



County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland

**AGENDA**  
September 1, 2022  
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **547 023 943#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

**MINUTES**

August 4, 2022

**APPLICATIONS FOR REVIEW**

- 22-08 25809a Still Pond Neck, LLC – Major Site Plan (Preliminary) .....PC Decision  
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)
- 22-42 25809a Still Pond Neck, LLC – Special Exception..... Rec to BOA  
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)
- 22-51 Mark Vansant – Variance – Front Yard Setback..... Rec to BOA  
21542 East Sharp Street – Fifth Election District – Critical Area Residential (CAR)
- 22-54 Mary Lou Hurtt – Special Exception – Adaptive Reuse of Historic Structure/Site Plan (Concept)..... Rec to BOA  
32762 Galena Sassafras Road – First Election District – Resource Conservation District (RCD) and Rural Residential (RR)
- 22-55 Andrew and Emily Kaiser – Buffer Variance.....Rec to BOA  
24212 Comegys Bight Lane – Seventh Election District – Resource Conservation District (RCD)

**GENERAL DISCUSSION**

Galena Comprehensive Plan

**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.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

**MINUTES**

August 4, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, August 4, 2022, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, James Saunders, Ray Strong, and President P. Thomas Mason. Cynthia L. McCann, Esq., Planning Commission Attorney was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Campbell Safian, Planning Specialist.

Members of the public in attendance included Latonya Cotton, LCSW-C, Clinical Director, Kenah One Health Care Services; Buck Nickerson, LS, Extreme Measures, LLC; Kevin Shearon, P.E., LEED AP, Principal of DMS & Associates; Fred Lint, property owner (remote); Gayle McCormick, property owner; and Robert Hindman, property owner.

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

**MINUTES**

Chair Hickman moved to accept the minutes of July 7, 2022, without correction. Mr. Ruge seconded the motion. The motion passed with all in favor.

**APPLICATIONS FOR REVIEW**

*#22-41 Kenah One Health Care Services– Special Exception  
25000 Lambs Meadow Road – Third Election District – Village (V)*

Mr. Carper presented the staff report, recommending approval with conditions. The Chair swore in Ms. Latonya Cotton, LCSW-C, Clinical Director of Kenah One Health Care Services.

Ms. Cotton stated that the purpose of the Special Exception application is to grant Kenah One, an assisted living facility, permission to operate as a hospital, rehabilitation facility, or a similar institution for health care.

Chair Hickman asked how many patients the facility can support in its current state. Ms. Cotton declared that the facility can support up to 16 patients at any given time.

Mr. Ruge asked how many employees currently work at the facility. Ms. Cotton stated two employees work on each shift, and there are three shifts in total. Mr. Ruge expressed his concern over the facility's ability to accommodate a wider variety of patients with the present number of employees on staff. Ms. Cotton noted that more employees will be hired to support any increase in patients.

Mr. Ruge inquired about the parking arrangements available on site at the facility. Ms. Cotton described the parking layouts and noted that none of the current resident patients have transportation. If the facility is granted permission to expand its services, the facility will continue to serve resident patients. Ms. Cotton stated that

patients who are not interested in residency at the facility, would be given treatment at 521 Washington Avenue. Parking would be used by staff and visitors.

Mr. Ruge expressed his concern over the lack of a site plan to depict the parking arrangements that are available to support an increased number of patients admitted.

Mr. Saunders made a motion to forward a favorable recommendation to the Board of Appeals, based on the fact that the applicant has been in business for 15 years. The application for a special exception is compatible with Article 7.2 of the Land Use Ordinance. The applicant is allowed a special exception per the county code and the Land Use Ordinance. Mr. Sutton seconded the motion.

Mr. Ruge moved to amend Mr. Saunders motion to forward a favorable recommendation to the Board of Appeals with the condition that the applicant provide a site plan for parking.

The motion to amend was seconded by Mr. Saunders, and the motion to amend passed, 4-1.

The original motion was then passed unanimously, 5-0.

*22-38 Gary Mundrake – Buffer Variance  
4884 Skinners Neck Road – Fifth Election District – Resource Conservation District (RCD)*

Ms. Gerber presented the staff report, recommending approval with conditions. Ms. Gerber read a letter into the record from the Critical Area Commission dated July 29, 2022.

The Chair swore in Buck Nickerson, LS, owner of Extreme Measures, LLC, on behalf of Mr. Mundrake.

Mr. Nickerson presented his case regarding the need for the Buffer Variance. Mr. Nickerson stated that in 2019, the existing cottage was flooded on a regular basis due to its location in the floodplain. Through a renovation, Mr. Mundrake raised the house almost seven feet to be above the base flood elevation and avoid this inconvenience. A buffer variance is requested to add a small deck and set of steps as a second means of ingress and egress to the existing dwelling located almost entirely within the 100-foot buffer.

Mr. Ruge made a motion to forward a favorable recommendation to the Board of Appeals finding that the project is in harmony with the intent of the Critical Area Law. The granting of the buffer variance will not adversely impact water quality and wildlife habitats. The applicant's hardship is not shared by other properties, and there is no detriment to adjacent properties. The character of the zoning district will not be changed by the granting of the variance. It is recommended that a Buffer Mitigation Plan be submitted with replanting at a rate of 3:1 mitigation for disturbance within the buffer. The Critical Area Commission did not oppose this application.

The motion was seconded by Mr. Strong, and the motion passed unanimously, 5-0.

*22-47 Fred and Linda Lint – Buffer Variance and Side Setback Variance  
13910 Swantown Creek Road – First Election District – Critical Area Residential (CAR)*

Mr. Carper presented the staff report, recommending approval with conditions. Mr. Carper read a letter into the record from the Critical Area Commission.

The Chair swore in Mr. Fred Lint, property owner. Mr. Lint presented his case regarding the need for the buffer variance and side setback variance.

Chair Hickman asked for confirmation that the reason for the variance request was to provide safer access to the applicant's home. Mr. Lint confirmed that a covering for the existing deck will provide protection against the weather.

Chair Hickman expressed his concerns over possibly creating a precedent for future applications from property owners who live in the Critical Area to be granted buffer variances. Chair Hickman further explained that a practical difficulty worthy of a variance approval cannot solely be based on the applicant's justification that their house was constructed before the Critical Area Law was adopted, and the applicant wishes to construct a residential addition. Chair Hickman reiterated that the current applicant's residential additions of a garage and deck covering will create safer access points to the house.

Mr. Saunders spoke in agreement when stating that the additions will allow the entrance to the residence to be easier as the homeowners grow in age.

Mr. Strong made a motion to forward a favorable recommendation to the Board of Appeals contingent on the following conditions: buffer mitigation planting at 1:1 for temporary disturbance and at 3:1 for permanent disturbance. The variances will lapse after the expiration of one year if no substantial construction in accordance with the plans occurs. Granting of the variance will not adversely affect adjacent properties or change the character of the neighborhood. The application is consistent with the Comprehensive Plan's goal of providing a wide range of housing solutions to meet the needs of residents. The application is in harmony with the Critical Area Law and will not adversely affect fish, wildlife or plant habitat. The Critical Area Commission does not oppose this application. The practical difficulty was caused by the unusual shape of the property. The original placement of the home was prior to the establishment of the Critical Area Law. Mr. Strong also adopted the findings of the staff report by reference.

Mr. Saunders seconded the motion, and the motion passed unanimously, 5-0.

*22-39 Robert L. Hindman – Slope Variance  
Belchester Road, Map 6, Parcel 109 – Second Election District – Critical Area Residential (CAR)*

Mr. Carper presented the staff report, recommending approval with conditions. Mr. Carper read a letter into the record from the Critical Area Commission.

The Chair swore in Mr. Robert Hindman and Mr. Kevin Shearon, P.E., LEED AP, Principal of DMS & Associates. Mr. Shearon presented his case regarding the need for the slope variance. Mr. Shearon stated that the site plan for the proposed driveway was designed specifically to create the least amount of disturbance to steep slopes.



Chair Hickman concurred that the applicant has taken steps by design, to limit the amount of disturbance to steep slopes. Secondly, the proposed construction plan will reduce the potential for erosion.

Chair Hickman made a motion to forward a favorable recommendation to the Board of Appeals finding that the project limits the disturbance of the Critical Area. Granting of the variance will not change the character of the neighborhood or cause detriment to the neighbors. The practical difficulty is that in order to build on this lot, the driveway will have to cross steep slopes. The applicant has minimized the disturbance to steep slopes in their design. Additionally, the Critical Area Commission did not oppose this application. If a variance is not approved, it would produce an unwarranted hardship and deprive the owner use of this buildable lot. The construction activities have the potential to improve erosion. This recommendation to the Board of Appeals includes the staff recommendation of plantings at a 3:1 mitigation rate for disturbance of the steep slopes.

Mr. Strong seconded the motion, and the motion passed unanimously, 5-0.

*22-47 Matthew and Gayle McCormick – Slope Variance*

*Walnut Valley Court, Map 11, Parcel 52, Lot 6 – Third Election District – Critical Area Residential (CAR)*

Ms. Gerber presented the staff report, recommending approval with conditions. Ms. Gerber read a letter into the record from the Critical Area Commission dated August 4, 2022.

The Chair swore in Ms. Gayle McCormick, property owner, and Mr. Kevin Shearon, P.E., LEED AP, Principal of DMS & Associates. Mr. Shearon presented his case regarding the need for the slope variance. Mr. Shearon stated the waterfront property's 100-foot buffer had to be expanded because of the steep slopes. More than half of the property is consumed by the expanded buffer. A small strip of land is available to position the house and driveway. A variance is requested to allow development of a new dwelling on a parcel with steep slopes.

Chair Hickman noted that the applicant has minimized the disturbance to this steep sloped lot. The mitigation plan required should improve the Critical Area and the buffer.

Mr. Ruge asked about the impact of using the septic reserve. Mr. Shearon stated half of the septic area would be used and half would be reserved.

Chair Hickman made a motion to forward a favorable recommendation to the Board of Appeals for the applicant's slope variance per the findings of fact that Mr. Shearon and staff presented. The application is consistent with the Comprehensive Plan and development will not cause substantial detriment to the neighborhood. Granting of a variance will not affect the character of neighborhood. The practical difficulty is the steep sloped topography of the lot in the Critical Area. Construction will not affect fish and wildlife habits. If the variance is denied, it would result in an unwarranted hardship for the applicant. The Critical Area Commission did not oppose this application.. As per the Critical Area Commission's and staff's recommendations, the motion recommends mitigation of 3:1 for disturbance of the steep slopes and 1:1 for clearing outside of the steep slopes in the form of Native Maryland tree and understory plantings.

Mr. Ruge seconded the motion, and the motion passed unanimously, 5-0.

## GENERAL DISCUSSION

Ms. Gerber reported on the 2021 Annual Report which must be sent to the Maryland Department of Planning every year at this time. The County issued 34 new Residential Permits in the 2021 calendar year.

Mr. Sutton made a motion to adopt the annual report. Mr. Strong seconded the motion, and the motion passed unanimously, 5-0.

## STAFF REPORTS

Mr. Mackey introduced Campbell Safian to the Planning Commission, noting his Task Force minute-crafting skills.

Mr. Safian greeted everyone and expressed that he is looking forward to working with the Planning Commission.

Mr. Mackey reported on the upcoming schedule for the Comprehensive Rezoning Update Task Force with the next meeting planned on September 28, 2022. The goal is to work through the consultants' products by end of year.

Ms. McCann reported that that Forest Conservation agreement revisions were presented to the Board of County Commissioners and were approved for use.

## ADJOURN

Chair Hickman moved to adjourn. Mr. Strong seconded. The meeting adjourned at approximately 3:15 pm.

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Francis J. Hickman, Chair

/s/ Campbell Safian  
Campbell Safian, Planning Specialist



TO: Kent County Board of Appeals  
FROM: Mark Carper, Associate Planner  
MEETING: September 1, 2022  
SUBJECT: 25809a Still Pond Neck, LLC  
Preliminary Site Plan – Utility-Scale Solar in the AZD

## Executive Summary

### REQUEST BY APPLICANT

The applicant, 25809a Still Pond Neck, LLC, is requesting a preliminary site plan approval to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District, and it has been assigned the street address of 26001 Still Pond Neck Road. Concept site plan review occurred at the April 2022 meeting. Minor revisions were made in response to a zoning text amendment approved on August 2, 2022.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

### 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 THE STAFF REPORT

The intent of site plan reviews is 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. The applicant has addressed all objectives for a major site plan and the countywide standards for utility-scale solar energy systems.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission approves the preliminary site plan. Prior to final site plan approval, the following items must be addressed:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Approval of a stormwater management plan.

## PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals  
 SUBJECT: 25809a Still Pond Neck, LLC  
 Site Plan Review - Preliminary – Utility-Scale Solar in the AZD  
 DATE: August 26, 2022

**DESCRIPTION OF PROPOSAL**

The applicant, 25809a Still Pond Neck, LLC, is requesting preliminary site plan review to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District, and it has been assigned the street address of 26001 Still Pond Neck Road.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

**HISTORY**

The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022. On first application for a special exception, the Planning Commission sent a favorable recommendation to the Board of Appeals for approval, requesting that the solar panel array and accompanying landscape buffer be set further back from the road.

**RELEVANT ISSUES**

## I. Uses

- A. *Comprehensive Plan*:
  - Retain the Agricultural Zoning District
- B. *Applicable Laws*: Article V, Section 1.3.26.5 of the Kent County *Land Use Ordinance* permits solar energy systems, utility-scale, on farms in the Agricultural Zoning District
- C. *Staff Comment*: The applicant has submitted an application for a special exception for utility-scale solar energy system in the AZD.

## II. Site Plan Review

- A. *Applicable Laws*: Article VI, Special Provisions, Section 5.2, General Requirements, establishes that special exceptions require a Major Site Plan Review, to include Concept Plan, Preliminary, and Final Plan.

These procedures are to protect the health, safety, convenience, and general welfare of the inhabitants of the County. Site plan review regulates the development of structures and sites in a

manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- b. The convenience and safety of vehicular and pedestrian movements within the site, and in relation to adjacent areas or roads;
- c. The adequacy of disposal methods and protection from pollution of surface or groundwater;
- d. The protection of historic, natural, and environmental features on the site under review, and in adjacent areas.

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.

Article VI, Special Provisions, Section 5.3.B.10-11 establishes that the Planning Commission will review the project's compliance with the Land Use Ordinance, Village Master Plan, and Comprehensive Plan, and its feasibility, design, and environmental characteristics based on a specific site plan that complies with the requirements for a preliminary plan. At this stage, the applicant must demonstrate adequate provisions for ... stormwater management and Forest Conservation Plans.

The *Planning Commission* may approve, approve with conditions, or disapprove the preliminary *site plan*. Conditional approval of the preliminary plan shall include a complete list and clear explanation of all conditions. Denial of the preliminary plan shall include a listing of reasons for

denial. If the *Planning Commission* determines that more information is required for a decision to be made on the proposal, the *Planning Commission* may table its consideration of the plan.

B. *Staff Comments:*

- The proposal will not adversely affect traffic patterns or create traffic hazards.
- There are no historic structures on this site or within view of this site, and no vegetation is to be removed and a forest stand delineation is proposed.
- The proposal is consistent with the Comprehensive Plan as it will provide zero emissions solar generating facilities to which DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings on electricity.
- The proposal is consistent with the general intent and the use, design, and environmental standards found in the Land Use Ordinance. The project must acquire all County, state, and federal permits and licenses.
- Internal traffic will be minimal and will be restricted to maintenance of equipment and landscaping.
- Demands on public services and infrastructure will be reasonable.
- No sewage or refuse disposal activities are proposed.
- Noise will be very limited and inaudible off site. No smoke, fumes, dust, or odors will be created. The angle and solar tracking of panels will limit glare, and existing landscape and vegetation and the proposed peripheral landscaping buffer will mitigate for all glare. A stormwater management plan has been submitted.
- No existing vegetation is to be removed. A forest stand delineation is proposed, and a 60-foot-wide landscape buffer will surround the fenced in solar array.
- All elements of the solar energy collection system and its associated landscape buffer will be 200 feet from any property line.

### III. Countywide Standards for Utility-Scale Solar Energy Systems

A. *Applicable Law:* Article VI, Special Provisions, Section 11, details the requirements for setbacks, installation and maintenance standards, landscaping and irrigation requirements, and sureties.

B. *Staff Comments:*

- The proposed setback for the area of use and the associated landscape buffer is the required 200 feet from any lot line.
- Wiring will be underground except to connect to the public utility.
- The solar array shall be enclosed in a fence that will remain securely locked.
- The solar array will generate little to minimal noise.
- The solar arrays shall conform to all local, state, and national laws.
- A glare assessment has been submitted, indicating that terrain, natural vegetation, and the required buffer will mitigate glare to roads and observation points.
- A 60-foot-wide landscape buffer plan has been submitted and adheres to the requirements for size, species variety, and arrangement. In order to maintain natural drainage, the applicant is requesting waiver from the requirement for a berm and the landscape plan meets the required heights and arrangement of plants.
- Irrigation is proposed to be by water tank truck and will be the responsibility of the contractor, who will be required to thoroughly water twice during the first 24-hour period after planting and then weekly or more often, if necessary, during the first growing season, unless the owner agrees to maintain and water.
- Sureties must be provided before final site plan approval.

- A glare assessment was submitted, indicating that of ten observation points with potential for glare, only one was within a range that can cause temporary visual impairment in the form of an after-image (yellow glare). Due to the minimal slopes at the project site, the landscape screening buffer will effectively mitigate visibility of the array and any glare to this observation point and others and nearby roads. The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The solar collection system will be incidental to use of the farm, and it will not adversely impact adjacent properties.
- The area of use, defined as the collection of solar panels and associated equipment to be enclosed in perimeter fencing, will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- No tree removal is proposed, and a forest stand delineation has been submitted.
- A visibility assessment has been provided, indicating that proposed buffer will successfully mitigate visibility from all of the observation points and the roads. Visibility is already mitigated by existing terrain, vegetation, and/or structures to 7 of the 10 observation points. The applicant will need to demonstrate that the proposed energy system will not interfere with the view of, or from, sites of significant public interest.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approves the preliminary site plan. Final approval will be contingent upon:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Approval of a stormwater management plan.



Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: Amount Paid: Date:

Project Name:

District: Third Map: 12 Parcel: 98 Lot Size: 85 ac. Deed Ref: 424/ 342 Zoning: AZD

LOCATION: 26001 Still Pond Neck Road, Still Pond, MD 21667

PROPOSED USE: Utility Scale Solar Energy System

OWNER OF LAND:

Name: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130

Address: 267 Riverview Road, Peach Bottom, PA 17563 Email: sell3130@gmail.com

APPLICANT:

Name: 26001 Still Pond Neck, LLC Telephone: (410) 803-6244

Address: 6865 Deerpath Rd. Suite 330 Elkridge, MD 21075 Email: cory.mccandless@sgc-power.com

AGENT/ATTORNEY (if any):

Name: Telephone:

Address: Email:

REGISTERED ENGINEER OR SURVEYOR:

Name: Becker Morgan Group, Inc. Telephone: 410-546-9100

Address: 312 West Main Street Email: thastings@beckermorgan.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: cory.mccandless@sgc-power.com

Water Supply: Public System On lot system N/A

Sewerage: Public System On lot system N/A

TELEPHONE SERVICED BY: N/A

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: Mike Sloan - Managing Partner Date: 06/29/2022

Signature of Applicant Date

Concept Plan Approving Authority: Date

Preliminary Approving Authority: Date

Final Approving Authority: Date

TO: Kent County Board of Appeals  
FROM: Mark Carper, Associate Planner  
MEETING: September 1, 2022  
SUBJECT: 25809a Still Pond Neck, LLC  
Special Exception – Utility-Scale Solar in the AZD

## Executive Summary

### REQUEST BY APPLICANT

The applicant, 25809a Still Pond Neck, LLC, is requesting a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District, and it has been assigned the street address of 26001 Still Pond Neck Road. The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. Assessments for glare and visibility indicate that the proposed solar array would be unnoticeable and would not reflect glare on adjacent properties or roadways. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

### PUBLIC PROCESS

Per Maryland State Law and Article VII, Section 6.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for special exceptions.

### SUMMARY OF THE STAFF REPORT

The intent of the special exception provisions is to provide for certain uses, which because of their unique characteristics, cannot be distinctly listed as a permitted use in a particular District. The Board of Appeals must consider the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

The applicant has addressed all specific and general performance standards and has outlined its proposed uses onsite. The proposed use meets the standards and requirements for a special exception for a utility-scale solar energy system in the AZD.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a favorable recommendation to the Board of Appeals in granting the special exception with the following conditions:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.
- The special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

## PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals  
 SUBJECT: 25809a Still Pond Neck, LLC  
 Special Exception – Utility-Scale Solar in the AZD  
 DATE: August 25, 2022

**DESCRIPTION OF PROPOSAL**

The applicant, 25809a Still Pond Neck, LLC, is requesting a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District, and it has been assigned the street address of 26001 Still Pond Neck Road.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

**HISTORY**

The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022. On first application for a special exception, the Planning Commission sent a favorable recommendation to the Board of Appeals for approval.

**RELEVANT ISSUES**

## I. Special Exception – Specific Standards for Utility-Scale Solar Energy Systems on Farms in AZD and RCD

A. *Comprehensive Plan:*

- Retain the Agricultural Zoning District

B. *Applicable Law:*

Article VI, Section 7.57.25 of the Kent County *Land Use Ordinance* grants the Board of Appeals the authority to grant a special exception for solar energy systems, utility scale, on farms in the AZD and RCD provided:

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 38 feet in height.
- e. The solar collection system shall be incidental to the use of the farm.
- f. Installation of the solar collection system shall not adversely impact adjacent properties.

- g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.
- h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- j. The area of solar panel arrays may not exceed 5 acres. The area of the solar panel arrays shall be measured as the area within solar panel arrays' security fence. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. In AZD, only the five-acre maximum area of solar panel arrays, as measured in subsection j., is considered *development* and counted toward the maximum percentage of the property in lots.
- l. Tree removal shall be minimized and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

C. *Staff Comments:*

- A glare assessment was submitted, indicating that of ten observation points with potential for glare, only one was within a range that can cause temporary visual impairment in the form of an after-image (yellow glare). Due to the minimal slopes at the project site, the landscape screening buffer will effectively mitigate visibility of the array and any glare to this observation point and others and nearby roads. The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The solar collection system will be incidental to use of the farm, and it will not adversely impact adjacent properties.
- The area of use, defined as the collection of solar panels and associated equipment to be enclosed in perimeter fencing, will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- No tree removal is proposed, and a forest stand delineation has been submitted.
- A visibility assessment has been provided, indicating that proposed buffer will successfully mitigate visibility from all of the observation points and the roads. Visibility is already mitigated by existing terrain, vegetation, and/or structures to 7 of the 10 observation points. The applicant will need to demonstrate that the proposed energy system will not interfere with the view of, or from, sites of significant public interest.

II. Special Exception – General Standards

A. *Comprehensive Plan:*

- "Quality of Life and Sustainability: A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment." (page 3)

B. *Applicable Laws:*

Article V, Section 1.3.26.5 of the *Kent County Land Use Ordinance* establishes that solar energy systems, utility scale on farms, may be granted as a special exception in the Agricultural Zoning District (AZD).

Article VII, Section 2 of the *Kent County Land Use Ordinance* establishes the following standards for consideration of special exceptions:

The Board shall make findings on the following where appropriate:

1. The nature of the proposed *site*, including its size and shape and the proposed size, shape, and arrangement of *structures*;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, *houses of worship*, schools, public *structures*, and other places of public gathering;
5. The impact of the *development* or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant *natural features* and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
10. The most appropriate use of land and *structure*;
11. Conservation of property values;
12. The proposed *development's* impact on water quality;
13. Impact on fish, wildlife and *plant habitat*;
14. Consistency with the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the *Critical Area Program*; and
16. Compatibility with existing and planned land use as described in the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan.

C. *Staff Comments:*

- The entrance of this project is Still Pond Neck Road, which is a gateway road into the Village of Coleman, and, as such, a vegetated buffer of 60 feet around the perimeter of the site area has been proposed as required.
- Traffic patterns will not be affected.
- The surrounding area of the proposed site is predominantly farmland and woodland. The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted for the 19.4 acres of existing forest.
- Two residential properties are adjacent to the farm on the eastern side, and the Village of Coleman is approximately a half mile to the west. Landscape screening surrounding the energy system is planned as to the specifications of the Land Use Ordinance.
- There will be no impact on community facilities and services.
- The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- The proposed use of the structures and property should not have a negative impact on property values.
- The proposed use will not have a negative impact on water quality or negative impact on fish, wildlife, or plant habitat.

- The proposal is consistent with the Comprehensive Plan as it will provide zero emissions solar generating facilities to which DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings on electricity.
- The proposal is consistent with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.

**STAFF RECOMMENDATION:**

Staff recommends granting the special exception with the following conditions:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.
- The special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant))

26001 Still Pond Neck, LLC
6865 Deerpath Road Suite 330
Elkridge, MD 21075
Email: cory.mccandless@sgc-power.com

For Office Use Only:
Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

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: cory.mccandless@sgc-power.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1 Part 8 Section 11

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 26001 Still Pond Neck Road Corner of Still Pond Neck Road and Still Pond Road

In the Third Election District of Kent County.

Size of lot or parcel of Land: 85 acres
Map: 12 Parcel: 98 Lot #: N/A Deed Ref: 424/ 342

List buildings already on property: N/A

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Agricultural Zoning District (AZD)

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) N/A

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130



If Applicant is not owner, please indicate your interest in this property: 26001 Still Pond, LLC has entered into an  
land-lease agreement with the landowners for a 1 MW AC solar energy array.

Has property involved ever been subject to a previous application? N/A

If so, please give Application Number and Date: N/A

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**

List all property measurements and dimensions of any buildings already on the property.

**Put distances between present buildings or proposed buildings and property lines.**

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: Thomas Simmons, Jr.  
26004 Still Pond Neck Road, Still Pond MD, 21667


Owner(s) on the South: Nancy Miller  
26050 Bessicks Corner Road, Still Pond, MD 21667

Owner(s) to the East: Robert & Jean Payne  
25809 Still Pond Neck Road, Still Pond, MD 21667

Owner(s) to the West: Cannery Road Farm, LLC  
5376 Easter Neck Road, Rock Hall, MD 21661

Homeowners Association, name and address, if applicable: N/A

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

 06/29/2022  
Signature of Owner/Applicant/Agent or Attorney Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**

# PROJECT NARRATIVE

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26001 Still Pond Neck Road-Solar  
Project Number: 2022004.00  
Date: April 27, 2022

Becker Morgan Group, Inc.

