPERTY AS SHOWN ON MARYLAND'S ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK.
 - NONTIDAL WETLANDS SHOWN HEREON HAVE BEEN TAKEN FROM MAPPED INFORMATION AND ARE NOT THE RESULT OF A NON-TIDAL WETLAND JURISDICTIONAL DETERMINATION.
 - 100 YEAR FLOOD PLAIN DOES NOT OCCUR ON THE PROPERTY ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, 2014 KENT COUNTY, MD UNINCORPORATED AREAS FLOOD INSURANCE RATE MAP 24029C02550.
 - CRITICAL HABITATS AND RARE OR ENDANGERED SPECIES ARE SHOWN TO EXIST ACCORDING TO MARYLAND'S ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK. NO ON SITE DETERMINATION BY A QUALIFIED PROFESSIONAL HAS BEEN MADE.
 - THERE ARE NO APPARENT CULTURAL FEATURES LOCATED ON THIS PROPERTY.
 - THE PROPERTY IS ZONED AGRICULTURE - (AZD) BY THE KENT COUNTY DEPARTMENT OF PLANNING AND ZONING.
 - HISTORICAL APPEARING STRUCTURES OR REMNANTS WERE NOT FOUND ON THE PROPERTY DURING THE SITE VISIT.
 - FOREST STAND 1, 2 AND 3 INCLUDES ALL FOREST ON THE PROPERTY WHICH ADJOINS AN EXCESS OF 100 ACRES OF CONTIGUOUS FOREST.



OWNER
FIFTH INVESTMENTS, LLC
77 WEST STREET #210
ANNAPOLIS, MARYLAND 21401

OWNER
EMILY C. MCCOY & CHRISTOPHER A. DELAHANTY
STREET
CHESTERTOWN, MD 21617

SURVEYOR
KIRBY & ASSOCIATES, INC.
P.O. BOX 27
CENTREVILLE, MARYLAND 21617

N/E THE LANDS OF
SPORTING GOODS PROPERTIES, INC.
M.L.M. 133/539
ZONED: AZD
USE: AGRICULTURAL

N/E THE LANDS OF
SPORTING GOODS PROPERTIES, INC.
M.L.M. 133/539
ZONED: AZD
USE: AGRICULTURAL

THIS FOREST STAND DELINEATION/FOREST CONSERVATION PLAN IS PREPARED BY DAVIS AND ASSOCIATES WHO MEET THE FORESTRY REQUIREMENTS OF MD COMAR 08.19.01.06 AND ARE APPROVED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES, FOREST CONSERVATION PROGRAM AS PROFESSIONALS QUALIFIED TO CONDUCT FSD/FCP.

QUALIFIED PROFESSIONAL: _____ DATE _____
NOREEN DAVIS
DAVIS AND ASSOCIATES
P.O. BOX 733
CHESTERTOWN, MARYLAND 21620



KIRBY & ASSOCIATES, INC.
Professional Land Surveying Services

P.O. Box 27
206A Banjo Lane
Centreville, Maryland 21617
(410) 758-2726 Fax (410) 758-

DATE	SCALE	JOB NO.	DESIGNED BY	APPROVED BY
JUNE 2020	1"=50'	K-20-049	KIRBY	
6/2020			FOUNDER REF	
6/2020			K-100	

SIMPLIFIED FOREST STAND DELINEATION
ON THE LANDS OF
FIFTH INVESTMENTS, LLC & CHRISTOPHER A. DELAHANTY
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR: FIFTH INVESTMENTS, LLC

SHEET NO. — 4 OF 4
CADD FILE — 20-049SU1



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Rob Tracey, Community Planner
Meeting: July 2, 2020
Subject: Delmarva Power & Light Company, Chestertown Substation
Concept Site Plan Review

EXECUTIVE SUMMARY

Request by Applicant

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). The property, just outside of the Town of Chestertown, consists of Parcels 82 and 85. The combined site area totals 2.40 acres and is located in the Fourth Election District.

Public Process

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

Summary of Staff Report

The property is zoned Commercial (C) and the parcel is comprised of an open field with a hedgerow along the edge of Route 297. The property is zoned Commercial. Parcel 82 is currently improved by electrical equipment and a small control building. The surrounding area is a mix of industrial, such as Choptank Electric Cooperative, Gillespie Pre-Cast, small commercial businesses, and agricultural land on the north side of Maryland Route 291. The north, east, and west portions of the property are screened by existing vegetation and a six-foot privacy fence. However, the southern portion of the property, toward Morgnec Road, does not have existing screening.

The applicant has sufficiently addressed all the concept site plan standards as prescribed by the Kent County Land Use Ordinance.

Recommendation

Please note that 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 District.
- Sureties for stormwater management and sediment and erosion control and forest conservation must be posted prior to final approval.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Delmarva Power & Light Company, Chestertown Substation
Concept Site Plan Review
DATE: June 15, 2020

DESCRIPTION OF PROPOSAL

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). The property, just outside of the Town of Chestertown, consists of Parcels 82 and 85. The combined site area totals 2.40 acres and is located in the Fourth Election District.

The proposed construction will occur on Parcel 85 and will include an expanded fenced gravel area containing a control building, electric transformers, and other electric distribution equipment. The property is zoned Commercial. Parcel 82 is currently improved by electrical equipment and a small control building. The surrounding area is a mix of industrial, such as Choptank Electric Cooperative, Gillespie Pre-Cast, small commercial businesses, and agricultural land on the north side of Maryland Route 291.

GENERAL STANDARDS

I. Permitted and Accessory Uses

- A. Comprehensive Plan: 'Retain and promote existing businesses.' (Page 9)
B. Applicable Law: Article V, Section 11.2 of the Kent County Land Use Ordinance establishes a site plan review requirement for all permitted principal uses and structures in the Commercial Zoning District. Public utilities, including electrical substations, are a permitted use.
C. Staff and TAC Comments: The proposed expansion to the existing substation will occur on parcel 85. The expansion will include a fenced gravel area containing a control building, two electric transformers, and other electric distribution equipment.

II. Density, Height, Width, Bulk, and Fence Requirements

- A. Comprehensive Plan: 'Insure that all new development or redevelopment meets a high standard of planning, workmanship, and design.' (Page 21)
B. Applicable Law: Article V, Section 11.5 of the Kent County Land Use Ordinance establishes the Density, Height, Width, Bulk, and Fence Requirements as follows:

Table with 2 columns: Requirement (Minimum yard) and Standard. Rows include Front (100 feet), Side and Rear (50 feet with buffering from adjoining AZD, RCD, RC, RR, CAR, CR, V, IV, & IVCA), and 30 feet from CC, C, CCA, M, EC, I, ICA-LDA & ICA which.

may be reduced to 0 if emergency and maintenance vehicle access are acceptably addressed and if the adjoining property is a compatible use

Height

- Commercial structure 45 feet
- Fence
- Security 8 feet

C. *Staff and TAC Comments:* The adjoining property is zoned Commercial “C” by the County. The proposed substation expansion meets the required setbacks.

III. Commercial General Standards

A. *Applicable Law: Article V, Section 11.6* of the Kent County *Land Use Ordinance* establishes the Commercial General Standards.

1. The reuse of existing *buildings* is encouraged.
2. Public water and sewer systems may be required by the *Planning Commission* in a Commercial District.
3. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to the name of another road in the county or incorporated towns.
4. *Signs* in the commercial area shall be permitted in accordance with the *regulations* contained in Article VI, Section 2 of this Ordinance.

B. *Staff and TAC Comments:* The applicants narrative states that the facility will be unmanned and will not require water or sewer. There will be routine maintenance of the facility which may result in a vehicle with employees occupying the site once a week. The applicant is not proposing any signage at this time.

IV. Commercial Specific Design Standards

A. *Applicable Law: Article V, Section 11B* of the Kent County *Land Use Ordinance* establishes the design standards for the Commercial zoning district.

Site access shall be subject to the following *regulations* to help ensure vehicle and pedestrian safety and alleviate congestion:

- a. Where property abuts a *primary, secondary, or collector road*, access shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances where the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- b. Where one or more contiguous parcels abutting a *primary road* are under single ownership and any one of the parcels abuts a *secondary road or collector road*, access to all of the parcels under single ownership shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances when the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- c. Only one direct access approach onto a *primary road* from an individual parcel

of record as of August 1, 1989 shall be permitted unless the *Planning Commission*, or where applicable the Planning Director, finds one of the following:

1. The *Planning Commission* may, with approval of the State Highway Administration or Kent County Public Works Department, approve additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion.
2. The *Planning Commission* may approve access when the parcel is bisected by *steep slopes*, bodies of water, or other topographic features in such a manner as to render some portion of the property inaccessible without additional road access.
- ii. Where a proposed road is designated on an approved County or State map, *site plans* for *development* adjacent to the designated *roadway* shall include provisions for future access to the *roadway*.
- iii. Existing, planned, or platted *streets* on adjacent properties shall be continued when the *Planning Commission*, or where applicable the Planning Director, determines that the continuation is necessary for safe and reasonable circulation between the properties.
- iv. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, developments shall provide access to adjacent tracts not presently developed.
- v. Pedestrian and bicycle linkages to adjacent developments shall be provided whenever possible.
- vi. Access shall be consolidated whenever possible.
- vii. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.
- viii. The applicant shall demonstrate that access to the project is adequate and the roads which will be impacted have the capacity to handle the traffic generated by the proposed project and will not endanger the safety of the general public.*

B. *Staff and TAC Comments:*

- The proposed expansion is located along Maryland Route 291. There is one access drive to the existing portion of the substation. There is an existing access for the previous house that will be removed. A new access drive to the substation expansion area on parcel 85 is proposed.
- The State Highway administration (SHA) has no issues or concerns with County/town approval. MDOT SHA will require that a District permit be issued for the new proposed entrance.
- The Department of Public works has no comments with regard to water and wastewater for this application.
- The access to the project is adequate and the roads which will be impacted have the capacity to handle the traffic generated by the proposed project and will not endanger the safety of the general public.

V. Commercial Environmental Standards

A. *Applicable Law.* Article V, Section 11.7 of the Kent County *Land Use Ordinance* establishes the

Commercial Environmental Standards, which include forest conservation and stormwater management standards. The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specially, it is the overall goal of the County to maintain the quality of the County's ecosystem in the face of continuing activity, growth and change.

- B. *Staff and TAC comments:* A Forest Conservation Plan has not been submitted. Forest Conservation Declaration (Deed Restrictions) must be submitted and approved prior to final site plan approval. In addition, appropriate sureties must be posted prior to final site plan approval.

Sediment and erosion control, and stormwater management plans have been submitted. These plans must be approved by the District prior to final site plan approval. Estimates and sureties will need to be provided for final site plan approval.

Parking and Loading

- A. *Applicable Law:* Article VI, Section 1.3 of the Kent County *Land Use Ordinance* establishes the parking standards for industrial uses based on 1 parking space per 2 employees in the principal shift.
- B. *Staff and TAC Comments:* The applicant's narrative states that the site will be un-manned and therefore have no permanent employees.

SITE PLAN REVIEW

- A. *Comprehensive Plan:* "Insure that all new development or redevelopment meets a high standard of planning, workmanship, and design." (Page 21)

"Coordinate project review with the incorporated towns." (Page 19)

"Require developers to work with a citizen's participation program." (Page 18)

- B. *Applicable Law:* Article VI, Section 5 of the Kent County *Land Use Ordinance* establishes the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both

- during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
 - j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

In addition, the applicant is to provide a narrative that addresses a Citizen Participation Plan and a report with the results.

C. Staff and TAC Comments:

- The proposal is consistent with many strategies and goals of the Comprehensive Plan.
- The State Highway Administration has no comments regarding this site plan.
- The State Highway administration (SHA) has no issues or concerns with County/town approval. MDOT SHA will require that a District permit be issued for the new proposed entrance.
- The applicant has noted that this area is removed from any interaction with the public; as such, all vehicular and pedestrian movements will be governed by the Company in strict compliance with workplace safety.
- Lighting detail has not been provided.
- Stormwater management and sediment control plans have been submitted. These plans must be approved prior to final site plan approval.
- The Health Department has approved this application.
- According to the applicant's narrative, the north, east, and west portions of the property are screened by existing vegetation and a six-foot privacy fence. However, the southern portion of the property, toward Morgnec Road, does not have existing screening.
- No new or additional signage is proposed at this time.
- A citizen participation plan will be required. The applicant's narrative states that Delmarva Power and Light Company's Public Relations Group will be responsible for this requirement.

STAFF RECOMMENDATION

In order to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items:

- Completed Citizen Participation Plan.
- Completed forest conservation plan.
- Sediment and erosion control and stormwater management plans must be approved by the District.
- Sureties for stormwater management and sediment and erosion control and forest conservation must be posted prior to final approval.

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ Amount Paid: _____ Date: 6-3-20

Project Name: Delmarva , Chestertown Substation Expansion

District: 4th Map: 37 Parcel: 82 & 85 Lot Size: 2.4 ac Deed Ref: 979/160 Zoning: C

LOCATION: 509 Morgnec Road, Chestertown, MD

PROPOSED USE: Electric Substation

OWNER OF LAND:

Name: Delmarva Power & Light Co Telephone: 302-454-4644

Address: Po Box 9239, Newark, DE 19714 Email: david.seay@delmarva.com

APPLICANT:

Name: Same Telephone: _____

Address: _____ Email: _____

AGENT/ATTORNEY (if any):

Name: N/A Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: Duffield Associates, Inc Telephone: 302-239-6634

Address: 5400 Limestone Road, Wilmington , DE 19808 Email: jfellows@duffnet.com

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: jfellows@duffnet.com

Water Supply: Public System On lot system No water required (N/A)

Sewerage: Public System On lot system No Sewage required (N/A)

TELEPHONE SERVICED BY: N/A

ELECTRIC SERVICED BY: Delmarva

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.


Signature of Applicant

6-1-20
Date

- Concept Plan Approving Authority: _____ Date _____
- Preliminary Approving Authority: _____ Date _____
- Final Approving Authority: _____ Date _____

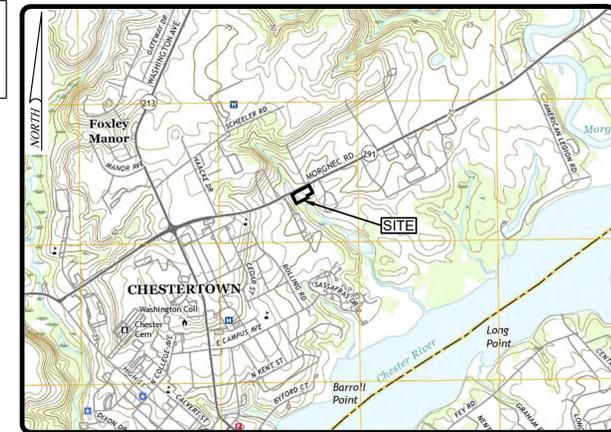
MAJOR SITE & CONSTRUCTION PLANS

FOR
"CHESTERTOWN SUBSTATION"
 DELMARVA POWER & LIGHT CO.
 TAX MAP 37, GRID 3E, PARCELS 82 & 85
 FOURTH ELECTION DISTRICT ~ KENT COUNTY ~ MARYLAND

C-COMMERCIAL ZONING DATA	
MINIMUM LOT SIZE:	N/A
MINIMUM LOT FRONTAGE:	100'
MINIMUM FRONT YARD SETBACK:	50'
MINIMUM SIDE & REAR YARD SETBACK:	30' (ADJACENT TO COMMERCIAL) 50' (OTHER ZONING DISTRICTS)



Know what's below.
 Call before you dig.

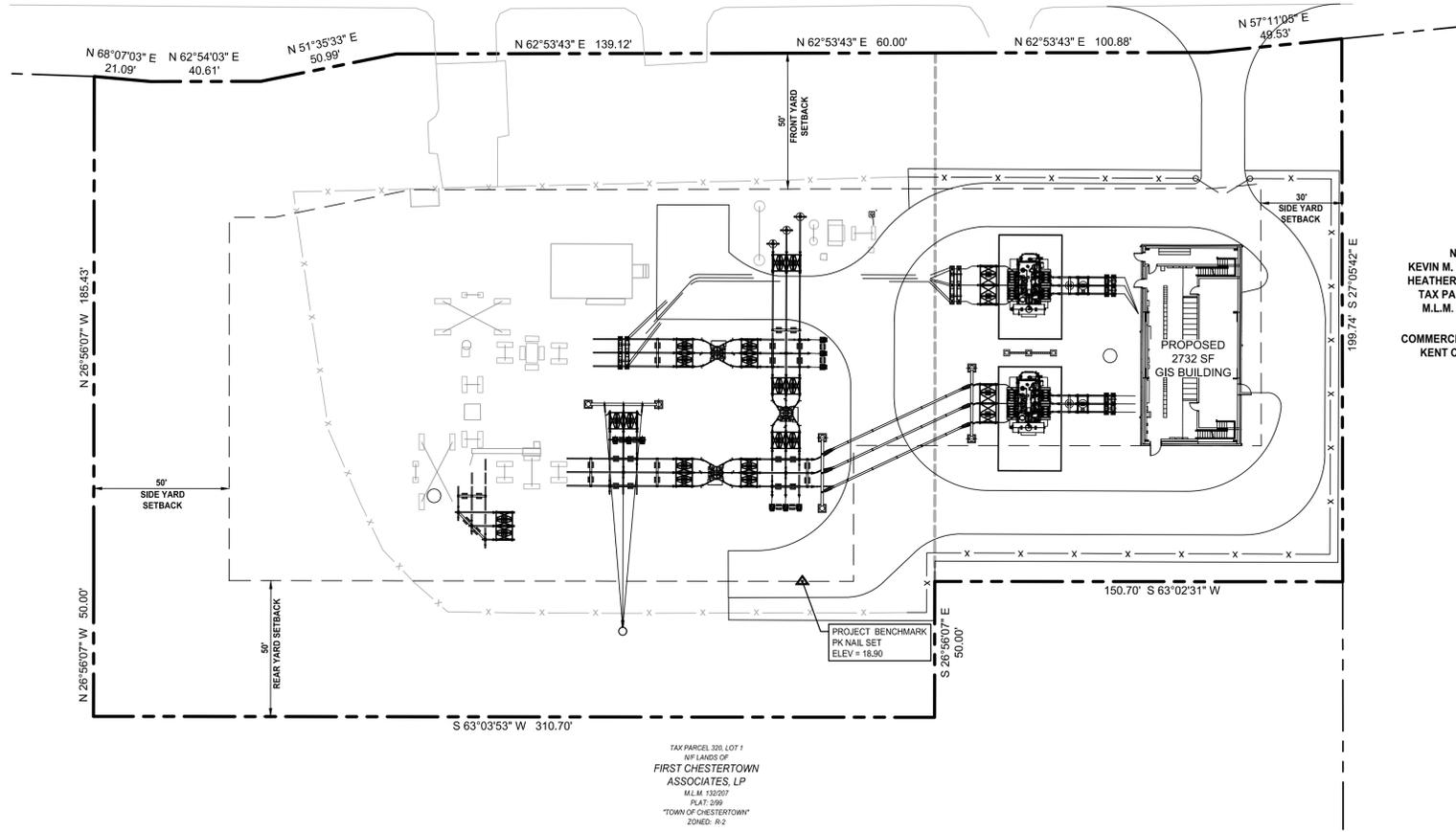


USGS QUAD MAP: CHESTERTOWN, MD 2017
LOCATION MAP
 SCALE: 1" = 2,000'

INDEX OF SHEETS:	
SHEET 1 - COVER SHEET	
SHEET 2 - EXISTING CONDITIONS & DEMOLITION PLAN	
SHEET 3 - PRE-BULK GRADING PLAN / SEDIMENT CONTROL PLAN	
SHEET 4 - SITE PLAN	
SHEET 5 - LINES & GRADES / STORMWATER MANAGEMENT PLAN	
SHEET 6 - LANDSCAPE PLAN	
SHEET 7 - EROSION & SEDIMENT CONTROL DETAILS	



MD. RTE. 291
 (MORGNEC ROAD)
 (VARIABLE WIDTH RIGHT-OF-WAY)



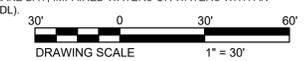
N/F
 KEVIN M. SHERTZ &
 HEATHER E. OLAND
 TAX PARCEL 83
 M.L.M. 766/430
 COMMERCIAL ZONING
 KENT COUNTY

SITE DATA:																											
1. TAX PARCEL NOS.:	TAX MAP 37, GRID 3E, PARCELS 82 & 85																										
2. OWNER/APPLICANT:	DELMARVA POWER & LIGHT CO. P.O. BOX 9239 NEWARK, DE 19714																										
3. SOURCES OF TITLE:	LIBER 25, FOLIO 28 & DEED REF. 979/160																										
4. SITE ADDRESS:	509 MORGNEC ROAD CHESTERTOWN, MD 21620																										
5. ENGINEER:	DUFFIELD ASSOCIATES, INC. 5400 LIMESTONE ROAD WILMINGTON, DE 19808																										
6. ZONING:	C (COMMERCIAL)																										
7. TOTAL ACREAGE:	2.40+ ACRES																										
8. TOTAL DISTURBED ACREAGE:	1.35+ ACRES																										
9. LOT COVERAGE:	56,642 SF - 1.30 ACRES - 54%																										
10. VERTICAL DATUM:	NAVD 88																										
11. BEARING REFERENCE SYSTEM:	MARYLAND STATE PLANE (NAD83)																										
12. SITE COVERAGE:	<table border="0"> <tr> <td>EXISTING CONDITIONS:</td> <td></td> </tr> <tr> <td>BUILDINGS & CONCRETE</td> <td>3036 SF - 0.07 ACRE - 3%</td> </tr> <tr> <td>GRAVEL</td> <td>37,920 SF - 0.87 ACRE - 36%</td> </tr> <tr> <td>GRASS</td> <td>63,588 SF - 1.46 ACRES - 61%</td> </tr> <tr> <td>TOTAL</td> <td>104,544 SF - 2.40 ACRES - 100%</td> </tr> <tr> <td>PROPOSED CONDITIONS:</td> <td></td> </tr> <tr> <td>BUILDINGS & CONCRETE</td> <td>3752 SF - 0.09 ACRE - 3%</td> </tr> <tr> <td>EXISTING GRAVEL TO REMAIN</td> <td>27,445 SF - 0.63 ACRE - 26%</td> </tr> <tr> <td>UNCOMPACTED GRAVEL</td> <td>11,938 SF - 0.27 ACRE - 12%</td> </tr> <tr> <td>COMPACTED GRAVEL</td> <td>7585 SF - 0.17 ACRE - 7%</td> </tr> <tr> <td>GEO-GRID</td> <td>5924 SF - 0.14 ACRE - 6%</td> </tr> <tr> <td>GRASS</td> <td>47,902 SF - 1.10 ACRES - 46%</td> </tr> <tr> <td>TOTAL</td> <td>104,544 SF - 2.40 ACRES - 100%</td> </tr> </table>	EXISTING CONDITIONS:		BUILDINGS & CONCRETE	3036 SF - 0.07 ACRE - 3%	GRAVEL	37,920 SF - 0.87 ACRE - 36%	GRASS	63,588 SF - 1.46 ACRES - 61%	TOTAL	104,544 SF - 2.40 ACRES - 100%	PROPOSED CONDITIONS:		BUILDINGS & CONCRETE	3752 SF - 0.09 ACRE - 3%	EXISTING GRAVEL TO REMAIN	27,445 SF - 0.63 ACRE - 26%	UNCOMPACTED GRAVEL	11,938 SF - 0.27 ACRE - 12%	COMPACTED GRAVEL	7585 SF - 0.17 ACRE - 7%	GEO-GRID	5924 SF - 0.14 ACRE - 6%	GRASS	47,902 SF - 1.10 ACRES - 46%	TOTAL	104,544 SF - 2.40 ACRES - 100%
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TOTAL	104,544 SF - 2.40 ACRES - 100%																										

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO SHOW THE CONSTRUCTION RELATED TO THE EXPANSION OF THE CHESTERTOWN SUBSTATION.
 - BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM SURVEYS FOR THE CHESTERTOWN SUBSTATION, IN FEBRUARY 2020 BY MCRONE.
 - NO DEBRIS IS TO BE BURIED ON THIS SITE.
 - PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 24029C-0281-D, EFFECTIVE DATE JUNE 9, 2014, THIS SITE LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD).
 - NO PARKING SPACES ARE PROPOSED FOR THIS SITE. NO PERMANENT EMPLOYEES ARE PROPOSED.
 - NO WATER OR SANITARY SEWER IMPROVEMENTS ARE PROPOSED.
 - IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGES MADE ON THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.
 - ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
 - AREAS INDICATED AS "OPEN UN-COMPACTED CLEAN GRAVEL" SHALL NOT BE COMPACTED OR DRIVEN ON DURING POST CONSTRUCTION.
 - SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 - THERE ARE NO RARE OR ENDANGERED SPECIES LOCATED ON THIS LOT.
 - THERE ARE NO HISTORIC STRUCTURES OR FEATURES LOCATED ON THIS LOT.

THE FOLLOWING ITEMS HAVE BEEN ADDRESSED TO MEET THE REQUIREMENTS OF THE GENERAL PERMIT FOR STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY (NPDES NUMBER MDR 10, STATE DISCHARGE PERMIT NUMBER 09GP).

- UTILIZATION OF ENVIRONMENTAL SITE DESIGN.
- MAINTENANCE OF LIMITS OF DISTURBANCE TO PROTECT NATURAL AREAS.
- CONTROL OF CONSTRUCTION EQUIPMENT AND VEHICLES.
- EVALUATION AND APPROPRIATE LIMITATION OF SITE CLEARING.
- EVALUATION AND DESIGNATION OF SITE AREA FOR PHASING OR SEQUENCING.
- IDENTIFICATION OF SOILS AT RISK FOR EROSION AND ADVANCED STABILIZATION TECHNIQUES TO BE USED.
- IDENTIFICATION OF STEEP SLOPES AND DESIGNATION OF LIMITATIONS ON CLEARING THEM.
- EVALUATION AND DESIGNATION OF STABILIZATION REQUIREMENTS AND TIME LIMITS AND PROTECTION MEASURES FOR DISCHARGES TO THE CHESAPEAKE BAY, IMPAIRED WATERS OR WATERS WITH AN ESTABLISHED TOTAL MAXIMUM DAILY LOAD (TMDL).



- SEQUENCE OF CONSTRUCTION:**
- NOTIFY THE KENT COUNTY SOIL AND WATER CONSERVATION DISTRICT FIVE (5) DAYS PRIOR TO COMMENCING CONSTRUCTION.
 - ARRANGE A PRE-CONSTRUCTION MEETING. NOTIFY MDE @ (410) 901-4020 AND KENT COUNTY DEPARTMENT OF PUBLIC WORKS @ (410) 778-3287 TWO WEEKS PRIOR TO START OF CONSTRUCTION.
 - REVIEW THE SITE PLAN AND LAYOUT. DISCUSS ANY PROBLEMS OR NECESSARY CHANGES.
 - OBTAIN NECESSARY APPROVALS FOR ANY PLAN CHANGES MADE.
 - REVIEW ALL MATERIALS AGAINST PLAN.
 - SITE LAYOUT.
 - REVIEW SITE LAYOUT FOR CONSISTENCY WITH THE PLAN.
 - PHYSICALLY MARK ANY AREAS NOT TO BE DISTURBED, SUCH AS LIMIT OF DISTURBANCE (LOD), PROPERTY LINES, ETC.
 - INSTALL THE STABILIZED CONSTRUCTION ENTRANCE, AS INDICATED ON THE PLAN. REFER TO THE STANDARD DETAIL FOR MINIMUM SPECIFICATIONS.
 - INSTALL SILT FENCE AND COMPOST FILTER LOG AS INDICATED ON THE PLAN. REFER TO THE STANDARD DETAIL FOR MINIMUM SPECIFICATIONS.
 - CONTACT E&S INSPECTOR TO ARRANGE FOR PERIMETER CONTROL INSPECTION, IF REQUIRED.
 - STRIP TOPSOIL, STOCKPILE AND STABILIZE.
 - ROUGH GRADE REMAINDER OF SITE AND INSTALL UNDERGROUND UTILITIES/GROUNDING GRID.
 - FINE GRADE AND INSTALL CONCRETE FOUNDATIONS AND PLACE GRAVEL SURFACES.
 - INSTALL CONTROL HOUSE AND PERIMETER FENCE AS SHOWN, REFER TO FENCE DETAIL.
 - FINE GRADE REMAINDER OF SITE. SEED AND STABILIZE ALL DISTURBED AREAS.
 - REMOVE ALL PAPER AND DEBRIS. TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES CAN BE REMOVED ONLY AFTER APPROVAL BY THE SITE INSPECTOR.

APPROVED - KENT COUNTY, DEPARTMENT OF PUBLIC WORKS

CHIEF OF ENGINEERING _____ DATE _____

DEVELOPERS CERTIFICATION

- I, HEREBY CERTIFY THAT ALL DEVELOPMENT AND/OR CONSTRUCTION SHALL BE DONE ACCORDING TO THIS PLAN OF EROSION AND SEDIMENT CONTROL.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGES MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.
- ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- THE DEVELOPER WILL PROVIDE THE DISTRICT ONE COPY OF A RED LINE AS-BUILT DRAWING OF EACH FACILITY REQUIRING A STATE POND PERMIT.

SIGNATURE _____ DATE _____

PRINTED NAME _____

REVIEWED FOR THE KENT SOIL & WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

APPROVED: _____ DATE _____

KENT SOIL & WATER CONSERVATION DISTRICT _____ DATE _____

NOTE: THE KENT SOIL & WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY, OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3 TO 1, AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

CERTIFICATION BY DEPARTMENT OF EMERGENCY SERVICES OFFICE OF THE FIRE MARSHAL

THIS IS TO CERTIFY THAT THIS MINOR SITE PLAN PLAN (MISP XXXXXXX) WAS APPROVED BY THE DEPARTMENT OF EMERGENCY SERVICES - OFFICE OF THE FIRE MARSHAL ON THE ____ DAY OF _____, 2020.

DEPUTY FIRE MARSHAL _____ DATE _____

CERTIFICATION BY DEPARTMENT OF PLANNING & ZONING

THIS IS TO CERTIFY THAT THIS MINOR SITE PLAN PLAN (XXXXXXXXXX) WAS APPROVED BY THE KENT COUNTY PLANNING DIRECTOR ON THE ____ DAY OF _____, 2020.

DIRECTOR OF PLANNING & ZONING _____ DATE _____

DESIGN CERTIFICATION

I HEREBY CERTIFY THAT ALL SEDIMENT AND EROSION CONTROL MEASURES SHOWN ON THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE 1994 MD STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL OR CURRENT REVISION THEREOF.

