

Kent County Planning Commission

TELEPHONE 410-778-7423

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

November 5, 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 (<https://www.kentcounty.com/commissioners/meeting-live-video>), and citizens may call in with questions when the Chair opens the floor for comment.

To participate via Microsoft Teams:

1. Call **1-872-239-8359**
2. Enter Conference ID: **619 564 41#**

To participate via the Kent County Conference Bridge service:

1. Call **410-810-2213**
2. Enter PIN number **55266** when prompted.

Please mute your phone / device until the Commission Chair opens the floor for comment.

MINUTES

September 3, 2020

October 1, 2020

APPLICATIONS FOR REVIEW

- 20-12 Chester River Yacht & Country Club – Major Site Plan (Preliminary)** – Expansion of Parking Area
7738 Quaker Neck Road, Chestertown – Seventh Election District – Critical Area Residential “CAR” ... PC Decision
(Staff: Carla Gerber)
- 20-24 Delmarva Power and Light Company – Major Site Plan (Preliminary)** – Expansion of Chestertown Substation
509 Morgnec Road, Chestertown – Fourth Election District – Zoned Commercial “C” PC Decision
(Staff: Rob Tracey)
- 20-36 Pep-Up, Inc. – Major Site Plan Review (Concept)**
12213 Galena Road, Massey – First Election District – Zoned Employment Center (EC)..... PC Review
(Staff: Rob Tracey)

GENERAL DISCUSSION

Cecil County Comprehensive Plan Land Use Amendment

(Staff: Carla Gerber)

Zoning Text Amendment (CHR 7-2020) – Countywide Standards for Utility-Scale Solar Energy Systems

(Staff: Carla Gerber)

STAFF REPORTS

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, September 3, 2020, virtually in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members attending via audio/video conference: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; F. Joseph Hickman; Kim Kohl; County Commissioner P. Thomas Mason; B. Douglas Megargee; and 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.

Ms. Morris called the meeting to order at 1:35 p.m.

MINUTES

The minutes of the August 6, 2020, meeting was approved with corrections.

APPLICATIONS FOR REVIEW:

05-130 Eastern Shore Mushroom Farm, Inc. – Final Site Plan Approval Extension (Additional 3 Years)

Present and duly sworn in were the applicant, Mr. Arthur Needham, and Mr. Steve Layden with McCrone.

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

Ms. Gerber said the applicant requests a three-year extension of the final site plan approval for Eastern Shore Mushroom Farm, Inc. which would otherwise expire on September 7, 2020.

Ms. Gerber said staff recommends approval. She further noted that the Eastern Shore Mushroom Farm completed substantial construction on the required site improvements indicating a continued desire to move forward with the project.

Ms. Morris asked if any correspondence has been received.

Ms. Gerber said no correspondence has been received.

Mr. Layden provided a brief overview of the business operation and history of the project and future plans.

Mr. Needham said his vision for the business has changed slightly since March, but the industry remains strong.

No public input was received.

After further discussion, Mr. Hickman made a motion to grant a three-year extension based on the following:

- The business supports local industry and supports agriculture and is consistent with the Comprehensive Plan.
- Eastern Shore Mushroom Farm completed substantial work on the required site improvements.
- The applicant has maintained sediment and erosion control plan approval and all affiliated letters of credit.
- The applicant has completed the structural components of the stormwater management infrastructure.
- The applicant has completed construction of the entrance in accordance with State Highway Administration requirements.
- All grading affiliated with the applicant's nontidal wetland license from MDE has been completed.
- The applicant has prepared groundwater appropriation permit applications and acknowledge that they must be obtained prior to construction.
- The applicant has maintained the access road, leveled building pad, and stormwater facilities.

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

20-23 Dixie Land Energy – Final Site Plan Review

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

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

Ms. Jones said the applicant is requesting final 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. 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 is surrounded to the north, east, and south by industrial uses on land zoned Village. The surrounding uses include the existing rail line, grain mill, and fertilizer facilities.

Mr. Shearon provided a power-point presentation with a project overview.

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

No public input was received.

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

- On August 17, 2020, the Board of Appeals granted an 85-foot variance to both sides and 50-foot variance to the rear from the required 100-foot setback. 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.
- The Health Department approves of the application.
- Public water and sewer are not provided on this lot.
- The fire companies were contacted, the applicant will be required to install a knox box.
- There will be a locked gate on the property and no public interaction.
- There will be no off-street parking and no permanent employees.
- Vehicular circulation has been addressed.
- No signage is proposed.
- The hours of operation will be 7 a.m. to 5 p.m. seven days a week with access to the facility for emergency fills.
- The lighting plan is adequate.
- Stormwater management and sediment control plans have been approved and sureties have been submitted.
- The landscaping plan was provided, and sureties submitted.
- Forest Conservation has been addressed by payment of \$2,325 into the Forest Conservation Fund.
- Architectural renderings of the tanks have been submitted.
- A Citizen's Participation Plan was completed on July 21, 2020.
- The applicant provided a Certified Engineer's Report.
- A containment plan has been submitted.

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

STAFF REPORTS

Ms. Jones:

- The Board of Appeals granted the Dixie Land Energy variance.
- Attended the Commissioners Meeting on August 18, 2020. The Commissioners approved the *Campground ZTA* and *Growth Allocation Policy* that included conditions provided by the Critical Area Commission.
- Attended the stakeholders meeting for the *Hazardous Mitigation Plan*.

Carla Gerber:

Staff sent the Town of Millington a letter regarding their *Parks and Recreation Master Plan*. The Town responded to the Planning Commission's question about the DNR parcel that the future use of the parcel is unknown at this time.

Mr. Tracey:

- Attended the last three Commissioner's meetings.
- The Zoning Text Amendment for microbreweries in the Crossroads Commercial zoning district was approved by the Commissioners.

- Members of the Agricultural Preservation Advisory Board were re-appointed, and a new member was appointed.
- Members were re-appointed to the Historic Preservation Commission.

Mr. Mackey:

- The Commissioner's appointed the Comprehensive Rezoning Update Taskforce.

Ms. McCann:

- Available for questions and resources for the Comprehensive Rezoning Update.

GENERAL DISSCUSSION

Mr. Hickman said the technology that is currently being used by Kent County to host public forums and meetings is not adequate and needs improvement.

Ms. Kohl and Mr. Megargee suggested looking into a different technology application to use to host meetings and future forums.

Mr. Mackey said he would forward any suggestions to the IT Department.

ADJOURN

There being no further business for the good of the organization, the meeting was adjourned at 2:27 p.m.

Elizabeth Morris, Chairman

Brian Jones, Clerk

DRAFT

DRAFT

DRAFT

MINUTES

The Kent County Planning Commission met in regular session on Thursday, October 1, 2020, virtually in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members attending via audio/video conference: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; F. Joseph Hickman; Kim Kohl; County Commissioner P. Thomas Mason; B. Douglas Megargee; and 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.

Ms. Morris called the meeting to order at 1:35 p.m.

MINUTES

The approval of the minutes of the September 3, 2020, meeting was tabled until the next meeting.

APPLICATIONS FOR REVIEW:

20-34 Melinda M. Zupon – Special Exception – Adaptive Reuse of Historic Structure

Present and duly sworn in were the applicant, Ms. Melinda Zupon, and Mr. Tracey.

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

Mr. Tracey said the applicant requests a special exception for an adaptive reuse of a historic structure on her property located at 4959 Piney Neck Road. Ms. Zupon proposes to renovate the existing two-story dwelling into a private office/storage structure.

Mr. Tracey said staff recommends sending a favorable recommendation to the Kent County Board of Appeals conditioned upon site plan approval. He further noted that the applicant has addressed all specific and general performance standards.

Ms. Zupon said her main goal is to save an old historic home. She plans to build a new home on the property that will mirror the old home. Ms. Zupon said she would like to restore the old structure and use it as an office space.

Ms. Morris asked if any correspondence has been received.

Mr. Tracey said no correspondence has been received.

No public input was received.

Ms. Zupon said the property does not have public water; however, it does have public sewer. The grinder pump was removed two years ago. The property has a well. Ms. Zupon said that the water and sewer will be officially disconnected from the old house within a month.

After further discussion, Mr. Hickman made a motion to send a favorable recommendation to the Kent County Board of Appeals based on the following:

- The planning commission has determined that the structure is an approved historically significant structure.
- There will be minimum changes to the site, enlargement of the area will not be over 25 percent. The enlargement of the entire site is in character with the building and design.
- The landscaping is in character with the neighborhood.
- There is adequate public road access.
- The number of dwellings will not exceed the density permitted in the district in which the structure is located.
- The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- The adaptive reuse project will be limited to non-commercial and non-industrial uses.
- The research the applicant provided is extensive and interesting.
- The site will be accessed by existing driveway.
- The site is served by public sewer, private water. The disconnection of the utilities will be at the owner's expense per the Department of Public Works.
- The project will have a positive impact in the neighborhood and surrounding community.
- Final approval will be based on a site plan.

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

STAFF REPORTS

Ms. Jones:

- An RFP was released for the Rigbie Bank project in Betterton. This project would remove the existing vegetation and replace it with native species.
- Attending various virtual seminars including one from the Horn Point Laboratory, UMES regarding shorelines and how a hardened shoreline could affect sea-level rise.
- CRYCC might be coming back for preliminary site plan approval in November for their proposed parking expansion.
- Reviewed proposed solar regulations from the Critical Area Commission.

Carla Gerber:

- Working with Department of Emergency Services on various projects including Next Generation 9-1-1.
- Census has been extended; 91 percent of the state has been counted.

Mr. Tracey:

- Working on staff reports for projects and issuing building permits.

Mr. Mackey:

- The Commissioner's appointed the Comprehensive Rezoning Update Taskforce.

- Evaluating the use of the Zoom application for future Planning Commission meetings and public forums for the Comprehensive Rezoning Project.
- Information Technology has ordered additional tech equipment for meeting participants including the taskforce members.
- Sent out a Doodle Poll, received 6 responses.

Ms. McCann:

- Reached out to Joe Griffiths from the Department of Planning regarding resources for the Comprehensive Rezoning Update.

GENERAL DISSCUSSION

Ms. Morris said she was pleased to see advertisements for affordable housing for sale from the Tolchester Village Townhouse Community Association.

ADJOURN

There being no further business for the good of the organization, Mr. Hickman made a motion to adjourn the meeting.

Ms. Kohl seconded the motion, and the motion passed unanimously. The meeting adjourned at 2:10 p.m.

Elizabeth Morris, Chairman

Brian Jones, Clerk

PRELIMINARY STAFF REPORT

To: Kent County Planning Commission
Subject: Chester River Yacht and Country Club
Site Plan Review – Preliminary – Expansion of Parking Area
Date: October 30, 2020

Description of Proposal

The applicants wish to increase their onsite parking for an existing Private Club and Golf Course. The expanded parking lot of 32 additional spaces includes impermeable pavers and bituminous concrete. The 175-acre property is located on Quaker Neck Road in the Seventh Election District. The property is currently comprised of a private country club, a golf course, a swimming pool, a pier, a boathouse, and accessory buildings incidental to the maintenance of a private club and golf course. The surrounding area is characterized by single-family residential development and is zoned Critical Area Residential, “CAR”, Community Residential, “CR” and Rural Residential “RR”. The parking lot expansion is entirely within the CAR district.

History

At the April 2, 2020, Planning Commission meeting the Kent County Planning Commission reviewed the concept site plan for 37 parking spaces along with a buffer variance request for 828 square feet of parking area within the 100-foot buffer. The Planning Commission reviewed the site plan and sent a favorable recommendation to the Kent County Board of Appeals. The Board of Appeals granted a buffer variance for 176 square feet of lot coverage within the 100-foot buffer, reducing the proposal to 32 parking spaces. The site plan has been updated in accordance with the approved variance.

Relevant Issues

I. Critical Area Residential Environmental Standards

- A. *Comprehensive Plan*: “Encourage comprehensive stormwater management.” (Page 23)
- B. *Applicable Law*: Article V, Section 5.7 in the Kent County Land Use Ordinance establishes the Critical Area Environmental Design Standards, which include stormwater and Critical Area standards. The purpose of these standards is 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 9 of the Kent County Land Use Ordinance sets forth the provisions for Erosion and Sediment Control and Section 10, Stormwater Management.

- C. *Staff and TAC Comments*: A Major Buffer Enhancement Plan is required for the increase in lot coverage and mitigation for the approved variance. Lot coverage increase outside of the 100-foot buffer is 10,661 square feet and mitigation provided for the variance is 525 square feet (175 square feet at 1:3 ratio). The total mitigation requirement is 11,186 square feet and the total provided mitigation is 11,345 square feet. COMAR 27.01.09.01-3 specifies the requirements for Major Buffer Enhancement Plans. These requirements include among other things a maintenance plan and financial assurance.

Mitigation plantings are required to be planted within the 100-foot buffer. The attached plan indicates that some plantings will be placed within the 100-foot buffer, while others will be placed outside of the 100-foot buffer. Planting outside of the buffer would only be an option if all area within the 100-foot buffer is developed or fully established in vegetation, including understory and canopy vegetation. At this time the buffer is not fully established, and plantings should be placed within the area that is not established. If it is determined that not all mitigation can be located within the buffer, then the mitigation plantings should be located adjacent to the buffer and as a last resort elsewhere in the Critical Area. For the removal of existing vegetation, a Critical Area Forest Clearing Plan is required to be submitted and mitigation is required.

Stormwater and erosion and sediment control plans have been submitted. Estimates and sureties, along with approved plans will be required for final site plan approval. Proposed stormwater management consist of a perforated PVC pipe located underneath the proposed permeable pavers that will outfall into a rip rap lined outlet.

II. Parking and Loading Requirements

- A. *Applicable Law:* Article VI, Section 1.3 of the Kent County *Land Use Ordinance* establishes the parking standards. Private clubs require 1 space per 5 members.
- B. *Staff and TAC Comments:* The applicants are increasing the existing parking on site due to the club having insufficient parking areas for members. The club currently has 59 spaces, including 3 handicap spaces, with 32 proposed spaces the total parking spaces onsite will be 91. This will provide for safer parking options for the club.

III. Site Plan Review

- A. *Comprehensive Plan:* “Implement thorough design review for new development and major renovations.” (Page 33)
- B. *Applicable Law:* Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. 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 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 applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. 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.

C. *Staff and TAC Comments:*

- The proposal is consistent with strategies and goals of the Comprehensive Plan.
- The Maryland Department of Transportation approved this application and the Critical Area Commission provided comments with the preliminary site plan and variance application.
- The applicant will need to address the vehicular and pedestrian movement at the site. The proposed parking area may change the existing flow of traffic and pedestrians.
- The existing sign is proposed to be relocated.
- A lighting plan has been provided, and the two proposed lights will not shine light significantly beyond the parking area.
- This proposal will not increase the demands on water and sewer. The Department of Public Works and the Kent County Health Department has approved this application.
- Stormwater management and erosion and sediment control plans have been submitted for review.
- A Major Buffer Enhancement Plan has been proposed.
- The proposed parking area should not pose any undue disturbances to neighboring properties.
- A Critical Area Forest Clearing Plan will need to be submitted for the proposed removal of an existing tree.
- The proposed parking area is located adjacent to the existing parking area. Shrubs are proposed to be planted between the parking area and the road.
- A variance was granted by the Board of Appeals on April 20, 2020, for 176-square feet of additional lot coverage within the 100-foot buffer.
- A Citizens' Participation Plan was completed on March 12, 2020. There were no citizen concerns raised during the Citizens' Participation meeting or afterward.

Staff Recommendation

Staff recommends granting preliminary site plan approval.

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

- Approval of stormwater management and erosion and sediment control plans.
- Cost estimates and sureties for stormwater management and erosion and sediment control.
- A revised Major Buffer Management Plan, including plantings being located within the 100-foot buffer.
- Address vehicular and pedestrian flow.



Davis, Moore, Shearon & Associates, LLC

October 22, 2020

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

**RE: PRELIMINARY SITE PLAN FOR A PARKING LOT EXPANSION AT THE
CHESTER RIVER YACHT & COUNTRY CLUB
KENT COUNTY TAX MAP 44, PARCEL 15
DMS & ASSOCIATES JOB #2019034**

Dear Mr. Mackey,

Attached please find a copy of the revised plans for the above referenced project. The revisions are in response to the TAC comments dated September 17, 2020. We offer the following:

1. We acknowledge that the Department of Public Works has approved this application.
2. We acknowledge that the Maryland Department of Transportation has approved this application.
3. A variance for 176-sf of lot coverage in the 100-ft shore buffer was granted by the Kent County Board of Appeals on April 20, 2020 (Case No. 20-11).
4. The parking space size has been added to the plans.
5. A Critical Area Forest Clearing Plan will be submitted prior to final site plan review.
6. The plant species have been included on the landscape plans.
7. We have located moved plantings to be within the 100-ft shore buffer and near the 100-ft shore buffer to the extent possible.
8. The Kent County Health Officer signature block has been added.
9. The extra "which" has been removed from the Statement of Purpose and Intent.

10. A lighting plan has been included with this set of plans.
11. The term “impervious cover” has been replaced with “lot coverage”.
12. Cost estimates, deed restrictions, and sureties for sediment control, stormwater management and buffer plantings will be submitted prior to final approval.

We ask that you please review this information for placement on the November 5, 2020 Planning Commission agenda for preliminary site plan review. If you have questions please call me at 443-262-9130.

Sincerely,

DMS & Associates, LLC



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

Enclosures

pc: Chester River Yacht & Country Club (via email)

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:** _____

Project Name: Chester River Yacht & Country Club (CRYCC) Parking Lot Expansion

District: 7th Map: 44 Parcel: 15 Lot Size: 173.9 Deed Ref: 10/518 Zoning: CAR,CR,RR

LOCATION: The property is located at 7738 Quaker Neck Road, Chestertown, Maryland 21620

PROPOSED USE: The use as a golf course will continue. This application is for an expanded vehicle parking area.

OWNER OF LAND:

Name: Chester River Yacht & Country Club Telephone: (410) 778-3818

Address: 7738 Quaker Neck Road, Chestertown, Maryland Email: dcurran@buytri.com

APPLICANT:

Name: (same as owner) Telephone: _____

Address: _____ Email: _____

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DMS & Associates (Kevin Shearon) Telephone: (443) 262-9130

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

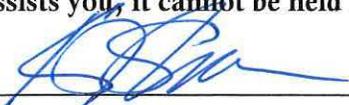
Water Supply: Public System On lot system (no additional service needed for this project)

Sewerage: Public System On lot system (no additional service needed for this project)

TELEPHONE SERVICED BY: Verizon

ELECTRIC SERVICED BY: Delmarva Power

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

9/10/2020
Date

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

PROJECT NARRATIVE
7738 Quaker Neck Road
on the lands of the
Chester River Yacht & Country Club

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

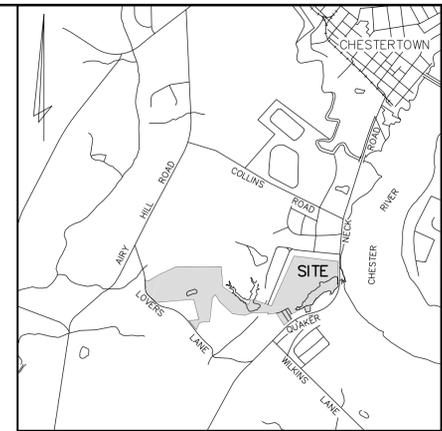
The site is located along Quaker Neck Road south of the Town of Chestertown. The overall site stretches from Quaker Neck Road to Lover's Lane and comprises approximately 173.9 acres. The site is split amongst a variety of zoning districts including Rural Residential (RR), Community Residential (CR) and Critical Area Residential (CAR). This project involves proposed improvements only in the CAR portion of the site. The property is identified as Tax Map 44 Parcel 15.

The scope of this project is to increase the available on-site parking by 32 spaces for an existing Private Club within the CAR zoning district. The expanded parking area is located within the existing circular drive will be treated with bituminous concrete and permeable pavers. This project is considered Phase 1. An area north of the main entrance drive is intended to be reserved as Phase 2 of the parking expansion project.

