

MINUTES

June 6, 2024

1:30 p.m.

Video recordings of the Kent County Planning Commission meeting are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

The Planning Commission met in regular session on Thursday, June 6, 2024, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Ray Strong, Paula Reeder, Sean Jones, and William Crowding. Planning Commission Attorney Cynthia L. McCann, Esquire, was present. Staff in attendance included William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Rob Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, and serving as Acting Clerk; and Tyler Arnold, GIS Coordinator.

Representatives for the Everton project included Kevin Shearon, P.E., LEED AP, DMS & Associates; Dan Gural, Everton Industrial Development; Mark Keeley, PTP, Project Manager, Traffic Concepts, Inc.; Vernon Husted, PLA, ASLA, CBLP Level 2, President, Husted Landscape Architecture; and Charles MacLeod, Esq., of MacLeod Law Group.

Members of the public who spoke were G. Macy Nelson, Esq., representing Kent Conservation and Preservation Alliance (KCPA); Owen Bailey, Director of Land Use and Policy, Eastern Shore Land Conservancy (ESLC); Catherine Durham; Melinda Bookwalter; Elizabeth Watson, FAICP; Janet Christensen-Lewis, KCPA; Michael Kent; Doug West; Judy Gifford; Dr. Judy Tubman; and, Lawrence Green, P.E., PTOE.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Ms. Paula Reeder moved to approve the minutes from May 2. Mr. Ray Strong seconded the motion. The minutes were approved unanimously.

APPLICATIONS FOR REVIEW

22-67 Everton Industrial, Lot 1 – Major Site Plan (Preliminary)

23-28 Everton Industrial, Lot 2 – Major Site Plan (Preliminary)

Prior to discussing the item, the Chair clarified his relationship with KCPA. The Chair's involvement ended three years ago. The Chair stated that the applicant made a false allegation about him at the meeting.

Planning Commissioner Reeder recused herself, noting her objections to unfounded accusations made by KCPA.

Ms. Gerber provided an overview of the staff report, noting the proposed manufacturing warehouse buildings on two newly created lots near the interchange of US 301 and MD 291. Specific items highlighted included: proposed buildings of 256,924 square feet, service by public water and sewer, 45 loading dock spaces per building, sediment and erosion control and stormwater management to be reviewed collaboratively with the Kent Soil and Water Conservation District.

Adopted on July 11, 2024

Staff recommends approval of requested setback modifications, the curb cuts as requested, and preliminary site plan approval. At the Chair's request, Ms. Gerber summarized each section of the staff report.

Kevin Shearon, P.E., LEED AP of DMS & Associates; Dan Gural of Everton Industrial, and Mark Keeley, PTP of Traffic Concepts, Inc. presented information on site selection, traffic, access, environmental factors, and future plans. Charles MacLeod, Esq., of MacLeod Law Group spoke to address materials provided in the packet posted online.

Public testimony was received from G. Macy Nelson, Esq., representing both Kent Conservation and Preservation Alliance (KCPA) and its Board of Directors as individuals; Owen Bailey, Eastern Shore Land Conservancy; Catherine Durham, adjacent property owner; Melinda Bookwalter; Elizabeth Watson, FAICP; Janet Christensen-Lewis, KCPA; Michael Kent; Doug West; Judy Gifford; and Dr. Judy Tubman.

Issues raised included traffic, effects on adjacent roads and properties, environmental concerns, landscaping and screening, and compatibility with the surrounding area.

Following a break, Lawrence Green, P.E., PTOE, on behalf of KCPA, reviewed the traffic study via phone. Closing comments were made by G Macy Nelson, Esq., for KCPA and Charles MacLeod, Esq., as attorney for the applicant.

Mr. Crowding moved to grant a waiver from the 3,000-foot distance for curb cuts, citing the following findings:

- That staff finds the proposal complies with the spirit and intent of the Land Use Ordinance and the Comprehensive Plan;
- That the waiver will not cause a substantial detriment to adjacent or neighboring property;
- That the Maryland Department of Transportation said that the waiver will not create a safety hazard or increased traffic congestion;
- That the waiver is the minimum necessary to relieve the practical difficulty and is not sought for reasons of convenience, profit, or caprice.

