



*Queen
Anne's
County*

DEPARTMENT OF PLANNING & ZONING

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To: Planning Commission
From: Steven Johnson, Senior Planner
Meeting Date: February 13, 2025
File Number: SP #24-05-0126
File Name: Bridgetown Development Company, LLC
(Ingleside Mine – Phase 4)

Owner/Developer: Bridgetown Development Company, LLC
c/o Jim Gawthrop
950 Smile Way
York, PA 17404

Engineer: Lane Engineering, LLC
117 Bay Street
Easton, MD 21601

General Information:

Map / Parcel / Lot: 31 / 37 and 38 / 21 / 1
Parcel Size: P. 37 - 122.853± acres
P. 21, Lot 1 - 182.418± acres
Total - 305.271± acres

Location: 1720 Bridgetown Road, Henderson, MD
Zoning District: Agricultural (AG)

Proposal and Requested Actions:

The applicant is proposing a 19.54-acre expansion of an existing major extraction operation in the Agricultural zoning district.

The applicant is requesting Concept Plan approval and Favorable Recommendation to the Board of Appeals.

Project History:

Phase 1 Concept Plan Submitted: April 13, 2015
Phase 1 STAC Review: April 29, 2015
Phase 1 Planning Commission Hearing: June 11, 2015
Phase 1 Planning Commission Continued: July 9, 2015
Phase 1 Board of Appeals Hearing: December 17, 2015
Amended Hours Concept Plan Submitted: May 29, 2018
Amended Hours Planning Commission Hearing: August 9, 2018
Amended Hours Board of Appeals Hearing: November 2, 2018
Phase 2 Concept Plan Submitted: August 26, 2019
Phase 2 STAC Review: October 9, 2019
Phase 2 Planning Commission Hearing: January 9, 2020
Phase 2 Board of Appeals Hearing: March 18, 2020
Phase 3 Concept Plan Submitted: July 26, 2021

Phase 3 STAC Review:	August 25, 2021
Phase 3 Planning Commission Hearing:	January 13, 2022
✓ Concept Plan Approval	
✓ Favorable Recommendation to the Board of Appeals (BOA)	
Phase 3 Board of Appeals Hearing:	March 30, 2022
BOA-21-07-0095 – Conditional Use:	August 10, 2022
Phase 4 Concept Plan Submitted:	May 7, 2024
Phase 4 STAC Review:	June 20, 2024
Phase 4 Planning Commission Hearing:	February 13, 2025

FACTS AND FINDINGS

- The project site is located within the Agricultural (AG) zoning district. The AG zoning district purpose is:
 - §18:1-14.A.(1): The Agricultural (AG) District is intended to preserve and protect areas of the County that are predominately in agricultural use. The AG District is characterized by agricultural and related uses. A minimal amount of new residential development shall be allowed, provided the rural and agricultural character of the area is preserved.
 - §18:1-14.A.(2): It is intended that in the AG District, there shall be no basis under state law (COMAR §5-4-03) of this Chapter 18:1 for recourse against the effects of any normal farming operations conducted in accordance with standard and acceptable best management practices. Normal agricultural effects include, but are not limited to, noise, odor, vibration, fumes, dust, spray drift, or glare.
- Chapter 18 Appendix A: Glossary
 - *MAJOR EXTRACTION AND DREDGE DISPOSAL USE* - All extraction operations that disturb more than five acres, except extraction associated with aquaculture; dredge disposal uses that disturb more than 10 acres of land; and all nonlateral oil and gas drilling and extraction.
- The applicant is proposing an expansion to an existing major extraction operation in the AG zoning district.
 - Per §18:1-95.E.(2), all applications for a zoning permit for all industrial or agricultural support proposals requiring conditional use approval shall, in addition to what is otherwise required for a conditional use permit, be presented to the Planning Commission during a public hearing. The Board of Appeals shall not render its decision until the Planning Commission recommendations have been received and reviewed.
 - In accordance with §18:1-14.C.(7), major extraction is a conditional use in the AG zoning district.
 - Additional requirements for a major extraction conditional use are under §18:1-95.E.