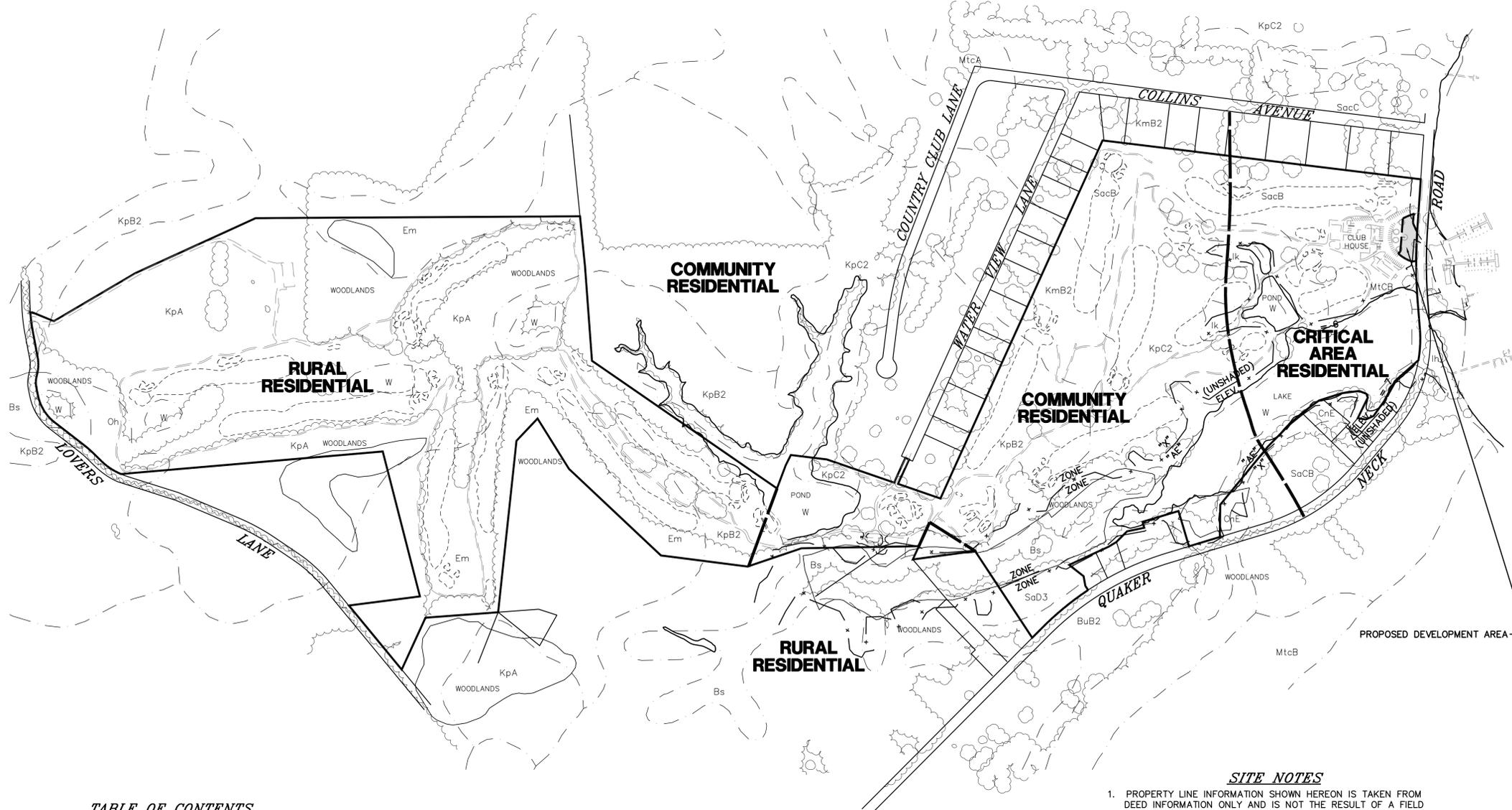
A portion of the Phase 1 parking lot travel lane is located within the 100-ft shore buffer. A variance to allow the 176-sf of impervious cover in the buffer was granted by the Board of Appeals on April 20, 2020 (Case No: 20-11). The increase in lot coverage in the Critical Area, both in and out of the shore buffer, will result in on-site landscape mitigation. The resulting lot coverage within the Critical Area portion of the site will remain below 15%.

The property will remain under the ownership and maintenance of the Chester River Yacht & Country Club.

PRELIMINARY SITE PLAN ON THE LANDS OF **CHESTER RIVER YACHT & COUNTRY CLUB** 7th ELECTION DISTRICT, KENT COUNTY, MD.



VICINITY MAP
SCALE 1" = 3000'



GENERAL NOTES

- 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 the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- 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
Maryland Department of the Environment-----1-410-631-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- 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).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- 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.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- 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.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
- 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.
- 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.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

SITE NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM DEED INFORMATION ONLY AND IS NOT THE RESULT OF A FIELD RUN SURVEY AT THIS TIME.
- FOR DEED REFERENCE, SEE LIBER 10, FOLIO 518.
- CURRENT ZONING CLASSIFICATION - CRITICAL AREA RESIDENTIAL, COMMUNITY RESIDENTIAL AND RURAL RESIDENTIAL
- THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - LDA (LIMITED DEVELOPMENT AREA).
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 240290279D AND 240290290 (ZONE "AE") (ELEV. = 6 & 7), DATED JUNE 9, 2014.
- EXISTING IMPROVEMENTS WITHIN THE DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN NOVEMBER, 2019. HORIZONTAL DATUM IS NAD 83/91.
- EXISTING CONTOURS WITHIN THE DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN NOVEMBER, 2019. VERTICAL DATUM IS NAVD 88.
- SOILS SHOWN ONSITE CONSIST ARE SCALED FROM THE WEBSITE: <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY.

STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE NORTH SIDE OF QUAKER NECK ROAD, SOUTH OF THE TOWN OF CHESTERTOWN. IT IS THE CURRENT LOCATION OF THE CHESTER RIVER YACHT AND COUNTRY CLUB. THE INTENT OF THIS PRELIMINARY SITE PLAN IS TO ADD 32 PARKING SPACES TO THE EXISTING PARKING AREA. A PORTION OF THE NEW PARKING LOT'S TRAVEL LANE (176-sf) IS PROPOSED WITHIN THE 100' SHORE BUFFER WHICH RECEIVED A VARIANCE FROM THE BOARD OF APPEALS ON APRIL 20, 2020 (CASE NO. 20-11).

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

SURVEYOR

MICHAEL A. SCOTT, INC.
400 SOUTH CROSS 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

LEGEND

- ZONING LINE
- EDGE OF WOODLANDS
- SOILS LINE AND TYPE
- FLOODPLAIN LINE
- LIMITS OF DISTURBANCE

OWNER/DEVELOPER:

CHESTER RIVER YACHT & COUNTRY CLUB
7738 QUAKER NECK ROAD
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-3818

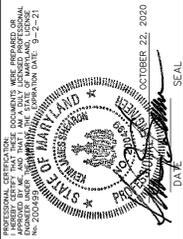
TABLE OF CONTENTS

- SHEET C-1 - PRELIMINARY OVERALL SITE PLAN
- SHEET C-2 - PRELIMINARY SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT CONTROL PLAN
- SHEET C-3 - STORMWATER MANAGEMENT PROFILES
- SHEET C-4 - MISCELLANEOUS DETAILS AND SEDIMENT & EROSION CONTROL SPECIFICATIONS
- SHEET L-1 - PRELIMINARY OVERALL BUFFER MANAGEMENT PLAN
- SHEET L-2 - PRELIMINARY DETAILED BUFFER MANAGEMENT PLAN
- SHEET L-3 - PRELIMINARY DETAILED BUFFER MANAGEMENT PLAN

GRAPHIC SCALE



1 inch = 300 ft.

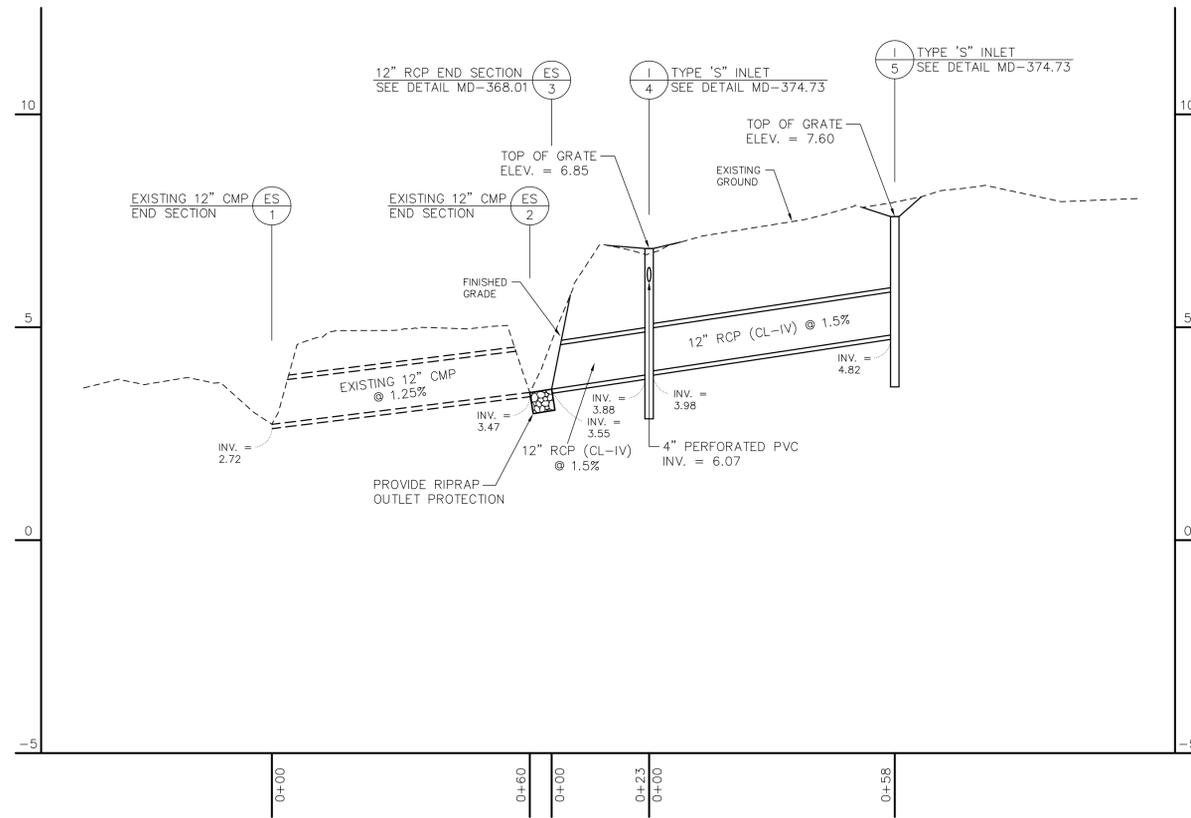


DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE: 1-443-262-9130
FAX: 1-443-262-9148

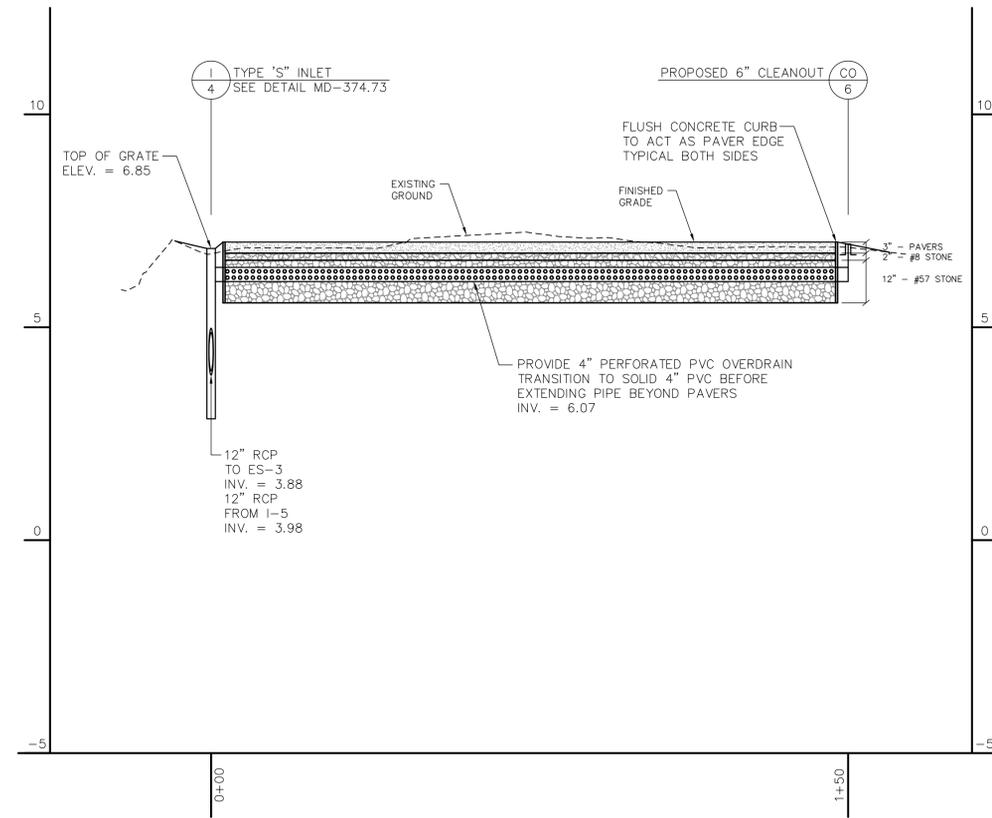
REVISION	DATE	DESCRIPTION
	10/22/20	

PRELIMINARY OVERALL SITE PLAN
ON THE LANDS OF
CHESTER RIVER YACHT & COUNTRY CLUB
NEAR THE TOWN OF CHESTERTOWN
TAX MAP - 44, GRID - 30, PARCEL - 15
SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR: CHESTER RIVER YACHT & COUNTRY CLUB

DATE	SCALE	DESIGNED BY	CADD FILE
SEPTEMBER '20	1" = 300'	C-1	19034-C1
JOB No.	DRAWN BY		
2019034	WM		
FOLDER #44	DESIGNED BY		
44-2019.34	RJS		
SHEET No.			
C-1			



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



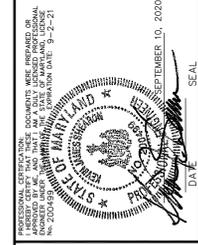
STORMWATER MANAGEMENT PROFILE
 SCALE 1" = 20' HORIZONTAL
 1" = 2' VERTICAL

DATE	SCALE	AS SHOWN
SEPTEMBER 20	20	
JOB No.	DRAWN BY	WJM
2019034		
FOLDER #44	DESIGNED BY	K/S
44-2019.34		
SHEET No. - C-3		
CADD FILE - 19034-C3		

STORMWATER MANAGEMENT PROFILES
 ON THE LANDS OF
CHESTER RIVER YACHT & COUNTRY CLUB
 NEAR THE TOWN OF CHESTERTOWN
 TAX MAP - 44, GRID - 30, PARCEL - 15
 SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR : CHESTER RIVER YACHT & COUNTRY CLUB

DATE	REVISION

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

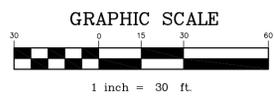


KENT COUNTY DEPARTMENT OF PUBLIC WORKS
 KENT COUNTY HEALTH OFFICER
 KENT COUNTY CONSERVATION DISTRICT



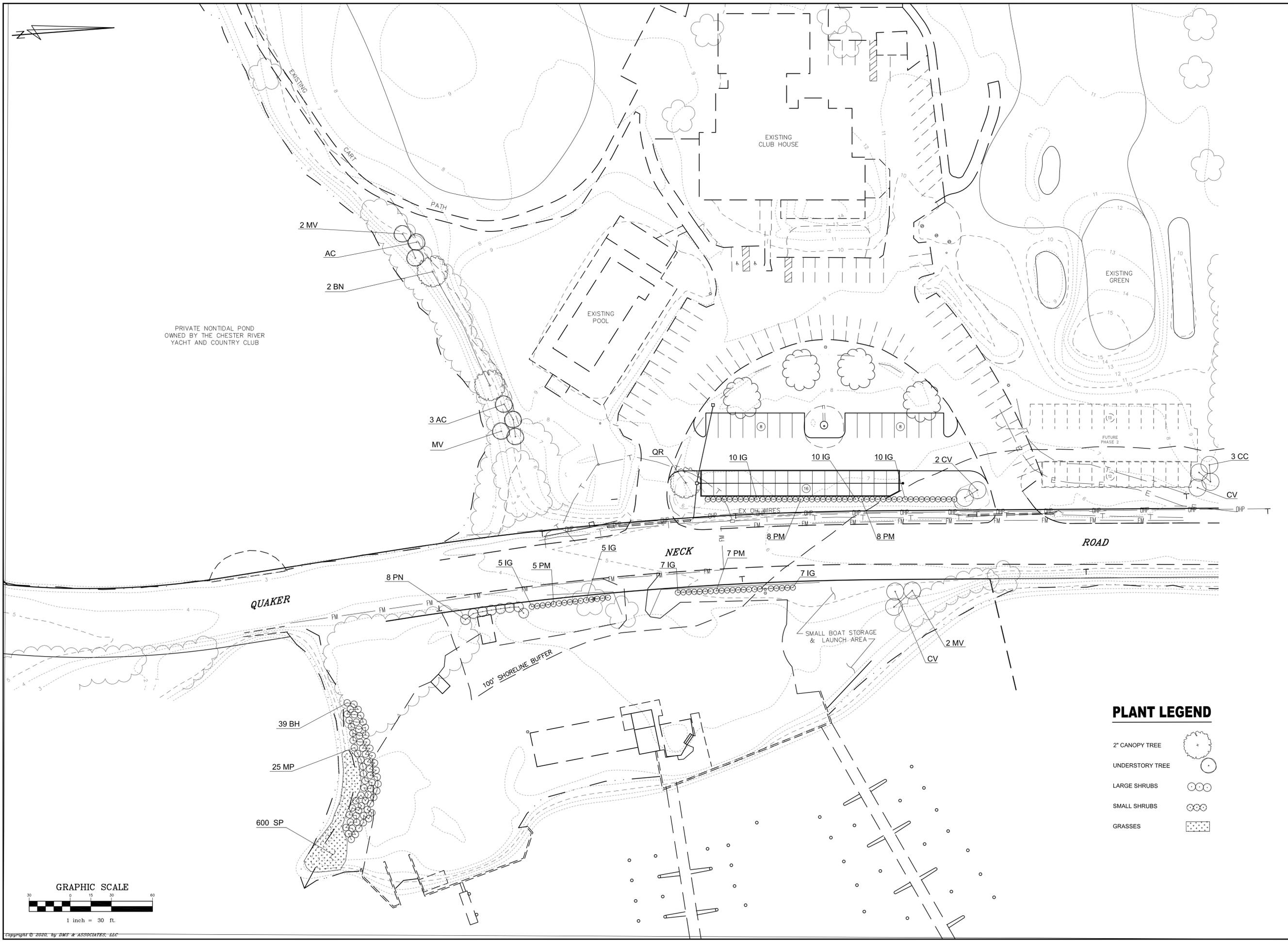
PLANT LEGEND

- 2" CANOPY TREE
- UNDERSTORY TREE
- LARGE SHRUBS
- SMALL SHRUBS
- GRASSES



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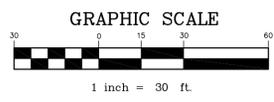
<p>DATE: FEBRUARY 20 JOB No.: 2019034 FOLDER #44: 44-2019.34</p>	<p>SCALE: 1" = 30' DRAWN BY: WJM DESIGNED BY: KJS</p>	<p>SHEET No. - LS 2 OF 3 CADD FILE - 19034CP3</p>	<p>CONCEPTUAL LANDSCAPE - PHASE 1 ON THE LANDS OF CHESTER RIVER YACHT & COUNTRY CLUB NEAR THE TOWN OF CHESTERTOWN TAX MAP - 44, GRID - 30, PARCEL - 15 SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR: CHESTER RIVER YACHT & COUNTRY CLUB</p>	<p>DATE: 9-8-20 REVISION: ADDRESS COMMENTS</p>	<p>DAVIS, MOORE, SHEARON & ASSOCIATES, LLC CENTREVILLE, MARYLAND 21617 HUSTEAD Landscape Architecture, LLC 120 Bay Meadows Lane, Stevensville, MD, 21666 Phone: 443.988.2294 E-mail: Vhustead@Husteadia.com Web: www.Husteadia.com</p>	<p>WEST COUNTY DEPARTMENT OF PUBLIC WORKS DATE: OCT 21, 2020 SEAL</p>
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PRIVATE NONTIDAL POND
OWNED BY THE CHESTER RIVER
YACHT AND COUNTRY CLUB