312 West Main Street  
Suite 300  
Salisbury, Maryland 21801  
410-546-9100

BECKER  
MORGAN  
GROUP

ARCHITECTURE  
ENGINEERING

## 1.0 GENERAL SITE INFORMATION

**PROJECT NAME:** Still Pond Neck Road - Solar

**PROJECT LOCATION:**  
Address: Still Pond Neck Road  
City, State, Zip: Still Pond, Maryland 21667  
County: Kent  
Nearest Intersection: Still Pond Neck Road and Still Pond Road  
Primary Street: Still Pond Neck Road  
Secondary Street: Still Pond Road

**PARCEL NUMBER(s):** 98

**DEED(S):** 424/ 342

**PLAT(S)** None Available

**JURISDICTION:** Kent County

**DATE PREPARED:** March 31, 2022

**PREPARED BY:** Becker Morgan Group, Inc.  
Address: 312 West Main Street, Suite 300  
City, State, Zip: Salisbury, Maryland 21801  
Contact Person: Edward (Ted) Hastings  
Phone: 410-546-9100  
Email: thastings@beckermorgan.com

**LANDOWNER:** Raymond & Joyce Stoltzfus  
Address: 267 Riverview Road  
City, State, Zip: Peach Bottom, Pennsylvania 17563-9717  
Contact Person: Raymond Stoltzfus  
email: sell3130@gmail.com

**DEVELOPER:** 25809A Still Pond Neck, LLC  
Address: 6865 Deerpath Road, Suite 330  
City, State, Zip: Elkridge, Maryland 21075  
Contact Person: Cory McCandless  
Phone: 410-779-9377 ext. 608

**PROPOSED BUILDING AREA:** N/A

**LOT SIZE:** 85.00 acres

**TYPE OF PROJECT:** Solar



## 2.0 EXISTING SITE CONDITIONS:

- Total Site 85.00 acres±
- Wooded 19.35 acres±
- Agricultural Use 65.65 acres±
- Impervious 1,035 sq.ft.±
- Hydraulic Soils Rating B & C Soils (proposed array entirely in C Soils)
- FEMA 24019C0215E
- Flood Zone Determination Zone X – Areas outside the 0.2% annual chance flood
- Existing Zoning AZD – Agricultural Zoning District
- Adjacent Zoning
  - North AZD – Agricultural Zoning District
  - South AZD – Agricultural Zoning District
  - East AZD – Agricultural Zoning District
  - West AZD – Agricultural Zoning District
- Environmental Concerns: None Known
- Road Frontage(s) Still Pond Neck Road and Still Pond Road
- Site Access Still Pond Neck Road
- State Wetlands One small area onsite not within the project area.  
Source: MD Merlin Online
- Streams Yes. Not within the project area.
- Stream Buffer Yes. 100' buffer not within the project area.
- Water N/A
- Sewer N/A
- Natural Gas N/A
- Electric Delmarva Power
- Communications N/A

### SYNOPSIS

The existing site is predominantly an active farm field with 19.35-acre wooded area located on the southernly portion of the parcel along a well-defined gully. A blue line stream, as shown on MD Merlin, is located on the west side of the site approximately 970 feet from Still Pond Neck Road. A 100-foot buffer is shown as stream protection. An approximate 495-foot compacted dirt access road is located off Still Pond Neck Road, that leads to a 1,035 sq.ft. concrete pad and a few scattered trees. What

appears to be an abandoned irrigation well is located on the east side of the existing compacted dirt road, approximately 525 feet from Still Pond Neck Road.

### 3.0 PROPOSED SITE CONDITIONS:

The site is to be the location for a 1 MW Solar Array. The array footprint will be a maximum of five acres in size inclusive of the fencing encompassing the entire array. The site is in conformance with the following requirements as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS:

- 200 feet from any lot line
- 200 feet from any road and/or right-of way
- 200 feet from any road / right-of-way within ½ mile of a town or village boundary that is the gateway into a town or village
- 200 feet from any residential use or zoning district
- 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:
  - Secure the facility at all times to prevent unauthorized persons or vehicles from gaining access.
  - All access gates will provide a sign that identifies the responsible parties or owners with current contact information.
- Landscaping will be provided as follows:
  - Still Pond Neck Road has been established as gateway to Still Pond, Maryland, per the TAC meeting held on March 9, 2022, therefore a 60-foot-wide landscaped buffer will be provided on all sides of the array.
  - We are respectfully requesting a waiver for the 3-foot-tall berm to protect and maintain the existing drainage patterns of the site. The conditions for elimination of the berm as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS will be met and shown in a landscaping plan, as designed by a licensed Landscape Architect.
- The Forest Conservation requirements will be met by on-site conservation. A Forest Stand Delineation has been submitted to Kent County for review.
- Stormwater management will be met by utilizing non-structural practices and by following MDE Stormwater Design Guidance for Solar Panel Installations. A Concept Stormwater Report has been submitted to Kent County for review.
- The limits of disturbance for the site does not contain any wetlands, wetland buffers, streams, and stream buffers.

- Installation and maintenance will follow the Solar Standards, as stated in Section 11.
- Noise levels produced will be below the 45 dBAs threshold, as measured at the property line.

#### COMPLIANCE WITH KENT COUNTY ARTICLE VII, SECTION 7.57.25

- A single axis tracking system is being proposed for this site. The panels will remain perpendicular to the sun, therefore eliminating glare to any surrounding properties and roadways.
- Screening is being provided on all sides of the array in accordance with Section 11. View of the array will be completely obscured by both landscaping and fencing.
- The array will not exceed 38 feet in height.
- The array is situated so that the rest of the land can continue to be utilized for agricultural use.
- The installation for the system will take place entirely on the parcel it is to be located with only one access off of Still Pond Neck Road.
- The area within the fencing is no larger than the 5-acre.
- Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- No trees are to be removed as part of the project.
- The site is located outside the Critical Areas.

#### COMPLIANCE WITH KENT COUNTY COMPREHENSIVE PLAN

The project has taken into consideration Maryland's Twelve Planning Visions, as stated in the Kent County Comprehensive Plan and are as follows:

- Quality of Life and Sustainability: The use of solar energy generating facilities help protect the environment by creating emission free energy source that does not impact the environment.
- Public Participation: SGC Power sent a letter to the adjoining property owners explaining the project and that DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings up to 10% on their electric bill.
- Growth Areas: Not applicable to this project.
- Community Design: Not applicable to this project.
- Infrastructure: This additional electric infrastructure will allow residents to subscribe to the solar program to decrease their current electric bill.
- Transportation: Not applicable to this project.
- Housing: Not applicable to this project.
- Economic Development: Not applicable to this project.

- **Environmental Protection:** Though this project will utilize existing farmland, once the life cycle of the solar array is completed, the site will be decommissioned and returned to the existing conditions. The site could be returned to agricultural use after the removal of the system.
- **Resource Conservation:** A portion of the site will be put into a forest conservation area as a result of this project.
- **Stewardship:** The Community Solar provides the community with an opportunity to reduce their electric bill while protecting the natural resources since the site can be returned to agricultural use once the site has been decommissioned.
- **Implementation:** This site is in line with the State of Maryland goal of 50% of the State's energy coming from renewable sources by the year 2030.

#### SCHEDULE (PRELIMINARY)

Approval from all Agencies	February 2023
Obtain Permits	March 2023 – June 2023
Notice to Proceed	September 2023
Start Construction	December 2023
End Construction	May 2024

Note: These dates are estimated and may vary dependent on availability of materials and contractors.





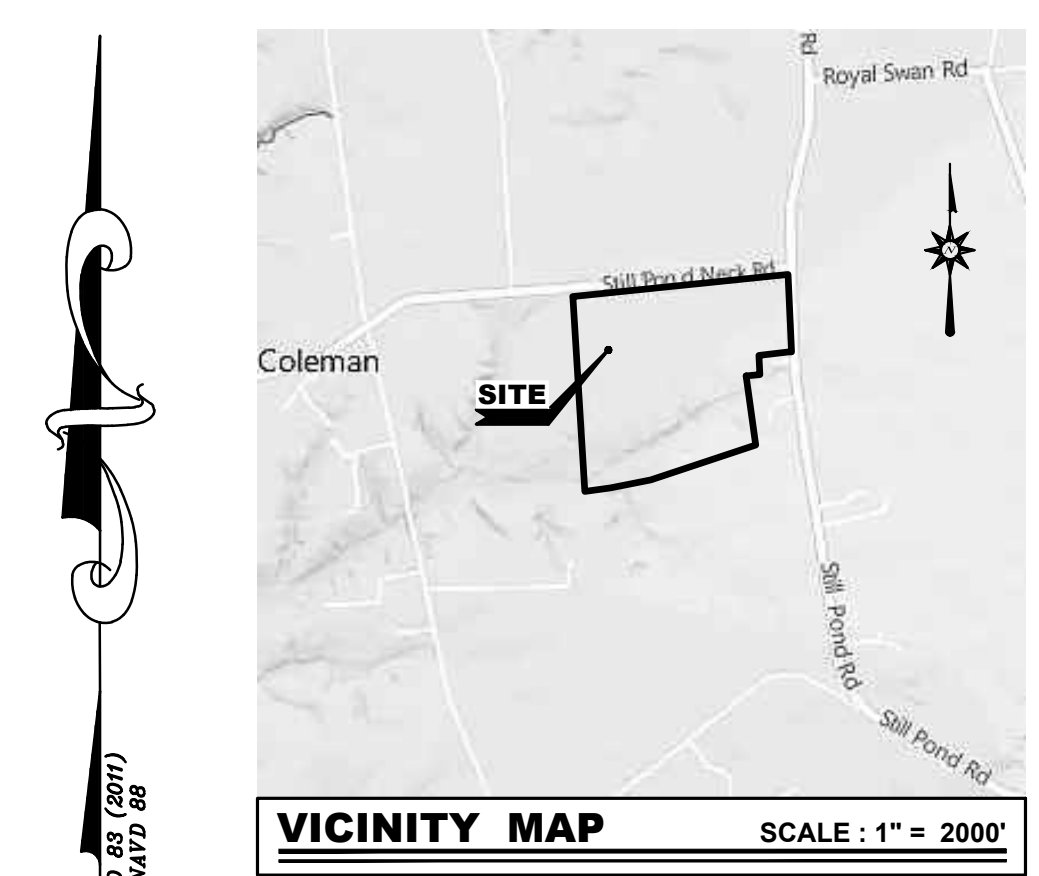
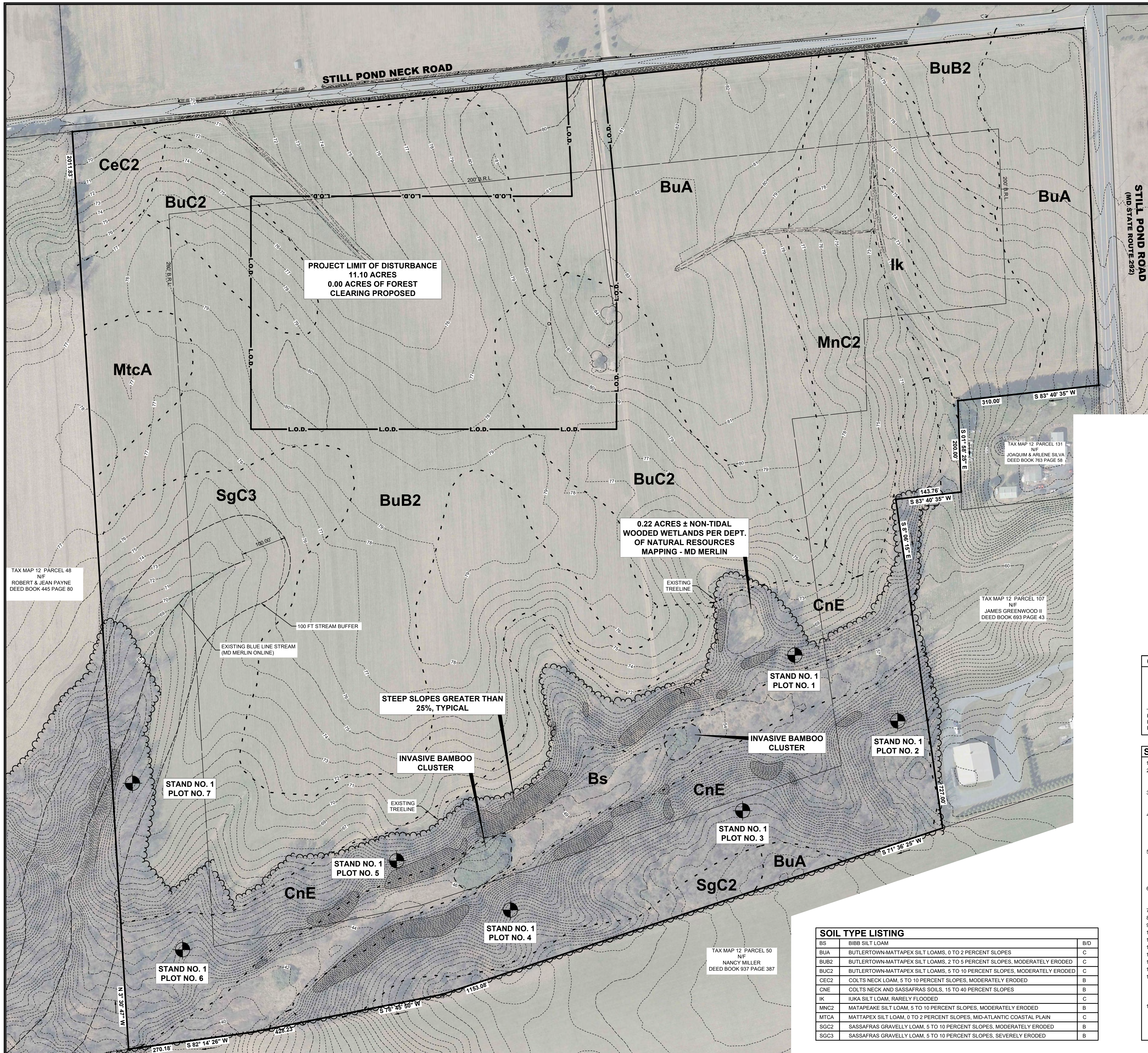












**Forest Conservation Worksheet 2.2**

Net Tract Area						
A.	Total Tract Area				A = 11.10	
B.	Deductions				B = 0.00	
C.	Net Tract Area				C = 11.10	
Land Use Category						
Input the number "1" under the appropriate land use zoning, and limit to only one entry						
	ARA	MDR	IDA	HDR	MPD	CIA
	1	0	0	0	0	0
D.	Afforestation Threshold ( Net Tract Area x 20% )					D = 2.22
E.	Conservation Threshold ( Net Tract Area x 50% )					E = 5.55
Existing Forest Cover						
F.	Existing Forest Cover within the Net Tract Area					F = 0.00
G.	Area of Forest Above Conservation Threshold					G = 0.00
Break Even Point						
H.	Break Even Point					H = 0.00
I.	Forest Clearing Permitted Without Mitigation					I = 0.00
Proposed Forest Clearing						
J.	Total Area of Forest to be Cleared					J = 0.00
K.	Total Area of Forest to be Retained					K = 0.00
Planting Requirements						
L.	Reforestation for Clearing Above the Conservation Threshold					L = 0.00
M.	Reforestation for Clearing Below the Conservation Threshold					M = 0.00
N.	Credit for Retention above the Conservation Threshold					N = 0.00
P.	Total Reforestation Required					P = 0.00
Q.	Total Afforestation Required					Q = 2.22
R.	Total Planting Requirement					R = 2.22

FOREST AREA TO BE ADDRESSED VIA ON-SITE EASEMENT UPON APPROVAL OF FOREST STAND DELINEATION

**FOREST CONSERVATION SITE NOTES**

- TOTAL PARCEL AREA: 85.00 ACRES ±
- EXISTING FORESTED AREA: 19.40 ACRES ±
- AREA IN 100-YEAR FLOODPLAIN: 00.00 ACRES ±
- AREA OF NON TIDAL WETLANDS: 00.22 ACRES ± (ALL WOODED)
- STEEP SLOPES (GREATER THAN 25%): 01.38 ACRES ±
- WATERSHED: STILLPOND - FAIRLEE

**QUALIFIED PROFESSIONAL CERTIFICATION**

*Kevin W. Parsons* 02/21/2022  
 KEVIN W. PARSONS, PROF. LAND SURVEYOR  
 FOREST CONSERVATION QUALIFIED PROFESSIONAL  
 BECKER MORGAN GROUP, INC. DATE

**SITE INFORMATION**

- SITE NAME: MDL-118 - STILL POND NECK ROAD SOLAR
- SITE ADDRESS: 26001 STILL POND NECK ROAD (SOUTHWEST CORNER OF STILL POND NECK RD. AND STILL POND RD.) WORTON, MD 21667
- SITE OWNER: RAYMOND & JOYCE STOLTZFUS, 267 RIVERVIEW ROAD, PEACH BOTTOM, PA 17563-9717
- DEVELOPER: 25809 STILL POND NECK, LLC, C/O CORY MCCANDLESS, 6865 DEERPATH ROAD, SUITE 330, ELK RIDGE, MD 21075, 410-779-9377
- ENGINEER: BECKER MORGAN GROUP, INC., C/O TED HASTINGS, 312 WEST MAIN STREET, SUITE 300, SALISBURY, MD 21801, 410-546-9100
- GEOGRAPHIC COORDINATES: LATITUDE: 39°20'31.36"N, LONGITUDE: 76°43'59"W
- TAX MAP: 12
- PARCEL: 98
- DEED BOOK/PAGE: 424/342
- PARCEL AREA: 85 ACRES ±
- LEASE AREA: 8.05 ACRES ±
- AREA OF USE: 5.00 ACRES
- LIMIT OF DISTURBANCE: 9.10 ACRES ±
- JURISDICTION: KENT COUNTY
- ZONE: AGRICULTURAL ZONING DISTRICT (AZD)
- MINIMUM YARD AND SETBACK REQUIREMENTS FOR UTILITY SCALE SOLAR IS AS FOLLOWS:  
 FRONT: 200 FEET  
 REAR: 200 FEET  
 SIDE: 200 FEET
- FLOOD ZONE DETERMINATION: (BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA)  
 FIRM MAP: 24029C0155D  
 EFFECTIVE DATE: MARCH 16, 2015  
 FIRM ZONE: \*X\* AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

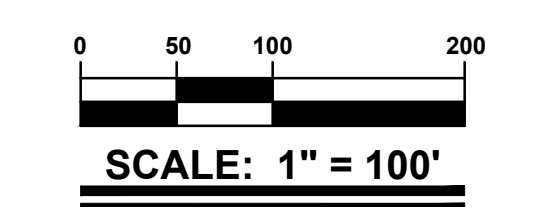
**SOIL TYPE LISTING**

Soil Type	Description	Code
BS	BIBB SILT LOAM	B/D
BUA	BUTLERTOWN-MATTAPEX SILT LOAMS, 0 TO 2 PERCENT SLOPES	C
BUB2	BUTLERTOWN-MATTAPEX SILT LOAMS, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED	C
BUC2	BUTLERTOWN-MATTAPEX SILT LOAMS, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	C
CEC2	COLTS NECK LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
CNE	COLTS NECK AND SASSAFRAS SOILS, 15 TO 40 PERCENT SLOPES	B
IK	IUKA SILT LOAM, RARELY FLOODED	C
MNC2	MATAPEAKE SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
MTCa	MATTAPEX SILT LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C
SGC2	SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
SGC3	SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, SEVERELY ERODED	B

**BECKER MORGAN GROUP**  
 ARCHITECTURE  
 ENGINEERING  
 Delaware  
 309 South Governors Avenue  
 Dover, DE 19904  
 302.734.7950  
 The Tower at STAR Campus  
 100 Discovery Boulevard, Suite 102  
 Newark, DE 19713  
 302.369.3700  
 Maryland  
 312 West Main Street, Suite 300  
 Salisbury, MD 21801  
 410.546.9100  
 North Carolina  
 3333 Jaeckle Drive, Suite 120  
 Wilmington, NC 28403  
 910.341.7600  
 www.beckermorgan.com

PROJECT TITLE  
**MDL-118 STILL POND NECK ROAD - SOLAR**  
 26001 STILL POND NECK ROAD  
 STILL POND  
 KENT COUNTY, MD 21667  
 ELECTION DISTRICT 3

SHEET TITLE  
**SIMPLIFIED FOREST STAND DELINEATION**

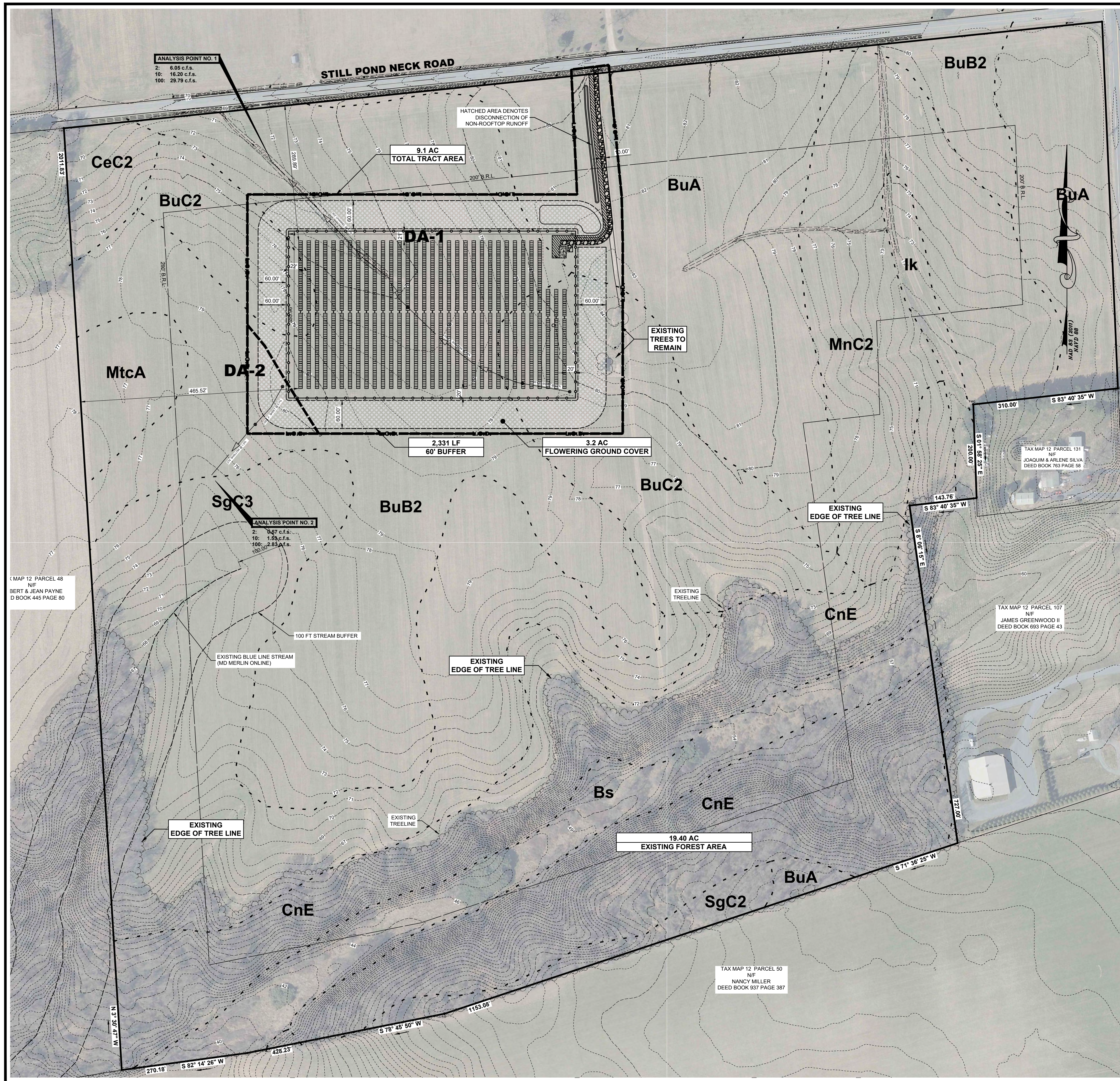


ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.: 2022004.00  
 DATE: 04/27/2022  
 SCALE: 1" = 100'  
 DRAWN BY: E.H.H. / PROJ. MGR.: E.H.H.  
 SHEET  
**FSD-1**  
 COPYRIGHT 2022





**FOREST CONSERVATION REQUIREMENT**

1. FOREST CONSERVATION & PLANTING REQUIREMENT: SEE FOREST CONSERVATION WORKSHEET 2.2 BELOW FOR THE REQUIRED TREE PRESERVATION BASED ON THE TOTAL TRACT AREA OF 11.10 ACRES

Forest Conservation Worksheet 2.2						
Net Tract Area						
A.	Total Tract Area				A = 11.10	
B.	Deductions				B = 0.00	
C.	Net Tract Area				C = 11.10	
Land Use Category						
Input the number "1" under the appropriate land use zoning, and limit to only one entry						
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	1	0	0	0	0	0
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E.	Conservation Threshold ( Net Tract Area x 50% )					E = 5.55
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F.	Existing Forest Cover within the Net Tract Area					F = 0.00
G.	Area of Forest Above Conservation Threshold					G = 0.00
Break Even Point						
H.	Break Even Point					H = 0.00
I.	Forest Clearing Permitted Without Mitigation					I = 0.00
Proposed Forest Clearing						
J.	Total Area of Forest to be Cleared					J = 0.00
K.	Total Area of Forest to be Retained					K = 0.00
Planting Requirements						
L.	Reforestation for Clearing Above the Conservation Threshold					L = 0.00
M.	Reforestation for Clearing Below the Conservation Threshold					M = 0.00
N.	Credit for Retention above the Conservation Threshold					N = 0.00
P.	Total Reforestation Required					P = 0.00
Q.	Total Afforestation Required					Q = 2.22
R.	Total Planting Requirement					R = 2.22

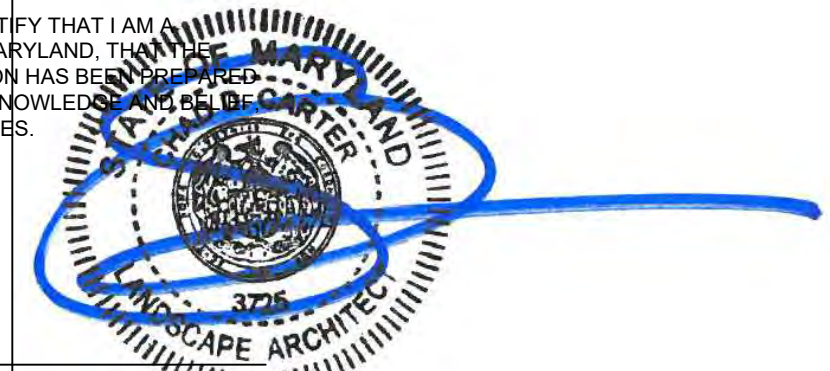
FOREST AREA TO BE ADDRESSED VIA ON-SITE EASEMENT UPON APPROVAL OF FOREST STAND DELINEATION

**KENT COUNTY MARYLAND - SOLAR BUFFER REQUIREMENTS :**

- PERIMETER BUFFER REQUIREMENT: THE REQUIRED SETBACK SHALL BE PLANTED AT (60) SIXTY FEET WIDE AND ACHIEVE A MINIMUM EIGHT (8) FOOT HIGH FOUR SEASON VISUAL BARRIER IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:
  - A: 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. NON-NATIVE PLANT MATERIAL SHALL NOT TOTAL MORE THAN 10% OF ALL PLANTINGS. VEGETATION SHALL 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 TREES, UNDERSTORY TREES, SHADE TREES, SHRUBS AND FLOWERING GROUND COVER SHALL BE INCLUDED.
  - B: A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION SHALL BE AT LEAST 8 FEET IN HEIGHT, EACH PLANTED NO MORE THAN 10 FEET APART.
  - C: IN ADDITION TO THE EVERGREEN TREES, NATIVE DECIDUOUS OR SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF 2 1/2 INCH CALIPER SHALL BE INTERSPERSED TO ENHANCE THE EVERGREEN SCREENING ALONG WITH UNDERSTORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF 1 1/2 INCH CALIPER OR 8 FEET IN OVERALL HEIGHT OR GREATER IF REQUIRED BY THE PLANNING COMMISSION TO ADDRESS GATEWAY AREAS.
  - E: 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. LAWNS OUTSIDE THE REQUIRED BUFFER ARE DISCOURAGED. PLANTINGS FOR POLLINATORS ARE ENCOURAGED IN ALL PLANTED AREAS.
  - F: 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 FOR THE PLANNING COMMISSION TO CONSIDER.
- PERIMETER BUFFER PROVIDED: 2,331 LF OF OPAQUE EVERGREEN BUFFERING
  - EACH EVERGREEN TREE SHALL BE PLANTED AT A HEIGHT OF NO LESS THAN 8' NO SPECIES SHALL COMPRISE OF MORE THAN 25% OF THE TOTAL WITHIN 100LF THE FOLLOWING SPECIES OF EVERGREEN TREES ARE ACCEPTABLE:
    - AMAEYPARIS THYOIDES
    - PINUS TAEDA
    - PINUS STROBUS
    - JUNIPERUS VIRGINIANA
    - CRYPTOMERIA JAPONICA
    - TSUGA CANADENSIS
    - ILEX OPACA
  - THE FOLLOWING SPECIES OF UNDERSTORY TREES ARE ACCEPTABLE:
    - CORNUS FLORIDA
    - CORNUS AMOMUM
    - CERCIS CANADENSIS
    - MONOLIA VIRGINIANA
    - CHIONANTHUS VIRGINIANUS
    - AMELANCHIER CANADENSIS
    - CARPINUS CAROLINIANA
  - THE FOLLOWING SPECIES OF SHRUBS ARE ACCEPTABLE:
    - ILEX GLABRA
    - KALIMA LATIFOLIA
    - VIBURNUM LENTAGO
    - VIBURNUM DENTATUM
    - MYRICA CERIFERA
    - RHODODENDRON MAXIMUM
    - RHODODENDRON ATLANTICUM
- BUFFER PLANTINGS PROVIDED: 2,331 LF / 100 LF @ 60' WIDE = 23.31 BUFFER UNITS
  - 23.31 BUFFER UNITS X 10 EVERGREEN TREES = 233 TREES (MIN)
  - 23.31 BUFFER UNITS X 2 UNDERSTORY TREES = 47 TREES (MIN)
  - 23.31 BUFFER UNITS X 10 SHRUBS = 233 TREES (MIN)
  - 23.31 BUFFER UNITS X 2 SHADE TREES = 47 TREES (MIN)
- TOTAL: 233 EVERGREEN TREES, 47 UNDERSTORY TREES, 233 SHRUBS, 47 SHADE TREES, 560 TOTAL PLANTINGS
- GROUND COVER PROVIDED: 100' X 60' = 6,000 SF, 6,000 SF X 23.31 BUFFER UNITS = 139,860 SF (3.2 AC), 3.2 AC OF FLOWERING GROUND COVER, RECOMMENDED MIX - HONEY BEE FORAGE MIX (ERNMX-157)
- TOTAL REQUIRED AFFORESTATION: 1.82 AC
- TOTAL PROVIDED AFFORESTATION VIA SOLAR BUFFER: 3.2 AC

**MARYLAND LANDSCAPE ARCHITECTS CERTIFICATION**

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD LANDSCAPING PRACTICES.