DESIGNER'S SIGNATURE _____ DATE _____

JOHN G. FELLOWS _____
 PRINTED NAME _____
 MD REGISTRATION NO. 3255
 P.E., R.L.S., OR (R.L.S.) (CIRCLE ONE)

DUFFIELD ASSOCIATES
 Soil, Water & the Environment
 5400 LIMESTONE ROAD
 WILMINGTON, DE 19808-1232
 TEL: 302.239.6634
 FAX: 302.239.8485
 OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
 WEB: HTTP://DUFFINET.COM
 E-MAIL: DUFFIELD@DUFFINET.COM

CHECKED BY:	FILE NAME:
DESIGNED BY:	12385CA-Const
DRAWN BY:	GAZ
JOHN G. FELLOWS, R.L.S.	
STATE: MARYLAND	
REL: 43255	

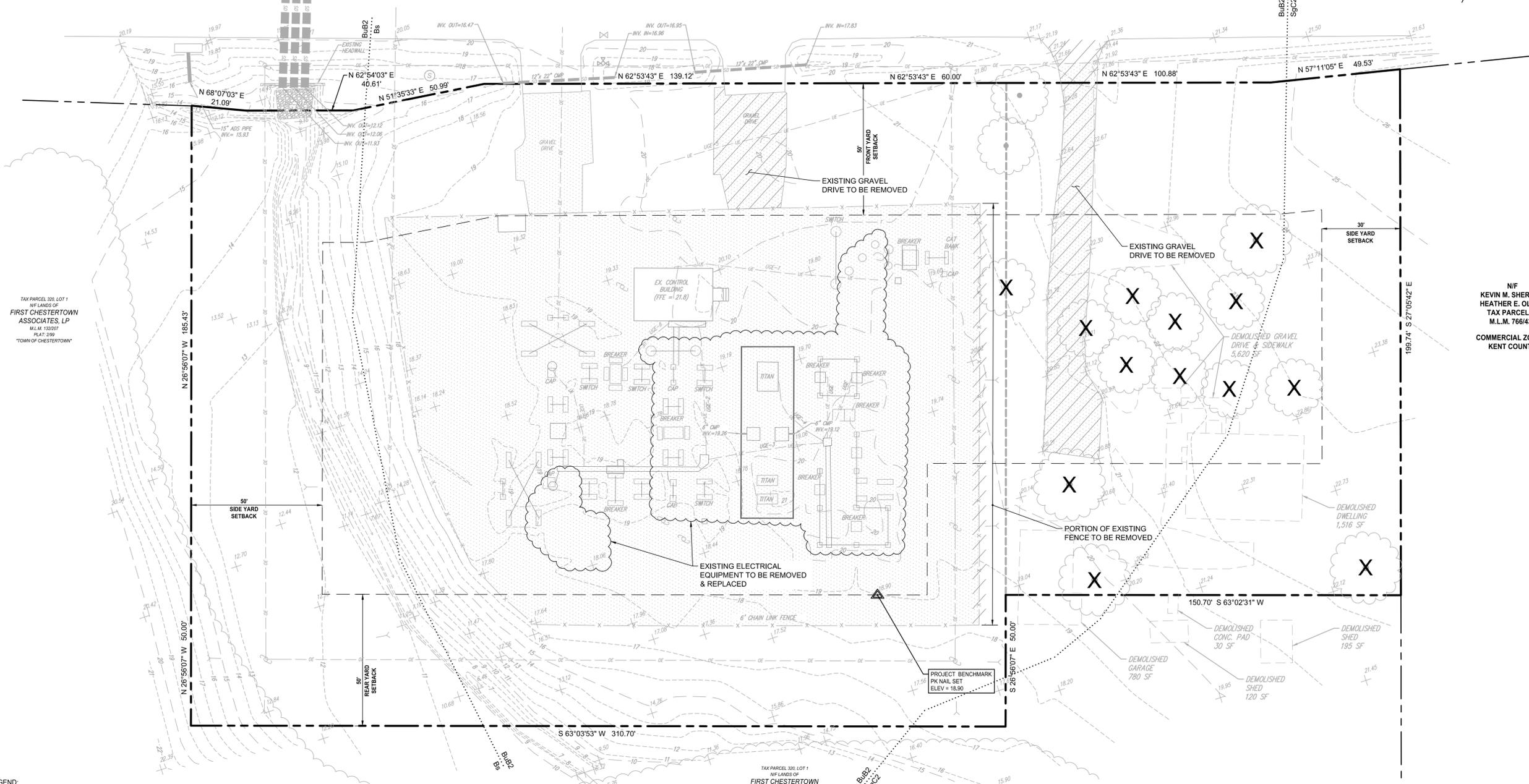
NO.	REVISION
	10% SUBMISSION NOT FOR CONSTRUCTION

OWNER: DELMARVA POWER & LIGHT CO.
 P.O. BOX 9239
 NEWARK, DE 19714

**MAJOR SITE & CONSTRUCTION PLANS
 COVER SHEET
 CHESTERTOWN SUBSTATION
 DELMARVA POWER & LIGHT CO.
 FOURTH ELECTION DISTRICT ~ KENT COUNTY ~ MARYLAND**

DATE: 30 APRIL 2020
 SCALE: 1" = 30'
 PROJECT NO. 12385.CA
 SHEET: 1 OF 7

MD. RTE. 291
(MORGNEC ROAD)
(VARIABLE WIDTH RIGHT-OF-WAY)



- LEGEND:**
- - - - - EXISTING CONTOUR
 - +9.74 EXISTING SPOT GRADE
 - - - - - EXISTING FENCE
 - - - - - EXISTING STORM PIPE
 - ⊙ EXISTING SANITARY MANHOLE
 - ⊙ EXISTING WOODS LINE
 - ⊙ EXISTING TREE
 - ⊗ EXISTING TREE TO BE REMOVED
 - ⋯ SOIL LINE
 - EXISTING DRAINAGE FLOW ARROW
 - ⊕ EXISTING UTILITY POLE WITH GUY WIRE
 - — — — — OVERHEAD ELECTRIC
 - — — — — UNDERGROUND ELECTRIC
 - — — — — UNDERGROUND TELEPHONE
 - ▨ EXISTING GRAVEL SURFACE
 - ▨ EXISTING GRAVEL TO BE REMOVED
 - ▨ S.C.E. STABILIZED CONSTRUCTION ENTRANCE
 - SF SILT FENCE
 - CFL COMPOST FILTER LOG
 - LOD LIMIT OF DISTURBANCE

SOILS:
Bs: BIBB SILT LOAM, HYDROLOGIC SOIL GROUP B/D
Bub2: BUTLERTOWN-MATTAPEX SILT LOAMS, 2-5% SLOPES, MODERATELY ERODED, HYDROLOGIC SOIL GROUP C
SgC2: SASSAFRAS GRAVELLY LOAM, 5-10% SLOPES, MODERATELY ERODED, HYDROLOGIC SOIL GROUP B

DEMOLITION NOTE:
THIS SITE CONTAINS A DWELLING, GARAGE, SHED AND A PORTION OF THE GRAVEL DRIVE THAT WERE DEMOLISHED IN ACCORDANCE WITH THE DEMOLITION PLAN, 511 MORGNEC ROAD, PREPARED BY DUFFIELD ASSOCIATES, LAST DATED JANUARY 16, 2019.



TAX PARCEL 300, LOT 1
N/F LANDS OF
FIRST CHESTERTOWN
ASSOCIATES, LP
M.L.M. 132007
PLAT 299
TOWN OF CHESTERTOWN

TAX PARCEL 300, LOT 1
N/F LANDS OF
FIRST CHESTERTOWN
ASSOCIATES, LP
M.L.M. 132007
PLAT 299
TOWN OF CHESTERTOWN
ZONED: R-2

N/F
KEVIN M. SHERTZ &
HEATHER E. OLAND
TAX PARCEL 83
M.L.M. 7661430
COMMERCIAL ZONING
KENT COUNTY

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX: 302.239.8485
OFFICES IN DELAWARE, MARYLAND,
PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFINET.COM
E-MAIL: DUFFIELD@DUFFINET.COM

CHECKED BY:	FILE NAME:
DESIGNED BY:	12385CA-Cons
DRAWN BY:	GAZ
DATE:	JOHN G. FELLOWS, R.L.A.

NO.	REVISION	DATE
1	10% SUBMISSION	
2	NOT FOR CONSTRUCTION	

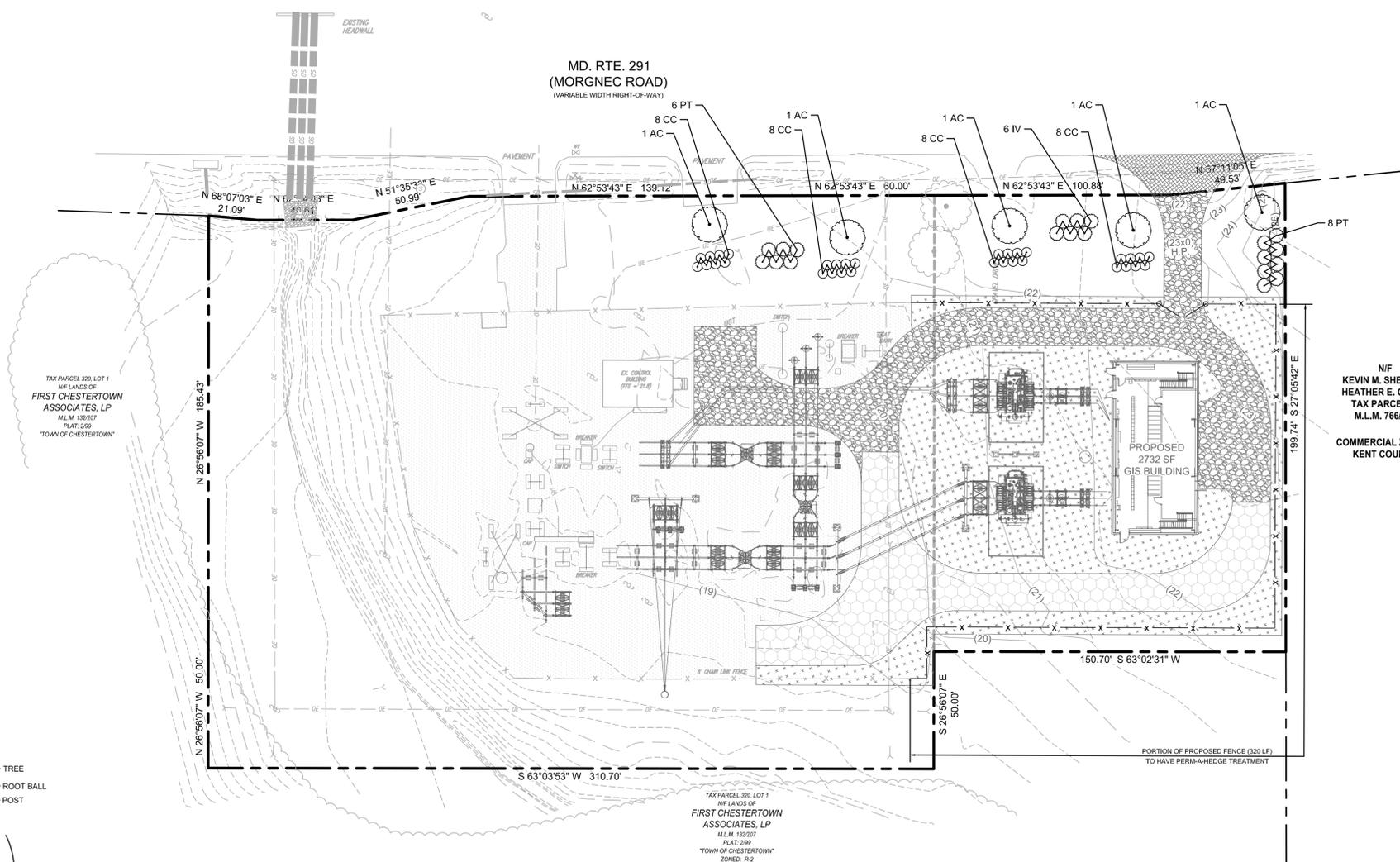
OWNER: DELMARVA POWER & LIGHT CO.
P.O. BOX 9239
NEWARK, DE 19714

MAJOR SITE & CONSTRUCTION PLANS
EXISTING CONDITIONS & DEMOLITION PLAN
CHESTERTOWN SUBSTATION
DELMARVA POWER & LIGHT CO.
FOURTH ELECTION DISTRICT ~ KENT COUNTY ~ MARYLAND

DATE: 30 APRIL 2020
SCALE: 1" = 20'
PROJECT NO. 12385.CA
SHEET: 2 OF 7

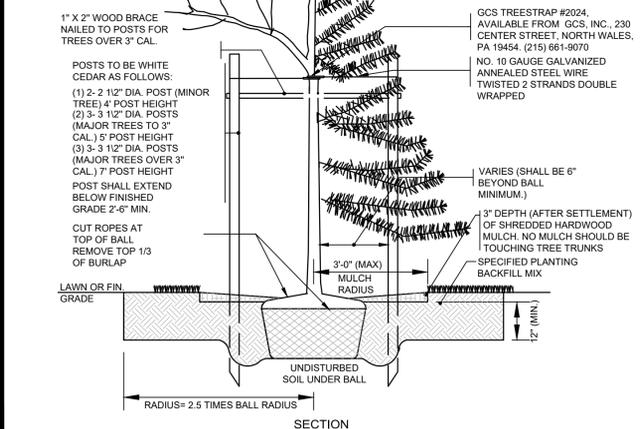
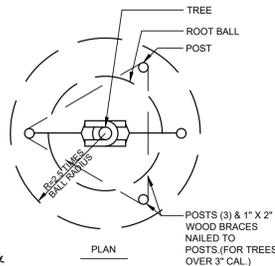
PLANT LIST

Key	Quan	Botanical Name	Common Name	Size	Root
AC	5	ACER CAMPESTRE	HEDGE MAPLE	2 1/2" CAL.	B&B
CC	32	CUSPIDATA CAPITALATA	YEW	18-24" Ht.	CONT.
IV	6	ILEX VERTICALLATA	WINTERBERRY	18-24" Ht.	CONT.
PT	14	PINUS THUNBERGII	JAPANESE BLACK PINE	5-6" Ht.	B&B

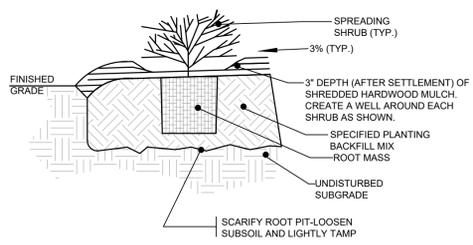


N/F
KEVIN M. SHERTZ &
HEATHER E. OLAND
TAX PARCEL 83
M.L.M. 766/430
COMMERCIAL ZONING
KENT COUNTY

PLANTING NOTES:
1. CROWN OF ROOT BALL SHALL BEAR SAME RELATION (OR SLIGHTLY ABOVE) TO FINISHED GRADE AS IT BORE TO PREVIOUS GRADE.
2. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOT BALL WHEN INSTALLING TREE SUPPORT POSTS.
3. REMOVE HOSE AND POST AT END OF GUARANTEE PERIOD (OR NO LONGER THAN 12 MONTHS).
4. CONTRACTOR TO PROVIDE PROTECTION AGAINST DEER RUB/RUT WHICH IS NOT DIRECTLY ATTACHED TO TRUNK. (AS APPROVED)



TREE PLANTING DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
SCALE: NOT TO SCALE



DETAIL: PERMA HEDGE
SCALE: NOT TO SCALE

LEGEND:

	EXISTING CONTOUR
	EXISTING SPOT GRADE
	EXISTING FENCE
	EXISTING STORM PIPE
	EXISTING SANITARY MANHOLE
	EXISTING WOODS LINE
	EXISTING TREE
	SOIL LINE
	EXISTING DRAINAGE FLOW ARROW
	EXISTING UTILITY POLE WITH GUY WIRE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	UNDERGROUND TELEPHONE
	EXISTING GRAVEL SURFACE



DUFFIELD ASSOCIATES
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OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFINET.COM
E-MAIL: DUFFIELD@DUFFINET.COM

CHECKED BY:	FILE NAME:
DESIGNED BY:	12385CA-Cont
DRAWN BY:	GAZ
DATE:	JOHN G. FELLOWS, R.L.A.

NO.	REVISION
1	10% SUBMISSION
2	NOT FOR CONSTRUCTION

OWNER: DELMARVA POWER & LIGHT CO.
P.O. BOX 9239
NEWARK, DE 19714

MAJOR SITE & CONSTRUCTION PLANS
LANDSCAPE PLAN
CHESTERTOWN SUBSTATION
DELMARVA POWER & LIGHT CO.
FOURTH ELECTION DISTRICT ~ KENT COUNTY ~ MARYLAND

DATE: 30 APRIL 2020
SCALE: 1" = 30'
PROJECT NO. 12385.CA
SHEET: 6 OF 7

GENERAL SEDIMENT AND EROSION CONTROL NOTES:

- NOTIFICATION OF KENT COUNTY SEDIMENT AND EROSION CONTROL INSPECTOR AT 410-778-7437 AT LEAST FIVE (5) DAYS PRIOR TO THE START OF WORK.
- PRIOR TO THE START OF WORK, THE CONTRACTOR IS TO OBTAIN COUNTY APPROVAL OF ANY PROPOSED CHANGES AND SEQUENCE OF CONSTRUCTION, SPECIFICALLY RELATING TO INSTALLATION, INSPECTION, MAINTENANCE AND REMOVAL OF EROSION AND SEDIMENT CONTROL MEASURES.
- SEDIMENT CONTROL MEASURES ARE NOT TO BE REMOVED UNTIL THE AREAS SERVED HAVE ESTABLISHED VEGETATIVE COVER, OR WITH THE PERMISSION OF THE COUNTY SEDIMENT CONTROL INSPECTOR.
- WHEN PUMPING SEDIMENT-LADEN WATER, THE DISCHARGE MUST BE DIRECTED TO APPROVED SEDIMENT TRAPPING MEASURE PRIOR TO RELEASE FROM THE SITE.
- ALL TEMPORARY STOCKPILES ARE TO BE LOCATED WITHIN AREAS PROTECTED BY SEDIMENT CONTROL MEASURES, AND ARE TO BE TEMPORARILY STABILIZED.
- ALL SEDIMENT CONTROL DIKES, SWALES, BASINS AND FLOW LINES TO BASINS WILL BE TEMPORARILY SEEDED IMMEDIATELY UPON INSTALLATION TO REDUCE THE CONTRIBUTION TO SEDIMENT LOADING.
- DISPOSAL OF EXCESS EARTH MATERIALS ON STATE OR FEDERAL PROPERTY REQUIRES MDE APPROVAL. OTHERWISE MATERIALS ARE TO BE DISPOSED OF AT A LOCATION APPROVED BY THE LOCAL AUTHORITY.
- TEMPORARY SOIL EROSION CONTROL AND SEDIMENT CONTROL MEASURES ARE TO BE PROVIDED AS PER THE APPROVED PLAN PRIOR TO GRADING OPERATION. LOCATION ADJUSTMENTS ARE TO BE MADE IN THE FIELD AS NECESSARY. THE MINIMUM AREA PRACTICAL SHALL BE DISTURBED FOR THE MINIMUM POSSIBLE TIME.
- IF GRADING IS COMPLETED OUT OF SEEDING SEASON, GRADED AREAS ARE TO BE TEMPORARILY STABILIZED BY MULCH AND MULCH ANCHORING. MULCH MATERIAL SHALL BE UN-WEATHERED, UN-CHOPPED SMALL GRAIN STRAW SPREAD AT THE RATE OF 1 1/2 TO 2 TONS PER ACRE. MULCH ANCHORING TO BE ACCOMPLISHED BY AN APPROVED METHOD, USE OF A MULCH ANCHORING TOOL IS RECOMMENDED WHERE POSSIBLE.
- IMPLEMENTATION OF THE SEDIMENT CONTROL PLAN SHALL BE IN ACCORDANCE WITH THE "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL", OF THE DEPARTMENT OF THE ENVIRONMENT.
- THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTATION AND MAINTENANCE OF THE APPROVED PLAN, AND ALL OTHER MEASURES NECESSARY TO CONTROL, FILTER, OR PREVENT SEDIMENT FROM LEAVING THE SITE.
- IN CASES WHERE STORMWATER MANAGEMENT STRUCTURES ARE A PART OF SITE DEVELOPMENT, REMOVAL OF SEDIMENT CONTROL MAY NOT BE ACCOMPLISHED BEFORE THE CONTRIBUTING AREA TO THE STORMWATER MANAGEMENT STRUCTURE IS STABILIZED.
- ON SITES WHERE INFILTRATION TECHNIQUES ARE UTILIZED FOR THE CONTROL OF STORMWATER, EXTREME CARE MUST BE TAKEN TO PREVENT ALL RUNOFF FROM ENTERING THE STRUCTURE DURING CONSTRUCTION.
- SEDIMENT CONTROL FOR UTILITY CONSTRUCTION IN AREAS OUTSIDE OF DESIGNED CONTROLS:
 - EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
 - IMMEDIATELY FOLLOWING PIPE INSTALLATION THE TRENCH SHALL BE BACKFILLED, COMPACTED AND STABILIZED AT THE END OF EACH WORKING DAY.
 - TEMPORARY SILT FENCE OR STRAW BALE DIKES SHALL BE PLACED IMMEDIATELY DOWNSTREAM OF ANY DISTURBED AREA INTENDED TO REMAIN DISTURBED LONGER THAN ONE WORKING DAY.
- ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE PROTECTED TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS.

EROSION AND SEDIMENT CONTROL STANDARDS AND SPECIFICATIONS FOR VEGETATIVE STABILIZATION

- Contractor shall install soil erosion and sediment control devices prior to any grading. Following initial disturbance or re-disturbance, permanent or temporary stabilization shall be completed within three (3) calendar days to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes greater than three (3) horizontal to one (1) vertical (3:1) and seven (7) days to all other disturbed or graded areas on the project site not under active grading.
- All temporary erosion and sediment control devices are to be provided as indicated on this plan, with location adjustments to be made in the field as necessary, and to be maintained at the end of each working day until project completion. The minimum area practical shall be disturbed for the minimal amount of time possible.
- Clearing and grubbing shall include all trees, brush, debris, root mat and organic materials to be removed.
- Temporary seeding shall be accomplished between February 15th through April 30th, or August 15th through November 30th. During other times, temporary mulching shall be provided.
- Temporary seeding shall conform to the following applications: 436 lbs. per acre of 10-20-20; 4,000 lbs. per acre of ground limestone, to be incorporated into the soil by disking or other suitable means. Annual ryegrass shall be applied at a rate of 50 lbs. per acre using suitable equipment. Mulching shall be accomplished immediately after seeding.

Seed Mixture (For Hardiness Zone 7a) (From Table B.1)					Fertilizer Rate (10-20-20)	Lime Rate
No.	Species	Appl. Rate (lbs./ac.)	Seeding Dates	Seeding Depths		
	ANNUAL RYEGRASS	50#	3/15 - 4/30 8/15 - 1/30	1/2"	436 lb/ac 10 lb/1000 sf	2 tons/ac 50 lb/1000 sf
	BARLEY	66#	2/15 - 4/30 / 8/15 - 1/30	1"		
	OATS	79#	2/15 - 4/30 / 8/15 - 1/30	1"		
	WHEAT	128#	2/15 - 4/30 / 8/15 - 1/30	1"		
	CERIAL RYE	113#	2/15 - 4/30 / 8/15 - 1/30	1"		
	FOXTAIL MILLET	20#	8/15 - 12/15	1/2"		
	PEARL MILLET	20#	8/15 - 12/15	1/2"		

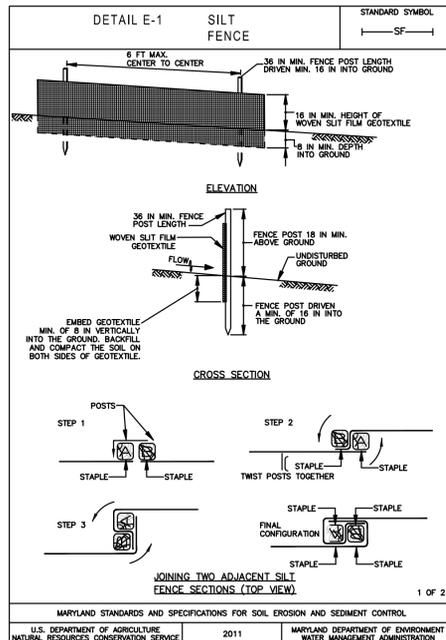
- Mulching shall be unchopped, unrotted, small grain straw applied at a rate of 2-2 1/2 tons per acre. Anchor mulch with a mulch anchoring tool on the contour. Wood cellulose fiber may be used for anchoring straw at a rate of 750 lbs. per acre mixed with water at a maximum of 50 lbs. of wood cellulose fiber per 100 gals. of water, or with a synthetic liquid binder according to manufacturer recommendations. Wood cellulose fiber used as mulch must be applied at a net dry weight of 1,500 lbs. per acre. Mix wood cellulose fiber with water to attain a mixture with a maximum of 50 lbs. of wood cellulose fiber per 100 gals. of water. Permanent seeding shall be accomplished between March 1st through May 15th, or August 15th through October 15th. Permanent seeding at other than specified times will be allowed only upon written approval. Permanent seeding shall conform to the following applications: Permanent seeding for sites having disturbed over five (5) acres shall use fertilizer rates recommended by a soil testing agency and the recommendations provided in the Permanent Seeding Summary Table. Permanent seeding for conditions other than listed above shall be performed at the rates and dates as provided in the Permanent Seeding Summary Table below. Fertilizer and lime amendments shall be incorporated into the top 3"-5" of the soil by disking or other suitable means. Mulching shall be accomplished as discussed in Item #6 of these specifications.

Seed Mixture (For Hardiness Zone 7a) (From Table B.1)					Fertilizer Rate (10-20-20)			Lime Rate
No.	Species	Appl. Rate (lbs./ac.)	Seeding Dates	Seeding Depths	N	P2O5	K2O	
7	CRESSING RED FESCUE KENTUCKY BLUEGRASS	80# 15#	3/1-8/15 8/15-12/15	1/2"-1/4"	45 lb/ac 1 lb/1000 sf	90 lb/ac 2 lb/1000 sf	90 lb/ac 2 lb/1000 sf	2 tons/ac 50 lb/1000 sf
8	TALL FESCUE	100#	3/1-8/15 8/15-12/15	1/2"-1/4"				
9	TALL FESCUE KENTUCKY BLUEGRASS PERENNIAL RYEGRASS	80# 40# 20#	3/1-8/15 8/15-12/15	1/2"-1/4"				

- Any spoil or borrow will be placed at a site approved by the Soil Conservation District.
- All areas remaining or intended to remain disturbed for longer than seven (7) days, shall be stabilized in accordance with the USDA, Natural Resources Conservation Service Standards and Specifications for Soil Erosion and Sediment Control in developing areas for critical area stabilization.
- It will be the responsibility of the Contractor or Subcontractor to notify the Engineer of any deviation from this plan. Any change made in this plan without written authorization from the Engineer will place responsibility of said change on the Contractor or Subcontractor.

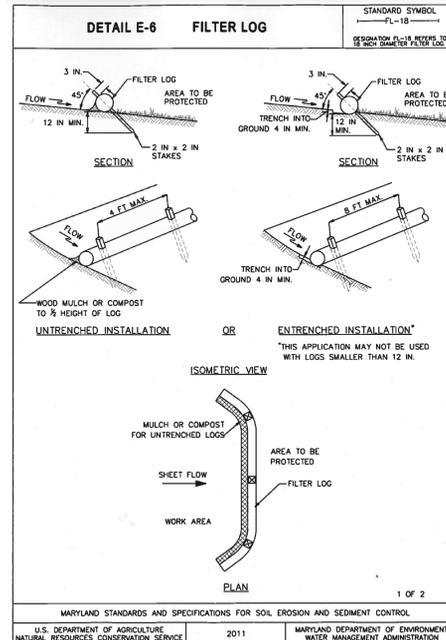
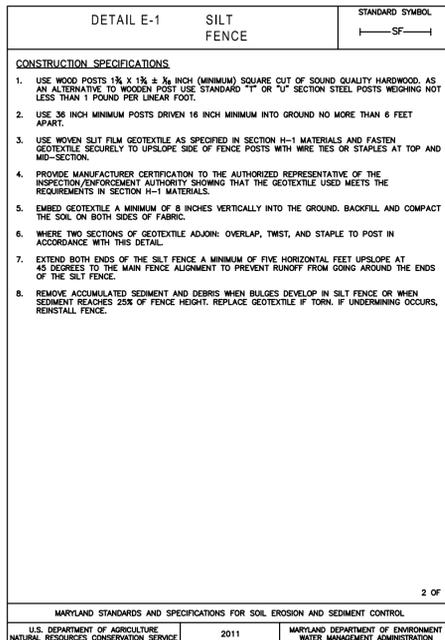
DETAIL: VEGETATIVE STABILIZATION

SCALE: NO SCALE



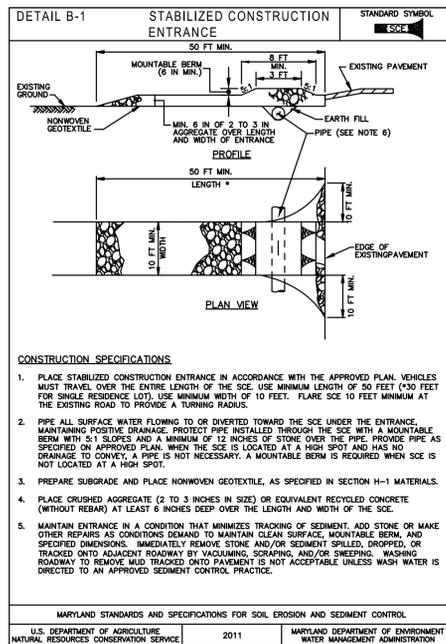
DETAIL: SILT FENCE

SCALE: NO SCALE



DETAIL: COMPOST FILTER LOG

SCALE: NO SCALE



DETAIL: STABILIZED CONSTRUCTION ENTRANCE

SCALE: NO SCALE

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX: 302.239.8485

OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFIELD.COM
E-MAIL: DUFFIELD@DUFFIELD.COM

CHECKED BY: []
DESIGNED BY: []
DRAWN BY: []
DATE: []

FILE NAME: 12385A-Cont
DRAWN BY: GAZ
JOHN G. FELLOWS, R.L.A.

STATE: MARYLAND
REL: 4325

10% SUBMISSION NOT FOR CONSTRUCTION

OWNER: DELMARVA POWER & LIGHT CO.
P.O. BOX 9239
NEWARK, DE 19714

MAJOR SITE & CONSTRUCTION PLANS
E & S NOTES AND DETAILS
CHESTERTOWN SUBSTATION
DELMARVA POWER & LIGHT CO.
FOURTH ELECTION DISTRICT ~ KENT COUNTY ~ MARYLAND

DATE: 30 APRIL 2020
SCALE: AS NOTED
PROJECT NO. 12385.CA
SHEET: 7 OF 7

June 1, 2020

Kent County Department of Planning & Zoning
400 High Street
Chesertown, MD 21620

RE: Project No. 12385.CA
Delmarva Power & Light Co.
Chesertown Substation
Project Narrative

Overview

Delmarva Power & Light Company is proposing to expand the existing substation located at 509 Morgnec Road, Chestertown, MD, Tax map 37, Parcel 82 to the recently purchased adjacent parcel located at 511 Morgnec Road, Chestertown, MD, tax map 37, Parcel 85. The proposed expansion will include an expanded fenced gravel area containing a control building, electric transformers and other electric distribution equipment. One access drive to the existing portion of the substation is to remain and one access drive is to be removed. The existing drive for the previous house (previously demolished) will be removed and a new access drive to the substation expansion area is proposed. State Highway Administration approval is required for this new driveway access.