PLANT LEGEND

- 2" CANOPY TREE
- UNDERSTORY TREE
- LARGE SHRUBS
- SMALL SHRUBS
- GRASSES



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<p>DATE: FEBRUARY 20 JOB No.: 2019034 FOLDER #64: 44-2019.34</p>	<p>SCALE: 1" = 30' DRAWN BY: WJM DESIGNED BY: KJS</p>	<p>SHEET No. - LS 3 OF 3 CADD FILE - 19034CF3</p>	<p>CONCEPTUAL LANDSCAPE - PHASE 1 ON THE LANDS OF CHESTER RIVER YACHT & COUNTRY CLUB NEAR THE TOWN OF CHESTERTOWN TAX MAP - 44, GRID - 30, PARCEL - 15 SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : CHESTER RIVER YACHT & COUNTRY CLUB</p>	<p>REVISION DATE: 9-8-20 ADDRESS COMMENTS</p>	<p>DAVIS, MOORE, SHEARON & ASSOCIATES, LLC CENTREVILLE, MARYLAND 21617 HUSTEAD Landscape Architecture, LLC 120 Bay Meadows Lane, Stevensville, MD, 21666 Phone : 443.988.2294 E-mail: Vhustead@Husteadia.com Web: www.Husteadia.com</p>	<p>WEST COUNTY DEPARTMENT OF PUBLIC WORKS DATE: OCT 21, 2020 SEAL</p>
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STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone	+	0.2 fc	1.7 fc	0.0 fc	N/A	N/A

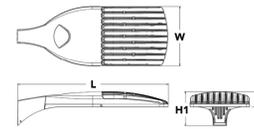
LUMINAIRE SCHEDULE							
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens LLF Watts
□	P	2	Lithonia DSX1 LED P3 30K T4M MVOLT	DSX1 LED P3 30K T4M MVOLT Mounting Height = 30 Feet	LED	DSX1_LED_P3_30K_T4M_MV_OLT.ies	Absolute 0.95 102



D-Series Size 1 LED Area Luminaire

Specifications

EPA: 1.01 ft² (0.09 m²)
Length: 33" (0.84 m)
Width: 13" (0.33 m)
Height H1: 7-1/2" (0.19 m)
Height H2: 3-1/2" (0.09 m)
Weight (max): 27 lbs (12.2 kg)



Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, great pole spacing and lower power density. It is ideal for replacing up to 750W metal halide in pedestrian and area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information

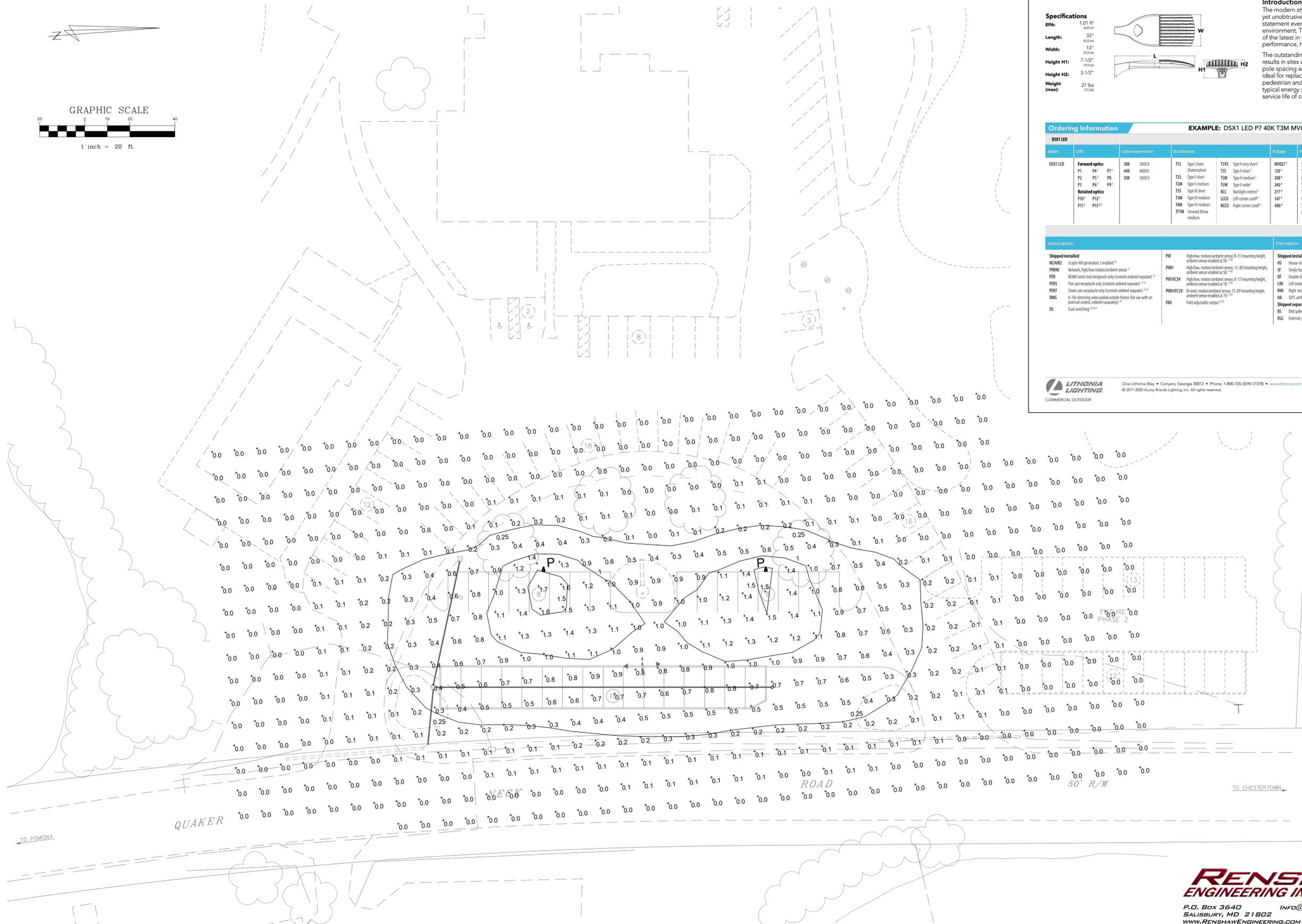
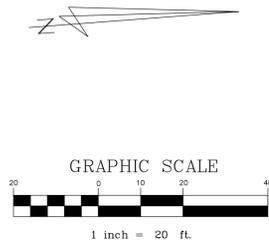
EXAMPLE: DSX1 LED P7 40K T3M MVOLT SPA NLTAR2 PIRHN DDBX0

Series	LEDs	Color temperature	Distribution	Voltage	Mounting				
DSX1 LED	Forward optics		T1S Type I short (flat/midrow)	TSV5 Type V very short ¹	MVOLT ¹	Shipped included			
	P1 P4 P7 ¹	40K 3000K					T5S Type V short ¹	120"	SPA Square pole mounting
	P2 P5 ¹ P8	40K 4000K					T2M Type II medium ¹	208"	SPA Round pole mounting
	P3 P6 ¹ P9 ¹	50K 5000K					T3S Type III short	240"	WBA Wall bracket
	Rotated optics						T3M Type III medium	277"	SPUMBA Square pole universal mounting adaptor ¹
	P10 ¹ P12 ¹						T4M Type IV medium	347"	RPUMBA Round pole universal mounting adaptor ¹
	P11 ¹ P13 ¹		T1TM forward/down medium	480"	Shipped separately				
						KWAB DDBX0¹ Max arm mounting bracket adaptor (specify finish) ¹			
	Control options								
	Shipped installed								
	Other options								



One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (3787) • www.lithonia.com
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DSX1 LED
 Rev. 07/2020
 Page 1 of 8



KENT COUNTY DEPARTMENT OF PUBLIC WORKS
 KENT COUNTY HEALTH OFFICE
 KENT COUNTY COMMISSIONER DISTRICT

DATE: _____ SEAL: _____

REVISION
 DATE

SITE LIGHTING PHOTOMETRIC PLAN
 ON THE LANDS OF
CHESTER RIVER YACHT & COUNTRY CLUB
 NEAR THE TOWN OF CHESTERTOWN
 TAX MAP - 44, GRID - 3D, PARCEL - 15
 SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR: CHESTER RIVER YACHT & COUNTRY CLUB

SCALE
 1" = 20'
 OCTOBER 20
 DRAWN BY
 RAR
 2019034
 DESIGNED BY
 RAR
 44-2019.34
 SHEET No. - SL-1
 CADD FILE - REL_20-24_SL1

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
 ENGINEERING, DRAFTING/DESIGN,
 ENVIRONMENTAL SERVICES & SURVEYING
 P.O. BOX 80
 CHESTERVILLE, MARYLAND 21617
 PHONE: 410-546-9100
 FAX: 1-443-262-9148

RENSHAW ENGINEERING INC.
 P.O. Box 3640
 SALISBURY, MD 21802
 WWW.RENSHAWENGINEERING.COM
 INFO@RENSHAWENGINEERING.COM
 PHONE: 410-546-1870
 FAX: 800-742-6705



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Rob Tracey, Community Planner
Meeting: November 5, 2020
Subject: Delmarva Power & Light Company, Chestertown Substation
Preliminary Site Plan Review

EXECUTIVE SUMMARY

Request by Applicant

Delmarva Power & Light Company is requesting preliminary site plan approval 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, 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 291. 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 and Gillespie Pre-Cast, small commercial businesses, and agricultural land on the north side of Maryland Route 291. The south, east, and west portions of the property are screened by existing vegetation and a six-foot privacy fence. However, the northern portion of the property does not have existing screening.

The applicant has sufficiently addressed all the preliminary 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 final site plan approval:

- Sediment and erosion control and stormwater management plans must be approved by the Kent County Soil and Water Conservation District.
- Sureties for stormwater management and sediment and erosion control.
- Payment into the Kent County Forest Conservation Fund.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Delmarva Power & Light Company, Chestertown Substation
Preliminary Site Plan Review
DATE: October 25, 2020

DESCRIPTION OF PROPOSAL

Delmarva Power & Light Company is requesting preliminary site plan approval 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, 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 "C". 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 and 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 and Standard. Rows include Minimum yard (Front, Side and Rear) and 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 Specific Design Standards

A. *Applicable Law:* Article V, Section 11.B of the Kent County *Land Use Ordinance* establishes the design standards which address site access, landscaping, screening, and lighting. Site access should ensure vehicle and pedestrian safety and alleviate congestion. 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. Lighting on the site should be sufficient to provide for the safety and security of the business, its employees, and its customers. Lighting should also be designed to avoid glare onto adjacent properties and adjacent roadways and not interfere with traffic or create a safety hazard.

B. *Staff and TAC Comments:*

- The proposed expansion is located along Maryland Route 291. There is an existing gravel driveway that provided access from Route 291 to a house has been demolished. A new access drive from Route 291 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 approved 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.
- A landscaping plan has been submitted. Landscaping comprised of both understory and canopy plants are proposed on the northern property line along Route 291. The proposed screening will adequately protect adjoining properties and roadways from noise and glare.
- Lighting detail has not been provided.

IV. 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 been submitted. The project site is comprised of 2.4 acres and the required afforestation is 0.36 acres or 15,681 square feet. Due to site limitations and

safety concerns of planting near an electrical substation, the applicant has proposed to meet afforestation requirements by paying into the Kent County Forest Conservation fund at a rate of 30.5 cents per square footage of required afforestation. At this time the \$4,782.70 payment has not been received. All funds must be paid prior to final site plan approval.

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

V. 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. The site provides space for vehicles to park when servicing the equipment.

VI. 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 (SHA) has no issues or concerns with County/Town approval. MDOT SHA will require that a District permit be issued for the proposed entrance.
- The Health Department has approved this application.
- 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.
- A citizen participation plan was held on September 17th.
- Stormwater management and sediment control plans have been submitted. These plans must be approved prior to final site plan approval.
- According to the applicant's narrative, the south, east, and west portions of the property are screened by existing vegetation and a six-foot privacy fence. However, the northern portion of the property, along 291 does not have existing screening.
- Landscaping plans and building renderings have been submitted. Landscaping comprised of both understory and canopy plants are proposed on the northern property line along route 291.
- Building renderings have been submitted. The building's design and the landscaping of the development include features that will harmonize with the surrounding townscape and the natural landscape.
- No new or additional signage is proposed at this time.

STAFF RECOMMENDATION

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

- Stormwater management and sediment control plans must be approved, and any required sureties must be submitted.
- The final landscaping plan and any required sureties must be submitted and approved.
- Payment to the Kent County Forest Conservation Fund.

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: 20-24 Amount Paid: _____ Date: 7-16-20

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 Morgnac 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.

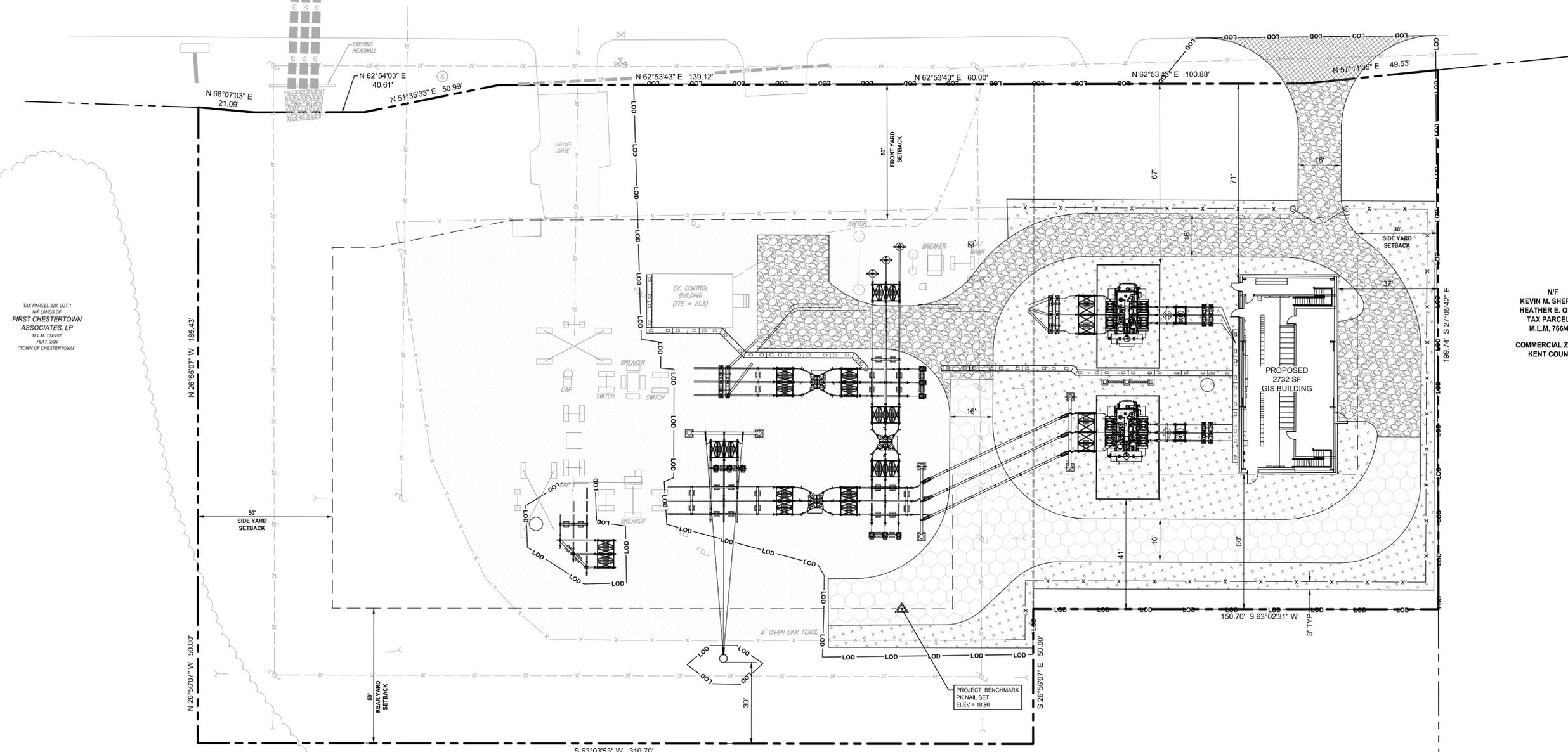
 AGENT 7-16-20
Signature of Applicant Date

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____

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



TAX PARCEL 320, LOT 1
N/F LANDS OF
FIRST CHESTERTOWN
ASSOCIATES, LP
M.L.M. 132007
PLAT 399
TOWN OF CHESTERTOWN

N/F
KEVIN M. SHERTZ &
HEATHER E. OLAND
TAX PARCEL 83
M.L.M. 766430
COMMERCIAL ZONING
KENT COUNTY

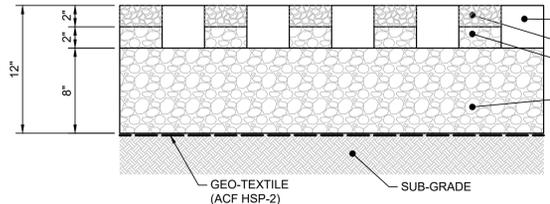
OWNER: DELMARVA POWER & LIGHT CO.
P.O. BOX 9239
NEWARK, DE 19714

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

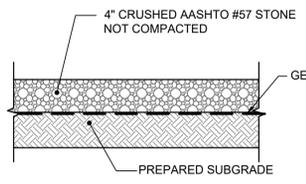
DATE: 9 JULY 2020
SCALE: 1" = 20'
PROJECT NO. 12385.CA
SHEET: 4 OF 7

- MAINTENANCE NOTES:**
- FOR THE FIRST 6 MONTHS FOLLOWING CONSTRUCTION, THE GEO-WEB SURFACE SHOULD BE INSPECTED AT LEAST TWICE AFTER STORM EVENTS THAT EXCEED 1/2" OF RAINFALL. CONDUCT ANY NEEDED REPAIRS OR STABILIZATION.
 - STABILIZE THE CONTRIBUTING AREA TO PREVENT EROSION AS NEEDED.
 - REMOVE ANY SOIL OR SEDIMENT DEPOSITED ON THE GEO-WEB.
 - REPLACE OR REPAIR ANY NECESSARY GEO-WEB AREA THAT IS DEGENERATING.