CHAD D. CARTER, RLA, ASLA 3725

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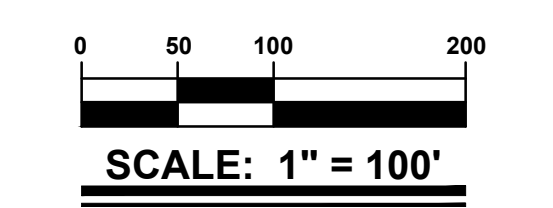
PROJECT TITLE

**MDL-118 STILL POND NECK ROAD - SOLAR**

26001 STILL POND NECK ROAD  
STILL POND  
KENT COUNTY, MD 21667  
ELECTION DISTRICT 3

SHEET TITLE

**FOREST CONSERVATION PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER STATE	L-01	
PROJECT NO.:	2022004.00	
DATE:	06/28/2022	
SCALE:	1" = 100'	
DRAWN BY:	S.W.A.	PROJ. MGR.: E.H.H.
SHEET		
<b>L-001</b>		
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PROJECT TITLE

**MDL-118 STILL  
POND NECK  
ROAD - SOLAR**

26001 STILL POND NECK ROAD  
STILL POND  
KENT COUNTY, MD 21667  
ELECTION DISTRICT 3

SHEET TITLE

**FENCE DETAIL**

ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER STATE	L-102	

PROJECT NO.: 2022004.00

DATE: 06/28/2022

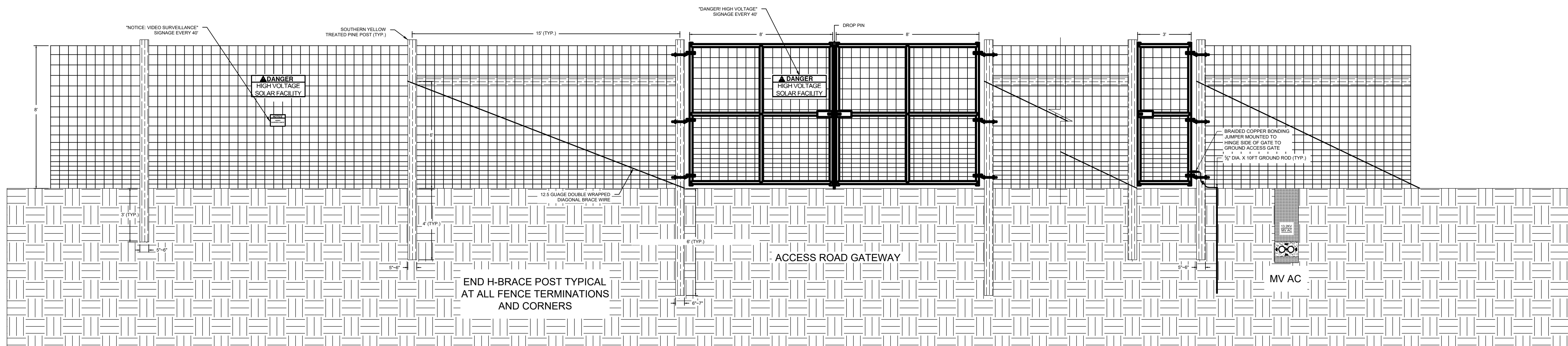
SCALE: N/A

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SHEET

**L-102**

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**AG FENCE ELEVATION**

NO SCALE



# Solar Photovoltaic Glare Assessment

**26001 STILL POND NECK ROAD, STILL POND  
KENT COUNTY, MD 21667  
MDL118 - 25809a Still Pond Neck, LLC**

**SGC Power, LLC**

A. Weber  
August 2022



**SGC**  
**P O W E R**

*Guiding Renewable Energy Projects*



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## EXECUTIVE SUMMARY

### Purpose of Report

SGC-Power and 25809a Still Pond Neck, LLC are developing a community solar photovoltaic (PV) installation located at 26001 Still Pond Neck Rd, in Still Pond, Maryland. This report examines the potential for solar glare due to PV panel reflections on nearby homes, businesses, and roads. The results are based on a detailed geometric analysis of the PV array configuration, observation point locations, and sun positions throughout a year.

### Glare Overview

While solar PV panels are designed to absorb as much light as possible, various factors can result in some amount of light being reflected. The quantity of light reflected by a panel depends on the amount of incoming sunlight, the position of the sun relative to the panel, and various panel materials and environmental properties. The relative position of the sun to the panels to the observer tends to be the strongest determining factor. The farther a panel is tilted away from the sun, the greater its potential to reflect light.

This analysis considers two types of glare. Higher magnitude glare, hereafter termed “yellow glare”, has the potential to cause a temporary after-image in the vision of observers. Lesser magnitude glare, hereafter termed “green glare”, may still be visible as a reflection but is unlikely to cause a temporary after-image or cause any impairment. The glare analysis predicts if there is potential for glare at various times of the day throughout the year, the magnitude of that glare, and where on the array it would be reflecting from.

### Components Under Consideration

- One photovoltaic (“PV”) array with single axis tracking modules oriented 180° (due south) and tilt varying from 60° east - to flat - to 60° west as they track the sun across the sky morning to evening.
- 10 neighboring homes, each comprising a single discrete Observation Point (OP).
- Two roadways each comprising a “Route” in the analysis:
  - Still Pond Road (MD-292)
  - Still Pond Neck Road

### Assessment & Findings

The glare analysis was performed using ForgeSolar’s online application GlareGauge. GlareGauge meets all glare analysis standards required by the U.S. Federal Aviation Administration. GlareGauge solely considers characteristics of the PV array, movement and behavior of the sun, and relative positions of observers. It does not account for vegetation, terrain, or other structures positioned between the PV array and the observer that might obstruct the observer’s view of the glare.

The findings were as follows:

- **Absent vegetation and terrain, neighbors north of the array may experience glare mid-November through late-January.**
  - One residence north of the array has potential for yellow glare from 10:25am to 12:25pm (11:25am to 1:25pm daylight savings time) during the winter months.
  - Nine of the ten neighboring residences have no potential for glare due to their relative position to the array and/or distance from the array.
  - No glare will be visible from Still Pond Rd (MD-292) or Still Pond Neck Rd, thus no glare hazards for traffic.
  - These results are expected for the proposed single-axis tracking array. Since tracking arrays track the sun across the sky, the angle between the panels and the sun rarely becomes wide enough to reflect glare.



## Mitigation Strategies

- **Glare is substantially mitigated by existing tree cover for the sole residence/business north of the array with potential for glare.**
- A landscape screening buffer will be planted around the perimeter of the array at a 60 ft width per county regulations. Due to minimal ground slopes at this site, the buffer will effectively mitigate visibility of the array, and thereby any glare, for the residence/business north of the array.
- Solar panels used on this project will utilize anti-reflective coatings to further reduce the possibility of light reflection.



## REFLECTIVITY & SOLAR GLARE

### Overview of Reflectivity

The amount of light reflected by a solar panel depends on the amount of incoming sunlight, the position of the sun relative to the panel, and various panel material and environmental properties - with the relative positioning of the panels tending to have the greatest impact. A panel that absorbs >90% of incoming sunlight may reflect light when the incidence angle between the panel normal and the sun is greater than 60°, such as during sunset and sunrise for panels with a fixed low tilt<sup>1</sup>. In other words, the farther a panel is tilted away from the sun, the greater the proportion of reflected light. It is important to note that this same phenomenon occurs for many common reflective surfaces, such as car windshields and residents' windows. Anti-reflective coatings (ARC) and surface texturing can reduce the ocular impact of glare and will be used on this project.

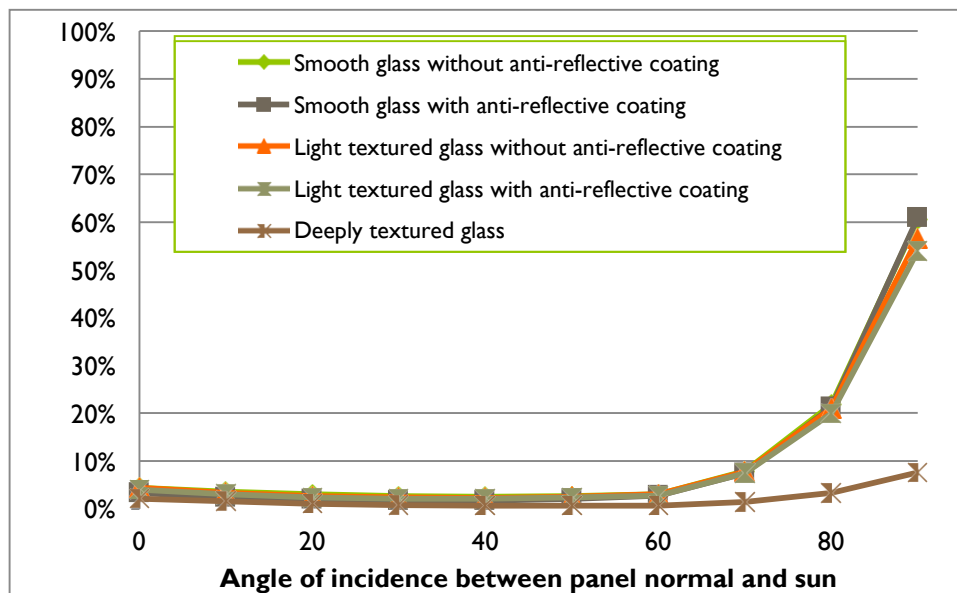


FIGURE 1 - PERCENT OF LIGHT REFLECTED AS A FUNCTION OF INCIDENCE ANGLE. INCIDENCE ANGLE LIES BETWEEN VECTOR TOWARD SUN AND PANEL NORMAL. PANELS WITH VERY LOW REFLECTIVITY CAN STILL CAUSE GLARE WHEN THE INCIDENCE ANGLE IS LARGE, SUCH AS IN THE MORNING AND EVENING.<sup>2</sup>  
SOURCE: [HTTPS://SHARE.SANDIA.GOV/PHLUX/SGHAT/REFLECTIVITY-DATA/](https://share.sandia.gov/phlux/sghat/reflectivity-data/)

<sup>1</sup>Ho, C. K., Ghanbari, C. M., and Diver, R. B., 2009, Hazard Analyses of Glint and Glare from Concentrating Solar Power Plants, SAND2009-4131C, in proceedings of SolarPACES 2009, Berlin, Germany, Sept. 15-18.

<sup>2</sup><https://share.sandia.gov/phlux/sghat/reflectivity-data/>



## Quantifying Glare

Glint is defined as a momentary flash of bright light often caused by sunlight reflecting off a moving source such as a passing car. On the other hand, glare is defined as a continuous source of bright light and is generally associated with stationary objects, which, due to the slow relative movement of the sun, will reflect light for a longer duration. Accordingly, this Assessment will use the term “glare” when discussing solar reflections. The magnitude of reflected irradiance (i.e. the amount of light reflected) determines the level of ocular (i.e. visual) impact.

Glint and glare are separated into three categories, based on their ocular impact:

- “Green” glare has low potential for after-image; when viewed for the average amount of time it takes the human eye to blink, the observer will not experience flash blindness<sup>3</sup>.
- “Yellow” glare has the potential to cause temporary after-image (flash blindness), which can impair or distract observers.
- “Red” glare has the potential to cause retinal burn and permanent eye damage. This requires a focusing of light and is not seen with solar panels, due to their lack of curvature.

The classifications correspond with the following figure:

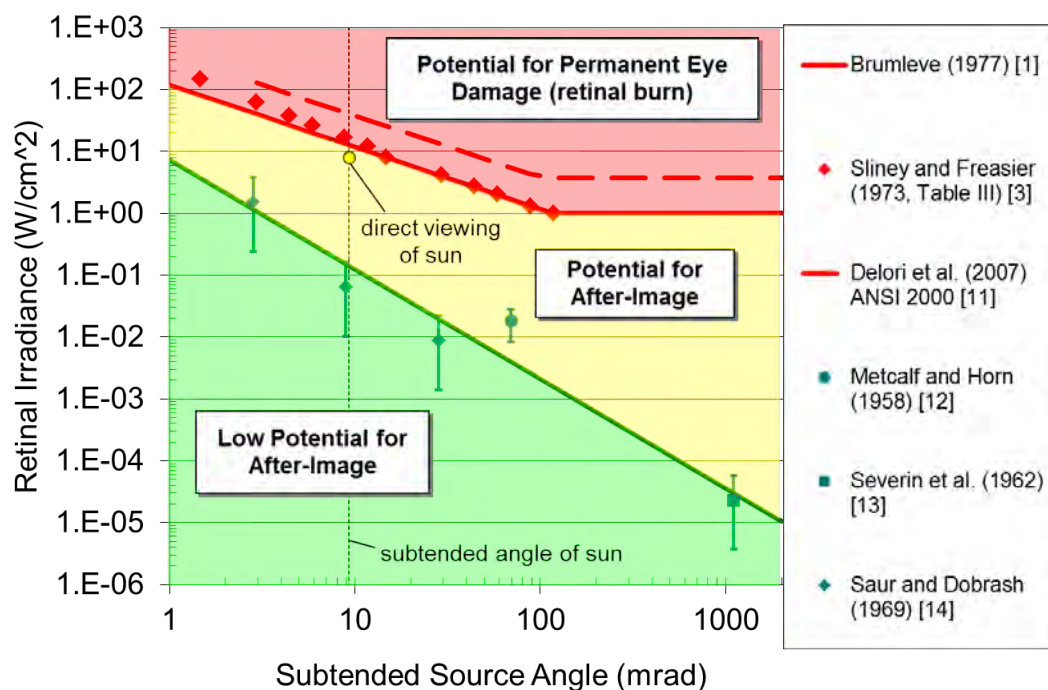


FIGURE 2 - GLARE HAZARD PLOT DEPICTING OCULAR IMPACT REGIONS<sup>4</sup>

<sup>3</sup>The Federal Aviation Administration defines flash blindness as “Generally, a temporary visual interference effect that persists after the source of illumination has ceased.” (FAA Order 7400.2f)

<sup>4</sup>Ho, C. K., Ghanbari, C. M., and Diver, R. B., 2011, Methodology to Assess Potential Glint and Glare Hazards from Concentrating Solar Power Plants: Analytical Models and Experimental Validation, *ASME J. Sol. Energy Eng.*, 133.



Note that these classifications serve only as a guide for quantifying glare. The ocular impact of solar glare can be influenced by environmental, physical, and human factors such as eye size, humidity, etc. Consequently, green glare which causes no after-image in one observer, may adversely affect another observer with a temporary after-image under the right circumstances. Distance also plays a role in ocular impact. As shown in Figure 2 above, glare severity is dependent on the retinal irradiance and the subtended angle of the glare source (i.e. glare spot size). Retinal irradiance does not change with distance, but the subtended source angle decreases as distance increases. Accordingly, the further an observer is from the array, the lower the severity of glare experienced. For closer observers, the maximum value of the subtended source angle is limited by the overall size of the array.

## ASSESSMENT METHODOLOGY

### GlareGauge

This glare analysis was performed using ForgeSolar’s online application GlareGauge, found at [www.forgesolar.com](http://www.forgesolar.com) and owned and operated by Sims Industries. GlareGauge relies on the Solar Glare Hazard Analysis Tool (SGHAT) technology built by Sandia National Laboratories (The app developer is a co-inventor of SGHAT). GlareGauge assesses potential glare for each minute of the year and provides quantified data on when and where glare occurs, as well as its ocular impact. GlareGauge meets all glare analysis standards required by the U.S. Federal Aviation Administration.

GlareGauge solely considers characteristics of the PV array, movement and behavior of the sun, and the relative positions of observers. It does not account for terrain, vegetation or other structures positioned between the PV array and the observer that might obstruct the observer’s view of the glare.

### Methodology

1. Define the PV array location, configuration(s) and geometric model.
2. Define key observation points based on site and/or client input. For this analysis, the observation points chosen include residences and businesses on all neighboring properties, as well as nearby public roads.
3. Perform quantitative geometric analysis to determine the timing and amount of glare for observation points.
  - a. Model the sun as a conical beam of light which is reflected across the solar panels. The model accounts for the size of the sun, since glare can occur if even a small portion of sunlight hits the panels.
  - b. Use site specific annual sun path data (discussed and defined in the Sun Movement section of this report) to calculate the position of this conical beam of light for each minute of the year.
  - c. Perform calculations to determine the amount of sunlight reflected by the PV array for each minute of the year.
  - d. Perform analysis to determine whether an observer at can “see” the reflected sunlight on the panels at the designated observation points.
  - e. Quantify which minutes of the year yield potential for glare at each observation point, as well as the amount/severity of this glare.
4. Review physical obstructions and other mitigating factors for affected observation points.
  - a. Locate the corners and center points of each array in the field.
  - b. For each located point, take pictures at eye level of each observation point or route.





- c. Evaluate whether existing obstructions or terrain partially or fully screen each observation point.
  - d. Evaluate whether landscaping would fully screen each observation point.
5. If necessary, perform sensitivity analysis on PV site to explore alternate configurations (azimuth orientation or tilt) to reduce glare.

## Assumptions

The GlareGauge tool makes several assumptions worth noting (from the SGHAT technology User's Manual on the Sandia National Laboratories website):

1. "[GlareGauge] does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and ocular impact of glare at different times and days of the year."
2. "The ocular hazard predicted by the tool depends on many environmental, optical, and human factors including observer eye characteristics, angle of view, and typical blink response time, which are uncertain and vary. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses."
3. Geo-coordinates rely on the WGS84 datum to represent the Earth.
4. Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
5. Several calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints.
6. Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Further details on the methodology used in this assessment can be provided upon request.



## PROJECT LOCATION & SUN BEHAVIOR

### Solar Array Footprint & Configuration

One PV solar array is modeled in this assessment. It is located at 26001 Still Pond Neck Rd in Still Pond, Maryland. The site ranges in elevation between 74 ft and 83 ft. above mean sea level (amsl). The array is designated as “PV Array 1” in the model. It utilizes a single-axis tracking system with rows oriented in a north-south axis. The panels’ tilt varies from 60° east - to flat - to 60° west as the array tracks the sun across the sky morning to evening. When the sun is past the maximum tilt angle, the array employs a tracking optimization strategy called backtracking. Backtracking allows the array to rotate backwards from maximum tilt in situations where the sun is low in the sky and the combination of terrain, row spacing, and maximum tilt may be causing the rows of panels to shade each other. In these situations, backtracking rotates the panels back towards flat until inter-row shading is minimized, thus optimizing energy produced early morning and late evening. The panels then “rest” at 60° east overnight. The PV panels are a minimum of 5 feet-3 inches above ground, which represents the panel centroid.



FIGURE 3 – PV ARRAY INSTALLATION FOOTPRINT

TABLE 1 –ARRAY 1 VERTEX LOCATIONS

Vertex	Latitude deg	Longitude deg	Ground elevation ft	Height above ground ft	Total elevation ft
1	39.342499	-76.068449	74.58	5.25	79.83
2	39.341358	-76.068438	80.21	5.25	85.46
3	39.341375	-76.067540	78.09	5.25	83.34
4	39.341383	-76.066609	78.94	5.25	84.19
5	39.342540	-76.066598	81.45	5.25	86.70

The vertex locations and elevations were derived from data provided on Forge Solar’s website.



### Sun Movement

Analyzing glare on a minute-by-minute basis is an important step in ensuring the entirety of the sun’s path is considered when predicting glare. Because the position of the sun changes daily as well as seasonally, glare not evident in the summer months could manifest in the winter, and vice versa. Figure 4 illustrates the range of movement of the sun throughout the year for the array location. The azimuth represents the horizontal angle between the sun and true north. For example, a sun position of due south has an azimuth of 180°. In the northern hemisphere, the sun rises and sets farther southward during the winter and farther northward during the summer. In the southern hemisphere, the reverse occurs.

TABLE 2 – RANGE OF SUN POSITION, BASED ON SOLSTICES

Date	Azimuth at Sunrise	Azimuth at Sunset	Elevation at Solar Noon
21 Jun.	59°	301°	74°
21 Dec.	120°	240°	27°

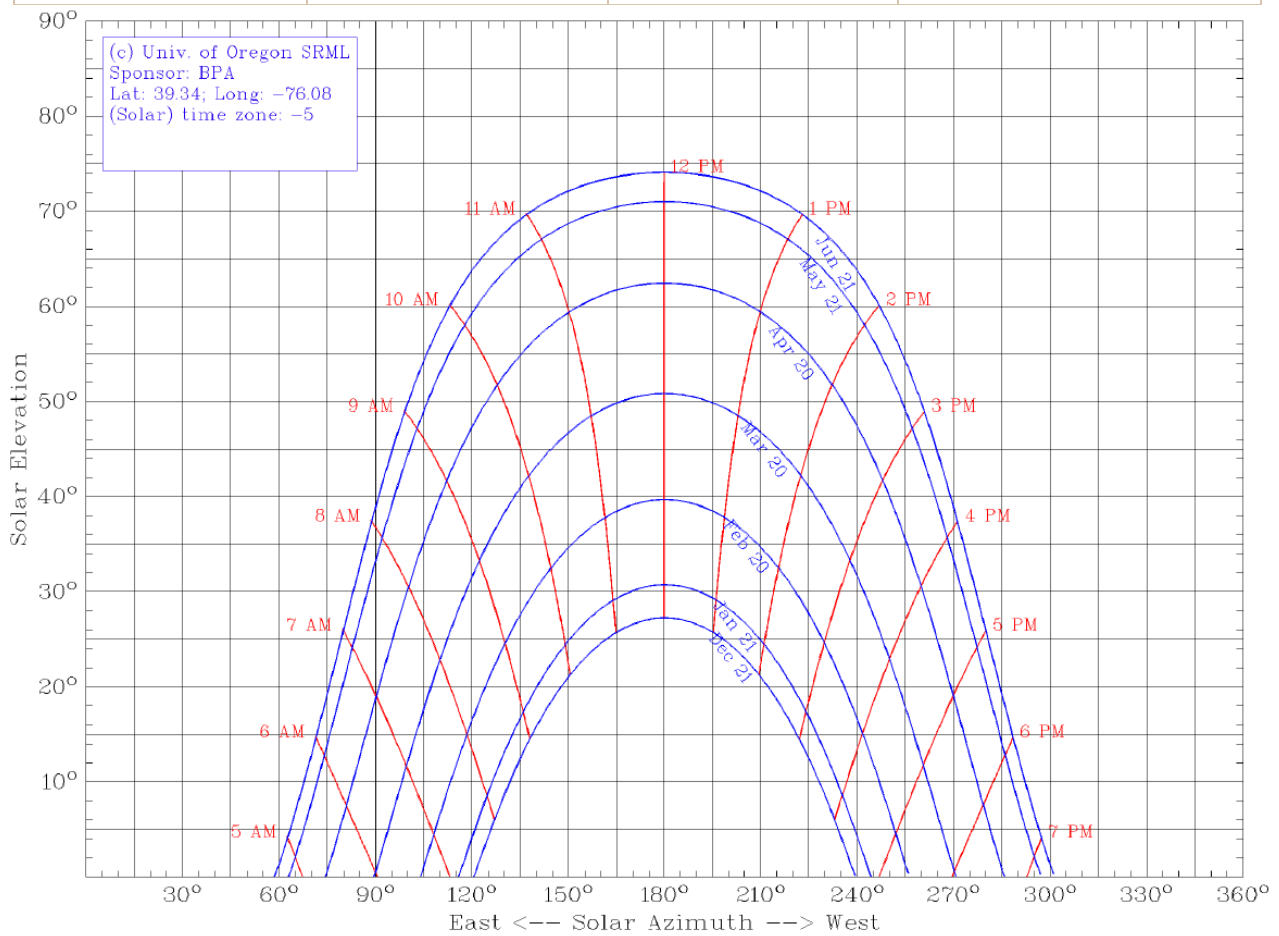


FIGURE 4 - RANGE OF AZIMUTH ANGLES FOR WINTER AND SUMMER SOLSTICES (SUNRISE TO SUNSET)



## OBSERVATION POINTS

### Nearby Structures and Roads

Various locations around the PV arrays were included in the analysis to determine if glare might be visible to observers at those locations. In total, 10 discrete observation points, represented by red “pins” in Figure 5 below, were chosen to model nearby homes and businesses. Garages and barns were not included in the analysis. Additionally, two routes, represented by cyan lines in Figure 5 below, were modeled to represent Still Pond Rd (MD-292) and Still Pond Neck Rd. Since reflected glare travels outward from the array in a linear fashion, observers farther away from the array, but aligned with a closer observer, will experience similar levels of glare as the closer observer (although visibility may decrease with distance). As such, observation points can represent and account for points farther away from the array, negating the need to include more distant structures within the same spoke-line.