Mr. Saunders seconded. Mr. Jones moved to amend the motion to address the line-of-sight. Mr. Crowding accepted. Mr. Strong seconded. The amended motion was carried unanimously. Ms. Reeder did not participate. Ms. Reeder was seated at the back of the room during the entire proceedings.

Mr. Crowding moved to decrease the required 100-foot setback along Chesterville Bridge Road and Edge Road to 50 feet. Mr. Strong seconded. The motion was carried unanimously. Ms. Reeder did not participate. Ms. Reeder was seated at the back of the room during the entire proceedings.

Mr. Crowding moved to grant preliminary site plan approval for Lots 1 and 2 of Millington Crossing Associates LLC, citing the following findings:

- That the proposal is consistent with many strategies and goals of the Comprehensive Plan;
- To the best of our knowledge, the subdivision and site plans will conform with the provisions and all applicable rules and regulations;
- We've approved the curb cuts;
- The vehicle circulation appears to promote clearly defined access to loading and trailer parking, and the employee and visitor parking multiple entrances per parcel will help achieve this separation;
- Sidewalks across the front of the buildings will promote pedestrian safety;
- Provisions have been made for off-street loading and unloading;
- Adequate lighting is proposed and provisions for safe internal traffic flow have been included;
- There will be no known unreasonable demands on public services or infrastructure;
- The applicants are working with the Department of Public Works;

- The Comprehensive Water and Sewerage plan will need to be amended;
- Stormwater management will be addressed during final approval; and
- A citizens' participation meeting was held on October 19.

The following conditions are placed on the preliminary approvals, which will need to be met for final approval:

- Provide berms, additional landscaping, and screening along Chesterville Bridge Road, adjacent to Lot 1;
- Provide an updated traffic study, based on specific tenants;
- Prohibit use of off-site landscaping to meet screening requirements and further address screening;
- Execution of a road maintenance agreement with County DPW for Chesterville Bridge Road;
- Explore eliminating Chesterville Bridge Road access or converting to right-in, right-out configuration; and
- Investigate improvements such as deceleration and acceleration lanes.

Mr. Jones seconded. The motion carried. Chair Hickman abstained. Ms. Reeder did not participate. Ms. Reeder was seated at the back of the room during the entire proceedings.

GENERAL DISCUSSION

Map Change Request for review by Planning Commission

The Planning Commission reviewed the map change request from the prior meeting submitted by Ms. Joyce Rogers. Ms. Rogers submitted an additional letter clarifying her prior request. Instead of asking for commercial/residential, the request was for Community Residential. Staff explained a single motion could then approve Ms. Rogers' request.

Mr. Jones moved to approve Joyce Rogers' request. Vice Chair Ruge seconded. The motion passed unanimously.

Final version of Official Zoning Map for recommendation

Staff explained that all of the Planning Commission's recommendations are included in the comprehensive, combined zoning map and chart, so a single motion may be made to recommend the final map to the County Commissioners in the same way that the Planning Commission had recommended a final, revised version of the Land Use Ordinance.

Ms. Reeder moved to approve the consolidated map change requests, prepared by the staff, which reflect the zoning changes already approved, and the amended updated map for presentation to the County Commissioners. Mr. Saunders seconded. The motion passed unanimously.

STAFF REPORTS

The Planning Commission agreed by consensus to hold its next meeting on Thursday, July 11, 2024, due to the first Thursday in July falling on the Fourth of July this year.

ADJOURN

Vice Chair Ruge made a motion to adjourn. Mr. Strong seconded. The meeting was adjourned at 5:30 p.m.

/s/ Francis J. Hickman
Francis J. Hickman, Chair

/s/ William Mackey
William Mackey, AICP, Director

Please note that a portion of this document was created by Claude 3 from Anthropic, utilizing a transcript created by Microsoft Teams. Due to various factors, these minutes were created mostly by a human.