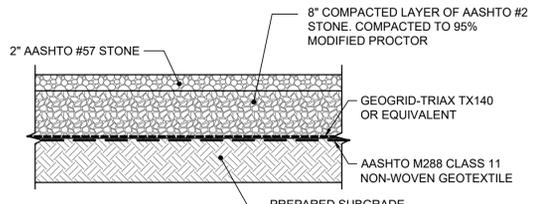
- LEGEND:**
- EXISTING FENCE
 - PROPOSED FENCE
 - EXISTING WOODS LINE
 - EXISTING TREE
 - EXISTING UTILITY POLE WITH GUY WIRE
 - OVERHEAD ELECTRIC
 - UNDERGROUND ELECTRIC
 - UNDERGROUND TELEPHONE
 - EXISTING GRAVEL TO REMAIN
 - PROPOSED GEO-GRID
 - PROPOSED UN-COMPACTED GRAVEL
 - PROPOSED AGGREGATE MAINTENANCE AREA
 - PROPOSED ASPHALT
 - L.O.D. LIMIT OF DISTURBANCE



DETAIL: GEO-GRID DRIVING SURFACE
SCALE: NONE



DETAIL: UNCOMPACTED GRAVEL "YARD" SURFACE
SCALE: NONE

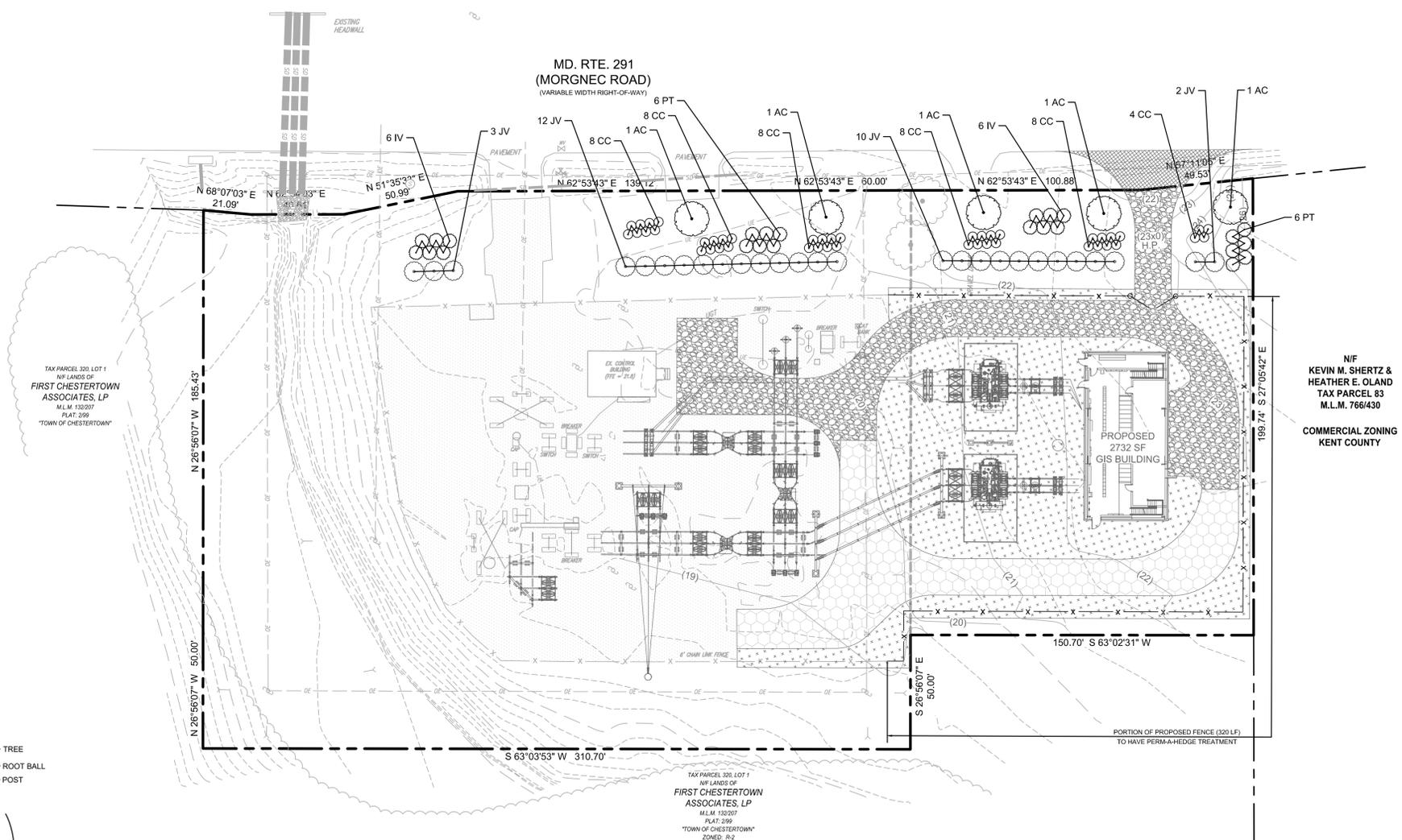


DETAIL: AGGREGATE MAINTENANCE AREA
SCALE: NO SCALE

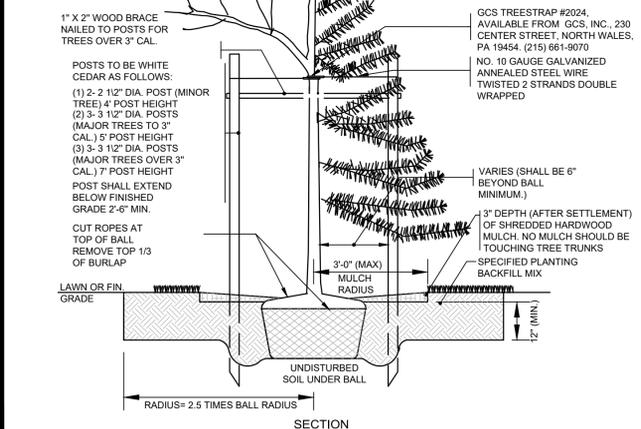
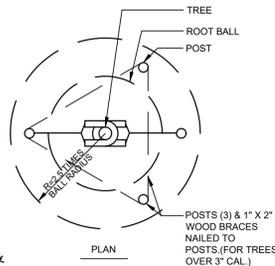


PLANT LIST

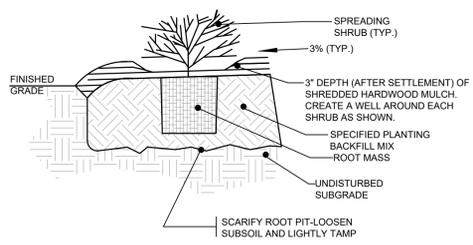
Key	Quan	Botanical Name	Common Name	Size	Root
AC	5	ACER CAMPESTRE	HEDGE MAPLE	2 1/2" CAL.	B&B
CC	44	CUSPIDATA CAPITALATA	YEW	18-24" Ht.	CONT.
IV	12	ILEX VERTICALLATA	WINTERBERRY	18-24" Ht.	CONT.
PT	12	PINUS THUNBERGII	JAPANESE BLACK PINE	5-6" Ht.	B&B
JV	27	JUNIPERUS VIRGINAINA	EASTERN RED CEDAR	5-6" Ht.	B&B



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

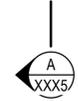
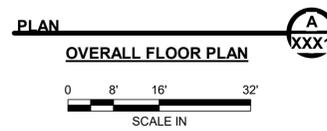
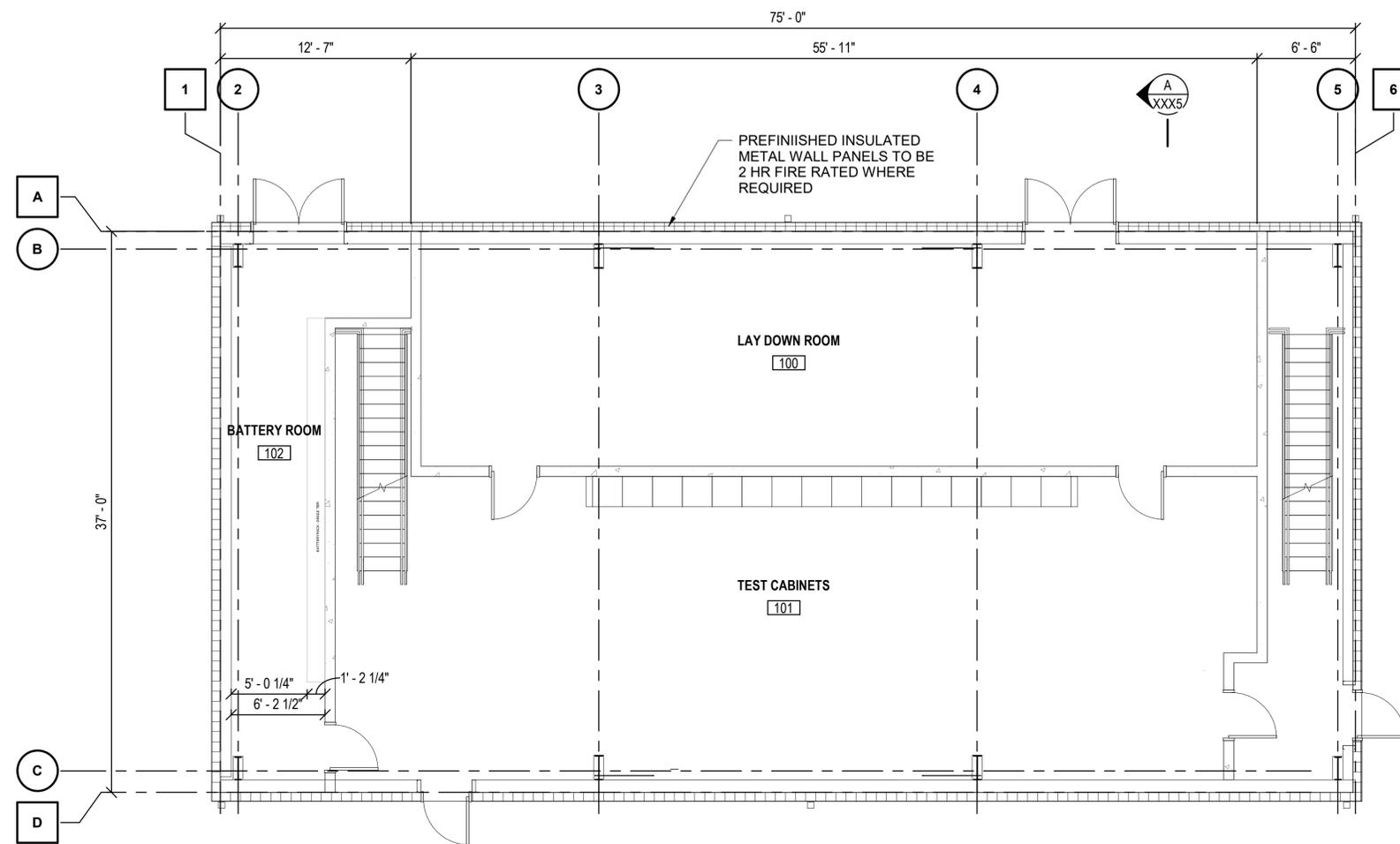


PRELIMINARY MAJOR SITE & CONSTRUCTION PLANS
LANDSCAPE PLAN
CHESTERTOWN SUBSTATION
DELMARVA POWER & LIGHT CO.
 FOURTH ELECTION DISTRICT ~ KENT COUNTY ~ MARYLAND

DATE: 9 JULY 2020
 SCALE: 1" = 30'
 PROJECT NO. 12385.CA
 SHEET: 6 OF 7

OWNER:	DELMARVA POWER & LIGHT CO. P.O. BOX 9239 NEWARK, DE 19714
DESIGNED BY:	JOHN G. FELLOWS, R.L.A.
CHECKED BY:	FILE NAME: 12385CA-Cont
DRAWN BY:	GAZ
DATE:	
REVISION:	
No.	
STATE:	MARYLAND
REL#:	43255

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



PRELIMINARY - NOT FOR CONSTRUCTION

DELMARVA POWER & LIGHT COMPANY
 ENGINEERING DEPARTMENT

DPL Maryland

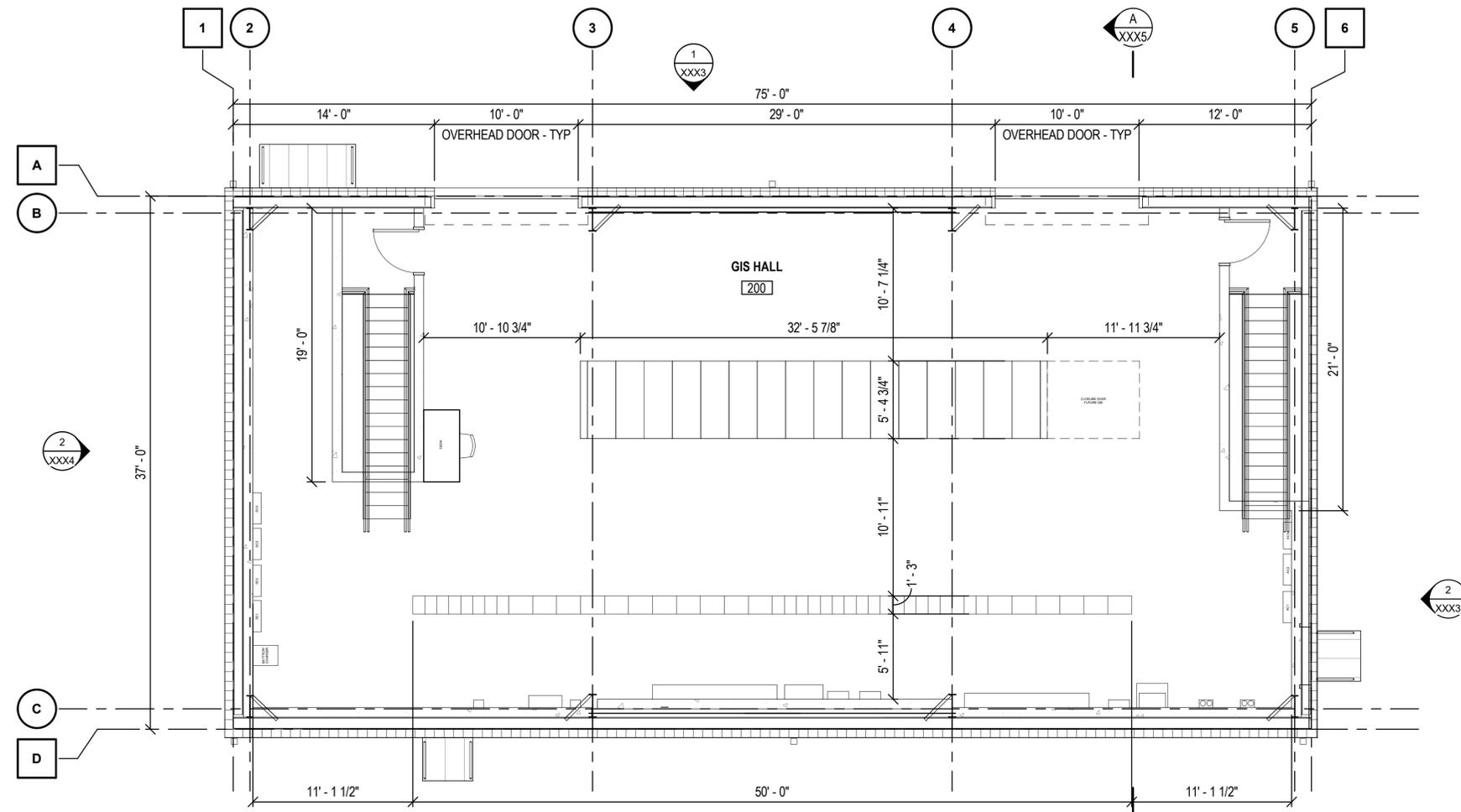
FLOOR PLAN
 GIS CONTROL AND RELAY ENCLOSURE

**BURNS
 McDONNELL**
 9400 WARD PARKWAY
 KANSAS CITY, MO 64114
 816-333-9400
 119384

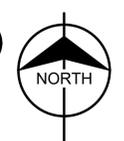
REV.	DATE	BY	CHK.	DESCRIPTION
A		RP	MO	

DATE	10/10/19	CHECKED	M. OQUIST
SCALE	3/16" = 1'-0"	APPROVED	
DRAWN	R. PRINS	APPROVED	

XXX1-A



PLAN
SECOND FLOOR PLAN
 0 8' 16' 32'
 SCALE IN



PRELIMINARY - NOT FOR CONSTRUCTION

DELMARVA POWER & LIGHT COMPANY
 ENGINEERING DEPARTMENT

DPL Maryland

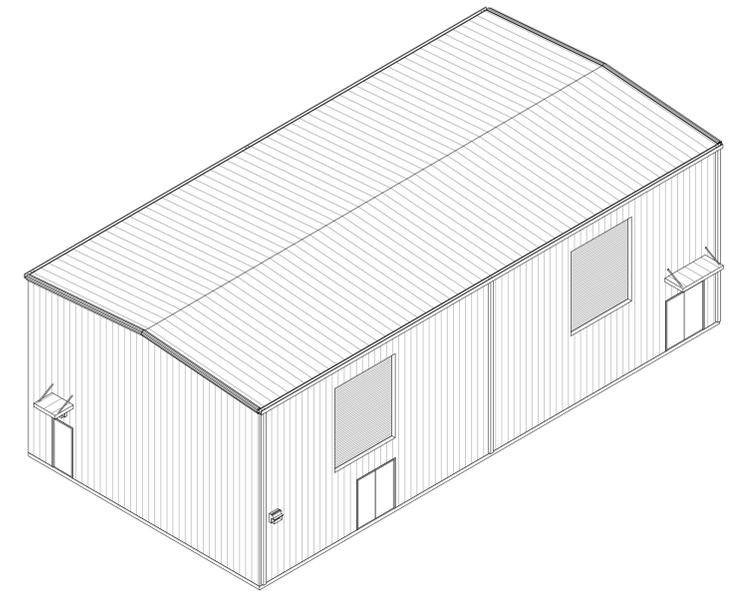
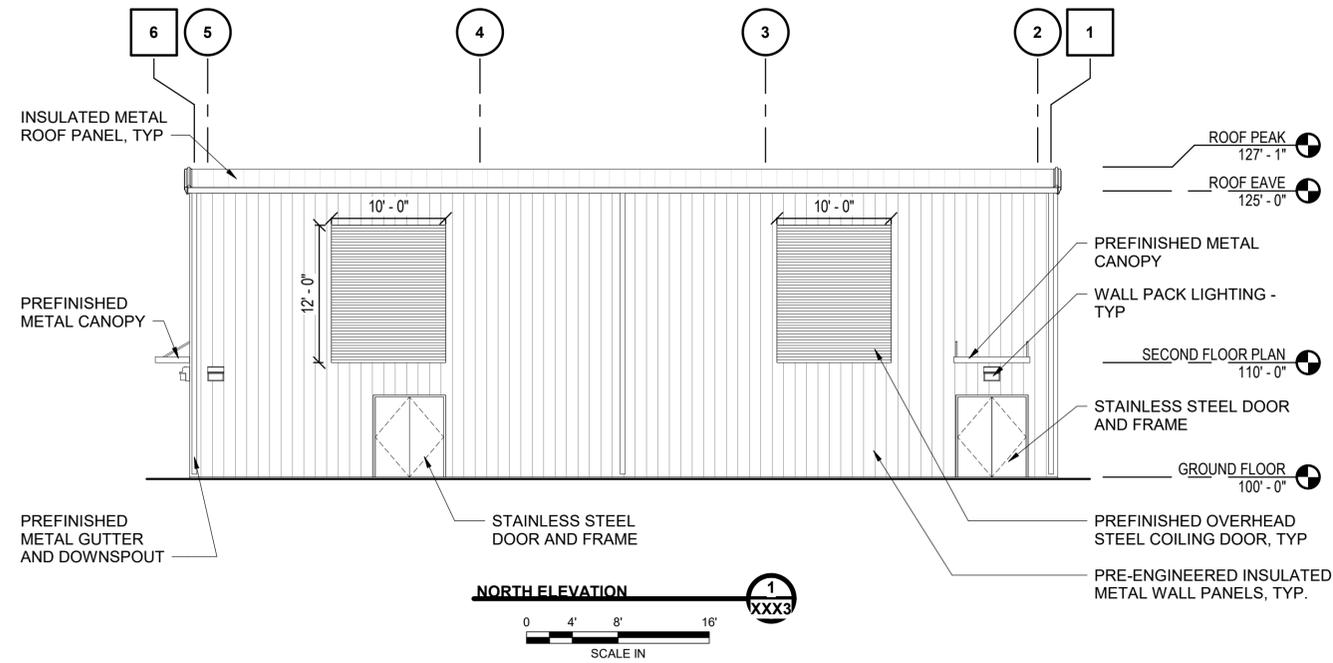
SECOND FLOOR PLAN
 GIS CONTROL AND RELAY ENCLOSURE

**BURNS
 McDONNELL**
 9400 WARD PARKWAY
 KANSAS CITY, MO 64114
 816-333-9400
 119384

REV.	DATE	BY	CHK.	DESCRIPTION

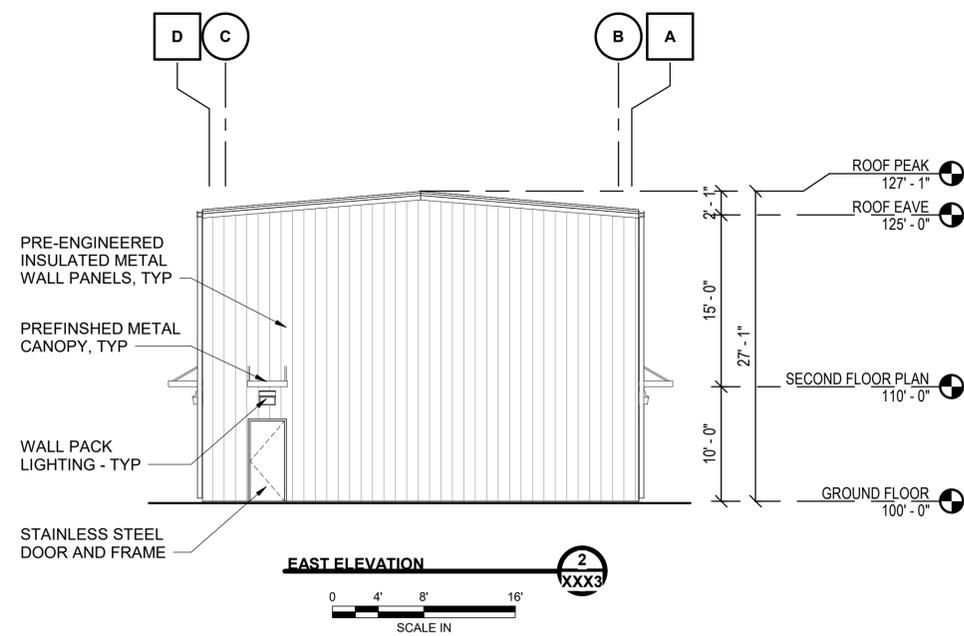
DATE	03/03/20	CHECKED	
SCALE	3/16" = 1'-0"	APPROVED	
DRAWN	Author	APPROVED	

XXX2



NORTHEAST AXONOMETRIC

N.T.S.