LEGAL STATUS:

- Mr. William Baum, Zoning Inspector, visited the site in November of 2024 for the annual site inspection of the extraction operation. According to Mr. Baum the operation is in compliance at this time and there are no violations for this property.

EXISTING CONDITIONS:

- Parcel 37 totals 122.853 acres and has an existing pit from an ongoing major extraction mining operation (zoning permit Z16-0154 – active permit).
- Parcel 21 lot 1 totals 182.418 acres and is currently an active agricultural field with a single-family dwelling.

- Within the immediate vicinity of the operation, the closest single-family dwellings to the edge of the subject property are located approximately 717' to the north, 248' to the northwest, 860' to the northeast, 59' to the south, and 695' to the southwest, all on AG zoned property.
- The operation complies with the following mining setbacks:
 - 50 feet from any lot line.
 - 125 feet from any street.
 - 200 feet from any residential district boundary.
- The operation yields topsoil, common borrow, sand, and gravel.
 - Supplementary processes include screening and dewatering.
- The equipment on-site consists of an electric dredge, wash plant, excavators, rubber tire loader, small bulldozer, water truck, and broom tractor.
- The hours of operation are as follows:
 - October 1 to March 31, Monday through Friday full operations permitted from 7:00AM to 5:00PM. Mining operations may continue until 6:00PM (no truck loading).
 - April 1 to September 30, Monday through Friday full operations permitted from 7:00AM to 5:00PM. Mining operations may begin at 5:00AM and continue until 9:00PM (no truck loading).
 - Saturday operations throughout the year, full operations from 7:00AM to 12:00PM. Mining operations may continue until 3:00PM (no truck loading).
 - The facility may open its gates at 6:45AM to allow trucks into the site to avoid stacking/queuing on Bridgetown Road. No loading will occur until 7:00AM.
 - No Sunday operations.
- The applicant executed a public works agreement with the Department of Public Works for future road improvements during Phase 3 approval.
- An existing tax ditch on the south side of the site has been relocated according to Phase 3 approval.

PROJECT DETAILS:

- The applicant is proposing a 19.54-acre expansion of an existing major extraction operation.
- The expanded operation will continue to yield topsoil, common borrow, sand, and gravel.
- The proposed Phase 4 maximum limits of disturbance totals 275.48 acres.
 - Includes the haul road, access roads, parking spaces, material stockpile areas, and landscaping.
- When complete, the pond area will total 221.82 acres.
 - Pond 1A - 25.60 acres
 - Pond 1B - 24.29 acres
 - Pond 2 – 92.49 acres
 - Pond 3 – 79.44 acres
- Non-residential Floor Area (Parcel 37):
 - Maximum permitted (12%) ----- 642,074 square feet
 - Existing (.01%) ----- 653 square feet
 - Proposed ----- 1,609 square feet
 - Total (.04%) ----- 2,262 square feet
- Non-residential Floor Area (Parcel 21 Lot 1)
 - Maximum permitted (12%) ----- 953,528 square feet

- Existing ----- 0 square feet
- Proposed ----- 0 square feet
- Impervious surface area (Parcel 37):
 - Maximum permitted (40%) ----- 49.14 acres
 - Existing (5.03%) ----- 6.18 acres
 - Proposed -----0.04 acres
 - Total (5.06%) ----- 6.22 acres
- Impervious surface area (Parcel 21 Lot 1):
 - Maximum permitted (40%) ----- 72.97 acres
 - Existing (0.3%) -----0.57 acres
 - To be removed (0.2%) -----0.39 acres
 - Proposed -----0.00 acres
 - Total (0.1%) ----- 0.18 acres
- Building height:
 - Maximum permitted ----- 45 feet
 - Equipment, Structures, and Stockpiles ----- < 45 feet
- 16' wide grass access roads are proposed within the expansion area.
- New water and sewer are not being proposed as part of the expansion.
- As indicated on the plans, the expanded operation will continue to comply with the required mining setbacks.
- Properties adjacent to the area of expansion are predominantly associated with agricultural operations and land that is either wooded or tilled.
- Material removal rate:
 - The applicant estimates that 74 trucks bearing an average of 12 cubic yards a day, 6 days a week, 52 weeks a year, equates to an average yearly removal rate of 277,056 cubic yards per year. At this rate, 13,265,090 cubic yards of material will be removed by the time of final grade in 47.88 years.
- The approximate finished depth of the mine will be 50' - 55'.
- The applicant has provided an End Use Plan.
 - The End Use Plan indicates 4 ponds will remain after the mining operation.
 - Locations for two future residences are also provided.
 - Sheet L-104 includes point by point responses by the applicant that address each section of conditional use code as it applies to this proposal.
- The engineer provided a sound study dated October 18, 2024. The study completed by Vibra-Tech concluded that the noise generated by the use will not exceed residential noise daytime limits of 65 dBA or nighttime limits of 55 dBA at the property line as required by state code/COMAR.
- Proposed stormwater management has been reviewed and approved by the Department of Public Works.
- The applicant is not proposing to change the current operating hours.