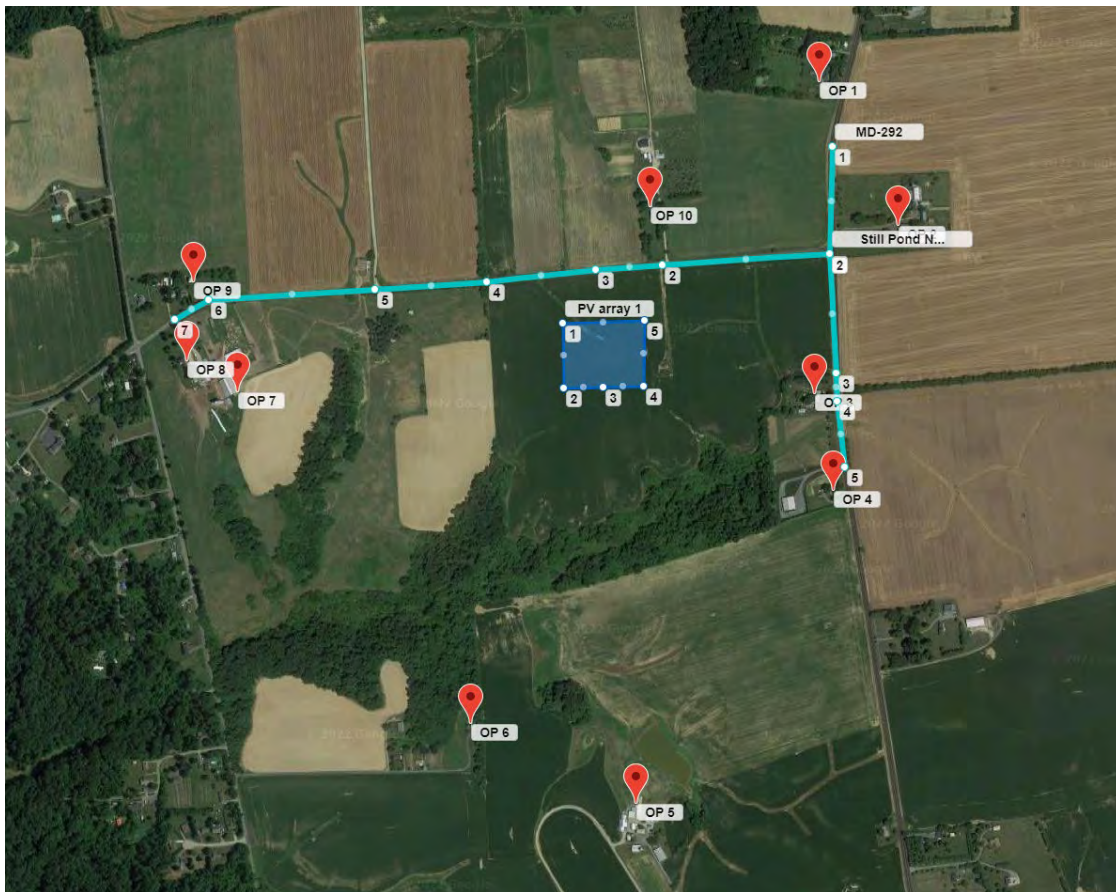


FIGURE 5 — OBSERVATION POINTS MODELING NEARBY STRUCTURES

### Mitigating Factors

Glare is mitigated by the relative position of the observer to the array. Glare which is beyond 25° line-of-sight has a reduced impact and glare beyond 50° line-of-sight is completely negated. The analysis will indicate observation points for which their relative position to the array negates their view of any reflected light. Glare is also mitigated when view of the glare is blocked by an obstruction located in between an observation point and the array. Obstructions come in three primary forms: existing trees and vegetation, existing structures such as buildings or signs, and terrain. Observers at lower elevations relative to the PV array may have their view of the array obstructed by the rising ground elevation and/or the array’s support structure.



## ASSESSMENT RESULTS – GLARE ANALYSIS

This section provides a review of the results for each observation point analyzed and then examines glare mitigating factors to determine whether the solar panels are visible from each observation point at the dates and times glare is expected. For full analysis data and results, please see Attachment 1.

1. *“MDL118-StillPondNeckRd-Glare Report-Shade-Slope Backtracking\_2022818pdf”*

Specifically, Attachment 1 provides additional charts that elaborate on:

- The daily durations of predicted glare
- The glare severity prediction (based on retinal irradiance and subtended source angle)

### Results Overview

A table summarizing the results from the glare analysis is below. It shows the total number of minutes per year of potential glare for each observation point. It is important to remember that these results do not consider whether view of this glare will be visible or is obstructed by existing trees, buildings and/or terrain.

TABLE 3 – PREDICTED ANNUAL GLARE RESULTS FROM ARRAY 1

PV array 1 potential temporary after-image



Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	2354	5120
Route: MD-292	0	0
Route: Still Pond Neck Rd	0	0

Table 3 shows that only one of the ten observation points has potential for glare within the range that can cause temporary visual impairment in the form of an after-image (yellow glare). This corresponds to a residence north of the array, at 26004 Still Pond Neck Road (OP10), which also hosts a business, Simmon’s Christmas Trees. Residences and businesses east, west, and south of the array yielded no potential for glare. The MD-292 and Still Pond Neck Rd routes also yielded no potential for glare. The analysis shows that the relative angles between these observation points or routes and the array are such that glare won’t be visible.





## Detailed Results & Mitigating Factors Analysis

This section takes a deeper look at the one observation point for which glare was predicted. It details the times of day and portions of the year for which glare may be an issue for this observation point. It also examines whether mitigating features such as trees, buildings, and terrain will obstruct the view of potential glare for an observer at that point.

**Observation Point 10:** House & business located at 26004 Still Pond Neck Rd (directly north of array)

**Potential for Glare:** Yes

**Time of Year:** Mid-November to Late-January

**Times of Day:** Ranging between 9:50am-12:25pm (10:50am-1:25pm daylight savings time)

**View of Glare Obstructed:** Yes, almost fully by trees.

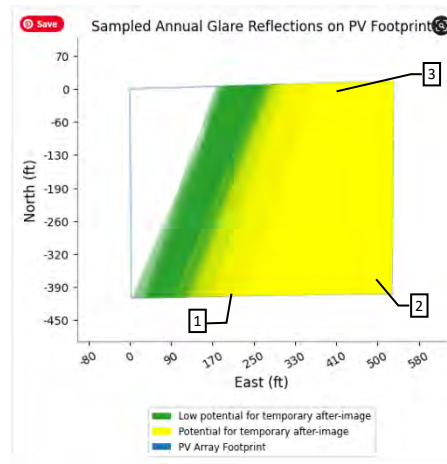
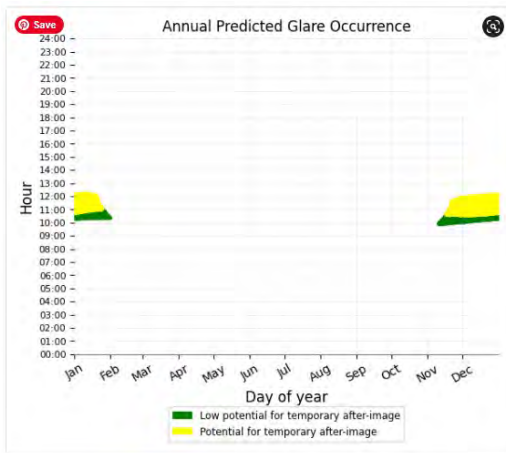


FIGURE 6 – GLARE OCCURRENCES (LEFT) AND GLARE REFLECTIONS ON PV FOOTPRINT (RIGHT) FOR OP10

As can be seen in the Glare Reflections on PV Footprint diagram, glare is only emanating from the eastern portion of the array and the Glare Occurrence diagram shows that this is only during late-Fall to mid-Winter. Below are views of OP10 from the three points denoted on the footprint diagram.

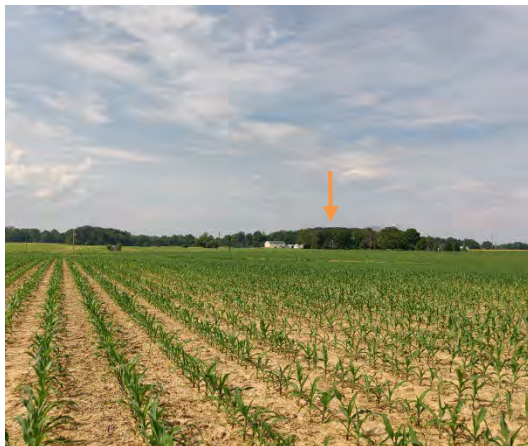


FIGURE 7 – VISIBILITY OF OP10 FROM POINT 1 ON ARRAY

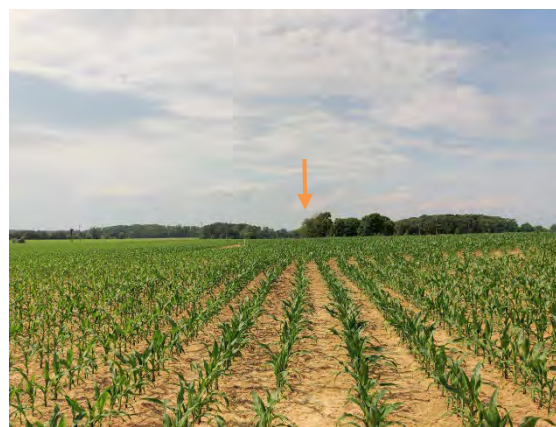


FIGURE 8 – VISIBILITY OF OP10 FROM POINT 2 ON ARRAY

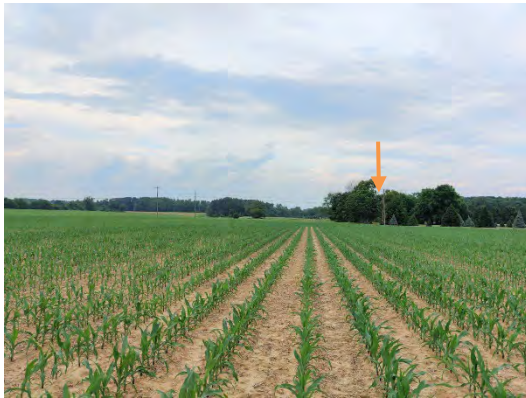


FIGURE 9 – VISIBILITY OF OP10 FROM POINT 3 ON ARRAY

Figures 8 and 9 show that existing trees fully obstruct the view of the house and barns at OP10 from Points 2 and 3 on the eastern portion of the array where glare is predicted to emanate from. Figure 7 illustrates that the barns on the property become visible as you move west across the array, but the house remains obscured by the existing trees. Irregardless, the proposed landscape plan proposes a landscaping buffer aligned with the county’s requirements for a “four season visual barrier” around the array perimeter. Please see Attachments 2 and 3 which illustrate the proposed landscaping buffer and provide a line-of-sight visualization for OP10, showing that the proposed landscaping will additionally mitigate any view of glare for this house and business.

2. “202200400-LSCAPE-L-101-05-27-2022.pdf” – Proposed landscape plan
3. “202200400\_LOS-EXHIBIT\_2022-06-28.pdf” – Line of Sight Exhibit

## Glare Magnitude

The glare analysis found no instances of glare within the “red” (permanent retinal damage) range. Only “yellow” glare, causing a temporary after-image, and green glare, with low potential for after image, were found to be produced by the PV array for the observation points examined. Figure 10 below examines the magnitude of glare at OP10, the residence and Christmas tree farm business north of the array. As can be seen, the amount of sunlight reflected from PV Array 1 is just above the boundary between green and yellow, indicating that any after-image produced will likely be short in duration.

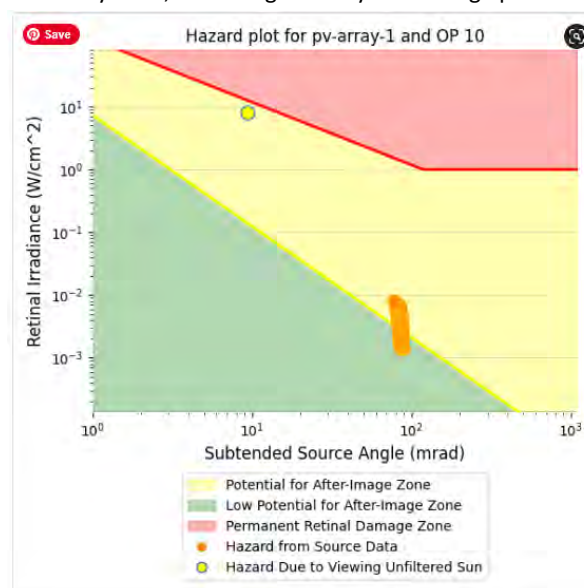


FIGURE 10 == GLARE HAZARD PLOT FOR OP10





## CONCLUSIONS

### Potential for Glare

The analysis revealed that of the ten neighboring residences and businesses analyzed, only the one residence/business to the north of the array had potential for glare. For observers at structures northwest, west, south, east and northeast of the array, the analysis shows that their relative angle to the array was such that they wouldn't experience glare. This includes the full stretch of Still Pond Rd (MD-292) east of the property. Although Still Pond Neck Rd runs north of the property, a driver's eyes would be looking east or west while driving and the relative angles between their eyes, the array, and the sun is such that glare wouldn't be visible.

For the residence with potential for glare, this glare fell within the yellow range, meaning there could be potential for a temporary impairment of vision in the form of an after-image. However, this magnitude of glare was very low within the yellow range, indicating that any after-image produced will likely be short in duration. Potential for glare at this observation point ranged from the hours of 9:50am to 12:25pm between the months of November and January. The total number of minutes for potential for yellow glare annually is 5,120 minutes or 85.3 hours. That is a mere 0.97% of total minutes in a year, and an average of 105 minutes per day for the months it is predicted. This indicates that the impact of glare will not be significant from this solar array installation.

These results are as expected for tracking arrays. Recall that a panel that absorbs >90% of incoming sunlight may reflect light when the incidence angle between the panel normal and the sun is greater than 60°, such as during sunset and sunrise for fixed tilt arrays<sup>1</sup>. As shown in Figure 1, single axis tracking solar arrays adjust their tilt to remain perpendicular to the sun as it moves across the sky from morning to evening, going into a "rest" position of 60° tilt to the east at night. The result is that incidence angle between the panel normal and the sun is rarely greater than 60°, effectively eliminating glare during most of the year.

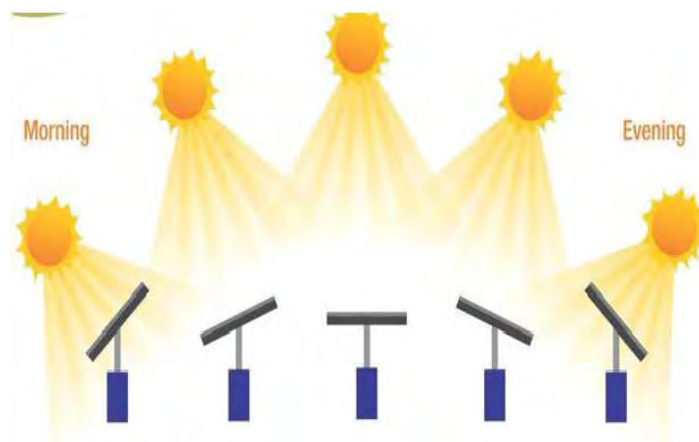


FIGURE 11 – ILLUSTRATION OF SINGLE AXIS TRACKING ROTATION ANGLES<sup>5</sup>

The only exception is during the winter months, when the sun is much lower in the sky. In the middle of the day, when the panels are pointing nearly straight up (on a relatively flat site like this one), but the sun's elevation is much lower, the angle becomes great enough to cause glare for observation points to the north, as seen in this analysis.

<sup>1</sup> Ho, C. K., Ghanbari, C. M., and Diver, R. B., 2009, Hazard Analyses of Glint and Glare from Concentrating Solar Power Plants, SAND2009- 4131C, in proceedings of SolarPACES 2009, Berlin, Germany, Sept. 15-18.

<sup>5</sup>SOFTX-INDIA – Solar Sun Tracker. - [http://softx.in/solar\\_projects/solar\\_sun\\_tracker](http://softx.in/solar_projects/solar_sun_tracker)



## Mitigation of Glare

Examination of mitigating factors at the only observation point with potential for glare, OP10, showed that view of the array from the residence was completely obstructed by existing trees on that property. The eastern side of the array, where glare emanation was concentrated, was also completely obstructed from view from the barns on that property. However, the central portion of array, where glare is possible from, is only partially obstructed from view for the barns and other farm structures by the existing trees at OP10. Accordingly, our landscape plan proposes placing landscaping along the entire perimeter of the array in line with the county's requirements. The landscaping will "provide an opaque visual barrier that obscures the utility scale solar array from sight" and will increasingly mitigate any glare as it matures. Per the county's guidelines, this buffer will include "two staggered rows of evergreen trees" to maintain mitigation in the winter season when the glare is expected to be experienced. Attachment 3, the Line-of-Sight Exhibit, shows that this buffer will effectively mitigate all predicted glare from this solar array.

# Solar Photovoltaic Visibility Assessment

**26001 STILL POND NECK ROAD, STILL POND  
KENT COUNTY, MD 21667  
MDL118 - 25809a Still Pond Neck, LLC**

**SGC Power, LLC**

C. Gonzalez, C. McCandless, B. Wilson  
June 2022



*Guiding Renewable Energy Projects*



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## EXECUTIVE SUMMARY

### Purpose of Report

SGC-Power and 25809a Still Pond Neck, LLC are developing a community solar photovoltaic (PV) installation located south of Still Pond Neck Rd and west of Still Pond Rd in Still Pond, Maryland. This report explores the visibility of the PV panels from nearby buildings and roads. The results are based on detailed site analysis of the PV array configuration, observation point locations, and mitigating obstructions.

### Visibility Overview

Kent County's zoning regulations require a large and diverse landscape buffer. The visibility analysis explores if existing or proposed terrain, landscaping, or structures screen visibility of the PV panels from observers at nearby buildings and roads.

### Components Under Consideration

- One PV array with single-axis tracking modules oriented 180° (due south) and tilt varying from 60° east - to flat - to 60° west as they track the sun across the sky morning to evening.
- 10 neighboring buildings, each comprising a single discrete Observation Point (OP).
- Two routes along Still Pond Neck Rd & Still Pond Rd, both routes are shown with 11 discrete points.

### Assessment & Findings

The findings were as follows:

- 7 of the 10 observation points on have no visibility of the PV array due to existing terrain, vegetation, and/or structures blocking the view.
- Both routes have visibility of the PV array

### Mitigation Strategies

- No mitigation is required for the 7 observation points for which visibility is already mitigated by existing terrain, vegetation, and/or structures.
- Landscaping is proposed at 60ft width around the perimeter of the PV array.
- Due to the minimal ground slopes, the proposed landscaping will successfully mitigate visibility from all OP's and routes.



## ASSESSMENT METHODOLOGY

### Methodology

1. Define the PV array location, configuration(s), and geometric model.
2. Define key observation points-based on-site and/or client input. For this analysis, the observation points chosen include residences and businesses on all neighboring properties, as well as any nearby public roads.
3. Perform an on-site analysis of visibility for each observation point.
  - a. Locate the corners and center points of each array.
  - b. For each located point on the arrays, take pictures at eye level of each observation point or route.
  - c. Determine whether the designated observation points and routes are visible from each array point.
  - d. Identify physical obstructions and other mitigating factors for affected observation points.
4. Evaluate whether existing obstructions fully or partially screen each observation point.
5. Evaluate whether proposed landscaping will fully screen each observation point.

NOTE: Geo-coordinates rely on the NAD83 datum to represent the Earth.

Further details on the methodology used in this assessment can be provided upon request.



## PROJECT LOCATION

### Solar Array Footprint & Configuration

The PV solar array modeled in this assessment is located in Kent County at 26001 Still Pond Neck Road, Still Pond, MD 21667. The site ranges in elevation between 74 ft. and 83 ft. above mean sea level (AMSL). The array utilizes a single-axis tracking system with rows oriented in a north-south axis. The panels’ tilt varies from 60° east - to flat - to 60° west as the array tracks the sun across the sky from morning to evening. The panels then “rest” at 5° east once the sun is past the 60° rotation limit. The PV panels are a minimum 6ft above ground at 0°. Figure 1 and Table 1 show the locations and elevations of the 5 corners of the array.

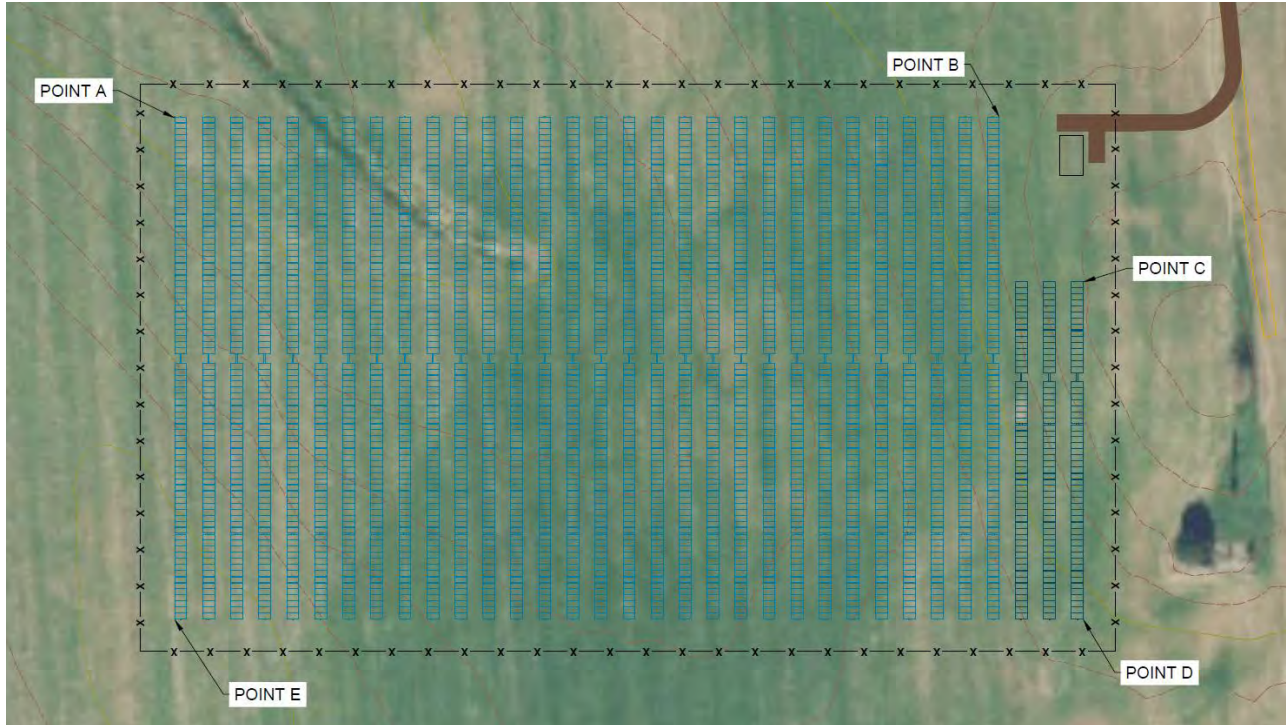


FIGURE 1 – PV ARRAY INSTALLATION FOOTPRINTS

TABLE 1 –ARRAY 1 VERTEX LOCATIONS

Vertex	Latitude (°)	Longitude (°)	Ground Elevation (ft)	Height above ground (ft)	Total Elevation (ft)
A	39.3425	-76.0684	74	6	80
B	39.3425	-76.0666	82	6	88
C	39.3422	-76.0664	83	6	89
D	39.3416	-76.0664	80	6	86
E	39.3416	-76.0684	80	6	86

The locations and elevations were derived using Google, AutoCAD, and GIS topography.





## OBSERVATION POINTS

### Nearby Structures and Roads

Various locations around the PV arrays were included in the analysis to determine if the solar array might be visible to observers at those locations. In total, 10 OP's and two routes with 11 points were chosen to model nearby structures encompassing neighboring homes, businesses, and locations of importance. Garages and barns were not included in the analysis. Figure 2 and Table 2 show the location and elevation of the OP's. OP1-10 are represented by red pins with correlating numbers. The blue rectangle represents the proposed PV array. The cyan lines represent the two routes. The numbered points along the routes are referenced in this report as R1P1, R1P2, and so on. R1P2 and R2P1 is the intersection of the two routes and therefore the same point. Table 3 shows the route points' locations and elevations. All model points range in elevation between 70 ft. and 84 ft. AMSL.

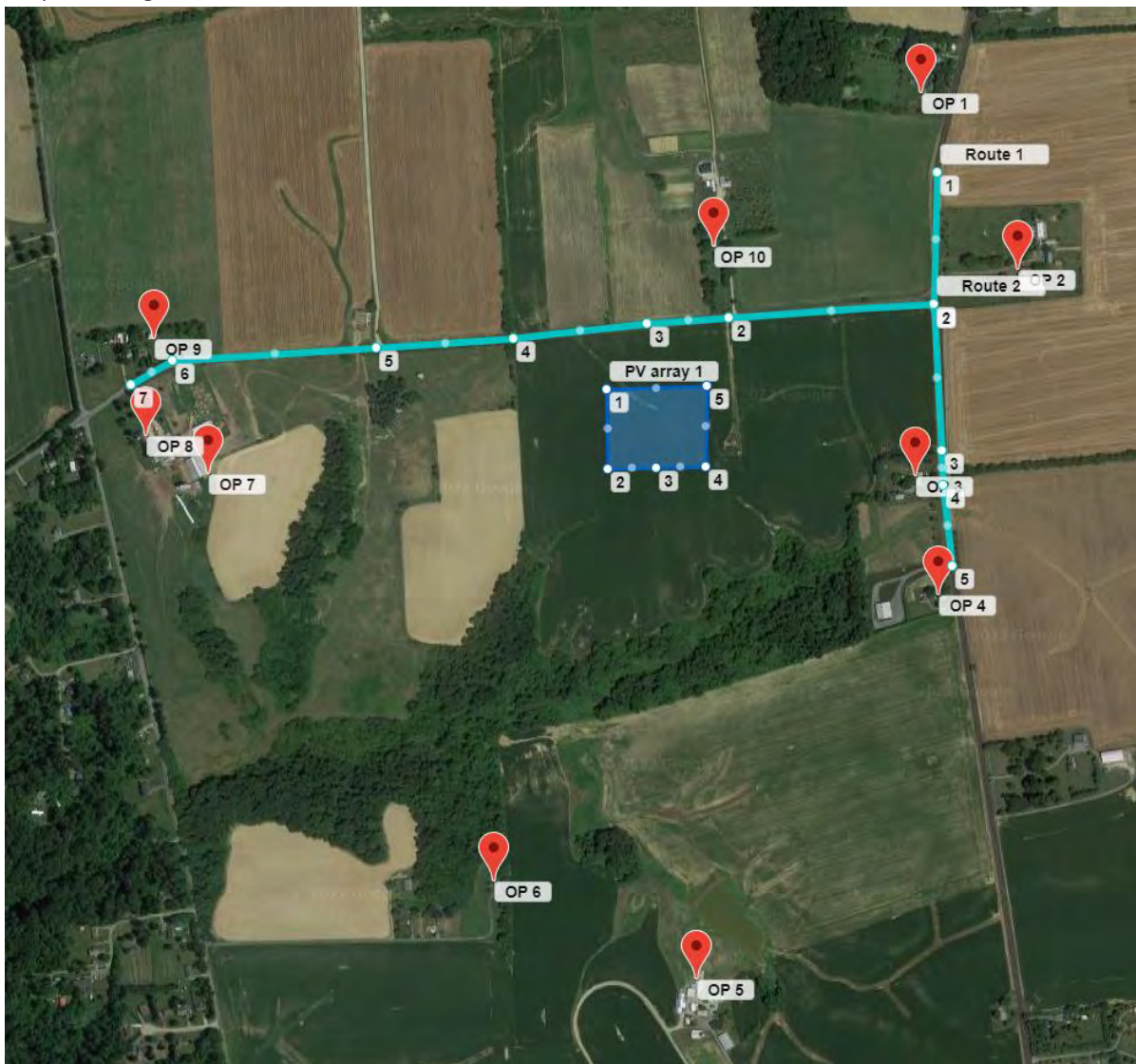


FIGURE 2 – OBSERVATION POINTS MODELING NEARBY STRUCTURES



TABLE 2 –OP VERTEX LOCATIONS

Vertex	Latitude (°)	Longitude (°)	Ground Elevation (ft)	Height above ground (ft)	Total Elevation (ft)
OP 1	39.34683	-76.0628	77	6	83
OP 2	39.3442	-76.0608	84	6	90
OP 3	39.34123	-76.0627	77	6	83
OP 4	39.3395	-76.0623	81	6	87
OP 5	39.33396	-76.0668	79	6	85
OP 6	39.33542	-76.0706	73	6	79
OP 7	39.34132	-76.0759	79	6	85
OP 8	39.3419	-76.0771	84	6	90
OP 9	39.34323	-76.0769	78	6	84
OP 10	39.34455	-76.0665	79	6	85

TABLE 3 –Route Vertex LOCATIONS

Route	Point	Latitude (°)	Longitude (°)	Ground Elevation (ft)	Height above ground (ft)	Total Elevation (ft)
1	1	39.34562	-76.0623	78	6	84
1	2	39.34371	-76.0624	81	6	87
1	3	39.34162	-76.0622	75	6	81
1	4	39.34113	-76.0622	71	6	77
1	5	39.33996	-76.062	75	6	81
2	1	39.34373	-76.0624	81	6	87
2	2	39.34353	-76.0662	81	6	87
2	3	39.34345	-76.0677	76	6	82
2	4	39.34323	-76.0702	70	6	76
2	5	39.3431	-76.0727	71	6	77
2	6	39.34292	-76.0765	77	6	83
2	7	39.34257	-76.0773	80	6	86

## Mitigating Factors

Visibility is mitigated when the view of the PV solar array is blocked by an obstruction located in between an observation point and the array. Obstructions come in three primary forms: existing trees/vegetation, existing structures, and terrain. Observers at lower elevations relative to the PV array may have their view of the array obstructed by the rising ground elevation.



