

Kent County Planning Commission

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Chestertown, Maryland 21620

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August 5, 2011

Ronald H. Fithian, President
County Commissioners of Kent County
400 High Street
Chestertown, MD 21620

RE: Kent Recycling and Land Reclamation, LLC
Developers' Rights and Responsibilities Agreement

Dear Mr. Fithian:

At its August 4, 2011 meeting, the Kent County Planning Commission reviewed the draft Developers' Rights and Responsibilities Agreement in accordance with The Code of Public Local Laws of Kent County, Maryland, Chapter 19-3. After a thorough presentation by Kent Recycling and Land Reclamation, LLC representatives, public input, and lengthy discussion, the Planning Commission voted 6 to 1 to forward the following comments based on all information provided to date.

The Commission acknowledges that the Developers' Rights and Responsibilities Agreement is incomplete and in draft form and would further note that the Commission is bothered that a complete and final document was not presented for review and comment. That being said, the Planning Commission offers the following comments relative to Kent County Comprehensive Plan. These comments are subject to change should the Developers' Rights and Responsibilities Agreement document significantly change.

The Planning Commission finds that the proposed Developers' Rights and Responsibilities Agreement is consistent with the Comprehensive Plan's Economic goals to create well-paying and diverse jobs for County residents. The Commission further finds that, as long as 1) a traffic study is conducted as proposed; 2) the traffic patterns are well-managed, carefully routed, and policed; and 3) the developer is required to pay for road improvements and maintenance as a result of the operation, then the Developers' Rights and Responsibilities Agreement draft is consistent with the Comprehensive Plan's Transportation strategies to analyze traffic impact of proposed development and to develop a safe, convenient, accessible and efficient transportation system. Relative to the Comprehensive Plan's Community Facilities goal to promote recycling and responsible waste management, the Planning Commission finds that intent to offer recycling stations, along with public outreach and education within the community is positive.

The Planning Commission would like to note that the Comprehensive Plan has extremely clear goals and strategies relative to environmental protections and the Commission would like offer the following comments relative to that intent. The Commission continues to have concerns about the long term protection of groundwater and feels that the proposal may deviate from the Comprehensive Plan goal to protect groundwater resources in the county. We feel that the current Kent County Sediment and Erosion Control measures should not be locked in place by this draft Developers' Rights and Responsibilities Agreement. The state has generated a

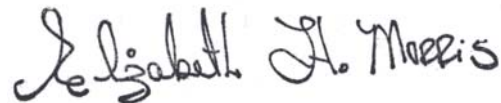
recent draft Sediment and Erosion Control Ordinance which contains more stringent environmental standards. The Commission feels that these pending updates to the current measures should be implemented.

In the same vein, the Commission would like to note that an unusual seam of high quality spec and concrete sand and gravel is located in the vicinity of this proposal. The Comprehensive Plan recognizes the importance of these aggregates to the County's economy as a resource with increasing commercial value. Plans which would undermine the use of these aggregates would deviate from the Comprehensive Plan. The Planning Commission supports the conservation of the mineral resources in this area which should be fully mined and reclaimed in accordance with the intent of the Comprehensive Plan and the prior mining approvals for this site.

The Planning Commission was not able to reach consensus as to whether the project constitutes an incompatible capital project in the Agricultural Zoning District. The Commission would like to note that, while the majority of this property is not located within the Kent County's Priority Preservation Area, a portion of the site is within the PPA which is intended to remain in agriculture.

We appreciate the opportunity to comment upon the Kent Recycling and Land Reclamation's draft Developers' Rights and Responsibilities Agreement and look forward to working with the applicant as the project progresses.

Sincerely,
Kent County Planning Commission

A handwritten signature in black ink that reads "Elizabeth H. Morris". The signature is written in a cursive, flowing style.

Elizabeth H. Morris
Chairman

cc: C. Daniel Saunders