PRELIMINARY - NOT FOR CONSTRUCTION

DELMARVA POWER & LIGHT COMPANY
ENGINEERING DEPARTMENT

DPL Maryland

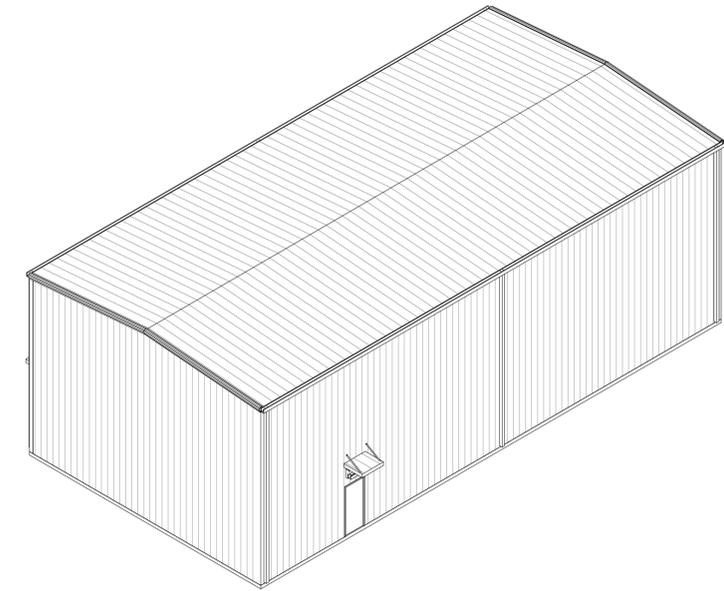
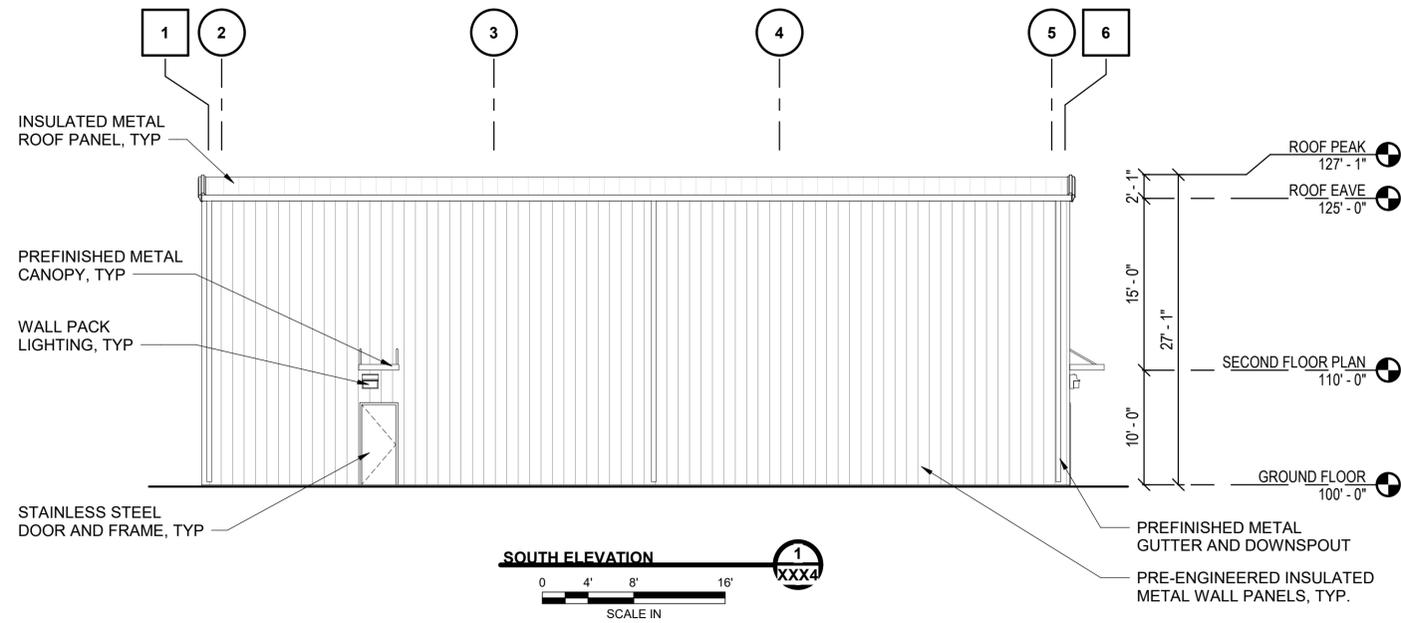
ARCHITECTURAL BUILDING ELEVATIONS NORTH & EAST
GIS CONTROL AND RELAY ENCLOSURE

**BURNS
McDONNELL**
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400
119384

REV.	DATE	BY	CHK.	DESCRIPTION
A		RP	MO	

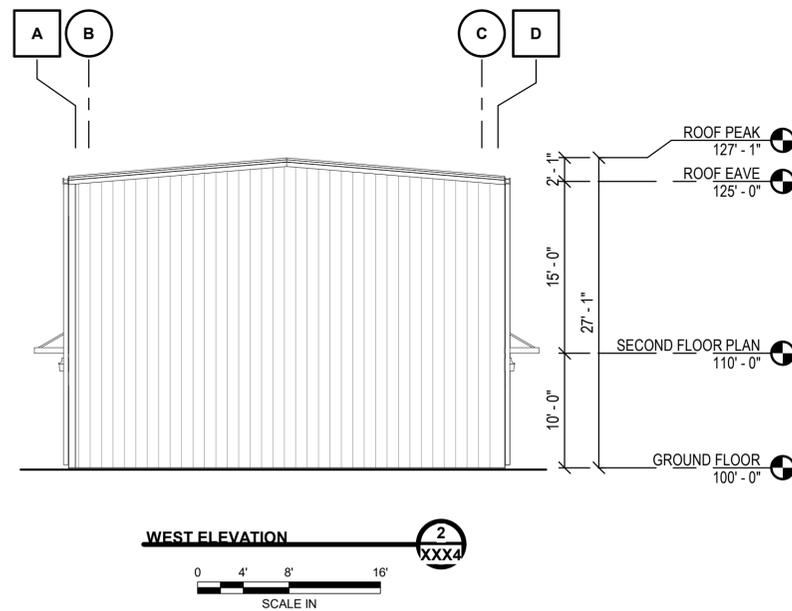
DATE	CHECKED	APPROVED
10/10/19	M. OQUIST	
SCALE	1/8" = 1'-0"	
DRAWN	R. PRINS	

XXX3-A



SOUTHWEST AXONOMETRIC

N.T.S.



PRELIMINARY - NOT FOR CONSTRUCTION

DELMARVA POWER & LIGHT COMPANY
ENGINEERING DEPARTMENT

DPL Maryland

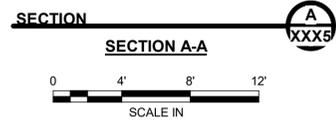
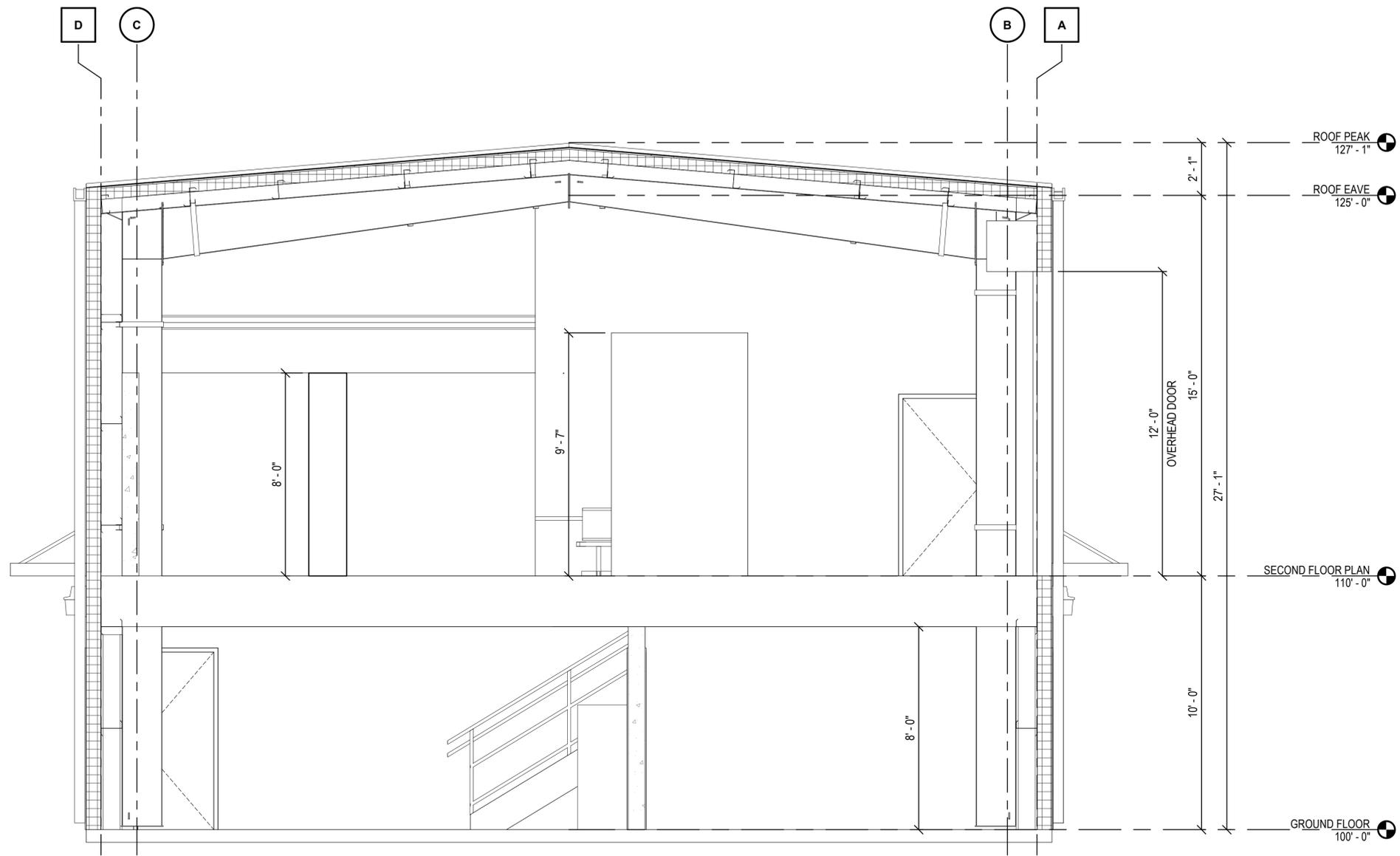
ARCHITECTURAL BUILDING ELEVATIONS SOUTH & WEST
GIS CONTROL AND RELAY ENCLOSURE

**BURNS
McDONNELL**
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400
119384

REV.	DATE	BY	CHK.	DESCRIPTION
A		RP	MO	

DATE	10/10/19	CHECKED	M. OQUIST
SCALE	1/8" = 1'-0"	APPROVED	
DRAWN	R. PRINS	APPROVED	

XXX4-A



PRELIMINARY - NOT FOR CONSTRUCTION

DELMARVA POWER & LIGHT COMPANY
ENGINEERING DEPARTMENT

DPL Maryland

BUILDING SECTIONS
GIS CONTROL AND RELAY ENCLOSURE

**BURNS
MEDONNELL**
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400
119384

REV.	DATE	BY	CHK.	DESCRIPTION
A		RP	MO	

DATE	10/10/19	CHECKED	M. OQUIST
SCALE	3/8" = 1'-0"	APPROVED	
DRAWN	R. PRINS	APPROVED	

XXX5-A



Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Rob Tracey, Community Planner
Meeting: November 5, 2020
Subject: David A. Bramble, Inc./Pep Up, Inc.
Concept Site Plan Review: Distribution Center (Liquid Propane)

EXECUTIVE SUMMARY

Request by Applicant

Pep Up, Inc. is requesting concept site plan review for a proposed liquid propane storage and distribution center. The liquid propane (LP) facility will be accessed by a rail spur allowing for bulk delivery by railcars. The LP will be offloaded from the railcars into one of six new 90,000 gallon above-ground storage tanks. Fixed bodied trucks will fill from the storage tanks and provide deliveries throughout the region. The property is located on Galena Road near Massey in the First Election District.

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 comprised of 224.68 acres. Parcel 4, comprised of 7.123 acres, was created by a lot line adjustment in September of 2020 and is zoned Employment Center (EC). Upon site plan approval, Parcel 4 will be subdivided from the overall property owned by David A. Bramble, Inc. Upon transfer of ownership, the property will be maintained by Pep-Up, Inc. The liquid propane storage and distribution center is proposed to be located on parcel 4, which is comprised of 7.123-acres. Parcel 4 is accessible from Galena Road through an existing 80-ft wide right-of-way. The existing railroad crossing, with upgrades as directed by the Maryland Department of Transportation, will be utilized to access the usable portion of the lot.

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.
- Sediment and erosion control and stormwater management plans must be approved by the Kent Soil and Water Conservation District.
- Sureties for stormwater management, sediment and erosion control, and forest conservation must be posted prior to final approval.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: David A. Bramble, Inc./Pep Up, Inc.
Concept Site Plan Review: Distribution Center (Liquid Propane)
DATE: October 26, 2020

Description of Proposal

Pep Up, Inc. is requesting concept site plan review for a proposed liquid propane storage and distribution center. The liquid propane (LP) facility will be accessed by a rail spur allowing for bulk delivery by railcars. The LP will be offloaded from the railcars into one of six new 90,000 gallon above-ground storage tanks. Fixed bodied trucks will fill from the storage tanks and provide deliveries throughout the region.

The property is located at 12213 Galena Road in the First Election District. The property is comprised of 224.68 acres. Parcel 4, comprised of 7.123 acres, was created by a lot line adjustment in September of 2020 and is zoned Employment Center (EC). Upon site plan approval, Parcel 4 will be subdivided from the overall property owned by David A. Bramble, Inc. Upon transfer of ownership, the property will be maintained by Pep-Up, Inc. The liquid propane storage and distribution center is proposed to be located on parcel 4, which is comprised of 7.123-acres. Parcel 4 is accessible from Galena Road through an existing 80-ft wide right-of-way. The existing railroad crossing, with upgrades as directed by the Maryland Department of Transportation, will be utilized to access the usable portion of the lot.

GENERAL STANDARDS

I. Permitted Uses and Height, Area, and Bulk Requirements

- A. *Applicable Laws*: Article V, Sections 14.2 of the *Kent County Land Use Ordinance* establish site plan review requirements for all permitted industrial uses in the Employment Center. The use proposed by the applicant is permitted as follows:

Distribution center and warehousing provided that a single building footprint does not exceed 75,00 square feet in size. The restriction on building footprint does not apply to the Employment Center District in the Route 301 corridor. In reviewing the site plan, the *Planning Commission*, or where applicable the Planning Director, shall consider the following:

- a. The impact of the proposed business or industry on existing or planned public facilities.
- b. The impact of the operation of facility on the surrounding area.
- c. The health, safety and welfare of employees and residents of the neighborhood.

Article V, Sections 14.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Employment Center District.

Minimum Yard	
Front - Primary Roads	100 feet
Side and Rear - Adjacent to "T" & "ICA"	Per subdivision review
Side and Rear - Adjacent to AZD	Per subdivision review
Height	
Industrial structure	45 feet
Fence	
- Security	8 feet
Maximum Building Footprint	NA

*When a side or rear lot line coincides with a side or rear lot line of a property in a non-industrial zone, the required yard shall be landscaped and screened and shall be unoccupied by buildings, structures, or parking area.

B. *Staff and TAC Comments:*

The proposed facility will not have an adverse effect or impact on the public facilities. The certified engineer's report states that the operation of the facility will not have a negative impact on the surrounding area and clearly outlines the measures that will be used to safeguard the health, safety, and welfare of employees and residents of the neighborhood.

The proposed parcel is located adjacent to land zoned Employment Center and Village. As such, it appears that proposed structures meet the minimum front yard setback requirement. The tanks are located 100 feet from the south property lot line which faces Maryland Route 313; 80 feet from the east property side lot line which is adjacent to land zoned EC; 350 feet from the western side property line which is adjacent to land zoned I and EC; and 340 feet from the rear lot line which is adjacent to land zoned I and EC.

II. Employment Center and 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 14.6 of the *Kent County Land Use Ordinance* establish the EC 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.

A Certified Engineer's Report is required to be submitted prior to final site plan review and must describe the proposed operation, all machines, processes, products and by-products, stating the nature and expected levels of emission or discharge to land, air, water or liquid, solid, or gaseous effluent and electrical impulses, vibrations and noise under normal operations and the specifications or treatment methods and mechanisms to be used to control such emission or discharge.

C. *Staff and TAC Comments:* The applicant has addressed the performance standards and submitted a Certified Engineer's Report. This Report must be sealed prior to final site plan review.

III. Employment Center General Standards

A. *Comprehensive Plan:* "Promote the development of the County employment centers." (Page 11)

B. *Applicable Law:* Article V, Section 14.7 of the *Kent County Land Use Ordinance* establish the EC general standards 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.

2. Central water and sewer systems may be required by the Planning Commission in an Employment Center District. If a public system is available, use of such system shall be mandatory.
3. Signs in industrial areas shall be permitted in accordance with the regulations contained in Article VI, Section 2 of this Ordinance.
4. Minimum off-street parking and loading spaces shall be required of each use in an EC District in accordance with the regulations contained in Article VI, Section 1 of this Ordinance.
5. In so far as possible, all uses shall be conducted within a completely enclosed structure or be completely screened. Outdoor storage of materials and unfinished products is prohibited unless otherwise approved by the Planning Commission and subject to such conditions as may be determined by the Planning Commission.

C. *Staff and TAC Comments:*

- The applicant's narrative and certified engineer's report state that there are no byproducts or waste products associate with the use as the propane becomes gaseous at atmospheric pressure.
- The liquid propane will be offloaded from the railcars into one of six new 90,000 gallon above ground storage tanks. Fix bodied trucks will fill from the storage tanks and provide deliveries throughout the region.
- A seven-foot-tall perimeter fence (6' chain link with a 1' barbed wire) is proposed around the loading area, the storage tanks, and the majority of the railroad siding. This area will be accessible by two lockable access gates.
- The property is served by onsite water and septic systems. Public systems are not available in this area. A proposed 10,000 square foot sewerage reserve area will be established as part of the lot line adjustment requirements.
- No signage is proposed at this time.
- A lighting plan will be developed for the site showing no adverse impacts on adjacent properties.
- The applicant's narrative states that the site is to be unmanned and no parking is proposed. A loading area has been proposed for LP to be offloaded from the railcars into the above ground storage and for the loading of the LP into fix bodied trucks.
- The site can be accessed indirectly off of Galena Road, which currently serves as the access point to the residence and the solar panels located on parcel one. Additionally, point of access is from the railway in the southeast corner of the property.
- The southern property line is comprised of a landscape screening buffer from OneStar Engery. A portion of this existing landscape buffer will be removed to provide access by railcar. The railroad company will determine the amount of buffer that needs to be removed to provide access.

IV. Environmental Standards:

A. *Comprehensive Plan:* "Promote the use of best management practices such as stormwater management" (Page 61)

B. *Applicable Law:* Article V, Section 14.8 of the *Kent County Land Use Ordinance* establish the EC environmental standards which include forest conservation, nontidal wetlands, stream protection corridor, stormwater management, and water quality standards.

B. *Staff and TAC Comments:*

- Forest Conservation must be addressed in accordance with Article VI, Section 8 during

preliminary site plan review.

- Stormwater management must be addressed in accordance with Article VI, Section 10 during preliminary site plan review.
- In addition, sediment control must be addressed in accordance with Article VI, Section 9 during preliminary site plan review.

V. Design Standards

- A. *Applicable Law:* Article V, Section 14.9 of the *Kent County Land Use Ordinance* establish the EC design standards which address site access, landscaping, screening, and lighting. Site access should ensure vehicle and pedestrian safety and alleviate congestion. The applicant should 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.