## ASSESSMENT RESULTS

Below are the results of a detailed analysis identifying whether the PV array will be visible from the various observation points and routes are chosen. It examines whether mitigating features such as trees, buildings, and terrain obstruct the view of the PV array for an observer at each point. This assessment focused on the corners of the array, where visibility would be highest.

### Detailed Results

**Observation Point 1:** Northeast of array.

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain

Figures 3-6 illustrate views of OP1 from Points A, B, C, and D.



FIGURE 4 – VISIBILITY OF OP1 FROM POINT A



FIGURE 5 – VISIBILITY OF OP1 FROM POINT B





FIGURE 6 – VISIBILITY OF OP1 FROM POINT C

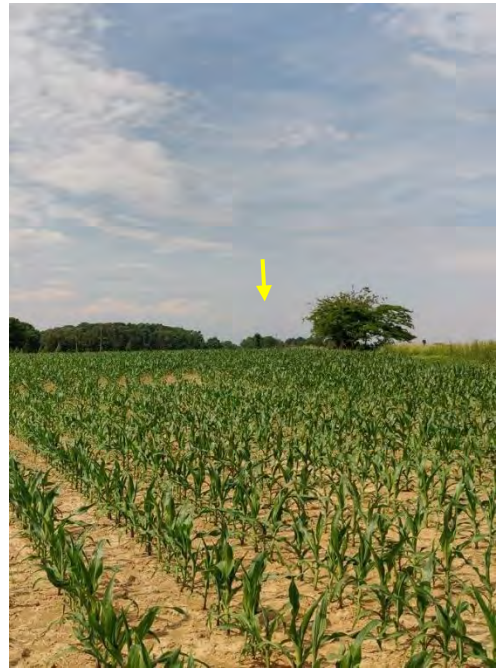


FIGURE 7 – VISIBILITY OF OP1 FROM POINT D

**Observation Point 2: East of array.**

**View of PV Array:** No.

**View of Array Obstructed:** Yes, by terrain and existing trees

Figures 8-11 illustrate views of OP2 from Points A, B, C, and D.



FIGURE 8 – VISIBILITY OF OP2 FROM POINT A



FIGURE 9 – VISIBILITY OF OP2 FROM POINT B



FIGURE 10 – VISIBILITY OF OP2 FROM POINT C



FIGURE 11 – VISIBILITY OF OP2 FROM POINT D

**Observation Point 3:** East of array.

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by existing trees

Figures 12-15 illustrate views of OP3 from Point B, C, D, and E.



FIGURE 12 – VISIBILITY OF OP3 FROM POINT B



FIGURE 13 – VISIBILITY OF OP3 FROM POINT C





FIGURE 14 – VISIBILITY OF OP3 FROM POINT D



FIGURE 15 – VISIBILITY OF OP3 FROM POINT E

**Observation Point 4:** Southeast of array.

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees

Figures 16-18 illustrate views of OP 4 Points C, D, and E.



FIGURE 16 – VISIBILITY OF OP4 FROM POINT C



FIGURE 17 – VISIBILITY OF OP4 FROM POINT D



FIGURE 18 – VISIBILITY OF OP4 FROM POINT E

**Observation Points 5 & 6:** South of array.

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees

Figures 19-20 illustrate views of OP5 & 6 from Points D and E.



FIGURE 19 – VISIBILITY OF OP5 & 6 FROM POINT D

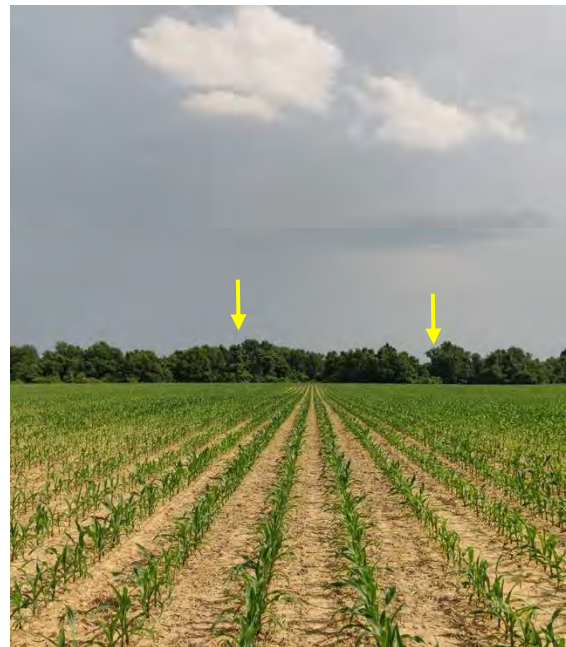


FIGURE 20 – VISIBILITY OF OP5 & 6 FROM POINT E





**Observation Points 7 & 8: West of array.**

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees

Figures 21-22 illustrate views of OP7 & 8 from Point A and E.



FIGURE 21 – VISIBILITY OF OP7 & 8 FROM POINT A



FIGURE 22 – VISIBILITY OF OP7 & 8 FROM POINT E

**Observation Point 9: Northwest of array.**

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees

Figures 23-25 illustrate views of OP 9 from Points A, B, and E.



FIGURE 23 – VISIBILITY OF OP9 FROM POINT A



FIGURE 24 – VISIBILITY OF OP9 FROM POINT B



FIGURE 25 – VISIBILITY OF OP9 FROM POINT E

**Observation Point 10:** North of array.

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain and existing trees

Figures 26-28 illustrate views of OP 10 from Points A, B, and C.



FIGURE 26 – VISIBILITY OF OP10 FROM POINT A

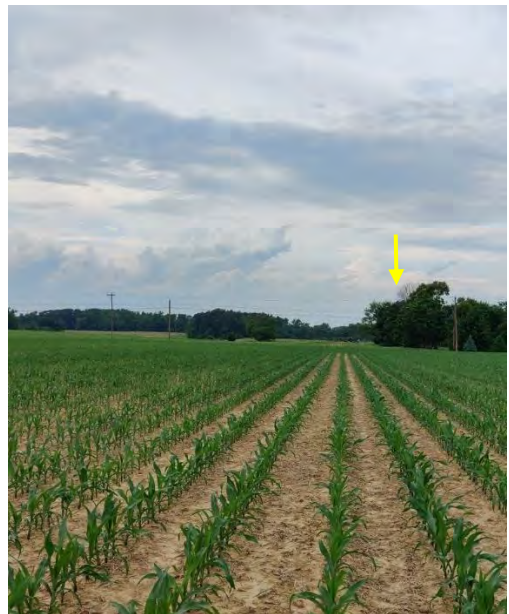


FIGURE 27 – VISIBILITY OF OP10 FROM POINT B





FIGURE 28 – VISIBILITY OF OP10 FROM POINT C

**Route 1, Point 1:** Still Pond Road, see Figure 29.

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain



FIGURE 29 – VISIBILITY FROM R1P1

**Route 1, Point 2 & Route 2, Point 1::** Still Pond Road, see Figure 30

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain



FIGURE 30 – VISIBILITY FROM R1P2 AND R2P1

**Route 1, Point 3:** Still Pond Road, see Figure 31

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain

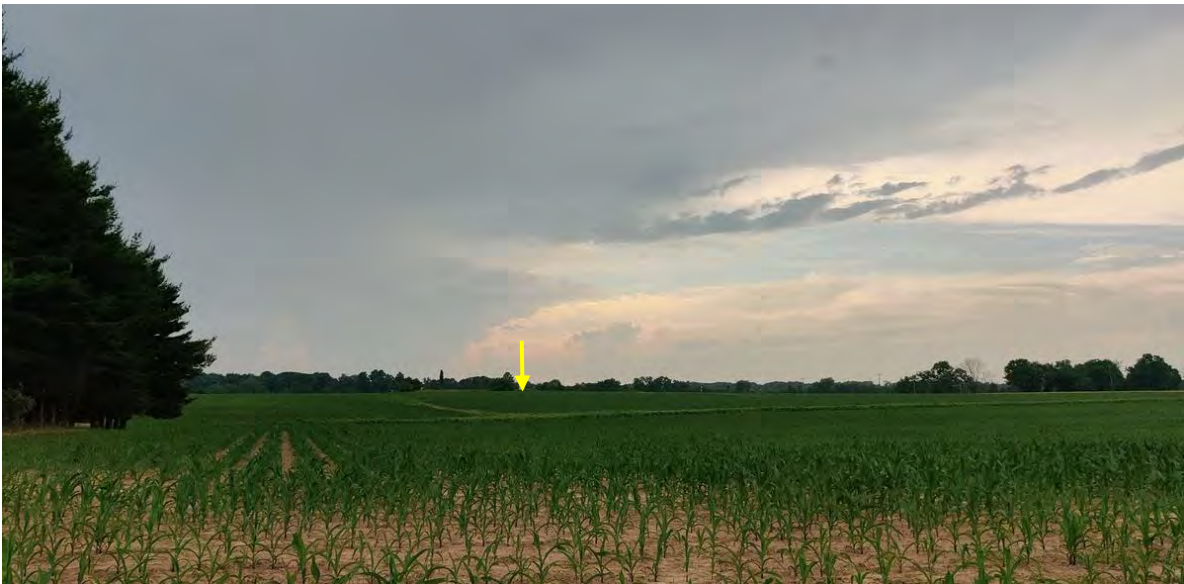


FIGURE 31 – VISIBILITY FROM R1P3





**Route 1, Point 4:** Still Pond Road, see Figure 32

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees



FIGURE 32 – VISIBILITY FROM R1P4

**Route 1, Point 5:** Still Pond Road, see Figure 33

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees



FIGURE 33 – VISIBILITY FROM R1P5



**Route 2, Point 2:** Still Pond Neck Road, see Figure 34

**View of PV Array:** Yes

**View of Array Obstructed:** No



FIGURE 34 – VISIBILITY FROM R2P2

**Route 2, Point 3:** Still Pond Neck Road, see Figure 35

**View of PV Array:** Yes

**View of Array Obstructed:** No



FIGURE 35 – VISIBILITY FROM R2P3





**Route 2, Point 4:** Still Pond Neck Road, see Figure 36

**View of PV Array:** Yes

**View of Array Obstructed:** No



FIGURE 36 – VISIBILITY FROM R2P4

**Route 2, Point 5:** Still Pond Neck Road, see Figure 37

**View of PV Array:** No

**View of Array Obstructed:** Yes, fully by terrain and existing trees



FIGURE 37 – VISIBILITY FROM R2P5





**Route 2, Point 6:** Still Pond Neck Road, see Figure 38

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain and existing trees



FIGURE 38 – VISIBILITY FROM R2P6

**Route 2, Point 7:** Still Pond Neck Road, see Figure 39

**View of PV Array:** Yes

**View of Array Obstructed:** Yes, partially by terrain and existing trees



FIGURE 39 – VISIBILITY FROM R2P7



## MITIGATION

### Mitigation of Visibility

The visibility assessment demonstrated that OP1, 3, 10, R1P1, 2, 3, R2P2, 3, 4, 6, and 7 have partial visibility of the PV arrays that is not fully mitigated by existing vegetation, structures, or terrain. The proposed landscape plan was designed to mitigate visibility and adhere to Kent County's ordinance. Please see Attachments 1-3.

1. "202200400-LSCAPE-L-001-05-27-2022"
2. "202200400-LSCAPE-L-101-05-27-2022"
3. "202200400-LSCAPE-L-102-05-27-2022"

Visibility from all other Observation Points were fully screened by existing features due in large part to the minimal elevation changes and existing obstructions. Attachments 4, 5, and 6 show the line-of-sight analysis for OP1, 2, 3, and 10 with their cross sections to the array. These cross sections demonstrate the visibility mitigation achieved by the proposed landscape with the existing terrain.

4. "202200400\_LOS-EXHIBIT-1\_2022-06-28"
5. "202200400\_LOS-EXHIBIT-2\_2022-06-28"
6. "202200400\_LOS-EXHIBIT-3\_2022-06-28"

Figure 40 below draws sight lines from OP1, 3, and 10 to the nearest points of the array, demonstrating that the proposed landscaping will mitigate the view of the array for the observation points. All routes will be mitigated by the proposed landscape due to the minimal ground slopes.

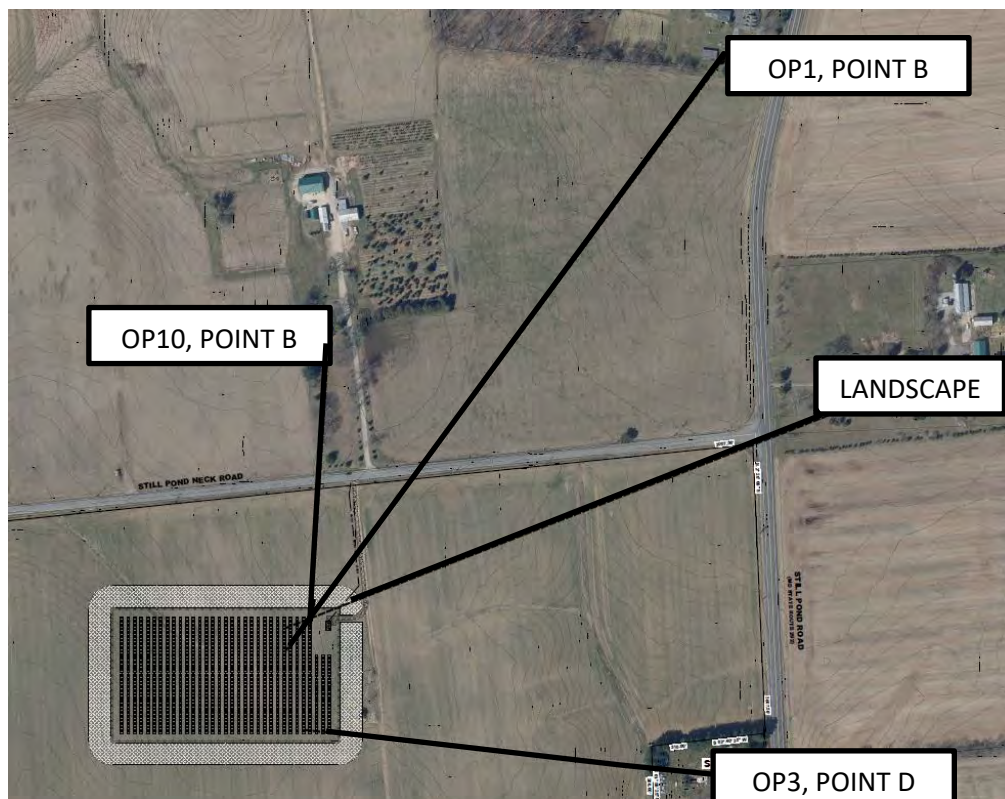


FIGURE 40 – SIGHT LINES FOR OP 1, 3, AND 10

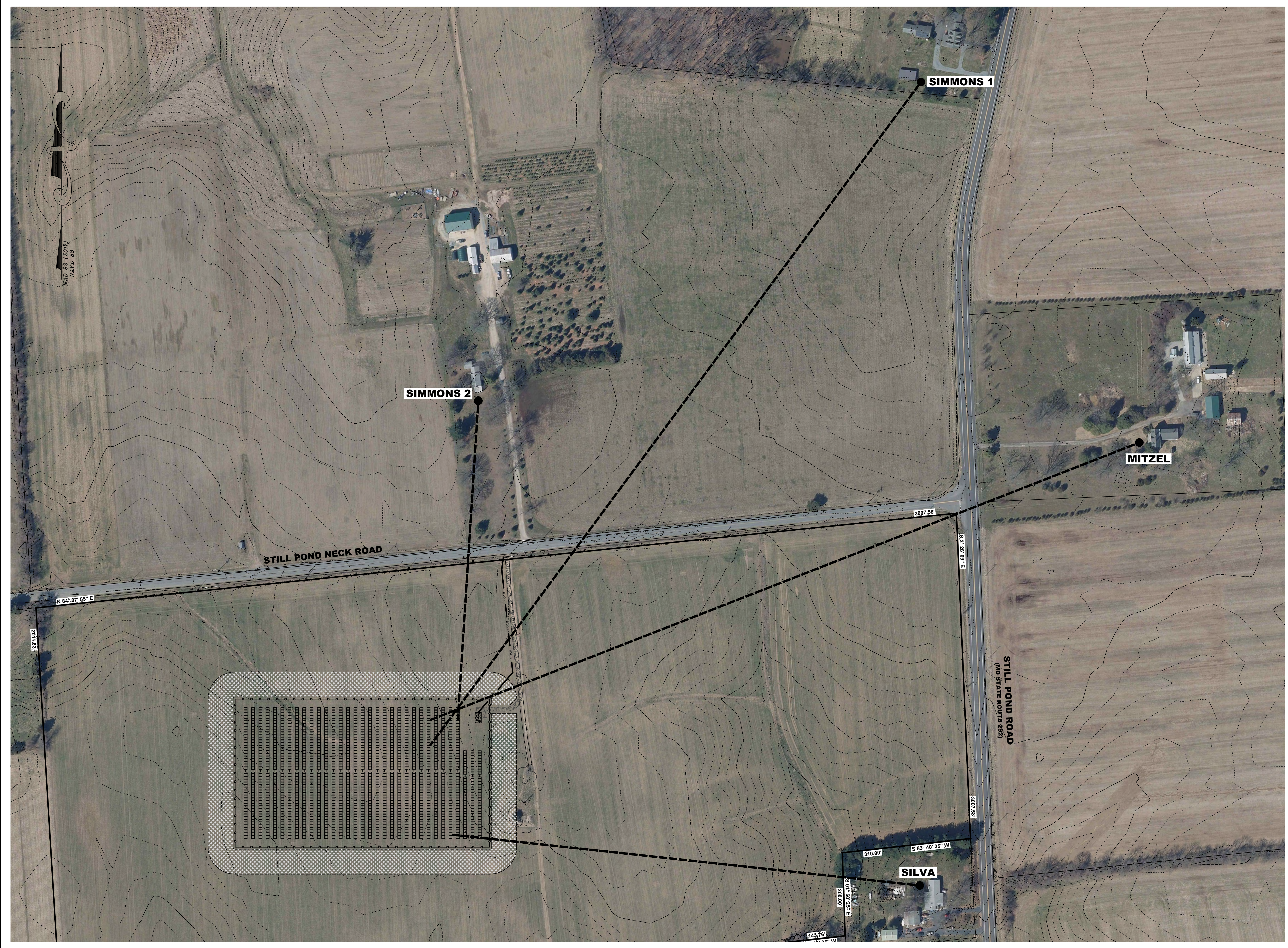


## CONCLUSIONS

The existing ground slopes across all observation points and array points are minimal. Because of the minimal ground slopes, the existing trees fully and partially mitigate visibility from the observation points. The minimal ground slopes from OP1, 3, and 10 allow the proposed landscape to properly mitigate visibility from the observation points. The observation points along the road will also benefit from the minimal ground slopes, allowing the proposed landscape to mitigate the visibility.

The analysis revealed that only three observation points have visibility of the proposed PV array. A combination of the terrain, existing vegetation, and the proposed landscape will successfully mitigate visibility of the proposed PV array. To address the unmitigated visibility at these three residences, landscaping has been proposed in a Schematic Landscape Plan along the eastern and southern edges of the array. ***The result will be that the solar array will not be visible to surrounding residences, businesses, or any other area accessible to the public.***





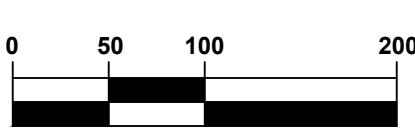
PROJECT TITLE

**MDL-118 STILL  
POND NECK  
ROAD - SOLAR**

26001 STILL POND NECK ROAD  
STILL POND  
KENT COUNTY, MD 21667  
ELECTION DISTRICT 3

SHEET TITLE

**LINE OF SIGHT  
PLAN**



SCALE: 1" = 100'

ISSUE BLOCK

MARK	DATE	DESCRIPTION

LAYER STATE LOS-SHEET

PROJECT NO.: 2022004.00

DATE: 06/21/2022

SCALE: 1" = 100'

DRAWN BY: M.W. PROJ. MGR.: E.H.H.

SHEET

**LOS-EXHIBIT**





**To:** Kent County Planning Commission  
**From:** Carla Gerber, Deputy Director  
**Meeting:** September 1, 2022  
**Subject:** Mark and Lu Ann Vansant  
Variance – front yard setback

## Executive Summary

### **Request by Applicant**

Mark and Lu Ann Vansant are requesting a front yard setback variance to construct a sunroom addition.

### **Public Process**

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

### **Summary of Staff Report**

Mr. and Mrs. Vansant are proposing to construct a new sunroom that will be 20 feet from the front property line. The property is located at 21542 East Sharp Street near Rock Hall and is zoned Critical Area Residential.

The requested 30-foot front setback variance will not change the character of the neighborhood or be a detriment to adjacent properties. A practical difficulty exists due to the location of the septic system originally used for the house. Moreover, an addition to the front of the house keeps improvements farther from the 100-foot stream buffer and floodplain located toward the rear of the property.

### **Staff Recommendation**

Staff recommends forwarding a favorable recommendation to the Board of Appeals for the requested 30-foot front yard setback variance.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
 SUBJECT: #22-51 – Mark and Lu Ann Vasant  
 Variances – Front Setback  
 DATE: August 25, 2022

Description of Proposal

Mark and Lu Ann Vasant are requesting a 30-foot variance from the 50-foot front setback requirement in order to construct a new sunroom on the front of their house. The property is located at 21542 East Sharp Street near Rock Hall in the 5th Election District and is zoned Critical Area Residential (CAR) following the adoption of the new Critical Area Line in 2021. Prior to the change in the Critical Area Line, the property was zoned Village. The surrounding area is characterized by residential development.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
  - A. Comprehensive Plan: “Ensure that all new development or redevelopment meets a high standard of planning, workmanship, and design.” (Page 31)
  - B. Applicable Law: Article V, Section 5.5 of the Kent County Land Use Ordinance establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

## Minimum Yard

Front	50 feet
Side	15 feet
Rear	30 feet

Minimum Lot Size – ½ acre

Minimum Lot Width – 75 feet

- C. Staff and TAC Comments: The applicant is requesting a variance of 30 feet from the required front setback to construct a sunroom addition.
- II. Variance
  - A. Applicable Law: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all the following:



- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
  - b. That the variance will not change the character of the neighborhood or district.
  - c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
  - d. That the practical difficulty or other injustice was caused by the following:
    - i. Some unusual characteristic of size or shape of the property.
    - ii. Extraordinary topographical or other condition of the property.
    - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
  - e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
  - ...
  - g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
  - h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
  - i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.
- B. Staff and TAC Comments: The variance will not cause a substantial detriment to adjacent or neighboring properties and will not change the character of the neighborhood. The Comprehensive Plan is neutral on this application. The house was constructed in 1957 and was originally on private well and septic. The septic system was located in the rear yard and the house was located toward the front of the property. The parcel has a slightly irregular shape with a stream buffer and floodplain toward the rear beyond the location of the old septic system. There is a small porch on the front of the house. The proposed sunroom will replace and enlarge this existing porch. Other houses in the vicinity have porches or sunrooms and are similarly close to the road.

#### Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for:

- 1) A 30-foot variance of the front yard setback requirement.

Mark and Lu Ann Vasant  
21542 E. Sharp Street, Rock Hall



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared August 2022.

1 inch = 100 feet



# BOARD OF APPEALS APPLICATION

## Kent County Department of Planning, Housing and Zoning

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

### IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

410 708 7013

MARK VANSANT

21542 E SHARP ST

ROCK HALL MD 21661

Email: rhmark@verizon.net

### For Office Use Only:

Case Number/Date Filed: \_\_\_\_\_

Filed by: \_\_\_\_\_

Applicant: \_\_\_\_\_

Planning Commission: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Parties Notified: \_\_\_\_\_

Notice in Paper: \_\_\_\_\_

Property Posted: \_\_\_\_\_

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: rhmark@verizon.net

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1X Section 2.2

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

\_\_\_\_\_ Appealing Decision of Kent County Zoning Administrator  Variance

\_\_\_\_\_ Special Exception \_\_\_\_\_ Nonconforming Use

### DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 21542 E SHARP ST ROCK HALL MD

In the 5<sup>th</sup> Election District of Kent County.

Size of lot or parcel of Land: .506

Map: 0051 Parcel: 0198 Lot #: \_\_\_\_\_ Deed Ref: 00355/00154

List buildings already on property: HOUSE 1,798 SF  
SHED 200 SF

If subdivision, indicate lot and block number: \_\_\_\_\_

If there is a homeowner's association, give name and address of association: \_\_\_\_\_

PRESENT ZONING OF PROPERTY: Critical Area

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.)

SUNROOM ADDITION  
FRONT YARD SETBACK

If appealing decision of Zoning Administrator, list date of their decision: \_\_\_\_\_

Present owner(s) of property: MARK + LU ANN VANSANT Telephone: 410 708 7013

If Applicant is not owner, please indicate your interest in this property: \_\_\_\_\_

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: \_\_\_\_\_

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**

List all property measurements and dimensions of any buildings already on the property.

