

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
January 13, 2022

The Queen Anne's County Planning Commission met on Thursday, January 13, 2022, at 8:45 A.M. The following members were present: Sharon Dobson, Tom Leigh, Jeff Reiss, Teddy Baker, Kathy Deoudes, Arthur Ebersberger, and Bill Sylvester.

Also present were Amy Moredock, Director Department of Planning and Zoning; Rob Gunter, Development Review Principal Planner; Stephanie Jones, Long Range Principal Planner; Rob Tracey, Long Range Planner; Steve Johnson, Development Review Planner; Steve Cohoon Public Facilities Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

1. Election of Officers – Upon motion made by Commissioner Reiss, seconded by Commissioner Ebersberger and passed by unanimous voice vote, the following slate of officers were elected:

Chairman:	Commissioner Dobson
Vice Chairman:	Commissioner Leigh
Secretary:	Commissioner Deoudes
Clerk:	John Shelton

2. Public Comment – No comments received.

3. Meeting Minutes Review – Upon motion made by Commissioner Leigh, seconded by Commissioner Ebersberger and passed by unanimous voice vote, the November 18, 2021 Planning Commission Minutes were approved as presented.

3. Extension Requests – No extension requests. Steve Johnson, Development Review Planner, informed the Planning Commission that a memo including the 6-month update on the status of active projects was provided in their meeting packets.

4. UPDATES:

(A) Legislation and Legal Matters – Rob Tracey, Long Range Planner, provided the following updates:

- (1) County Commissioners have requested evaluation of the definition of "Shooting Club" to strengthen policies and it will be on the February Planning Commission agenda.
- (2) Maryland General Assembly: Regular updates regarding legislation will be forthcoming. Todd Mohn is the liaison.

(B) Miscellaneous Staff Items – Amy Moredock, Planning and Zoning Director, said the Department is working to fill current vacancies for a Permit Technician and Associate Planner, and a Zoning Inspector who will be retiring soon.

5. Public Hearing: Concept Plan SP# 21-07-0078 – Ingleside Mine Phase 3 / Bridgetown Development Company, LLC – Christopher Drummond, Planning Commission Attorney, read the Public Notice and informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning the Petition by Bridgetown Development Company, LLC for a conditional use application for a proposed 278.42 acre expansion of the existing sand and gravel major extraction operation located on the East side of Bridgetown Road South of the intersection with Roe Ingleside Road, near Ingleside.

The Planning Commission took a short recess at 8:55 A.M. and reconvened at 9:00 A.M.

Steve Johnson, Development Review Planner, provided the highlights of the applicants request for Concept Plan approval and a Favorable Recommendation to the Board of Appeals for the Conditional Use.

Charles Schaller, Esq, on behalf of the applicant, described the history of the project and the proposed Phase III including the following; (1) the entire operation is estimated to last until 2054, (2) the sound study results indicate the operation will be below the maximum decibels, (3) there is no adverse impact to farming, (4) haul roads will remain the same, (5) roads will continue to be swept to keep clean, and (5) we agree to the new condition requiring Best Management Practices.

Jim Gawthrop, Bridgewater Development, presented a slideshow including aerial photos of the site, history of the project since 2015, and the details of the Phase III request including the sound study, dredge location, hours of operation, distances to nearest residences. He said they submitted Conditions based on the previous approval, but fully accept the Planning Departments proposed Conditions, which are more concise.

Lee Edgar, Department of Public Works, described the road improvements in the past and plan moving forward. He said a Public Works Agreement will be executed detailing the amount of money Bridgewater will pay per year, and that it will be placed in a fund dedicated to an identified route.

Chairman Dobson asked if there were members of the public that wished to be heard, at which time no comments were received, and the Public Hearing was closed at 9:39 A.M.

Upon review and further consideration, the following motion was made by Commissioner Deoudes, seconded by Commissioner Ebersberger, and passed by unanimous voice vote:

RESOLVED, that the Planning Commission, regarding the request by **Bridgetown Development Company, LLC**, for Concept Plan approval for the expansion to an existing

major sand and gravel mining operation, located on the East side of Bridgetown Road South of the intersection with Roe Ingleside Road near Ingleside, and as more particularly described in **Department of Planning & Zoning file SP #21-07-0078**, hereby finds the Concept Plan is consistent with the purpose, goals, and objectives of the 2010 Queen Anne's County Comprehensive Plan and the Queen Anne's County Zoning and Subdivision Regulations, and hereby grants approval.