Parking/Roadways:

- No new parking is required.
- The length of the paved entrance remains sufficient to accommodate the “stacking” of trucks waiting to enter the site such that no trucks will be parked along the public roadway.

- The average number of truck trips will remain at 74 per day.
- Trucks leaving the site will continue to utilize the existing haul route.
 - Bridgetown Road, to Carter Road, to Rt. 19.
- The State Highway Administration has reviewed the proposed expansion and offered no objection to its approval.

Environmental Details:

- The site is not located within the Chesapeake Bay Critical Area.
- The only steep slopes that exist are those that were created by the mining operation.
- The site is not in the 100-year flood plain.
- There are 4.41 acres of woodlands on the site.
 - The applicant is proposing to clear 2.34 acres of woodlands.
 - According to §18:2-4.B.(10), mineral extraction activities are exempt from the Forest Conservation Act.
- There are 1.391 acres of nontidal wetlands and 0.608 acres of nontidal wetlands buffer on-site.
 - The applicant is proposing to disturb 1.391 acres of wetlands and 0.608 acres of wetlands buffer.
 - Authorization from the Maryland Department of the Environment for the disturbance has been provided.
 - Authorization Number 21-NT-2107/202162073 permits “permanent impacts of 60,595 square feet of isolated forested wetlands and 26,491 square feet of 25-foot nontidal wetland buffer.” This authorization expires on July 31, 2028.
- There is a perennial stream and its associated buffer on the site.
 - The applicant is proposing to disturb 19.9 percent (1.86 acres) of the stream buffer by constructing landscaped berms inside the buffer along the eastern and northern sides of the site.
 - This amount of disturbance is permitted under §18:1-63.B, which states that up to 20% of a stream buffer may be disturbed for development activity.
- A letter dated October 30, 2024 from Maryland Department of Natural Resources indicates that this project site falls within the drainage to Long Marsh/Mason Branch, which is known to support several rare, threatened, or endangered aquatic species.
 - Species include the state-listed endangered Ironcolor Shiner (*Notropis chalybaeus*), and the state and federally-listed endangered Dwarf Wedge Mussel (*Alasmidonta heterodon*), and the Creeper (*Strophitus undulatus*), a freshwater mussel species with In Need of Conservation state status in Maryland.
 - These species are vulnerable to the effects of siltation and changes in water quality or hydrology.
 - The applicant must adhere stringently to all appropriate best management practices for sediment and erosion control and avoid altering hydrology in the area.
- The applicant has received authorization from the U.S. Fish & Wildlife Service to disturb bald eagles associated with one nest that is located within the on-site forested wetland that is to be removed.
 - Permit Number PER2758057 defines disturb as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

- The permit does not authorize the intentional take of eagles or eagle nests.
- This authorization expires on March 6, 2027.
- Any change in the proposed project may require the applicant to seek a new authorization from the U.S. Fish & Wildlife Service.
- An existing tax ditch on the north side of the site, adjacent to the proposed expansion, will not be disturbed.

Buffering/Lighting/Signage:

- The applicant will provide a berm that will be 30' wide and 7' tall along the perimeter of the proposed expansion.
 - The berm will be planted with a mix of 4' - 8' Loblolly Pine or White Pine and Eastern Red Cedar trees.
- No new site lighting is proposed.
- No new signage is proposed.
 - Current signage is represented on sheet V-102.