**Put distances between present buildings or proposed buildings and property lines.**

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: ROCK HALL VOLUNTEER FIRE COMPANY

Owner(s) on the South: ERNEST & MILDRED STRONG (Rock Hall Lumber)  
THOMAS & TAMZI McTEAR

Owner(s) to the East: ERNEST & MILDRED STRONG

Owner(s) to the West: JOSEPH & BARBARA AMALFITANO

Homeowners Association, name and address, if applicable: \_\_\_\_\_

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**



7-8-2022

Signature of Owner/Applicant/Agent or Attorney

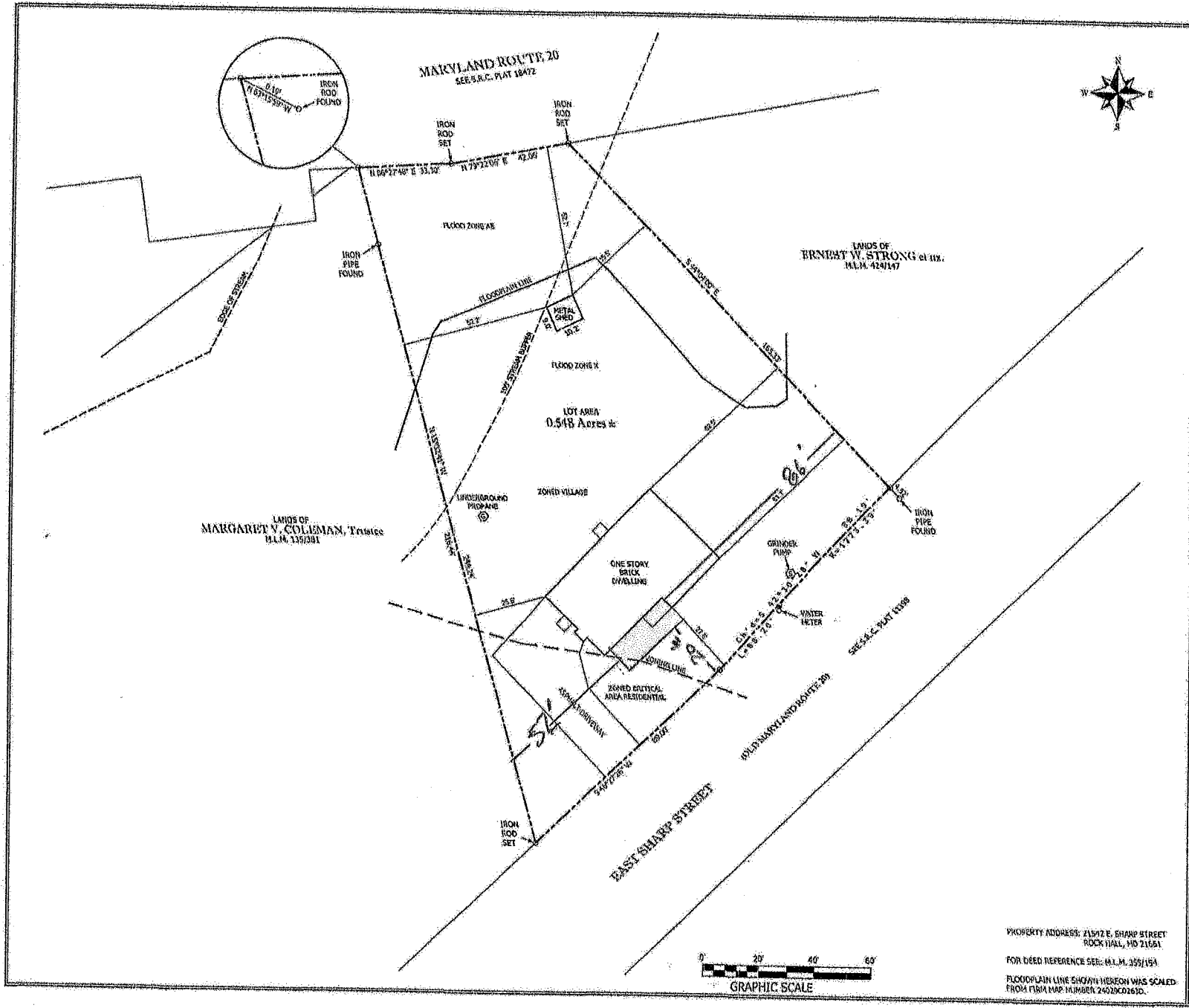
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**





**EXTREME**  
**MENSURES**  
 LAND SURVEYORS

Charleston, MD 21040 PHONE 410-778-8057  
 WWW.EXTREMELANDSURVEYS.COM

SCALE	DATE	BY	REV.	DATE	BY	REVISION

**MARK K. VANSANT et ux.**  
 FIFTH ELECTION DISTRICT, ALBERT COUNTY, MARYLAND  
 T10 MAP 51, PARCEL 105

PROPERTY ADDRESS: 21507 E. SHARP STREET  
 ROCK HILL, MD 21681  
 FOR DEED REFERENCE SEE: M.L.M. 359/154  
 FLOODPLAIN LINE ENGLISH HEREON WAS SCALED  
 FROM FEMA MAP NUMBER 24500C0265D.



22-51 Mark Vasant – Variance – Front Yard Setback – 21542 E. Sharp St., Rock Hall

#### Additional Information

Asking for a Variance of Front Yard Setback for a proposed Sunroom measuring approximately 27' x 13'. This Sunroom would encompass an existing front porch area of 10' x 5'.

Existing home built in 1957 has a slight 'L' shape in the front with widest part of 'L' extending 5' closer to road than the narrow part of 'L'. Proposed Sunroom would come approx. 8' closer to road from wide part of 'L' and approx. 13' from narrow part of 'L'.

There are currently 5 houses between Route 20 and bridge over Gray's Inn Creek headwaters on northwest side of East Sharp Street. For each of these houses, I measured the distance between the front wall of the house to the center line on East Sharp Street. Although I know this is not the official distance to right of way for measuring setback, it was the only easy way I could think of to be consistent in comparing these houses with my own.

House 1 (Strong) –	43'
House 2 (VANSANT current) --	57'
House 3 (Amalfitano) --	52'
House 4 (Amalfitano) --	50'
House 5 (Potts) --	47'

House 2 (WITH Proposed Sunroom) -- 49'

Currently, my home is further from East Sharp Street than any other house on northwest side of street. With Proposed Sunroom, distance from East Sharp Street would become average with other houses on the northwest side of the street.

Proposed Sunroom would not be a detriment to any neighboring property nor change character of the neighborhood. Proposed Sunroom should have no adverse effect on wetlands, wildlife/marine life or water quality of the Chesapeake Bay and its tributaries as Critical Areas regulations intend. Locating Proposed Sunroom elsewhere on property would not be practical due to layout of home as well as difficulties with relocating/removing old septic tank, air conditioner unit, generator, underground electric and gas lines.

**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** September 1, 2022  
**Subject:** Mary Lou Hurtt, Trustee  
Special Exception and Concept Site Plan Review – Adaptive Reuse of a Historic Structure

## Executive Summary

### REQUEST BY THE APPLICANT

Mary Lou Hurtt, Trustee, is requesting a special exception and concept site plan review for the adaptive reuse of a historic structure on Federal Hill Farm. The structures for adaptive reuse are a historic barn and granary to be utilized for the sale of pre-cut Christmas trees and other holiday items.

The property is located at 32762 Galena Sassafras Road in the First Election District and is zoned Rural Residential (RR) and Resource Conservation District (RCD). The barn and granary, as well as the principal structure, are listed in the Maryland Inventory of Historic Properties. No more than 6,200 square feet of the structures will be used for sales or storage. Operating hours will be approximately 15 days over three-day weekends during the winter holiday season. Inventory for the first season will be 300 trees, but an annual growth of 200 additional trees is anticipated with a maximum annual production of 1,500 trees. An estimated high average of 22 vehicles at a time will require parking, and 31 spaces are provided for along with 5 spaces for employees. Two porta-potties will be on site during hours of operation.

### PUBLIC PROCESS

Per Maryland State Law and Article VII, Section 6.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for special exceptions.

### SUMMARY OF THE STAFF REPORT

The intent of the special exception provisions is to provide for certain uses, which because of their unique characteristics, cannot be distinctly listed as a permitted use in a particular District. The Board of Appeals must consider the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

The applicant has addressed all specific and general performance standards and has outlined its proposed uses onsite. The site and its structures possess historical characteristics and value, and the proposed adaptive reuse maintains the larger use of the property as agricultural.

### STAFF RECOMMENDATION

Staff recommends approval of the special exception conditioned upon site plan approval.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
 SUBJECT: #22-54 – Mary Lou Hurtt, Trustee  
 Special Exception and Concept Site Plan Review– Adaptive Reuse of a Historic Structure  
 DATE: August 25, 2022

**DESCRIPTION OF PROPOSAL**

Mary Lou Hurtt, Trustee, is requesting a special exception and concept site plan review for the adaptive reuse of a historic structure on Federal Hill Farm, located at 32762 Galena Sassafras Road, Galena Maryland. The barn and granary, as well as the principal structure, are listed in the Maryland Inventory of Historic Properties. Reported to have been built in 1883, the home is typical of the large Victorian Gothic Revival farmhouses that had been constructed around Kent County in the last quarter of the nineteenth century, made possible by prosperous orchards of the times. The associated bank barn, more typically seen in Cecil County and Pennsylvania, is believed to have been built in several stages and is of an increasingly rarer architectural style. As stated in a 2004 update of the Maryland Historical Trust NR-Eligibility Review Form, “The property is in excellent condition and retains a high degree of its architectural integrity (house, barn, outbuildings) and its historic plan. The property appears to be eligible for listing in the National Register of Historic Placers under Criterion C as an outstanding example of a late nineteenth century farmstead with a Gothic Revival style house. The structures for adaptive reuse are the barn and granary, which are to be utilized for the sale of pre-cut Christmas trees and other holiday items. A small area of land approximately 375 feet northeast of the barn is leased by American Tower. The base is thickly screened by evergreen trees.

The 200-acre property is zoned Rural Residential (RR) and Resource Conservation District (RCD) and is in the First Election District. All the historic structures are in the Rural Residential zoning district. No more than 6,200 square feet of the structures will be used for sales or storage. Operating hours will be approximately 15 days over three-day weekends during the winter holiday season. Inventory for the first season will be 300 trees, but an annual growth of 200 additional trees is anticipated with a maximum annual production of 1,500 trees. An estimated high average of 22 vehicles at a time will require parking, and 31 spaces are provided for in the front lawn area. Five employee parking spaces are proposed to be located behind the existing barn. Two porta-potties will be on site during hours of operation.

**RELEVANT ISSUES**

- I. Special Exception – Specific Standards for Adaptive Reuse of Historic Structures
  - A. *Comprehensive Plan*:
    - Assist property owners in preserving historic sites (Page 124)
    - The County seeks the adaptive reuse of historic structures and resources as appropriate, through the development review process (Page 127)
  - B. *Applicable Laws*: Article V, Section 4.3 of the Kent County Land Use Ordinance identifies the adaptive reuse of historic structures as a special exception in the RR, subject to site plan review and standards found in Article VII.

Article VII, Section 7.4 of the Kent County Land Use Ordinance authorizes the Kent County

Board of Appeals to grant a special exception for the adaptive reuse of historic structures in RR provided the application complies with the following:

- a. Structures shall be listed in the Kent County Historic Site Survey or approved as a historically significant structure by the Planning Commission.
  - b. It is shown that exterior changes to site structures will be minimized. Extensions or enlargement of the principal and accessory structures may not exceed 25% of the gross floor area of each individual building above that which existed as of August 1, 1989. Enlargements shall be designed in keeping with the character of the building.
  - c. Landscaping is in keeping with the character of the building.
  - d. The site must have access to a public road adequate to handle traffic generated. The proposed use shall not generate traffic of a type or amount inappropriate for all access roads and the surrounding area. The use does not require road improvements detrimental to the character of the area.
  - e. The number of dwellings shall not exceed the density permitted in the district in which the structure is located.
  - f. The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
  - g. In RCD, adaptive reuse projects shall be limited to non-commercial and non-industrial uses.
- C. *Staff and TAC Comments:*
- According to the applicant's research, earliest records for the property are circa 1834 with the sale of the property to Ebenezer Welch, of Kent County, who operated the farm until his passing in 1859, whereupon the farm was inherited by Thomas Jacobs, a nephew to Mr. Welch. The current home was constructed by Mr. Jacobs, but by the end of the century he lost the farm to creditors who sold the farm at public sale to Andrew Woodall, who passed in 1906. Emily Woodall inherited Federal Hill Farms, and it was passed to her daughter, Bessie, who married Woodland Hurtt. The farm remains in the Hurtt family and is being operated by John W. and Beth Hickey. In 1986, the property was listed in the Maryland Inventory of Historic Places (MIHP).
  - The applicant intends to preserve the history of the property and no alterations to the buildings are proposed at this time.
  - Aerial imagery of the property identifies that active farm fields surround much of the structures, save for woodlands north and nearer to the Sassafras River. Landscaping is in keeping with the character of the buildings.
  - The applicant proposes access to the site from the existing driveway on Route 290, Galena Sassafras Road. Adequate parking is provided for on the lawn in front of the structures, approximately 800 feet from the road. The proposed use will have minimal impact on traffic. Farm operations will not be affected. No vegetation is to be removed, and potential damage to the lawn from parking will be minimal and temporary given the limited days of operation.
  - The number of dwellings does not exceed the density permitted in the Rural Residential District.
  - The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- II. Special Exception – General Standards
- A. *Comprehensive Plan:*
- The County will continue to promote the compatible adaptive reuse of significant historic



structures through the use of flexible protocols. (Page 124)

- B. *Applicable Laws:* Article VII, Section 6 of the Kent County Land Use Ordinance authorizes the Planning Commission to review and send a recommendation to the Board of Appeals for special exceptions.

Article VII, Section 2 of the Kent County Land Use Ordinance requires that the Board of Appeals make findings on the following where appropriate:

1. The nature of the proposed *site*, including its size and shape and the proposed size, shape, and arrangement of *structures*;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, *houses of worship*, schools, public *structures*, and other places of public gathering;
5. The impact of the *development* or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant *natural features* and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
10. The most appropriate use of land and *structure*;
11. Conservation of property values;
12. The proposed *development's* impact on water quality;
13. Impact on fish, wildlife and *plant habitat*;
14. Consistency with the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the *Critical Area Program*; and
16. Compatibility with existing and planned land use as described in the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan.

C. *Staff and TAC Comments:*

- The site will continue to be accessed by the existing driveway.
- The area is surrounded by farmland, woodlands, and limited residential development.
- The property is located approximately 3.4 miles to the Town of Galena, where the closest churches, schools, and places of public gathering are located.
- The site is served by private well and septic. The Kent County Health Department provided the following comments: Operation of the business six months or more will require a land evaluation for a septic system.
- The Comprehensive Plan and the Ordinance encourage the preservation of historic structures. The full scope of the proposed uses onsite has been described, identified, and limited by the applicant.
- The proposed use of the structures and property should not have a negative impact on property values.
- The proposed use is considered agriculture. Operations will take place inside and immediately outside of the adapted structures. Farming operations elsewhere on the property will not be interrupted.
- The proposal is consistent with Comprehensive Plan strategies for the preservation of historic structures.

### III. Site Plan Review

- A. *Applicable Law:* Article VI, Section 5 of the Kent County Land Use Ordinance outlines 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.

All other commercial and industrial development, multi-family dwellings, special exceptions, public facilities, and quasi-public facilities require Major Site plan Review - Concept Plan, Preliminary Plan and Final Plan. The Technical Advisory Committee reviews these projects. The Planning Commission reviews and approves major site plans. Where deemed appropriate by the Planning Director, the final site plan may be combined with the preliminary site plan. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary and final site plans may be combined.

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
- B. *Staff and TAC Comments:*
- The proposal is consistent with the Comprehensive Plan.
  - Areas of vehicular flow are clearly identified, and sufficient parking is provided.
  - The proposed use places reasonable demands on public services and infrastructure.

- The proposed use will be conducted on a large property surrounded by active farmland, will be approximately 800 feet from the road, and will be with limited number of visitors at any one time, thereby protecting abutting properties from any undue disturbance cause by excessive or unreasonable noise, smoke, vapor fumes, dust, odors, glare, stormwater runoff, etc.
- No tree or vegetation removal is proposed, and the setback is more than adequate.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the special exception conditioned upon site plan approval.

BOARD OF APPEALS APPLICATION

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)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

Mary Lou Hurtt, Trustee
32762 Galena Sassafras Road
Galena, MD 21635

For Office Use Only:
Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

Email: j.w.hick@icloud.com & MaryTazewell@aol.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 4.3.3
of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
X Special Exception Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 32762 Galena - Sassafras Road
In the 1st Election District of Kent County.

Size of lot or parcel of Land: 200 acres
Map: 8 Parcel: 5 Lot #: Deed Ref: MLM 598/350

List buildings already on property: Historic Home, equipment shed, garage, wind mill, milk house, corn crib
and several farm buildings

If subdivision, indicate lot and block number:
If there is a homeowners association, give name and address of association:

PRESENT ZONING OF PROPERTY: Resource Conservation Distrist and Rural Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires
the Appeal Hearing.) Adaptive Reuse of a Historic Structure by selling Christmas Trees in a former dairy barn

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: Mary Lou Hurtt, Trustee Telephone:

If Applicant is not owner, please indicate your interest in this property: John Hickey - Tenant Farmer

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date:



**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**

List all property measurements and dimensions of any buildings already on the property.

**Put distances between present buildings or proposed buildings and property lines.**

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: Jean Hurtt Taylor and Lots 8-15 in the Gentle Winds subdivision

Owner(s) on the South: Maryland Route 290

Owner(s) to the East: Steven Homyack

Owner(s) to the West: Wilson Point Road

Homeowners Association, name and address, if applicable: \_\_\_\_\_

**BY SIGNING THIS APPLICATION I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

\_\_\_\_\_  
Signature of Owner/Applicant/Agent or Attorney

\_\_\_\_\_  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals or the Planning Office is required to make out this Application. Application should be filled in by applicant or its agent. If the Planning Office assists you, they cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**



convert as much of his property as possible into cash. The trustees sold the farm at public sale to Andrew Woodall of Georgetown the shipping, grain, and lumber entrepreneur who acquired Kent and Cecil County farms as investments, owning over 30 by the time of his death in 1906. The farm is still in the Woodall/Hurt family. After Woodall's death in 1906, Emily A. Woodall, wife of James F. M. Woodall, inherited Federal Hill farm along with others after the division of Andrew Woodall's estate into six portions. After her death, it passed to her daughter Bessie, who married Woodland Hurtt. After serving in the Navy during World War One, their son James F. Hurtt returned to Federal Hill in January of 1920. James F. and Ruth MacArthur Hurtt operated Federal Hill Farm until 1970. In 1971 their son, James F. Hurtt Jr. and his wife Mary Lou Aiken Hurtt returned to Federal Hill farm and took over the operations. The farm was owned and operated by Jim and Mary Lou Hurtt until 2008 when Jim Hurtt passed on February 21, 2008. The Farm is owned by Mary Lou Hurtt and is being operated today by John W. and Beth Hickey.

### **Operations:**

Federal Hill Farm is nestled along Jacob's creek just outside of Galena, MD. and for nearly 190 years it has grown various crops such as peaches, asparagus, corn, soybean, wheat, barley, and managed a dairy operation over the years. In the next chapter of Federal Hill Farm, we will embark on planting Christmas trees where locals can come and experience the rich history of our farm and create a family tradition and memories as they pick out the perfect tree. The strategy is to utilize the exiting barns to create the stage for our Christmas Tree Operations.

The farm has several outbuildings with an unusually long barn, measuring about 122 feet. It is assumed this may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County. Fewer and fewer of these large old barns survive as with modern farm operations. The Christmas tree operation will utilize this barn in all aspects of the

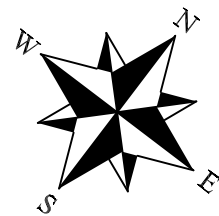
operation. The intent is to use the cow stable to set up pre-cut trees as well as display and market wreaths and greens. The granary will be used as a shop/market to sell ornaments, holiday items, offer hot drinks to warm up, secure the sale of the tree as well as offering local Kent Co artisan items. Other outbuildings such as the wagon shed will be used to showcase pre-cut trees as well as storage of trees and supplies.

In the spring of this year, we planted 2500 trees with the intent to start harvesting these trees in 2030. Our plan is to continue to plant 2000 to 3000 trees annually. Until we can offer a U-Cut tree operation we plan to establish a tree lot with Pre-Cut trees. In 2022 our plan is to offer 300 trees for purchase to the public. Our hours of operations are planned for Friday through Sunday, starting on the Friday after Thanksgiving, November 25<sup>th</sup>. The hours of Operations would be from 8am to 5pm. With 300 trees to sell, we anticipate 1200 guests. This is based on 4 guest per family and a sale of 300 trees. Based on sales we would anticipate a growth in the pre-cut tree sales to build up to our intended launch of U-Cut sales in 2030 and selling on average 1500 trees. Therefore, the anticipated growth would be 200 trees annually to build up to our intended U-Cut numbers of 1500 trees in 2030.

**Other Activities:**

As the Christmas Tree operations grows, we are sure other activities may offer opportunities to grow our business. Such activities would be fall festivities such as a pumpkin patch or corn maze or even a venue for events such as weddings or photo opportunities. Whatever the activity maybe it will need to align with the mission of Federal Hill Farm, where our focus is agriculture and the purpose is to offer others an opportunity to step back in time to create special memories and traditions with their family and friends.





LAND LEASED BY  
AMERICAN TOWER  
M.L.M. 1049/273

EXISTING BUILDING

EXISTING BUILDING

1000' CRITICAL AREA BUFFER (SCALED)

RCD ZONING  
RR ZONING

EXISTING STONE LANE

TILLED FIELD

PROPOSED  
EMPLOYEE  
PARKING  
5 SPACES

CORN CRIB

EXISTING SILO

SHED

PROPERTY LINE  
PARCEL 127  
LANDS OF  
MARY LOU HURTT, Trustee  
M.L.M. 598/350  
PLAT REFERENCE: E.H.P. 38/56

CHRISTMAS TREE  
DISPLAY AREA

EXISTING  
COW STABLE

EXISTING  
CONCRETE

CHRISTMAS TREE  
DISPLAY AREA

EXISTING  
GRANARY

MILK  
HOUSE

EXISTING  
CONCRETE

SHED

AREA PLANTED  
IN CHRISTMAS  
TREES

EXISTING  
LIGHT

EXISTING  
WELL

PROPOSED  
LOADING/UNLOADING

EXISTING  
WINDMILL

CHRISTMAS TREE  
DISPLAY AREA

EXISTING  
WAGON SHED

EDGE OF FIELD

PROPERTY  
LINE

EXISTING  
BUILDINGS

PROPERTY  
LINE

EXISTING  
STONE LANE

REMAINS  
OF WATER  
TOWER

TRAFFIC  
FLOW  
(TYP.)

PEDESTRIAN  
WALKWAY

ICE  
HOUSE

PROPOSED  
PORTA-POTTIES

LAWN  
AREA

1 STORY  
FRAME  
DWELLING

2½ STORY  
FRAME  
DWELLING

PROPOSED PARKING SPACES  
31 - 10'x20'

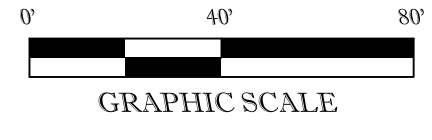
EDGE OF FIELD

DAYS OF OPERATION PER YEAR = 15  
HOURS OF OPERATION 8a-5p = 9hrs/day  
MAXIMUM TREES SOLD = 1500/yr  
ESTIMATED MAXIMUM NUMBER OF CUSTOMERS PER HOUR = 25  
MAXIMUM NUMBER OF EMPLOYEES = 5

TILLED  
FIELD

NOTES:  
DEED REFERENCE: M.L.M. 598/350  
PREMISES ADDRESS: 32762 GALENA SASSAFRAS ROAD  
GALENA, MD. 21635  
PROPERTY LINES SHOWN HEREON ARE BASED ON  
SURROUNDING SURVEYS AND DO NOT REPRESENT  
A FIELD RUN SURVEY AT THIS TIME.

25' WIDE  
RIGHT-OF-WAY



SITE PLAN

OF THE LANDS OF

MARY LOU HURTT, Trustee

DISTRICT, KENT COUNTY, MARYLAND

MAP 8 PARCEL 5

SCALE  
1"=40'  
DRAWN BY  
WJE  
DATE  
6/13/22  
JOB NO.  
1477  
REVISIONS



Chestertown, MD 21620 PHONE 410-778-0147  
www.extrememeasuresllc.com

SHEET 2 OF 2

# K-632

## Federal Hill Farm

### **Architectural Survey File**

This is the architectural survey file for this MIHP record. The survey file is organized reverse-chronological (that is, with the latest material on top). It contains all MIHP inventory forms, National Register nomination forms, determinations of eligibility (DOE) forms, and accompanying documentation such as photographs and maps.

Users should be aware that additional undigitized material about this property may be found in on-site architectural reports, copies of HABS/HAER or other documentation, drawings, and the “vertical files” at the MHT Library in Crownsville. The vertical files may include newspaper clippings, field notes, draft versions of forms and architectural reports, photographs, maps, and drawings. Researchers who need a thorough understanding of this property should plan to visit the MHT Library as part of their research project; look at the MHT web site ([mht.maryland.gov](http://mht.maryland.gov)) for details about how to make an appointment.

All material is property of the Maryland Historical Trust.