Owner

Delmarva Power and Light Company
Po Box 9239
Newark, DE 19714-9239
302-454-4644

Site Information

Lot area parcel 82 = 1.72 ac
Lot area parcel 85 = 0.68 ac
Total combine lot area = 2.4 ac
Zoning = C Commercial

Current Use

Parcel 82 is currently an electrical substation
Parcel 85 is currently vacant

Views

North – obstructed by vegetation
South (Morgnec Road) unobstructed
East - obstructed by vegetation

West - obstructed by 6 foot privacy fence.

Compliance with Comprehensive Plan

Based on review of the comprehensive plan the site is located in the Non-Priority Preservation Area and is located in the Designated Growth Area. The site is zoned Commercial and is consistent with the zoning.

Water Sewer

The site will be un-manned and therefore there is no need for water and sewer.

Employees

The site will be un-manned and therefore there are no permanent employees. There will be routine maintenance activities which may result in a vehicle with employees occupying the site once a week.

Schedule

Planning, permits and approval by the fall of 2020.
Construction between winter of 2020 and fall of 2021.

Ownership and Maintenance

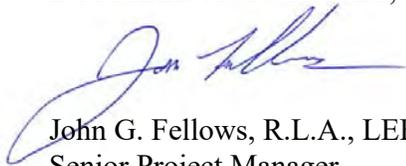
The ownership and maintenance of the future improvements will be Delmarva Power and Light Company.

Citizen Participation

Delmarva Power and Light Company Public Relations Group will be responsible for citizen participation.

Very truly yours,

DUFFIELD ASSOCIATES, INC.



John G. Fellows, R.L.A., LEED AP
Senior Project Manager



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Stephanie Jones, Environmental Planner
Meeting: June 22, 2020
Subject: Dixie Land Energy Concept Site Plan Review and Sides and Rear Yard Setback Variance

EXECUTIVE SUMMARY

Request by Applicant

Dixie Land Energy is requesting conceptual 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.

Public Process

Per the Kent County Land Use Ordinance Article V, Section 15.2 any permitted principal uses and structures within the Industrial Zoning District require a site plan review.

Per the Kent County Land Use Ordinance Article V, Section 15.5 the required side yard setback for an industrial zoned property adjacent to the village zoning requires a 100-foot setback. Article IX Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear) requirements.

Summary of Staff Report

The vacant 1.17 acre property is located along the east side of Maryland Route 299 on the north side of Massey (Tax Map 24, Parcel 68). This parcel is zoned Industrial, but surrounded to the north, east, and south by industrial uses (rail line, operating mill, and fertilizer facilities) on lands zoned Village. Residential properties within Massey are separated from this parcel by the rail line.

The applicant has addressed requirements for concept site plan review and should address the Planning Commission's concerns and question before proceeding with preliminary site plan review. The applicant has addressed the variance standards and should proceed to the July 20, 2020 Board of Appeal meeting.

Recommendation

Staff recommends that the Planning Commission review and comment on the concept site plan proposal for consistency with the Kent County Land Use Ordinance and Comprehensive Plan (please see staff and TAC comments). Staff recommends approval of an 85-foot variance from the required 100-foot setback to both sides and further recommends that the rear yard setback be the minimum necessary to ensure safe areas for parking and truck turning.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Dixie Land Energy
Conceptual Site Plan Review
Side and Rear Yard Setback Variances
DATE: June 22, 2020

DESCRIPTION OF PROPOSAL

Dixie Land Energy is requesting conceptual 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. The entrance to the facility shall be concrete and the remainder compact asphalt millings within the entire fenced in area.

The property is located along the east side of Maryland Route 299 on the north side of Massey (Tax Map 24, Parcel 68). This parcel is zoned Industrial, but surrounded to the north, east, and south by Village zoning with industrial uses currently on these properties including an existing rail line, operating mill, and fertilizer facilities. Residential properties within Massey are separated from this parcel by the rail line. The 1.17-acre parcel is currently vacant with some trees to the south side and a gravel turn around area that will be removed.

SETBACK VARIANCE

RELEVANT ISSUES

I. Density, Height, Width, Bulk, and Fence Requirements

- A. *Comprehensive Plan*: “Insure that all new development or redevelopment meets a high standard for planning, workmanship, and design.” (Page 31)
- B. *Applicable Law*: Article V, Section 15.5 of the Kent County Land Use Ordinance establishes the Density, Height, Width, Bulk, and Fence Requirements as follows for the Industrial Zoning District.

Minimum yard

- Front
- Existing Primary road 100 feet³
- Side and Rear
- Adjacent to EC, I, ICA-LDA, & ICA 15 feet 15 feet
- Adjacent to V, RR, CAR 100 feet³

- B. *Staff and TAC Comments*: According to the official Zoning Map, this parcel is zoned Industrial and the parcels to the north and east (Map 16, Parcel 51) and south (rail line) are zoned Village. When adjacent to Village zoning, the side and rear setback is 100 feet. In addition, the required yard shall be landscaped and screened and shall be unoccupied by buildings, structures, or parking area.

The site plan does not indicate the exact setbacks of the proposed tanks to the property lines, however, the applicant is proposing to locate the parking and truck turnaround area within 15 feet of the side property lines. A variance of 85 feet is requested from both sides and the rear.

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Planning Director, or the Planning Director's designee, must find all the following:

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
 - b. That the *variance* will not change the character of the neighborhood or district.
 - c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
 - d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
 - e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
 - g. In considering an application for a *variance*, the Board shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
 - i. The Board may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.
- B. *Staff and TAC Comments*: The variance will not cause a substantial detriment to adjacent or neighboring properties or change the character of the neighborhood. The location for which the storage and distribution facility will be located is surrounded by existing industrial uses including a storage area, grain mill, railroad, and multiple agricultural fertilizer businesses. The storage and distribution of fuel oil and propane will blend with the surrounding landscape. The village and residential area of Massey does not extend north of the rail line and farther to the north of the industrial area is agricultural land.

The variance is consistent with the intent of the Land Use Ordinance and Comprehensive Plan. The Comprehensive Plan supports new businesses and the Ordinance only requires a 15-foot setback for Industrial zoned properties that are adjacent to other Industrial zoned properties. A 15-foot setback is reasonable at this location due the surrounding land uses.

The practical difficulty was caused by the overall size and shape of the existing lot. From the north, east, and south a 100-foot setback is required due to the zoning of the adjacent properties. The area remaining after applying the required setbacks is very minimal and not able to be utilized in an industrial manner.

The practical difficulty was not caused by the applicant’s own actions. This property is zoned for an industrial use. If required to meet the 100-foot setbacks it would be very impractical for an industrial use to be developed on this property. The surrounding properties that are zoned village are used in an industrial manner.

The proposed use is reasonable for this parcel. No actions or construction has begun, and the applicant has applied for a concept site plan review.

The concept site plan indicates that the required afforestation area will be located on the rear of the property. The proposed 15-foot rear setback falls within the afforestation area. The variance should only be the minimum necessary to ensure safe areas for parking and truck turning.

STAFF RECOMMENDATION

Staff recommends approval of an 85-foot variance from the required 100-foot setback to the north and south side yards of this parcel to construct a liquid propane and fuel oil storage and distribution facility. Staff also further recommends that the variance for the rear setback be the minimum necessary to ensure safe areas for parking and truck turning.

CONCEPT SITE PLAN

GENERAL STANDARDS

I. Permitted and Accessory Uses

- A. *Comprehensive Plan*: “Expand and provide more diversity in the size, number, and type of businesses.” (Page 10)
- B. *Applicable Law*: Article V, Section 15.2 of the Kent County *Land Use Ordinance* establishes a site plan review requirement for all permitted principal uses and structures in the Industrial District.
- C. *Staff and TAC Comments*: The proposal consists of two above ground proposed liquid propane tanks and fuel oil storage tanks surrounded by asphalt millings for access and a chain link fence with gate. The tanks will be located above ground. The applicant has not indicated the size (gallons), height, or dimensions of the structures.

II. Density, Height, Width, Bulk, and Fence Requirements

- A. *Comprehensive Plan*: “Insure that all new development or redevelopment meets a high standard for planning, workmanship, and design.” (Page 31)
- B. *Applicable Law*: Article V, Section 15.5 of the Kent County Land Use Ordinance establishes the Density, Height, Width, Bulk, and Fence Requirements as follows for the Industrial Zoning District.

	<u>Standard</u>
Minimum yard	
- Front	
- Existing Primary road	100 feet ³
- Side and Rear	
- Adjacent to EC, I, ICA-LDA, & ICA 15 feet	15 feet
- Adjacent to V, RR, CAR	100 feet ³
Height	

- Industrial structure 45 feet
- Fence
- Security 8 feet

Staff and TAC Comments: A variance is required to construct within the 100-foot required setback.

Dimensions of the tanks have not been provided at this time. Pictures of similar tanks have been submitted, but dimensions will need to be provided. The narrative states that empty tanks to be installed at customer locations will be stored on-site. This location should be shown on the site plan and approved by the Planning Commission.

The fence is proposed to be 8 feet tall and will meet the required fence height requirement.

III. Industrial Performance Standards

- A. *Comprehensive Plan:* “Insure that future development, redevelopment, and infill is completed in an environmentally and context sensitive manner.” (Page 31)
- B. *Applicable Law:* Article V, Section 15.6 of the Kent County *Land Use Ordinance* establishes the Industrial Performance Standards. These performance standards address noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odor with compliance certified in an engineer’s report. Section 15.6.11 requires that each future occupant as a part of final site plan review submit a certified engineer’s report describing the proposed operation, processes, by products, and emissions.
- C. *Staff and TAC Comments:* The applicant has adequately addressed the performance standards in the narrative submitted with the application, as well as the certified engineer’s report. The report and narrative notes that activity associated with the storage and distribution facility will not generate excessive noise. Noise coming from the site will include tractor trailers and delivery trucks that will frequent the site. The surrounding uses already generate and utilize this same form of transportation. The report also states that the proposed activity will not generate excessive glare or air pollution. Water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, odorous matter will not be generated on this site.

IV. Industrial General Standards

- A. *Comprehensive Plan:* “Implement the County’s Comprehensive Water and Sewer Plan.” (Page 60)
- B. *Applicable Law:* Article V, Section 15.7 of the Kent County *Land Use Ordinance* establishes the Industrial General Standards (applicable standards noted as follows):
 - 1. As a part of the site plan review, the applicant shall submit a statement that includes an explanation of the following:
 - a. The type of raw materials, waste products, and other by-products associated with the process.
 - b. The identity of all chemicals and solids to be discharged into the sewage system.
 - c. The type and amount of traffic expected to be generated by the operation.
 - d. The proposed hours of operation.
 - e. The proposed architectural design (graphic or narrative) of all structures.
 - 4. Central water and sewer systems may be required by the Planning Commission in an Industrial District. If a public system is available, use of such system shall be mandatory.

5. Signs in industrial areas shall be permitted in accordance with the regulations contained in Article VI, Section 2 of the *Land Use Ordinance*.
6. Minimum off-street parking and loading spaces shall be required of each use in an Industrial District in accordance with the regulations contained in Article VI, Section 1 of the *Land Use Ordinance*.
7. In so far as possible, all uses shall be conducted within a completely enclosed structure or be completely screened. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street and adjacent uses.

C. *Staff and TAC Comments:*

- The narrative does not specifically address raw materials, waste products, and other by-products. The narrative does indicate that liquid propane and fuel oil will be stored onsite along with empty tanks for customers.
- With respect to traffic, the applicant has noted that access will be from Maryland Route 299. The only traffic that would be generated would be the fill trucks twice a week and distribution trucks twice a day during peak seasons. Internal traffic flow (tractor trailers) has not been addressed although there will not be a large frequency in fill and distribution trucks.
- Hours of operation have not been addressed. Although the facility will be accessible for fill and distribution trucks 24 hours a day 7 days a week.
- Pictures of tanks have been submitted with this application.
- Public water and sewer are not provided at this location. A sewage disposal area is not required due to it being an existing lot of record. A well will not be permitted on-site.
- No signage is proposed.
- A specific loading and unloading area has not been determined.
- The entire operation will take place inside an enclosed fence with screening.

III. Industrial Environmental Standards

- A. *Comprehensive Plan:* “Promote the use of best management practices, such as bio-retention and environmental site design, as a means of water quality improvement and stormwater management where appropriate.” (Page 61)
- B. *Applicable Law:* Article V, Section 15.8 of the Kent County *Land Use Ordinance* establishes the Industrial Environmental Standards, which include the forest conservation and stormwater management standards. The purpose of these standards to provide for the proper stewardship of the County’s natural resources. Specifically, it is the overall goal of the County to maintain the quality of the County’s ecosystem in the face of continuing activity, growth and change.

Article VI, Section 8 of the *Land Use Ordinance* sets forth the provisions for Forest Conservation, Section 9 sets forth Erosion and Sediment Control, and Section 10 is Stormwater Management.

- B. *Staff and TAC Comments:* Forest Conservation is proposed to be addressed on-site by providing 0.175-acres of afforestation to meet the 15% requirement based on the 1.165-acre net tract area affiliated with the project. A Forest Conservation Plan has been submitted, on which the proposed afforestation area is identified and located on the eastern portion of the lot. No other forest area is adjacent to this proposed area.

The applicant has provided the required Forest Conservation Plan. The applicant will need to provide a Declaration (Deed Restrictions) to be reviewed and signed by the Planning Commission Attorney and property owner. The appropriate cost estimates and sureties will need to be provided.

Sediment and erosion control and stormwater management plans have not been reviewed at this time, but have been submitted with this application for review. Proposed stormwater management consists of a forebay and submerged gravel wetland with planting located at the southeast corner of the lot. Sediment control consists of a stabilized construction entrance and silt fence. The appropriate cost estimates and sureties will need to be provided.

VI. Industrial District General Design Standards

- A. *Applicable Law:* Article V, Section 15.9 of the Kent County *Land Use Ordinance* establishes the Industrial District General Design Standards which address site access, landscaping, screening, and lighting. Screening is required to protect adjoining properties and roadways from noise, glare, and uses which are visually incompatible with neighboring land uses. Screening is also required where exterior storage areas are visible from roadways, sidewalks, or nearby residential properties, or where the Planning Commission determines that additional screening is necessary to protect properties in the area. When required, the screen shall be capable of providing year-round screening and consist of coniferous and deciduous trees and plants, species and sizes of which will be chosen to best accomplish an adequate screen (i.e. evergreens used for visual screening, deciduous trees for seasonal screening). Screening may include masonry, or wooden fencing used with or without berms. Screening and fencing shall be maintained in at least the same quality and quantity as initially approved.
- B. *Staff and TAC Comments:* Site access will be from Maryland Route 299. No signage or lighting is proposed although the facility plans to be able to operate 24 hours a day. An 8-foot tall fence and locking gate will enclose the proposed storage and distribution facility.

A landscape plan has been submitted. The proposed plan is a mix of evergreen and hardwood canopy trees. The submerged wetland in the front of the parcel will consist of vegetation and four canopy trees will line the entrance. Vegetation is proposed for the sides and the afforestation area is to the rear of the parcel. This parcel is surrounded by industrial uses.

VII. Parking and Loading

- A. *Applicable Law:* Article VI, Section 1.3 of the Kent County *Land Use Ordinance* establishes the parking standards for industrial uses at 1 per 2 employees in principal shift.
- B. *Staff and TAC Comments:* No full-time employees will be stationed at this location. This is merely a storage and distribution location and only accessible through a locked gate. Previous applications for storage and distribution facilities did not require parking.

At this time, the location of loading and unloading areas has not been addressed. These areas will need to be addressed before final approval.

SITE PLAN REVIEW

- A. *Comprehensive Plan:* “Require developers to engage and inform citizens during the development review process through the incorporation of a participation program.” (Page 27)
- B. *Applicable Law:* Article VI, Section 5 of the Kent County *Land Use Ordinance* establishes the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent

County residents.

At each stage of review, the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

In addition, the applicant is to provide a narrative that addresses a Citizen Participation Plan and a report with the results.

C. Staff and TAC Comments:

- The proposal is consistent with many strategies and goals of the Comprehensive Plan.
- The State Highway Administration has stated that they have no issues or concerns with approval. They will require a full access management review and permit issuance. This is a common procedure with site development.
- The Kent County Health Department has approved this application with the following comment: Note: Site/Tax Map 24, Parcel 68 is not approved for water and sewer.
- Public water and sewer are not provided on this lot.
- Galena Fire Chief provided the following comment: The Dixie Land Energy site is not in Galena's first due fire district. However, I would like to see a Knox Box installed so that Millington VFC or Galena VFC can gain access to the property for when personnel are not onsite.
- With a lockable gate, the public should not have interaction with this proposed facility. Vehicular circulation has not been addressed at this time.
- No off-street parking has been provided. The proposed facility will only have employees onsite when fill trucks deliver twice a week and distribution trucks fill up twice a day during peak seasons.

- A loading area has not been designated.
- No lighting or signage has been proposed.
- Stormwater management and sediment control plans have been submitted for review.
- Forest Conservation has been addressed through onsite afforestation to the rear of the property. A Forest Conservation Declaration, estimates, and sureties must be provided.
- The applicant has provided a landscaping plan.
- Architectural renderings of the tanks have not been submitted.
- A Citizen's Participation Plan will need to be submitted for review. Through testimony or writing, the applicant should update the Planning Commission on their Citizen Participation Plan and advise whether they received any correspondence or contact.
- An Engineer's Report has been submitted.
- Existing vegetation is to be removed. This lot is only 1.165 acres, surrounded by industrial uses. A landscaping plan and Forest Conservation Plan have been provided.
- The applicant has applied for a variance of 85-feet to the required 100-foot setback for both sides and the rear of this property to be able to develop this lot. The Industrial District requires for a 100-foot setback to adjacent properties that are zoned Village. This property is surrounded to the sides and rear by Village zoning.

STAFF RECOMMENDATION

In order to receive final site plan approval, the applicant must address and/or submit the following outstanding items:

- Citizen Participation Plan;
- The layout of all the proposal with the following additions:
 - Location, height and dimensions of tanks and location of empty tanks to be installed at customer locations
 - Proposed setbacks to tanks
 - Proposed loading areas
- Correct zoning indicated on site plan

CONCEPT PLAN

FOR

DIXIE LAND ENERGY

IN THE VILLAGE OF MASSEY

FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND

PREPARED FOR : DIXIE LAND ENERGY

GENERAL NOTES

1. THESE DRAWINGS SHOW INFORMATION OBTAINED FROM THE BEST AVAILABLE RECORDS REGARDING PIPES, CONDUITS, TELEPHONE LINES, AND OTHER STRUCTURES AND CONDITIONS WHICH EXIST ALONG THE LINES OF THE WORK BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITIES FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION BEING SHOWN ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON SAID CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, TELEPHONE LINES, AND OTHER STRUCTURES.
2. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL COORDINATE CONSTRUCTION WITH THE UTILITY COMPANIES INVOLVED:
 DELMARVA POWER & LIGHT COMPANY.....1-800-375-7117
 MISS UTILITY.....1-800-441-8355
 DMS & ASSOCIATES, LLC.....1-443-262-9130
 KENT CO. SEDIMENT & EROSION CONTROL INSPECTOR.....1-410-778-7437
3. ALL CONSTRUCTION SHALL BE MARKED FOR TRAFFIC AND PEDESTRIAN SAFETY.
4. THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT, LABOR, AND MATERIALS FOR ANY MISCELLANEOUS OR TEST PIT EXCAVATIONS REQUIRED BY THE ENGINEER.
5. THE OWNER IS RESPONSIBLE FOR THE ACQUISITION OF ALL EASEMENTS, BOTH PERMANENT AND TEMPORARY.
6. THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR ANY DEVIATIONS FROM THESE PLANS UNLESS SAID DEVIATIONS APPROVED BY THE ENGINEER. CONTRACTOR SHALL RECEIVE WRITTEN PERMISSION FROM THE ENGINEER IF A DEVIATION OF THE PLANS IS NECESSARY.
7. ALL DISTURBED AREAS SHALL BE SMOOTHLY GRADED TO PROVIDE POSITIVE DRAINAGE IN THE DIRECTION OF FLOW ARROWS HEREIN AND STABILIZED WITH TOPSOIL, SEED AND MULCH. IF SETTLEMENT OCCURS, TOPSOIL, SEEDING, AND MULCHING SHALL BE REPEATED UNTIL SETTLEMENT SUBSIDES. SEE EROSION AND SEDIMENT CONTROL SPECIFICATIONS.
8. ALL TRASH, TREES, AND UNDERBRUSH ARE TO BE CLEARED AND REMOVED OFF SITE TO AN APPROVED LANDFILL BY THE CONTRACTOR.
9. ANY EXCESS EXCAVATED MATERIAL SHALL BE REMOVED OFF SITE BY THE CONTRACTOR OR MATERIAL SHALL BE PLACED ON SITE AS DIRECTED BY THE ENGINEER AND/OR OWNER.
10. ANY EXISTING SURVEY MONUMENTATION THAT IS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED BY A REGISTERED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
11. THE CONTRACTOR SHALL CONDUCT HIS WORK IN EASEMENTS SO THAT THERE WILL BE A MINIMUM OF DISTURBANCE OF THE PROPERTIES CROSSED. ANY DISTURBED AREAS SHALL BE RESTORED TO ITS ORIGINAL CONDITION.
12. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, LOCAL BUILDING CODES, AND THE STANDARD SPECIFICATIONS AND DETAILS OF KENT COUNTY.
13. ALL DRAINAGE STRUCTURES AND SWALES SHALL REMAIN FUNCTIONAL DURING CONSTRUCTION UNLESS OTHERWISE INDICATED ON THE PLANS.
14. ALL WATER VALVES, BOXES AND HYDRANTS SHALL BE SET AND ADJUSTED TO FINISH GRADE.
15. WHENEVER SEWER OR WATER MAINS OR SERVICES RUN PARALLEL TO EACH OTHER, A MINIMUM HORIZONTAL SEPARATION OF 10' SHALL BE PROVIDED.
16. MINIMUM COVER OVER THE SEWER MAIN SHALL BE 42".
17. ALL CONCRETE USED FOR UTILITY WORK SHALL BE IN ACCORDANCE WITH MD SHA STANDARDS AND SPECIFICATIONS FOR MIX NO. 2.
18. ALL PAVING MATERIALS AND METHODS SHALL BE IN ACCORDANCE WITH THE LATEST MD. SHA STANDARDS AND SPECIFICATIONS AND BE SUPPLIED BY A STATE CERTIFIED PLANT.
19. TRENCHES SHALL NOT REMAIN OPEN OVERNIGHT. IF IT IS NECESSARY FOR TRENCHES TO REMAIN OPEN, STEEL PLATES CAPABLE OF BEARING TRAFFIC SHALL BE USED TO COMPLETELY COVER THE TRENCH OPENINGS.
20. EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED BY THE KENT COUNTY SEDIMENT AND EROSION CONTROL INSPECTOR.

DEVELOPER:

DIXIE LAND ENERGY
 c/o KEVIN PRICE
 281 E. MAIN STREET, STE B
 RISING SUN, MARYLAND 21911
 PHONE: 1-888-517-3680

OWNER

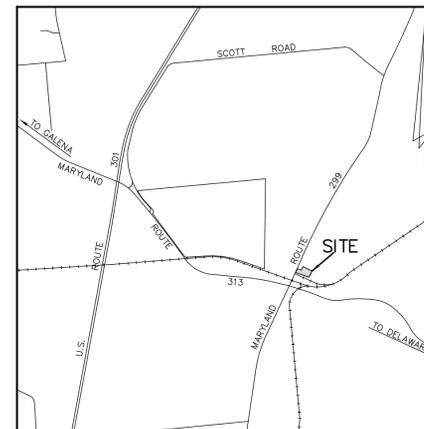
SP REALTY INVESTMENTS, LLC
 c/o BASIL STEPHEN PERRY, Jr.
 281 E. MAIN STREET, STE B
 RISING SUN, MARYLAND 21911
 PHONE: 1-888-517-3680

SURVEYOR

MICHAEL A. SCOTT, INC.
 400 S. CANNON STREET, SUITE 3
 CHESTERTOWN, MARYLAND 21620
 PHONE No. 1-410-778-2310

ENGINEER

DMS & ASSOCIATES, LLC
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE No. 1-443-262-9130



VICINITY MAP
 SCALE 1" = 3000'

TABLE OF CONTENTS

SHEET C-1	TITLE SHEET
SHEET C-2	EXISTING CONDITIONS AND DEMOLITION PLAN
SHEET C-3	SITE PLAN
SHEET C-4	SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-5	STORMWATER MANAGEMENT SPECIFICATIONS AND DETAILS
SHEET C-6	STORMWATER MANAGEMENT PROFILES
SHEET C-7	MISCELLANEOUS DETAILS
SHEET L-1	LANDSCAPE PLAN
SHEET L-2	LANDSCAPE DETAILS

STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE EAST SIDE OF MARYLAND ROUTE 299 (MASSEY-SASSAFRAS ROAD) IN THE VILLAGE OF MASSEY, MARYLAND. THE SITE CURRENTLY VACANT. THE INTENT OF THIS PRELIMINARY SITE PLAN IS TO CONSTRUCT A FUEL STORAGE AND DISTRIBUTION FACILITY.

THE PURPOSE OF THIS SITE PLAN IS TO OBTAIN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED IMPROVEMENTS.

NOTES

1. PROPERTY LINE INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN APRIL, 2020. HORIZONTAL DATUM IS NAD 83/91.
2. FOR DEED REFERENCE, SEE LIBER 870, FOLIO 403.
3. CURRENT ZONING CLASSIFICATION - INDUSTRIAL.
4. THE PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
5. SITE IS NOT LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C215D. (ZONE "X") (UNSHADED)
6. SOILS ONSITE CONSIST OF "MnA" MATAPEAKE SILT LOAM AS SCALED FROM THE WEBSITE: <http://websoilssurvey.nrcs.usda.gov>.
7. WOODLANDS SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN APRIL, 2020.
8. NO OTHER NATURAL RESOURCE (i.e., WETLANDS, STEEP SLOPES, STREAMS OR BUFFERS, EROSION HAZARD AREAS, ENDANGER SPECIES OR HABITAT, etc.) EXIST ON THE SITE.
9. TOPOGRAPHIC CONTOURS AND EXISTING IMPROVEMENTS SHOWN HEREON THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN APRIL, 2020. VERTICAL DATUM IS NAVD 88.
10. SEWER AND WATER ARE NOT REQUIRED OR APPROVED FOR THIS DEVELOPMENT.
11. NO SITE LIGHTING IS PROPOSED.
12. NO NEW SIGNAGE IS PROPOSED.
13. STORMWATER MANAGEMENT IS ADDRESSED BY IMPLEMENTING ESD TO THE MEP ONSITE.

SITE STATISTICS

CURRENT USE - INDUSTRIAL/VACANT	
PROPOSED USE - INDUSTRIAL/FUEL STORAGE AND DISTRIBUTION	
GROSS AREA	= 1.165 ac.± (50,767 sq. ft.±)
CRITICAL AREA	= 0.000 ac.±
AREA IN BUFFERYARDS	= 0.000 ac.±
AREA WITHIN 100 Yr. FLOODPLAIN	= 0.000 ac.±
AREA IN NATURAL RESOURCES	= 0.000 ac.±
FLOOR AREA (EXISTING) (0.0%)	= 0.000 ac.±
FLOOR AREA (PROPOSED)	= 0.000 ac.±
FLOOR AREA (TOTAL) (0.0%)	= 0.000 ac.±
IMPERVIOUS AREA (EXISTING) (9.4%)	= 0.110 ac.±
IMPERVIOUS AREA (TO BE REMOVED)	= 0.109 ac.±
IMPERVIOUS AREA (PROPOSED)	= 0.495 ac.±
IMPERVIOUS AREA (TOTAL) (42.6%)	= 0.496 ac.±

LEGEND

	DEPICTS DEED POINT (UNLESS OTHERWISE NOTED)
	IRON ROD FOUND
	CONCRETE MONUMENT FOUND
	EXISTING SPOT ELEVATION
	EXISTING CONTOUR
	PROPOSED SPOT ELEVATION
	PROPOSED CONTOUR
	EXISTING UTILITY POLE
	EXISTING RAILROAD TRACKS
	PERIMETER SILT FENCE
	LIMITS OF DISTURBANCE

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED: _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

- A. ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ONSITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- B. ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- C. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

ADDRESS _____ CARD No. _____

PHONE No. _____

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY HEALTH DEPARTMENT	KENT SOIL AND WATER CONSERVATION DISTRICT	DATE _____ SEAL _____	6-24-2020	DATE _____ REVISION _____	TITLE SHEET	DATE _____ SCALE AS SHOWN
<p>DAVIS, MOORE, SHEARON & ASSOCIATES, LLC</p> <p>ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING</p> <p>P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE : 1-443-262-9130 FAX : 1-443-262-9148</p>				<p>ON THE LANDS OF</p> <p>SP REALTY INVESTMENTS, LLC</p> <p>IN THE VILLAGE OF MASSEY</p> <p>TAX MAP - 24, GRID - 1C, PARCEL - 68</p> <p>FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND</p> <p>PREPARED FOR : DIXIE LAND ENERGY</p>		<p>JUNE '20</p> <p>2019160</p> <p>24-2019160</p> <p>SHEET No. - C-1</p> <p>CADD FILE - 19160-C1</p>	<p>DRAWN BY WJM</p> <p>DESIGNED BY KJS</p>



LANDS N/F OF
CROP PRODUCTION SERVICES, INC.
M.L.M. 558/244
ZONED - INDUSTRIAL
CURRENT USE - COMMERCIAL

LANDS N/F OF
ISE AMERICA, INC
88/427
ZONED - EMPLOYMENT CENTER
CURRENT USE - AGRICULTURE

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - INDUSTRIAL
CURRENT USE - VACANT

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - INDUSTRIAL
CURRENT USE - VACANT

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - VILLAGE
CURRENT USE - PUBLIC WORKS

LANDS N/F OF
MARYLAND DEPT. OF TRANSPORTATION
RAILROAD R/W PLAT V-2/31
ZONED - INDUSTRIAL/EMPLOYMENT CENTER
CURRENT USE - RAILROAD

EXISTING STORMDRAIN INLET
AND 12" RCP TO BE REMOVED

EXISTING UTILITY POLE

EXISTING CONCRETE HEADWALL

EXISTING STONE LANE
TO BE REMOVED

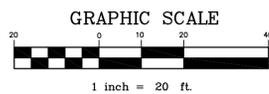
EXISTING BRUSH
TO BE REMOVED

PROVIDE PERIMETER SILT FENCE
PER DETAIL ON SHEET C-7.
TYPICAL WHERE SHOWN - SF -

L.O.D. - DENOTES LIMITS OF DISTURBANCE

NOTE:
SEDIMENT AND EROSION CONTROL
WILL BE STRICTLY ENFORCED

NOTE:
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR
TEMPORARY, STABILIZATION SHALL BE COMPLETED
WITHIN 3 CALENDAR DAYS ON ALL PERIMETER
CONTROLS AND SLOPES GREATER THAN 3:1 AND
7 DAYS ON ALL OTHER DISTURBED AREAS ON
THE SITE.



KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY HEALTH DEPARTMENT

KENT SOIL AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE
No. 2004690, AND MY EXPIRES ON OPERATION DATE: 2021

DATE: 6-24-2020

**DAVIS, MOORE, SHEARON
& ASSOCIATES, LLC**
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION

EXISTING CONDITIONS AND DEMOLITION PLAN

ON THE LANDS OF
SP REALTY INVESTMENTS, LLC
IN THE VILLAGE OF MASSEY

TAX MAP - 24, GRID - 1C, PARCEL - 68

FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND

PREPARED FOR : DIXIE LAND ENERGY

DATE	SCALE
JUNE '20	1" = 20'
JOB No. 2019160	DRAWN BY WJM
FOLDER Ref. 24-2019160	DESIGNED BY KJS
SHEET No. - C-2	
CADD FILE - 19160-C2	



LANDS N/F OF
CROP PRODUCTION SERVICES, INC.
M.L.M. 558/244
ZONED - INDUSTRIAL
CURRENT USE - COMMERCIAL

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - INDUSTRIAL
CURRENT USE - VACANT

LANDS N/F OF
ISE AMERICA, INC
88/427
ZONED - EMPLOYMENT CENTER
CURRENT USE - AGRICULTURE

NOTE:
STABILIZE ALL SIDE SLOPES OF SUBMERGED GRAVEL WETLANDS WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - SLOPE APPLICATION PER DETAIL (B-4-6-D) ON SHEET C-7.

NOTE:
STABILIZE ALL SIDE SLOPES OF WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - SLOPE APPLICATION PER DETAIL (B-4-6-D) ON SHEET C-7.

PROVIDE A STABILIZED CONSTRUCTION ENTRANCE PER DETAIL ON SHEET C-7.

SUBMERGED GRAVEL WETLANDS SURFACE ELEV. = 63.50
SEE SPECIFICATION ON SHEET C-5 AND PROFILE ON SHEET C-6

PROVIDE A SINGLE "WR" INLET PER DETAIL ON SHEET C-5.
PROVIDE "AT GRADE" INLET PROTECTION PER DETAIL ON SHEET C-7.

PROVIDE 15" RCP (CL-IV) @ 1.0% PROVIDE RCP END SECTION PER DETAIL ON SHEET C-5.

PROVIDE 5'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-7.

PROVIDE 6" PVC DRAINAGE PIPING. SEE SHEET C-5 FOR SPECIFICATIONS TYPICAL OF 5

PROVIDE DOME GRATE TOP ELEV. = 63.50 TYPICAL OF 6

PROVIDE 9' WIDE EARTH OVERFLOW WEIR TOP ELEV. = 64.50

PROVIDE 5'x5' STONE TRENCH FOR FOREBAY DRAWDOWN. SEE PROFILE ON SHEET C-6

PROVIDE 50' IF OF 12" RCP (CL-IV) @ 0.50%. PROVIDE END SECTIONS PER DETAIL ON SHEET C-5.

PROVIDE 5'x5' RIPRAP OUTLET PROTECTION PER DETAIL ON SHEET C-7.

PROVIDE A "V-DITCH" WITH 3:1 SIDE SLOPES @ 1.00%. STABILIZE SIDE SLOPES WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL (B-4-6-C) ON SHEET C-7.

PROVIDE A "V-DITCH" WITH 3:1 SIDE SLOPES @ 0.50%. STABILIZE SIDE SLOPES WITH TOPSOIL, SEED AND SOIL STABILIZATION MATTING - CHANNEL APPLICATION PER DETAIL (B-4-6-C) ON SHEET C-7.

PROVIDE PERIMETER SILT FENCE PER DETAIL ON SHEET C-7. TYPICAL WHERE SHOWN - SF -

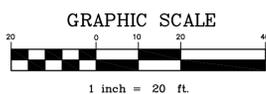
LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - VILLAGE
CURRENT USE - PUBLIC WORKS

NOTE:
SEE STORMWATER MANAGEMENT PROFILES ON SHEET C-6.

L.O.D. - DENOTES LIMITS OF DISTURBANCE

NOTE:
SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED

NOTE:
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.



KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY HEALTH DEPARTMENT

KENT SOIL AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004690, AND MY EXPIRATION DATE IS 2021.

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE: 6-24-2020

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
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P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION

SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN

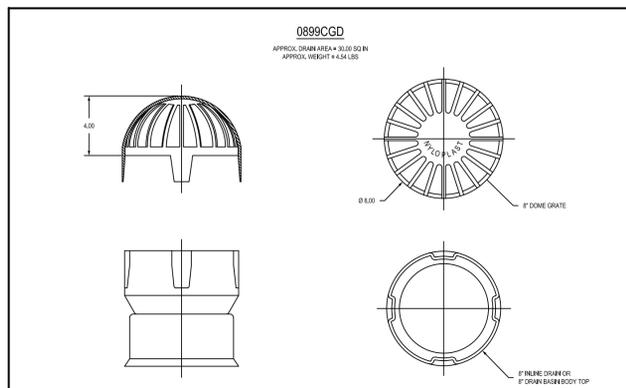
ON THE LANDS OF
SP REALTY INVESTMENTS, LLC
IN THE VILLAGE OF MASSEY

TAX MAP - 24, GRID - 1C, PARCEL - 68

FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND

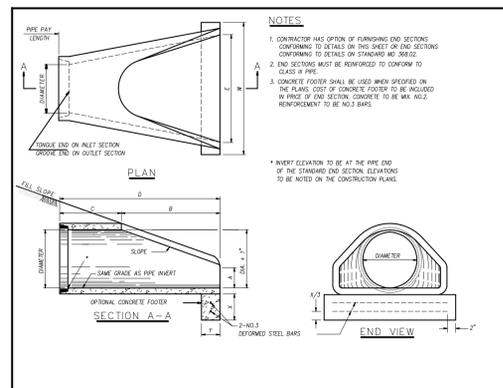
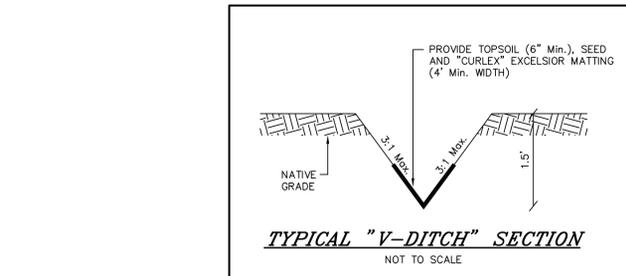
PREPARED FOR : DIXIE LAND ENERGY

DATE	SCALE
JUNE '20	1" = 20'
JOB No. 2019160	DRAWN BY WJM
FOLDER Ref. 24-2019160	DESIGNED BY KJS
SHEET No. - C-4	
CADD FILE - 19160-C4	



THE PRINT DISCLOSES SUBJECT MATTER IN WHICH INVENTOR HAS A PROPRIETARY RIGHT. THE RECIPIENT OF THIS PRINT AGREES TO HOLD THE RECIPIENT'S RIGHTS IN THE INVENTION IN TRUST FOR THE INVENTOR. TECHNICAL INFORMATION SHOWN HEREIN IS UNCLASSIFIED INFORMATION UNLESS OTHERWISE INDICATED. REPRODUCTION OF THIS INFORMATION CONTAINED HEREIN OR MANUFACTURE OF ANY ARTICLE OR DEVICE FROM THE INFORMATION CONTAINED HEREIN WITHOUT THE WRITTEN PERMISSION OF THE INVENTOR IS PROHIBITED.

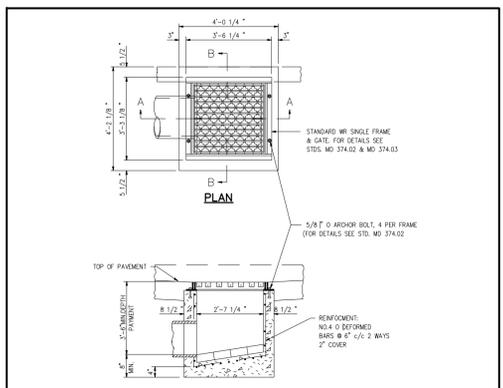
DATE	3-08	DESIGNED BY	NYIoplast
DATE	3-10	PROJECT/CLIENT	NYIoplast
DATE	3-10	TITLE	8\"/>
DWG NO.	A	SCALE	1/4\"/>



QUANTITIES FOR ESTIMATING PURPOSES ONLY

DIMENSIONS		CONCRETE END SECTION		CONCRETE FOOTER		QUANTITIES		
DIA.	SLOPE	A	B	C	D	E	CONC. STEEL	
							C.Y. / LB.	
12"	3:1	4"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.08 24.00
15"	3:1	5"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.10 28.50
18"	3:1	6"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.11 33.00
21"	3:1	8"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.13 37.50
24"	3:1	10"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.17 49.50
27"	3:1	12"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.19 56.25
30"	3:1	14"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.21 61.50
33"	3:1	16"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.23 68.25
36"	3:1	18"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.25 75.00
42"	3:1	24"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.27 81.75
48"	3:1	30"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.31 93.75
54"	3:1	36"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.33 101.25
60"	3:1	42"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.35 108.75
66"	3:1	48"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.38 117.75
72"	3:1	54"	2'-0"	4'-0"	2'-0"	2'-0"	12" 9"	0.40 126.75

SPECIFICATION	305	CATEGORY CODE	ITEMS	MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES
APPROVED	REVISION	DATE	BY	APPROVAL
SHA	1	10-11-06	NYIoplast	STATE HIGHWAY ADMINISTRATION
STANDARD NO.	MD-368.01			



SPECIFICATION	305	CATEGORY CODE	ITEMS	MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION STANDARDS FOR HIGHWAYS AND INCIDENTAL STRUCTURES
APPROVED	REVISION	DATE	BY	APPROVAL
SHA	1	10-11-06	NYIoplast	STATE HIGHWAY ADMINISTRATION
STANDARD NO.	MD-374.06			

MAINTENANCE SCHEDULE

THE OWNER OF THE PROPERTY WILL ESTABLISH AN INSPECTION AND MAINTENANCE LOG UPON COMPLETION OF THE STORMWATER MANAGEMENT FACILITIES. THE LOG WILL BE UPDATED QUARTERLY OR AFTER ANY MAJOR STORM. THE LOG WILL BE MADE AVAILABLE FOR REVIEW UPON REQUEST BY THE QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS INSPECTION DIVISION.

SUBMERGED GRAVEL WETLANDS:
THE FOLLOWING ITEMS SHALL BE ADDRESSED TO ENSURE PROPER MAINTENANCE AND LONG-TERM PERFORMANCE OF SUBMERGED GRAVEL WETLANDS:

- INSPECTION AND MAINTENANCE:
- 1st YEAR POST-CONSTRUCTION:
INSPECTION FREQUENCY SHALL BE AFTER EVERY MAJOR STORM IN THE FIRST YEAR FOLLOWING CONSTRUCTION.
- INSPECT TO BE CERTAIN SYSTEM DRAINS WITHIN 24-72 hrs. (WITHIN THE DESIGN PERIOD, BUT ALSO NOT SO QUICKLY AS TO MINIMIZE STORMWATER MANAGEMENT)
 - WATERING PLANTS AS NECESSARY DURING THE FIRST GROWING SEASON
 - RE-VEGETATING POORLY ESTABLISHED AREAS AS NECESSARY
 - TREATING DISEASED VEGETATION AS NECESSARY
 - QUARTERLY INSPECTION OF SOIL AND REPAIRING ERODED AREAS, ESPECIALLY ON SLOPES.
 - CHECKING INLETS, OUTLETS AND OVERFLOW SPILLWAY FOR BLOCKAGE, STRUCTURAL INTEGRITY AND EVIDENCE OF EROSION & SEDIMENTATION.

POST-CONSTRUCTION:
INSPECTION FREQUENCY SHALL BE AT LEAST EVERY 6 MONTHS THEREAFTER, AS PER USEPA GOOD HOUSE-KEEPING REQUIREMENTS. INSPECTION FREQUENCY CAN BE REDUCED TO ANNUAL FOLLOWING 2 YEARS OF MONITORING THAT INDICATES THE RATE OF SEDIMENT ACCUMULATION IS LESS THAN THE CLEANING CRITERIA LISTED BELOW. INSPECTIONS SHALL FOCUS ON:

- CHECKING THE FILTER SURFACE FOR DENSE COMPLETE, ROOT MAT ESTABLISHMENT ACROSS THE WETLAND SURFACE. THOROUGH REVEGETATION WITH GRASSES, FORBS AND SHRUBS IS NECESSARY. UNLIKE BIOTENTATION, WHERE MULCH IS COMMONLY USED, COMPLETE SURFACE COVERAGE WITH VEGETATION IS NEEDED.
- CHECKING THE GRAVEL WETLAND SURFACE FOR STANDING WATER OR OTHER EVIDENCE OF RISER CLOGGING, SUCH AS DISCOLORED OR ACCUMULATED SEDIMENTS.
- CHECKING THE SEDIMENTATION CHAMBER OR FOREBAY FOR SEDIMENT ACCUMULATION, TRASH AND DEBRIS.
- INSPECT TO BE CERTAIN SEDIMENTATION FOREBAY DRAINS WITHIN 24 TO 72 hrs.
- CHECKING INLETS, OUTLETS AND OVERFLOW SPILLWAY FOR BLOCKAGE, STRUCTURAL INTEGRITY AND EVIDENCE OF EROSION.
- REMOVAL OF DECAYING VEGETATION, LITTER, DEBRIS, INVASIVE SPECIES AND WOODY VEGETATION.

CLEANING CRITERIA FOR SEDIMENTATION FOREBAY:
SEDIMENT SHALL BE REMOVED FROM THE SEDIMENTATION CHAMBER (FOREBAY) WHEN IT ACCUMULATES TO A DEPTH OF MORE THAN 3 inches (30 cm) OR 10 PERCENT OF THE PRE-TREATMENT VOLUME. THE SEDIMENTATION FOREBAY SHALL BE CLEANED OF VEGETATION IF PERSISTENT STANDING WATER AND WETLAND VEGETATION BECOMES DOMINANT. THE CLEANING INTERVAL IS APPROXIMATELY EVERY 4 YEARS. A DRY SEDIMENTATION FOREBAY IS THE OPTIMAL CONDITION WHILE IN PRACTICE THIS CONDITION IS RARELY ACHIEVED. THE SEDIMENTATION CHAMBER, FOREBAY AND TREATMENT CELL OUTLET DEVICE SHOULD BE CLEANED WHEN DRAWDOWN TIMES EXCEED 60 TO 72 hrs. MATERIALS CAN BE REMOVED WITH HEAVY CONSTRUCTION EQUIPMENT; HOWEVER THIS EQUIPMENT SHALL NOT TRACK ON THE WETLAND SURFACE. REVEGETATION OF DISTURBED AREAS AS NECESSARY. REMOVED SEDIMENTS SHOULD BE DEWATERED (IF NECESSARY) AND DISPOSED OF IN AN ACCEPTABLE MANNER.

CLEANING CRITERIA FOR GRAVEL WETLAND TREATMENT CELLS:
SEDIMENT SHALL BE REMOVED FROM THE GRAVEL WETLAND SURFACE WHEN IT ACCUMULATES TO A DEPTH OF SEVERAL INCHES (>10 cm) ACROSS THE WETLAND SURFACE. MATERIALS SHOULD BE REMOVED WITH RAKES RATHER THAN HEAVY CONSTRUCTION EQUIPMENT TO AVOID COMPACTION OF THE GRAVEL WETLAND SURFACE. HEAVY EQUIPMENT COULD BE USED IF THE SYSTEM IS DESIGNED WITH DIMENSIONS THAT ALLOW EQUIPMENT TO BE LOCATED OUTSIDE THE GRAVEL WETLAND, WHILE A BACKHOE SHOVEL REACHES INSIDE THE GRAVEL WETLAND TO REMOVE SEDIMENT. REMOVED SEDIMENTS SHALL BE DEWATERED (IF NECESSARY) AND DISPOSED OF IN AN ACCEPTABLE MANNER.

DRAINING AND FLUSHING GRAVEL WETLAND TREATMENT CELLS:
FOR MAINTENANCE IT MAY BE NECESSARY TO DRAIN OR FLUSH THE TREATMENT CELLS. PUMP OUT WATER FROM THE SYSTEM FROM THE NYLOPLAST HYDRAULIC CONTROL STRUCTURE AND FROM OTHER YARD GRATES. FLUSHING THE RISERS AND HORIZONTAL SUDRAINS IS THE MOST EFFECTIVE WITH THE ENTIRE SYSTEM DRAINED. FLUSHED WATER AND SEDIMENT SHALL BE COLLECTED AND PROPERLY DISPOSED.

INSPECTION REQUIREMENTS DURING CONSTRUCTION

THE CONTRACTOR SHALL NOTIFY THE QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEER AT 410-758-0925 THREE (3) DAYS IN ADVANCE OF BEGINNING CONSTRUCTION FOR THE FOLLOWING:

- FOR SUBMERGED GRAVEL WETLAND:
- DURING EXCAVATION TO SUBGRADE
 - DURING PLACEMENT OF BACKFILL OF PERFORATED INLET PIPE AND OBSERVATION WELLS
 - DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA
 - DURING CONSTRUCTION OF ANY APPURTENANT CONVEYANCE SYSTEMS SUCH AS DIVERSION STRUCTURES, INLETS, OUTLETS, AND FLOW DISTRIBUTION STRUCTURES.
 - UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION, AND BEFORE ALLOWING RUNOFF TO ENTER THE WETLAND.
 - DURING FLOODING OF SUBMERGED GRAVEL WETLAND BEDS TO VERIFY GRADE AND FUNCTION.
- FOR STORMDRAINS:
- DURING EXCAVATION TO SUBGRADE
 - DURING PLACEMENT OF PIPES
 - DURING CONSTRUCTION OF ANY APPURTENANT CONVEYANCE SYSTEMS
 - DURING COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION

FINAL LOT GRADING TO ENSURE COMPLIANCE WITH ROOFTOP AND NON-ROOFTOP DISCONNECTION CREDIT CRITERIA

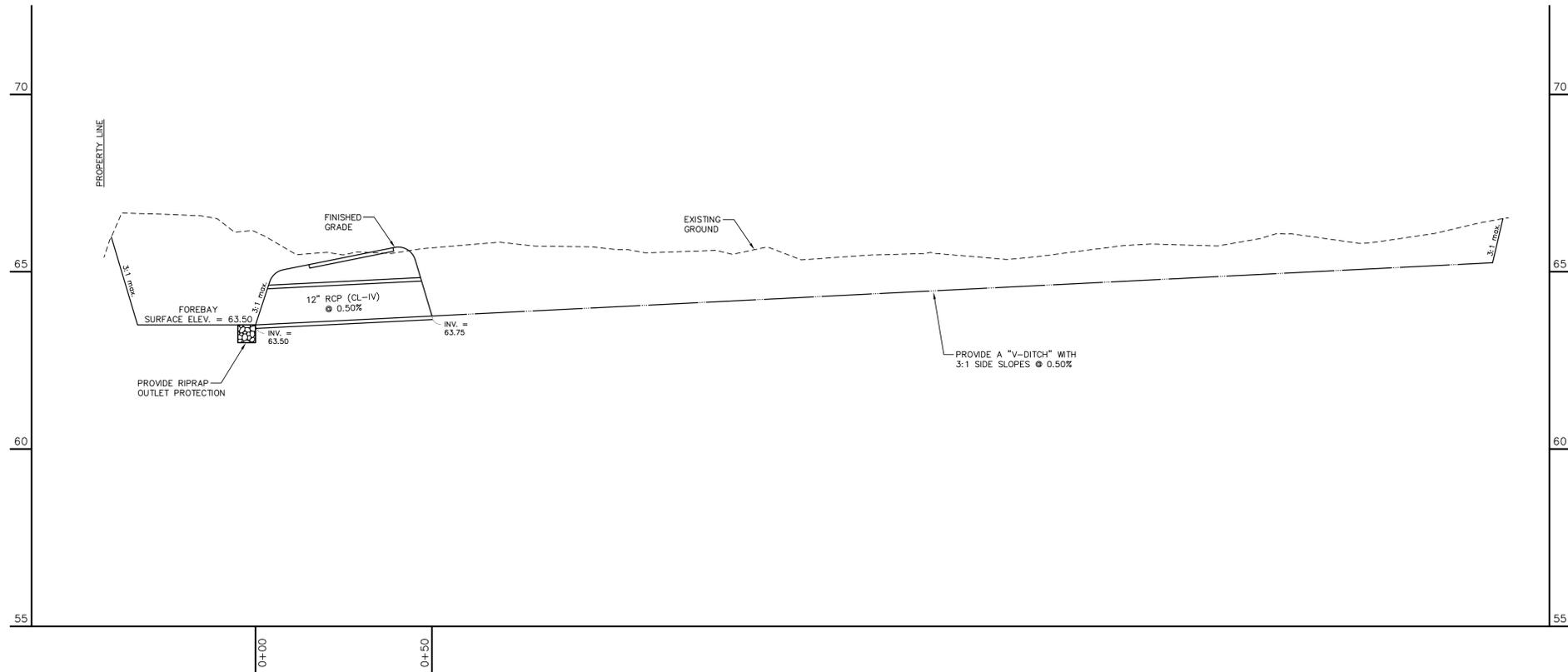
BMP MATERIAL SPECIFICATIONS FOR SUBMERGED GRAVEL WETLANDS

MATERIAL	SPECIFICATION	SIZE	NOTES
PLANTINGS	SEE PLAN	SEE PLAN	PLANTINGS ARE SITE-SPECIFIC - SEE LANDSCAPE PLAN FOR PLANT SPECIES
WETLAND MEDIA	LOAMY SAND COMPOST SANDY LOAM, COARSE SAND & COMPOST	N/A	USDA SOIL TYPES LOAMY SAND OR SANDY LOAM; CLAY CONTENT < 5% ORGANIC WATER CONTENT SHALL BE GREATER THAN 15% HYDRAULIC CONDUCTIVITY SHALL BE BETWEEN 0.01 AND 0.10 ft/day
PEA GRAVEL DIAPHRAGM	PEA GRAVEL; ASTM-D-448	No. 8 or No. 9 (1/8" to 3/8")	
UNDERDRAIN STONE	AASHTO M-43	No. 57 or No. 6 AGGREGATE (3/8" to 3/4")	
UNDERDRAIN PIPING	F 758, TYPE PS 28 or AASHTO M-278	4" to 6" RIGID (SCH-40) PVC or SDR-35	SLOTTED OR PERFORATED PIPE; 3/8" PERF. @ 6" ON CENTER, 4 HOLES PER ROW; MINIMUM OF 3" OF GRAVEL OVER PIPES; NOT NECESSARY UNDERNEATH PIPES; PERFORATED PIPE SHALL BE WRAPPED WITH 1/4" GALVANIZED HARDWARE CLOTH

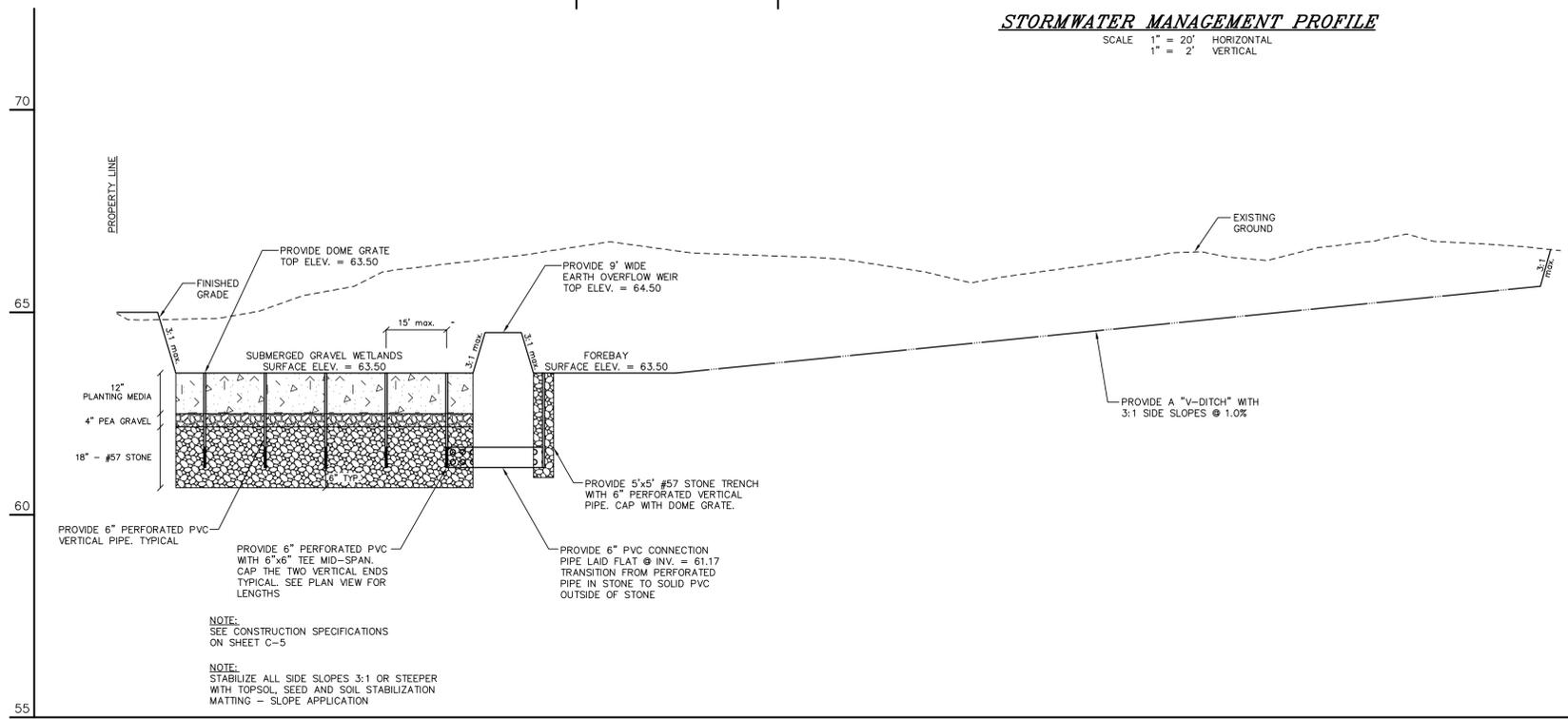
STORMWATER MANAGEMENT SUMMARY TABLE

STEP No.	REQUIREMENT	VOLUME REQ.	VOLUME PRO.	NOTES
1	WATER QUALITY (Wq)	3,270 cf	4,173 cf	SUBMERGED GRAVEL WETLAND
2	RECHARGE (Rev)	236 cf	233 cf	SUBMERGED GRAVEL WETLAND
3	CHANNEL PROTECTION (Cp)	N/A	N/A	ESD TO THE MEP
4	EXTREME FLOOD (Qf)	N/A	N/A	ESD TO THE MEP

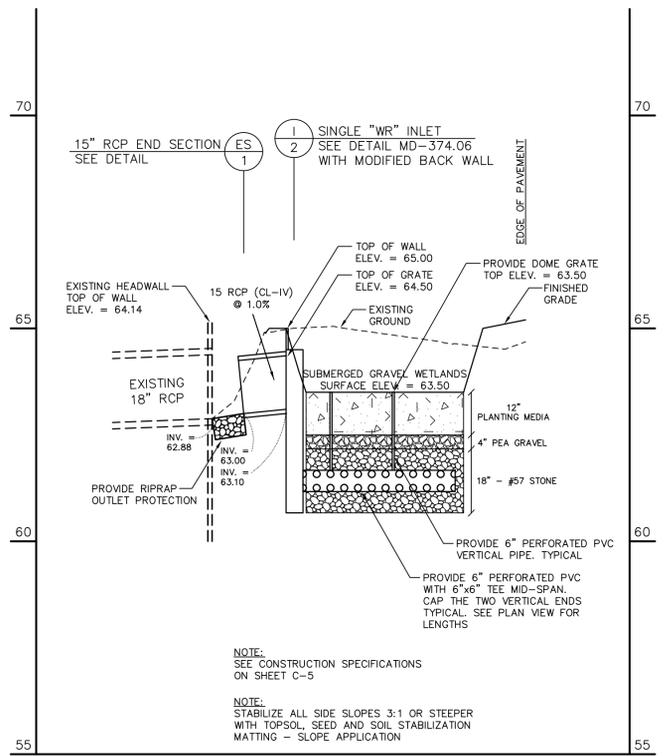
KENT COUNTY DEPARTMENT OF PLANNING AND ZONING KENT COUNTY HEALTH DEPARTMENT KENT SOIL AND WATER CONSERVATION DISTRICT		DAVIS, MOORE, SHEARON & ASSOCIATES, LLC ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE: 1-443-262-9130 FAX: 1-443-262-9148	DATE	REVISION	STORMWATER MANAGEMENT SPECIFICATIONS AND DETAILS	DATE	SCALE
					ON THE LANDS OF SP REALTY INVESTMENTS, LLC IN THE VILLAGE OF MASSEY TAX MAP - 24, GRID - 1C, PARCEL - 68 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR: DIXIE LAND ENERGY	JUNE '20 AS SHOWN JOB No. 2019160 DRAWN BY WJM FOLDER Ref. 24-2019160 DESIGNED BY KJS SHEET No. - C-5 CADD FILE - 19160-C5	



STORMWATER MANAGEMENT PROFILE
 SCALE 1" = 20' HORIZONTAL
 1" = 2' VERTICAL



STORMWATER MANAGEMENT PROFILE
 SCALE 1" = 20' HORIZONTAL
 1" = 2' VERTICAL



STORMWATER MANAGEMENT PROFILE
 SCALE 1" = 20' HORIZONTAL
 1" = 2' VERTICAL

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	
KENT COUNTY HEALTH DEPARTMENT	KENT SOIL AND WATER CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION:
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE NO. 2004650, AND THAT MY EXPIRATION DATE IS 2021.

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE : 1-443-262-9130
 FAX : 1-443-262-9148

DATE	REVISION

STORMWATER MANAGEMENT PROFILES
 ON THE LANDS OF
SP REALTY INVESTMENTS, LLC
 IN THE VILLAGE OF MASSEY
 TAX MAP - 24, GRID - 1C, PARCEL - 68
 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR : DIXIE LAND ENERGY

DATE	SCALE
JUNE '20	AS SHOWN
JOB No. 2019160	DRAWN BY WJM
FOLDER Ref. 24-2019160	DESIGNED BY KJS
SHEET No. - C-6	
CADD FILE - 19160-C6	

FOREST REQUIREMENTS AND CONSERVATION PROVIDED

PROPERTY ZONED - INDUSTRIAL
 PROPERTY CONSERVATION THRESHOLDS: CONSERVATION 15% = 0.175 AC.
 AFFORESTATION 15% = 0.175 AC.

TOTAL TRACT ACRES 1.165 AC.
 ACRES IN CHESAPEAKE BAY CRITICAL AREA 0.00 AC.
 AND OTHER DEDUCTIONS 0.00 AC.
 NET TRACT 1.165 AC.

EXISTING FOREST 0.00 AC.
 FOREST CONSERVATION REQUIRED 0.175 AC.
 FOREST TO BE DEVELOPED AND/OR CLEARED 0.00 AC.
 FOREST CONSERVATION PROVIDED 0.175 AC.
 RETAINED EXISTING FOREST 0.00 AC.
 AFFORESTATION PLANTING (ONSITE) 0.175 AC.

