



Planning Commission
Department of Planning, Housing, and Zoning

County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
January 5, 2023
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: **943 559 219#**

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

MINUTES

December 1, 2022

APPLICATIONS FOR REVIEW

- 22-08 25809a Still Pond Neck, LLC – Major Site Plan (Final)PC Decision
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)
- 22-79 Green's Septic and Excavation, LLC - Major Site Plan (Preliminary & Final)PC Decision
10252 Fairlee Road – Sixth Election District – Village (V)
- 23-01 Toal Park – Comprehensive Water and Sewer Plan AmendmentPC Rec to CCs
13753 Augustine Herman Hwy, Galena – First Election District –
Resource Conservation District (RCD) and Agricultural Zoning District (AZD)
- 23-02 Town of Millington – Annexation
172 Sassafras Street, Millington – First Election District – Village (V)PC Rec. to CCs

GENERAL DISCUSSION

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

December 1, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, December 1, 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, Paula Reeder, and County Commissioner P. Thomas Mason. Cynthia L. McCann, Esquire, 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.

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

MINUTES

Mr. Ruge moved to accept the minutes of November 3, 2022, without correction. Mr. Sutton seconded the motion. The motion passed with all in favor.

APPLICATIONS FOR REVIEW

22-89 Town of Millington – Annexation
Map 400, Parcel 258 near Millington – First Election District – Village (V)

Mountaire Farms of Delaware, Inc., is requesting that Map 400, Parcel 258 be annexed into the Town of Millington. Mountaire Farms of Delaware, Inc., owns a grain facility in Millington that is located on two parcels. One parcel is within the town limits and the other parcel is not. The parcel that is not within the Town is almost completely surrounded by the Town. The parcel is within the Town's growth area and is a priority for annexation. The Town is not requesting a waiver of the 5-year rule. The County Zoning will remain as an interim zoning, and after five years, the parcel will be zoned Light Industrial. There is no proposed change in the use of the property. The property is located in the First Election District and is zoned Village (V).

Ms. Gerber presented the staff report, recommending the Planning Commission forward a favorable recommendation to the County Commissioners.

Ms. Reeder noted that the Town of Millington Comprehensive Plan does not permit the storage of grain in the Light Industrial zoning district.

Ms. Gerber cited the Annexation Agreement which considers the parcel's current use as the storage of goods and materials used for permitted commercial and industrial uses. The Annexation Agreement states that the parcel's current use will remain a permitted use following the rezoning of the property to Light Industrial. The current use is also permitted under the County's Village (V) zoning district.

Ms. Reeder noted the public hearing which will be held by the Town of Millington on December 13 at 6 pm to evaluate the annexation proposal.

Ms. Reeder asked why the property should not be immediately rezoned to Light Industrial.

Ms. McCann stated that unless the County Commissioners waive the 5-year rule, the property is prohibited by law from being rezoned within a 5-year period if the development will be substantially different than the current use that is allowed under the County zoning, or if the development density would be 50% greater than what is currently permitted under the County zoning.

Mr. Mackey reiterated that no development has been proposed for the property. This parcel is in the Growth Plan for the Town of Millington, and it is in the County's Designated Growth Area for Millington.

Chair Hickman opined that if the Town of Millington is not requesting a waiver of the 5-year rule for zoning, perhaps the Planning Commission should not recommend that the County Commissioners grant a waiver of the 5-year rule.

Mr. Sutton made a motion to forward a favorable recommendation to the County Commissioners for the Town of Millington's annexation of the Mountaire Farms of Delaware, Inc., property located at Map 400, Parcel 258 on the east side of Delaware Railroad Avenue. The annexation proposal is consistent with the Comprehensive Plan and the Comprehensive Water and Sewerage Plan.

The motion was seconded by Mr. Strong, and the motion passed unanimously, 6-0.

GENERAL DISCUSSION

STAFF REPORTS

Mr. Mackey informed the Planning Commission of the upcoming Comprehensive Rezoning Update Public Forum on December 14 at 6 pm.

ADJOURN

Mr. Ruge moved to adjourn. Mr. Strong seconded. The meeting adjourned at approximately 1:56 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist



TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
MEETING: January 5, 2023
SUBJECT: 25809a Still Pond Neck, LLC
Final Site Plan – Utility-Scale Solar in the AZD

Executive Summary

REQUEST BY APPLICANT

The applicant, 25809a Still Pond Neck, LLC, is requesting final 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.

PUBLIC PROCESS

Per 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 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. Preliminary site plan approval was granted at the September 1, 2022, meeting, and a revised landscape plan has been submitted to appropriately address glare issues. On September 19, 2022, the Board of Appeals approved the application for special exception conditioned on obtaining all state and federal permits, obtaining final site plan approval from the Planning Commission, and compliance with all bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.

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, stormwater management, glare, visibility, 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.

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.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approves the final site plan conditioned on the following:

- The applicant obtains all state and federal permits.
- Recordation of Deed of Forest Conservation Easement and Agreement.
- Submission and approval of sureties for landscaping maintenance and bond-related requirements for decommissioning as listed in Article VI, Section 11 of the Land Use Ordinance.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: 25809a Still Pond Neck, LLC
 Site Plan Review - Final – Utility-Scale Solar in the AZD
 DATE: December 30, 2022

DESCRIPTION OF PROPOSAL

The applicant, 25809a Still Pond Neck, LLC, is requesting final 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.

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, stormwater management, glare, visibility, 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

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. Preliminary site plan approval was granted at the September 1, 2022, meeting, and a revised landscape plan has been submitted to appropriately address glare issues raised at the meeting. On September 19, 2022, the Board of Appeals approved the application for special exception conditioned obtaining all state and federal permits, obtaining final site plan approval from the Planning Commission, and compliance with all bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.

RELEVANT ISSUES

I. 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, Preliminary, and Final Plan.

The *Planning Commission* shall prepare findings of fact concerning 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 applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. 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.

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.
- The proposal is consistent with the Comprehensive Plan as it will provide zero emissions solar generating facilities to which Delmarva Power 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 glare. A stormwater management plan has been submitted and approved.
- No existing vegetation is to be removed. A forest stand delineation and a forest conservation plan have been submitted and approved, 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.

II. 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.
- 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.
- 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.
- A vegetation management plan and landscape estimate has been submitted.
- 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.
- A glare assessment has been submitted, indicating that terrain, natural vegetation, and the required buffer will mitigate glare to roads and identified observation points.
- A visibility assessment has been provided, indicating that the 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 has demonstrated that the proposed energy system will not interfere with the view of, or from, sites of significant public interest.
- A decommissioning plan and cost estimate has been submitted.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approves the final site plan with the following conditions:

- The applicant obtains all state and federal permits.
- Recordation of Deed of Forest Conservation Easement and Agreement.
- Submission and approval of sureties for landscaping maintenance and bond-related requirements for decommissioning as listed in Article VI, Section 11 of the Land Use Ordinance.

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)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** _____

Project Name: 25809a Still Pond Neck

District: 3rd Map: 12 Parcel: 98 Lot Size: 85 ac Deed Ref: 424/342 Zoning: AZD

LOCATION: 26001 Still Pond Neck Road, Still Pond, MD 21667 (corner of Still Pond Neck Rd and Still Pond Rd)

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: 25809a Still Pond Neck, LLC Telephone: 412-495-5453

Address: 6865 Deerpath Road Ste 330, Elkridge, MD 21075 Email: sshaffer@pivotenergy.net (formerly SGC)

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, Ste 300, Salisbury, MD 21801 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: sshaffer@pivotenergy.net

Water Supply: Public System On lot system

Sewerage: Public System On lot system

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

DocuSigned by:
Lynette Ottinger
0B8820CF5B14F8

Authorized Representative

Date

10/24/2022

Concept Plan Approving Authority: _____ Date _____

Preliminary Approving Authority: _____ Date _____

Final Approving Authority: _____ Date _____

PROJECT NARRATIVE

26001 Still Pond Neck Road-Solar
Project Number: 2022004.00
Date: November 18, 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: 26001 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 Stormwater Report has been submitted to Kent County for approval.
- 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 reducing glare to any surrounding properties and roadways. A glare analysis has been completed and made available as part of the plan submission
- 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 Deign: 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.



Solar Vegetation Management Plan

MDL118-STILL POND NECK ROAD SOLAR PROJECT

26001 Still Pond Neck Rd, Still Pond, MD 21667

Kent County, Maryland

25809a Still Pond Neck, LLC / Pivot Energy

A. Weber

October 2022





1 Project Installation

Project construction activities shall support long-term management of vegetation to maintain site integrity and minimize fire risk.

All trees and shrubs will be planted in accordance with the requirements outlined in the approved Final Landscape Plans and according to industry best practices. Native plants that are drought resistant will be chosen to the extent practicable. The contractor shall water all plants thoroughly by water truck twice during the first 24-hour period after planting. The contractor or system owner will then water all plants via water truck weekly during the first growing season if/when rainfall is less than 1-inch per week.

At the conclusion of construction, disturbed grounds will be stabilized with a slow growth, low maintenance, pollinator ground cover. Seed will be broadcast over existing vegetation to germinate naturally. When selecting over-seed for the site, the Project Owner shall choose species per the approved Final Landscape Plan:

- Ernst Seeds Fuzz & Buzz Mix - STANDARD
 - 26.4% Perennial Ryegrass 'Crave', Tetraploid
 - 21.0% Orchardgrass, Potomac
 - 18.9% Kentucky Bluegrass, 'Ginger' (pasture type)
 - 12.0% Meadow Brome, 'Fleet'
 - 5.7% Alsike Clover
 - 5.0% Festulolium, 'Duo'
 - 4.8% Red Clover, Medium
 - 2.0% Bird's Foot Trefoil, 'Leo'
 - 1.4% Partridge Pea, PA Ecotype
 - 1.0% Perennial Blue Flax
 - 0.9% Lanceleaf Coreopsis
 - 0.5% Oxeye Daisy
 - 0.4% Gray Goldenrod, PA Ecotype

2 Operations & Maintenance

2.1 Site Inspections

At a minimum, thorough site inspections will be performed by the Operations and Maintenance (O&M) team semiannually prior to the fire seasons to look for and mitigate fire risk factors or hazards.

Maintenance of the site grounds will occur more frequently, at a minimum, as frequent as specified in the approved Final Site Plans. At these maintenance visits, the site grounds and landscaping will be inspected for:

- Dead landscaping trees or shrubs that need replacing
- Adequate separation between tree branches and shrubs (approximately 3x shrub height)
- Dense vegetation that needs thinning



- Dry brush, grasses, or other foliage
- Dead branches, limbs, or leaves within the security fencing
- Debris piles such as grass cuttings, leaves, pine needles, pinecones, or other ground litter
- Tall grass, brush, or plantings that need cutting
- Areas of deterioration, erosion and/or obstructions of site access roads and aisles
- Electrical equipment obstructed by vegetation

2.2 Vegetation Maintenance

Regular maintenance of the grounds at the site, both inside and outside the security fence, is required as specified in the approved Final Site Plans. The O&M team will adjust maintenance frequency based on time of year and weather conditions. Site maintenance shall include, at a minimum:

- Maintaining ground cover vegetation as specified in the approved Final Landscape Plan and/or Permanent Stabilization guidelines in the approved Sediment Control Plan. Most native plants will have extensive root systems by their first year, so mowing or grazing will not damage them. As needed, trimmers will be used to address areas around structural elements and other places a mower or grazer cannot reach. Any vegetation that has stuck to the solar modules will be cleaned off.
- Pruning trees and shrubs in accordance with approved Landscape Plan and/or AHJ requirements to remove dead, injured or disproportional branches and maintain adequate spacing.
- Any dry or dead vegetation will be removed as necessary. Dead grasses and foliage will be mowed to the ground once the growing season has passed. Landscaping buffer trees or shrubs that have died will be removed and replaced as needed. At all times, the site shall be kept free of dead vegetation.
- Remove vegetative debris piles and/or any branches or limbs within the array security fence.
- Collect any items of trash accumulated since previous site visit and dispose of properly offsite.
- Re-seed and fertilize any areas where vegetation has grown sparse, as needed.
- Clear site access roads and replace gravel where needed.

I hereby certify that 25809a Still Pond Neck, LLC or any assignment, will adhere to this Vegetation Management Plan for the duration of the company’s ownership of the solar array located at 26001 Still Pond Neck Rd, Still Pond, MD 21667. Should ownership of the array change, the maintenance responsibilities outlined in this document will become the responsibility of the new owner.

Signature: 

Print: Jack Hachmann

Title: Authorized Signatory

Company: Still Pond Neck, LLC



3 Reference Sources

- Bardon, R. (2001). North Carolina State University Cooperative Extension. Retrieved 08 2018, from Minimizing Wildfire Risk: <https://content.ces.ncsu.edu/minimizing-wildfire-risk-a-forest-landowners-guide>
- Bardon, R. E., & Kelley Van Druten. (2005, 07). Firewise Landscaping in North Carolina. Retrieved 08 2018, from North Carolina State University: <https://content.ces.ncsu.edu/firewise-landscaping-in-north-carolina>
- Brooks, B. (2014). Solar PV Safety for the Fire Service. Retrieved 08 2018, from California Dept. of Forestry and Fire Protection: <https://www.nfpa.org/-/media/Files/News-and-Research/proceedings/PhotoVoltaicBrooks.ashx?la=en>
- Dennis, F. (2012, 01). Fire-Resistant Landscaping. Retrieved 08 2018, from Colorado State University Extension: <http://extension.colostate.edu/topic-areas/natural-resources/fire-resistant-landscaping-6-303/>
- Insurance Institute for Business & Home Safety. (2011, April). Steps For Reducing The Risk Of Agricultural Fires And Property Losses. Retrieved 08 2018, from Commercial Maintenance: <https://disastersafety.org/ibhs/reduce-agricultural-fires/>
- Solar Energy Industries Association. (n.d.). Fire Safety & Solar. Retrieved 08 2018, from SEIA Issues and Policies: <https://www.seia.org/initiatives/fire-safety-solar>
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ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

December 19, 2022

William Mackey, Director
Kent County
Planning, Housing, and Zoning
400 High Street,
Chestertown, Maryland 21620

Re: **Solar Facility Decommissioning Plan**
25809A STILL POND NECK ROAD - SOLAR
Still Pond, Maryland
BMG Project No. 2022044.00

Dear Mr. Mackey:

This opinion of probable costs is based on the Engineer's experience in the design and construction of energy facilities and is subject to final engineering. Costs have been split between plant disassembly, site restoration, and salvage, which reflect the overall decommissioning process. This opinion assumes a third-party contractor, experienced in the construction and decommissioning of PV facilities will lead the effort. The reported costs include labor, materials, taxes, insurance, transport costs, equipment rental, contractor's overhead, and contractor's profit. Labor costs have been estimated using regional labor rates and labor efficiencies from the Bureau of Labor Statistics along with previous decommissioning plan estimates completed for other similar projects.

The PV plant will be first disassembled, with all above and below grade components removed. This includes all buried cables. Concrete can be removed by machine to increase efficiency. It is expected that any disturbed areas within the site will be re-seeded with native grasses for vegetative stabilization.

Planting trees, shrubs, and other woody vegetation (re-forestation) or other beautification is not included in the costs. It is assumed that regarding the site, removal of stormwater features is not required. The earth moving required to remove these features would likely trigger additional permits.

Salvage values have been estimated using publicly available data from [cablemanagementusa.com](http://www.cablemanagementusa.com), <http://www.scrapmonster.com>, as well as industry provided actual salvage values and previous experience with similar solar projects. The salvage values have been deducted from the total decommissioning costs.

Inflation is included in this estimate. A 2.5% annual increase in labor costs and a 1% annual increase in salvage value was assumed over the 25-year estimated lifetime of the solar array.

BECKER MORGAN GROUP, INC.

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

www.beckermorgan.com


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Anticipated Disassembly Methods

Item	Removal Method
PV Modules	Hand removal. Place modules face down on pallets, tape wire ends, tie down and transport via skid steer to staging area. Assumed salvage value.
Inverters	Inverters weigh approximately 176 lbs. and will be disassembled and removed by hand. Assumed salvage value.
Transformers	Assume no disassembly. Oil removal performed by scrap facility. Assumed salvage value.
Racking Frames	Stabilize with machine. Cut legs and lower to ground level. Cut cross beams to appropriate size and transport via dump truck to staging location. Assumed salvage value.
Racking Posts	Remove via post-puller and transport by dump truck to staging area. Assumed salvage value.
Racking Wiring	Disconnect PV module connectors, cut cable ties and remove wires from cable trays. Transport via dump truck to staging area. Assumed salvage value.
Underground Cables	Excavate to cable depth at one end of trench. Use tractor or backhoe to remove all cables in common trench. Transport via dump truck to staging location. Assumed salvage value.
Fence	Machine roll fence fabric. Remove post via post-puller and transport via dump truck to staging area. Assumed offsite disposal.
Concrete	Remove with excavator and jack hammer. Transport via dump truck to staging area. Assumed offsite disposal.
Gravel	Remove with skid steer with sweeper. Transport via dump truck to staging area. Assumed offsite disposal.
Re-seeding	Re-seed using an ATV pulled drill seeder, with native grasses.

Sincerely,

BECKER MORGAN GROUP, INC.