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.

Lighting on the site should be sufficient to provide for the safety and security of the business, its employees, and its customers. Lighting should also be designed to avoid glare onto adjacent properties and adjacent roadways and not interfere with traffic or create a safety hazard

- B. *Staff and TAC Comments:*

- Onsite vehicular circulation appears to promote clearly defined access to the storage tanks while also limiting access by unauthorized vehicles by gating the entrances to the site.
- At this time, landscaping plans have not been submitted. The southern portion of the site contains a planted screening buffer that was installed as part of OneEnergy Bluestar solar array project. A portion of the landscaping will be removed to make way for the rail siding, but the remainder on Parcel 4 will be the continued responsibility of Pep-Up, Inc.
- No new lighting is proposed at this time. The applicant's narrative states that a lighting plan will be developed for the site showing no adverse impact on adjacent properties.

VI. Parking and Loading

- A. *Applicable Law:* Article VI, Section 1.3 and 1.4 of the *Kent County Land Use Ordinance* establishes the parking, loading, and bicycle parking standards.

- C. *Staff and TAC Comments:* The applicant's narrative states that the site is to be unmanned and no parking is proposed. A loading area has been proposed for LP to be offloaded from the railcars into the above ground storage and for the loading of the LP into fix bodied trucks

VII. 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 *Ordinance* establishes the procedures and standards for site plan review. 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 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 applicant’s efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
 - k. 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.
- C. *Staff and TAC Comments*:
- The proposal is consistent with many strategies and goals of the Comprehensive Plan.
 - Onsite vehicular circulation appears to promote clearly defined access to the storage tanks while also limiting unauthorized vehicles by gating the entrances to the site.
 - The Department of Public Works approved this application.
 - Reasonable demands placed on public services and infrastructure must be documented.
 - The Kent County Health Department made the following comment: evaluation of the 10,000 square foot sewage reserve area (SRA) is not complete and does not have final approval.
 - The applicant has addressed the performance standards (noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odor).
 - The applicant submitted a Certified Engineer’s Report.
 - Stormwater management must be addressed in accordance with Article VI, Section 10. The plan and affiliated sureties must be approved prior to final site plan approval.

- A sediment control plan must be addressed in accordance with Article VI, Section 9. The plan and affiliated sureties must be approved prior to final site plan approval.
- A landscape plan has not been submitted; sureties must be submitted prior to final site plan approval.
- A Citizen Participation meeting is required prior to preliminary site plan approval.
- A lighting plan has not been submitted.
- Elevation details have not been submitted.
- No signage has been proposed at this time.

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.
- Sediment and erosion control and stormwater management plans must be approved by the Kent Soil and Water Conservation District.
- Sureties for stormwater management, sediment and erosion control, and forest conservation must be posted prior to final approval.



September 24, 2020

Davis, Moore, Shearon & Associates, LLC

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

**RE: CONCEPT PLAN FOR THE PROPOSED PEP-UP, INC. LP STORAGE AND
DISTRIBUTION FACILITY, MASSEY, MARYLAND
KENT COUNTY TAX MAP 16, PARCEL 9, LOT 2
DMS & ASSOCIATES JOB #2018114**

Dear Mr. Mackey,

PepUp, Inc. is proposing to subdivide a 7.12 acre lot off of lands owned by David A. Bramble, Inc. (Tax Map 16, Parcel 9) for the storage and distribution of liquid propane. Attached please find the following information in support of the above referenced concept subdivision plat and site plan:

- One copy of the site plan application - concept
- One copy of the concept site plan
- One copy of the Certified Engineer's report which includes:
 - One copy of the Project Narrative
 - One copy of the Employment Center Performance Standards
- Fee check for Concept Plan review of \$352.50
 - (\$200 Concept + \$25 x 6.1 disturbed acres over the first acre)

We ask that you please review this information. We request that this plan be placed on the October 1, 2020 T.A.C. agenda for review. If you have questions please call me at 443-262-9130.

Sincerely,

DMS & Associates, LLC

A handwritten signature in blue ink, appearing to read "Kevin J. Shearon", is written over the typed name.

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

Enclosures

pc: Pep-Up, Inc. (via email)
David A. Bramble, Inc. (via email)

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:** 9/24/2020

Project Name: Pep-Up, Inc.

District: 1st Map: 16 Parcel: 9 Lot Size: 7.12 Deed Ref: 152/211 Zoning: EC

LOCATION: 12213 Galena Road, Massey, Maryland 21650

PROPOSED USE: Liquid propane storage and distribution facility

OWNER OF LAND:

Name: David A. Bramble, Inc. Telephone: 410-778-3023

Address: P.O. Box 419 Chestertown, Maryland 21620 Email: _____

APPLICANT:

Name: Pep-Up, Inc. Telephone: 302-856-2555

Address: 24987 DuPont Hwy. Georgetown, DE 19947 Email: bpepper@pepupinc.com

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

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

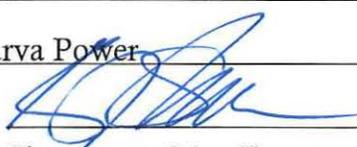
Address: P.O. Box 80 Centreville, MD 21617 Email: kjs@dmsandassociates.com

Water Supply: Public System On lot system

Sewerage: Public System On lot system

TELEPHONE SERVICED BY: Verizon

ELECTRIC SERVICED BY: Delmarva Power



Signature of Applicant

9/24/2020

Date

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____



Davis, Moore, Shearon & Associates, LLC

September 24, 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 PEP-UP, INC.
LIQUID PROPANE STORAGE AND DISTRIBUTION FACILITY, GALENA
ROAD, MASSEY, MARYLAND
KENT COUNTY TAX MAP 16, PARCEL 9, LOT 2
DMS & ASSOCIATES JOB #2018114**

Dear Mr. Mackey:

Pep-Up, Inc. is proposing to construct a new liquid propane storage and distribution facility on a lot to be created from the lands of David A. Bramble, Inc. in Massey, Maryland. The lot will be located in the Employment Center 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 supply train utilizing the existing railroad bed and delivery trucks frequenting the site to refill. The anticipated noise expected will be within levels normally associated with Employment Center uses.
2. VIBRATION – The proposed use on this site will not generate excessive vibration. The only anticipated vibration will be generated from the trains utilizing the existing operational tracks.
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.
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 14.6 of the Kent County Land Use Ordinance regarding Employment Center 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: Pep-Up, Inc.
David A. Bramble, Inc.

PROJECT NARRATIVE

Pep-Up – Galena 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 north side of Galena Road (Maryland Route 313). The lot is to be subdivided from the overall property owned by David A. Bramble, Inc. The new 7.123 acre site, to be known as Parcel 9 (Parcel No. 4) will take access via an existing lane off of Galena Road (Maryland Route 313). The existing railroad crossing, with upgrades as directed by the Maryland Department of Transportation, will be utilized to access the usable portion of the lot. Parcel 4 is currently encumbered by the railroad right-of-way, an 80-ft wide Choptank Electric utility right-of-way, and a 150-ft wide Delmarva Power utility right-of way.

Upon site plan approval, the property will be owned by Pep-Up, Inc. whose corporate address is 24987 DuPont Highway, Georgetown, Delaware 19947. The property will be identified as Tax Map 16 Parcel 9 (Parcel 4). The property is zoned Employment Center.

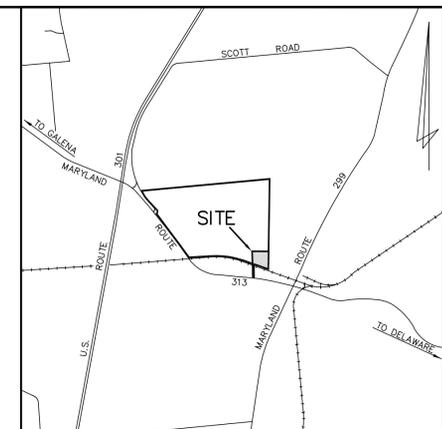
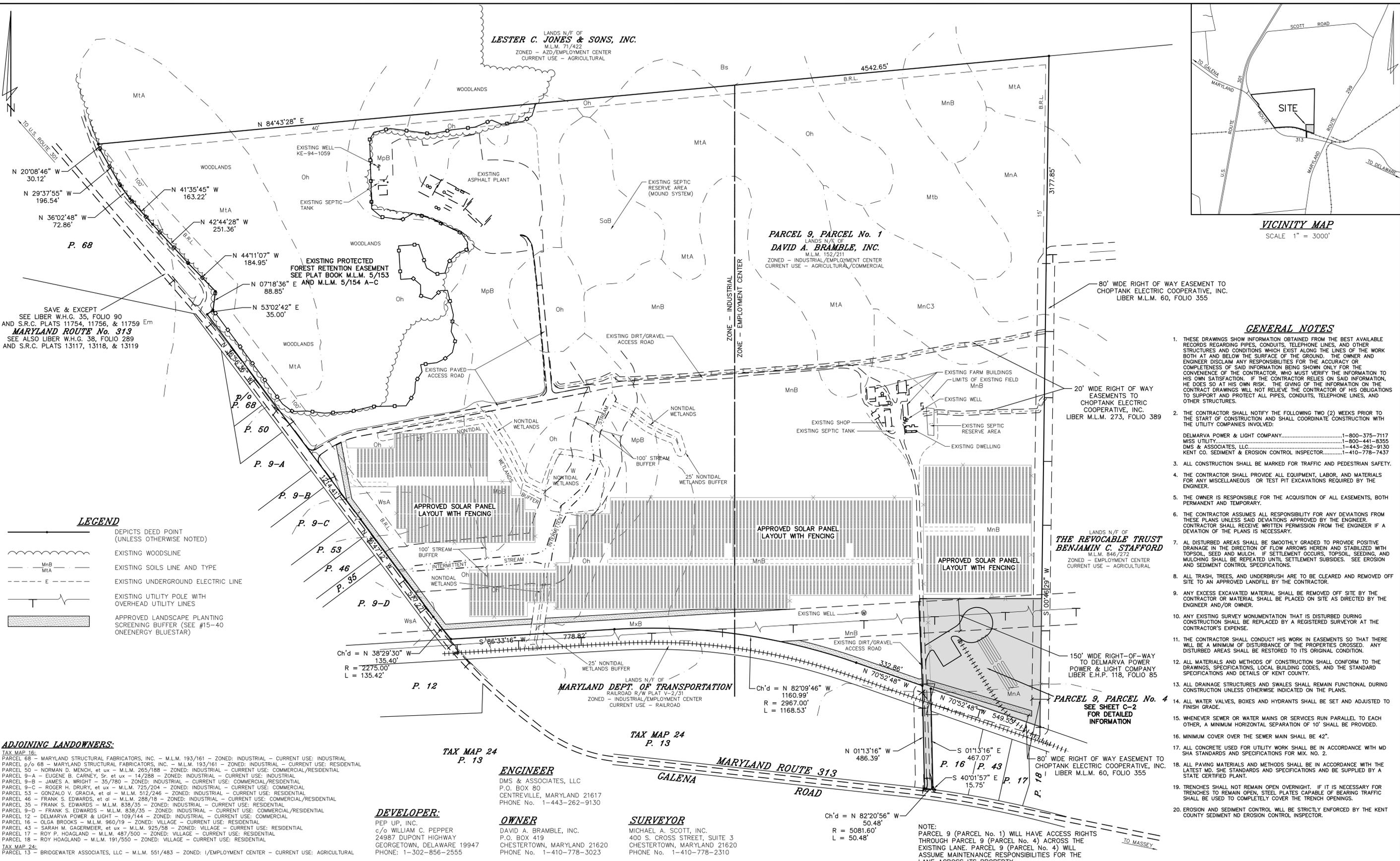
Pep-Up, Inc. is proposing to construct a liquid propane (LP) storage and distribution facility. A new rail siding will be constructed to allow for bulk delivery by railcars. The LP will be offloaded from the railcars into one of six new 90,000 gallon above-ground storage tanks. Fixed bodied trucks will fill from the storage tanks and provide deliveries throughout the region.

The raw materials associated with this project is liquid propane. There is no byproduct or waste products associated with the use as the propane becomes gaseous at atmospheric pressure.

No full-time employees will be located at this site. Therefore, the site does not have a septic system or potable water well proposed. A 10,000-sf sewerage reserve area will be established as part of the lot line adjustment requirements.

There is no signage associated with this project. A lighting plan will be developed for the site showing no adverse impacts on adjacent properties.

Upon the transfer of ownership, the property will be maintained by Pep-Up, Inc. This includes a planted screening buffer that was installed as part of the OneEnergy Bluestar solar array project (#15-40). A portion of the landscaping will be removed to make way for the rail siding, but the remainder on Parcel 4 will be the continued responsibility of Pep-Up, Inc.



VICINITY MAP
SCALE 1" = 3000'

GENERAL NOTES

- 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 THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, TELEPHONE LINES, AND OTHER STRUCTURES.
- 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
- ALL CONSTRUCTION SHALL BE MARKED FOR TRAFFIC AND PEDESTRIAN SAFETY.
- THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT, LABOR, AND MATERIALS FOR ANY MISCELLANEOUS OR TEST PIT EXCAVATIONS REQUIRED BY THE ENGINEER.
- ALL CONSTRUCTION SHALL BE PERMANENT AND TEMPORARY.
- THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR ANY DEVIATIONS FROM THESE PLANS UNLESS SAID DEVIATIONS APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL RECEIVE WRITTEN PERMISSION FROM THE ENGINEER IF A DEVIATION OF THE PLANS IS NECESSARY.
- 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.
- ALL TRASH, TREES, AND UNDERBRUSH ARE TO BE CLEARED AND REMOVED OFF SITE TO AN APPROVED LANDFILL BY THE CONTRACTOR.
- 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.
- ANY EXISTING SURVEY MONUMENTATION THAT IS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED BY A REGISTERED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- 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.
- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, LOCAL BUILDING CODES, AND THE STANDARD SPECIFICATIONS AND DETAILS OF KENT COUNTY.
- ALL DRAINAGE STRUCTURES AND SNAKES SHALL REMAIN FUNCTIONAL DURING CONSTRUCTION UNLESS OTHERWISE INDICATED ON THE PLANS.
- ALL WATER VALVES, BOXES AND HYDRANTS SHALL BE SET AND ADJUSTED TO FINISH GRADE.
- WHENEVER SEWER OR WATER MAINS OR SERVICES RUN PARALLEL TO EACH OTHER, A MINIMUM HORIZONTAL SEPARATION OF 10' SHALL BE PROVIDED.
- MINIMUM COVER OVER THE SEWER MAIN SHALL BE 42".
- ALL CONCRETE USED FOR UTILITY WORK SHALL BE IN ACCORDANCE WITH MD SHA STANDARDS AND SPECIFICATIONS FOR MIX. NO. 2.
- ALL PAVING MATERIALS AND METHODS SHALL BE IN ACCORDANCE WITH THE LATEST MD. SHE STANDARDS AND SPECIFICATIONS AND BE SUPPLIED BY A STATE CERTIFIED PLANT.
- 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.
- EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED BY THE KENT COUNTY SEDIMENT AND EROSION CONTROL INSPECTOR.

LEGEND

- DEPICTS DEED POINT (UNLESS OTHERWISE NOTED)
- EXISTING WOODSLINE
- EXISTING SOILS LINE AND TYPE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINES
- APPROVED LANDSCAPE PLANTING SCREENING BUFFER (SEE #15-40 ONEENERGY BLUESTAR)

ADJOINING LANDOWNERS:

TAX MAP 16:
 PARCEL 68 - MARYLAND STRUCTURAL FABRICATORS, INC. - M.L.M. 193/161 - ZONED: INDUSTRIAL - CURRENT USE: INDUSTRIAL
 PARCEL P/O 68 - MARYLAND STRUCTURAL FABRICATORS, INC. - M.L.M. 193/161 - ZONED: INDUSTRIAL - CURRENT USE: RESIDENTIAL
 PARCEL 50 - NORMAN D. MENCH, et ux - M.L.M. 265/188 - ZONED: INDUSTRIAL - CURRENT USE: COMMERCIAL/RESIDENTIAL
 PARCEL 9-A - EUGENE B. CARNEY, Sr. et ux - 14/288 - ZONED: INDUSTRIAL - CURRENT USE: INDUSTRIAL
 PARCEL 9-B - JAMES A. WRIGHT - 35/780 - ZONED: INDUSTRIAL - CURRENT USE: COMMERCIAL/RESIDENTIAL
 PARCEL 9-C - ROGER H. DRURY, et ux - M.L.M. 725/204 - ZONED: INDUSTRIAL - CURRENT USE: COMMERCIAL
 PARCEL 46 - GONZALO V. GRACIA, et al - M.L.M. 512/246 - ZONED: INDUSTRIAL - CURRENT USE: RESIDENTIAL
 PARCEL 35 - FRANK S. EDWARDS - M.L.M. 838/35 - ZONED: INDUSTRIAL - CURRENT USE: RESIDENTIAL
 PARCEL 9-D - FRANK S. EDWARDS - M.L.M. 838/35 - ZONED: INDUSTRIAL - CURRENT USE: COMMERCIAL/RESIDENTIAL
 PARCEL 12 - DELMARVA POWER & LIGHT - 109/144 - ZONED: INDUSTRIAL - CURRENT USE: COMMERCIAL
 PARCEL 16 - OLGA BROOKS - M.L.M. 960/19 - ZONED: VILLAGE - CURRENT USE: RESIDENTIAL
 PARCEL 43 - SARAH M. GAGERMEIER, et ux - M.L.M. 925/58 - ZONED: VILLAGE - CURRENT USE: RESIDENTIAL
 PARCEL 17 - ROY P. HOAGLAND - M.L.M. 487/500 - ZONED: VILLAGE - CURRENT USE: RESIDENTIAL
 PARCEL 18 - ROY HOAGLAND - M.L.M. 191/550 - ZONED: VILLAGE - CURRENT USE: RESIDENTIAL
 TAX MAP 24:
 PARCEL 13 - BRIDGEWATER ASSOCIATES, LLC - M.L.M. 551/483 - ZONED: 1/EMPLOYMENT CENTER - CURRENT USE: AGRICULTURAL

STATEMENT OF PURPOSE AND INTENT

THIS SITE IS LOCATED ON THE NORTH SIDE OF MARYLAND ROUTE 313 (GALENA ROAD) NEAR THE VILLAGE OF MASSEY. IT IS CURRENTLY USED AS AN ASPHALT PLANT, COMMERCIAL BUSINESS, RESIDENCE, AN AGRICULTURAL FARM FIELD AND AN APPROVED SOLAR ARRAY (#15-40 ONEENERGY BLUESTAR.)
 THE PURPOSE OF THIS CONCEPT PLAN IS TO SEEK APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR A SUBDIVISION AND THE DEVELOPMENT OF A FUEL STORAGE & DISTRIBUTION FACILITY.