***Last Updated: 05-14-2004***

**MARYLAND HISTORICAL TRUST  
NR-ELIGIBILITY REVIEW FORM**

NR Eligible: yes 94  
no     

Property Name: Federal Hill Farm Inventory Number: K-632

Address: 32762 Galena Sassafras Road City: Galena Zip Code: 21635

County: Kent USGS Topographic Map: Millington

Owner: James F. Hurtt

Tax Parcel Number: 5 Tax Map Number: 08 Tax Account ID Number: 008277

Project: American Towers-Galena Site Agency: FCC

Site visit by MHT Staff:  no  yes Name: \_\_\_\_\_ Date: \_\_\_\_\_

Eligibility recommended  Eligibility not recommended

Criteria:  A  B  C  D Considerations:  A  B  C  D  E  F  G  None

Is the property located within a historic district?  no  yes Name of district: \_\_\_\_\_

Is district listed?  no  yes Determined eligible?  no  yes District Inventory Number: \_\_\_\_\_

Documentation on the property/district is presented in: MIHP form completed by Margaret Q. Fallaw (1986)

**Description of Property and Eligibility Determination:** *(Use continuation sheet if necessary and attach map and photo)*

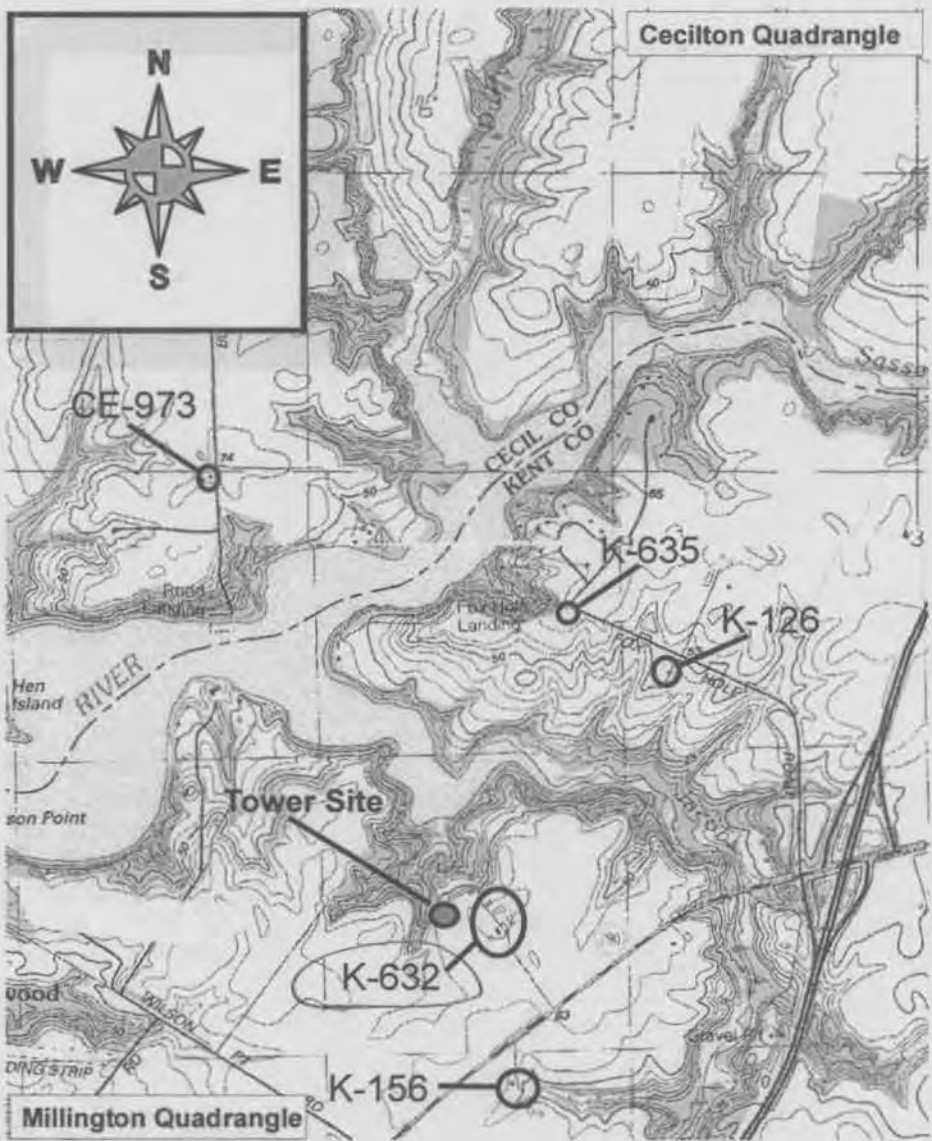
The Federal Hill Farm is a farmstead comprised of a 2 1/2-story frame Gothic Revival house, barn with a silo, stable/garage, windmill, and other outbuildings located north of MD Route 290. According to the owner, the house was built in 1883. The farm continues to operate as a working agricultural enterprise.

The property remains as it was described and photographed by Fallaw and reported in the 1986 MIHP form. The property is in excellent condition and retains a high degree of its architectural integrity (house, barn, outbuildings) and its historic plan. The property appears to be eligible for listing in the National Register of Historic Places under Criterion C as an outstanding example of a late nineteenth century farmstead with a Gothic Revival style house.

Prepared by: David S. Rotenstein Date Prepared: November 2000

<b>MARYLAND HISTORICAL TRUST REVIEW</b>	
Eligibility recommended <input checked="" type="checkbox"/>	Eligibility not recommended <input type="checkbox"/>
Criteria: <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> D	Considerations: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> None
Comments: _____	
_____ Reviewer, Office of Preservation Services	_____ Date
_____ Reviewer, NR program	_____ Date























100













K-632

Circa 1880

Federal Hill Farm

Near Sassafras

Private

In a number of ways the house at Federal Hill Farm, located southwest of Sassafras, is typical of the large, frame, five-bay-wide, 2-1/2 storey Victorian Gothic Revival farmhouses with central gable built in all parts of Kent County during the last quarter of the nineteenth century. This sort of house was the most common style and form for houses built by the county's most prosperous farmers, who very likely were enabled to do so through the bumper peach and pear crops harvested and sold during this period. Much of this farm, like seemingly every other farm along the Sassafras River, was planted in orchards during the period when these houses were built. Stylistically, this house is especially notable for the fine, almost lacy front-porch trim that arched between the posts, with a center drop. The farm is also notable for several of its outbuildings. There is an unusually long barn, measuring about 122 feet, that may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County. Fewer and fewer of these large old barns survive as with modern farm operations there is little use for them. Near the house there is a large planked meathouse, and farther back on the property is a small, moved one-room-with-loft structure that if not a slave cabin was the dwelling of free farm help. It is strikingly similar to Charley's House (K-322), a dwelling that was moved from the extension of Court Street in Chestertown to the Kent Museum property at Turner's Creek. Most of these small dwellings, probably housing a considerable number of people all over the county, have been lost, whereas the bigger, finer houses survive out of proportion to their numbers initially. The big main house and the small dwelling provide an interesting study in contrasts.



# Maryland Historical Trust State Historic Sites Inventory Form

## 1. Name (indicate preferred name)

historic Federal Hill Farm

and/or common

## 2. Location

street & number Northwest side Rt. 290, 1.7 miles southeast of  
Sassafras  not for publication

city, town Sassafras  vicinity of congressional district First

state Maryland county Kent

## 3. Classification

Category	Ownership	Status	Present Use
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture <input type="checkbox"/> museum
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial <input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational <input checked="" type="checkbox"/> private residence
<input type="checkbox"/> site	<b>Public Acquisition</b>	<b>Accessible</b>	<input type="checkbox"/> entertainment <input type="checkbox"/> religious
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> government <input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial <input type="checkbox"/> transportation
	<input checked="" type="checkbox"/> not applicable	<input checked="" type="checkbox"/> no	<input type="checkbox"/> military <input type="checkbox"/> other:

## 4. Owner of Property (give names and mailing addresses of all owners)

name Mr. & Mrs. James F. Hurtt Jr.

street & number Federal Hill Farm telephone no.: 648-5142

city, town Galena state and zip code Maryland 21635

## 5. Location of Legal Description

courthouse, registry of deeds, etc. Court House liber EHP 71

street & number Cross Street folio 741

city, town Chestertown state Maryland

## 6. Representation in Existing Historical Surveys NONE

title

date  federal  state  county  local

depository for survey records

city, town state

# 7. Description

Survey No. K-632

106

<b>Condition</b>		<b>Check one</b>	<b>Check one</b>	
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site	
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved	date of move _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed			

Prepare both a summary paragraph and a general description of the resource and its various elements as it exists today.

Federal Hill Farm is located on the northwest side of Route 290, the Galena-Sassafras road, about 1-1/2 miles southwest of the village of Sassafras. The frame farmhouse, facing southeast, has a large, five-bay-wide, 2-1/2 storey, gable-roofed main section with a central gable and a dormer on each side. The rear, perpendicular wing, two storeys tall, is set in several feet from the northeast end of the main section. It has a porch on each side. The main section plan is central-hall with one room on each side. In this circa 1880 vernacular Victorian Gothic Revival farmhouse there is unusually good access from main section family living room to the rear wing. Evidence in the cellar indicates that under at least this portion the foundation is not a new one but re-used from a former building. There are several notable nineteenth-century farm outbuildings on the farm.

(Continued)



# 8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input checked="" type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)

**Specific dates** Circa 1880 **Builder/Architect**

check: Applicable Criteria:  A  B  C  D  
 and/or  
 Applicable Exception:  A  B  C  D  E  F  G  
 Level of Significance:  national  state  local

Prepare both a summary paragraph of significance and a general statement of history and support.

In a number of ways the house at Federal Hill Farm is typical of the large, frame, five-bay-wide, 2-1/2 storey Victorian Gothic Revival farmhouses with central gable built in all parts of Kent County during the last quarter of the nineteenth century. This sort of house was the most common style and form for houses built by the county's most prosperous farmers, who very likely were enabled to do so through the bumper peach and pear crops harvested and sold during this period. Much of this farm, like seemingly every other farm along the Sassafras River, was planted in orchards during the period when these houses were built. Stylistically, this house is especially notable for the fine, almost lacy front-porch trim that arches between the posts, with a center drop. The farm is also notable for several of its **outbuildings**. There is an unusually long barn, measuring about 122 feet, that may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County . Near the house there is a large planked meathouse, and farther back on the property is a small one-room-with-loft structure that if not a slave cabin was the dwelling of free farm help. It is strikingly similar to Charley's House (K-322), a dwelling that was moved from the extension of Court Street in Chestertown to the Kent Museum property at Turner's Creek. Most of these small dwellings, probably housing a considerable number of people all over the county, have been lost, whereas the bigger, finer houses survive out of proportion to their numbers initially. The big main house and the small dwelling provide an interesting study in contrasts.

(Continued)





The main section of Federal Hill's house is about 40 feet wide and 18 feet deep. The lower, two-storey section measures about 20 feet wide and 40 feet deep, in actuality, then, the larger part of the house. Attached to the rear gable-end of the wing is a one-storey, one-bay deep porch that is now enclosed; it has a shed roof.

The exterior walls of both sections are covered with horizontal, lapped weatherboard with 4-1/2" to 5" exposure. There are double cornerboards of about 4" wide. Most of the weatherboard on the long sides of the wing's first storey has been replaced. The enclosed porch is sided with German shiplap siding, applied during the 1940s. The weatherboard is continuous from the main wall up into the central gable. In the center of the gable is a double-hung 2-over-2 window with triangularly-pointed upper sash. Its trim is plain and wide.

The main section is built over a crawl space; the foundation is built of brick and has been parged. The foundation of the wing is stone. Under the first wing room, the dining room, is a cellar, which tapers off into a crawl space toward the rear of the wing. The foundation and some sills appear to have been used for a previous building, one whose axis may have been the other direction from that of the present wing. There is an indication of a previous chimney base in the area under the entry in the southeast side of the dining room. Most of the stone appears to have been re-used in the new foundation. An old man, who worked on the farm before the new house was built, told the present owner's father that there was indeed a building in the location of the dining room and that it extended out to the northeast, beyond the present wing porch there.

There are four chimneys, as is most usual with this type of house. One is located at each side outside the central hall, within the side rooms. This moving from the formerly traditional gable-end chimney location that was typical of the later of this type of house freed the gable end for decorative treatment and addition of windows for additional light. Accordingly, a three-part, one-storey bay is in the northeast end of the main section, and on the other end there is a centered window on each storey. The chimneys located near the center of the house probably were more efficient as well. They rise through the roof ridge at each side of the central gable. These chimneys are built of quite bright-red brick. They have a two-course band just below chimney-top. The other two chimneys are wing chimneys, one at the rear dining room wall and one at the rear gable-end of the wing, for the kitchen. They rise through the roof ridge. The dining room chimney has a four-course cap and the kitchen chimney three courses of corbelling, out and in.

The roofs are covered with metal roofing, both standing-seam type and corrugated, dating from the 1950s. They replaced wood shingles.

The main entry is in the central bay of the main section's southeast side. The architrave is wide and tall, 5'-9" wide by 9'-0" tall at the center, including the sill. The architrave is quite simple in comparison to some  
(continued)

Continuation page 7.2

K-632

others in similar houses. The trim is 5" wide and plain except for a 9/16" inside bead. The sill is wood. There are double wooden screen doors that appear original or very early; each has one panel over two. There is a three-light transom, over which the head trim is slightly pedimented. The double main doors are typical catalogue doors of the period, with bold bolection molding around the panels that is 2-1/4" wide, with 2-3/8" square corner blocks having incised concentric circles (bullseyes). Each door has a large, vertical top panel, a small, horizontal central panel, and a lower almost square panel. The panels are recessed and slightly raised with applied panel molding and the bolection molding besides. In the center of each panel is an applied raised and beveled panel framed with compound symmetrical trim. The hinges are decorative Victorian cast hinges. The original operating hardware is in place, of embossed, cast brass--knobs and keyhole with escutcheon. There is a box lock.

Main-section windows are double-hung with 2-over-2 lights. Second-storey windows are shorter than those of the first storey. They are trimmed in the same manner as the main entry, including the pedimented head trim. Muntins are wide, and the sills are double. The first-storey shutters have a top section of movable louvers and a lower section of a plain recessed panel with ogee-and-bevel panel molding. Second-storey shutters are entirely with movable louvers. On the west west-end window the shutters have 1-over-1 panels.



One wonders about any possible connection of the name Federal Hill Farm with the Federal Hill area of Baltimore. However, the name is an old one. The farm was designated by that name in an 1834 deed conveying the property from John L. Wilmer and William D. Wilmer, both of Kent County, to Ebenezer Welch of Kent County. (Kent County Land Records, JNG/350) The present house, of course, was not there at this time, though the one whose fragment now appears to be under the dining room may have been. The selling price was \$1,477.50, or at least the amount mentioned in the deed. Since Thomas Jacobs was yet to become owner of this farm, the creek that borders the farm on the northeast naturally was not yet known by his name. It was called Herring Creek, evidently because at that time the herring still came up the Sassafras that far during the spawning season. The size of the farm was 246+ acres.

Ebenezer Welch, who was a vestryman of St. Clement's Church and a part owner of the Swantown Mill to the west on Route 290 as well as a farmer, owned the property until his death, which probably was soon after writing his will dated January 29, 1858, for in it he says he is "weak in body." Besides making provisions for freeing his slaves and providing them with land, he left the farm to his nephew Thomas A. Jacobs, though an income was to be provided his wife from the farm if her stated income from other sources was insufficient. Some of his other bequests were also charged against the farm. Jacobs evidently got the farm subject to a number of financial commitments. In the early 1880s he built the present house, but by 1896 he was on his way to losing the farm because he was unable to pay his creditors. It was first assigned to Charles T. Westcott and John D. Urie in trust. They were authorized to sell to convert as much of his property as possible into cash. The trustees sold the farm at public sale to Andrew Woodall of Georgetown, the shipping, grain and lumber entrepreneur who seemed to collect Kent and Cecil County farms as investments, owning over 30 by the time of his death in 1906. Woodall paid \$7,7750 for the farm, still 246 acres. The farm is still in the Woodall family. After his death in 1906, the present owner's grandmother Emily A. Woodall, wife of James F. M. Woodall (a Woodall had married a Woodall), inherited this farm along with others after the division of Andrew Woodall's estate into six portions. After her death, it passed to her two heirs, and then to the sons of one of them, one of whom was the father of the present owner.











**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** September 1, 2022  
**Subject:** Andrew and Emily Kaiser  
Variance – Buffer

## Executive Summary

### REQUEST BY THE APPLICANT

Andrew and Emily Kaiser are requesting a buffer variance to partially renovate an existing residential dwelling. The applicants propose to remove a stoop, stairs, and part of a walkway in order to add a mudroom, stoop, and stairs on to the landward side of the residential structure, resulting in 26.75 square feet of permanent impact to the buffer. In addition, an existing one-story screened porch on the waterfront side will be rebuilt and a second story will be added to it. The renovation will not encroach further into the buffer. Lot coverage allowed for this property is 17,420 square feet. Current lot coverage is 17,153 square feet. The proposed project would increase lot coverage to 17,180 square feet. The 2.66-acre property is located at 24212 Comegys Bight Lane in the Seventh Election District and is zoned Resource Conservation District (RCD).

### PUBLIC PROCESS

Per Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances. The Board of Appeals may authorize variances from ... buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

### SUMMARY OF THE STAFF REPORT

The applicant has addressed specific and general performance standards. The intent of the variance provision is to set forth the procedures and standards for variances and waivers from certain enumerated provisions of this Ordinance. The Board of Appeals may authorize variances so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of the Ordinance. The applicants meet the majority of criteria for being granting a variance due to the practical difficulty of the entirety of the home being in the 100-foot buffer.

### STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance with the following conditions:

- Buffer mitigation as proposed will be implemented within two growing seasons and will be maintained to ensure survivability.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #22-55 – Andrew and Emily Kaiser  
Variance – Buffer  
DATE: August 25, 2022

**DESCRIPTION OF PROPOSAL**

Andrew and Emily Kaiser are requesting a buffer variance to partially renovate an existing residential dwelling by adding a small mudroom to the landward side of the principal structure. The principal dwelling was constructed in 1970, and County records indicate that it has 1,944 square feet of above grade living area. This 2.666-acre property is located at 24212 Comegys Bight Lane in the Seventh Election District and is zoned Resource Conservation District (RCD).

An existing stoop and partial walkway, equaling 42.75 square feet, are to be demolished. To be constructed are 35.75 square feet for the mudroom and 33.75 square feet for new stoop and steps, for a net gain of 26.75 square feet of permanent disturbance within the buffer. A buffer mitigation plan for the permanent disturbance that exceeds the required 3:1 ratio and is to be located between the improvements and the water has been proposed. In addition, an existing one-story screened porch on the waterfront side will be rebuilt and a second story will be added to it. The renovation will not encroach further into the buffer. Lot coverage allowed for this property is 17,420 square feet. Current lot coverage is 17,153 square feet. The proposed project would increase lot coverage to 17,180 square feet.

**RELEVANT ISSUES****I. Development in the Buffer**

- A. *Comprehensive Plan*: “Maintain, enforce and if necessary, strengthen existing regulations for floodplains and buffers.” (Page 86)
- B. *Applicable Law*: Article V, Section 2.7.B.3.a of the Kent County Land Use Ordinance establishes the standards for development in the buffer:
  - i. Development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
- C. *Staff and TAC Comments*:
  - Development activity of this nature is not permitted in the buffer; therefore, the applicant has applied for a buffer variance to partially renovate an existing residential dwelling, including a mudroom with associated steps that will result in 26.75 square feet of permanent impact to the buffer.
  - The Critical Area Commission (CAC) has reviewed this application and does not oppose the buffer variance. The CAC recommends that the required 3:1 mitigation be located between the improvements and the shoreline to maximize water quality benefits.



## II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances of the Kent County *Land Use Ordinance* authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

In order to grant a *variance*, the Board of Appeals must find all of the following:

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
  - i. Some unusual characteristic of size or shape of the property.
  - ii. Extraordinary topographical or other condition of the property.
  - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
- e. That the practical difficulty or other injustice was not caused by the applicants own actions.
- f. That within the *Critical Area* for *variances* of 15% slope, impervious surface, or buffer requirements:
  - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area Law* and the *regulations* adopted by Kent County
  - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
  - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area Commission*.
  - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
  - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
  - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
  - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
  - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
  - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.

- xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.
- g. In considering an application for a *variance*, the Board shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
- h. In considering an application for a *variance*, the Board of Appeals shall presume that the specific *development* activity in the Critical Area that is subject to the application and for which a *variance* is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.

B. *Staff and TAC Comments:*

- The Comprehensive Plan advocates for the maintenance, enforcement, and, if necessary, strengthening of existing regulations for floodplains and buffers. The intent of the Ordinance is to set the standards for variances from certain enumerated provisions.
- The practical difficulty is that the entirety of the principal structure is within the 100-foot buffer.
- As the proposed impact is minimal and the required mitigation has been agreed upon, the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations.
- The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
- Homes on adjacent and nearby properties are not within the 100-foot buffer and do not share the same practical difficulty.
- Authorization of the variance will not be a substantial detriment to adjacent property and the character of the district will not be changed.
- Mudrooms are a desirable and common feature of waterfront homes, and a literal interpretation of this Ordinance would deprive the applicants the rights commonly enjoyed by other properties in similar areas.
- The granting of a variance will not confer upon the applicants any special privilege that would be denied by this Ordinance to other lands or structures.
- Without a variance, the applicant would be deprived of use of a structure permitted to others in accordance with the provisions of the critical area program.
- The Critical Area Commission has recommended that the Board of Appeals make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent County Land Use Ordinance and COMAR 27.01.12.04, both of which address whether the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law. With the limited impact and the clear intent to mitigate, along with other environmental improvements on the property, Staff has determined that the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law.

## STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance to remove a stoop, stairs, and part of a walkway in order to add a mudroom, stoop, and stairs on to the landward side of the residential structure, resulting in 26.75 square feet of permanent impact to the buffer. Staff further recommends the following:



- Buffer mitigation as proposed will be implemented within two growing seasons and will be maintained to ensure survivability.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor



Charles C. Deegan  
Chairman  
Katherine Charbonneau  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

August 23, 2022

Mr. Mark Carper  
Kent County  
Department of Planning, Housing and Zoning  
400 High Street  
Chestertown, Maryland 21620

**Re: Andrew and Emily Kaiser  
Buffer Variance Request (22-55)  
24212 Comegys Bight Lane  
(TM 52, P 35)**

Dear Mr. Carper:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a Buffer variance in order to partially renovate an existing residential dwelling. The property is 2.66 acres in size, located on lands designated as Resource Conservation Area (RCA), and zoned Residential Conservation District (RCD). The applicant proposes to remove and replace in-kind an existing screened-in porch that will also include a second story above the porch; the porch and addition are located on the waterside of the residential dwelling. In addition, the applicant proposes to remove a stoop, stairs, and partial walkway in order to add a mudroom, stoop, and stairs onto the landward side of the residential dwelling, resulting in 26.75 square feet of permanent impacts to the Buffer. Lastly, the applicant proposes to add a second story home office onto the existing garage, located outside of the Buffer.

The proposed total lot coverage on site is 17,179 square feet (14.8%). No clearing is proposed; however, the residential structure and associated amenities are located wholly within the Buffer; therefore, 26.75 square feet of permanent impacts will occur within the Buffer.

Based on the information provided, we do not oppose this Buffer variance request. Mitigation at a 3:1 ratio is required for permanent impacts to the Buffer as per COMAR 27.01.09.01-2. Locating the plantings between the improvements and the shoreline is recommended to maximize water quality benefits. The applicant shall provide a Buffer Management Plan as per COMAR 27.01.09.01-3 to the County for review and approval that includes species, size, spacing and schedule of plantings, and maintenance activities and survivability assurance.



Kaiser Buffer Variance (22-55)

August 23, 2022

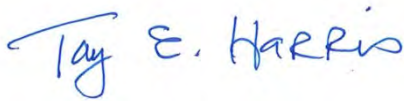
Page 2

In addition, when deciding the proposed buffer variance request, the Board of Appeals shall make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent Land Use Ordinance and COMAR 27.01.12.04.

Finally, it is unclear if the proposed home office above the garage constitutes as a dwelling unit per the County and Critical Area definition. We note that density in the RCA is limited to 1 dwelling unit per 20 acres; however, the County may consider one additional dwelling unit per lot or parcel if it complies with the provisions found in Natural Resources Article 8-1808.1(e)2. We recommend that the County work with the applicant to clarify this matter, including determining if a non-conversion agreement is necessary for the home office.

Thank you for the opportunity to review and provide comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. If you have any questions, please feel free to contact me at 410-260-3481 or [tay.harris@maryland.gov](mailto:tay.harris@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Tay E. Harris". The signature is written in a cursive, slightly slanted style.

Tay E. Harris  
Natural Resources Planner  
KC 285-22

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

ANDREW AND EMILY KAISER

24212 COMEGYS BLVD LAUREL

CHESTERTOWN, MD. 21620

Email: EMILY.FINTEL.KAISER@GMAIL.COM

For Office Use Only:

Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

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: JOHN@JOHNHOTCHARD.COM

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article Section

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 24212 COMEGYS BLVD LAUREL

In the Election District of Kent County.

Size of lot or parcel of Land:

Map: 0052 Parcel: 0135 Lot #: Deed Ref:

List buildings already on property: MAIN HOUSE, GARAGE

If subdivision, indicate lot and block number:

If there is a homeowner's association, give name and address of association:

PRESENT ZONING OF PROPERTY: RESOURCE CONSERVATION DISTRICT

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) BUILD A SMALL MUDROOM WITH THE BUFFER BUT NO LOWER TO SHOROWNE THAN EXISTING HOUSE. EASTING BUILDING PAGES HANDSHIP DUE TO BEING ENTIRELY W/IN BUFFER

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: ANDREW AND EMILY KAISER Telephone: 410.810.4550



If Applicant is not owner, please indicate your interest in this property: \_\_\_\_\_

Has property involved ever been subject to a previous application? UNKNOWN

If so, please give Application Number and Date: \_\_\_\_\_

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**

List all property measurements and dimensions of any buildings already on the property.

**Put distances between present buildings or proposed buildings and property lines.**

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: CHARLES E. CONKLIN

Owner(s) on the South: M. RICHARD KALTER

Owner(s) to the East: COMEGYS CORREK

Owner(s) to the West: DONALD FREDERICK HEWES

Homeowners Association, name and address, if applicable: N/A

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

[Signature] (ARCHITECT)  
Signature of Owner/Applicant/Agent or Attorney

7/29/22  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**

August 25, 2022

**Re: JHA Project #21031 - Comegys Bight Renovations  
24212 Comegys Bight Lane, Chestertown MD  
Buffer Variance Narrative**

To whom it may concern,

The following narrative are comments I would like to make in support of our request for a Buffer Variance for a new Mudroom addition of the house addressed above.

- A. Prior to employing my office to design this project, and also subsequently, the owners have polled some of their neighbors to see if anyone would be apposed to the Mudroom Addition or Garage Second Floor Addition, both of which shown in my drawings that are labeled, "Variance Submission", and dated 29 July, 2022. To date, they have have received no objections from their neighbors - only comments of support. The design of the mudroom and 2nd Floor Garage additions, have been intentionally modest, and within keeping of the modest aesthetic of surrounding residences and farmland.
- B. The Owner's of the property, Andrew and Emily Kaiser, are presented with a practical difficulty which was not created by the Owner's actions. The entire existing house, built circa 1970, resides within the 100' buffer, and thusly, to change the footprint in any way, requires a buffer variance.
- C. The purpose of the mudroom, is to allow for the Kaisers to have an entry to the house which can be safely used by their two children, who are active with sports and summer camps. The current layout of the house does not have any reasonable interior space for a mudroom. We also considered an addition at the front door, but that would be less safe because of the main stairway to the second floor being in that location, and would be visually less attractive (and also would still be within the 100' buffer). We consider the proposed location on the side of the house to be a good solution, as it is aesthetically in keeping with the rest of the house, it is adjacent to the current Laundry, and the addition is designed in an area presently occupied (partially) by a paved pathway and large masonry stoop, totaling 43 sq ft of current impervious coverage which will be "swallowed up" by the addition. As a result, the new addition and stoop only create an additional 27 sq ft of impervious coverage for the property.
- D. The 27 sq ft of additional impervious coverage has been addressed with a Buffer Planting Plan shown on Sheet A0.03 of the submitted drawings. Being within the buffer, the required credits shall be the total new coverage multiple by a factor of 3. Thusly, the required credits required for this project is 81 sq ft). We have proposed a new Sweetly Magnolia (totaling 150 sq ft credits) between the house and the water, as shown on the drawings. Also on Sheet A0.03, are lot coverage calculations provided by surveyor Mike Scott, with new coverage calculations provide by me. The total allowable impervious area of the lot is listed at 17,420 sq ft. The total existing impervious coverage is 17,153 sq ft and the total lot coverage after construction, is proposed to be 17,180 sq ft. Thusly, after the proposed construction, the property is still within the limits of 15% coverage as established within the Land Use Ordinance, and accordingly will not adversely affect water quality, or adversely impact fish, wildlife, or plant habitat.
- E. As intimated in Item A above, it is our opinion that the proposed construction will not be a substantial



detriment to any adjacent property and the character of the surrounding Zoning district will not be changed by the granting of this variance. The construction has been purposely designed to be modest, and in keeping with the adjacent Architecture.