Edward (Ted) Hastings
Associate

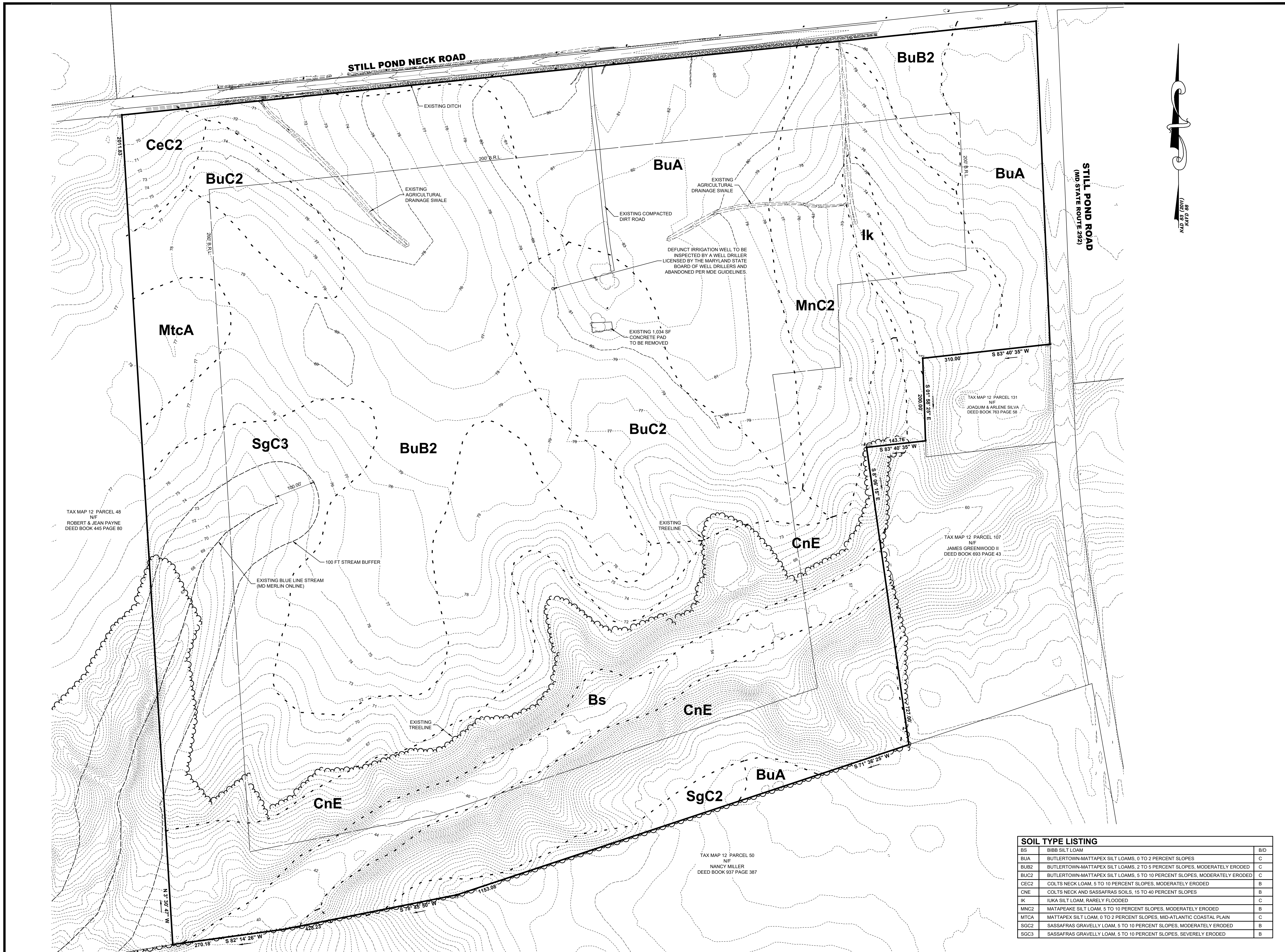
ehh/apg

enc: Decommissioning Cost Analysis

202204400at-Decommissioning-ltr.docx

**DECOMMISSIONING COST ANALYSIS
STILL POND NECK SOLAR**

	Description of Item	Quantity	Unit	Unit Cost	Total Cost (2022)	Total Cost (After 25 Years)**	Logic
I. DISASSEMBLY & DISPOSAL							
1.0	PV Modules	2,376	EA.	\$ 3.13	\$ 7,425.00	13,765.53	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 400 panels/day.
2.0	Inverter(s)	8	EA.	\$ 78.13	\$ 625.00	1,158.72	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 16/day.
3.0	Transformer(s)	1	EA.	\$ 312.50	\$ 312.50	579.36	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove in 2 hours.
4.0	Switchboards/Switchgear/Reclosers	1	EA.	\$ 312.50	\$ 312.50		* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove each in 2 hours (4/day).
5.0	Racking Frame (Tracker)	88	EA.	\$ 27.78	\$ 2,444.44	4,531.86	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 45 strings/day.
6.0	Racking Posts	530	EA.	\$ 20.83	\$ 11,041.67	20,470.63	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 60 posts/day.
7.0	LV Wiring	43,251	LF	\$ 0.42	\$ 18,021.43	33,410.72	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 3000 LF/day (circuit length)
8.0	Fiber Optic Cable	0	LF	\$ 0.42	\$ 0.00	0.00	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 3000 LF/day (circuit length)
9.0	MV Wiring	531	LF	\$ 0.42	\$ 221.25	410.19	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 3000 LF/day (circuit length)
10.0	Ag Fence	1,955	LF	\$ 1.25	\$ 2,443.75	4,530.58	* Use Crew A-5 (2 Laborers; .25 Truck Driver; .25 Flatbed Truck) = \$1,250/day. Assume crews can remove 1000 LF/day
11.0	Concrete	7	CY	\$ 72.78	\$ 478.01	886.21	* Use Crew B-3B (2 Laborers; 1 Equip Oper; 1 Truck Driver; 1 Backhoe; 1 Dump Trk) = \$3,639/day. Assume crew can remove 50 CY/day
12.0	Gravel (Access Road, Level Spreaders)	46	CY	\$ 72.78	\$ 3,372.14	6,251.76	* Use Crew B-3B (2 Laborers; 1 Equip Oper; 1 Truck Driver; 1 Backhoe; 1 Dump Trk) = \$3,639/day. Assume crew can remove 50 CY/day
13.0	Removal of utility poles	4	EA.	\$ 2,100.00	\$ 8,400.00	15,573.13	Estimate includes labor and all required tools and vehicles
				Subtotal	\$ 55,097.69	101,568.69	
II. Site Restoration							
13.0	Re-Seeding (includes seed)	5.0	AC	\$ 2,500.00	\$ 12,387.50	22,965.73	* Cost includes: (Seed: 7-13 species (native types) Also with estimate is labor: Spraying; Disking; Planting; Mulch; One man & machine)
14.0	Re-Grading	53	CY	\$ 12.00	\$ 634.82	1,176.91	* (2 Laborers; 1 Equip Oper; 1 Truck Driver; 1 Backhoe; 1 Dump Trk) = \$3,600/day. Assume crews can grade 300 CY/day.
				Subtotal	\$ 13,022.32	24,142.64	
III. SALVAGE							
15.0	PV Modules	2,376	EA	\$ 5.00	\$ 11,880.00	15,235.29	
16.0	Inverters	8	EA	\$ 16.00	\$ 128.00	164.15	
17.0	Transformer(s)	8,500	LBS	\$ 0.36	\$ 3,060.00	3,924.24	www.scrapmonster.com - Copper Transformer
18.0	Switchboards/Switchgear/Reclosers	0	LBS	\$ 0.00	\$ 0.00	0.00	No longer carries scrap value
19.0	Racking Frame (Tracker)	113,056	LBS	\$ 0.14	\$ 15,894.49	20,383.61	www.scrapmonster.com - structural steel
20.0	Racking Posts	66,780	LBS	\$ 0.14	\$ 9,388.57	12,040.20	www.scrapmonster.com - structural steel
21.0	DC Wiring	4,581	LBS	\$ 1.31	\$ 6,000.91	7,695.75	cablemanagementusa.com - PV wire
22.0	LV AC Wiring	484	LBS	\$ 1.12	\$ 542.41	695.60	www.scrapmonster.com - Al EC wire
23.0	MV Wiring	198	LBS	\$ 0.05	\$ 9.90	12.70	cablemanagementusa.com - ACSR wire
24.0	Ag Fence	1,672	LBS	\$ 0.00	\$ 0.00	0.00	No longer carries scrap value
				Subtotal	\$ 46,904.28	60,151.55	
							Legend
				DEMOLITION COST	\$ 68,120.01	125,711.33	* = Costs derived from RS Means Heavy Site estimating manual
				SALVAGE VALUE CREDIT	\$ 46,904.28	60,151.55	** = Assumes 2.5% annual increase in labor costs and 1% annual increase in salvage value
				NET DECOMMISSIONING COST	\$ 21,215.73	65,559.78	



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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

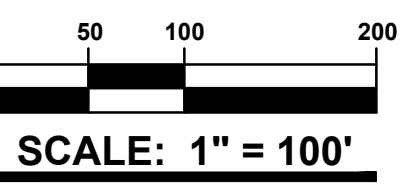
PROJECT TITLE

MDL-118 STILL POND NECK ROAD - SOLAR

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

SHEET TITLE

EXISTING CONDITIONS PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.: 2022004.00

DATE: 10/24/2022

SCALE: 1" = 100'

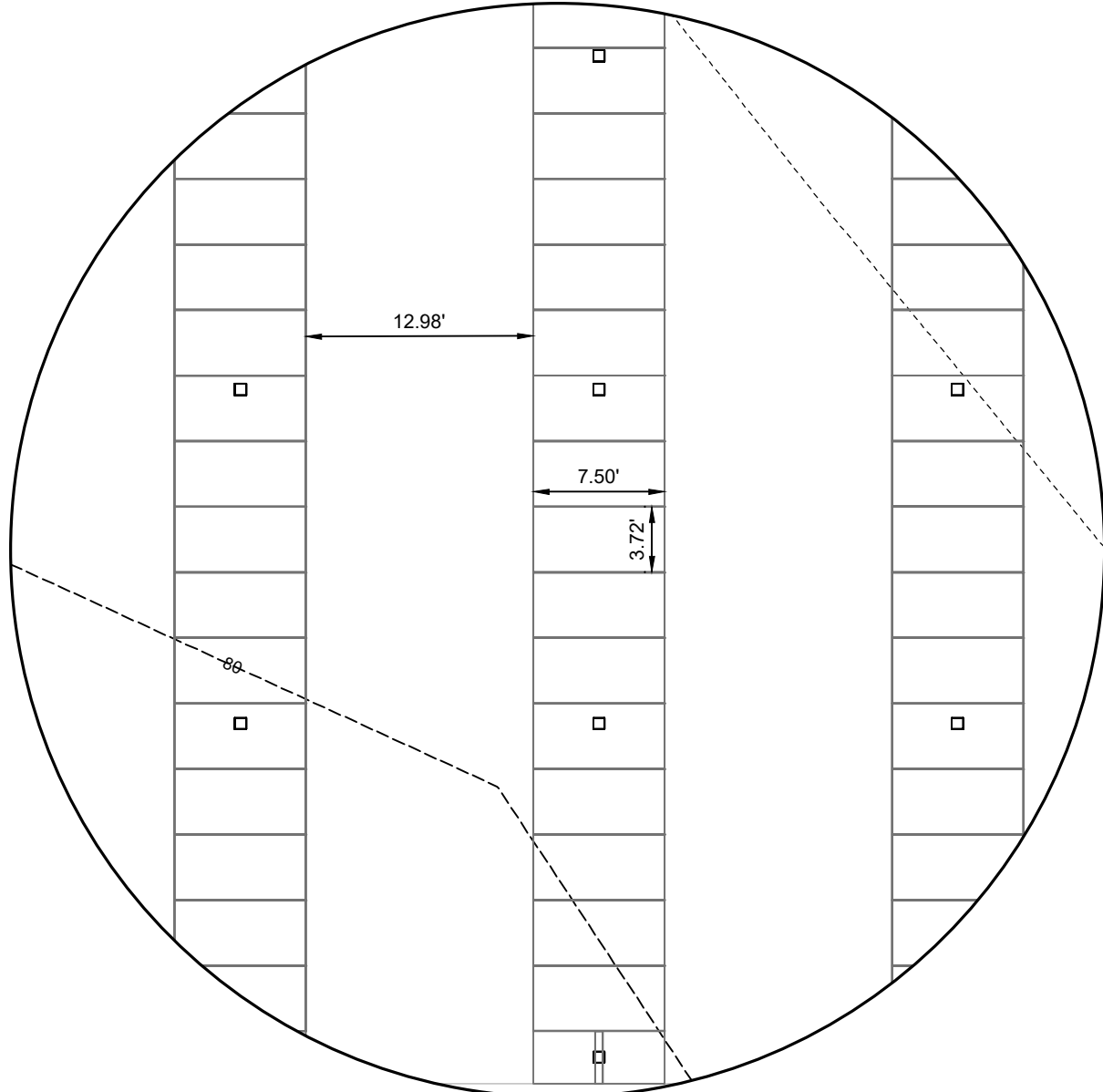
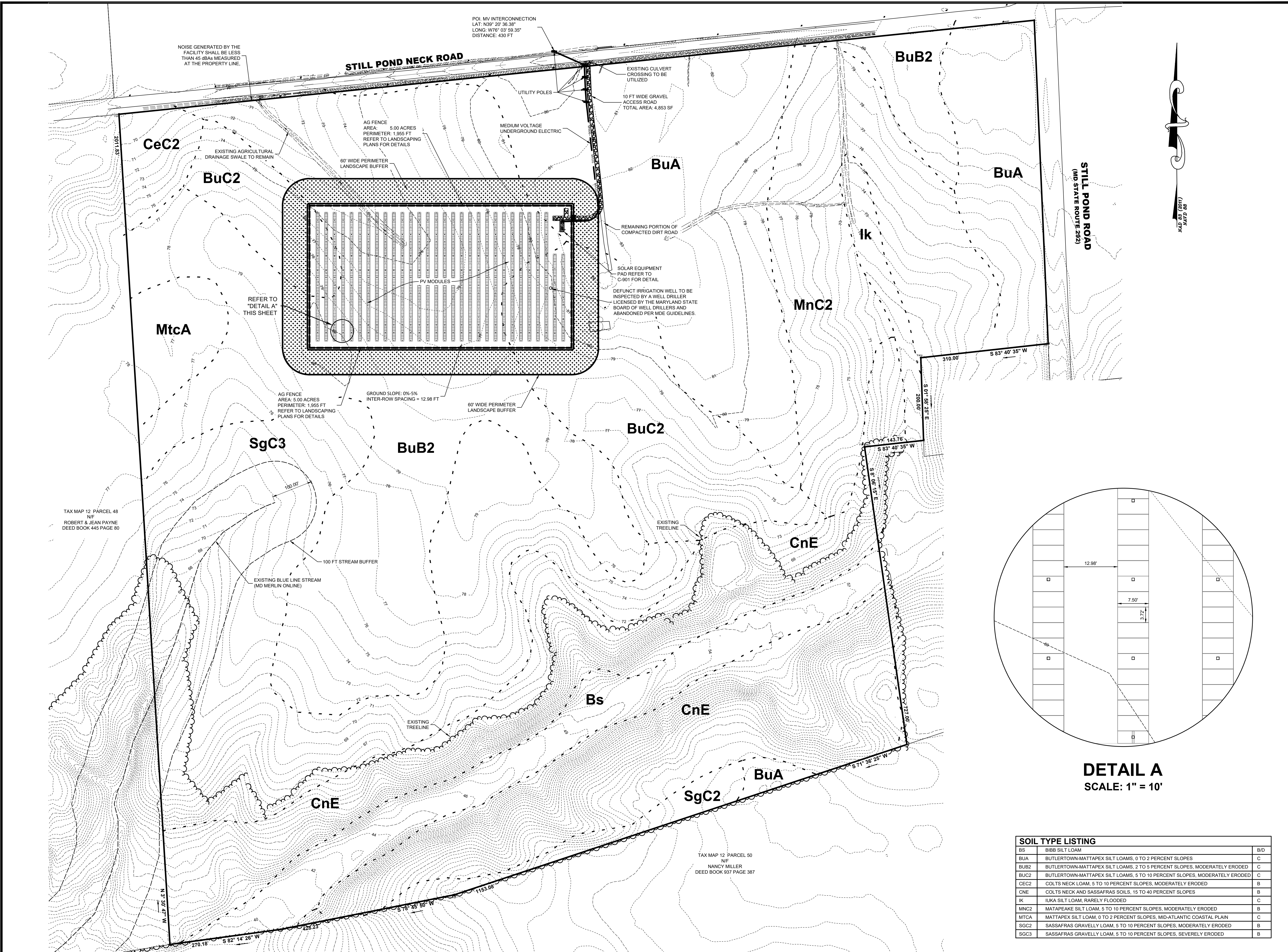
DRAWN BY: E.M.S. PROJ. MGR.: E.H.H.

SHEET

C-101

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SOIL TYPE LISTING	B/D
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 MATTAPEKE 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



DETAIL A
SCALE: 1" = 10'

SOIL TYPE LISTING		
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	MATTAPEX 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

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410.546.9100

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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