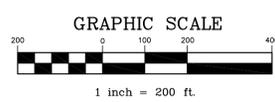
TAX MAP 24
P. 13

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

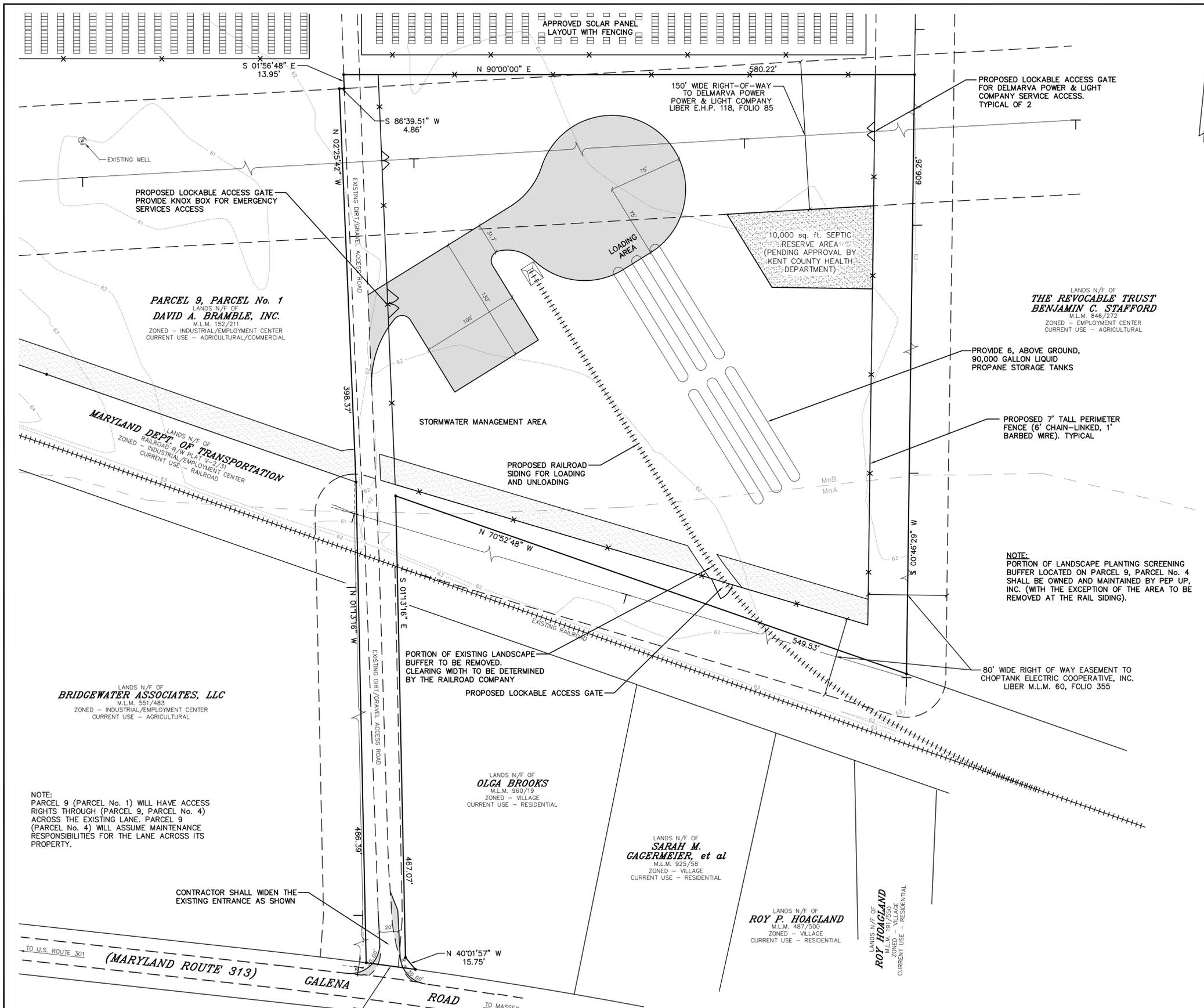
DEVELOPER:
 PEP UP, INC.
 c/o WILLIAM C. PEPPER
 24987 DUPONT HIGHWAY
 GEORGETOWN, DELAWARE 19947
 PHONE: 1-302-856-2555

OWNER
 DAVID A. BRAMBLE, INC.
 P.O. BOX 419
 CHESTERTOWN, MARYLAND 21620
 PHONE NO. 1-410-778-3023

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



PLANNING COMMISSION CHAIRMAN KENT COUNTY HEALTH DEPARTMENT		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 2-6-19 9-24-20	REVISION PER COMMENTS REVISED LAYOUT	OVERALL CONCEPT PLAN FOR PEP UP, INC. ON THE LANDS OF DAVID A. BRAMBLE, INC. TAX MAP - 16, GRID - 4B, PARCEL - 9 (PARCEL No. 4) FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND	DECEMBER '18 JOB No. 2018114 FOLDER Ref. 16-2018114 SHEET No. - C-1 CADD FILE - 18114CP1	SCALE 1" = 200' DRAWN BY WJM DESIGNED BY KJS
			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 PROVISIONS OF THE STATE OF MARYLAND, LICENSE NO. 200400, AND THAT MY EXPIRES DATE IS 9-2-2021.		DATE 9-24-2020		SHEET No. - C-1



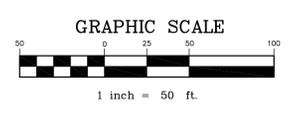
SITE STATISTICS

CURRENT USE - INDUSTRIAL/AGRICULTURAL	
PROPOSED USE - INDUSTRIAL	
GROSS AREA	= 7,123 ac.±
CRITICAL AREA	= 0.000 ac.±
AREA IN BUFFERYARDS	= 0.000 ac.±
AREA WITHIN 100 Yr. FLOODPLAIN	= 0.000 ac.±
AREA OF NONTIDAL WETLANDS/BUFFERS	= 0.000 ac.±
AREA OF STREAM BUFFER	= 0.000 ac.±
IMPERVIOUS AREA (EXISTING) (4.2%)	= 0.302 ac.±
IMPERVIOUS AREA (PROPOSED)	= 0.870 ac.±
IMPERVIOUS AREA (TOTAL) (16.5%)	= 1.172 ac.±
LANDSCAPE AREA (EXISTING) (95.8%)	= 6.821 ac.±
LANDSCAPE AREA (PROVIDED) (83.5%)	= 5.951 ac.±

- NOTES FOR PARCEL 9 (PARCEL No. 4)**
- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM A PLAT ENTITLED "LOT LINE REVISION BETWEEN PARCEL No. 1 AND PARCEL No. 4 OF THE LANDS OF DAVID A. BRAMBLE, INC." PREPARED BY DMS & ASSOCIATES, LLC IN SEPTEMBER, 2020, RECORDED IN PLAT BOOK K.B.H. ___/___ AND A PLAT ENTITLED "LOT LINE REVISION BETWEEN THE LANDS OF DAVID A. BRAMBLE, INC. AND OLGA BROOKS" PREPARED BY DMS & ASSOCIATES, LLC IN SEPTEMBER, 2020 AND RECORDED IN PLAT BOOK LIBER K.B.H. ___/___
 - FOR DEED REFERENCE, SEE LIBER M.L.M. 152, FOLIO 211.
 - CURRENT ZONING CLASSIFICATION - EMPLOYMENT CENTER
 - THE PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - SITE IS NOT LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C205D AND PANEL No. 240029C215D. (ZONE "X") (UNSHADED)
 - SOILS SHOWN HEREON WERE SCALED FROM <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
 - NO NATURAL RESOURCE (ie..WETLANDS, WOODLANDS, STEEP SLOPES, STREAMS, EROSION HAZARD AREAS, ENDANGERED SPECIES OR HABITAT, etc..) EXIST ON THE SITE.
 - TOPOGRAPHIC CONTOURS AND EXISTING IMPROVEMENTS SHOWN WITHIN THE DEVELOPED AREA ARE THE RESULT OF A FIELD RUN SURVEY BY FINK, WHITTEN & ASSOCIATES, LLC IN MAY, 2015 AND MICHAEL A. SCOTT, INC. IN OCTOBER, 2018.
 - SEWER AND WATER ARE NOT REQUIRED FOR THIS DEVELOPMENT.
 - NO NEW SIGNAGE IS PROPOSED.
 - STORMWATER MANAGEMENT WILL BE ADDRESSED BY IMPLEMENTING ESD TO THE MEP ONSITE.

LEGEND

	DEPICTS DEED POINT (UNLESS OTHERWISE NOTED)
	EXISTING CONTOUR
	EXISTING SOILS LINE AND TYPE
	EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINES
	APPROVED LANDSCAPE PLANTING SCREENING BUFFER (SEE #15-40 ONEENERGY BLUESTAR)
	6" OF CR-6 ON COMPACTED SUBGRADE



PLANNING COMMISSION CHAIRMAN	
KENT COUNTY HEALTH DEPARTMENT	
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. 200460, AND MY LICENSE IS IN FULL FORCE AND EFFECT. EXPIRATION DATE: 9-2-2021	
	9-24-2020
DATE	SEAL

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
2-6-19	PER COMMENTS
9-24-20	REVISED LAYOUT

CONCEPT PLAN

FOR
PEP UP, INC.
ON THE LANDS OF
DAVID A. BRAMBLE, INC.
TAX MAP - 16, GRID - 4B, PARCEL - 9 (PARCEL No. 4)
FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
DECEMBER '18	1" = 50'
JOB No.	DRAWN BY
2018114	WJM
FOLDER Ref.	DESIGNED BY
16-2018114	KJS
SHEET No. - C-2	
CADD FILE - 18114CP2	

Office of the County Executive

Alan McCarthy
County Executive

Alfred C. Wein, Jr.
Director of Administration

Office: 410.996.5202
Fax: 800.863.0947

Department of Land Use & Development Services

Eric Sennstrom, AICP, Director
Office: 410.996.5220
Fax: 800.430.3829

County Information
410.996.5200
410.658.4041



CECIL COUNTY, MARYLAND

Office of the Director

200 Chesapeake Boulevard, Suite 2300, Elkton, MD 21921

September 3, 2020

William Mackey, Director
Dept. of Planning, Housing & Zoning
400 High Street
Chestertown, MD 21620

RE: Cecil County Comprehensive Plan Land Use Map Amendment

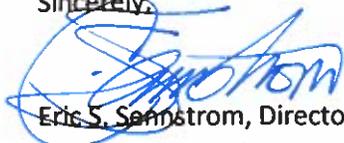
Dear Mr. Mackey,

Please be advised that Cecil County Government is in receipt of a request from York Building Products and William H. Hociak to amend the Land Use Plan of the 2010 Cecil County Comprehensive Plan. Specifically, the request seeks to remove the subject property (Tax Map 23E Parcel 684) consisting of 60.102 acres from the Land Use Plan's Low Density Growth Area District and designate it as part of the Mineral Extraction District. The purpose for the amendment is to permit the extraction of sand and gravel from the property.

Pursuant to Division I, Title 3, Subtitle 2, § 3-203(c)(1) of the Land Use Article of the Annotated Code of Maryland, a copy of the requested amendment is being provided to you for your review and comment. Please provide this Department with any comments you may have by close of business on Friday, November 6, 2020.

Thank you for your assistance with this matter.

Sincerely,


Eric S. Sennstrom, Director
Land Use & Development Services

Enclosure

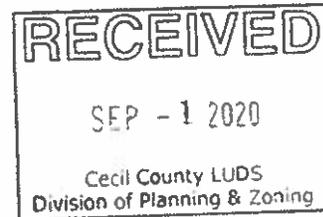
Michael R. Pugh

11 Ground Pine Path

Elkton, MD 21921

August 27, 2020

Mr. Eric Sennstrom
Director, Land Use and Development Services
Suite 2300
200 Chesapeake Blvd.
Elkton, MD 21901



Re: Comprehensive Plan Amendment

Dear Mr. Sennstrom,

I represent Mr. William Hociak and York Building Products in connection with this request to amend the land use classification of a property located at 730 Craigtown Road in Port Deposit into the Mineral Extraction District for purposes of removal of sand and gravel resources. The attached SDAT property information sheet shows the full information of the site location.

The 60.102 acre site is currently shown in the Medium Density Growth area of the plan with a current zoning classification of LDR. The parcel is contiguous to a sand and gravel processing facility to the south called Cecil Sand and Gravel and adjoins a large contiguous Mineral Extraction district to its south where mining has and is currently being performed.

At the time of the Comprehensive Zoning, the practice of the County was to place a Mineral Extraction designation on properties that were in the ownership or control of persons whose business was removal of the resource. Also, the designation was intended for lands where the resource was proven to exist on the property. At the time of the Comprehensive Zoning these conditions did not exist. Presently those circumstances have changed. As a result of the exploratory drilling of the site, the presence of reserves has been established and the owner and the purchaser will fulfill the requirement of ability to remove the material to be processed at Cecil Sand and Gravel.

Should the County agree to this redesignation, further actions would then be necessary to implement the mining activity. York Building Products would initiate a rezoning action to reclassify the property to LDR with an MEB overlay. This would assure that the final ultimate use would remain residential after mining reclamation has concluded. Coincidentally the mining use would require further applications and approval by the County Board of Appeals for a Special Exception. All of these actions would require public notice and hearings for appropriate designations and conditions.

I have attached the relevant maps for your convenience which delineate our request. We would ask that your office commence the necessary processes to advance our application to hearings. Thank you for your help and consideration.

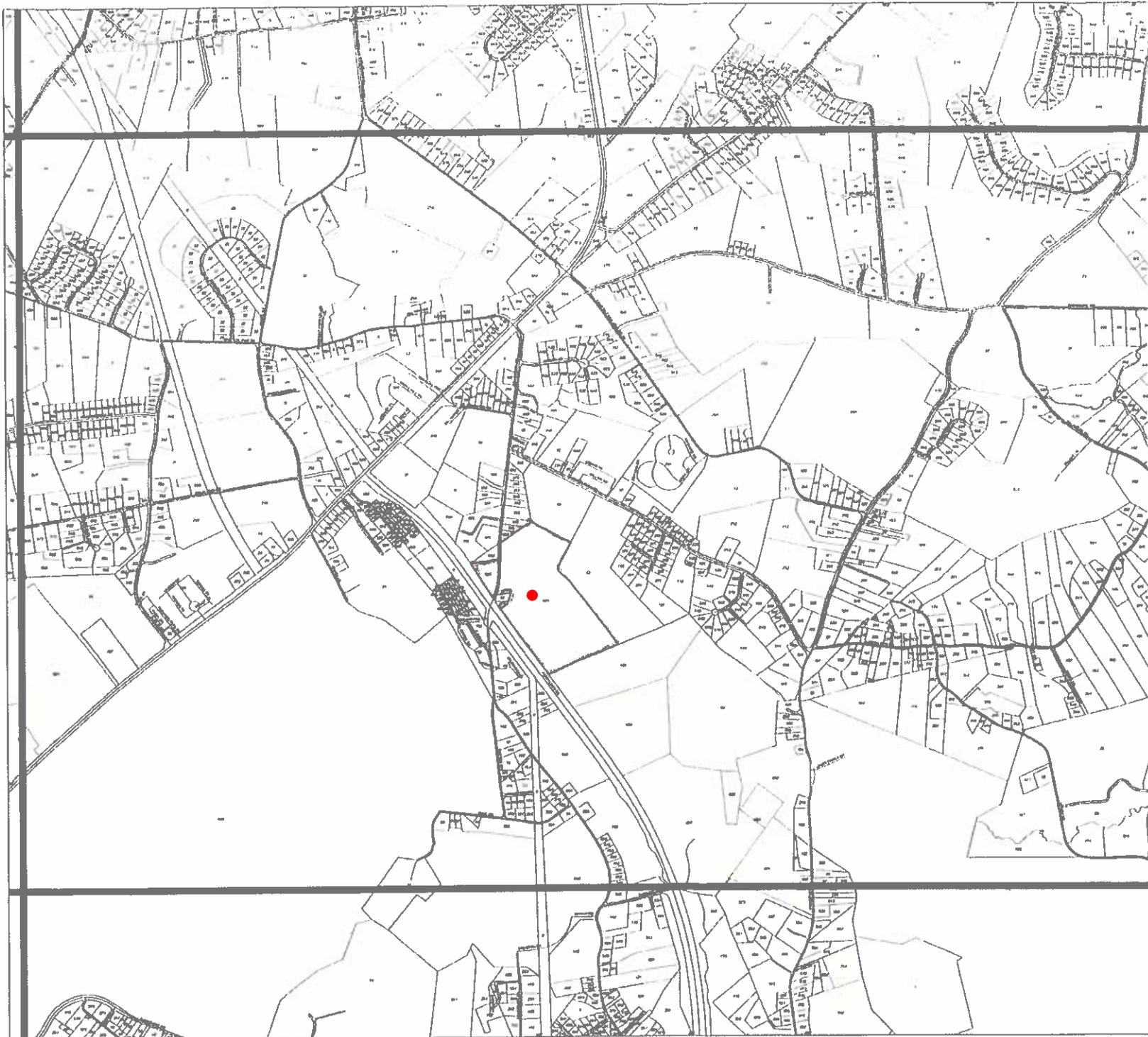
Michael R. Pugh
11 Ground Pine Path
Elkton, MD 21901

William H. Hociak
730 Craigtown Road
Port Deposit, MD 21904

Jim Gawthrop
Vice President, Aggregate Division
York Building Products
950 Smile Way
York, PA 17404

Tax Map 23

2011
Zoning Districts
ME-B Overlay

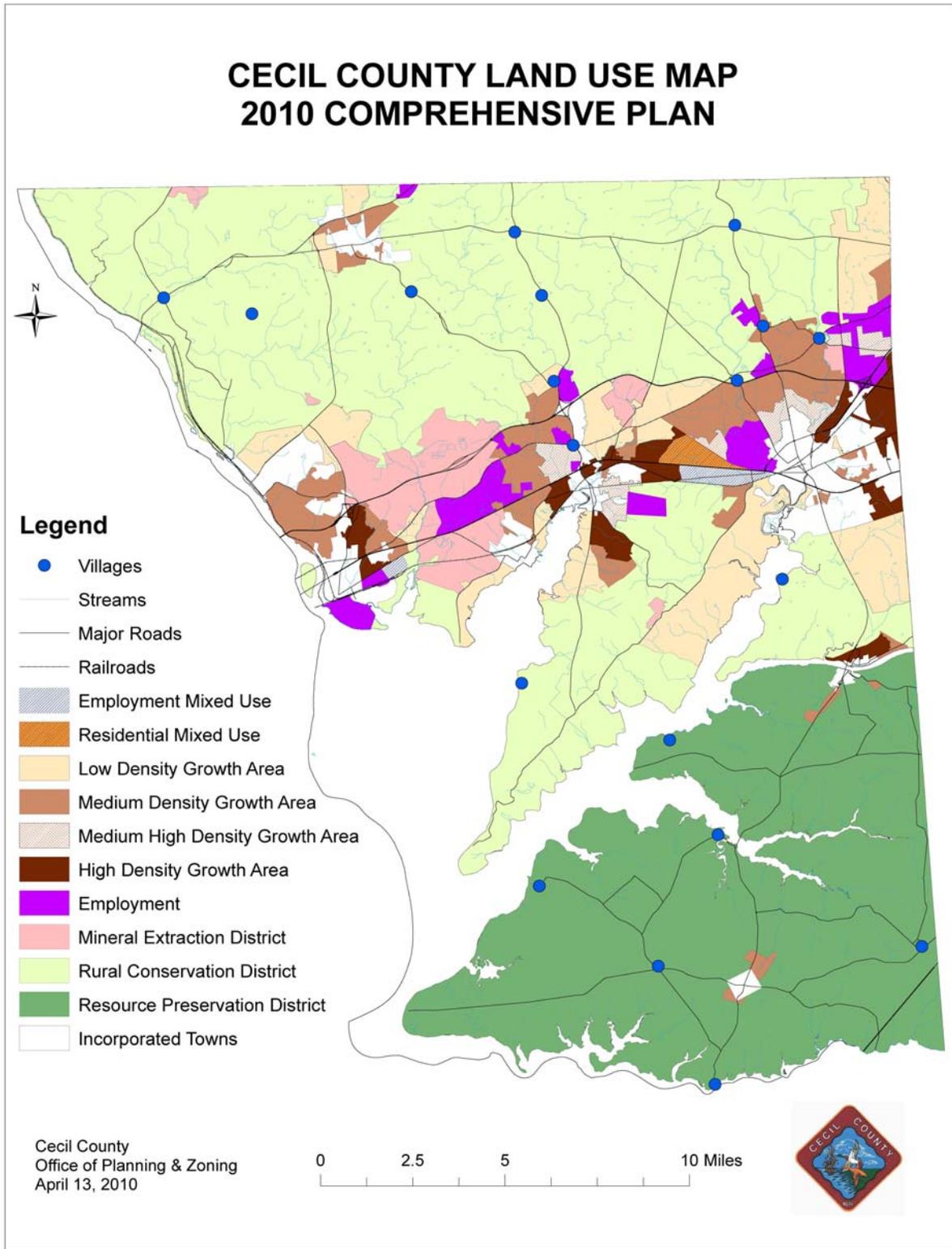


- Road Centerlines
- ▭ Tax Map Boundary
- ▭ Parcels

1 inch = 500 feet
April 5, 2011

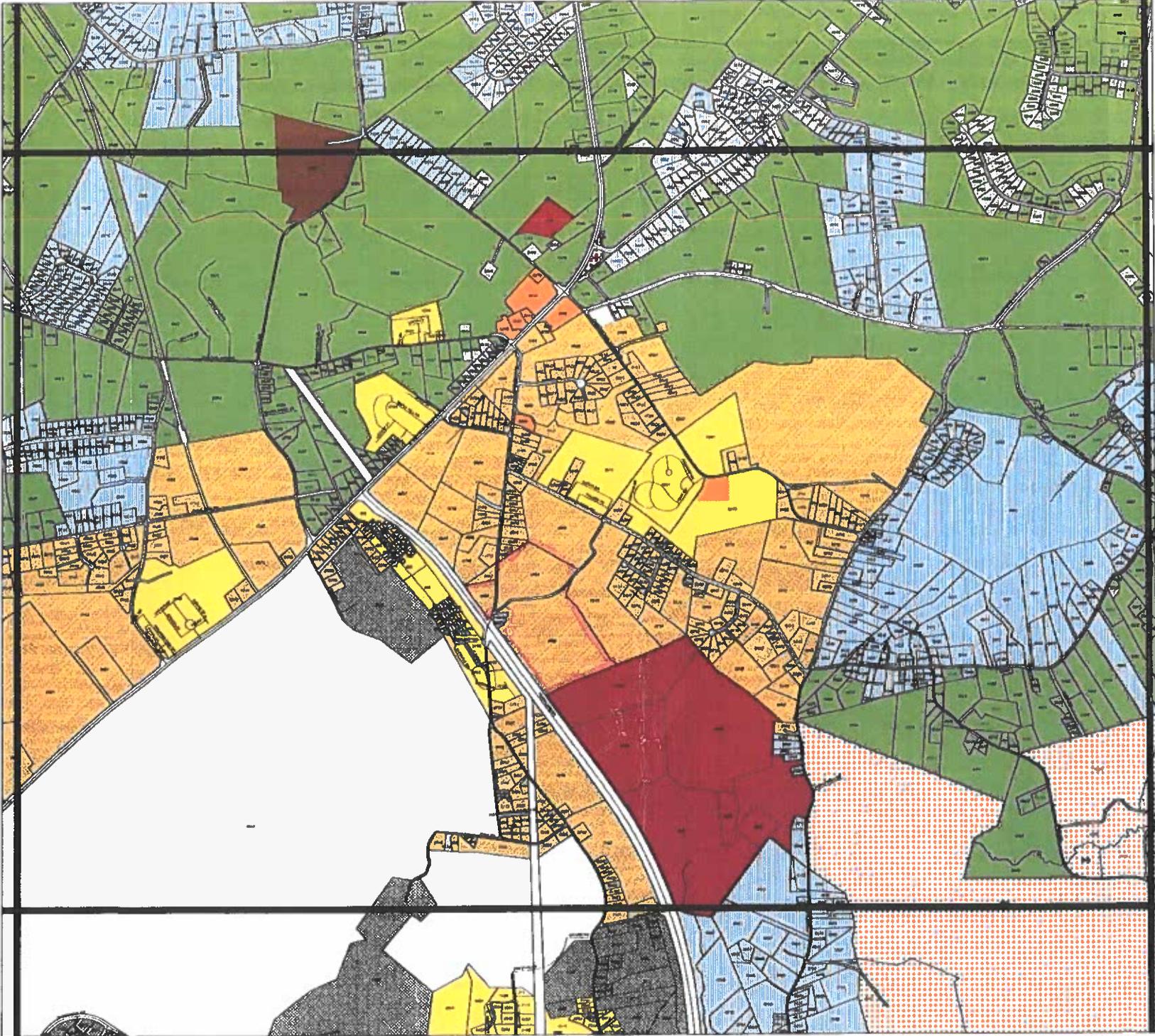
Updated August 13, 2019
through Rezoning 2019-02