FOREST PROTECTION TIMETABLE DURING DEVELOPMENT ACTIVITIES

REQUIRED FOREST CONSERVATION INCLUDES THE ONSITE AFFORESTATION AREA.

PROTECTIVE SIGNAGE WILL BE PLACED AROUND THE 0.25 ACRES PROTECTED FOREST AREA BOUNDARY UPON RECORDATION OF THE SUBDIVISION PLAT. PROTECTIVE SIGNS AND THEIR INSTALLATION SHALL MEET THE SPECIFICATIONS AND STANDARDS GIVEN IN THIS APPROVED FOREST CONSERVATION PLAN, FCA # 01-20-05- . SIGNS MUST BE MAINTAINED INDEFINITELY.

NOTES:

- 1) PROTECTED FOREST AREA SHOWN HEREON ARE PROHIBITED FROM CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT BY A RESTRICTIVE DEED OF FOREST CONSERVATION EASEMENT RECORDED IN THE LAND RECORDS OF KENT COUNTY.
- 2) PRIORITY AREA SELECTED FOR FOREST CONSERVATION CONSIST OF THE SOIL "MnA" MATAPEAKE SILT LOAM, A NON-HYDRIC SOIL WITH A HYDROLOGIC SOIL GROUP OF "C". SLOPES ARE FROM 2 TO 5 PERCENT.

FOREST CONSERVATION WORKSHEET

NET TRACT AREA
 TOTAL TRACT AREA = 1.165
 DEDUCTIONS = 0.00
 NET TRACT AREA = 1.165

LAND USE CATEGORY

ARA	MDR	IDA	HDR	MPD	CIA
0	0	1	0	0	0

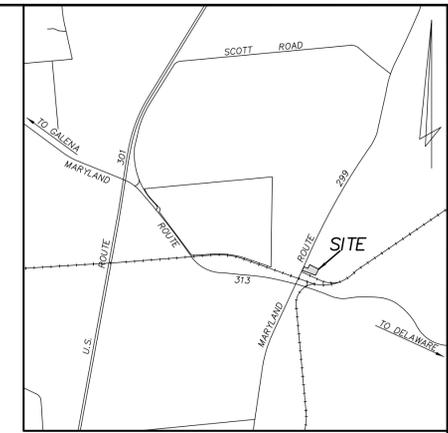
AFFORESTATION THRESHOLD (Net Tract Area X 15%) = 0.175
 CONSERVATION THRESHOLD (Net Tract Area X 15%) = 0.175

EXISTING FOREST COVER
 EXISTING FOREST COVER WITHIN THE NET TRACT AREA = 0.00
 AREA OF FOREST ABOVE CONSERVATION THRESHOLD = 0.00

BREAK EVEN POINT
 BREAK EVEN POINT = 0.00
 FOREST CLEARING PERMITTED WITHOUT MITIGATION = 0.00

PROPOSED FOREST CLEARING
 TOTAL AREA OF FOREST TO BE CLEARED = 0.00
 TOTAL AREA OF FOREST TO BE RETAINED = 0.00

PLANTING REQUIREMENTS
 REFORESTATION FOR CLEARING ABOVE THE CONSERVATION THRESHOLD = 0.00
 REFORESTATION FOR CLEARING BELOW THE CONSERVATION THRESHOLD = 0.00
 CREDIT FOR RETENTION ABOVE THE CONSERVATION THRESHOLD = 0.00
 TOTAL REFORESTATION REQUIRED = 0.00
 TOTAL AFFORESTATION REQUIRED = 0.175
 TOTAL PLANTING REQUIRED = 0.175



VICINITY MAP
 SCALE 1" = 2000'

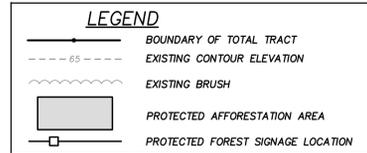
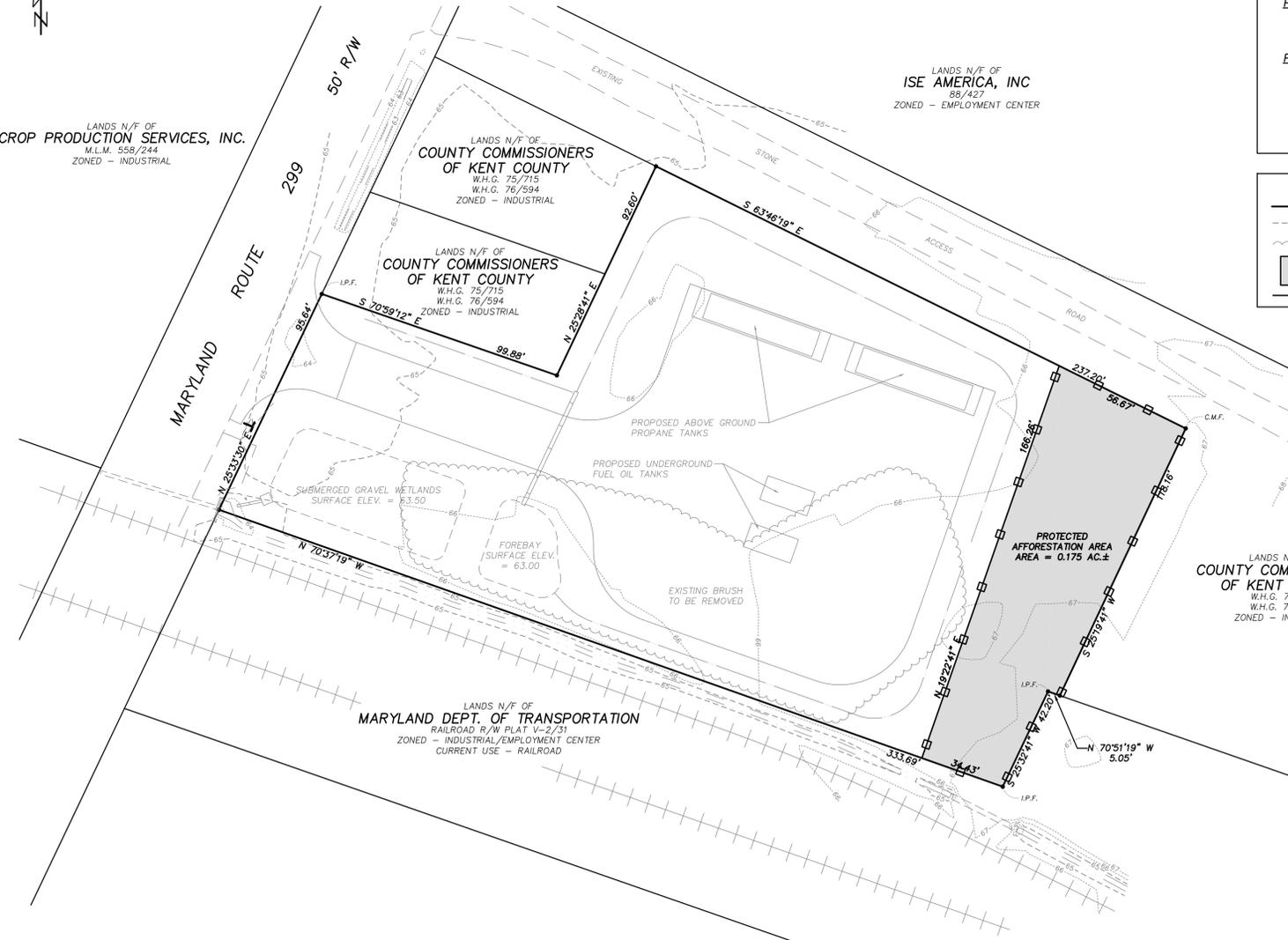
LANDS N/F OF
CROP PRODUCTION SERVICES, INC.
 M.L.M. 558/244
 ZONED - INDUSTRIAL

LANDS N/F OF
ISE AMERICA, INC
 88/427
 ZONED - EMPLOYMENT CENTER

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
 W.H.G. 75/715
 W.H.G. 76/594
 ZONED - INDUSTRIAL

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
 W.H.G. 75/715
 W.H.G. 76/594
 ZONED - INDUSTRIAL

LANDS N/F OF
MARYLAND DEPT. OF TRANSPORTATION
 RAILROAD R/W PLAT V-2/31
 ZONED - INDUSTRIAL/EMPLOYMENT CENTER
 CURRENT USE - RAILROAD



DEVELOPER:
 DIXIE LAND ENERGY
 C/O KEVIN PRICE
 281 E. MAIN STREET
 RISING SUN, MARYLAND 21911
 PHONE: 1-888-517-3680

OWNER
 SHIRLEY ANN BEILER
 103 DOVERVIEW DRIVE, UNIT 404
 DOVER, DELAWARE 19904

ENGINEER
 DMS & ASSOCIATES, LLC
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE No. 1-443-262-9130

AFFORESTATION TREE CALCULATIONS
 Required Afforestation Area: 0.175 acres
 Required Planting Ratio: 100 trees per acre for 1 1/2" Caliber tree size
 Required Trees: 0.175 x 100 = 18 trees

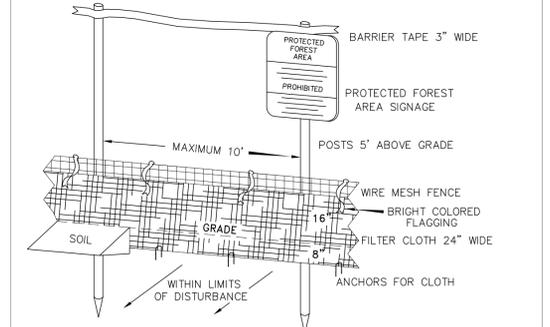
AFFORESTATION PLANT SCHEDULE

QUA BOTANICAL/COMMON NAME	SIZE & ROOT
4 Liriodendron tulipifera/Tulip Poplar	1.5 - 1.75" Cal. B&B
8 Pinus taeda/Loblolly Pine	1.5 - 1.75" Cal. B&B
6 Quercus falcata/Southern Red Oak	1.5 - 1.75" Cal. B&B
18 Total Trees	

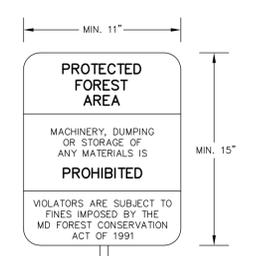
FOREST PROTECTION DEVICE PROTECTIVE FENCING DETAIL

- CONSTRUCTION FENCING SUCH AS FILTER CLOTH, CHAIN-LINK, PLASTIC OR WIRE MESH, STAKED STRAW BALES, BARBED WIRE, OR SNOW FENCING MAY BE USED TO MARK BOUNDARIES OF "PROTECTED FOREST AREAS" DURING CLEARING, GRADING, AND/OR CONSTRUCTION; HOWEVER THE FENCE MUST MEET THE FOLLOWING REQUIREMENTS:
- A) FENCE POSTS MUST BE A MINIMUM OF 5' ABOVE GRADE WITH CLOTH, MESH, WIRE OR SLATS SECURELY ATTACHED TO FORM A STRUCTURE CAPABLE OF RESISTING THE WEIGHT OF AN ADULT HUMAN. BRIGHTLY COLORED, 3" WIDE, PLASTIC, BARRIER TAPE MUST BE STRUNG BETWEEN THE TOPS OF EACH FENCE POST.
 - B) BRIGHTLY COLORED FENCING SLATS, MESH, OR CLOTH, EXTENDING FROM GROUND TO AT LEAST 4' ABOVE GRADE ARE RECOMMENDED. DRAB FENCING MATERIALS (CLOTH, WIRE) MAY BE HIGH-LIGHTED WITH COLORED FLAGGING STREAMERS AT FREQUENT INTERVALS ALONG THE UPPER EDGE.
 - C) PROTECTED FOREST AREA SIGNAGE (SEE ENCLOSED DETAIL) MUST BE ATTACHED TO FENCE POSTS A MINIMUM OF EVERY 50 FEET.
 - D) SEE STATE, MUNICIPAL OR COUNTY FOREST CONSERVATION MANUAL FOR ILLUSTRATIONS OF VARIOUS TYPES OF PROTECTED FOREST AREA FENCING, AND THE ENCLOSED EXAMPLE OF A MODIFIED STANDARD FILTER CLOTH FENCE USED FOR SEDIMENT CONTROL AND FOREST PROTECTION.

FENCING EXAMPLE



FOREST PROTECTION DEVICE PROTECTIVE SIGNAGE DETAIL



- A. SIGNS TO BE PLACED AT MAXIMUM OF 50 FEET INTERVALS ALONG PROTECTED FOREST BOUNDARY.
- B. SIGNS CANNOT BE NAILED, SCREWED OR STAPLED TO TREES.
- C. SIGNS WITH SIMILAR WORDING MAY BE OBTAINED FROM SURVEYOR/FORESTRY SUPPLY STORES.

FOREST PROTECTION PLAN

ANY CLEARING, GRADING AND/OR CONSTRUCTION PROPOSED WITHIN 50 FEET OF PROTECTED FOREST AREAS MUST COMPLY WITH THE FOLLOWING FOREST PROTECTION PLAN:

- 1) FIELD LOCATION OF THE PROTECTED FOREST AREA BOUNDARIES, IN ACCORDANCE WITH SURVEY COURSES AND DISTANCES AND CRITICAL ROOT ZONE DETERMINATION GIVEN IN THIS APPROVED FOREST CONSERVATION PLAN, FCA # 01-20-05- .
- 2) INSTALLATION OF PROTECTIVE SIGNAGE ALONG THE PROTECTED FOREST AREA BOUNDARIES IN ACCORDANCE WITH DETAILS ENCLOSED IN THIS APPROVED FOREST CONSERVATION PLAN, FCA # 01-20-05- .
- 3) NOTIFY THE KENT COUNTY DEPARTMENT OF PLANNING AND ZONING, FOREST CONSERVATION COORDINATOR TO CONDUCT PRE-CLEARING/GRADING/CONSTRUCTION FIELD INSPECTION OF THE BOUNDARY LOCATION AND INSTALLED FOREST PROTECTION DEVICES.
- 4) AFTER INSPECTION APPROVAL IS GRANTED, CONDUCT THE CLEARING, GRADING AND/OR CONSTRUCTION.
- 5) AFTER COMPLETION OF ALL CONSTRUCTION ACTIVITIES AND BEFORE REMOVAL OF THE FOREST PROTECTION DEVICES, NOTIFY THE KENT COUNTY DEPARTMENT OF PLANNING AND ZONING, FOREST CONSERVATION COORDINATOR TO CONDUCT A FIELD INSPECTION OF THE PROTECTED FOREST AREAS.

CRITICAL ROOT ZONE

AREA OF ROOT PROTECTION NECESSARY FOR TREE SURVIVAL. DEFINED ZONE ENCIRCLES A TREE TRUNK ONE FOOT OUTWARD FOR EACH INCH OF TRUNK DIAMETER MEASURED AT 4.5 FEET ABOVE GROUND. MINIMUM RADIUS IS 8 FEET. THE ZONE IS 1.5 FEET OUTWARD FOR EACH TRUNK DIAMETER EQUALING OR EXCEEDING 30 INCHES, AND FOR ALL TREES WITHIN A RETENTION AREA LESS THAN 10,000 SQ. FT.

FIELD LOCATION AND MARKING OF THE PROTECTED FOREST BOUNDARY MAY REQUIRE A CRITICAL ROOT ZONE DETERMINATION FOR EACH INDIVIDUAL TREE IN CLOSE PROXIMITY TO THE BOUNDARY. THE DETERMINATION SAVES TREES WITH APPROXIMATELY 70 PERCENT OR MORE OF THE CRITICAL ROOT ZONE IN THE RETENTION AREA BY ADJUSTING THE RETENTION AREA BOUNDARY TO INCLUDE THE ENTIRE CRITICAL ROOT ZONE. THE FOLLOWING EXAMPLE SHOWS USE OF THE CRITICAL ROOT ZONE IN ESTABLISHING A FINAL RETENTION AREA BOUNDARY.

PROTECTED FOREST RETENTION AREA	AREA TO BE CLEARED	TREE	ASSESSMENT	DETERMINATION
1	1-1.5"	1	APPROXIMATELY 65% OF C.R.Z. IN RETENTION AREA. WORTH MOVING BOUNDARY TO ACCOMMODATE TREE.	SAVE
2	2-3"	2	APPROXIMATELY 80% OF C.R.Z. IN RETENTION AREA. MOVE BOUNDARY TO INCLUDE ENTIRE ZONE.	SAVE
3	3-4"	3	APPROXIMATELY 25% OF C.R.Z. IN RETENTION AREA. NOT WORTH MOVING BOUNDARY.	REMOVE
4	4-5"	4	NONE OF C.R.Z. IN RETENTION AREA.	REMOVE
5	5-6"	5	NEARLY ENTIRE C.R.Z. WITHIN RETENTION AREA. MOVE BOUNDARY TO INCLUDE ENTIRE ZONE.	SAVE
6	6-7"	6	TRUNK AND OVER 50% OF C.R.Z. OUTSIDE RETENTION AREA. NOT WORTH MOVING BOUNDARY.	REMOVE

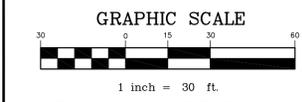
LEGEND:
 --- CRITICAL ROOT ZONE (C.R.Z.)
 --- PRELIMINARY RETENTION AREA BOUNDARY
 --- FINAL RETENTION AREA BOUNDARY
 R REMOVE TREE
 S SAVE TREE

- NOTES:
- 1) TREE SPECIES AND HEALTH SHOULD BE CONSIDERED IN C.R.Z. ASSESSMENTS ALONG THE RETENTION AREA BOUNDARY.
 - 2) ANY DISTURBED CRITICAL ROOT ZONE IN THE RETENTION AREA MUST BE SHOWN ON THE FOREST CONSERVATION PLAN.
 - 3) PRUNING, AERATION, TUNNELING, STORMWATER MANAGEMENT AND OTHER PROCEDURES (SEE EXAMPLES IN APPENDIX C OF 1995 STATE FOREST CONSERVATION TECHNICAL MANUAL, 2ND EDITION) SHOULD BE CONSIDERED TO ENSURE LONG TERM SURVIVAL OF RETAINED TREES.

APPROVED
FOREST CONSERVATION PLAN
 (AUTHORIZATION)
 DATE
 FOREST CONSERVATION PROGRAM
 LANDS OF
 SHIRLEY ANN BEILER
 KENT COUNTY, MARYLAND
 TAX MAP 24, PARCEL 68
 KENT COUNTY, MARYLAND

THIS FOREST CONSERVATION PLAN IS PREPARED BY HUSTEAD LANDSCAPE ARCHITECTURE, LLC, WHO MEETS THE FORESTRY REQUIREMENTS OF MARYLAND C.O.M.A.R. 08.19.01.06 AND ARE APPROVED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES, FOREST CONSERVATION PROGRAM AS PROFESSIONALS QUALIFIED TO CONDUCT FCP.

Vernon Hustead 5/16/20
 QUALIFIED PROFESSIONAL: VERNON HUSTEAD
 HUSTEAD LANDSCAPE ARCHITECTURE, LLC
 120 BAY MEADOW LANE
 STEVENSVILLE, MARYLAND 21666
 PHONE No. 443-988-2294



PROFESSIONAL SEAL AND SIGNATURE OF THE ENGINEER. THIS DOCUMENT IS THE PROPERTY OF DMS & ASSOCIATES, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF DMS & ASSOCIATES, LLC IS PROHIBITED.

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE: 1-443-262-9130
 FAX: 1-443-262-9148

REVISION	DATE

FOREST CONSERVATION PLAN (FCP #01-20-05-)
 OF THE LANDS OF
SHIRLEY ANN BEILER
 NEAR THE VILLAGE OF MASSEY
 TAX MAP - 24, GRID - 1C, - PARCEL - 68
 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR : DIXIE LAND ENERGY

SCALE 1" = 30'
 DATE MAY 20
 JOB No. 2019160
 DRAWN BY J. MOORE
 DESIGNED BY J. MOORE
 FOLDER No. 24-2019160
 SHEET No. -
 CADD FILE - 19160FCP



LANDS N/F OF
CROP PRODUCTION SERVICES, INC.
M.L.M. 558/244
ZONED - INDUSTRIAL
CURRENT USE - COMMERCIAL

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - INDUSTRIAL
CURRENT USE - VACANT

LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - INDUSTRIAL
CURRENT USE - VACANT

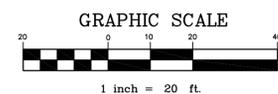
LANDS N/F OF
COUNTY COMMISSIONERS OF KENT COUNTY
W.H.G. 75/715
W.H.G. 76/594
ZONED - VILLAGE
CURRENT USE - PUBLIC WORKS

LANDS N/F OF
MARYLAND DEPT. OF TRANSPORTATION
RAILROAD R/W PLAT V-2/31
ZONED - INDUSTRIAL/EMPLOYMENT CENTER
CURRENT USE - RAILROAD

LANDS N/F OF
ISE AMERICA, INC
88/427
ZONED - EMPLOYMENT CENTER
CURRENT USE - AGRICULTURE

PLANTING LEGEND

- CANOPY TREE 
- EVERGREEN TREES 
- FLOWERING SHRUBS 
- SWM SHRUBS 
- SWM GRASSES & EMERGENTS 



KENT COUNTY DEPARTMENT OF PLANNING AND ZONING
KENT COUNTY HEALTH DEPARTMENT

KENT SOIL AND WATER CONSERVATION DISTRICT



DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
P.O. BOX 80
CENTREVILLE, MARYLAND 21617

HUSTEAD Landscape Architecture, LLC
120 Bay Meadows Lane Stevensville, MD. 21666
Phone : 443.988.2294
E-mail: Vhustead@Husteadla.com Web: www.Husteadla.com

DATE	REVISION

LANDSCAPE PLAN
ON THE LANDS OF
SP REALTY INVESTMENTS, LLC
IN THE VILLAGE OF MASSEY
TAX MAP - 24, GRID - 1C, PARCEL - 68
FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR : DIXIE LAND ENERGY

DATE	SCALE
MAY '20	1" = 20'
JOB No. 2019160	DRAWN BY WJM
FOLDER Ref. 24-2019160	DESIGNED BY KJS
SHEET No. - L-1	
CADD FILE - 19160-L1	

LANDSCAPE SPECIFICATIONS

OVERALL COMPLIANCE WITH THE TERMS OF THIS BUFFER MANAGEMENT PLAN INCLUDING ALL MAINTENANCE AND WARRANTY REQUIREMENTS PRESCRIBED HEREON IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER. MAINTENANCE WARRANTY AND PLANT MATERIAL SURVIVAL RESPONSIBILITIES OF THE LANDSCAPE CONTRACTOR SHALL BE AS SPECIFICALLY NEGOTIATED BETWEEN OWNER/DEVELOPER AND CONTRACTOR.

ALL WORK SHALL BE ACCOMPLISHED WITH QUALIFIED PERSONNEL, UTILIZING INDUSTRY STANDARD PRACTICES AND TECHNIQUES. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE INSTALLATION OF ALL LANDSCAPING SHOWN OR IMPLIED ON THIS PLAN. PRIOR TO INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR PLAN PREPARER IF SITE PLANTING CONDITIONS WARRANT RE-DESIGN CONSIDERATION AND VERIFY THE RECEIPT OF MOST CURRENT APPROVED BUFFER MANAGEMENT PLAN.

A. MATERIALS
 (1) PLANTS SHALL BE NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES, AND GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT. THEY SHALL HAVE BEEN ROOT FURNED WITHIN THE LAST TWO YEARS.

THEY SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, PEST, EGGS OR LARVAE, AND SHALL HAVE A HEALTHY, DEVELOPED ROOT SYSTEM. TREES AND SHRUBS SHALL NOT BE PRUNED BEFORE DELIVERY. ALL PLANTS WITH A DAMAGED OR CROOKED LEADER OR MULTIPLE LEADERS, ABRASIONS ON THE BARK, SUNSCALD, DEFECTING KNOTS OR FRESH CUTS OVER 1/2" WILL BE REJECTED. THE OWNER RESERVES THE RIGHT TO HAVE THE PLANT MATERIAL INSPECTED AND TAGGED AT THE GROWING SITE AND TO REJECT ANY DEFICIENT MATERIAL AT THE JOB SITE. THE LANDSCAPE ARCHITECT OR PLAN PREPARER SHALL REJECT ANY AND ALL PLANT MATERIAL THAT DOES NOT MEET SPECIFICATIONS, IS DISEASED, OR IS OTHERWISE UNHEALTHY.

NO CHANGE IN QUANTITY, SIZE, KIND OR QUALITY OF PLANT SPECIFIED WILL BE PERMITTED WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE PLANT COUNT AND IN ANY INSTANCE WHERE THERE IS A DISCREPANCY BETWEEN THE PLAN VIEW AND THE LANDSCAPE SCHEDULE, THE PLAN VIEW SHALL PRESIDE.

(2) TOPSOIL SHALL BE FERTILE, FRIABLE AND TYPICAL OF THE LOCALITY. IT SHALL BE FREE OF STONES, LUMPS, PLANTS, ROOTS, STICKS AND SHALL NOT BE DELIVERED IN A FROZEN OR MUDDY CONDITION. COMPACTED SOILS THAT CANNOT BE RESTORED TO A REASONABLE PLANTING SOIL SHALL BE REMOVED AND REPLACED WITH FRIABLE NATIVE SOILS.

(3) PLANTING SOIL (BACKFILL MIX) SHALL BE FIVE PARTS NATIVE TOPSOIL AND ONE PART WET LOOSE PEATMOSS.

(4) STAKING MATERIALS: GUY WIRE SHALL BE PLIABLE 12 GAUGE GALVANIZED TWISTED TWO STRAND WIRE. HOSES SHALL BE A SUITABLE LENGTH OF TWO-PLY, REINFORCED BLACK RUBBER HOSE 3/4" INCH IN DIAMETER; STAKES SHALL CONFORM TO THE DETAIL ON THIS SHEET.

(5) MULCH: MULCH SHALL BE ORGANIC DOUBLE SHREDDED HARDWOOD BARK FREE OF HERBICIDES, LARGE CHUNKS AND WEEDS AND SEED AND AGED A MINIMUM OF 6 MONTHS.

B. APPLICABLE SPECIFICATIONS AND STANDARDS:
 (1) "STANDARDIZED PLANT NAMES," LATEST EDITION, AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE.
 (2) "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, AMERICAN ASSOCIATION OF NURSERMEN.

C. PRE-DELIVERY DIGGING AND HANDLING OF PLANT MATERIALS:
 (1) IMMEDIATELY BEFORE DIGGING, SPRAY ALL EVERGREEN OR DECIDUOUS PLANT MATERIAL IN FULL LEAF WITH ANTI-DESICCANT, APPLYING AN ADEQUATE FILM OVER TRUNKS, BRANCHES, TWIGS, AND/OR FOLIAGE.

(2) DIG BALL AND BURLAP (B&B) PLANTS WITH FIRM NATURAL BALLS OF EARTH, OF DIAMETER NOT LESS THAN THAT RECOMMENDED BY AMERICAN STANDARD FOR NURSERY STOCK, AND OF SUFFICIENT DEPTH TO INCLUDE THE FIBROUS AND FEEDING ROOTS. PLANTS MOVED WITH A BALL WILL NOT BE ACCEPTED IF THE BALL IS CRACKED OR BROKEN BEFORE OR DURING PLANTING OPERATIONS.

(3) THE LANDSCAPE CONTRACTOR SHALL PLAN DELIVERY AND PLANT INSTALLATION TO MINIMIZE STRESS ON PLANT MATERIAL. MATERIAL TO BE STAGED ON OR OFF THE JOB SITE SHALL BE LOCATED TO MAXIMIZE PROTECTION FROM HOT SUN AND DRYING WINDS AND SHALL BE WATERED TO MAINTAIN A STRESS FREE CONDITION. THE LACK OF AVAILABLE WATER SHALL NOT RELIEVE THE CONTRACTOR OF ADEQUATE MAINTENANCE.

D. SITE PREPARATION:
 PLANTING AREAS THAT HAVE BEEN IN CONSISTENT AGRICULTURAL PRODUCTION SHALL BE PLANTED WITH NO OTHER REQUIRED SITE PREPARATION.

PLANTING AREAS THAT ARE VEGETATED AND STABLE WITH MINIMAL WEEDS SHALL BE MOWED TO 8" OR AS REQUIRED FOR PLANTING OR SEEDLING INSTALLATION.

E. EXCAVATION OF PLANTING AREAS:
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK. COORDINATE WITH OTHER CONTRACTORS ON SITE AND MISS UTILITY TO VERIFY UTILITY LOCATIONS. ANY REPAIRS TO EXISTING UNDERGROUND UTILITIES REQUIRED AS A RESULT OF ACTIONS OF THE CONTRACTOR AND/OR HIS ASSIGNS SHALL BE BORNE BY THE CONTRACTOR.

STAKE OUT ON THE GROUND LOCATIONS FOR PLANTS AND OUTLINES OF AREA TO BE PLANTED AND OBTAIN APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER BEFORE EXCAVATION IS BEGUN. CONTRACTOR IS TO CAUTIOUSLY TEST PIT AREAS WHERE UNDERGROUND UTILITIES (ELECTRIC, GAS, CABLE/COMMUNICATIONS LINES, WATER LINES, SEWER, ROOT LEADERS, STORM DRAIN PIPE, ETC.) ARE SUSPECTED TO EXIST AND WHERE PROPOSED TO BE PLACED ACCORDING TO PLAN TO AVOID ANY DAMAGE OR DISRUPTIONS TO SERVICES. DO NOT PLACE PLANTS DIRECTLY OVER ANY EXISTING UNDERGROUND UTILITIES. OFFSET A REASONABLE AND PRACTICAL DISTANCE TO AVOID ANY IMMINENT OR FUTURE CONFLICT.

F. PLANTING OPERATIONS:
 DO NOT MIX OR PLACE SOILS AND SOIL AMENDMENTS IN FROZEN, WET OR MUDDY CONDITION. SUSPEND SOIL SPREADING, GRADING AND TILLING OPERATIONS DURING PERIODS OF EXCESSIVE SOIL MOISTURE UNTIL MOISTURE CONTENT REACHES ACCEPTABLE LEVELS TO ATTAIN THE REQUIRED RESULTS. UNIFORMLY MOISTEN EXCESSIVELY DRY SOIL THAT IS NOT WORKABLE AND TOO DUSTY.

TREE PITS SHALL BE EXCAVATED TO A DEPTH THAT ALLOWS FOR THE PLANTS TO BE SET AT THE SAME RELATIONSHIP TO FINISHED GRADE AS THEY BORE TO THE GROUND FROM WHICH THEY WERE DUG. ADD 1 OZ. OF MYCOAPPLY ENDO GRANULAR PER 2 CU FT. OF BACKSOIL, TO THE SIDES OF THE ROOTBALL. PLANTING PITS SHALL BE DUG A MINIMUM OF 6 INCHES BELOW THE ROOT BALL, AND 2 FEET PAST THE EDGE OF THE ROOT BALL TO ALLOW ROOM FOR AN EXPANDED AREA OF PLANTING SOIL. USE PLANTING SOIL TO BACKFILL APPROXIMATELY 2/3 FULL. WATER THOROUGHLY BEFORE INSTALLING REMAINDER OF THE PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. SET PLANTS PLUMB AND BRACE RIGIDLY IN POSITION UNTIL THE PLANTING SOIL HAS BEEN STAMPED SOLIDLY AROUND THE BALL AND ROOTS. CUT ROPES OR STRINGS FROM TOP OF BALL AFTER PLANT HAS BEEN SET. LEAVE BURLAP OR CLOTH WRAPPING INTACT AROUND BALLS. TURN UNDER AND BURY PORTIONS OF BURLAP AT TOP OF BALL. FOR CONTAINER GROWN PERENNIALS, CAREFULLY REMOVE FROM CONTAINERS WITHOUT BREAKING APART PLANTS OR ROOT SYSTEMS AND GENTLY LOOSEN SOIL. PLACE IN PIT EXCAVATED TO THE DEPTH THAT ALLOWS FOR THE PLANT TO BE SET AT ITS FORMER GRADE. BACKFILL TO 2/3 FULL AND WATER THOROUGHLY. BACKFILL WITH REMAINING PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. DISPOSE OF REMOVED CONTAINERS OFFSITE AT AN APPROVED LANDFILL.