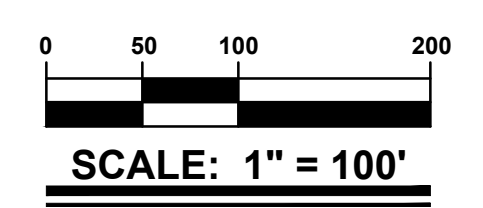
PROJECT TITLE

MDL-118 STILL POND NECK ROAD - SOLAR

28001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE

PROPOSED SITE PLAN

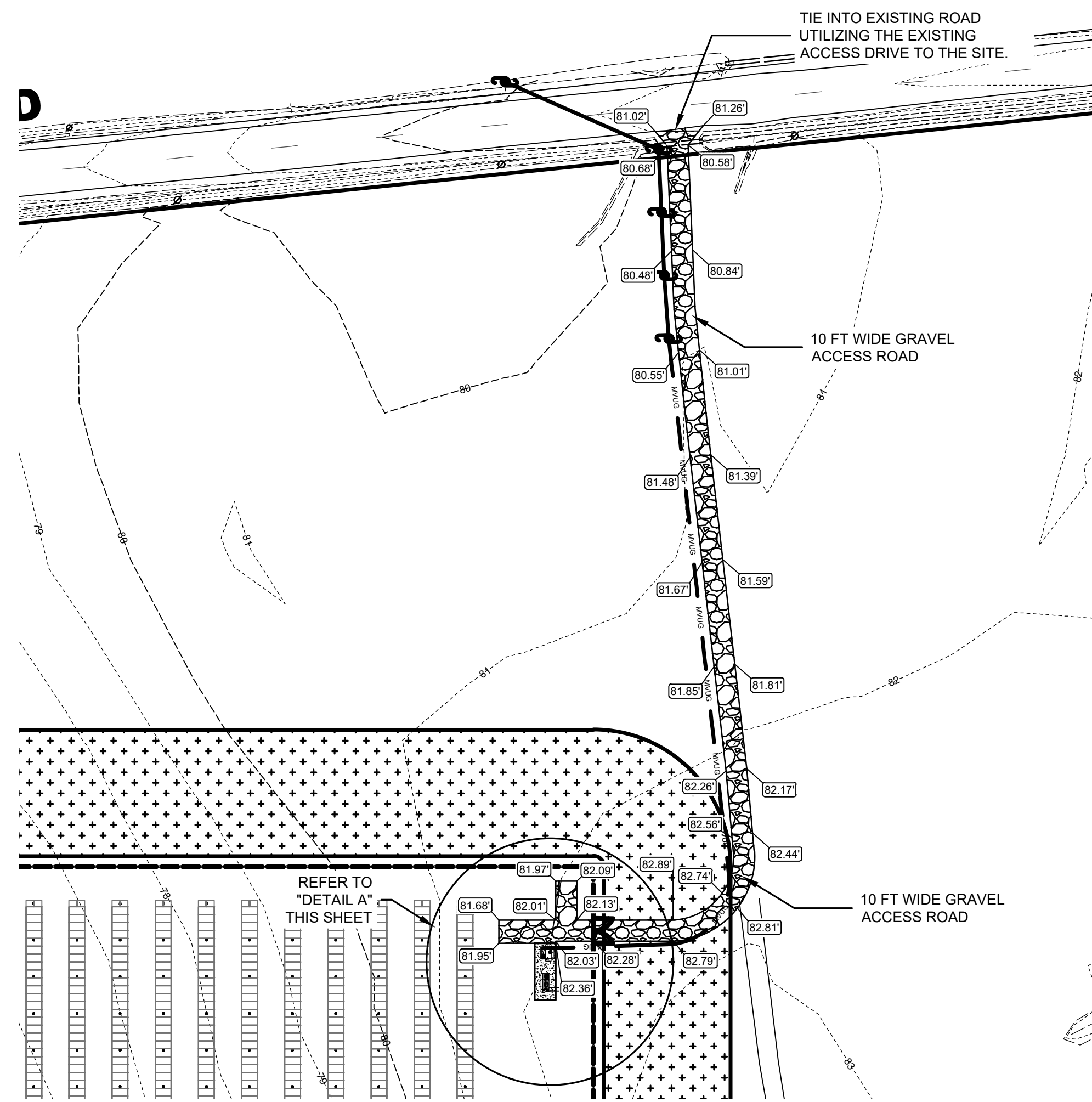


MARK	DATE	DESCRIPTION

ISSUE BLOCK

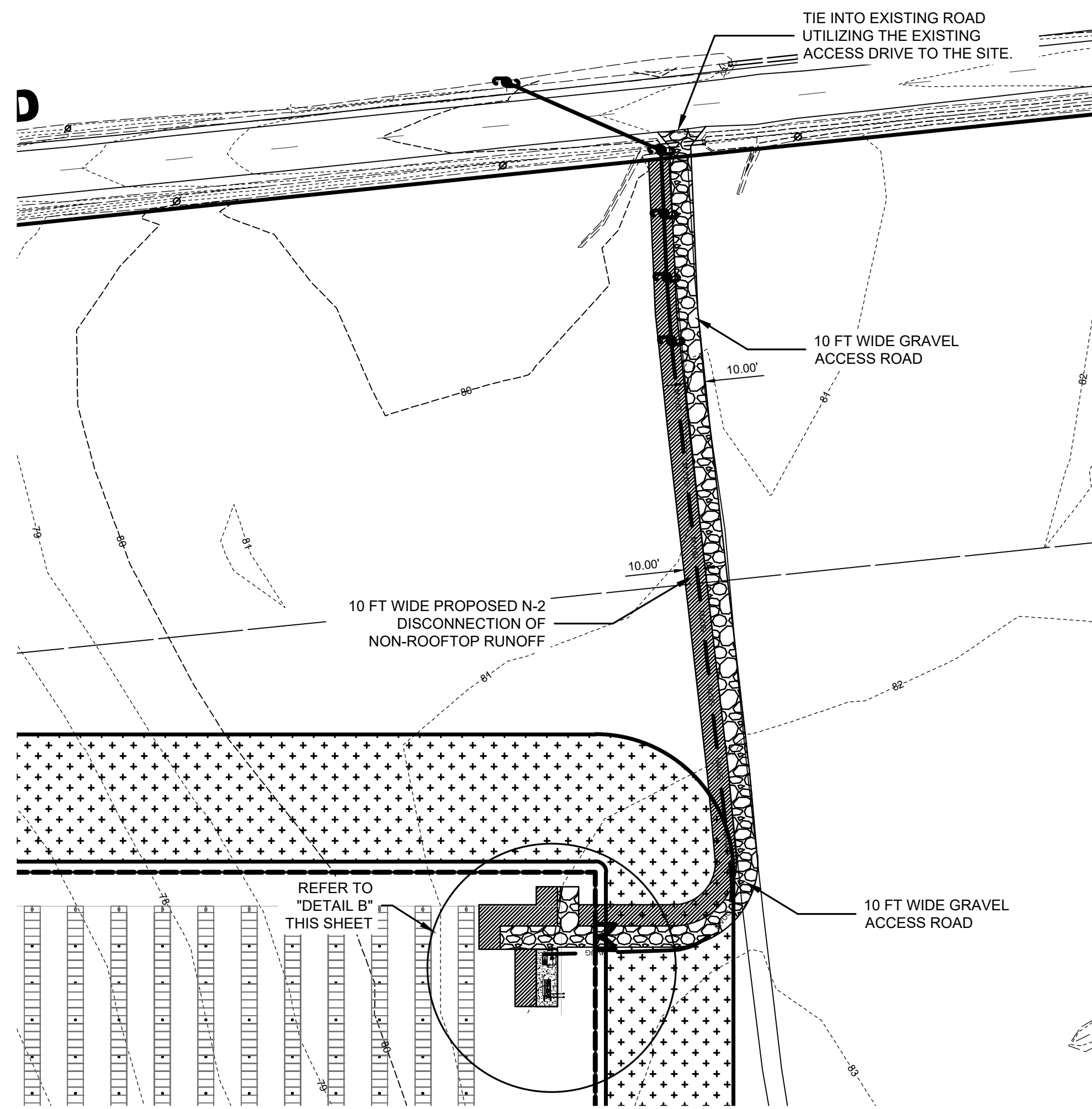
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DATE: 10/24/2022
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DRAWN BY: E.M.B. PROJ. MGR.: E.H.H.
SHEET

C-201



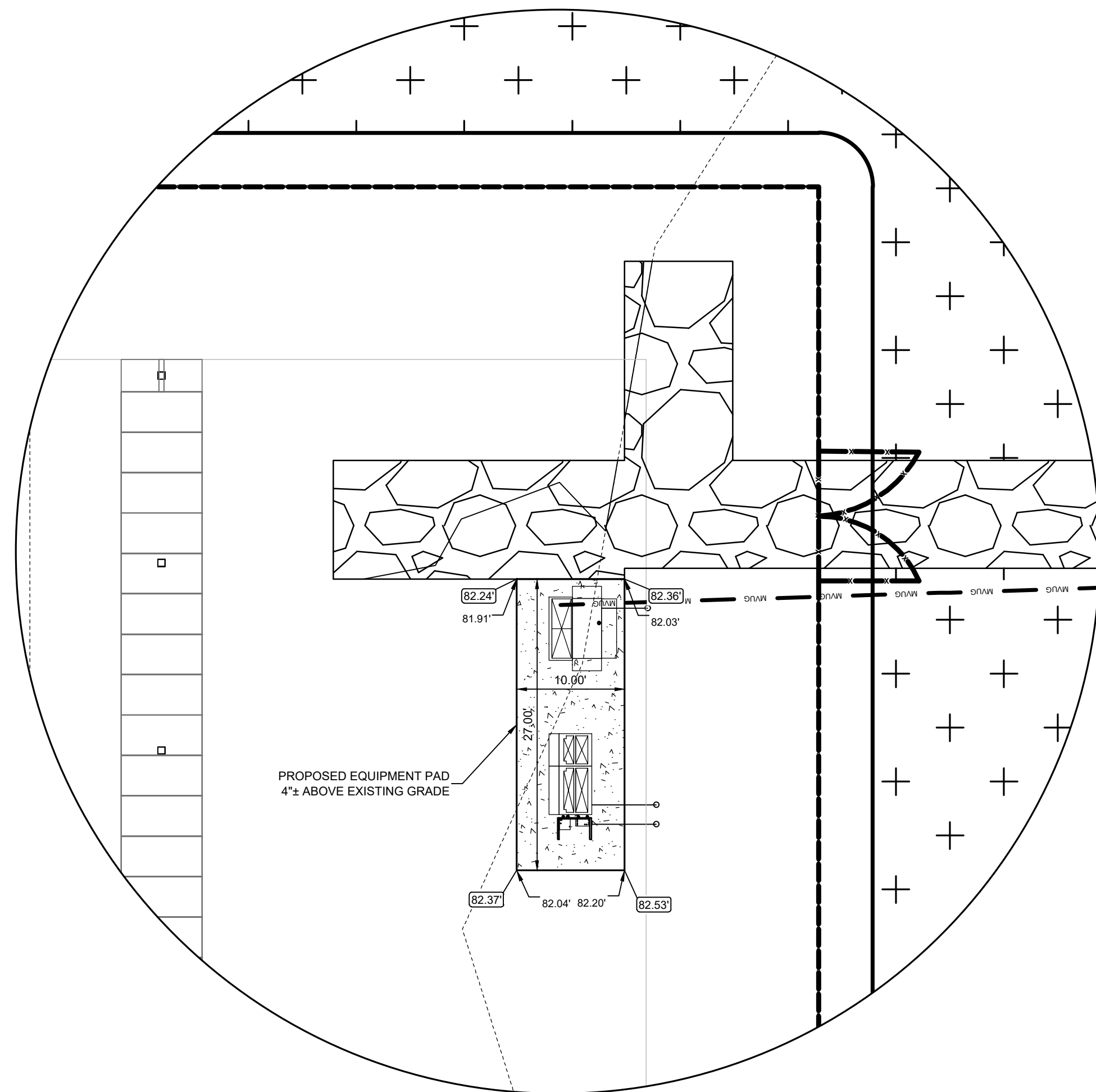
PLAN VIEW - SITE ACCESS

SCALE: 1" = 50'

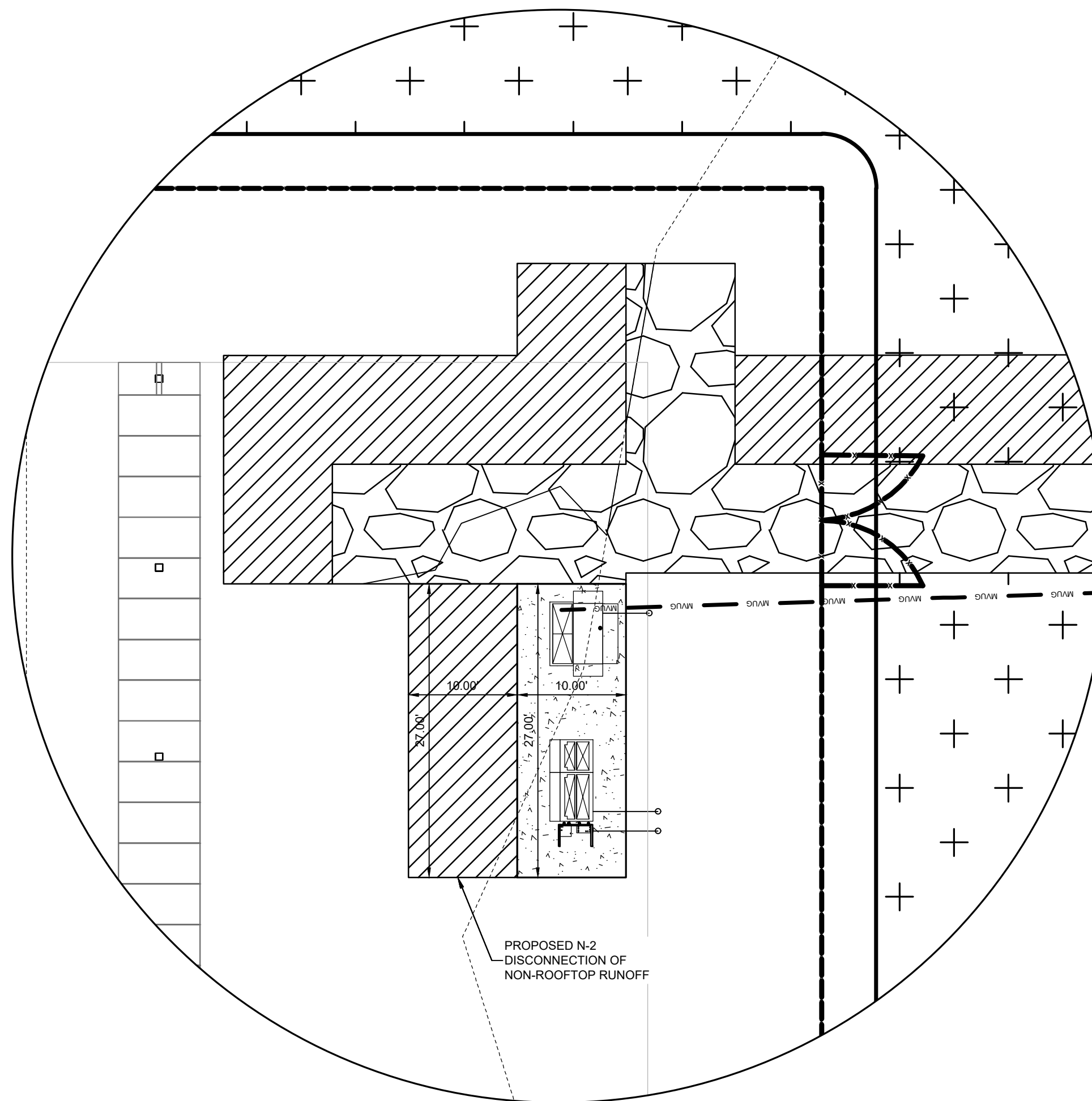


PLAN VIEW - DISCONNECT AREA

SCALE: 1" = 50'



DETAIL A
SCALE: 1" = 10'



DETAIL B
SCALE: 1" = 10'



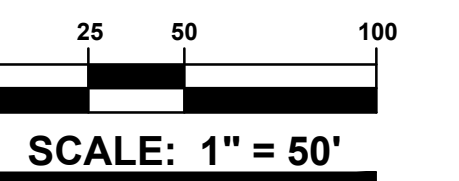
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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

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

SITE GRADING AND ACCESS ROAD CONSTRUCTION PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION

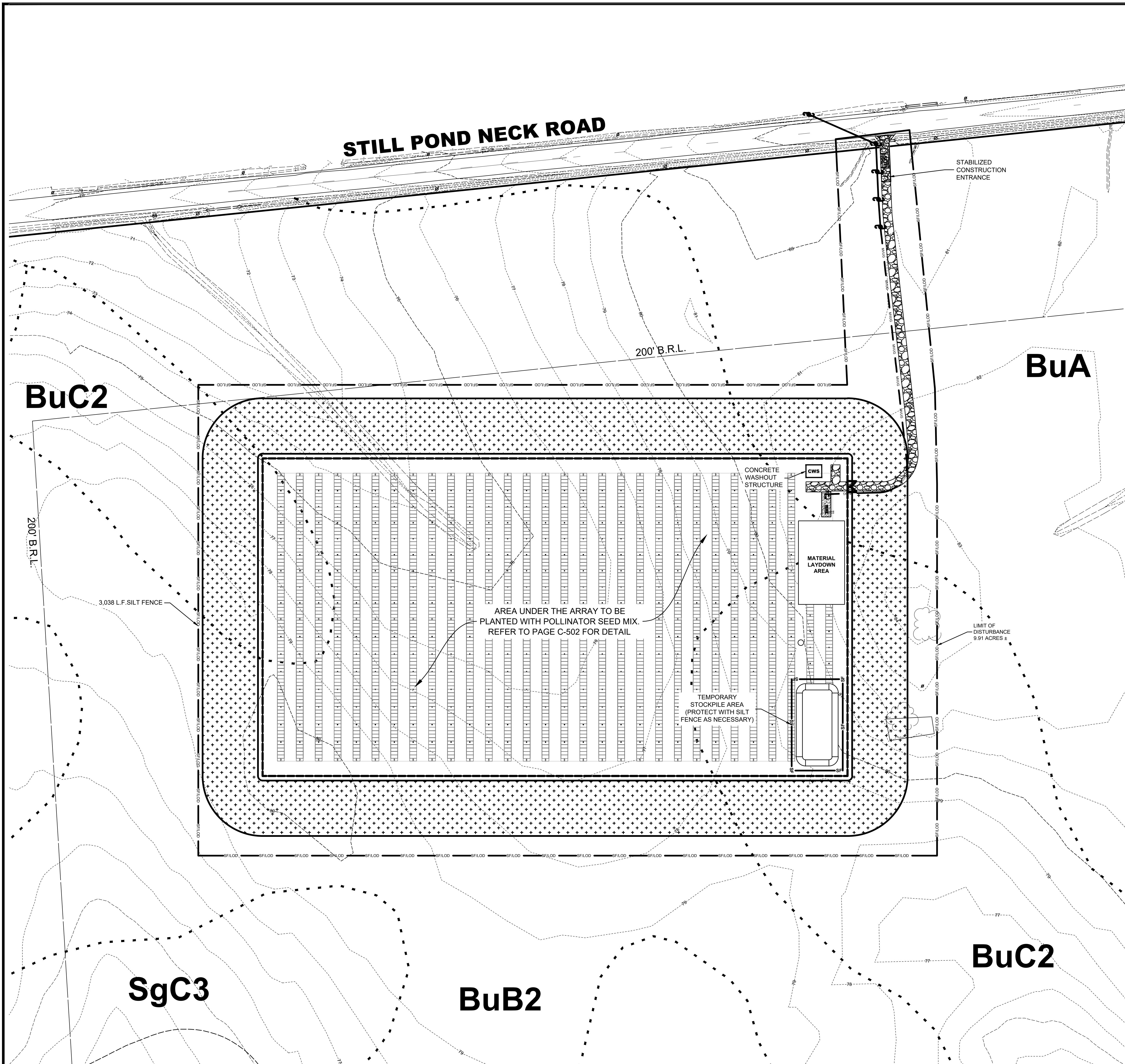
PROJECT NO.: 2022004.00

DATE: 10/24/2022

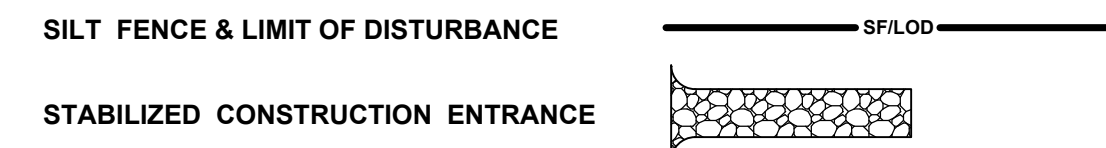
SCALE: 1" = 50'

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

SHEET



EROSION SEDIMENT CONTROL LEGEND



SOIL TYPE LISTING

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	MATTAPEAKE 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

EROSION & SEDIMENT CONTROL DATA

TOTAL DISTURBED AREA: 9.91 ACRES

MDE GENERAL PERMIT STATEMENTS

1. THIS PLAN INCLUDES STANDARD EROSION AND SEDIMENT CONTROLS AND MAINTENANCE CRITERIA TO PROTECT NATURAL AREAS.
2. CONTROL OF CONSTRUCTION EQUIPMENT AND VEHICLES ARE PROVIDED ON THIS PROJECT SITE THROUGH THE USE OF A STABILIZED CONSTRUCTION ENTRANCE (EXISTING PAVEMENT).
3. SITE CLEARING ON THIS PROJECT SITE HAS BEEN EVALUATED AND LIMITED TO ONLY THOSE AREAS NECESSARY.
4. THIS PROJECT SITE IS DESIGNED TO BE CONSTRUCTED AS A SINGLE PHASE AND THEREFORE DOES NOT INCLUDE ADDITIONAL PHASING.
5. THIS PROJECT SITE DOES NOT INCLUDE SOIL AT HIGH RISK FOR EROSION. ALL AREAS PROPOSED AT GREATER THAN 3:1 SLOPE SHALL BE STABILIZED WITH STABILIZATION MATTING PER MDE STANDARDS.
6. NO STEEP SLOPES EXIST ON THIS SITE AND THEREFORE CLEARING OF SUCH AREAS DOES NOT APPLY.