Map 3.3: Future Land Use



Tax Map 23

2011
Zoning Districts



- BG
- BI
- BL
- EMU
- LDR
- M1
- M2
- MB
- MEA
- MH
- NAR
- OS
- RM
- RMU
- RR
- SAR
- ST
- UR
- VR

- Parcels
- Tax Map Boundary
- Road Centerlines

1 inch = 500 feet
April 5, 2011

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Zoning Text Amendment – Countywide Standards for Utility-Scale Solar Energy Systems
DATE: October 29, 2020

DESCRIPTION OF PROPOSAL

On October 6, 2020, the County Commissioners adopted a resolution to consider a zoning text amendment to amend Article VI, Special Provisions, creating a new Section 11, *Countywide Standards for Utility-Scale Solar Energy Systems*. The new standards address landscaping and maintenance requirements for utility-scale solar energy systems that may be located within Town gateways as well as elsewhere in the County. The proposed text amendment was developed in cooperation with Kent Conservation and Preservation Alliance (KCPA) and is modeled after legislation that was adopted by Queen Anne’s County in March 2018.

The text of Code Home Rule Bill No. 7-2020 is attached.

The proposal has increased setbacks to accommodate landscape buffers and specific landscape buffer requirements as to width, and size and type of plants. There are standards related to the installation and maintenance of the solar arrays, and requirements for a maintenance agreement and landscape sureties that are held for a longer period than for other landscape plans. Finally, there is a requirement that entrance drives be aligned so that there isn’t a direct view into the site from roads or neighboring properties.

Staff is also recommending that the bill be amended to include a reference to compliance with all state and federal regulations as a way to ensure that decommissioning is given consideration.

- I. SHALL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS, INCLUDING BY NOT LIMITED TO OBTAINING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM THE PUBLIC SERVICE COMMISSION IF REQUIRED, AND IN THE REMOVAL AND DISPOSAL OF THE UTILITY SCALE SOLAR ARRAY AND ALL OF ITS COMPONENTS.

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.

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.

STAFF COMMENTS

The County Commissioners have determined that providing regulations for landscape buffers, installation and maintenance requirements, and setbacks would serve to enhance gateways and protect existing residential areas and land uses. The proposed standards encourage the configuration of solar arrays so that the health, safety, and general welfare of the public are protected. The State of Maryland has adopted a goal that 50% of the energy consumed within the State will come from renewable sources by 2030. It is likely that there will be increased pressure to allow utility-scale solar arrays throughout the state. In addition, the Public Service Commission has the authority to approve utility-scale facilities even if the proposed facility is not permitted in the proposed location. Adopting these standards will be a pro-active step towards protecting Kent County.

The proposal is consistent with a Comprehensive Plan strategy to “Develop town gateway standards.”
(Page 28)

STAFF RECOMMENDATION

Staff recommends sending a favorable recommendation to the County Commissioners.

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

**October 6, 2020
Legislative Session Day**

**Legislative Session Day
October 6, 2020**

**CODE HOME RULE
BILL NO. 7-2020**

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Article VI, *Special Provisions*, by creating a new Section 11, *Countywide Standards for Utility-Scale Solar Energy Systems*, in order to address landscape buffers, installation and maintenance, and setbacks to support required landscape buffers for utility-scale solar energy systems that may be located in the County within said gateways as well as in other areas in the County.

THE COUNTY COMMISSIONERS OF
KENT COUNTY, MARYLAND

P. Thomas Mason, President

INTRODUCED, read first time, _____, 2020, ordered posted and public hearing scheduled _____, 2020, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on _____, 2020. Reported favorably [with] [without] amendments; read a second time and ordered to be considered on _____, 2020, a legislative session day.

A BILL ENTITLED CHR 7-2020 LANDSCAPE AND BUFFER REQUIREMENTS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS ZONING TEXT AMENDMENT

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 VI.

SPECIAL PROVISIONS

SECTION 1. PARKING AND LOADING REQUIREMENTS

...

SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS

A. SETBACKS TO ACCOMMODATE REQUIRED LANDSCAPE BUFFER

- 1. 75 FEET FROM ANY LOT LINE.**
- 2. 100 FEET FROM ANY ROAD/AND OR RIGHT-OF WAY**
- 3. 200 FEET FROM ANY ROAD/RIGHT-OF-WAY FROM ANY ROAD/RIGHT-OF-WAY WITHIN ½ MILE OF A TOWN OR VILLAGE BOUNDARY THAT IS THE GATEWAY INTO A TOWN OR VILLAGE**
- 4. 150 FEET FROM ANY RESIDENTIAL USE OR ZONING DISTRICT**
- 5. SETBACKS MAY BE REDUCED TO THE MINIMUM REQUIRED FOR NON-RESIDENTIAL DEVELOPMENT (75) WITH WRITTEN CONSENT FROM THE PROPERTY OWNERS WHOSE PROPERTY IS ADJACENT TO THE AREA IN WHICH THE SETBACK REDUCTION IS SOUGHT.**
- 6. SETBACKS SHALL BE MEASURED FROM THE OUTERMOST EDGE OF THE NEAREST SOLAR PANEL STRUCTURE WITHIN THE SOLAR ARRAY. INCLUDING SUBSTATIONS.**

B. INSTALLATION AND MAINTENANCE STANDARDS

SOLAR ARRAYS SHALL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE FOLLOWING:

- 1. IF SOLVENTS ARE REQUIRED FOR CLEANING OF THE SOLAR MODULES, THEY MUST BE BIODEGRADABLE.**

2. **ALL BROKEN OR WASTE SOLAR MODULES SHALL BE REMOVED FROM THE SITE WITHIN 60 DAYS OF BEING TAKEN OUT OF SERVICE.**
3. **ALL WIRING NOT ON THE SOLAR ARRAYS SHALL BE UNDERGROUND EXCEPT WHEN NECESSARY TO CONNECT TO THE PUBLIC UTILITY.**
4. **TRANSMISSION WIRES TO CONNECT THE PROJECT TO THE UTILITY INFRASTRUCTURE SHALL NOT CROSS A ROADWAY OVERHEAD.**
5. **ANY REQUIRED UTILITY RIGHT OF WAY SHALL BE SECURED THROUGH AN EASEMENT, LEASE, SERVICE AGREEMENT OR OTHER LEGALLY BINDING DOCUMENT.**
6. **THE SOLAR ARRAY SHALL BE ENCLOSED BY A FENCE OR OTHER APPROPRIATE BARRIER AT THE INTERIOR EDGE OF THE REQUIRED LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO THE SOLAR ARRAY. THE FENCE OR BARRIER SHALL:**
 - a. **SECURE THE FACILITY AT ALL TIMES TO PREVENT UNAUTHORIZED PERSONS OR VEHICLES FROM GAINING ACCESS.**
 - b. **ALL ACCESS GATES WILL PROVIDE A SIGN THAT IDENTIFIES THE RESPONSIBLE PARTIES OR OWNERS WITH CURRENT CONTACT INFORMATION.**
7. **NOISE GENERATED BY THE FACILITY SHALL BE LIMITED TO 45 DBA AS MEASURED AT THE PROPERTY LINE EXCEPT WHEN A BACK-UP GENERATOR IS NEEDED FOR MAINTENANCE. CONSTRUCTION ON THE SITE IS EXEMPT FROM THIS STANDARD.**
8. **SOLAR ARRAYS, INCLUDING THE ELECTRICAL AND MECHANICAL COMPONENTS, SHALL CONFORM TO RELEVANT AND APPLICABLE LOCAL, STATE AND NATIONAL CODES.**
9. **TO PROTECT ADJACENT PROPERTIES, AND NOT INTERFERE WITH ROADWAYS OR CREATE A SAFETY HAZARD, EVIDENCE SHALL BE PROVIDED THAT THE SOLAR PANELS ARE DESIGNED TO AVOID GLARE AND/OR REFLECTION WITH ANTI-REFLECTIVE COATING OR NON-GLARE TECHNOLOGY AND IF NECESSARY, HAVE BEEN EVALUATED WITH A SOLAR GLARE HAZARD AND ANALYSIS TOOL.**

C. LANDSCAPE BUFFER FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS

1. **ANY UTILITY SCALE SOLAR FACILITY SHALL COMPLY WITH THE REQUIREMENTS OF THE FOREST CONSERVATION ACT.**

REFORESTATION PLANTING MAY BE INCORPORATED AS LANDSCAPING.

- 2. THE GROSS USABLE AREA FOR PANELS WILL EXCLUDE WETLAND AREAS THAT ARE REGULATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT OR THE U.S. DEPARTMENT OF THE INTERIOR. IMPACTS ASSOCIATED WITH ACCESS OR INTERIOR ROADS AND UTILITY CROSSINGS SHALL PROVIDE THE NECESSARY AUTHORIZATION FOR ANY DISTURBANCES.**
- 3. EXISTING TOPSOIL SHALL NOT BE REMOVED FROM THE SITE.**
- 4. A VEGETATED BUFFER THAT IS A MINIMUM OF 60 FEET WIDE AROUND THE PERIMETER OF THE SITE AREA FRONTING ON ROAD OR RIGHTS OF WAY THAT ARE CONSIDERED GATEWAYS TO TOWNS OR VILLAGES AND A MINIMUM OF 50 FEET FOR ALL OTHER APPLICATIONS. THIS BUFFER MAY BE LOCATED WITHIN THE SETBACK.**
- 5. HEALTHY EXISTING VEGETATION WITHIN THE DESIGNATED BUFFER AREA MAY BE USED TO SATISFY THE SPECIFIC BUFFER STANDARDS.**
- 6. NON-NATIVE PLANT MATERIAL SHALL NOT TOTAL MORE THAN 10% OF ALL PLANTINGS**
- 7. WHERE A PHASED CONSTRUCTION PLAN IS PROPOSED, THE LANDSCAPE PLAN SHALL IDENTIFY THE PHASING OF THE PLANTINGS APPLICABLE TO EACH CONSTRUCTION PHASE.**
- 8. NOT MORE THAN 25% OF ANY SINGLE PLANT SPECIES SHOULD BE INCLUDED IN THE BUFFER TO PROMOTE THE GROWTH OF A NATURAL LANDSCAPE AND AVOID MONOTONY AND UNIFORMITY OF THE BUFFER. THE VEGETATION SHALL BE THICKLY PLANTED AND OF SUCH SPECIES THAT IT WILL PROVIDE AN OPAQUE VISUAL BARRIER THAT OBSCURES THE UTILITY SCALE SOLAR ARRAY FROM SIGHT ONCE THE VEGETATION REACHES MATURITY OR WITHIN FIVE YEARS, WHICHEVER COMES FIRST. A MIX OF EVERGREEN AND DECIDUOUS TREES, SHRUBS AND BENEFICIAL HABITAT SHALL BE INCLUDED:**
 - a. A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION SHALL BE AT LEAST 6 FEET IN HEIGHT, EACH PLANTED NO MORE THAN 10 FEET APART. EVERGREEN TREE SPECIES SHALL BE A VARIED MIXTURE OF COMPATIBLE TYPES AND ACHIEVE A HEIGHT OF EIGHT FEET IN A MINIMUM OF 2 YEARS.**

- b. **IN ADDITION TO THE EVERGREEN TREES, NATIVE DECIDUOUS OR SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF 2-INCH CALIPER SHALL BE INTERSPERSED TO ENHANCE THE EVERGREEN SCREENING ALONG WITH UNDERSTORY TREES WITH A MINIMUM SIZE OF INSTALLATION OF 1-INCH CALIPER OR 6 FEET IN OVERALL HEIGHT.**
 - c. **SHRUBS WITH A MINIMUM SIZE AT INSTALLATION OF 24 INCHES IN HEIGHT OR 30 INCHES IN SPREAD.**
 - d. **THE BUFFER SHALL INCLUDE A FLOWERING GROUND COVER FOR POLLINATORS, WARM SEASON GRASSES AND OTHER BENEFICIAL HABITAT. THE GROUND COVER SEED MIXTURE SHALL INCLUDE A MINIMUM OF 10 PLANT SPECIES WITH A MINIMUM OF 2 FLOWERING SEASONS.**
 - e. **THE HEIGHT OF PROPOSED PLANTING MAY REQUIRE ALTERNATIVES BASED UPON THE SITE ELEVATION AND VISIBILITY FROM ADJACENT PROPERTIES AND ROADS AND/OR RIGHTS OF WAYS. IF NECESSARY, AN ELEVATION OR PERSPECTIVE ILLUSTRATION EXHIBIT SHALL BE PROVIDED WITH VIEWPOINTS FROM RELEVANT LOCATIONS AROUND THE SITE.**
- D. A LANDSCAPE BERM SHALL BE PROVIDED AT A MINIMUM OF THREE (3) FEET HIGH TO ASSIST IN SCREENING. THE DESIGN OF THE BERM SHALL BE SUCH THAT THE NATURAL DRAINAGE PATTERNS OF THE SITE WILL NOT BE ALTERED. THE BERM REQUIREMENT MAY BE WAIVED IN PART OR TOTAL SUBJECT TO THE FOLLOWING CONDITIONS:**
- 1. **A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION ARE AT LEAST 8 FEET IN HEIGHT AND PLANTED NO MORE THAN 10 FEET APART**
 - 2. **INTERSPERSED SHADE TREES HAVE A MINIMUM SIZE AT INSTALLATION OF 2.5-INCH CALIPER**
 - 3. **UNDERSTORY STORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF 1.5-INCH CALIPER OR 6 FEET IN OVERALL HEIGHT**
 - 4. **SHRUBS WITH A MINIMUM SIZE AT INSTALLATION OF 30 INCHES IN HEIGHT.**
 - 5. **THE LANDSCAPING PLAN IS DEEMED TO SCREEN ELEVATIONS OF THE SITE ADEQUATELY WITHIN 2 YEARS.**
- E. IRRIGATION SHALL BE PROVIDED TO ASSIST IN MAINTAINING PLANT MATERIALS IN A HEALTHY CONDITION FOR ALL NEWLY CREATED LANDSCAPE BUFFER AREAS. PLANTS SHALL BE WATERED IN A**

MANNER ADEQUATE TO ENSURE ESTABLISHMENT AND SURVIVAL. THE LANDSCAPE PLAN SHALL INCLUDE A WATERING SCHEDULE APPROPRIATE FOR THE PROPOSED PLANTINGS, WHICH MAY INCLUDE SERVICE BY ON-SITE IRRIGATION OR WATER TRUCK, UNTIL THE PLANT MATERIAL IS SUFFICIENTLY ESTABLISHED TO SURVIVE ON NATURAL SOIL MOISTURE. AN IRRIGATION SYSTEM IS SUBJECT TO THE FOLLOWING:

- 1. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PREVENT RUNOFF, LOW HEAD DRAINAGE, OVERSPRAY, OR OTHER SIMILAR CONDITIONS WHERE IRRIGATION WATER FLOWS ONTO NONTARGETED AREAS SUCH AS ADJACENT PROPERTIES, ROADWAYS, OR STRUCTURES.**
 - 2. ALL AUTOMATIC IRRIGATION SYSTEMS SHALL BE DESIGNED TO MINIMIZE WATER USAGE AND SHALL BE MANUALLY SHUT OFF DURING WATER EMERGENCIES OR WATER RATIONING PERIODS.**
 - 3. AN ALTERNATIVE FORM OF IRRIGATION FOR A PARTICULAR SITE MAY BE APPROVED THROUGH THE APPLICABLE REVIEW PROCESS UPON DETERMINING THAT UNDERGROUND IRRIGATION IS NOT NECESSARY OR AVAILABLE FOR THE TYPE OF PLANT MATERIAL BEING PROPOSED.**
- F. A MAINTENANCE AGREEMENT FOR THE LANDSCAPE PLAN SHALL BE PROVIDED WITH A SURETY OR OTHER FINANCIAL ASSURANCE TO COVER REPLACEMENT OF THE PLANTINGS AND IRRIGATION SYSTEMS. ALL PLANTINGS SHALL BE MAINTAINED IN A LIVE, HEALTHY CONDITION FOR THE DURATION OF THE SOLAR ARRAY LIFE AND SHALL BE REPLACED BY THE SOLAR ARRAY OPERATOR AS NECESSARY WITH APPROPRIATELY SIZED PLANT MATERIAL AS NECESSARY TO MAINTAIN ALL REQUIRED BUFFERING STANDARDS.**
- G. THE SURETY MAY BE PROVIDED ON A PHASED BASIS PER THE LANDSCAPE PHASING PLAN AND SHALL BE HELD BY THE COUNTY FOR A PERIOD OF THREE YEARS FOLLOWING PLANTING, AFTER WHICH THE COUNTY, UPON SATISFACTORY INSPECTION OF THE LANDSCAPE BUFFER MAY RELEASE 50% OF THE SURETY, AND THE REMAINING 50% MAY BE RELEASED AFTER AN ADDITIONAL TWO YEARS. THE COUNTY THEN RESERVES THE RIGHT TO INSPECT AND REQUIRE REPLACEMENT FOR THE DURATION OF THE SOLAR ARRAY.**
- H. ENTRANCES TO THE PROJECT SHOULD BE DESIGNED TO ENSURE THAT NEIGHBORING PROPERTIES, PUBLIC RIGHTS-OF WAYS AND ROADS ARE NOT EXPOSED TO AN UNSCREENED VIEW THROUGH THE ENTRANCEWAY. THE USE OF A WIRE MESH OR CHAIN-LINK GATE OR FENCE WITH VINYL INTERWOVEN STRIPS IS NOT ACCEPTABLE.**

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the ___ day of _____.

Read Third Time _____

PASSED this ___ day of _____

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

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.