Upon review and further consideration, the following motion was made by Commissioner Deoudes, seconded by Commissioner Ebersberger, and passed by unanimous voice vote:

RESOLVED, that the Planning Commission, regarding the request by **Bridgetown Development Company, LLC**, for expansion to an existing major sand and gravel mining operation, located on the East side of Bridgetown Road South of the intersection with Roe Ingleside Road near Ingleside, and as more particularly described in **Department of Planning & Zoning file SP #21-07-0078**, hereby forwards a favorable recommendation to the Board of Appeals for Conditional Use approval with the following conditions; (1) proper controls and methods are maintained to minimize truck "mud" tracking or dust plumes in dry times with wind drift suppression, (2) the facilities continue to be adequately designed and maintained to free dirt and debris from the wheels and undercarriage of trucks prior to entering Bridgetown Road, (3) a State Water Appropriations permit is maintained from the Maryland Department of the Environment, (4) all Soil Conservation District approvals are maintained, (5) all Stormwater Management Plans are approved by the Queen Anne's County Department of Public Works, (6) the hours of operation will be consistent with the approval of Conditional Use case number CU-18050016 and any changes shall require additional approvals, (7) all required landscaping shall be maintained to assure plantings remain alive and healthy during the operation and the applicant must provide a cash landscaping surety/bond, (8) haul trucks shall adhere to the approved haul route as discussed and presented, (9) the height of storage piles shall not exceed 45 feet, (10) the applicant shall submit As-built updates to the Board of Appeals and the Department of Planning & Zoning on a schedule to be determined by the Board of Appeals, and agrees to an Annual Inspection, (11) all State permits shall be in place prior to final permitting by

Queen Anne's County, (12) the site access road surface shall continue to be maintained to support the imposed loads of fire apparatus and shall provided with an all-weather driving surface, (13) any legal documents must be reviewed and approved by the Planning Commission Attorney, (14) any future mining phases or changes to the end use plan must return to the Planning Commission for review and recommendation to the Board of Appeals for amendment of the Conditional Use, (15) any and all financial sureties for reclamation, landscaping, stormwater management, and enforcement etc., shall be in place prior to granting final permits, (16) there shall be no truck parking on Bridgetown Road, no stacking or parking outside of the entrance gate, no use of Jake brakes, no tailgate slamming either on site or on a public road, and a sign shall be posted by the applicant regarding these restrictions, (17) any requirements by the Queen Anne's County Roads Department are satisfactorily addressed, (18) any additional comments or requirements by the Department of Natural Resources regarding the landscaped berms in the stream buffer are addressed prior to the Board of Appeals hearing, and (19) any outstanding documentation or comments stemming from agency reviews are addressed prior to the Board of Appeals hearing.

6. Major Site Plan SP# 20-06-0055 – Chestertown Hope Fellowship, Inc. – Steve Johnson, Development Review Planner, provided the highlights of the applicant's request for Major Site Plan approval to construct a 17,172 square foot church on 26.336 acres of land on MD Route 544 (McGinnis Road), outside of Chestertown.

Kevin Shearon, DMS & Associates, described the project and said it will be done in phases, with the main building and parking first. He added that the stormwater management, landscaping, and afforestation have all been approved.

Pastor Josh Rendulic described the need for a larger church for the congregation and parking needs.

Chairman Dobson asked if there were members of the public who wished to comment at which time no comments were received.

Upon review and further consideration, the following motion was made by Commissioner Deoudes, seconded by Commissioner Ebersberger and past by unanimous voice vote:

RESOLVED, that the Planning Commission, regarding the request by **Chestertown Hope Fellowship, Inc. (Hope**

Fellowship Church), for Major Subdivision approval to construct a 17,172 square foot church, with amenities and associated parking, on 26.336 acres of land on MD Route 544 (McGinnes Road, outside of Chestertown, and as more particularly described in **Department of Planning & Zoning file SP #20-06-0055**, hereby finds the Major Site Plan is consistent with the purpose, goals and objectives of the 2010 Queen Anne's County Comprehensive Plan and the Queen Anne's County Zoning and Subdivision Regulations, and hereby grants approval subject to the following conditions; (1) the buildings are constructed consistent with the architectural elevations provided for review, (2) any remaining edits and/or documents required by the Departments of Public Works and Planning & Zoning, or any other reviewing agency be reviewed and approved, (3) any required legal documents must be approved, signed, and recorded prior to obtaining final signatures for the Major Site Plan, (4) all required estimates, bonds, sureties, review and inspection fees must be submitted to the Departments of Public Works and Planning & Zoning as appropriate, and (5) all required signatures must be obtained.

The Planning Commission took a short break at 9:56 A.M. and reconvened at 10:05 A.M.