EIGHT ELEMENTS OF ENVIRONMENTAL SITE DESIGN:

- THE FOLLOWING ITEMS HAVE BEEN ADDRESSED TO MEET THE REQUIREMENTS OF THE GENERAL PERMIT FOR STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY (NPDES NUMBER MDR10, STATE DISCHARGE PERMIT NUMBER 09GP).
- 1.) UTILIZATION OF ENVIRONMENTAL SITE DESIGN
 - 2.) MAINTENANCE OF LIMITS OF DISTURBANCE TO PROTECT NATURAL AREAS
 - 3.) CONTROL OF CONSTRUCTION EQUIPMENT AND VEHICLES
 - 4.) EVALUATION AND APPROPRIATE LIMITATION OF SITE CLEARING
 - 5.) EVALUATION AND DESIGNATION OF SITE AREA FOR PHASING OR SEQUENCING
 - 6.) IDENTIFICATION OF SOILS AT HIGH RISK FOR EROSION AND ADVANCED STABILIZATION TECHNIQUES TO BE USED
 - 7.) IDENTIFICATION OF STEEP SLOPES AND DESIGNATION OF LIMITATIONS ON CLEARING THEM
 - 8.) EVALUATION AND DESIGNATION OF STABILIZATION REQUIREMENTS AND TIME LIMITS AND PROTECTION MEASURES FOR DISCHARGES TO THE CHESAPEAKE BAY, IMPAIRED WATERS OR WATERS WITH AN ESTABLISHED TOTAL MAXIMUM DAILY LOAD (TMDL).

SEQUENCE OF CONSTRUCTION

1. CONTRACTOR TO OBTAIN ALL COUNTY AND STATE PERMITS.
2. NOTIFY MDE AT 1-410-901-4020, AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION FOR A PRE-CONSTRUCTION MEETING. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED PLANS.
3. CLEAR AND GRUB THOSE AREAS NECESSARY FOR THE INSTALLATION OF EROSION & SEDIMENT CONTROLS.
4. INSTALL PERIMETER CONTROLS INCLUDING SILT FENCE, STABILIZED CONSTRUCTION ENTRANCE, ETC. AS INDICATED ON PLAN.
5. NOTIFY MDE THAT PERIMETER SEDIMENT CONTROLS ARE IN PLACE.
6. TEMPORARILY STABILIZE DISTURBED AREAS WITHIN THREE (3) DAYS OF INITIAL DISTURBANCE.
7. CLEAR, GRUB AND ROUGH GRADE PROPOSED DRIVEWAYS, CONCRETE PADS, ETC. STOCKPILE MATERIAL TO BE SPREAD ON-SITE OR RELOCATED TO AN APPROVED AREA.
8. PERFORM SITE STABILIZATION, ETC. PER PLAN.
9. BEGIN INSTALLATION OF SOLAR ARRAY AS SHOWN ON PLAN.
10. BEGIN PERMANENT STABILIZATION OF SITE INCLUSIVE OF POLLINATOR SEED MIX UNDER THE ARRAY DURING THE COURSE OF INSTALLATION OF THE ARRAY. BEGIN LANDSCAPING INSTALLATION.
11. COMPLETE PERMANENT STABILIZATION OF THE SITE
12. CONTRACTOR SHALL CONTACT MDE AT 1-410-901-4020 PRIOR TO REMOVAL OF EROSION AND SEDIMENT CONTROL MEASURES. WITH INSPECTORS APPROVAL, REMOVE SEDIMENT AND EROSION CONTROL MEASURES.



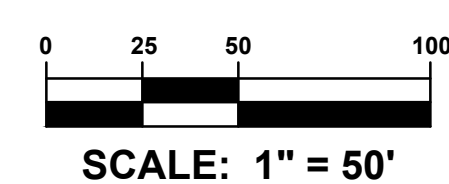
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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

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
EROSION SEDIMENT CONTROL PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION

MARK DATE DESCRIPTION
LAYER/STATE: C-501
PROJECT NO.: 2022004.00
DATE: 10/24/2022
SCALE: 1" = 50'
DRAWN BY: E.M.S. | PROJ. MGR.: E.H.H.

SHEET
C-501
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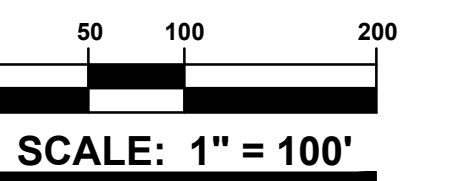
PROJECT TITLE

MDL-118 STILL POND NECK ROAD - SOLAR

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

SHEET TITLE

CONSTRUCTION NOTES AND DETAILS



ISSUE BLOCK

MARK DATE DESCRIPTION

LAYER/STATE: C-901

PROJECT NO.: 2022004.00

DATE: 10/24/2022

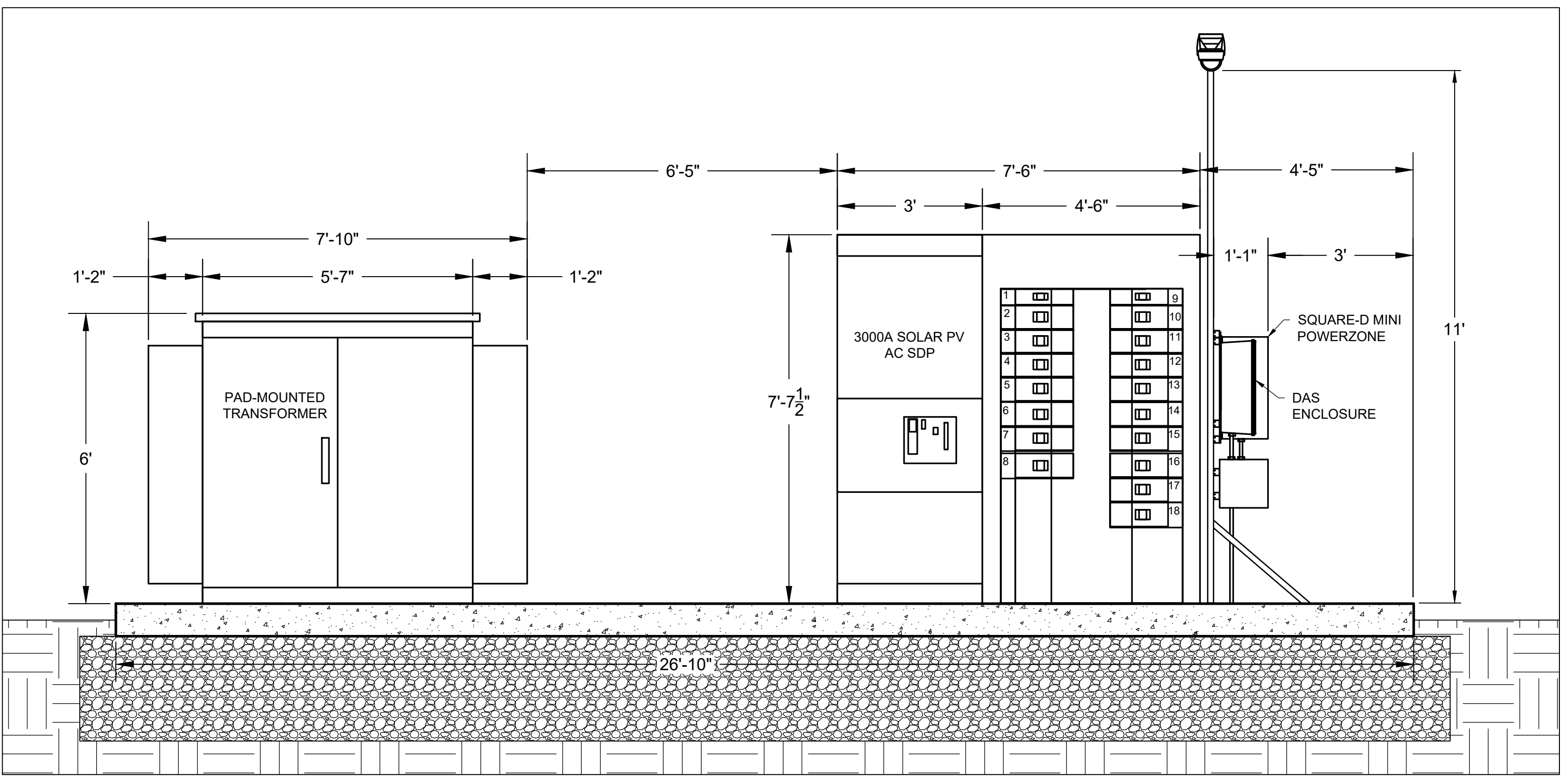
SCALE: 1" = 100'

DRAWN BY: E.M.B. | PROJ. MGR.: E.H.H.

SHEET

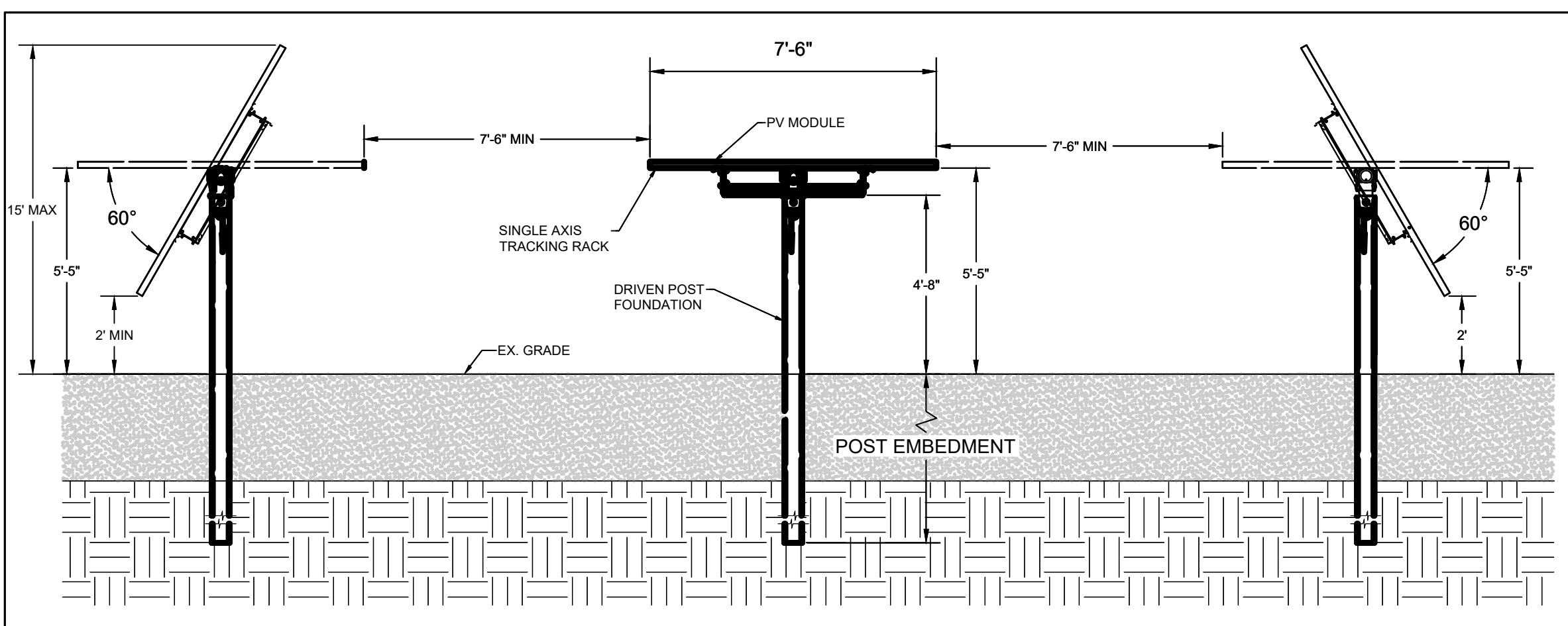
C-901

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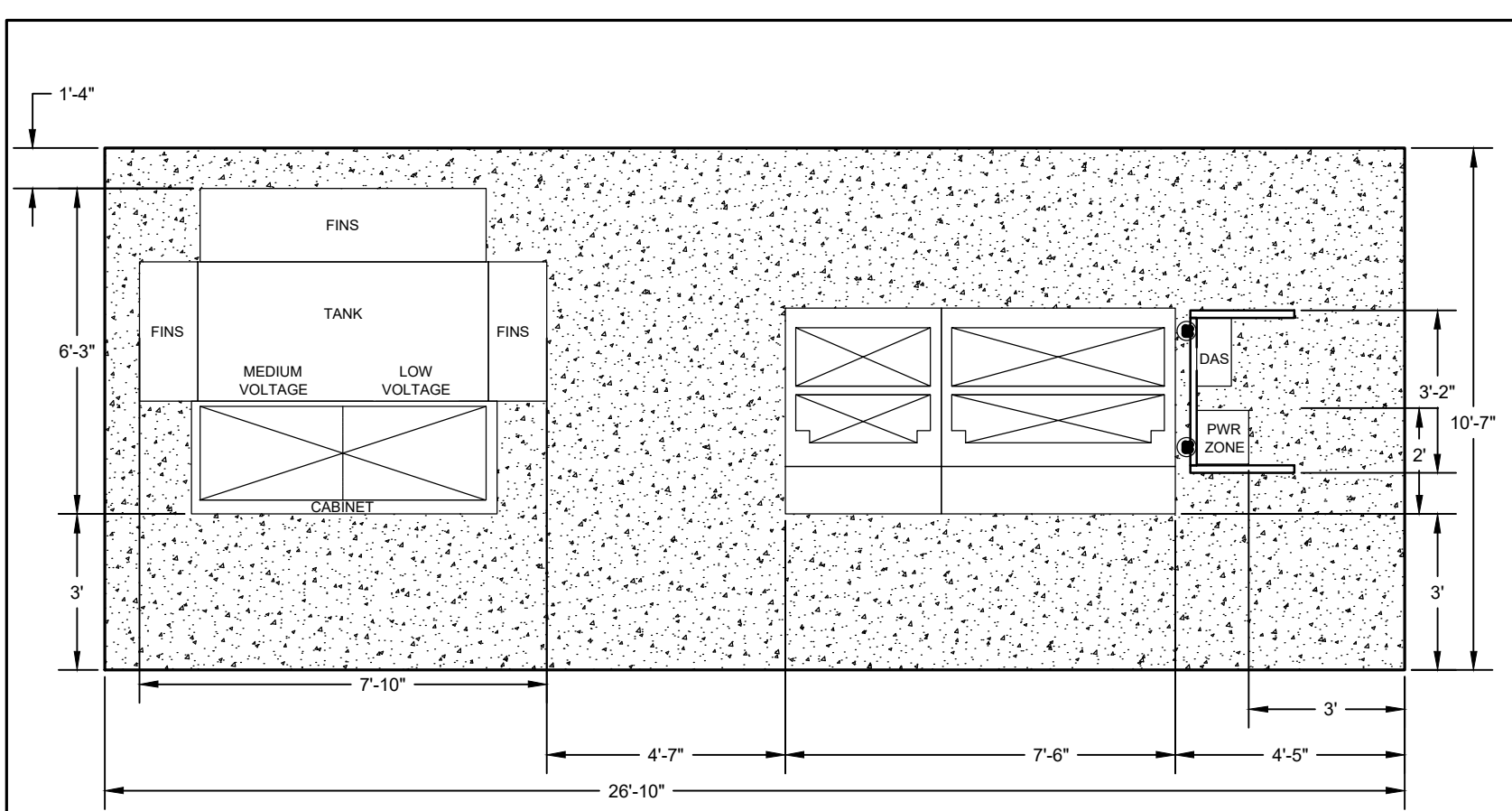
PV SWITCHBOARD & TRANSFORMER EQUIPMENT PAD ELEVATION