PROTECT PLANTS AT ALL TIMES FROM SUN OR DRYING WINDS. PLANTS THAT CANNOT BE PLANTED IMMEDIATELY ON DELIVERY SHALL BE KEPT IN THE SHADE, WELL PROTECTED WITH SOIL, WET MOSS OR OTHER ACCEPTABLE MATERIAL AND SHALL BE KEPT WELL WATERED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN THREE DAYS AFTER DELIVERY. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR BREAK BRANCHES. PLANTS SHALL BE LIFTED AND HANDLED FROM THE BOTTOM OF THE BALL ONLY.

MULCH ALL PITS AND BEDS WITH A TWO-INCH LAYER OF BARK MULCH IMMEDIATELY AFTER PLANTING. TO WORKED BEDS OF HERBACEOUS PERENNIALS ADD MULCH TO A DEPTH OF 2". PROVIDE AN 3-FOOT DIAMETER MULCH CIRCLE AROUND THE BASE OF ALL LARGE TREES. IN NO INSTANCE IS MULCH TO BE PILED AGAINST THE BASE OF TREE AND SHRUB TRUNKS. MULCH AREAS AROUND BASE OF EACH PLANT AND IN PLANTER AREAS. WATER ALL PLANTS IMMEDIATELY AFTER PLANTING.

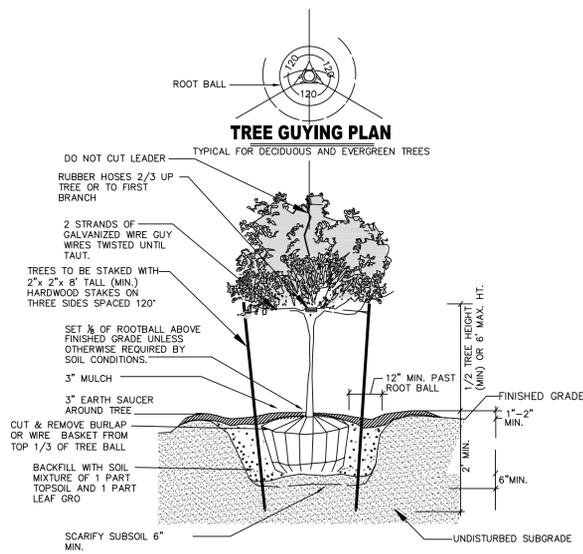
G. STAKING AND PRUNING:
 STAKE LARGE TREES IMMEDIATELY AFTER PLANTING. PLANTS SHALL STAND PLUMB AFTER STAKING. STAKES AND GUY WIRES SHALL BE OF THE SIZE AND MATERIAL SPECIFIED ABOVE AND POSITIONED AS SHOWN ON THE ACCOMPANYING PLANTING DETAIL. THEY SHALL BE REMOVED AT THE END OF THE GUARANTEE PERIOD AND DISPOSED OF OFF SITE BY THE CONTRACTOR.

REMOVE ALL DEAD WOOD, SUCKERS, OR BROKEN BRANCHES AND PRESERVE THE NATURAL CHARACTER OF THE PLANT.

H. POST PLANTING RESPONSIBILITIES:
 THE OWNER/DEVELOPER THROUGH HIS/HER CONTRACT WITH THE LANDSCAPE CONTRACTOR IS RESPONSIBLE AND SHALL INSURE ADEQUATE MAINTENANCE IS PROVIDED THROUGH THE INSTALLATION AND WARRANTY PERIOD AND FINAL INSPECTION BY THE COUNTY.

I. GUARANTEE:
 TREES AND HERBACEOUS PERENNIALS SHALL BE GUARANTEED FOR TWO (2) FULL YEARS FROM THE DATE THAT THE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETE AND HAVE A 100% SURVIVABILITY RATING AT THE END OF THE TWO YEARS. PLANT MATERIAL NOT FOUND TO BE IN A HEALTHY, VIGOROUS CONDITION AT THE BEGINNING OF THE SECOND GROWING SEASON IS TO BE REPLACED. BARE-ROOT SEEDLINGS SHALL BE GUARANTEED FOR A PERIOD OF FIVE (5) YEARS AND HAVE A 50% SURVIVABILITY RATE AT THE END OF 5 YEARS. SEEDLINGS NOT FOUND TO BE IN A HEALTHY VIGOROUS CONDITION AT THE END OF THE FIVE-YEAR PERIOD ARE TO BE REPLACED.

PLANTING DETAILS



DECIDUOUS TREE PLANTING DETAIL

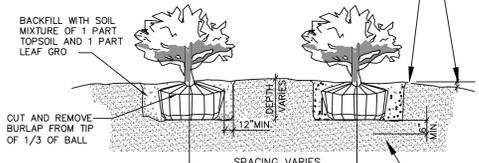
NOT TO SCALE

NOTES:

1. FOR CONTAINER SHRUBS, COMPLETELY REMOVE ALL NON-BIODEGRADABLE CONTAINERS AND SCARIFY ROOTBALL.

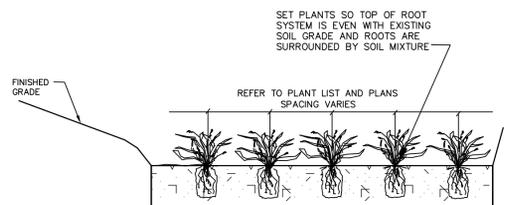
2. FOR B&B SHRUBS, CUT AND REMOVE BURLAP FROM TOP 1/3 OF ROOT BALL.

3. FOR SHRUBS PLANTED IN GROUPS, MULCH THE ENTIRE AREA AROUND THE OUTER LIMITS OF THE BED AND NOT EACH SHRUB INDIVIDUALLY.



SHRUB PLANTING DETAIL

NOT TO SCALE



PERENNIAL & GRASS PLANTING DETAIL

NOT TO SCALE

LANDSCAPE REQUIREMENTS

THE ZONING CODE REQUIRES THE SCREENING OF INDUSTRIAL SITES FROM ADJACENT RESIDENTIAL HOMES AND ROADS. THE ADJACENT PROPERTIES ARE INDUSTRIAL OR COMMERCIAL IN USE. THE ACCESS TO THE SITE FROM MD RTE 299 IS NARROW.

THE LANDSCAPE DESIGN IS INTENDED TO SCREEN LOADING AREAS FOR THE ABOVE GROUND PROPANE AND FUEL OIL TANKS FROM THE ADJACENT PROPERTIES. THE ENTRANCE AND FRONT BUFFER YARDS HAVE PROPOSED STREET TREES TO SCREEN THE LOADING AREAS FROM THE ROAD AND FLOWERING SHRUBS TO ACCENTUATE THE ENTRANCE. EVERGREEN AND FLOWERING EMERGENT PLANTS ARE PROPOSED IN THE SUBMERGED GRAVEL WETLANDS TO PROVIDE EVERGREEN PLANTINGS AND FLOWERING PLANTS OR SEASONAL INTEREST. SHRUBS ARE PROPOSED TO PROVIDE FLOWERING PLANTS AND A VERTICAL ACCENT TO THE DESIGN.

PLANT SCHEDULES

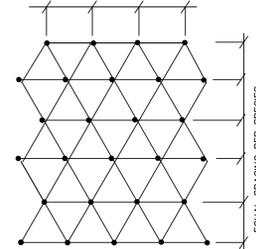
LANDSCAPE PLANT SCHEDULE

KEY	QUA	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
<i>Canopy Trees</i>					
PA	5	Platanus acerifolia 'Bloodgood'	Bloodgood London Plane Tree	1 1/2 - 2" Cal. B&B	As Shown
QF	2	Quercus falcata	Southern Red Oak	1 1/2 - 2" Cal. B&B	As Shown
<i>Evergreen Trees</i>					
NS	10	Picea abies	Norway Spruce	4 - 5' Ht. B&B	As Shown
PS	3	Pinus strobus	White Pine	4 - 5' Ht. B&B	As Shown
<i>Flowering Shrubs</i>					
VC	10	Viburnum carlesii	Korean Spicebush	3 - 4' Ht. B&B	4' o.c.

SUBMERGED GRAVEL WETLANDS PLANT SCHEDULE

KEY	QUA	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
<i>Flowering Shrubs</i>					
Co	12	Cephalanthus occidentalis	Buttombush	18 - 24" Cont.	As Shown
<i>Emergents</i>					
Iv	135	Iris versicolor	Blue Flag	1 Qt. Cont.	18" o.c. stag.
Pc	480	Pontederia cordata	Pickering Weed	1 Qt. Cont.	18" o.c. stag.
Si	210	Sagittaria latifolia	Broadleaf Arrowhead	1 Qt. Cont.	24" o.c. stag.
Sp	1,055	Schoenoplectus pungens	Common Three Square	1 Qt. Cont.	12" o.c. stag.

EQUAL SPACING PER SPECIES



HERBACEOUS VEGETATION PLANTING PATTERN

NOT TO SCALE

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING	KENT COUNTY HEALTH DEPARTMENT	KENT SOIL AND WATER CONSERVATION DISTRICT		DAVIS, MOORE, SHEARON & ASSOCIATES, LLC P.O. BOX 80 CENTREVILLE, MARYLAND 21617 HUSTEAD Landscape Architecture, LLC 120 Bay Meadows Lane Stevensville, MD. 21666 Phone : 443.988.2294 E-mail: Vhustead@Husteadla.com Web: www.Husteadla.com	DATE	REVISION	LANDSCAPE DETAILS		DATE	SCALE
							ON THE LANDS OF SP REALTY INVESTMENTS, LLC IN THE VILLAGE OF MASSEY TAX MAP - 24, GRID - 1C, PARCEL - 68 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : DIXIE LAND ENERGY		MAY, '20	1" = 20'
									JOB No. 2019160	DRAWN BY WJM
									FOLDER Ref 24-2019160	DESIGNED BY KJS
									SHEET No. - L-2	
									CADD FILE - 19160-L2	



Davis, Moore, Shearon & Associates, LLC

June 11, 2020

Mr. William Mackey, Planning Director
Kent County Department of Planning & Zoning
400 High Street
Chestertown, Maryland 21620

**RE: BOARD OF APPEALS VARIANCE APPLICATION, PROPOSED DIXIE LAND ENERGY LIQUID PROPANE AND FUEL OIL STORAGE AND DISTRIBUTION FACILITY, MASSEY, MARYLAND
KENT COUNTY TAX MAP 24, PARCEL 68
DMS & ASSOCIATES JOB #2019160**

Dear Mr. Mackey,

Attached please find a Board of Appeals variance application for reduced setbacks for the proposed Dixie Land Energy development. Please find the following information in support of this application:

- One copy of the Board of Appeals Application
- Three copies of the Concept Plans
- \$350 application fee check

The requested variance is from Article V, Section 15.5 to place structures within the 100-ft side and rear yard setbacks. We are requesting a reduction in the side and rear yard setbacks from 100-ft to 15-ft. The subject property is zoned Industrial yet is surrounded on three sides by Village zoned property and a primary road on the other. Each of these conditions require a 100-ft setback. Once applied, the result is 0.00 acre of a development envelope.

The following are draft findings for the Board of Appeal's consideration in accordance with Article IX, Section 2.2.3 we offer the following:

- a) The variance will not cause a substantial detriment to adjacent or neighboring properties. The proposed development is consistent with adjacent uses that include a large grain storage facility, a large stone stockpile yard, a multi-track railroad, and a Crop Production Services operation.

- b) Granting of the variance will not negatively change the character of the neighborhood. Many of the surrounding uses are also storage facilities with a distribution component.
- c) Granting of the variance is consistent with the Comprehensive Plan by locating industrial uses on Industrial zoned properties.
- d) The practical difficulty arose from the following:
 - i. Applying the 100-ft setbacks from all property lines results in no usable or developable area.
 - ii. n/a
 - iii. n/a
- e) The practical difficulty was not caused by the applicants own actions, but rather the nature of the zoning and, more importantly, the surrounding zoning. If the adjacent properties were also zoned Industrial, the side and rear setbacks would only be 15-ft.
- f) Not Applicable. The subject property is not located within the Critical Area.
- g) As noted above, without a variance, there would be no usable area for this property.
- h) Not Applicable. The subject property is not located within the Critical Area.
- i) No construction has begun on this project.

We ask that you please review this information. We request that this project be placed on the July 2, 2020 Planning Commission agenda for review and positive recommendation to the Board of Appeals. If you have questions please call me at 443-262-9130.

Sincerely,

DMS & Associates, LLC



Kevin J. Shearon, P.E., LEED AP

Enclosures

pc: Dixie Land Energy (via email)

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

Dixie Land Energy
281 E. Main Street, Suite B
Rising Sun, Maryland 21911
Phone: (410) 708-1447

Email: kjs@dmsandassociates.com

For Office Use Only:
Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 15.5 of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator X Variance
Special Exception Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Massey - Sassafras Road, Massey, Maryland
In the 1st Election District of Kent County.

Size of lot or parcel of Land: 1.17 acres
Map: 24 Parcel: 68 Lot #: n/a Deed Ref: 870/403

List buildings already on property: There are currently no buildings on the property.

If subdivision, indicate lot and block number: n/a

If there is a homeowners association, give name and address of association: n/a

PRESENT ZONING OF PROPERTY: I - Industrial

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a variance from 100-ft side and rear yard setbacks to 15-ft side and rear setbacks.

If appealing decision of Zoning Administrator, list date of their decision: n/a

Present owner(s) of property: Shirley Ann Beiler Telephone: (410) 708-1447

If Applicant is not owner, please indicate your interest in this property: Dixie Land Energy is the contract purchaser

Has property involved ever been subject to a previous application? no

If so, please give Application Number and Date:

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: (see attached)

Owner(s) on the South: (see attached)

Owner(s) to the East: (see attached)

Owner(s) to the West: (see attached)

Homeowners Association, name and address, if applicable: n/a

BY SIGNING THIS APPLICATION I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.


Signature of Owner/Applicant/Agent or Attorney

6/11/2020
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals or the Planning Office is required to make out this Application. Application should be filled in by applicant or its agent. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.





240

NO SMOKING
PROPANE

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** 5/7/2020

Project Name: Dixie Land Energy

District: 1st Map: 24 Parcel: 68 Lot Size: 1.17 Deed Ref: 870/403 Zoning: I

LOCATION: East side of Massey-Sassafras Road just north of the railroad tracks, Massey, MD

PROPOSED USE: Liquid propane and fuel oil storage and distribution facility

OWNER OF LAND:

Name: Shirley Ann Beiler Telephone: _____

Address: 103 Doverview Drive, Unit 404, Dover, DE 19904 Email: _____

APPLICANT:

Name: Dixie Land Energy Telephone: 410-708-1447

Address: 281 E. Main Street, Suite B, Rising Sun, MD 21911 Email: kprice@dixielandenergy.com

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DMS & Associates, LLC Telephone: 443-262-9130

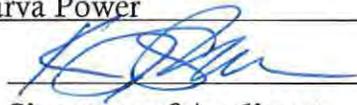
Address: P.O. Box 80 Centreville, MD 21617 Email: kjs@dmsandassociates.com

Water Supply: Public System On lot system NOTE: NO WELL OR SEPTIC SYSTEM

Sewerage: Public System On lot system PROPOSED

TELEPHONE SERVICED BY: Verizon

ELECTRIC SERVICED BY: Delmarva Power


Signature of Applicant

5/20/2020
Date

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____



May 19, 2020

To Whom It May Concern,

This is an authorization from myself, Basil S. Perry, Jr., President and owner of Dixie Land Energy and SP Realty Investments, LLC authorizing DMS to submit site plans on behalf of Dixie Land Energy, LLC.

Sincerely,

A handwritten signature in blue ink, appearing to read "Basil S. Perry, Jr.", is positioned below the word "Sincerely,".

Basil S. Perry, Jr.
President



Davis, Moore, Shearon & Associates, LLC

May 19, 2020

Mr. William Mackey, Planning Director
Kent County Department of Planning & Zoning
400 High Street
Chestertown, Maryland 21620

**RE: CERTIFIED ENGINEER'S REPORT FOR THE PROPOSED DIXIE LAND ENERGY LIQUID PROPANE AND FUEL OIL STORAGE AND DISTRIBUTION FACILITY, MASSEY, MARYLAND
KENT COUNTY TAX MAP 24, PARCEL 68
DMS & ASSOCIATES JOB #2019160**

Dear Mr. Mackey:

Dixie Land Energy is proposing to construct a new liquid propane and fuel oil storage and distribution facility on a lot currently owned by Ms. Shirley Ann Beiler in Massey, Maryland. The 1.17 acre lot is within the County's Industrial zoning district. Please accept this correspondence as our Certified Engineer's Report for this project. In accordance with Sections 14.6 of the Kent County Land Use Ordinance, we offer the following:

1. NOISE – The proposed use on this site will not generate excessive noise. Noise will be associated with the bulk supply tractor trailers and the delivery trucks frequenting the site to refill. The anticipated noise expected will be within levels normally associated with Industrial zone uses.
2. VIBRATION – The proposed use on this site will not generate excessive vibration.
3. GLARE – The proposed use on this site will not generate excessive glare.
4. AIR POLLUTION – The proposed use on this site will not generate air pollution. Nothing will be emitted or exhausted from this facility.
5. WATER POLLUTION – The proposed use on this site will not generate water pollution. All impervious surfaces will be treated using current stormwater management practices. All storage tanks will be in compliance with all State and Federal regulations for spill protection.
6. RADIOACTIVITY – There is nothing proposed with the use on this site that would generate radioactivity.
7. ELECTRICAL INTERFERENCE – There is nothing proposed with the use on this site that would generate electrical interference on any other lot or premises.

8. SMOKE AND PARTICULATE MATTER – There is nothing proposed with the use on this site that would generate smoke or particulate matter.
9. TOXIC MATTER – There is nothing proposed with the use on this site that would generate toxic matter.
10. ODOROUS MATTER – There is nothing proposed with the use on this site that would generate odorous matter.

In accordance with Sections 15.6 of the Kent County Land Use Ordinance regarding Industrial Performance Standards, I hereby submit this Certified Engineer's Report claiming, to the best of my knowledge and based on the information provided to me by my client, that the proposed use will not violate any Federal, State or County laws or regulations. The use will not produce undue emissions of pollutants to the waters or air of the County.

If you have questions please call me at 443-262-9130.

Sincerely,

DMS & Associates, LLC



Kevin J. Shearon, P.E., LEED AP

pc: Kevin Price, Dixie Land Energy

PROJECT NARRATIVE

Dixie Land Energy Massey-Sassafras Road, Massey, Maryland

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

The site is located on the east side of Massey-Sassafras Road (Maryland Route 299) just north of the railroad tracks. The 1.17 acre parcel is currently owned by Ms. Shirley Ann Beiler. The property is currently vacant with the exception of a U-shaped driveway that connects Maryland Route 299 to a driveway owned by Kent County for access to a stone stockpile area. Access to the County's property will terminate and access will be directly from Route 299.

Upon site plan approval, the property will be owned by Dixie Land Energy whose corporate address is 281 E. Main Street, Suite B, Rising Sun, Maryland 21911. The property is identified as Tax Map 24 Parcel 68. The property is zoned Industrial.

Dixie Land Energy is proposing to construct a liquid propane (LP) and fuel oil storage and distribution facility. The LP and fuel oil will be delivered by tractor trailer approximately twice per week during peak demand seasons. Smaller, fixed body delivery trucks will fill from the storage tanks at the site approximately twice per day during peak demand seasons and distribute to customers in the region.

The property will have a secured, 8-ft tall chain link fence. Access to the site will be via a lockable entrance gate. The facility will be accessible by fill and distribution truck 24-hours per day, 7 days a week.

Empty tanks to be installed at customer locations will be stored on-site.

No full-time employees will be located at this site. Therefore, the site does not have a septic system or potable water well proposed. As this is an existing lot of record, a designated sewage disposal area is not required. As a result, a well will not be permitted on the site.

There is no signage or additional lighting associated with this project.

Upon the transfer of ownership, the property will be maintained by Dixie Land Energy.



Please see the accurate property lines provided by the applicant on the site plan. The State Department of Assessment and Taxation lines are not accurate. Parcel 68 is adjacent to Village zoning to the north, east, and south.

299

MAP

P.68

Text

Memorandum

To: Kent County Planning Commission
From: Rob Tracey, Community Planner

Attached is the 2019 Annual Report. As required by the General Assembly under Land Use Article §1-207 (basic requirements), §7-104 (adequate facilities reporting requirements), and §1-208 (measures and indicators), all planning commissions and planning boards with planning and zoning authority are required to prepare and submit an annual report by July 1. The report must be adopted by the Planning Commission and filed with the County Commissioners.

Development activity has remained nearly level for the past 10 years. In 2019, only 12 more permits were applied for than in 2018, and the number of new dwellings decreased slightly from 26 to 24. However, the majority of new dwellings continue to be located in county-designated growth areas rather than in agricultural or resource areas.

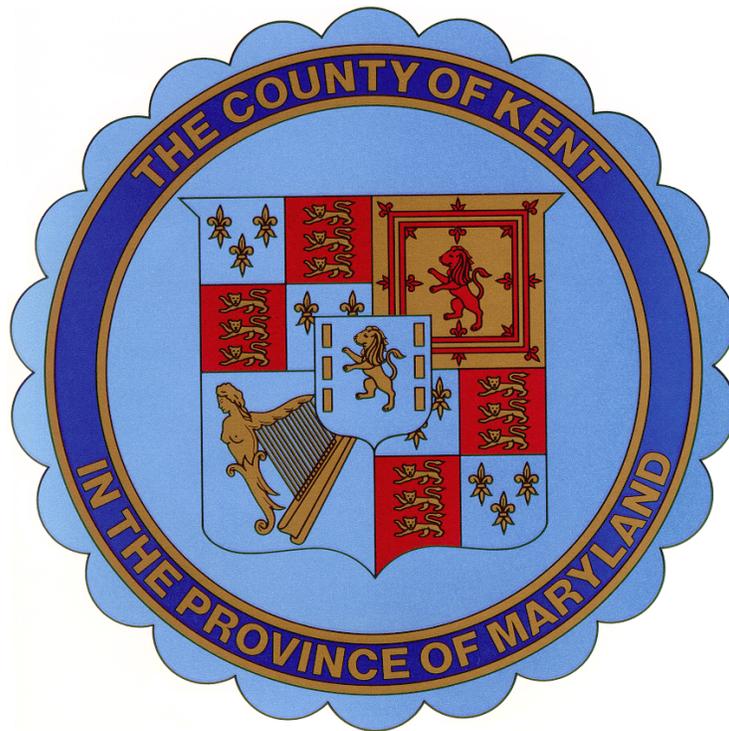
Accessory buildings and residential additions/alterations account for the greatest number of permits, followed by demolition. Although it should be noted that many accessory buildings and residential additions/alterations also have an associated demolition permit.

Subdivision and site plan activity increased from 2018. Staff reviewed five minor subdivision applications and four were approved. Staff also reviewed nine site plans, of which two were major site plans. Both major site plans were still pending at the end of the year, and four of the minor site plans were approved.

**Annual Report
2019**

Department of Planning, Housing, and Zoning

Kent County, Maryland



Completed June 2020

This Annual Report is an opportunity to highlight the Department's achievements, identify development trends, and assess the planning and development process during calendar year 2019. This report will describe specific actions taken by the Kent County Planning Commission, Zoning Board of Appeals, Agricultural Advisory Commission, Agricultural Land Preservation Advisory Board, Historic Preservation Commission, Board of Electrical Examiners, Agricultural Resolution Board, Board of Housing Appeals, Board of Building Appeals, and Department of Planning, Housing and Zoning.

DEPARTMENT STAFF

Amy G. Moredock, Director (January-May)	Mike Bitting, Chief Enforcement Officer
William A. Mackey, Director (started in September)	Bryan Foreman, Enforcement Officer
Stephanie Jones, Critical Area Planner	Sandy Adams, Office Manager
Rob Tracey, Community Planner (started in May)	Tonya Thomas, Project Technician
Carla Gerber, GIS Specialist	Beth Grieb, Permit Technician

PLANNING COMMISSION

The Kent County Planning Commission, appointed by the County Commissioners of Kent County, acts as a citizen board for all planning matters. As set forth in the Land Use Article of the Annotated Code of Maryland, the Planning Commission makes recommendations to the County Commissioners on zoning map and text amendments and to the Board of Zoning Appeals on certain designated variances and special exceptions. The Commission may also prepare ordinances and plans for review by the County Commissioners. In its decision-making capacity, the Commission approves all major subdivisions and site plans.

MEMBERS

Elizabeth H. Morris, Chairman	Kim Kohl
P. Thomas Mason, ex officio	James E. Saunders
William Crowding, II	William S. Sutton
F. Joseph Hickman	G. Mitchell Mowell, Esq., Attorney

The Planning Commission meets the first Thursday of every month at 1:30 P.M., in the County Commissioners' Hearing Room in the County Government Center, 400 High Street, Chestertown. The agendas for all meetings are available from the Department of Planning, Housing, and Zoning and on the County website prior to the meetings. The Planning Commission is a member of the Maryland Citizens Planners Association, and members attend training sessions and meetings. In 2019, the Planning Commission met monthly, except for January, August, and October.

ZONING BOARD OF APPEALS

Appointed by the County Commissioners, the Zoning Board of Appeals hears and decides special exceptions, variances, and appeals of any decision or determination of the Zoning Administrator in the enforcement and administration of the Land Use Ordinance. The Zoning Board of Appeals meets on Monday evenings as may be required. In 2019, the Board of Appeals met six times.

MEMBERS

Dr. Albert Townshend, Chairman
P. Joan Horsey, member
John R. Massey, member

David Hill, alternate
Christopher Drummond, Attorney for
the Board

HOUSING

The Housing Improvement Program has not accepted new applications since 2015; however, Planning Department staff continues to close cases from past implementation of the program. The Program provided housing rehabilitation assistance to owners of substandard houses who met certain income criteria. Repairs addressed health and safety related matters and was generally funded through grants from the Department of Housing and Community Development, Maryland Affordable Housing Trust and a County match. Due to dwindling participation and staff changes within the Department, the County continues to evaluate the most appropriate path for the future of this Program.

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is responsible for administering the Historic Preservation Ordinance which allows for the voluntary designation of Historic Sites and Districts in the unincorporated areas of the County. The Commission also reviews projects which may affect historic resources and makes recommendations to the Planning Commission on possible mitigation. The seven-member Commission is supported by staff from the Department of Planning, Housing, and Zoning. The Commission meets on the last Monday of the month, as needed, and agendas are available prior to the meeting. The Commission met twice in 2019.

MEMBERS

Elizabeth Beckley, Chairman
Carolyn Brooks
Jennifer Moore
Don Othoson

Max Ruehrmund
Barton Ross
Jeremy Rothwell

AGRICULTURAL ADVISORY COMMISSION

The Kent County Agricultural Advisory Commission provides advice to the County Commissioners of Kent County and the Kent County Planning Commission concerning any proposals that affect agriculture. Additionally, the Commission recommends changes to the Comprehensive Plan, Land Use Ordinance, and other programs which will improve and promote agriculture in Kent County. The seven-member Agricultural Advisory Commission is supported by staff from the Department of Planning, Housing and Zoning. The Commission meets as needed or by the call of the Chair, and an agenda is available from the Planning Department prior to the meeting. This Commission did not meet in 2019.

MEMBERS

W. Frank Barnes, Jr.
John Cahall
Herman E. Hill, Jr.
Sean Jones

Craig McSparran
John Henry Myers, Jr.
Jennifer Debnam

Though terms have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

AGRICULTURAL LAND PRESERVATION ADVISORY BOARD

The Agricultural Land Preservation Advisory Board reviews and approves all applications related to the Maryland Agricultural Land Preservation Foundation Program (MALPF). These include applications to establish agricultural preservation districts, to sell permanent protective easements to the Maryland Agricultural Land Preservation Foundation, to create lot exclusions, and to subdivide properties in the preservation program. The five-member Board also establishes policies for ranking districts in the easement acquisition program. Staff for the Board is provided by the Department of Planning, Housing, and Zoning. The Board meets as necessary and an agenda is available from the Planning Department prior to the meeting. The Board met five times in 2019.

MEMBERS

David Hill, Chair
Davidson Coleman
Bryan McDonald (January – July)

Ernest “Tot” Strong
George Wiedenmayer (January – July)

The Agricultural Land Preservation Advisory Board reviewed and forwarded recommendations to the Planning Commission for seven applications to create local County Agricultural Preservation Districts. The Board also reviewed 24 applications for easement sale and recommended 12 for submission to MALPF.

AGRICULTURAL RESOLUTION BOARD

The Agricultural Resolution Board consists of five voting members appointed by the County Commissioners. A representative of the University of Maryland Cooperative Extension Service and a member of the Kent County Soil and Water Conservation District serve as non-voting members. The Board arbitrates and mediates disputes involving agricultural operations conducted on agricultural lands and issues findings concerning whether or not such operations are conducted in a manner consistent with generally accepted agricultural practices. The Board did not meet in 2019.

MEMBERS

R. Allen Davis, Chairman
William Bowdle
Edward Taylor
William Washington

Emily Joyce, Cooperative Extension
Timothy Redman, Soil & Water Conservation
District

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

BOARD OF BUILDING APPEALS

The Board of Building Appeals hears and decides appeals of decisions of the Building Code Administrator in administering the Building Code.¹² The Board consists of three members appointed by the County Commissioners and meets upon request. The Board did not meet during 2019.

MEMBERS

Three vacancies remained open in 2019.

BOARD OF ELECTRICAL EXAMINERS

Appointed by the County Commissioners of Kent County, the Board of Electrical Examiners examines the qualifications and capabilities of all persons who are engaged in or desire to engage in the electrical business. The Board reviews applications for licenses and administers the homeowner's examination for those individuals desiring to perform electrical work in the individuals' own home. The Electrical Board met 12 times in 2019.

MEMBERS

Charles A. Langenfelder, Chairman
William S. Baldwin, Jr.

D. Michael Usilton

BOARD OF HOUSING APPEALS

A three-member Board appointed by the County Commissioners, the Board of Housing Appeals hears and decides appeals of the Housing Code Official made in connection with the enforcement of the provisions of the Kent County Housing Code. The Board meets upon receipt of an appeal and did not meet in 2019.

MEMBERS

Nancy Dick
Janice Graham

Charles W. Sommers

The positions for the two alternate members remained vacant in 2019.

SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing, and Zoning staff in 2019 included:

- ❧ *Rigbie Bank Buffer Management/Critical Area Forest Clearing Plan:* A Memorandum of Understanding was signed between the Kent County Department of Planning, Housing, and Zoning, Kent County Department of Public Works, and the Rigbie Bluff Condominium Association for a Buffer Management/ Critical Area Forest Clearing Plan to be drafted and implemented adjacent to the bathhouse at the Betterton Beach County Park for the removal of invasive species.
- ❧ *Census 2020:* A Census Complete Count Committee was also formed with representatives of various County departments and agencies. Planning Staff and Local Management Board Staff agreed to co-chair the CCC. The US Census Bureau provided training, and the County received a grant for conducting outreach activities during the Census 2020 self-response period in Spring 2020.
- ❧ *Early Action Compact:* Staff reviews projects for conformance to the action strategies to reduce local emissions and improve air quality identified in the EAC. Kent and Queen Anne's Counties have been designated a nonattainment area by the Environmental Protection Agency. Both Counties continue to work with Maryland Department of the Environment and the Environmental Protection Agency to remove the two counties from the list of ozone nonattainment areas.
- ❧ *Eastern Shore Heritage, Inc.:* This is a cooperative project between Caroline, Kent, Queen Anne's, and Talbot Counties. The Heritage Area was certified in July 2008. Planning staff has supported ESHI's Stories of the Chesapeake and its adoption into the Comprehensive Plan. Staff has also acted as liaison between ESHI and the municipalities in the adoption of the Stories of the Chesapeake Heritage Area.
- ❧ *Kent County Total Maximum Daily Load Committee:* The County formed a Kent County TMDL Committee which has been meeting since November 2006 to draft the Local Tributary Strategy Basin Implementation Plan. The draft was completed in March 2008 and represents a snapshot in time. This innovative Kent County Plan has been used as a state model in the development of the Maryland Watershed Improvement Plan.

The Maryland Phase I Watershed Implementation Plan (WIP) process began in 2009 with that plan's two-year milestones established at that time. The Phase II WIP began on a local level in Spring 2011 and the Kent County Phase II WIP was finalized in November 2012. Specific pollution allocation load numbers were provided to the counties and municipalities by Maryland Department of the Environment (MDE) in order for local jurisdictions to prepare its portion of the Phase II WIP. The County was unable to generate adequate strategies and best management practices in order to meet the large load reductions assigned to it; therefore, MDE suggested load reduction strategies in all source sectors. These additional strategies were not officially adopted by the County Commissioners.

Staff has been attending meetings and coordinating directly with MDE regarding the Phase III WIP for Kent County. This Committee met twice in 2019. A Phase III WIP was completed

in 2019 and goals were defined by the State while trying to closely accommodate reasonable and achievable goals for local jurisdictions.

- ☞ *Kent County Land Preservation, Parks and Recreation Plan*: DNR and MDP submitted comments back to the County in 2018; however, the plan remained pending at the end of 2019.
- ☞ *Kent County Nuisance Flood Plan*: Staff from the Departments of Planning, Public Works, and Emergency Services participated in a pilot project with the Eastern Shore Land Conservancy to prepare a Nuisance Flood Plan as required by Maryland SB 1006. The Plan documents locations where nuisance flooding has occurred and established a process to track and report incidents of nuisance flooding.
- ☞ *Maryland Agricultural & Resource Based Industry Development Corporation (MARBIDCO) and the Next Generation Farmland Acquisition Program (NGFAP)*: MARBIDCO received \$2.5 million in State funding in Fiscal Year 2017 to launch the program to help qualified young and beginner farmers enter the agricultural profession. The NGFAP is essentially a rapid response farmland conservation easement option purchase program that is designed to help facilitate the transfer of farmland to a new generation of farmers, while also effectively helping to preserve the farm from future development. The key tool is an “easement purchase option contract” which will ultimately result in a permanent easement sale in the future with the Maryland Agricultural Land Preservation Foundation (MALPF), the Rural Legacy Program, a local land trust, or other such easement. The program makes money available for a down-payment so that the next generation farmer is able to meet the equity requirement for a commercial loan. One application was submitted from Kent County in 2019.
- ☞ *Public Service Commission/Certificate of Public Convenience and Necessity (CPCN) Cases*: The County has been involved in 4 CPCN cases involving utility scale solar energy system siting. Two of the cases have been proposed in either Industrial (I) or Employment Center (EC) Zoning Districts in the village of Massey. The other cases were located outside of zoning districts in which such uses are permitted. The most recent applicant, Morgnec Road Solar, LLC, filed for a CPCN on November 30, 2018 to construct and operate an 85 MW solar array including a total of 471-acres near Chestertown. This property is zoned Community Residential and Rural Residential, and the proposed use is not permitted within the Kent County Land Use Ordinance. This application remained pending at the end of 2019.
- ☞ *Rural Legacy Program*: The program is aimed at preserving rural character through the purchase of development rights. In 2019, the Eastern Shore Land Conservancy worked with the five counties of the Agricultural Security Corridor (ASC) to expand the Rural Legacy Areas in each county and to divide the ASC into three sections. The Cecil and Kent County Rural Legacy Area is now known as the ASC: Harvest Crescent. The Kent County areas include land near Tolchester, and expanded area along the Sassafras, and an area near the Millington Wildlife Management Area. The ASC has received funding during each cycle of the Rural Legacy Program.

MEETINGS AND ORGANIZATIONS

During 2019, in addition to meetings associated with special projects, the Department of Planning, Housing, and Zoning Staff attended, participated on, or acted as liaison to the following meetings or organizations:

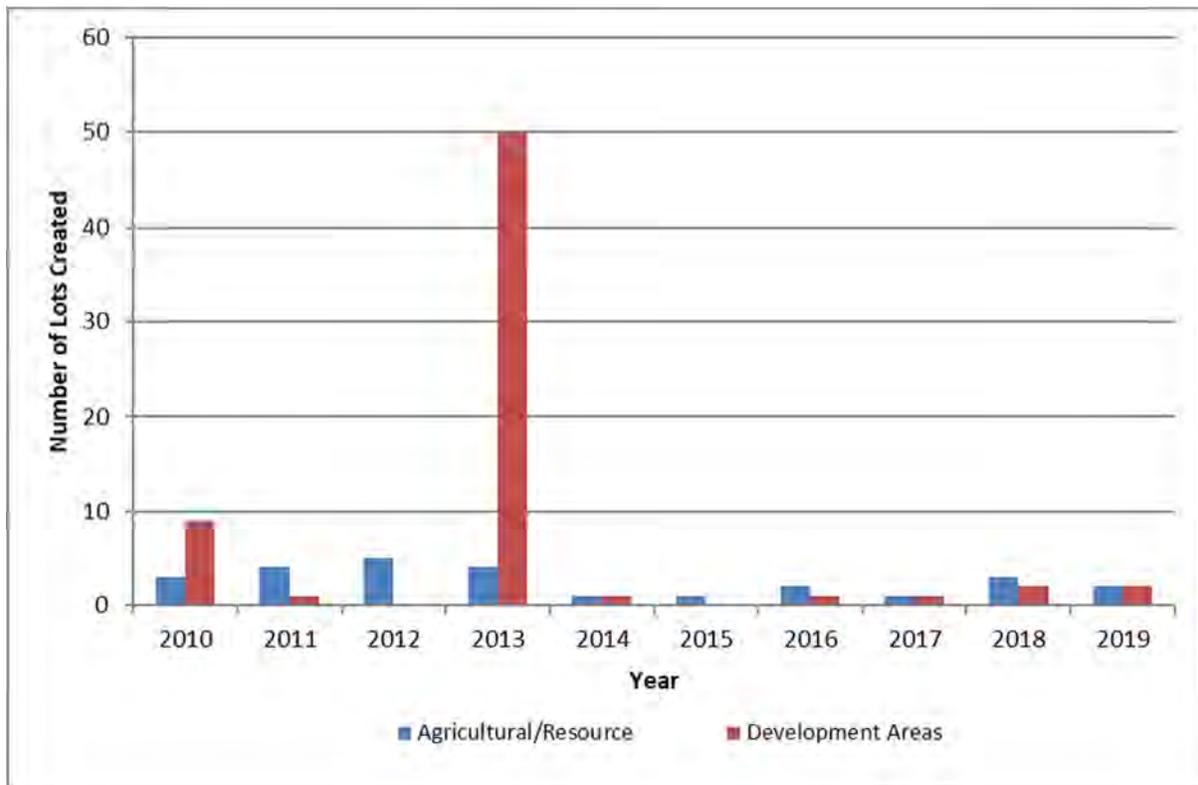
- Aberdeen Proving Ground JLUS Committee
- American Stormwater and Floodplain Managers
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Eastern Shore Land Conservancy
 - Eastern Shore Climate Adaptation Partnership
 - Quarterly Planners Meetings
- Eastern Shore Local Government Exchange
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- Kent County Council of Governments
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
 - Chesapeake Bay Foundation WIP meeting
 - EPA TMDL meeting
 - Harry R. Hughes Center for Agro-Ecology WIP Seminars
 - Local Phase III WIP meetings
- Local Emergency Planning Committee
- Maryland Agricultural Advisory Commission
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
 - Annual Winter Conference
 - Critical Area Planners Meetings and workshops
 - Governor’s Intergovernmental Commission on Agriculture (GICA)
 - Planning Officials Meetings
- Maryland Association of Floodplain and Stormwater Managers
 - Annual Conference
 - Monthly Meetings
- Maryland Department of Planning—Planning Directors Roundtable
- Maryland Municipal League Joint County/Municipal Planners Meeting
- Maryland Planning Commissioners Association – Member of the Planning Commission
- Maryland State Geographic Information Committee (MSGIC)
- Maryland Statewide NG911 GIS Project
- Mid-Shore Regional Council GIS Committee
- Rural Legacy Advisory Board
- State Highway Administration Pre-Tour Meeting
- St. Paul’s Church Restoration Project – Phase I and II

PLANNING & DEVELOPMENT

All major and minor subdivision applications are reviewed by the Technical Advisory Committee. The Technical Advisory Committee also reviews all adjustments of lot lines, as well as all site plans. All major subdivision applications and site plans are reviewed by the Planning Commission, who makes the final decision on these applications. As a part of their review, the Planning Commission routinely consults with incorporated towns that may be affected by a project. As part of their findings, the Planning Commission is required to determine that the project is consistent with the Kent County Comprehensive Plan and other applicable plans or ordinances, including the Comprehensive Plans of the incorporated towns.

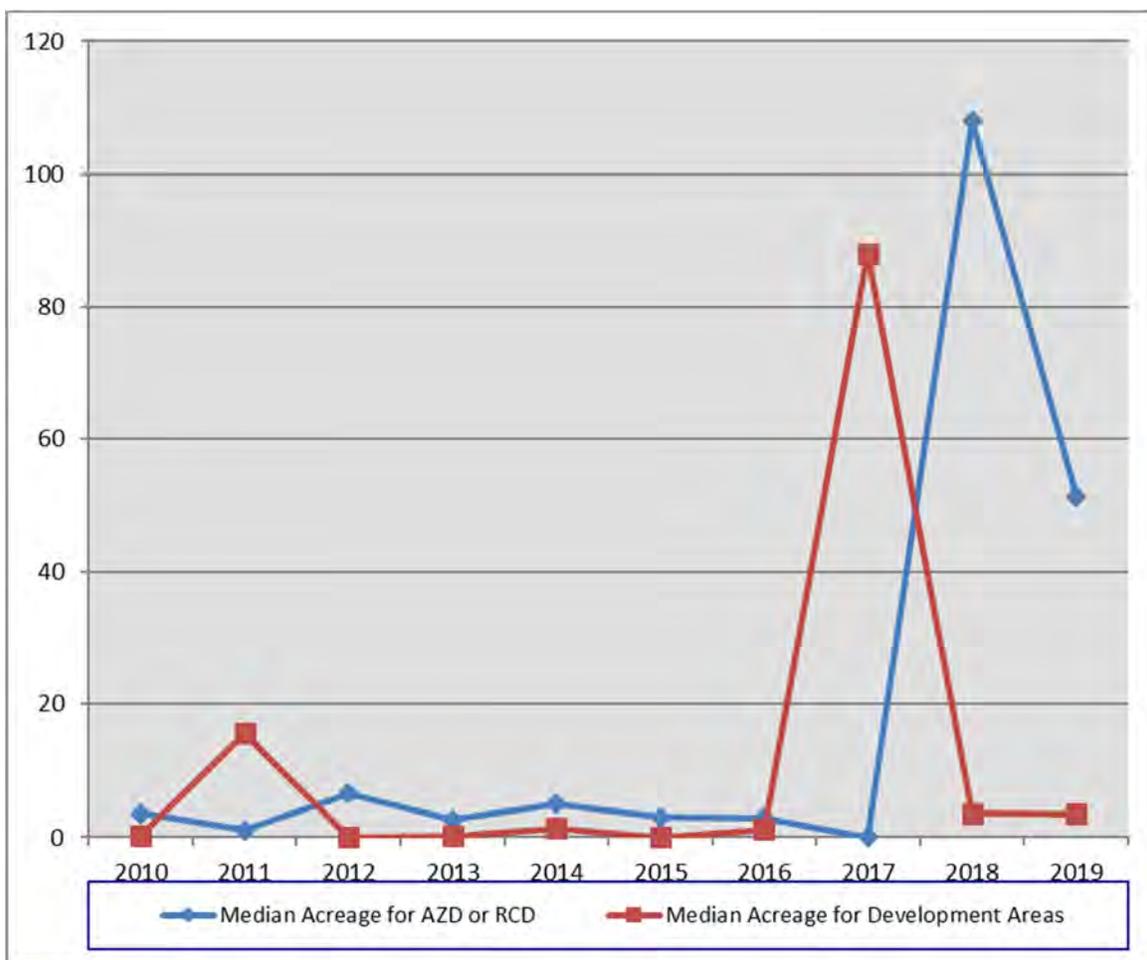
In 2019, for the unincorporated area of the County, there were no major subdivision applications and five applications for minor subdivisions. Four minor subdivisions were approved in 2019 and one was withdrawn. Figure 1 shows the development trends of lots approved by zoning type over the past decade. With the exception of 2013, which was the approval of Phase II of the Village of Kennedyville, very little development has occurred in the unincorporated areas of the county.

Figure 1: Lots Created by Zoning Type



Lot size is another variable to consider. Lots created in the Agricultural and Resource Conservation Districts tend to be larger because they are served by private wells and individual septic systems. The median lot size in the Agricultural and Resource Conservation Districts for residential lots has not significantly changed over the past 10 years. Figure 2 shows the development trends for median lot size by zoning type. The spike in median lot size for developed area in 2017 reflects one 88.098-acre lot created in the Employment Center. The spike for resource areas in 2018 reflects the splitting of 2 farms into parcels where all tracts remained over 100 acres. In 2019, a farm protected by a MALPF easement was also split into 2 large tracts. If the farm lots are excluded, then the median lot size in 2019 would be 2.5 acres, and the median over the last 10 years would be 2.925 acres.

Figure 2: Median Lot Size by Zoning Type



Protecting farmland and natural resources from development and growth and encouraging growth in and around existing towns in the form of sustainable growth are fundamental goals of the Comprehensive Plan and Land Use Ordinance. Landowner interest in preserving farmland remains high. Since 1972, 42,361 acres of farmland have been permanently protected. In 2019, there were 2,162 acres placed under easement. Three farms were protected by the Eastern Shore Land Conservancy and the Maryland Environmental Trust through the Army Compatible Use Buffer (ACUB) program. The other 10 easements were purchased through the MALPF Program.

Adjustment of Lot Lines

Adjustment of Lot Lines applications are reviewed by Planning and Zoning Staff and the Technical Advisory Committee. Planning Staff and TAC reviewed 26 plats for adjustments of lot lines in 2019.

Table 1: Lot Line Adjustment by Zoning District (Submitted in 2019)

Zoning District	Number
Agricultural Zoning District	7
Agricultural Zoning District / Resource Conservation District	1
Agricultural Zoning District / Resource Conservation District / Critical Area Residential	1
Critical Area Residential	7
Critical Area Residential / Resource Conservation District	1
Critical Area Residential / Rural Residential	1
Community Residential	4
Rural Residential	1
Village	3
Total	26

Major Subdivisions

Major subdivisions contain 8 or more lots, sites, parcels, tracts, or other divisions of land. All lots or other divisions of land recorded after December 23, 1969, from an original lot or parcel of land as described in the Land Records of Kent County are counted in determining the number of lots in a subdivision. The Technical Advisory Committee reviews and the Planning Commission approves major subdivisions in three phases: Concept, Preliminary, and Final Plan Review.

In 2019, there were no major subdivisions that created new lots.

Minor Subdivisions

There were five minor subdivision applications submitted to the Department of Planning, Housing, and Zoning during 2019. Four new lots were created in 2019, and one application was withdrawn.

William W. Davidson (Andrew and Larissa Davidson): The applicant subdivided a 2.5-acre lot for his grandson from his 282-acre farm. The property is located on Morgnec Road and is zoned Agricultural Zoning District (AZD).

Jimstown, LLC: The applicants subdivided a 2.00-acre lot for a family member from their 23.504 acres parcel. The property is located on Morgnec Road just outside of Chestertown and is zoned Intense Village (IV).

Kennedyville Properties, LLC (The Animal Care Shelter of Kent County): The applicant proposed to subdivide a 5-acre lot from their 76.332-acre parcel. The proposed lot will be the future site of

the new Animal Care Shelter of Kent County. The property is located on Worton Road (MD 297) and is zoned Industrial (I).

Open Acres Farm LLC: The applicants subdivided a 100.1-acre tract from their 220.215-acre farm. The farm is preserved with a MALPF easement and the new tract does not have any development potential. The property is located on River Road and is zoned Agricultural Zoning District (AZD).

Site Plan Reviews

Major site plan reviews are required for commercial development, industrial development, multifamily dwellings, special exceptions, quasi-public, and public facilities. The Technical Advisory Committee reviews and the Planning Commission approves these projects. Site plan review occurs in three stages: Concept, Preliminary, and Final Plans. Minor site plans are reviewed by the Technical Advisory Committee and may be approved by the Planning Director.

Staff reviewed nine site plans in 2019, of which two were major site plans. Both major site plans were still pending at the end of 2019, and four of the minor site plans were approved.

Minor Site Plans

County Commissioners of Kent County, Maintenance Facility: The applicant is proposing to construct a 6,000- square foot maintenance building and razing the existing former skating rink building as phase one. Phase two will consist of a second 6,000- square foot maintenance building in the footprint of the former skating rink. The property is zoned Village (V).

Haven Emporium, LLC (Haven Harbour South): The applicant proposes to operate a small seasonal, limited service restaurant “Admiral’s Club”, on the first floor of the “Carriage House” building. Seating will be in the first-floor interior and extend to the exterior first floor deck. The restaurant will accommodate up to 20 patrons. The property is located on Green Lane south of Rock Hall and is zoned Marine (M) and Critical Area Residential (CAR). This application was pending at the end of 2019.

Dan and Joan Loller (John and Katherine Myers): John and Katherine Myers proposed to open a farm stand on the property owned by Dan and Joan Loller. The property is located on Worton Road is zoned Village (V). This application was pending at the end of 2019.

Mary Morris Holdings, LLC: The applicant proposed to construct a 320 square foot concrete pad and a 2,808 square-foot addition to an existing building in order to expand his business. The property is located on Mary Morris Road and is zoned Industrial (I).

John H. Myers, Jr. (Dogwood Lane Creamery): The applicant proposed to construct an addition to his dairy barn in order to operate a creamery on the premises. The applicants will process milk on the farm for direct sales to the community. The property is located on St. James Road and is zoned Agricultural Zoning District (AZD). This application was pending at the end of 2019.

Rock Hall Veterinary Hospital, Inc. (Helen M. Scott, VMD): The applicant proposed to open a veterinary hospital in an existing 1 story block building. The property is located on Rock Hall Road near Edesville and is the former site of the Ford’s Seafood Retail Store. The property is zoned Crossroads Commercial (CC).

Wesley Chapel Church: The applicant proposed to construct a 353 square foot brick patio with a pergola, benches and sign within the Church Cemetery. The property is located on Rock Hall Road and is zoned Village (V).

Major Site Plans

The Animal Care Shelter of Kent County (The Humane Society and Kennedyville Properties, LLC): The applicants are proposing to construct a 10,648 square foot facility for the care and boarding of domestic animals on a newly created 5.0-acre lot located on Worton Road. The facility will include an animal enrichment training center as well as a medical veterinary office. The property is zoned Industrial (I). This application was pending at the end of 2019.

Chester River Properties, LLC: The applicant was seeking site plan approval in order to renovate and then market an existing property to potential tenants. The applicant was seeking approval for all permitted uses but expected that a vehicle sales and service business was the most likely use. An area for outdoor storage was also included. The property was formerly a truck repair business and includes several garage type buildings. The property is located on River Road near US Route 301 outside Millington and is zoned Commercial Critical Area (CAR). This application was pending at the end of 2019.

Zoning Text and Map Amendments

There were two petitions proposing text amendments, but only one was approved by the end of 2019. A petition for a map amendment was also submitted in 2019. Zoning text and map amendments may be initiated at the request of citizens or the County Commissioners.

County Commissioners of Kent County, Amendment to Agricultural Zoning District Regulations: The County Commissioners proposed to increase the size limit placed on structures for the buying, processing, and sale of farm products related to agriculture from 25,000 square feet to 50,000 square feet. The text amendment was adopted on September 3, 2019.

Edwards, Douglas and family: The applicant is requesting that three parcels located on McKinleyville Road be rezoned from Marine to Resource Conservation District. This application was withdrawn by the applicant following review by the Technical Advisory Committee.

BUILDING PERMITS

Building permits are reviewed by Planning, Housing, and Zoning Staff for consistency and compliance with the Comprehensive Plan, Land Use Ordinance, Forest Conservation Act, Sediment Control, Floodplain, and Stormwater Management regulations. In 2019, there were 485 permits submitted for the unincorporated areas of the County. Staff issued 465 building permits, including 24 new single-family dwelling permits and four new commercial buildings. Compared to 2018, the total number of permits issued increased, but the number of new single-family dwellings decreased by two. There were 446 permits issued in 2018, of which 26 were for new single-family dwellings. There were 33 final or temporary Certificates of Occupancy issued in 2019: 24 for residential structures and 8 for commercial structures.

Of the 24 building permits issued for new single-family dwellings in 2019 in the County, 6 permits were located within a Priority Funding Area (PFA), and 5 permits were within the Priority Preservation Area (PPA). Over half of the permits were for new houses in the Third or Sixth Election District. Half of the permits for new homes were located in the Still Pond/Fairlee watershed. Seven of the new dwellings were replacements for demolished houses.

Of the 5 new dwellings located in the PPA, 3 were replacements for demolished houses. Furthermore, almost 71 percent of the homes built in 2019 had a construction value of under \$250,000. These numbers do not reflect sale value but construction value as reported on building permit applications.

Figure 3: New Single-Family Dwellings by PPA

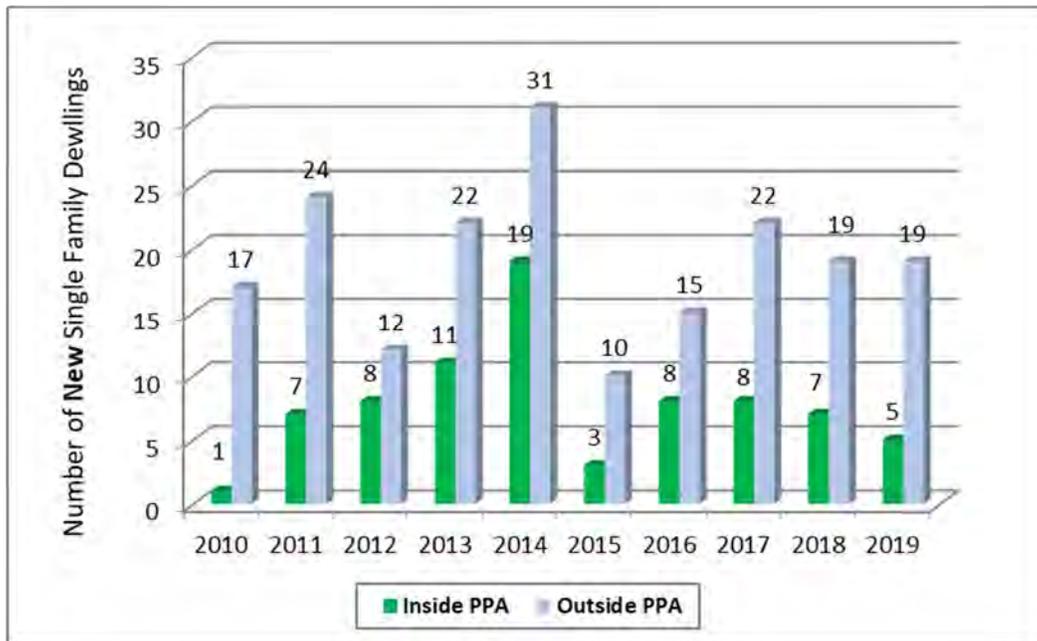


Table 2: Building Permits by Type

Application Type	Number	Percentage
Accessory Building	68	14.6%
Agricultural Building	21	4.5%
Commercial Addition/Alteration	6	1.3%
Deck/porch	25	5.4%
Demolition	70	15.1%
Garage	17	3.7%
Logging	17	3.7%
New Commercial Building	4	0.9%
New Single-Family Dwelling	24	5.2%
Other	29	6.2%
Pier	16	3.4%
Residential Addition/Alteration	98	21.1%
Satellite Dish	7	1.5%
Sediment Control	32	6.9%
Sign	5	1.1%
Swimming Pool/Spa	15	3.2%
Use	7	1.5%
Bulkhead/Retaining Wall	4	0.9%
Total	465	100%
Closed, pending, denied, or withdrawn	20	

Figure 4: Building Permits by Type

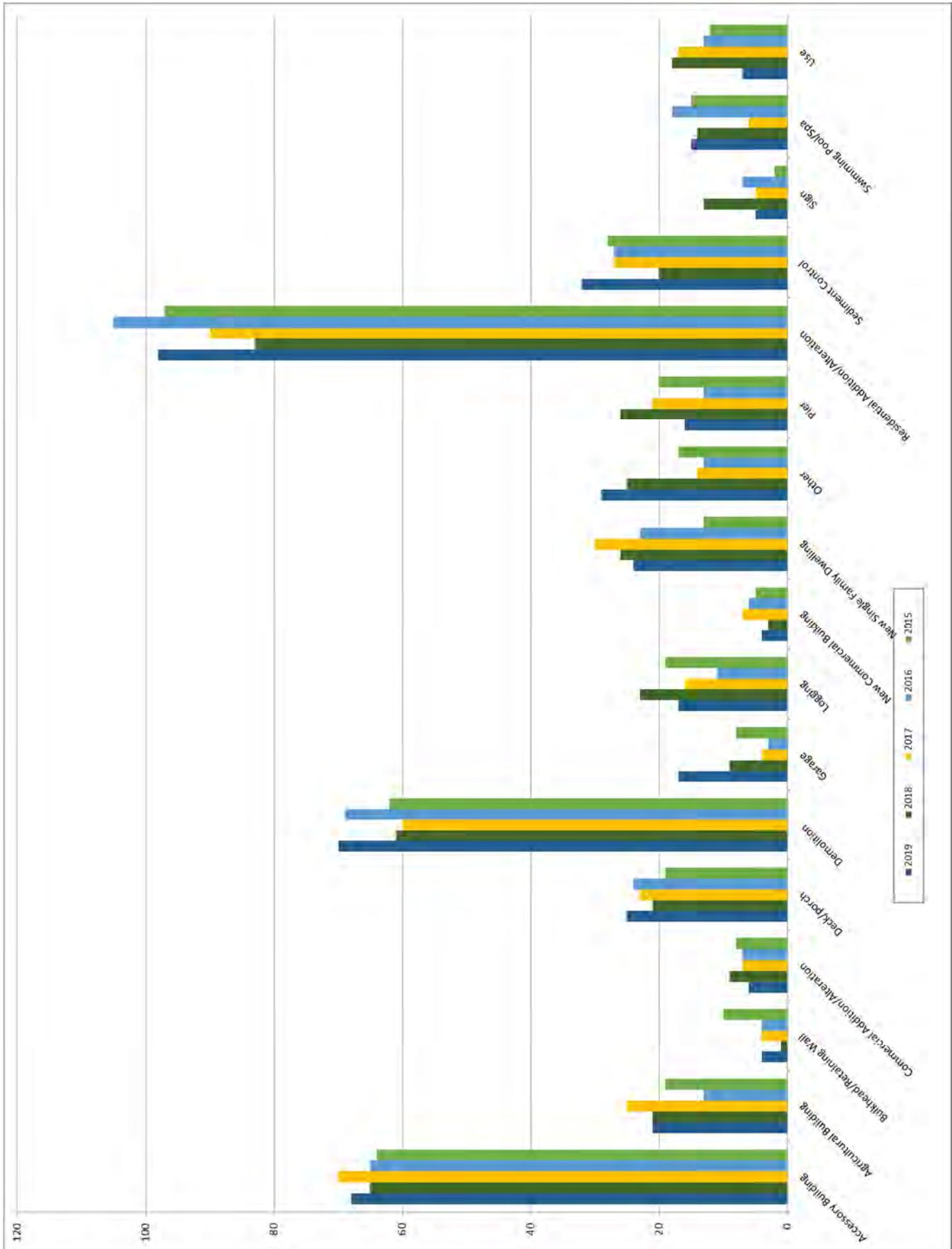


Table 3: New Single-Family Dwellings by Zoning District*

Zoning District	Total	Percentage
Agricultural Zoning District	3	12.5%
Resource Conservation District	4	16.7%
Rural Character	2	8.3%
Rural Residential	2	8.3%
Critical Area Residential	2	8.3%
Community Residential	5	20.8%
Village	6	25.0%
Total	24	100%

Table 4: New Single-Family Dwellings by Election District*

Election District	Number	Percent
First	1	4.2%
Second	2	8.3%
Third	9	37.5%
Fourth	0	0.0%
Fifth	1	4.2%
Sixth	6	25.0%
Seventh	5	20.8%
Total	24	100%

Table 5: New Single-Family Dwellings by Watershed*

Watershed	Number	Percent
Langford	3	12.5%
Lower Chester	1	4.2%
Middle Chester	6	25.0%
Sassafras	1	4.2%
Still Pond/Fairlee	12	50.0%
Upper Chester	1	4.2%
Total	24	100%

**Note: See Appendix B for Map showing locations of New Single-Family Dwellings and Subdivisions*

Table 6: Value of New Single-Family Dwellings**

Construction Value	Number	Percent
\$0-\$49,999	0	0.0%
\$50,000-\$99,999	1	4.2%
\$100,000-\$149,999	7	29.2%
\$150,000-\$199,999	6	25.0%
\$200,000-\$249,999	3	12.5%
\$250,000-\$299,999	1	4.2%
\$300,000-\$349,999	4	16.7%
\$350,000-\$399,999	0	0.0%
\$400,000-\$449,999	0	0.0%
\$450,000-499,999	0	0.0%
\$500,000+	2	8.3%
TOTAL	24	100%

*** As reported on building permit applications.*

SEDIMENT CONTROL/STORMWATER MANAGEMENT

The Planning and Zoning Staff is directly involved in permitting and enforcing the Erosion and Sediment Control and Stormwater Management Ordinances. During 2019, the Staff was involved with 83 sediment control and stormwater management permits for single family dwellings/commercial buildings, sediment control, logging, living shorelines/bulkhead/retaining walls and floodplain. Each permit requires a minimum of two site inspections.