7. Comprehensive Plan Update – Amy Moredock, Director, Stephanie Jones, Long Range Principal Planner, and Lauren Good of Wallace Montgomery led the Planning Commission in a Work Session to review and discuss the 60-day Public Comments received during which time the following decisions were made:

- (A) Upon motion made by Commissioner Ebersberger, seconded by Commissioner Deoudes, and passed by unanimous voice vote, the Group 1 Public Comments labeled as "Editorial / Clarification Only" were approved as presented with staff's recommendations/means of addressing.
- (B) Upon motion made by Commissioner Ebersberger, seconded by Commissioner Baker, and passed by unanimous voice vote, the Group 2 Public Comments labeled as "No changes needed / No changes proposed" were approved as presented with staff's recommendations/means of addressing and as amended. The following items were amended through staff's recommendation and Planning Commission concurrence:
 - a. Item 89: add clarification that impervious surface standards/thresholds will be set by MDE;

- b. Item 186: revise to replace the language about the County looking at additional taxes/incentives with ways to strengthen and make the MPDU program more accessible;
- c. Item 187: delete sentence about County looking at additional taxes/incentives as they relate to the MPDU program; and
- d. Item 192 and 193: delete Table 9-14

(C) Upon motion made by Commissioner Deoudes, seconded by Commissioner Ebersberger, and passed by unanimous voice vote, the Group 3 Public Comments labeled as "Recommendations for PC Consideration" were approved as presented with staff's recommendation and as amended.

The following items were addressed through staff's updated input/recommendation and Planning Commission concurrence:

- a. Item 1A: No changes recommended. This level of detail is captured in agency plans and matrixes.
- b. Item 1B: No changes recommended. This level of detail is captured in agency plans and matrixes.
- c. Item 1C: No changes recommended. This level of detail is captured in agency plans and matrixes.
- d. Item 1D: No changes recommended. This level of detail is captured in agency plans and matrixes.

The following items were amended through recommendation:

- a. Item 4A: no changes needed;
- b. Item 4B: no changes needed;
- c. Item 4C: revise language regarding joint planning agreements and consideration of the County Adequate Public Facilities Ordinance (APFO);
- d. Item 4D: no changes needed;
- e. Item 9A: no changes needed;
- f. Item 14: defer review of additional comprehensive rezoning request to Board of County Commissioners;
- g. Item 20: no changes needed;
- h. Item 25A: no changes needed; and
- i. Item 33: no changes needed.

8. Public Hearing Comprehensive Plan

Christopher Drummond, Planning Commission Attorney, read the Public Notice and informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning the 2022 Queen Anne's County Comprehensive Plan and the 2022 Kent Narrows Community Plan.

Chairman Dobson opened the Public Hearing at 12:03, and the following comments were received:

- (A) Georgianna Windley, Executive Director of the Kent Narrows Development Foundation (KNDF), said Jody Schulz sent a letter on behalf of KNDF on December 10, 2021, stating that they did not have a chance to fully review the Draft Kent Narrows Community Plan. She expressed concern with Planning Commission approving it today and requested the Planning Commission delay approval to allow more review time.
- (B) Kevin Waterman, past President of BAAR, thanked Director Moredock and staff for their efforts, and said the only concern is with the sewer capacity problem.
- (C) Barry Waterman, Centreville, said that staff was very receptive to input. He said the Adequate Public Facilities Ordinance has a convoluted history and the school capacity is a complicated number for funding and is not an accurate number for actual seats.

Chairman Dobson closed the Public Hearing at 12:21 P.M.

Upon further review and consideration, the following motion was made by Commissioner Reiss, seconded by Commissioner Ebersberger, and passed by voice vote with Commissioners Reiss, Leigh, Baker, Deoudes, and Ebersberger in favor, and Commissioner Sylvester in opposition:

RESOLVED, that the Planning Commission, regarding the 2022 Queen Anne's County Comprehensive Plan and the 2022 Kent Narrows Community Plan, has reviewed all draft chapters and elements and considered all comments received and hereby finds; (1) the plans meet Maryland Land Use Article §3-102 [Elements – Noncharter counties and municipal corporations] by addressing and including all required planning elements, (2) the plans meet Maryland Land Use Article §1-201 [§3-201 Plan preparation] by addressing and including the required planning purpose, scope, vision implementation, and promotion of public interest, and (3) the review has carefully contemplated and addressed the comments and needs of the public, agencies, and neighboring jurisdictions during the drafting process beginning in Winter 2020 and concluding with the 60-day Review and Public Hearing on January 13, 2022, and therefore, in accordance with the Maryland Land Use Articles noted above, the Planning Commission forwards a favorable recommendation to the Queen Anne's County Commissioners for adoption of the 2022 Queen Anne's County Comprehensive Plan and the 2022 Kent Narrows Community Plan, as presented and amended at the January 13, 2022 Public Hearing, and as outlined in the Comment Document attached hereto and labeled "Exhibit A".

9. Public Comments

(A) Jody Schulz expressed concern about approving the Kent Narrows Community Plan before the document was completely finalized.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:36 P.M.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Kathy Deoudes", written over a horizontal line.

Kathy Deoudes, Secretary