NO SCALE



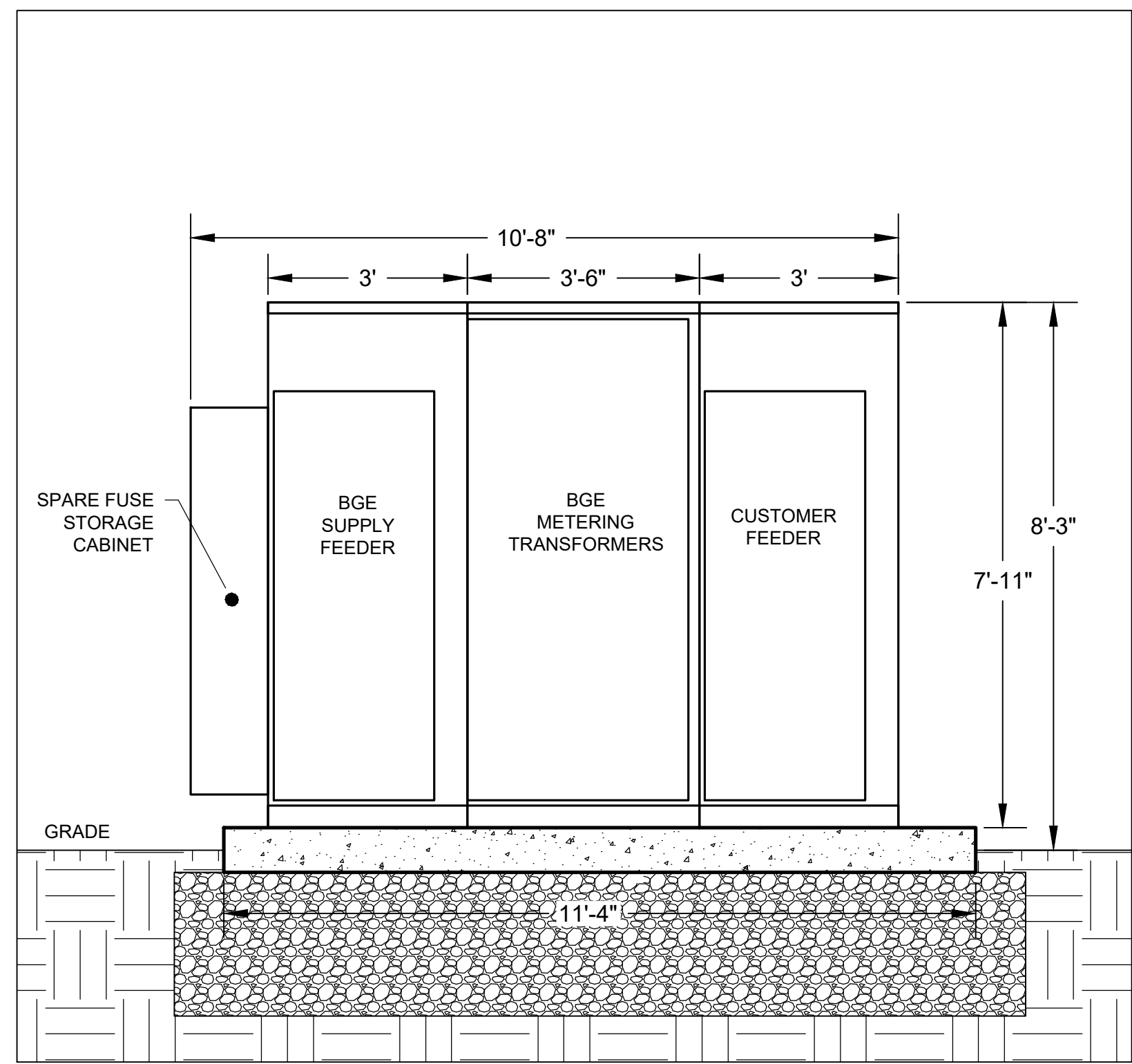
TYPICAL ARRAY ELEVATION

NO SCALE



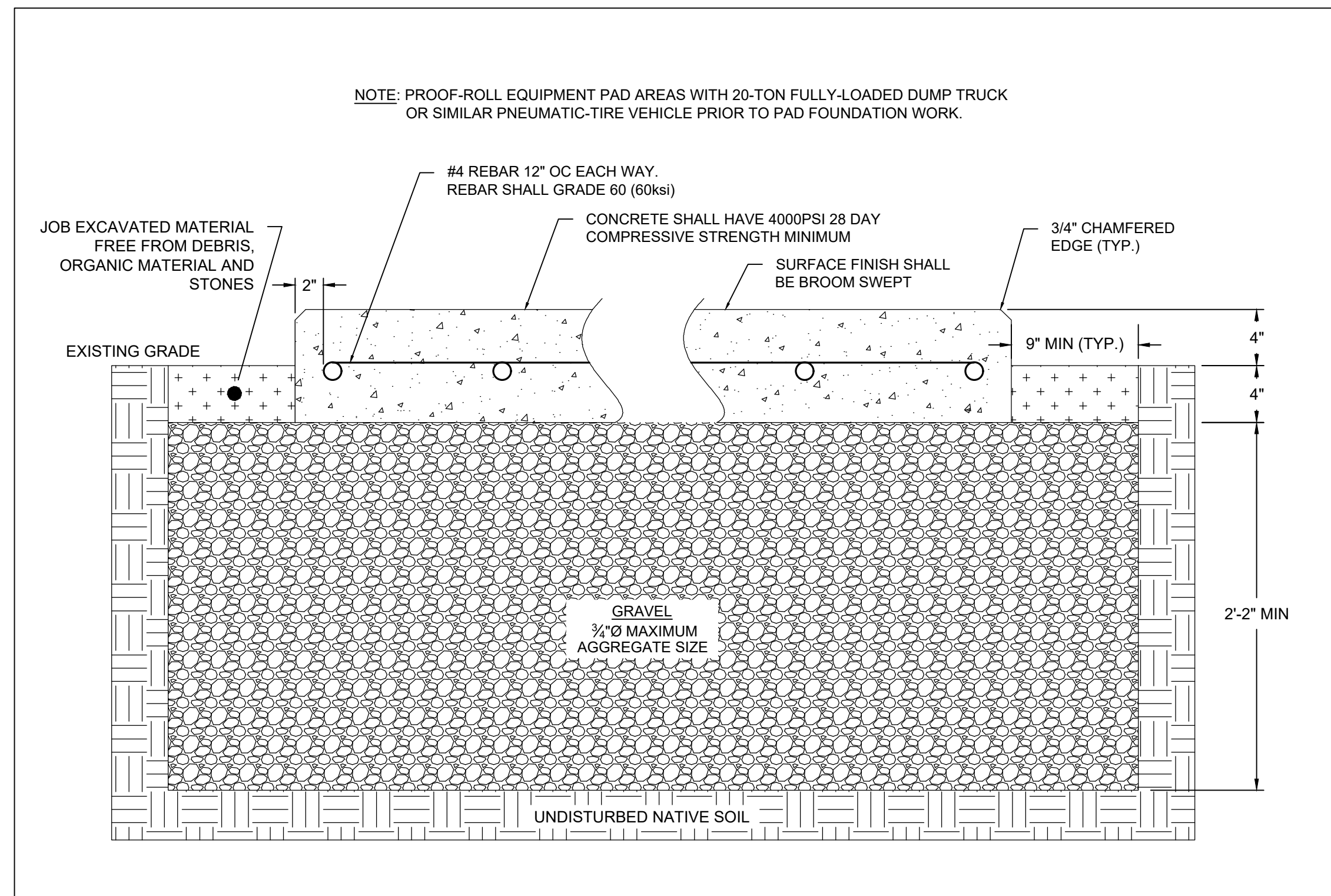
EQUIPMENT PAD DETAIL

NO SCALE



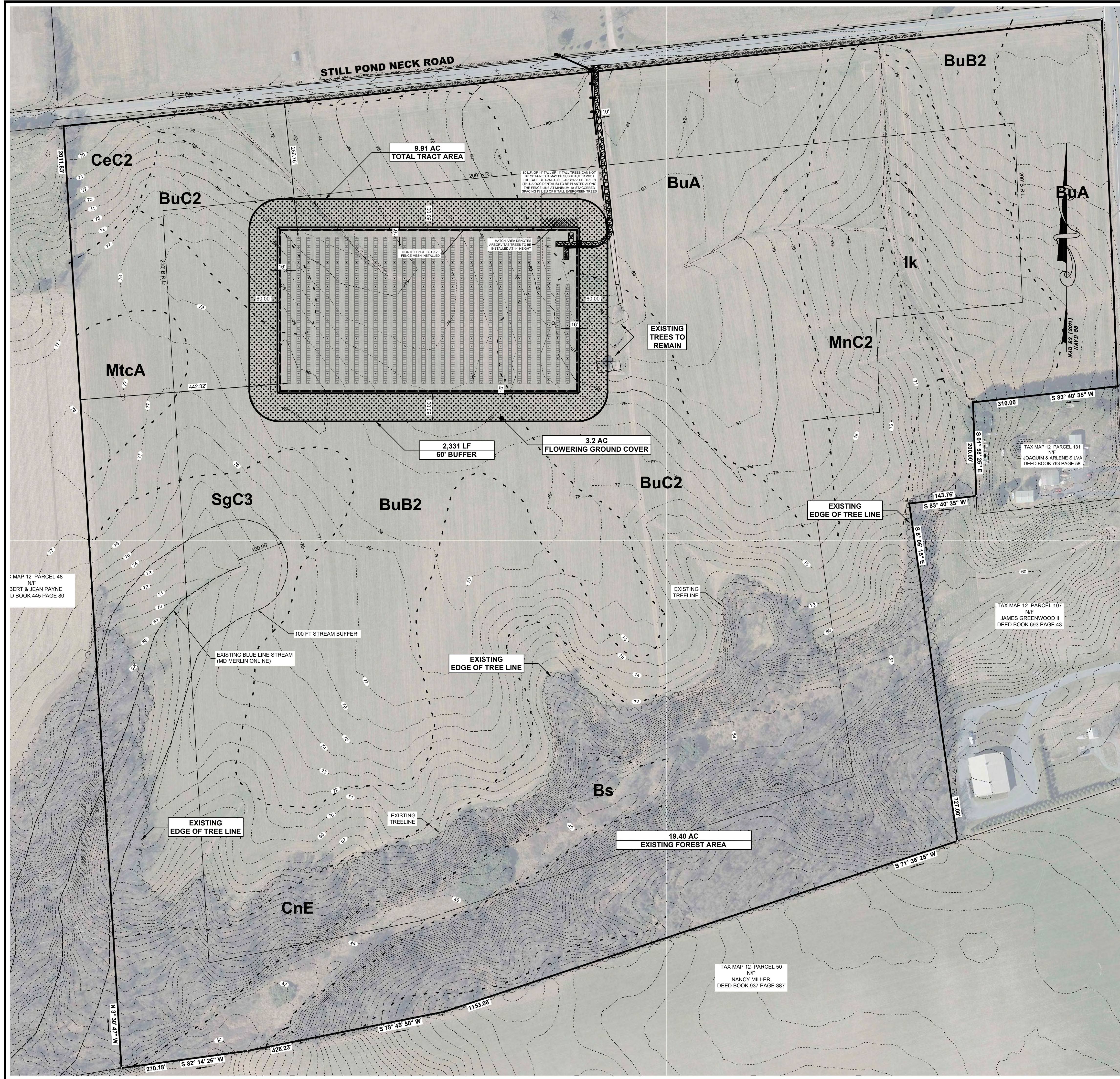
MV SWITCHGEAR & METERING EQUIPMENT PAD ELEVATION

NO SCALE



CONCRETE ELECTRICAL PAD SECTION

NO SCALE



KENT COUNTY MARYLAND - SOLAR BUFFER REQUIREMENTS :

- PERIMETER BUFFER REQUIREMENT : THE REQUIRED SETBACK SHALL BE PLANTED AT (a) 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

- 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)

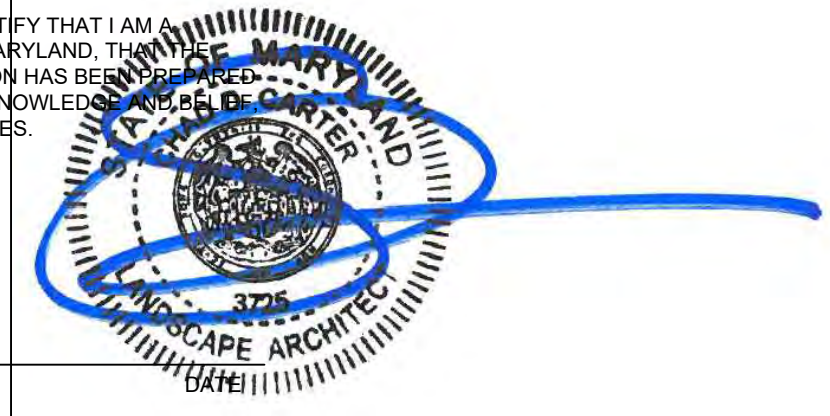
TOTAL: 233 EVERGREEN TREES
47 UNDERSTORY TREES
233 SHRUBS
47 SHADE TREES
560 TOTAL PLANTINGS

GROUND COVER PROVIDED: 100' X 60' = 6,000 SF
6,000 SF X 23,31 BUFFER UNITS = 139,860 SF (3.2 AC)
TOTAL: 3.2 AC OF FLOWERING GROUND COVER
RECOMMENDED MIX - FUZZ BUZZ MIX (ERNMX-146)

MARYLAND LANDSCAPE ARCHITECTS CERTIFICATION

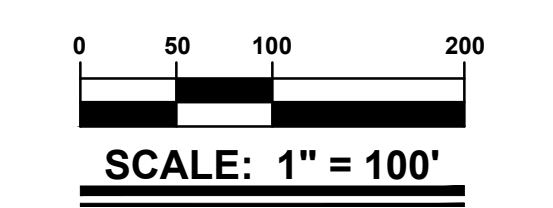
I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA 3725

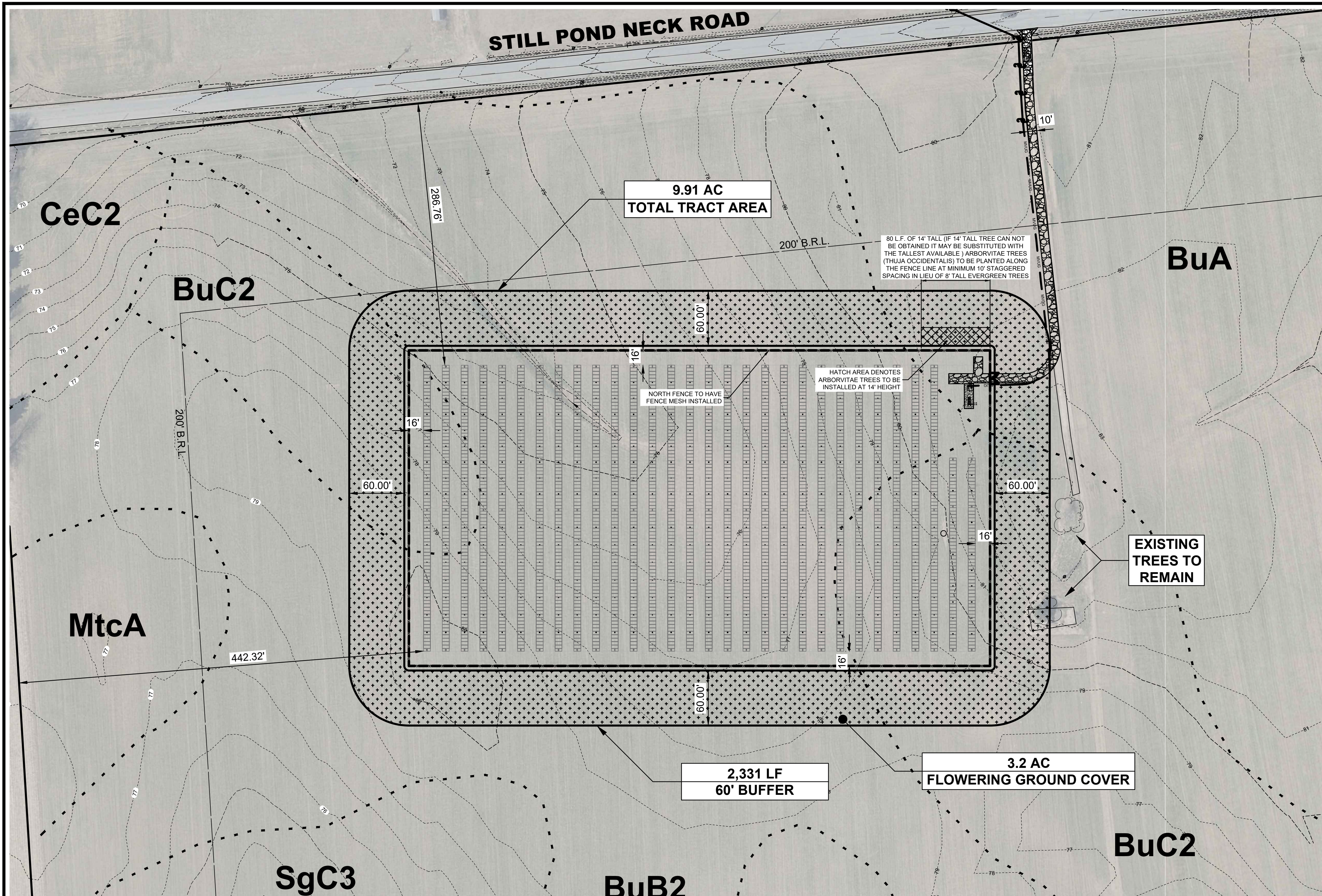


PROJECT TITLE
MDL-118 STILL POND NECK ROAD - SOLAR
26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

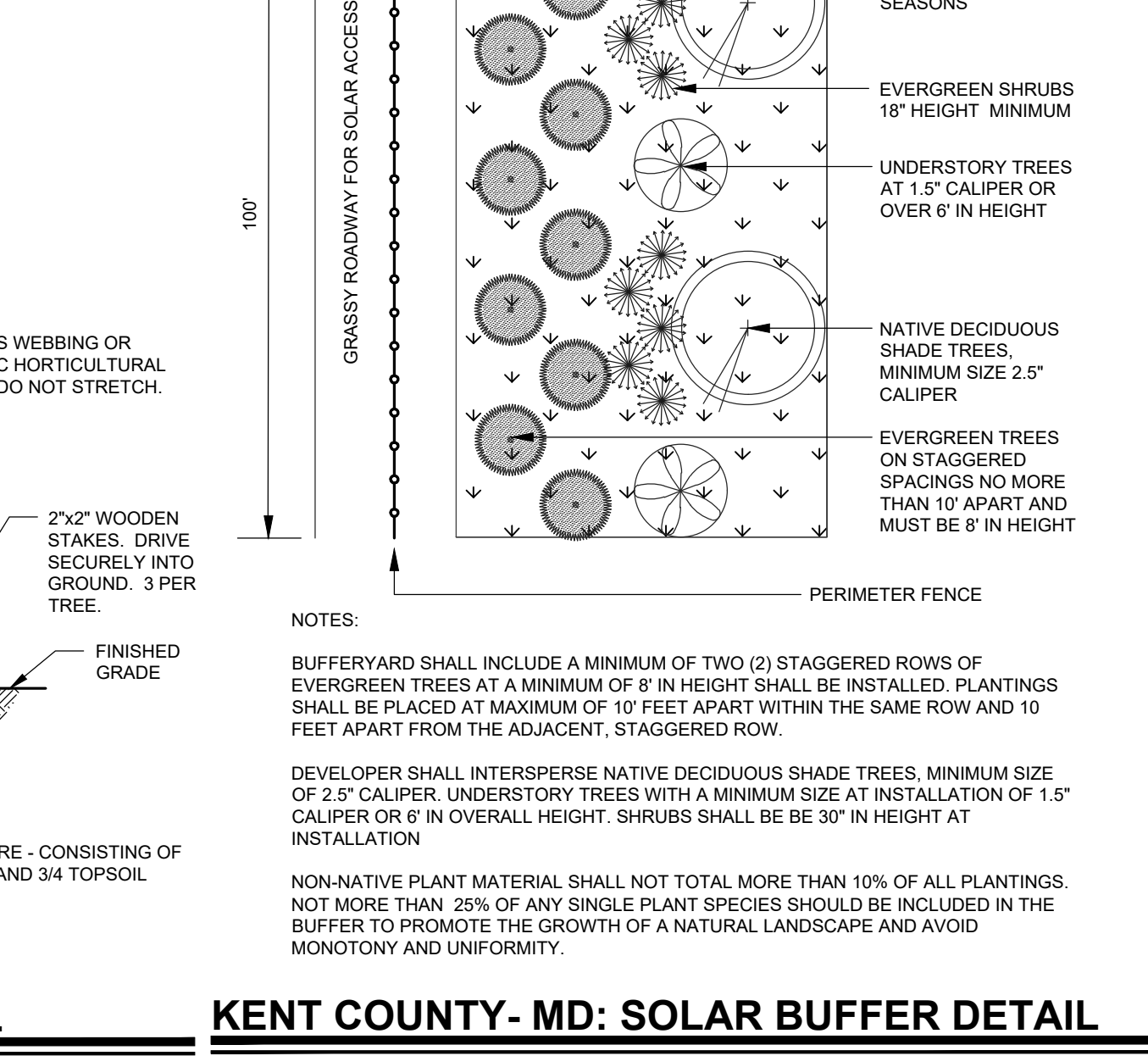
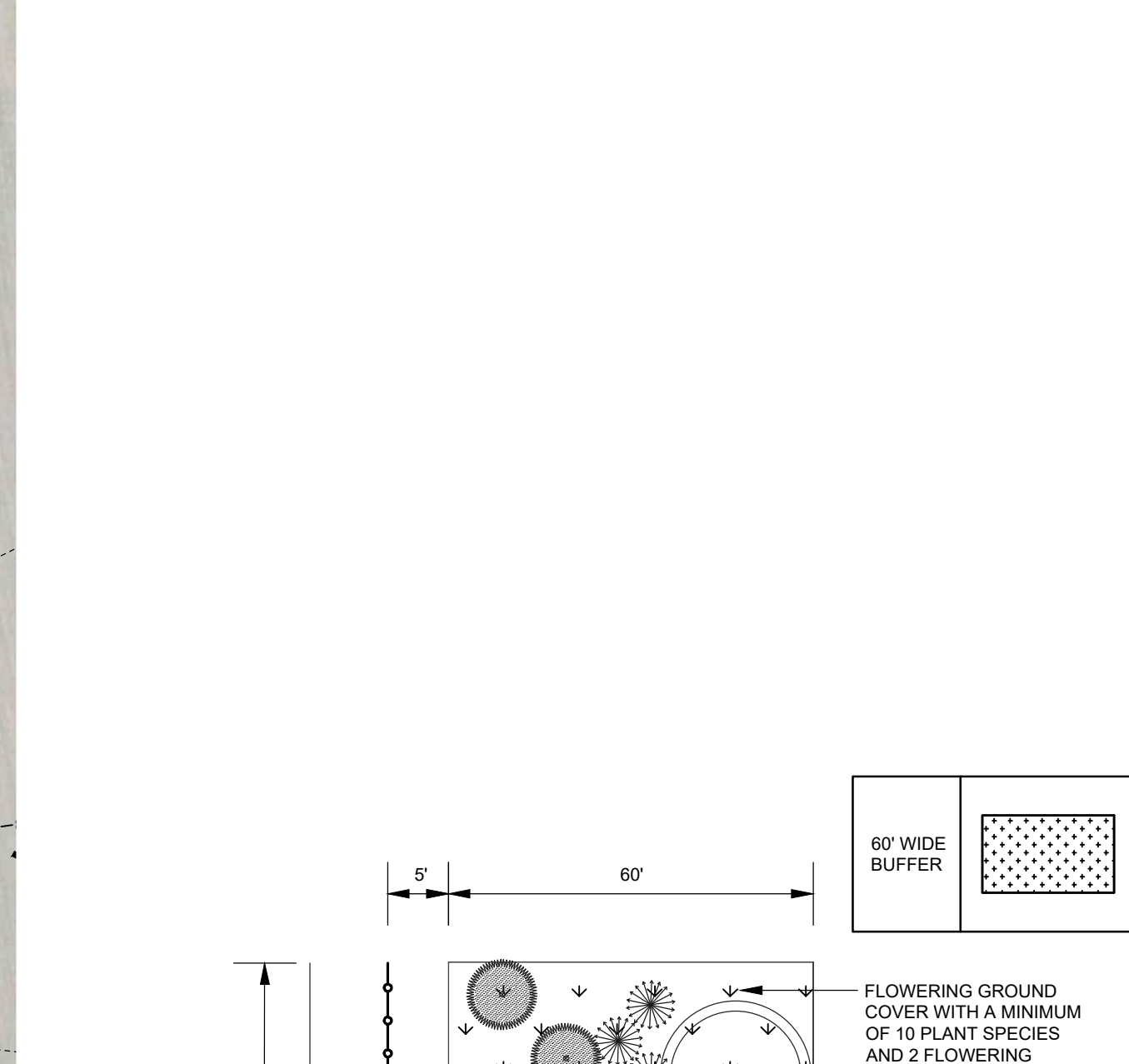
SHEET TITLE
LANDSCAPE PLAN