- F. The Owners are parents who both work as consultants from their home. As with many other parents with school age children, the owners wish to have a living space that also accommodates the needs of their active children. A Mudroom is a very common need for active families. The residence was designed and built circa 1970, and the needs and living patterns of families has certainly evolved since then. However, the circumstances of the existing residence being entirely within the buffer, restricts the owners from having similar spaces that they would otherwise be allowed, if the building was not within the buffer.

I trust the above comments will help you understand the this project and why we consider our request for a Variance to be reasonable, and not in conflict with the County's Land Use Standards.

My sincerest thank you, for your time and consideration,



John C. Hutchison, AIA  
John Hutchison Architecture







From: Emily Fintel Kaiser emily.fintel.kaiser@gmail.com  
 Subject: Fwd: Thanks and follow-up  
 Date: June 7, 2022 at 14:35  
 To: John Hutchison Architecture johnhutcharch@gmail.com

EK

----- Forwarded message -----  
 From: Emily Fintel Kaiser <emily.fintel.kaiser@gmail.com>  
 Date: Wed, Aug 11, 2021 at 3:56 PM  
 Subject: Re: Thanks and follow-up  
 To: John Beskid-MDH <john.beskid@maryland.gov>

Thanks so much John and yes, we will keep you in the loop as we continue to think about this and move forward with the design process.

Take care, and enjoy the rest of your summer!

Emily

On Wed, Aug 11, 2021 at 2:40 PM John Beskid-MDH <john.beskid@maryland.gov> wrote:

On Wed, Aug 11, 2021 at 10:55 AM Emily Fintel Kaiser <emily.fintel.kaiser@gmail.com> wrote:  
 Dear John,

Thanks so much for coming out yesterday and for talking through our plans and what would be permissible on our property.

In order for us to move forward, I want to be sure that I have correctly understood what you shared would be allowable under existing county regs. This is my understanding:

- Adding an additional bedroom as we were hoping is not currently possible. **Correct**

However:

- Within the main house, we would be able to move the existing master bedroom to a new location over the screened-in porch and to convert the existing master bedroom into a living/office room.

- For the garage, we would be able to add an additional second floor office space, as well as a half bath. **YES, this would require a non-conversion agreement recorded at the Kent County Court House stating the office space is not approved as a bedroom.**

Your architect should design it as an office and not something that meets bedroom building code, if that makes sense.

Please let me know if I have captured the conclusions of our conversation accurately, and if there is anything I have missed. (We want to be sure that we get this right so that we can start with architectural design plans!)

Thanks very much again, and look forward to staying in touch as our plans continue to take shape.

All best,

John C. Beskid, LEHS  
 Director of Environmental Health

Kent County Health Department  
 125 South Lynchburg Street  
 Chestertown, MD 21620  
 john.beskid@maryland.gov  
 410 778 1361 Office  
 410 778 7017 fax  
 410 778 2142 desk

LANDS OF  
**CHARLES E. CONKLIN et ux.**  
 M.L.M. 32/1122

**LOT COVERAGE CALCULATIONS**

AREA OF PROPERTY:	2,666 AC.±
AREA OF LOT COVERAGE ALLOWED:	17,420 SQ. FT.
AREA OF LOT COVERAGE EXISTING:	
AREA OF PAVEMENT:	8,790 SQ. FT.
AREA OF STONE DRIVEWAY:	2,692 SQ. FT.
AREA OF CONCRETE:	2,889 SQ. FT.
AREA OF HOUSE AND PORCH:	1,617 SQ. FT.
AREA OF SHED AND GARAGE:	834 SQ. FT.
AREA OF SLATE:	514 SQ. FT.
AREA OF BRICK:	17 SQ. FT.
TOTAL EXISTING:	17,153 SQ. FT.
Stoop and steps to be removed:	(43) SQ. FT.

LANDS OF  
**DONALD FREDERICK HEWES et ux.**  
 M.L.M. 294/5

LANDS OF  
**M. RICHARD KALTER et al.**  
 E.H.P. 212/30



SPE 0.02 Site Plan - Existing/Demo  
 SCALE: 1" = 30'  
 0 30 60

Note: Drawings are not authorized for Permit or Construction unless affixed with a Professional Seal and Signature of the Architect below. Drawings authorized for Construction must also be stamped "Issued for Construction" above the Sheet Title below. Drawings stamped "Preliminary" or "For Permit Only" are not authorized for Construction.

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The General Contractor is responsible for confirming and correlating dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.  
 © John Hutchison Architecture

Project Number: JHA 21031  
**Comegys Bight Renovations and Additions**  
 24212 Comegys Bight Lane  
 Chestertown, MD 21620  
 Kent County

for  
 Andrew and Emily Kaiser

**REVISIONS**

ID	Change Name	Date

Note: 3D Images are shown for reference only and shall not be used for Actual Construction.  
 Note: Full Size drawings are typically printed on 22x34 or 24x36 paper; if printed on 11x17 or 13x19 paper, it is likely the drawings are printed using a 50% reduction. Please verify scale of all drawings.

**PRELIMINARY FOR PERMITTING ONLY NOT FOR CONSTRUCTION**

Variance Submission  
 Work in Progress  
 Printed: 7/29/22  
 Site Plan - Existing

**A**  
**0.02**







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Project Number: JHA 21031  
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 24212 Comegys Bight Lane  
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**PRELIMINARY**  
**FOR PERMITTING ONLY**  
**NOT FOR CONSTRUCTION**

Variance Submission  
 Work in Progress  
 Printed: 7/29/22

First Floor Plans - House

**A**  
**1.01a**

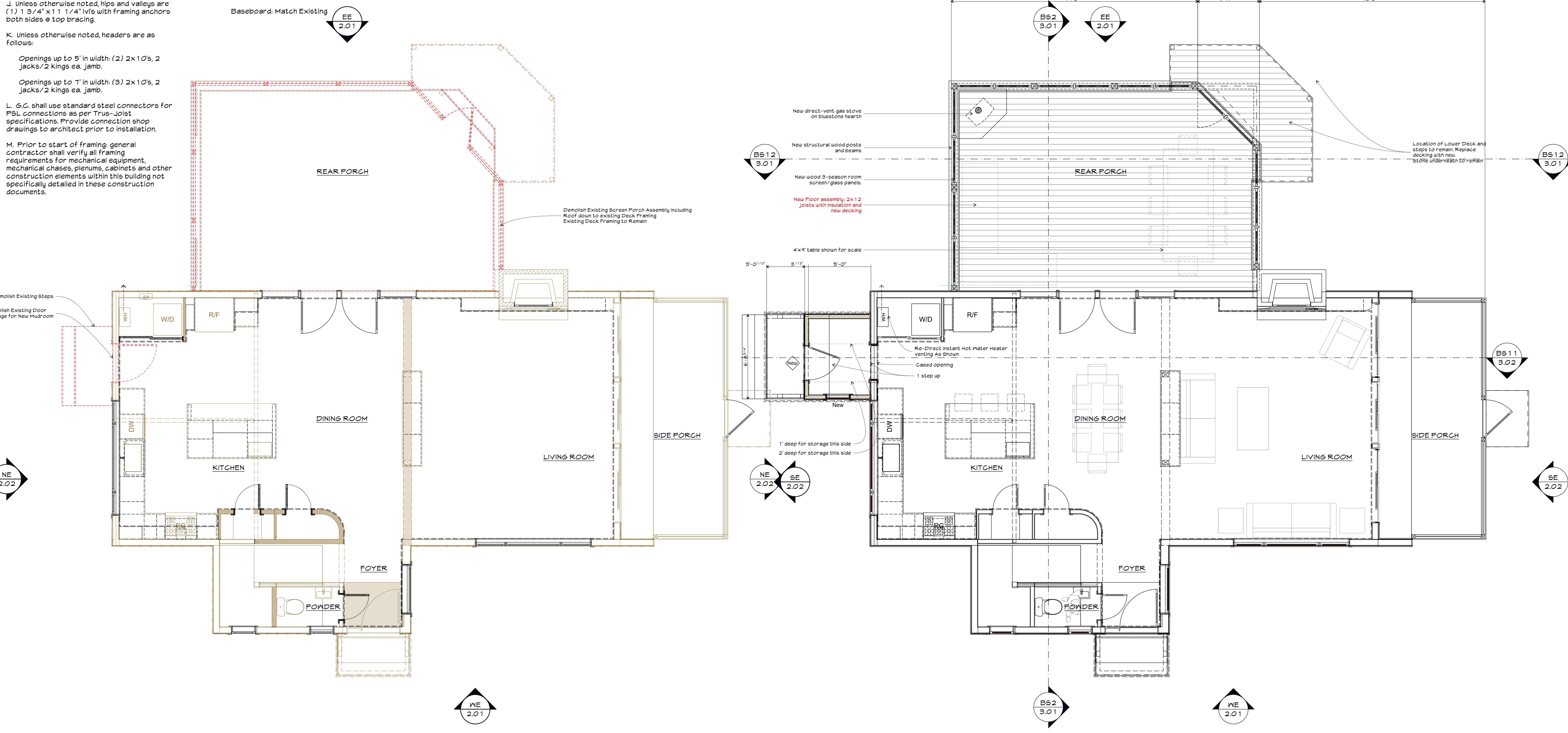
**Framing General Notes**

- A. Unless otherwise noted, framing members are #2 hem-fir. Floor joists and rafters as follows:
  - 2nd Floor Joists Master Bedroom Suite: 2x12s @ 16" o.c.
  - 2nd Floor Joists Garage: 1 1/2" x 11 0 wood I-Joists @ 16" o.c.
  - Deck Joists: P.T. 2x10s @ 16" o.c.
  - Typical building rafters: 2x10s @ 16" o.c.
  - Typical porch rafters: #2 Doug-Fir 2x8s @ 16" o.c.
- B. Unless otherwise noted, dimensions are shown to the outside of exterior bearing walls (not to include sheathing) & to the centerline of framing members.
- C. Building Rim Joists are LSL, typ.
- D. Except where otherwise indicated, framing members shown close to each other are snug together.
- E. Provide Simpson or equivalent joist hangers where indicated/as necessary.
- F. U.O.N. Subfloor is 23/32" Advantech, 48/24 span rating, glued and nailed to joists.
- G. U.O.N. roof sheathing to be 1/2" Advantech.
- H. U.O.N. Exterior walls are 2x6 studs @ 16" o.c. w/ r-21 batt insulation. Wall sheathing to be 1/2" ZIP sheathing.
- I. Where joists bear on perpendicular walls, partitions and beams, provide blocking between joists using same joist type. Provide (2) joists directly below walls or partitions above.
- J. Unless otherwise noted, hips and valleys are (1) 1 5/4" x 11 1/4" lvs with framing anchors both sides @ top bracing.
- K. Unless otherwise noted, headers are as follows:
  - Openings up to 5' in width: (2) 2x10s, 2 jacks/2 Kings ea. jamb.
  - Openings up to 7' in width: (3) 2x10s, 2 jacks/2 Kings ea. jamb.
- L. G.C. shall use standard steel connectors for FSL connections as per Trus-Joist specifications. Provide connection shop drawings to architect prior to installation.
- M. Prior to start of framing, general contractor shall verify all framing requirements for mechanical equipment, mechanical chases, plenums, cabinets and other construction elements within this building not specifically detailed in these construction documents.

**Floor Plan General Notes**

- A. All thresholds shall have beveled edges with the slope being no greater than 1:2.
- B. Unless otherwise noted, color selection of finishes is to be coordinated with owner. Selection and design of casework, counters, and cabinets shall be coordinated with the owner. G.C. to provide shop drawings for owner approval prior to construction.
- C. All dimensions are to rough face of framing, face of block, or centerline of stud unless otherwise noted.
- D. New Interior doors shall be primed MDF solid core REEB 2-panel (flat) doors with square sticking, w/ 1 1/2 pair Oil Rubbed Bronze square tip hinges, interior door hardware to be Oil Rubbed Bronze. Coordinate hardware selection, locking, and final finish selection with Owner.
- E. Projected interior floor finishes are as follows:
  - Mudroom: Tile
  - Bedrooms: Wood
  - Existing Bedrooms: Sand & refinish to match new Bedroom Floor
  - Office Stair: Carpet
  - Bathrooms: Tile
  - Emily's Office: Wood
  - Garage Offices: Carpet
  - Sitting Room: Wood to Match Existing (Including Color)
- F. Interior Trim:
  - Door and window casings: Match Existing
  - Baseboard: Match Existing

- G. New Bathroom cabinetry: Shaker panel overlay doors and drawers.
- H. Not Used
- I. Finished Ceilings: Finished ceilings are 1/2" drywall except as follows:
  - Exterior porches: Per Exterior Elevation General Notes.
  - Underside of Garage Office roof (vaulted ceiling): 1/2" GNB.
- J. Insulation - U.O.N. Insulation shall be as follows:
  - Exterior Walls - R-21 fiberglass batt
  - Ceiling/Rafters - Full thickness open cell spray foam
- K. Appliances: TBD
- L. Mechanical Assumptions:
  - 1st Floor: Mini split wall-mount Heat pumps located per Floor Plans.
  - Mezzanine: Mini split wall-mount Heat pumps located per Floor Plans.
  - Hot Water: One on-demand gas heater located in Crawlspace.
  - Electric: Verify sub-panel size in Garage.
- M. Not Used



1. 1.01a 1st Floor - Demo  
 SCALE: 1/4" = 1'-0"

1. 1.01a 1st Floor - Proposed  
 SCALE: 1/4" = 1'-0"

BIMcloud - BIMcloud as a Service/Kaiser Comegys Bight Renovations and Additions/Arch/Cad Files/Kaiser Comegys Bight Renovations and Additions Variance Submission



Framing General Notes

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  - Typical porch rafters: #2 Doug-Fir 2x8's @ 16" o.c.
- B. Unless otherwise noted, dimensions are shown to the outside of exterior bearing walls (not to include sheathing) & to the centerline of framing members.
- C. Building Rim Joists are LSL, typ.
- D. Except where otherwise indicated, framing members shown close to each other are snug together.
- E. Provide Simpson or equivalent joist hangers where indicated/as necessary.
- F. U.O.N. Subfloor is 23/32" Advantech, 48/24 span rating, glued and nailed to joists.
- G. U.O.N. roof sheathing to be 1/2" Advantech.
- H. U.O.N. Exterior walls are 2x6 studs @ 16" o.c. w/ r-21 batt insulation. Wall sheathing to be 1/2" ZIP sheathing.
- I. Where joists bear on perpendicular walls, partitions and beams, provide blocking between joists using same joist type. Provide (2) joists directly below walls or partitions above.
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- L. G.C. shall use standard steel connectors for PSL connections as per Trus-Joist specifications. Provide connection shop drawings to architect prior to installation.
- M. Prior to start of framing, general contractor shall verify all framing requirements for mechanical equipment, mechanical chases, plenums, cabinets and other construction elements within this building not

General Demolition Notes

- A. Remove partitions, walls, floor and roof systems, and other associated construction as indicated on demolition plans.
- B. Terminate all electrical lines in walls and ceilings in a safe and secure manner and in accordance with all applicable local, state and national codes.
- C. Secure and protect existing main electrical panels during demolition.
- D. Protect existing exposed foundation walls from damage.
- E. Secure all drains/soil line inlets with plumbing caps and/or covers as required.
- F. Securely store all removed lighting and plumbing fixtures, furniture and equipment as per owner's direction.
- G. Remove all demolition debris from site in full accordance with all applicable local, state and national codes and regulations, prevent injury to personnel and damage to adjoining property, maintain any existing rights of way.
- H. Protect all surfaces indicated to remain (windows, doors, frames, walls etc.) from damage during demolition.
- I. Secure all hvac equipment, ductwork, electrical equipment and cabling to remain.
- J. Prior to demolition, G.C. to verify all temporary shoring and bracing of all existing construction to remain.
- K. For all existing roof structures to remain: demolish existing finish roofing material and install new per proposed roof plan.
- L. For all existing exterior walls to remain: demolish existing finish siding material and install new per proposed plans and elevations.
- M. On demolition drawings, construction identified with dashed red lines is scheduled for demolition bring any discrepancies or questions to the attention of the Architect.

302 Park Row, Fr 1  
 Chestertown, MD 21620  
 410.449.0466  
 johnhutcharch@gmail.com  
 www.johnhutcharch.com

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 © John Hutchison Architecture

Project Number: JHA 21031  
**Comegys Bight Renovations and Additions**  
 24212 Comegys Bight Lane  
 Chestertown, MD 21620  
 Kent County

for  
 Andrew and Emily Kaiser

REVISIONS

ID	Change Name	Change Date

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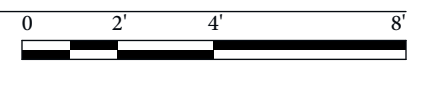
**PRELIMINARY**  
**NOT FOR CONSTRUCTION**  
 Variance Submission  
 OR PERMITTING  
 Work in Progress  
 Printed: 7/27/22

Building Sections 2 - House

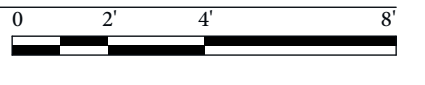
A  
 3.02



BS 11  
 3.02 Building Section- 11 - Demo  
 SCALE: 1/4" = 1'-0"



BS 11  
 3.02 Building Section- 11 - Proposed  
 SCALE: 1/4" = 1'-0"



B:\MCloud - BIM\Cloud as a Service\Kaiser Comegys Bight Additions and Renovations\Arch\Cad Files\Kaiser Comegys Bight Renovations - Variance Submission



From: [John C. Hutchison](#)  
To: [Mark Carper](#)  
Subject: Re: Kaiser Variance  
Date: Thursday, August 18, 2022 4:04:23 PM  
Attachments: [Screen Shot 2022-08-18 at 15:50:20.png](#)  
Importance: High

**ATTENTION!**

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-KCIT Helpdesk

Hi Mark - I am attaching a screen shot showing the existing (to be demoeed) in red, superimposed with the proposed 2nd floor addition. You will see that our new roof overhangs match what is currently there.

In regards to the triangular area where the new 2nd floor addition cantilevers over the deck landing, I had testified that I believed the area under the landing to be gravel, and therefore, we would not be changing the coverage. I went back there just this week, to double check my memory. What I found, was a mixture of gravel and dirt under that landing, but I wouldn't classify it as all gravel. The being said, the existing decking (which is QUITE old) has absolutely no gaps between the boards. As such, the existing landing does meet the classification of impervious area, and accordingly, the cantilevered section of the 2nd floor addition, does not encroach towards the water with any new impervious coverage that is not already there. I am attaching a couple of pictures of the landing for your records.

Accordingly, the information above, will not change any of my lot coverage calculations on my drawings.

I hope this helps?

Also, I think you had asked for me to write some sort of summary for the Critical Areas commission? Could you please let me know again, what you are looking for regarding that?

Thank you,

John





*P.S. Please note my email address is changing to [john@johnhutcharch.com](mailto:john@johnhutcharch.com).  
Please update your contact info. accordingly.*





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On Aug 18, 2022, at 15:40, Mark Carper <[mcarper@kentgov.org](mailto:mcarper@kentgov.org)> wrote:

Hi, John

As we're preparing to pass along the application to the Critical Area Commission for review, can you confirm that the overhangs of the proposed bedroom above the existing deck do not extend beyond current coverage? If so, has that been calculated into the lot coverage? This would mean that there's a slight increase toward the water, and we'll need to include that in our letter.

Thank you!

[-image001.png](#)

**Mark Carper, LEED Green Associate**  
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## Department of Planning, Housing and Zoning

**To:** Kent County Planning Commission  
**From:** Bill Mackey, AICP, Director  
**Date:** September 1, 2022  
**Subject:** Town of Galena Comprehensive Plan

### Memorandum

#### Description

The Town of Galena is in the process of reviewing its 2009 Comprehensive Plan to update it. The Town's planning consultant, Chris Jakubiak, provided copies for review and input by Kent County. On August 16, 2022, Carla and I met with Chris Jakubiak to discuss the Comprehensive Plan and this staff report. DPHZ will transmit the Kent County Planning Commission's comments and input to the Town of Galena Planning Commission for its meeting on Monday, September 12, 2022.

The 2009 Comprehensive Plan may be found online [here](#), and the proposed 2022 Comprehensive Plan Update may be found [here](#). Printed copies may be made available upon request, as needed.

#### Review

The Town of Galena's 2009 vision is "To preserve the overall integrity and livability of Galena."

The 2009 Plan identified three fundamental policies that are retained in the proposed 2022 Plan:

- The rural character, vegetation, and overall visual quality of the Town is to be protected.
- The predominant residential character of the Town along with its housing styles, walking scale, and history of home ownership is to be acknowledged and improved.
- The stability and independence of Galena as a community and the neighborliness and pride of its residents are values to be encouraged and maintained.

The Town's vision is further articulated by the four statements below from the 2009 Plan (1-4) and by the three additional statements in the proposed 2022 Comprehensive Plan Update (5-7):

1. Galena's careful use and preservation of its small-town character is at the heart of its social and economic vitality.
2. Galena's residential areas are reminiscent of a "slower" era and reflect a small-town's neighborliness.
3. Galena is a year-round, full-service community with residences and local businesses forming its economic base.
4. Galena's downtown is a balanced mix of local-serving and regional businesses with a distinctive, pedestrian character.

5. New buildings and development sites blend well with the Town's traditional building forms and within downtown especially.
6. Galena is walkable town where recreational trails and streets, with sidewalks and street trees, safely connect neighborhoods to each other, to downtown, and to parks and open spaces.
7. Our government is well managed and decisions about the amount and pace of growth are made in the context of sustaining the Town's fiscal health and minimizing municipal taxes and fees.

### *Changing Perspectives*

The 2009 Plan included an action to “maintain the current Town boundary as a growth limit for future development (p. 39)” and a policy to “Focus all business development in the centralized downtown area (p. 42).” The 2009 Plan proposes that “no annexation will be considered at this time in this Plan (p. 19, 23),” and the Plan notes that “Residential growth, although not desired, in actuality, is expected (p. 15).” The Plan seeks to attract new commercial growth that’s *Soft and Clean* and states, “Industrial uses will not be within the Town (p. 14).” The Plan concludes, “The volume of through traffic poses the single greatest threat to the quality of life in Galena (p.14),” and sets forth that “The community’s appearance will continue to be one of its greatest assets if properly cared for and enhanced (p. 16).” Overall, the highest priority of the Town is “the care and protection of its greatest resource – the small-town character of the town itself (p. 36).”

The proposed 2022 Plan maintains the core value of small-town character, but it also includes a component for a new growth area that would both expand the land in Town via annexation and provide for new commercial areas outside the downtown (p. 43). The 2022 Plan evaluates four alternates for future growth and selects the highest growth option for which to plan (p. 40). And, although the 2022 Plan does state, “there is enough undeveloped land zoned for residential use to accommodate the 20-year growth of the community (p. 40),” it also provides for the option of 396 acres of land, which could be potentially annexed, noting that “The Town should consider adopting local procedures for the detailed review of annexations by amending the Zoning Ordinance... [so] the Town can secure optimal development plans and extract strong concessions from developers prior to annexation (p. 45).” Thus, the 2022 Update provides for more options overall for development sites and, thereby, potentially better outcomes by expanding the land area that can meet the anticipated development needs within the planning timeframe (2040). Additionally, via annexation agreements, concessions beyond what is possible in Town limits are suggested. This would be in contrast to the 2009 Plan that limits options by confining all possible development to within the current Town boundaries. In other words, although the same amount of growth would be occurring in either scenario (with or without annexation), by allowing for more potential receiving sites, competition would be created among potential developments to provide better design and more amenities than might otherwise occur strictly within Town limits.

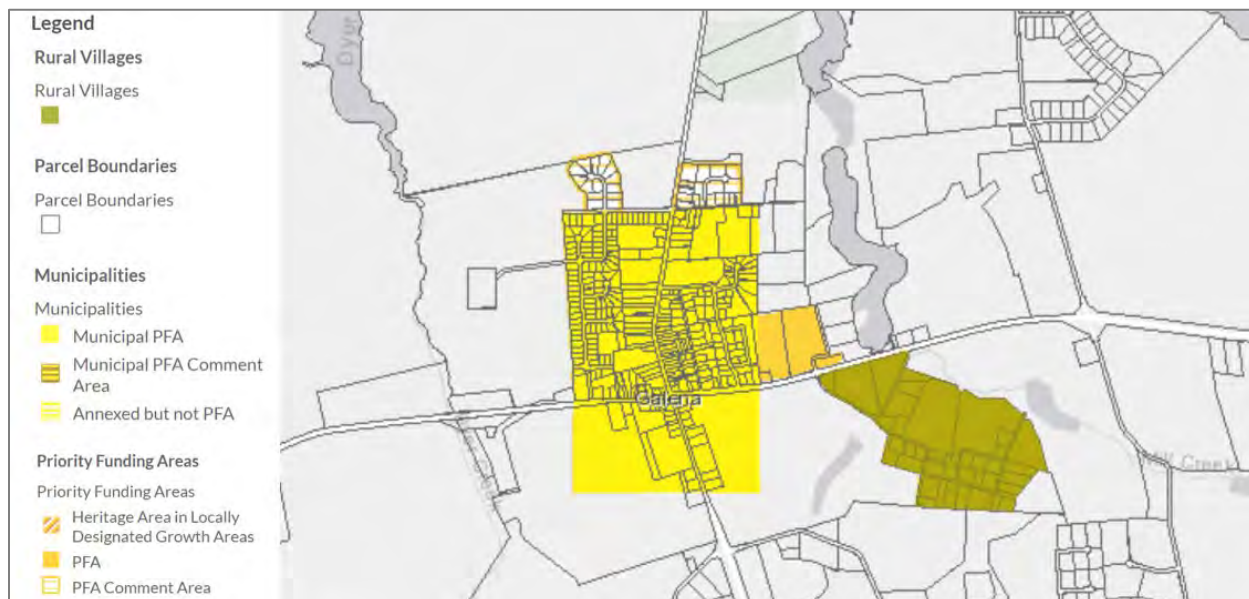
The 2022 municipal growth element “recommends against the subdivision of farmland into large residential lots within the growth area or any new residential development not annexed into the Town, prior to development. To provide optimal conditions for the logical expansion of the Town,



this Plan also recommends against farmland preservation within the municipal growth area (p. 44).” Finally, “This [2022] Plan counts on Kent County’s cooperation in not allowing development activities within the Town’s designated growth area, without municipal annexation (p. 69).”

Unfortunately, the County cannot deny applications for residential development on land that is zoned for it, and all County zoning categories allow for some level of residential development to occur legally. So, prohibiting residential development prior to annexation isn’t feasible; however, there are incentives for annexation such as increased yields possible with public water and sewer.

Regarding agricultural easements, the County’s existing formula for evaluation includes proximity to Priority Funding Areas; however, it does not prohibit the preservation of land next to a PFA.



Source: <http://mdpgis.mdp.state.md.us/PFA/publicinfotemplate/index.html>

Additionally, the proposed Growth Area map (p. 43) indicates the land on which Tri-Gas & Oil Co., Inc. sits should be Resource Conservation land use. The current use of the land is industrial, and it is currently zoned *Industrial – Critical Area (ICA)* under the County. There is no corresponding zoning district in the Town for either of these two land uses (Resource Conservation or Industrial). This scenario may present a problem for future annexation, if the property were to be annexed.

The Kent County Planning Commission may wish to consider approaches to address these issues.

### Staff Recommendation

Staff recommends that the Planning Commission review the document. Usually, the plan review distribution is a courtesy for the information of neighboring jurisdictions. If there are substantive issues, then these can be noted in comments. DPHZ will transmit any comments to the Town for inclusion in its Public Hearing, which is currently scheduled for Monday, September 12, 2022.