VARIANCES

The Planning Commission forwards recommendations to the Zoning Board of Appeals concerning variance applications that do not qualify for administrative review. There were ten applications for variances submitted in 2019, of which eight were granted; one was denied; and one was withdrawn.

Table 7: Variances Granted and Denied by Type

Variance Type	Total	Granted	Denied	Withdrawn
Buffer	2	2	-	-
Pier Length	2	1	-	1
Setback	4	3	1	-
Stream Protection Corridor	1	1	-	-
Number of Signs	1	1	-	-
Total	10	8	1	1

Table 8: Variances

Case #	Applicant	Type	Decision
19-08	Kings Grant Farm, Inc.	Pier Length Variance	Granted
19-24	Joseph and Noreen Davis	Stream Protection Corridor	Granted
19-27	Lester C. Jones & Sons, Inc	Setback Variance	Granted
19-35	Remus Butler and Franklin and Wynnee Butler	Setback and Lot Size Variances	Granted April 2020
19-37	Plain View Farms, LLC	Setback Variance	Denied
19-41	Stan Perkoski	Pier Length Variance	Withdrawn following TAC review
19-46	Beverly and Jonathan Jones	Buffer Variance	Granted
19-50	Strong Associates, II L.P. (Robert Strong, Jr.)	Buffer Variance	Granted
19-53	Richardson Fresh Pond	Variance (number and size of signs)	Granted
19-59	Robert Fry and Judy Gifford	Setback Variance	Granted January 2020

Administrative Variances

The Planning Director, or Planning Director's designee, may hear and decide Administrative Variances. Applicants may apply for an Administrative Variance from the yard requirements that do not exceed 50 percent of the required yard for the applicable zoning district. Applicants may also apply for an Administrative Variance from the buffer requirements for parcels that existed on or before December 1, 1985 for the repair, replacement and installation of septic systems. These hearings do not go before the Planning Commission but may be submitted, at the Planning Director's discretion, to the Board of Appeals for approval. The Planning Director heard four administrative variance requests in 2019, all of which were granted. One was for a buffer variance to upgrade the existing septic system and three were setback variances.

Table 9: Administrative Variances

Case #	Applicant	Type	Decision
19-12	Jacqueline J. Phillips	Setback	Granted
19-48	Richard A. Dean	Setback	Granted
19-52	Tracy Brilz	Setback	Granted
19-68	Cacaway Farm Cooperative Housing Corporation	Buffer Variance	Granted

SPECIAL EXCEPTIONS

The purpose of the Special Exception is to provide for certain uses that are considered appropriate in a zoning district, which because of their unique characteristics need to be reviewed to determine if they would be appropriate at the specific location proposed by an applicant. These special exceptions may be approved by the Board of Zoning Appeals, or where applicable the Planning Director (see below), after consideration in each case of the impact of such uses upon neighboring uses, the surrounding area and the public need for the particular use at the particular location. The Board may authorize buildings, structures, and uses as special exceptions in specific instances and particular zoning districts. In 2019, there were eight applications submitted seeking a special exception. Two were heard by the Board of Appeals and granted.

Table 10: Special Exceptions Granted and Denied by Type

Special Exception	Total	Granted	Denied	Withdrawn
Application for Special Exceptions	2	2	-	-
Total	2	2	0	0

Table 11: Special Exceptions

Case #	Applicant	Type	Decision
14-48	Kent Sand & Gravel	Special Exception (Amendment to Conditions)	Approved
19-34	Alexander Sporting Farms, LLC	Special Exception (Rifle & Pistol Range)	Approved

Administrative Special Exceptions

Along with administrative variances, the Planning Director, or Planning Director's designee, may hear and decide the following special exceptions: accessory storage structures, accessory structures in the front yard requirement of waterfront parcels, accessory structures in the front yard of a through lot, and day care group. The Planning Director or their designee received a total of six (6) administrative special exception cases in 2019, of which all were granted.

Table 12: Administrative Special Exceptions

Case #	Applicant	Type	Decision
19-01	Travis Biggs	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
19-10	William Cording	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Withdrawn
19-14	Donald Hewes	Accessory Structure in Front Yard of Waterfront Parcel	Granted
19-47	James M. Clinton	Accessory Structure in Front Yard of Waterfront Parcel	Granted

19-48	Richard Dean	Accessory Structure in Front Yard of Waterfront Parcel	Granted
19-74	Wendy O'Brien	Accessory Structure in Front Yard of Waterfront Parcel	Granted
19-75	James and Barbara Starkey	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Withdrawn

CODES ENFORCEMENT

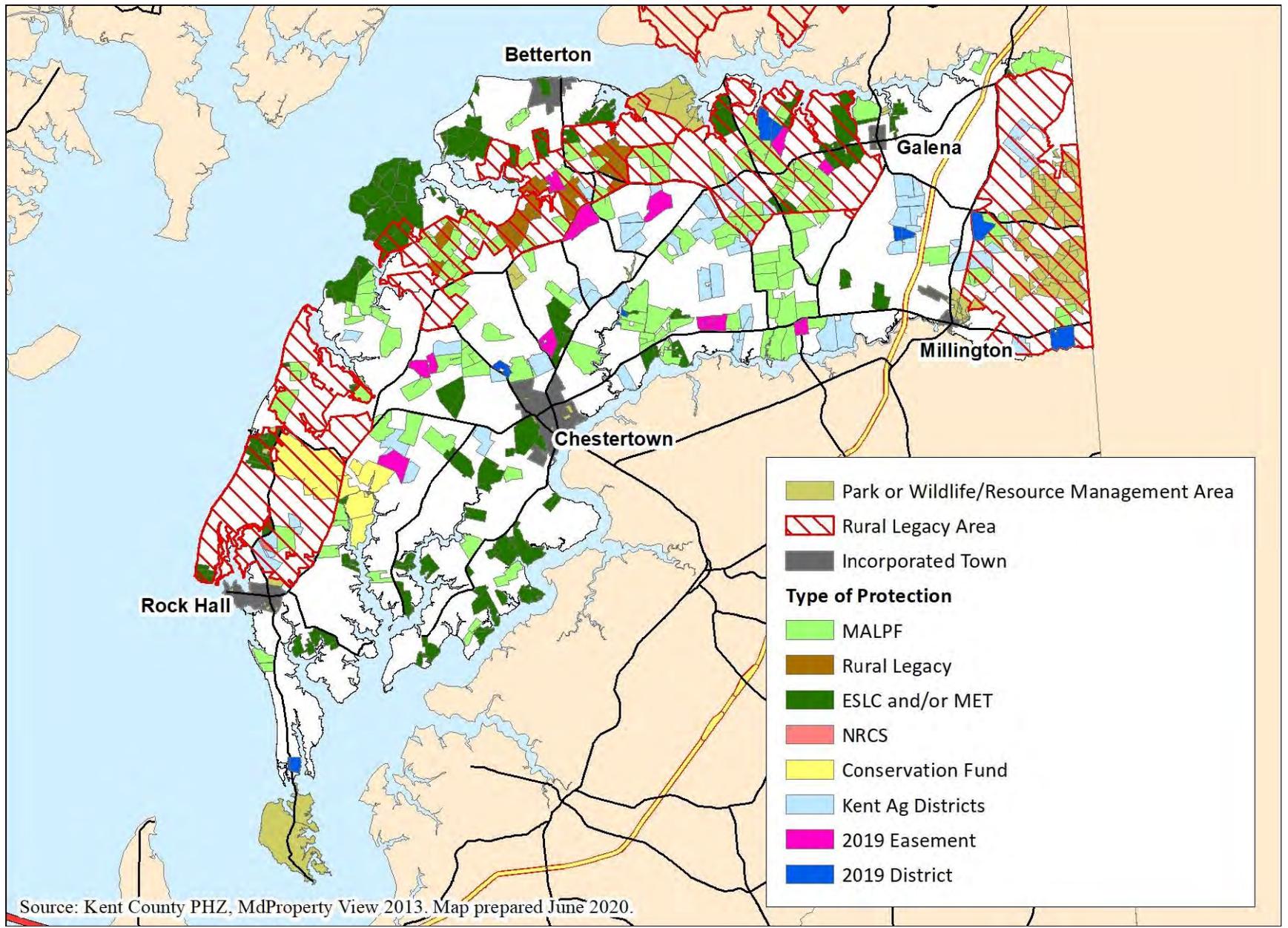
Kent County's Land Use Ordinance is directly enforced by the Department of Planning, Housing, and Zoning Staff. In 2019, staff was involved with 49 violation cases, including 13 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners. In 2019, the Department collected \$6,300 in fines. In addition, there were 110 Critical Area Buffer Management/Enhancement Plans and 185 Critical Area Forest Clearing Plans.

Staff spends a significant amount of time meeting onsite with property owners. In an effort to reduce code violations, staff conducted more than 298 site inspections related to tree or vegetation removal and replacement in the Critical Area, potential projects, and staff reports. In addition to specific violation cases, staff conducted over 200 inspections related to enforcement of sediment control and stormwater management including logging.

Table 13: Violations by Type

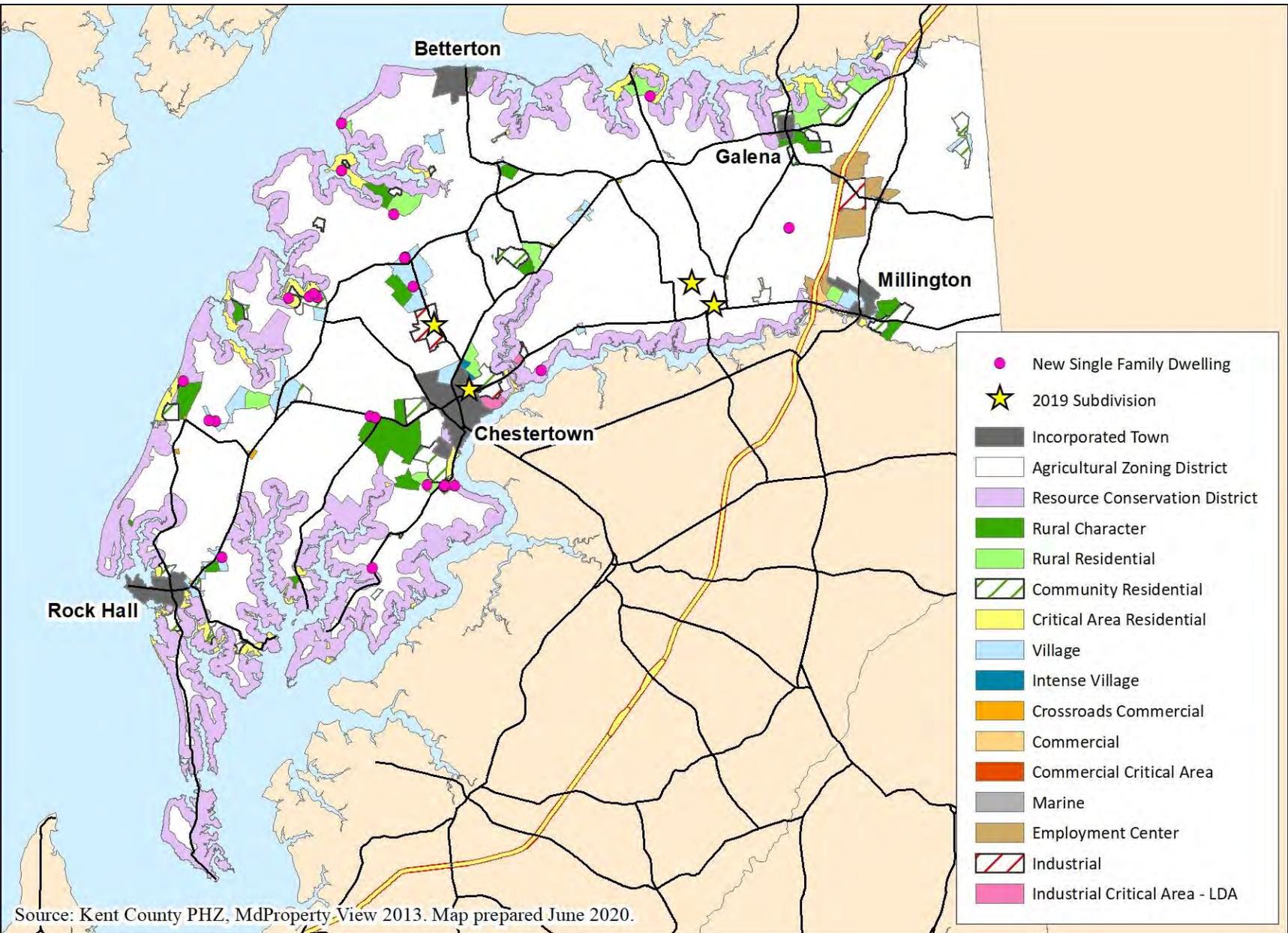
Case Type	Number of Cases	Closed as of 2019	Pending as of 2019
Building without a permit	15	8	7
Building in the Buffer	4	3	1
Clearing of Property in the CA	8	5	3
Clearing of Property in the Buffer	1	0	1
Junk and Debris	1	0	1
Illegal Signs/Use	2	0	2
Unregistered Vehicle	5	1	4
Other	13	4	9
Total	49	21	28

NOTE: Closed or Pending is based on case status within HTE. Cases may be coded as Active, Closed, or Involuntary Compliance. The status data as exported from HTE was not verified with Enforcement Staff due to availability constraints.



Source: Kent County PHZ, MdProperty View 2013. Map prepared June 2020.

Appendix B: New Single Family Dwellings and Subdivisions



Source: Kent County PHZ, MdProperty View 2013. Map prepared June 2020.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Amendment to Growth Allocation Policy
Critical Area Commission Conditions
Adoption by Resolution
DATE: June 23, 2020

DESCRIPTION OF PROPOSAL

On March 3, 2020, the Board of County Commissioners adopted Resolution 2020-03 (see attached) to update the existing Growth Allocation Policy. The resolution revised the Policy to include alternative adjacency standards for new Intensely Developed Areas (IDA) that receive growth allocation, as well as appropriate references to COMAR for growth allocation requirements. Resolution 2020-03 also makes minor revisions to previously adopted language regarding new IDAs less than 20 acres in size. The resolution was determined to be a refinement of the County's Critical Area Program which required approval by the Critical Area Commission. The Commission approved the language with conditions at its June 3, 2020, meeting.

The conditions include revisions to the adopted resolution in order for it to be consistent with the Critical Area Law and formatting changes to improve the readability. The required revisions and additions to Section 2.2.g through 2.2.j are in **BOLD, CAPITAL LETTERS** and deletions are in ~~strikethrough~~ as follows:

- g. New Intensely Developed Areas shall be located in ~~(1)-a~~ **AN EXISTING** Limited Development Areas, or ~~(2)~~ adjacent to an existing Intensely Developed Area, ~~or (3)-b~~ **UNLESS:**
 - i. **THE PROJECT IS** related To **A** Tourism, Heritage Development, Or Marine Use ~~That Is Part Of A Project~~ that will expand or intensify a lawfully existing intensive use;
 - ii. **IS CURRENTLY SERVED BY PUBLIC SEWER, OR WILL USE A BEST AVAILABLE TECHNOLOGY (BAT) ONSITE SEWAGE DISPOSAL SYSTEM; AND**
 - iii. **IS CONSISTENT WITH THE COMPREHENSIVE PLAN.**

- ~~i.~~ h. All new IDAs shall be located:
 - ~~a.~~ i. Within a planned, designated growth area that has been identified by the Comprehensive Plan; or
 - ~~b.~~ ii. Within a previously developed commercial and/or industrial area with public water and sewer and other public infrastructure; or
 - ~~e.~~ iii. Outside of a designated growth area, where the nature of the proposed IDA requires such location and is also part of a project that will expand or intensify a lawfully existing intensive use that existed as of April 12, 1988.

- ~~ii.~~ i. All new IDAs shall have a minimum area of at least 20 acres, unless:
 - ~~a.~~ i. The proposed area is contiguous to an existing IDA or LDA, which is at least 20 acres in size; or
 - ~~b.~~ ii. The proposed area contains a grandfathered commercial, industrial, institutional, or marine

use that existed as of April 12, 1988.

- h. j. The application for growth allocation shall comply with the requirements found in Natural Resources Article 8-1808.1(c) **AND COMAR 27.01.02.06 - .06-4.**

Because it is a policy, and not legislation, the process to review and approve amendments is slightly different. There are no standards or requirements for findings, but the Planning Commission may still make a recommendation based on its knowledge of the Comprehensive Plan, Land Use Ordinance, and Critical Area program.

The proposed amendments are consistent with the Kent County Comprehensive Plan as follows:

- Goals: Support existing businesses (p. 8).
 - Enhance and expand locally based tourism that is rooted in the unique natural, cultural, and historical features and qualities of Kent County (p. 18).
 - Conserve existing woodlands, encourage reforestation, and promote proper forest management practices (p. 80)
- Strategies: Retain and promote existing businesses and assist in their growth (P. 8).
 - Promote and expand facilities, services, and activities that support natural resource-based economic development (p. 19).
 - Promote and expand facilities, services, and activities that support natural resource-based economic development (p. 19).
 - Work cooperatively with Federal, State, and non-profit organizations to achieve to the habitat goals set forth in the Chesapeake Bay Critical Area and the current Chesapeake Bay agreement (p. 82).

The proposed amendment complies with the spirit and intent of the Kent County Land Use Ordinance. As this resolution has already been adopted, the reformatting is merely to be consistent with the Critical Area Law and other sections of the Policy. The County is required by the Critical Area Commission to adopt the proposed changes within 120 days from June 9, 2020.

Staff Recommendation

Staff recommends forwarding a favorable recommendation 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.

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

June 9, 2020

William Mackey
Director of Planning, Housing, and Zoning
Kent County
400 High Street
Chestertown, Maryland 21620

Re: **Kent County Critical Area Program
Amendment to Kent County Growth Allocation Policy
Resolution 2020-03**

Dear Mr. Mackey:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced amendment to the County's Growth Allocation Policy. On June 3, 2020 the Critical Area Commission concurred with my determination that Resolution 2020-03 be reviewed as a refinement to the County's Growth Allocation Policy. I approved the refinement on the same day with the following condition:

1. The County must amend the Growth Allocation Policy Section 2.2.g and 2.2.h by reformatting and adding the additional language as described in the attachment to this letter. Language in ~~strike through~~ must be deleted and language that is **bolded and underlined** must be added.

Please note that the refinement must be reflected in the County's Growth Allocation Policy within 120 days of the date of this letter. Please provide a copy of the amended policy to the Commission staff when it is available.

Thank you for your time and efforts regarding this program update. If you have any questions or concerns, please contact this office at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Charles C. Deegan".

Charles C. Deegan
Chairman, Critical Area Commission
Chesapeake and Atlantic Coastal Bays

Enclosure

Resolution 2020-03
Refinement Agreement Attachment
Kent County Growth Allocation Policy
Section 2.2.g – 2.2.j

g. New Intensely Developed Areas shall be located in ~~(1)~~ a **an existing** Limited Development Areas, or ~~(2)~~ adjacent to an existing Intensely Developed Area, or ~~(3)~~ be **unless**:

i. The project is related to a tourism, heritage development, or marine use ~~that is part of a project that will expand or intensify a lawfully existing intensive use;~~

ii. Is currently served by public sewer, or will use a Best Available Technology (BAT) onsite sewage disposal system; and

iii. Is consistent with the comprehensive plan.

~~h.~~ **h.** All new IDAs shall be located:

~~a.~~ **i.** Within a planned, designated growth area that has been identified by the Comprehensive Plan; or

~~b.~~ **ii.** Within a previously developed commercial and/or industrial area with public water and sewer and other public infrastructure; or

~~c.~~ **iii.** Outside of a designated growth area, where the nature of the proposed IDA requires such location and is also part of a project that will expand or intensify a lawfully existing intensive use that existed as of April 12, 1988.

~~ii.~~ **i.** All new IDAs shall have a minimum area of at least 20 acres, unless:

~~a.~~ **i.** The proposed area is contiguous to an existing IDA or LDA, which is at least 20 acres in size; or

~~b.~~ **ii.** The proposed area contains a grandfathered commercial, industrial, institutional, or marine use that existed as of April 12, 1988.

~~h.~~ **j.** The application for growth allocation shall comply with the requirements found in Natural Resources Article 8-1808.1(c) **and COMAR 27.01.02.06 - .06-4.**

RESOLUTION 2020-03

COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

A RESOLUTION TO AMEND BY INTERLINEATION THE CRITICAL AREA GROWTH ALLOCATION POLICY FOR KENT COUNTY, MARYLAND, TO ADDRESS CERTAIN NEW CONDITIONS WHICH HAVE BEEN IDENTIFIED SINCE THE PRIOR AMENDMENT IN 2010

WHEREAS, the Board of County Commissioners of Kent County, Maryland (the Board) adopted, pursuant to the authority granted under Maryland Annotated Code, Natural Resource Article § 8 - 1808, a Growth Allocation Policy in 1998, which was amended in 2010, to comply with revised standards found in the Maryland Annotated Code, and which now must be amended to address new conditions identified in Kent County, Maryland; and,

WHEREAS, the Board finds it beneficial to the County to have criteria for locating new limited development areas and intensely developed areas; and

WHEREAS, the Kent County Planning Commission reviewed these proposed amendments and recommended favorably at its meeting on January 2, 2020; and

WHEREAS, a public hearing was held by the Board on February 18, 2020, and five members of the public signed in to speak on the matter; and

WHEREAS, the Board hereby finds that the attached, amended policy is consistent with the Kent County Comprehensive Plan and the Kent County Critical Area Program; and

WHEREAS, the Board hereby approves the attached, amended policy without the second sentence under Article II *Standards*, Section 2.2 *Growth allocation in the Unincorporated Territory of Kent County*, §h, which is noted in the attached, and that such approval was determined at its meeting on March 3, 2020.

NOW, THEREFORE, BE IT RESOLVED, that on March 3, 2020, the Board does hereby adopt the proposed policy amendment by interlienation, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon approval by the Maryland Critical Area Commission.

ATTEST:

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Sondra M. Blackiston, Clerk


P. Thomas Mason, President


Ronald H. Fithian, Member


Robert N. Jacob, Jr., Member

ADOPTED: March 3, 2020

KENT COUNTY GROWTH ALLOCATION POLICY

ARTICLE I. PURPOSE AND APPLICABILITY

Section 1.1 Title and Purpose

This document shall be known as the Growth Allocation Policy for Kent County, Maryland. The purpose of this policy is to set forth the process and requirements for hearing and granting growth allocation.

It is Kent County's policy to grant growth allocation to the incorporated towns of Betterton, Chestertown, Millington, and Rock Hall upon request. Galena is not in the Critical Area Chesapeake and Atlantic Coastal Bays, but should the town of Galena annex property on the Critical Area, Galena would be eligible to receive growth allocation. Kent County may also grant growth allocation to areas outside the incorporated towns to special projects necessary to fulfill the goals and objectives as identified in the Kent County Comprehensive Plan.

ARTICLE II. STANDARDS

Section 1. Growth Allocation within the Incorporated Towns

- 1.1 Growth allocation may be granted to the incorporated towns upon application to the County Commissioners of Kent County.

Section 2. Growth allocation in the Unincorporated Territory of Kent County

- 2.1 Growth allocation may be granted to projects in the unincorporated areas of Kent County only for the development of desirable employers or quality amenities as identified in the Kent County Comprehensive Plan. These projects must have a positive impact on the County's economy and make a positive net fiscal contribution to County's budget (i.e., taxes paid by the project exceed services required by the project). The County Commissioners shall consider the compatibility of the project with the surrounding land use.

- 2.2 In order to grant growth allocation, the County Commissioners must find that the application meets all of the following:

- a. The Kent County Comprehensive Plan identifies the proposed type of project as a means to expand and provide more diversity in the size, number, and type of businesses in Kent County or as a means to enhance and expand locally based tourism that relies upon the unique natural, cultural and historic features and qualities of Kent County.
- b. The proposed project is suitable for the sensitive location and poses minimal risks to the environment and minimizes impacts **and optimizes benefits** to Habitat Protection Areas as defined in COMAR 27.01.09 and in an area and manner that improves water quality.
- c. Site location and development will use innovative design features to minimize negative impacts on water quality, habitat protection areas, woodlands, and forests. Examples include but are not limited to the use of buffer areas to protect habitat, wildlife corridors, and other important natural areas, the use of conservation landscapes or Bayscapes, and the limitation of lot coverage through clustering and shared roadways.
- d. The proposed project is consistent with the goals and intent of the Kent County Comprehensive Plan, Land Use Ordinance and Critical Area Program.

KENT COUNTY GROWTH ALLOCATION POLICY

e. The proposed project accomplishes two of the following standards to mitigate the negative effects caused by higher intensity development than normally allowed:

- i. The project is within a developed area such as a village.
- ii. The project has direct access to public sewer and water.
- iii. Man-made structures on the site are clustered.
- iv. Efforts are made to enhance the habitat of threatened or endangered species or species in need of protection beyond the minimum required standards.
- v. Permanent environmental easements are donated.
- vi. All remaining agricultural lands on the site are placed into a protective easement.
- vii. Public access to natural and physical amenities is provided.
- viii. The development uses infill or existing structures.
- ix. Habitat for forest interior dwelling birds and/or other sensitive species is created or expanded.
- x. The restoration, enhancement, or creation of wetlands is included in the project.
- xi. Afforestation/reforestation is provided beyond the minimum required standards.
- xii. Historic structures are restored.
- xiii. Buildings are designed to reflect the heritage of Kent County.

f. New Limited Development Areas shall be located adjacent to existing Limited Development Areas or Intensely Developed Areas unless:

- i. The project is a tourism- or heritage-related project where a location in a Resource Conservation Area is integral to the nature of the project; or
- ii. The project is marine-related and the location of which is dictated by the characteristics of the shoreline or water; or
- iii. The project is a grandfathered commercial, industrial, institutional, or marine use that existed as of April 12, 1988.

~~g. New Intensely Developed Areas shall be located in a Limited Development Area or adjacent to an existing Intensely Developed Area, and shall be:~~

- ~~i. Within growth areas as indicated in the Comprehensive Plan or in a previously developed commercial and/or industrial area with public water and sewer and other public infrastructure, unless the project is related to tourism, heritage development, or marine use and the nature of the project requires a location outside of a designated growth area.~~
- ~~ii. At least 20 acres in size unless:
 - ~~a. It is contiguous to an existing Intense Development or Limited Development Area of at least 20 acres in size; or~~
 - ~~b. The project is a grandfathered commercial, industrial, institutional, or marine use that existed as of April 12, 1988; or~~
 - ~~c. The project is located in a previously developed commercial and/or industrial area with public water and sewer and other public infrastructure.~~~~

KENT COUNTY GROWTH ALLOCATION POLICY

- g. New Intensely Developed Areas (IDAs) shall be located in (1) a Limited Development Area, or (2) adjacent to an existing Intensely Developed Area, or (3) be related to tourism, heritage development, or marine use that is part of a project that will expand or intensify a lawfully existing intensive use.
- i. All new IDAs shall be located:
- a. within a planned, designated growth area that has been identified by the Comprehensive Plan; or
 - b. within a previously developed commercial and/or industrial area with public water and sewer and other public infrastructure; or
 - c. outside of a designated growth area, where the nature of the proposed IDA requires such a location and is also part of a project that will expand or intensify a lawfully existing intensive use that existed as of April 12, 1988.
- ii. All new IDAs shall have a minimum area of at least 20 acres, unless:
- a. the proposed area is contiguous to an existing Intense Development or Limited Development Area, which is at least 20 acres in size; or
 - b. the proposed area contains a grandfathered commercial, industrial, institutional, or marine use that existed as of April 12, 1988.
- h. The application for growth allocation shall comply with the requirements found in Natural Resources Article 8-1808.1(c).
- 2.3 The Kent County Commissioners retain the right to impose any additional restrictions, conditions or limitations which are deemed necessary.
- 2.4 The Kent County Commissioners retain the right to disapprove a project even if these requirements are entirely fulfilled.

ARTICLE III. APPLICATION

PROCEDURE FOR PROJECTS IN THE UNINCORPORATED TERRITORY OF KENT COUNTY

Section 1. Application Procedure

1. An application for growth allocation in the unincorporated territory of Kent County may be initiated by resolution of the County Commissioners, motion of the Planning Commission, or petition of any property owner using forms specified by the Kent County Planning Commission.
2. Before taking any action on any proposed growth allocation ~~amendment~~ application, the County Commissioners shall submit the proposal to the Planning Commission for concept and preliminary plan review and a recommendation on growth allocation. The Planning Commission may hold a hearing on any application for growth allocation before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data or information as it deems necessary. In its recommendation, the Planning Commission shall address the following:
 - a. The public need for the proposal.

KENT COUNTY GROWTH ALLOCATION POLICY

- b. The extent to which the proposal complies with or deviates from the Comprehensive Plan and Critical Area Law.
3. Where a proposal may require the granting of a variance or special exception, the said variance or conditional use must be obtained before the County Commissioners take action on the growth allocation.
4. Before approving an application for growth allocation, the County Commissioners shall hold a public hearing thereon.
5. The County Commissioners shall render its decision within ninety (90) days of the hearing. The County Commissioners shall forward approved applications for growth allocation to the Critical Area Commission for the Coastal and Chesapeake Bays along with the findings and supporting documents as required by COMAR 27.01.02.06 through .06-405-1 and ~~COMAR 27.01.02.05-2~~.
6. Newly designated Intense Development Area or Limited Development Area shall be designated on the County Critical Areas Map.
7. Petitions for growth allocation denied by the County Commissioners, or one substantially similar, shall not be considered for one year after the denial.
8. Any aggrieved person with standing may within thirty (30) days after the decision, appeal to the Circuit Court of Maryland.
9. Applications for growth allocation shall not be effective until approved under Natural Resources Article 8-1809, as the same may be amended from time to time.
10. If no substantial construction has taken place in accordance with the plans for which such growth allocation was granted, then the growth allocation shall expire after three years unless otherwise extended by the County Commissioners of Kent County.

Section 2. Application Requirements

1. The application for growth allocation shall, at a minimum:
 - a. Specify the map and parcels receiving growth allocation.
 - b. The current and proposed use of the parcels.
 - c. The current and proposed zoning classifications.
 - d. The current and proposed Critical Area Designation.
 - e. The reason requesting growth allocation.
 - f. Renderings of all primary buildings and each type of accessory buildings.
 - g. A preliminary plan which identifies existing and proposed features including but not limited to: the proposed layout of buildings, parking, open space, driveways and roads, 100-year floodplains, watercourses, buffers, wetlands (tidal and non-tidal), slopes in excess of 15%, forest and woodland areas, scenic or historic structures or areas, existing buildings, existing easements, zoning and critical area boundaries and habitat protection area.
 - h. Site statistics including but not limited to: gross area of the project, growth allocation requested and purpose of growth allocation, area of each proposed use, area in each zoning and critical area classification, and forested areas.
2. The application for growth allocation shall comply with the standards for submittals to the Critical Area Commission for the Coastal and Chesapeake Bays as found in Natural Resources Article 8-J 808.1(c) and COMAR 27.01.02.06 through .06-4.