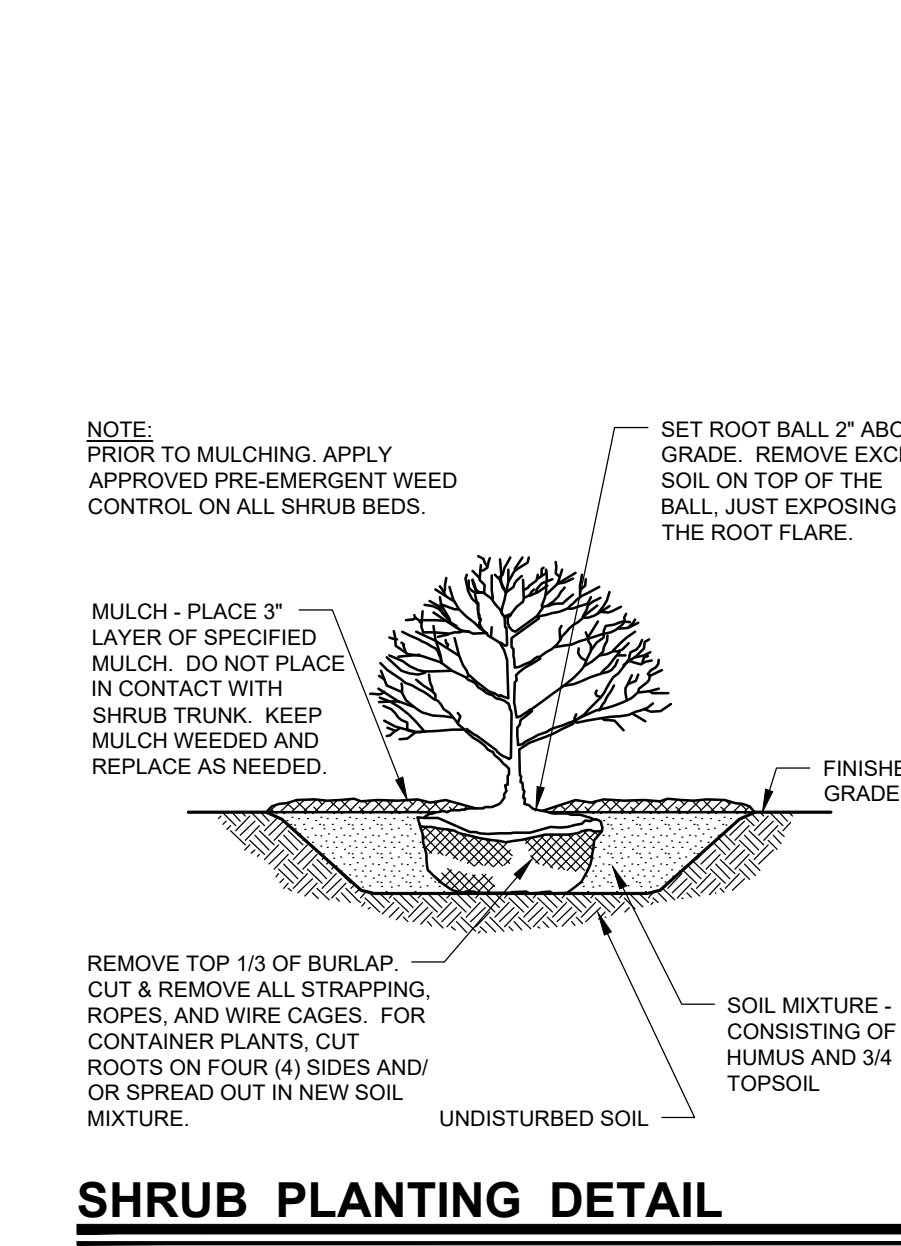
MARK	DATE	DESCRIPTION
11/18/22	TAC	11/09/2022
LAYER STATE	L-001	
PROJECT NO.:		2022004.00
DATE:		10/24/2022
SCALE:		1" = 100'
DRAWN BY:		S.W.A. / PROJ. MGR.: E.H.H.
SHEET		L-001
COPYRIGHT		2021



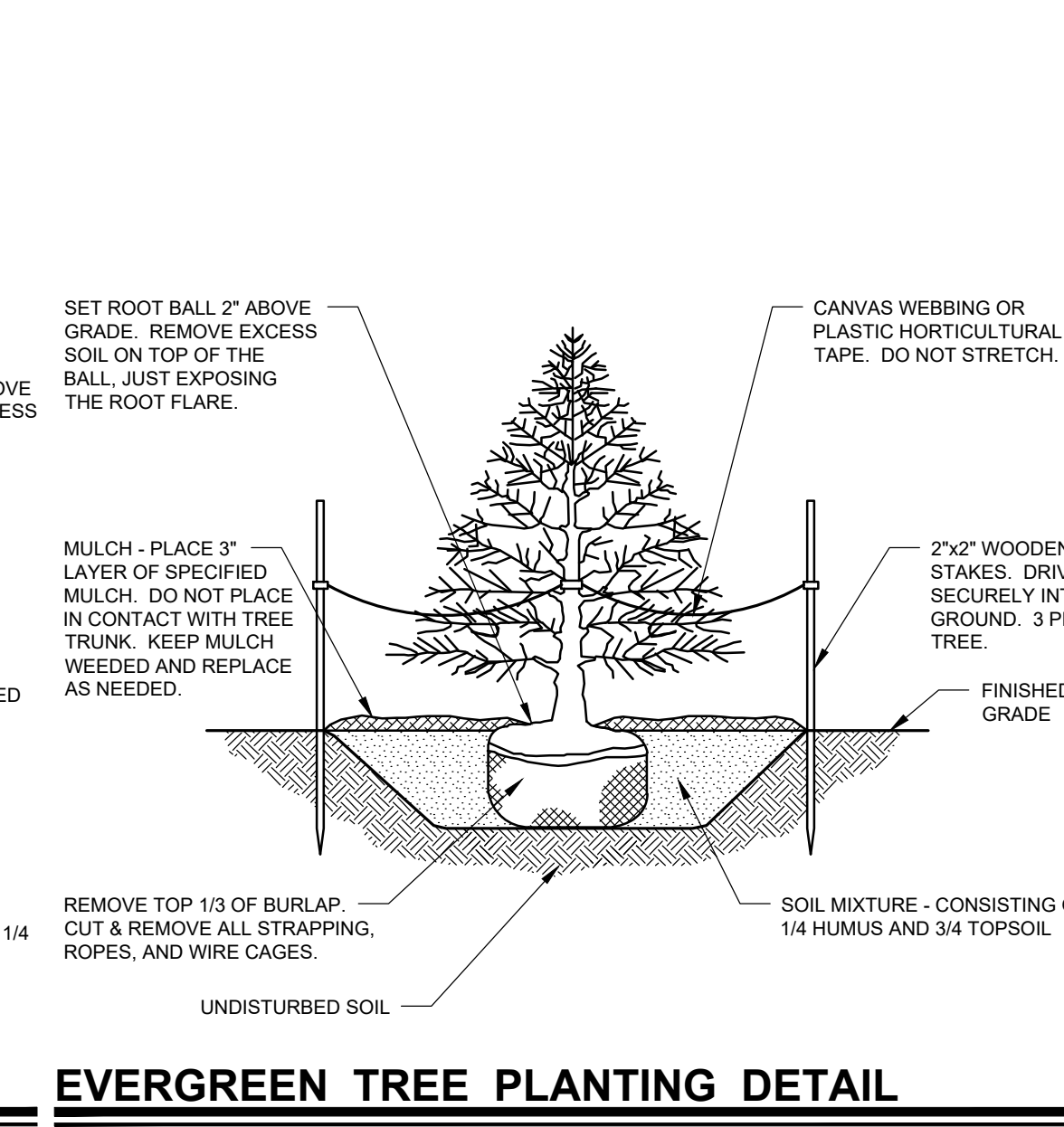
- GENERAL LANDSCAPE NOTES :**
- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK."
EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.
PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.
UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLEDUS WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
 - ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.
MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF 1/2", WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
 - ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
 - LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
 - AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
 - NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
 - NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
 - NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
 - ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
 - THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY BY WAY OF A WATER TANK TRUCK 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 THEM.
 - TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL). SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
 - THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
 - NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
 - ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.



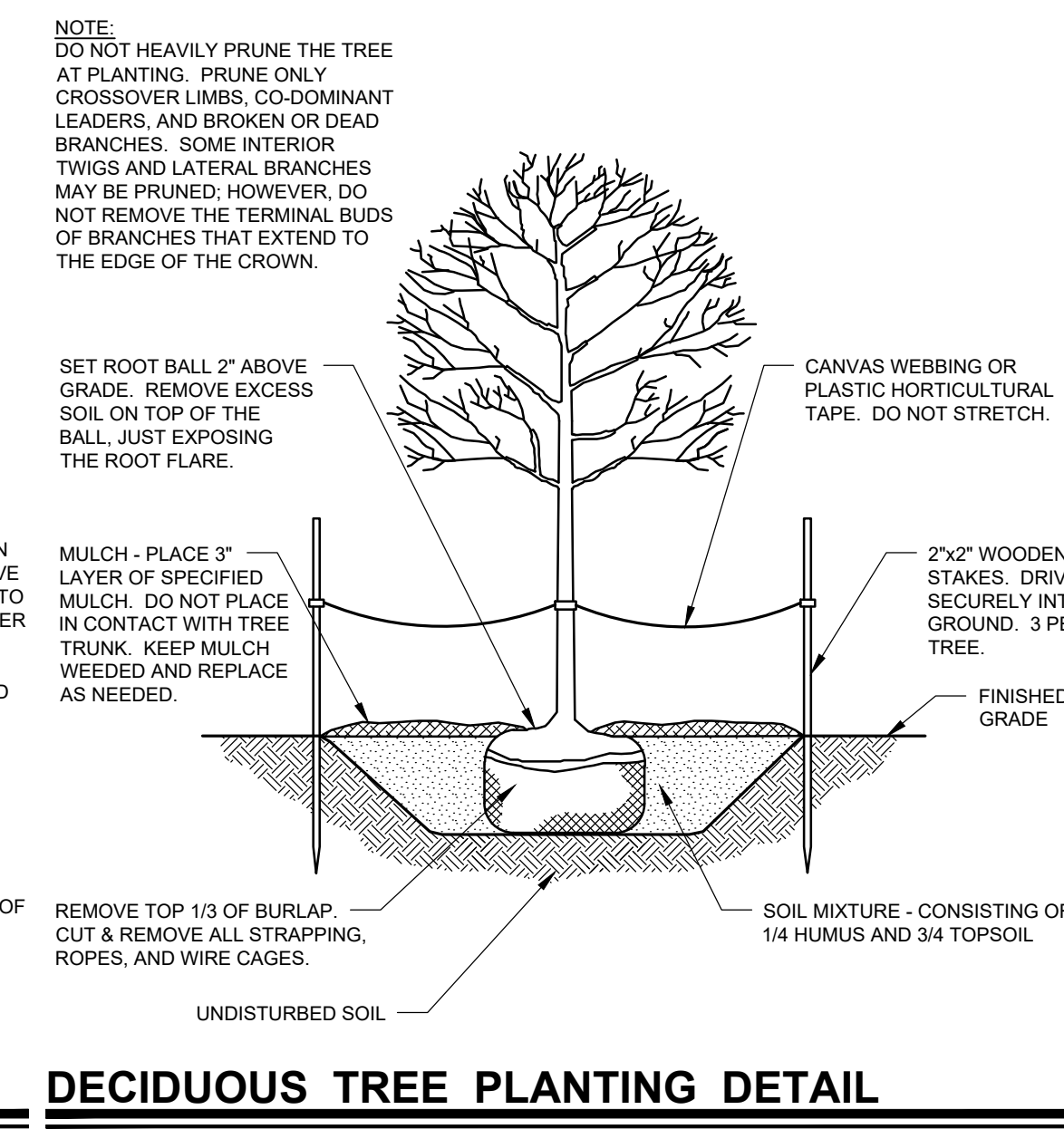
KENT COUNTY- MD: SOLAR BUFFER DETAIL
BGM NO. : L-08



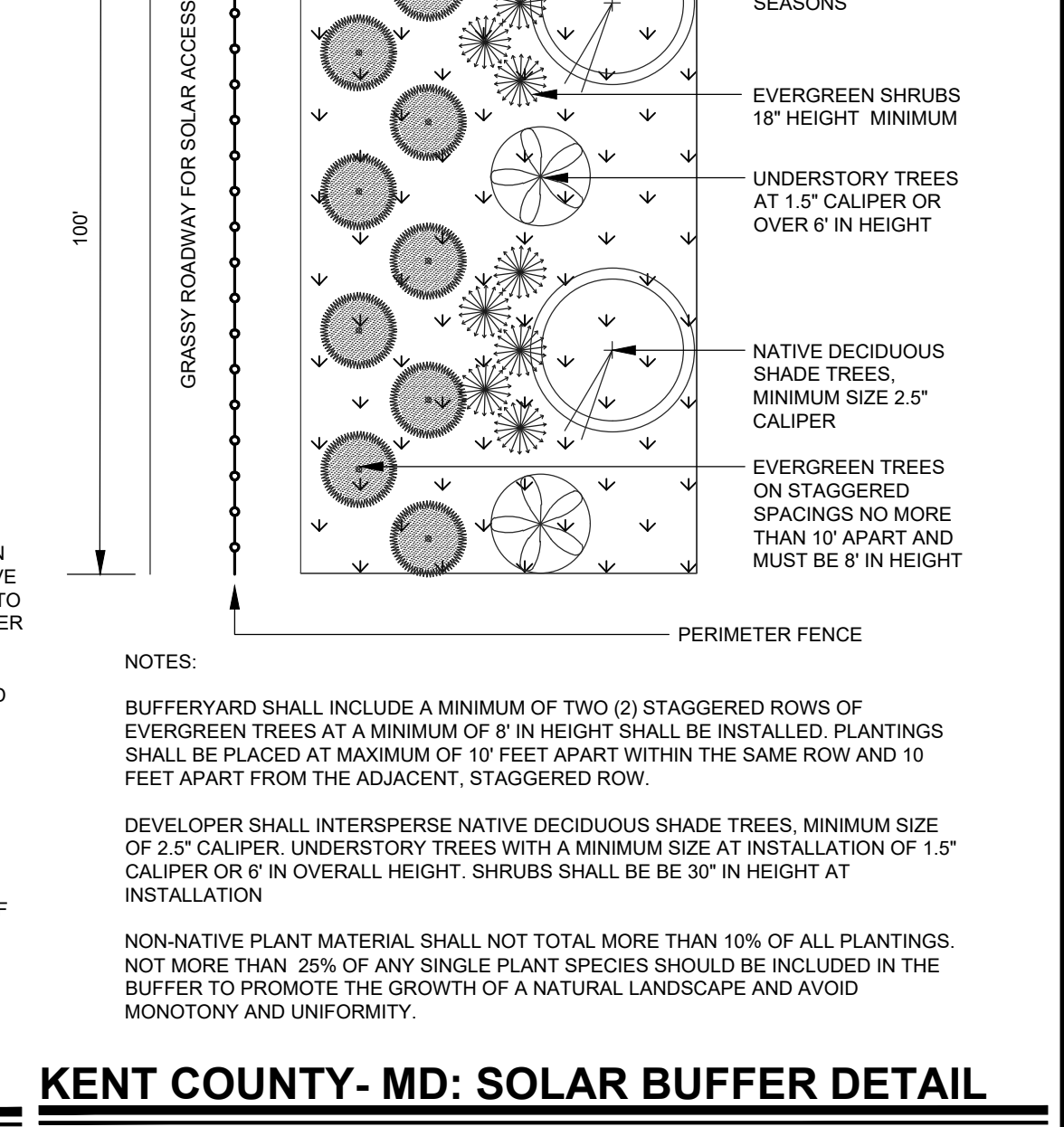
SHRUB PLANTING DETAIL
NO SCALE



EVERGREEN TREE PLANTING DETAIL
BGM NO. : L-03



DECIDUOUS TREE PLANTING DETAIL
BGM NO. : L-02



DECIDUOUS TREE PLANTING DETAIL
BGM NO. : L-01

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
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Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700
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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
LANDSCAPE PLAN

SCALE: 1" = 60'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
11/18/22	TAC	
	11/09/2022	
PROJECT NO.: 2022004.00		
DATE: 10/24/2022		
SCALE: 1" = 60'		
DRAWN BY: S.W.A. PROJ. MGR.: E.H.H.		