2022 COMPREHENSIVE PLAN:

- Chapter 4: Land Use
 - Map 4-9, Comprehensive Plan Map: Countywide Land Use: Identifies the expansion area as Rural Agriculture Areas.
- Chapter 5: Environmental Resources
 - The State's Land Use Article requires inclusion of a mineral resources element that identifies undeveloped land that should be kept in its undeveloped state until the land can be used to (or assist in) providing a continuous supply of minerals, identifies appropriate post-excitation uses for the land, and incorporates land use policies and recommendations for related regulations. Page 5-22
 - Mineral deposits of sand and gravel found in the County provide opportunities to support local and regional development and infrastructure needs while contributing to the local economy. Page 5-22
 - Map 5-12, Potential Mineral Recovery Areas: Identifies the property as Qu – Upland Deposits (Eastern Shore), gravel, sand, silt, and clay.

CONCLUSION:

No agencies that have reviewed this Concept Plan have offered objections to its approval.

SUGGESTION FOR RESOLUTIONS:

Concept Plan:

RESOLVED, that the Planning Commission, regarding the request by Bridgetown Development Company, LLC for Concept Plan approval for a 19.54-acre expansion of an existing major extraction operation in the Agricultural zoning district, which is more particularly described in Planning & Zoning file SP #24-05-0126, hereby finds:

1. The Concept Plan **IS / IS NOT** consistent with the goals and objectives of the Queen Anne's County 2022 Comprehensive Plan.
2. The Concept Plan **IS / IS NOT** consistent with the Queen Anne's County Zoning & Subdivision Regulations.

(*SELECT ANY OTHER FINDINGS FROM STAFF REPORT*)

... and hereby **GRANTS / DENIES** Concept Plan approval subject to 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. All Soil Conservation District approvals are maintained.
4. The hours of operation will be consistent with the approval of conditional use case number CU-18050016. Any changes require additional approvals.
5. All landscaping required shall be maintained to assure plantings remain alive and healthy during the operation period. The applicant provides a cash deposit, surety bond, or letter of credit for all landscaping.
6. Haul trucks shall adhere to the approved haul route as discussed and presented.
7. Material storage piles cannot exceed 45’ in height.
8. The applicant submits as-built updates to the Board of Appeals and Department of Planning & Zoning yearly on the anniversary of Board of Appeals approval or on a schedule determined by the Board of Appeals.
9. The applicant agrees to an annual inspection.
10. All State permits are in place prior to final permitting by Queen Anne's County.
11. Any legal documents are reviewed and approved by the Planning Commission attorney.
12. Any future mining phases or changes to the end use plan must return to the Planning Commission for a recommendation to the Board of Appeals for an amendment to the conditional use.
13. Any and all financial sureties for reclamation, landscaping, stormwater management, and enforcement, etc., are in place before final permits are granted.
14. There shall be no truck parking on Bridgetown Road. No stacking or parking outside of the gate, no Jake brakes, and no tailgate slamming either on site or on the public road. The applicant shall post a sign with a notice regarding these restrictions.
15. Any requirements by the Queen Anne's County Roads Department must be satisfactorily addressed.
16. To protect aquatic habitat supporting rare, threatened, and endangered species, the applicant must adhere to the protective measures provided by the Maryland Department of Natural Resources.
17. To disturb bald eagles associated with one existing nest, the applicant must comply with the requirements of U.S. Fish & Wildlife Service Permit Number PER2758057.
18. Any outstanding documentation or comments stemming from agency reviews are addressed prior to Board of Appeals submittal.

Recommendation to the Board of Appeals:

RESOLVED, that the Planning Commission, regarding the request by Bridgetown Development Company, LLC for a 19.54-acre expansion of an existing major extraction operation in the Agricultural zoning district, which is more particularly described in Planning & Zoning file SP #24-05-0126, hereby forwards:

...a **FAVORABLE / UNFAVORABLE** Recommendation to the Board of Appeals under Sections 18:1-14.C.(7) and 18:1-95.E.