SHEET
L-101
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MDL 85 (2021)
10/19/22

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

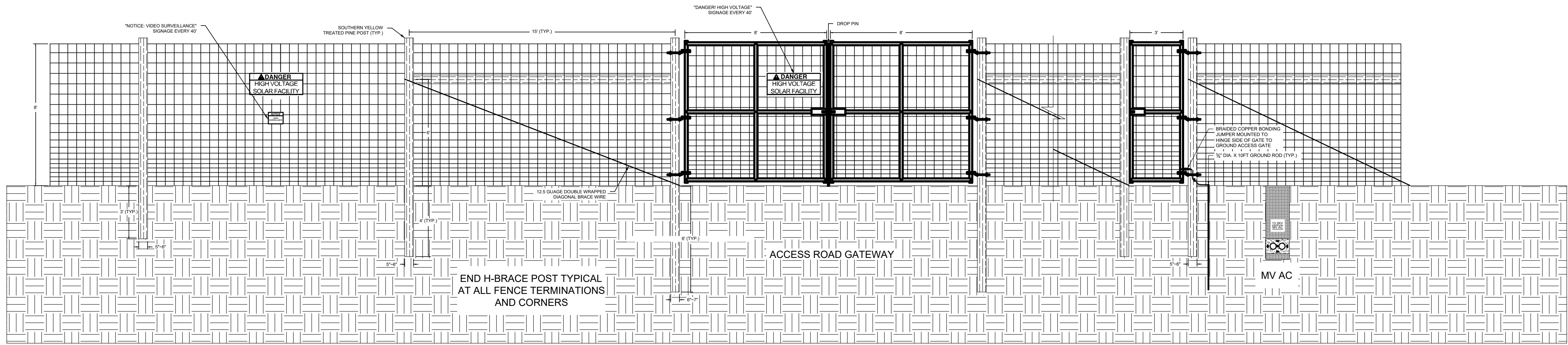
MARK	DATE	DESCRIPTION
11/18/22	TAC	
	11/09/2022	
LAYER STATE	L-102	

PROJECT NO.: 2022004.00
DATE: 10/24/2022
SCALE: N/A

DRAWN BY: S.W.A. | PROJ. MGR.: E.H.H.

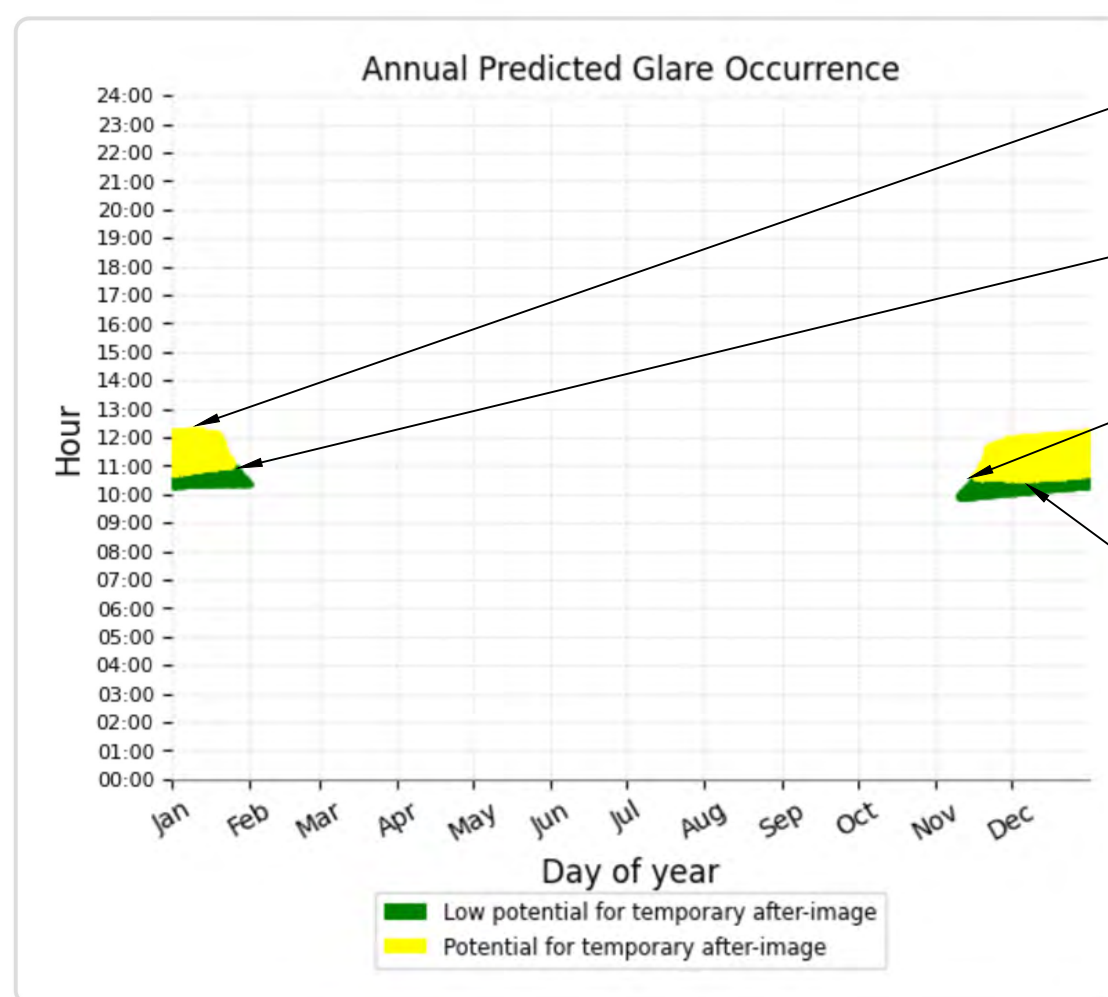
SHEET
L-102

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AG FENCE ELEVATION

NO SCALE

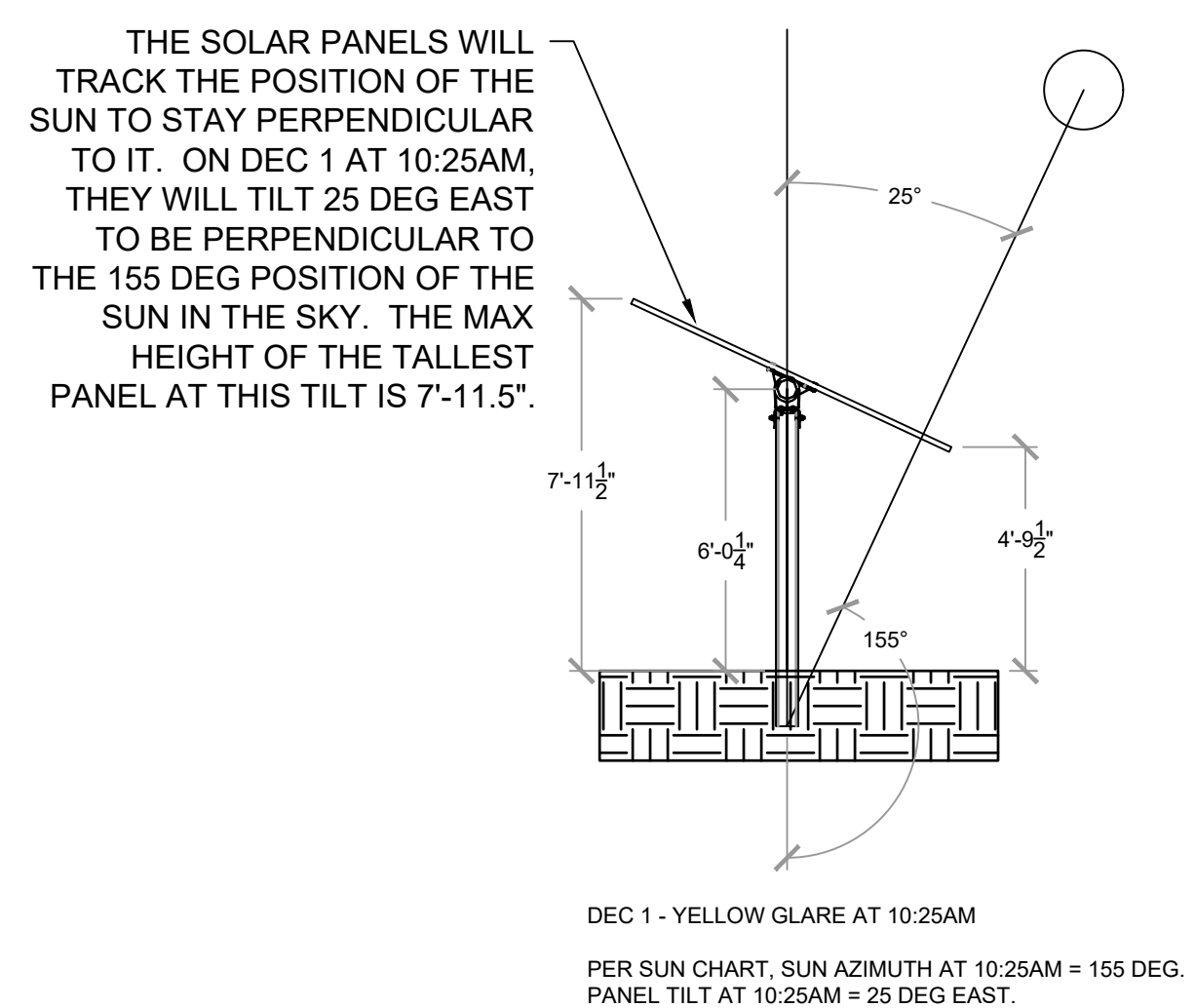


LATEST TIME:
JAN 1-5, 12:25PM

LATEST DATE:
JAN 21, 11:00AM

EARLIEST DATE:
NOV 15, 10:30AM

EARLIEST TIME:
DEC 1-5, 10:25AM



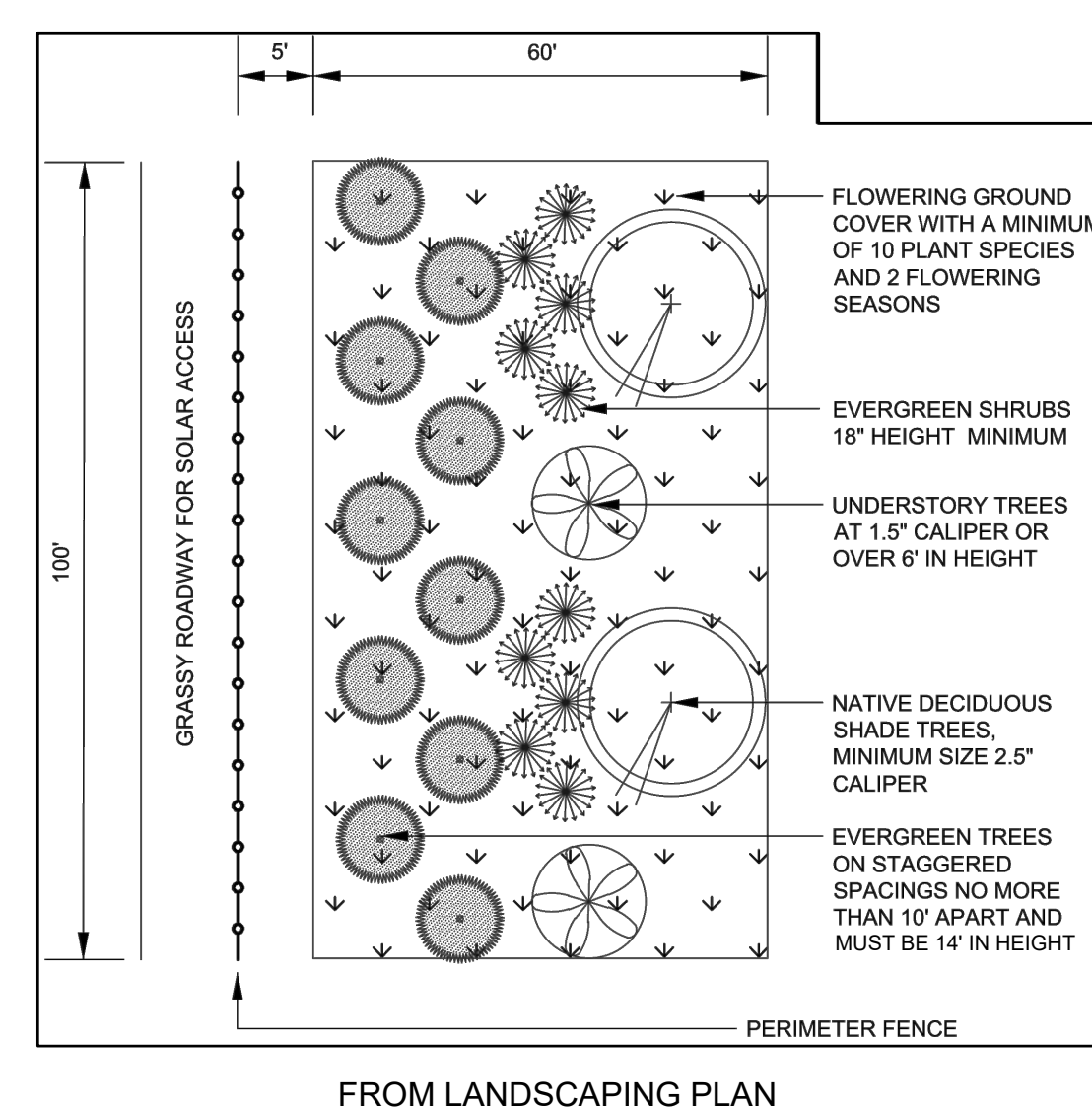
1 ANNUAL PREDICTED GLARE GRAPH
SCALE: NTS

2 RACKING ELEVATION - MAX GLARE TILT
SCALE: 1/4" = 1'

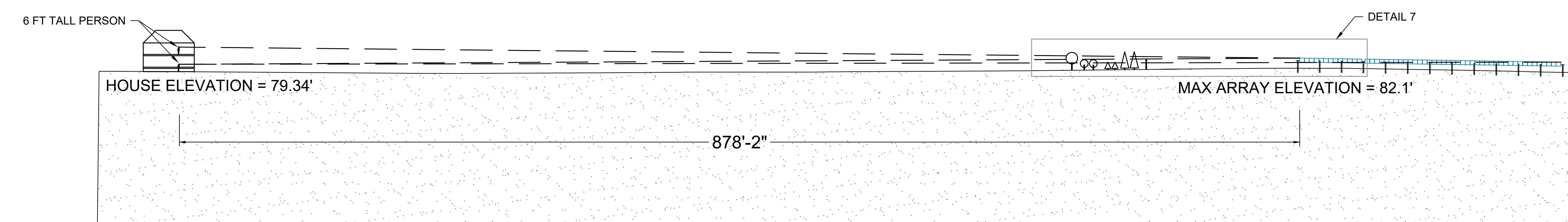
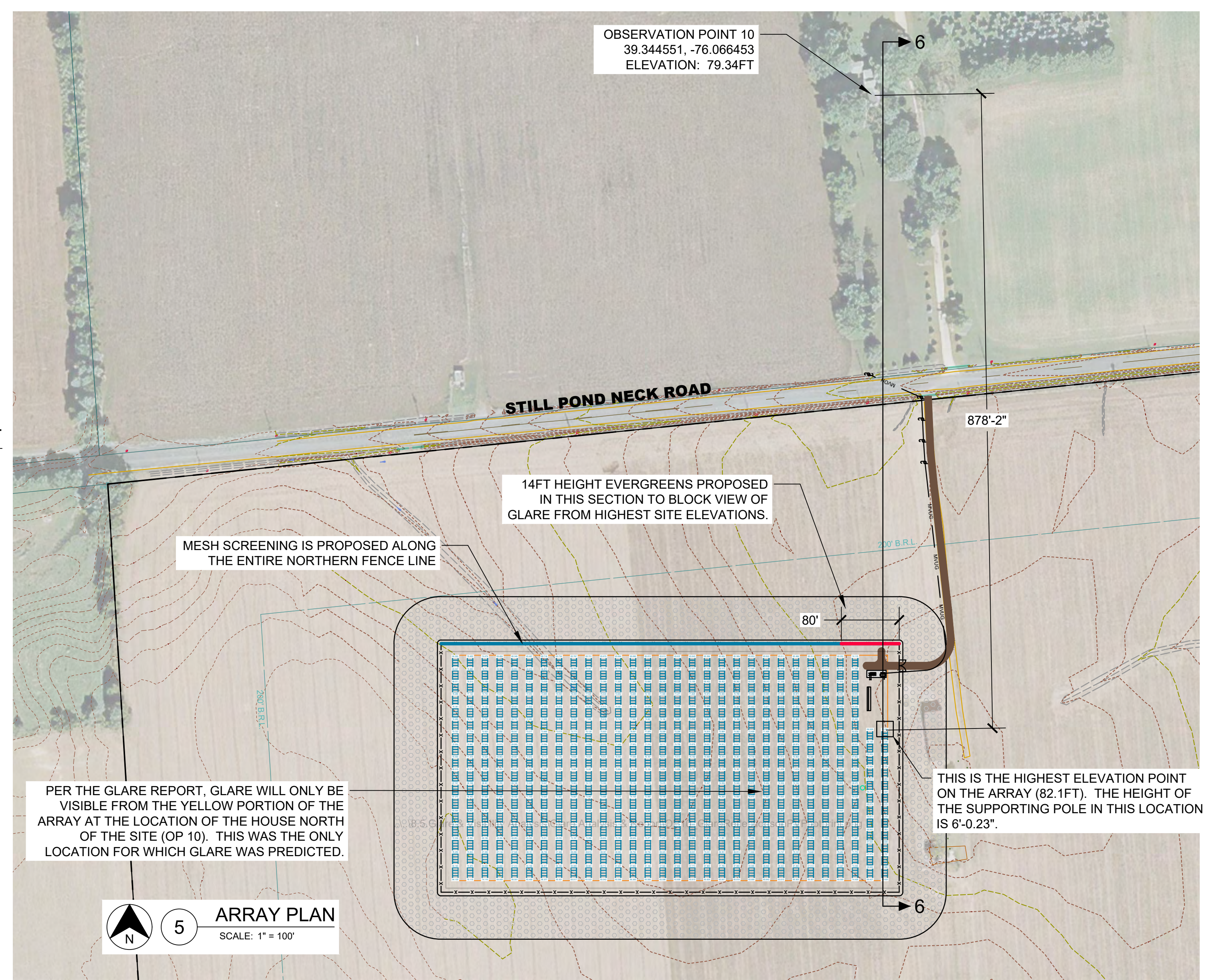


IMAGE IS DIAGRAMMATIC ONLY
ACTUAL FENCE WILL BE AGRICULTURAL STYLE,
NOT CHAIN LINK

3 IMAGE OF PROPOSED FENCE MESH
SCALE: NTS

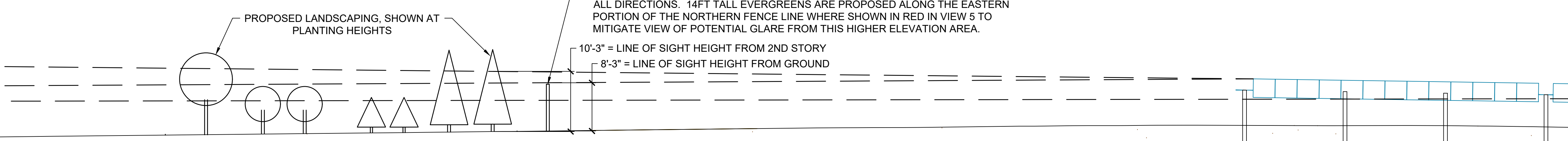


4 PROPOSED SOLAR BUFFER DETAIL
SCALE: NTS



PROPOSED 8FT FENCE WITH MESH SCREEN BLOCKS VISIBILITY OF ALL BUT THE TOP 2'-0" OF THE PANELS LOCATED AT THE HIGHEST ELEVATION ON SITE WHEN AT TALLEST GLARE TILT IF LOOKING FROM THE SECOND STORY WINDOW OF OP10. THE SITE SLOPES DOWN FROM THIS POINT IN ALL DIRECTIONS. 14FT TALL EVERGREENS ARE PROPOSED ALONG THE EASTERN PORTION OF THE NORTHERN FENCE LINE WHERE SHOWN IN RED IN VIEW 5 TO MITIGATE VIEW OF POTENTIAL GLARE FROM THIS HIGHER ELEVATION AREA.

10'-3" = LINE OF SIGHT HEIGHT FROM 2ND STORY
8'-3" = LINE OF SIGHT HEIGHT FROM GROUND



LEGEND	
PROPERTY BOUNDARY	---
ROOFLINE	— — — — —
SETBACK LINE	— · — · — · —
SECURITY FENCE	x x x
OVERHEAD MEDIUM VOLTAGE ELECTRICAL	— MVCH — MVCH —
UNDERGROUND MEDIUM VOLTAGE ELECTRICAL	— MVUG — MVUG —
OVERHEAD HIGH VOLTAGE ELECTRICAL	— HVCH — HVCH —
ACCESS ROAD	— · — · — · —
VEGETATIVE BUFFER	— · — · — · —
WETLAND	W
FLOOD HAZARD EDGE	— · — · — · —
AREA OF INTEREST	— · — · — · —
AREA NOT OF INTEREST	— · — · — · —
TREE CLEARING	— · — · — · —
10-20% GROUND SLOPES	— · — · — · —
>20% GROUND SLOPES	— · — · — · —

ALL NOTES, DESCRIPTIONS, AND FIGURES ARE BASED ON PRELIMINARY ANALYSIS AND SUBJECT TO CHANGE AT DISCRETION OF PIVOT ENERGY. DRAWING IS NOT FOR CONSTRUCTION

Pivot Energy
1750 15TH STREET, SUITE 200
DENVER, CO 80202
WWW.PIVOTENERGY.NET

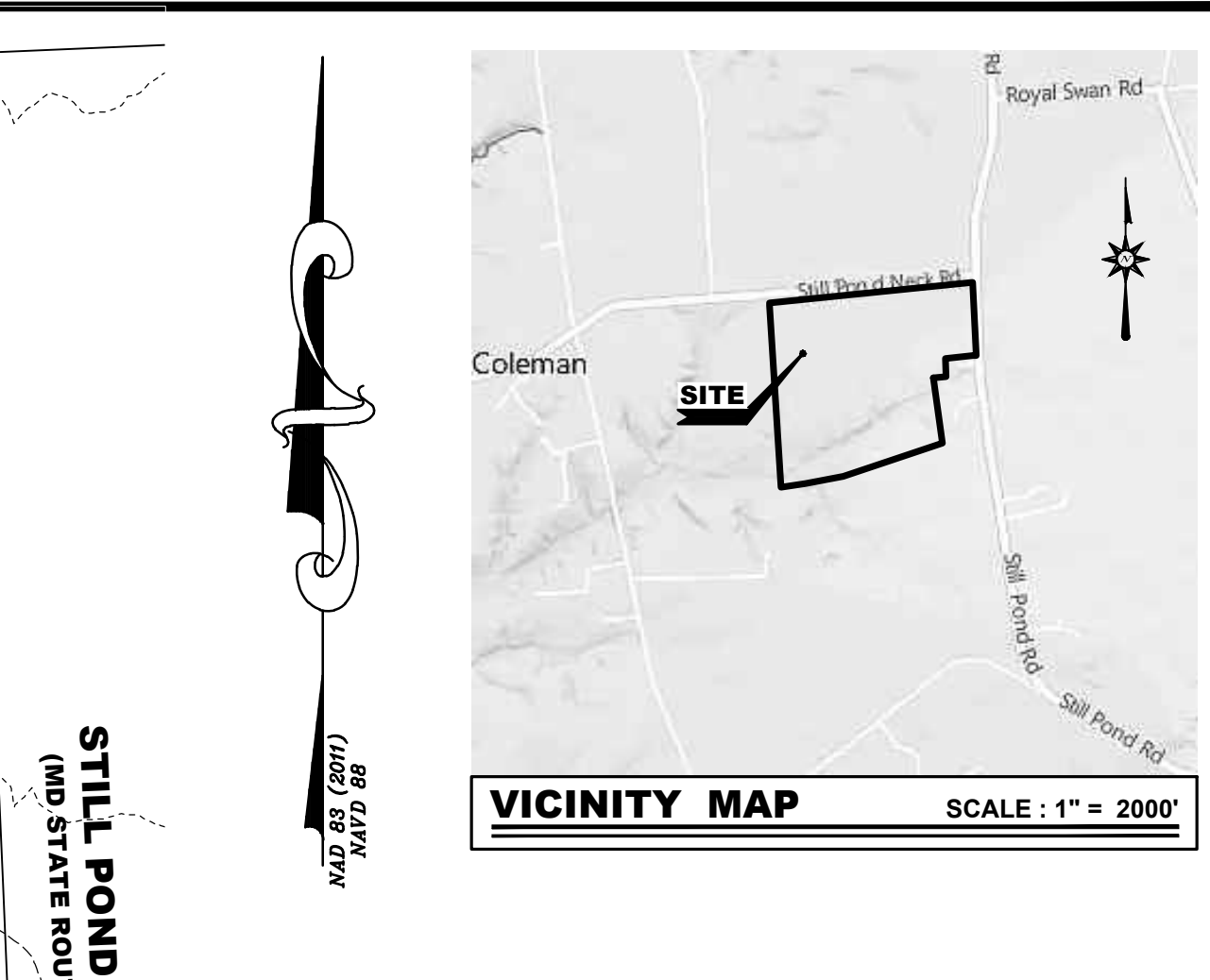
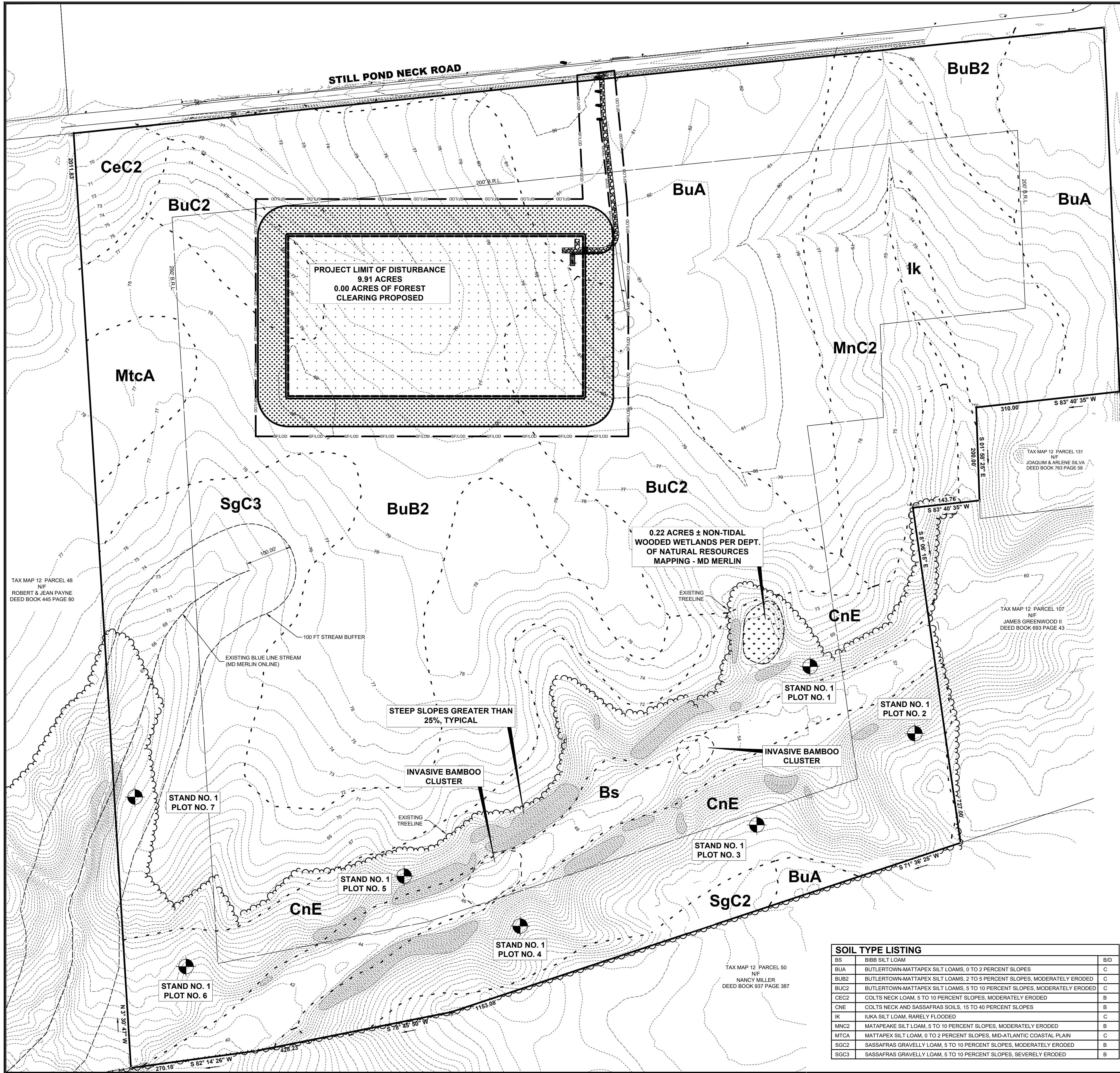
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PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF

PROJECT TITLE: MDL118-STILLPONDNECKRD
26001 STILL POND NECK
STILL POND, MD 21667

SHEET TITLE: GLARE VISIBILITY

DRAWN BY: AMLW
CHECKED BY: RWG
DATE: 11/18/2022
SHEET NO.: E101



Forest Conservation Worksheet 2.2					
Net Tract Area					
A. Total Tract Area	A = 9.91				
B. Deductions	B = 0.00				
C. Net Tract Area	C = 9.91				
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 = 1.98				
E. Conservation Threshold (Net Tract Area x 50%)	E = 4.96				
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 Reforestation above the Conservation Threshold	N = 0.00				
P. Total Reforestation Required	P = 0.00				
Q. Total Afforestation Required	Q = 1.98				
R. Total Planting Requirement	R = 1.98				

FOREST CONSERVATION PLAN TABLE	
1. TOTAL TRACT AREA:	85.00 ACRES ±
2. EXISTING FORESTED AREA IN TOTAL TRACT:	19.40 ACRES
3. NET TRACT AREA (DISTURBED AREA):	09.11 ACRES
4. EXISTING FORESTED AREA IN NET TRACT:	00.00 ACRES
5. AREA IN 100-YEAR FLOODPLAIN:	00.00 ACRES
6. AREA OF NON TIDAL WETLANDS:	00.22 ACRES (ALL WOODED)
7. STEEP SLOPES (GREATER THAN 25%):	01.38 ACRES
8. FOREST CONSERVATION AREA REQUIRED:	01.98 ACRES
9. FOREST CONSERVATION AREA PROVIDED:	01.98 ACRES (ON-SITE)
10. WATERSHED:	STILLPOND - FAIRLEE

QUALIFIED PROFESSIONAL CERTIFICATION

K.W.P. 12/14/2022
 KEVIN W. PARSONS, PROF. LAND SURVEYOR
 FOREST CONSERVATION QUALIFIED PROFESSIONAL
 BECKER MORGAN GROUP, INC.

SITE INFORMATION

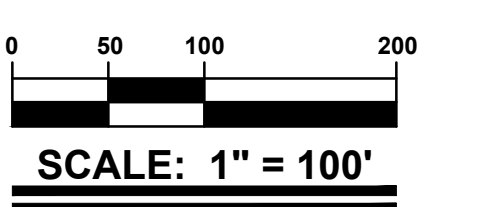
1. SITE NAME: MDL118 - STILL POND NECK ROAD SOLAR
 2. SITE ADDRESS: 26001 STILL POND NECK ROAD (SOUTHWEST CORNER OF STILL POND NECK RD. AND STILL POND RD.) WORTON, MD 21667
 3. SITE OWNER: RAYMOND & JOYCE STOLTZFUS 267 RIVERVIEW ROAD PEACH BOTTOM, PA 17563-9717 25809A STILL POND NECK, LLC
 4. DEVELOPER: SETH SHAFER 6905 DEERPATH ROAD, SUITE 330 ELK RIDGE, MD 21075 410-779-9377
 5. ENGINEER: BECKER MORGAN GROUP, INC. C/O TED HASTINGS 312 WEST MAIN STREET, SUITE 300 SALISBURY, MD 21801 410-546-9100
 6. GEOGRAPHIC COORDINATES: LATITUDE: 39°20'31.36"N LONGITUDE: 76°43'59"W
 7. TAX MAP: 12
 8. PARCEL: 98
 9. DEED BOOK/PAGE: 424/342
 10. PARCEL AREA: 85 ACRES ±
 11. LEASE AREA: 8.05 ACRES ±
 12. AREA OF USE: 5.00 ACRES
 13. LIMIT OF DISTURBANCE: 9.91 ACRES ±
 14. JURISDICTION: KENT COUNTY
 15. ZONE: AGRICULTURAL ZONING DISTRICT (AZD)
 16. MINIMUM YARD AND SETBACK REQUIREMENTS FOR UTILITY SCALE SOLAR IS AS FOLLOWS:
 FRONT: 200 FEET
 REAR: 200 FEET
 SIDE: 200 FEET
 17. FLOOD ZONE DETERMINATION: (BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA)
 FIRM MAP: 2402900155D
 EFFECTIVE DATE: MARCH 16, 2015
 FIRM ZONE: *X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

SOIL TYPE LISTING		
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

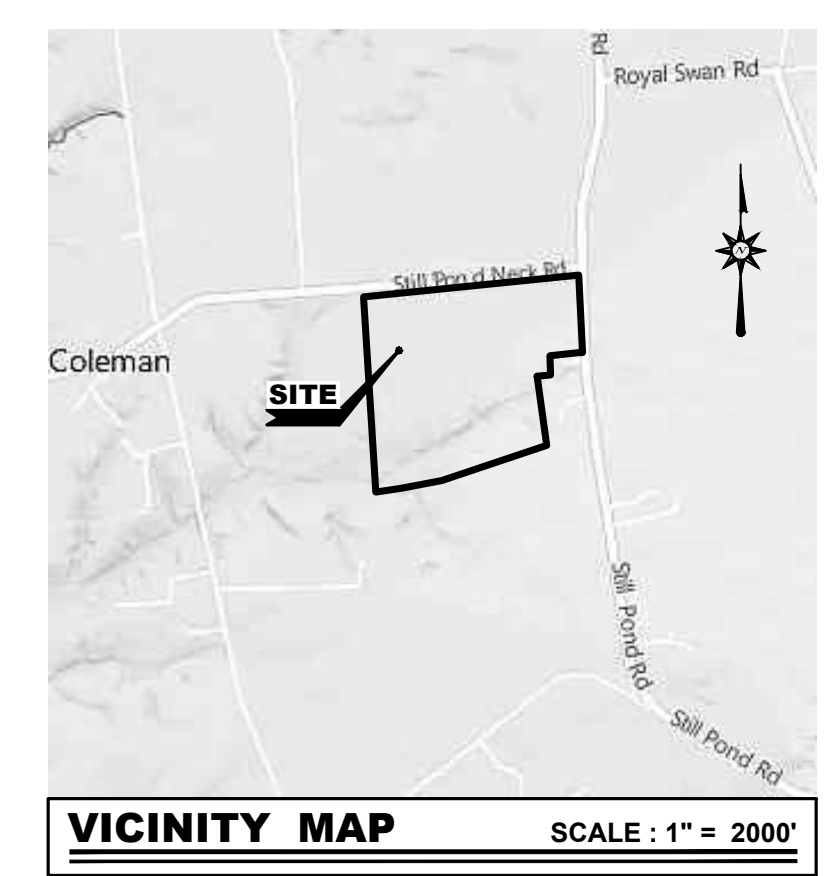
PROJECT TITLE
MDL-118 STILL POND NECK ROAD - SOLAR
 26001 STILL POND NECK ROAD
 STILL POND
 KENT COUNTY, MD 21667
 ELECTION DISTRICT 3

SHEET TITLE
FOREST STAND DELINEATION



ISSUE BLOCK		
MARK	DATE	DESCRIPTION

PROJECT NO.: 2022004.00
 DATE: 12/14/2022
 SCALE: 1" = 100'
 DRAWN BY: K.W.P. / PROJ. MGR.: E.H.H.
 SHEET
FSD-1
 COPYRIGHT: 2022



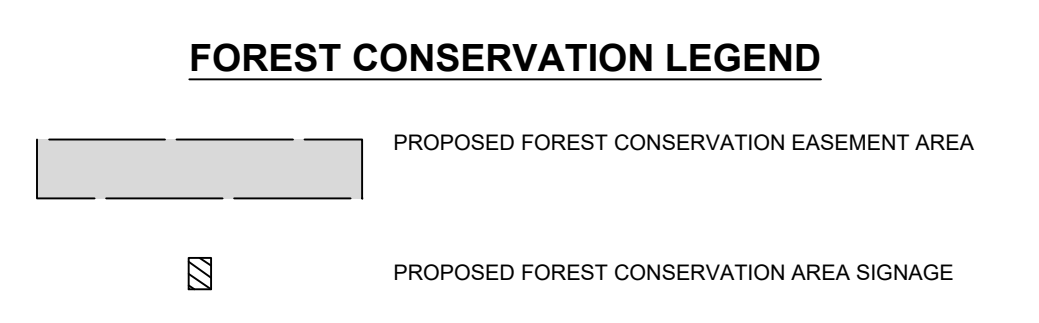
Forest Conservation Worksheet 2.2

Net Tract Area	Total Tract Area	A = 9.91			
B. Deductions	B = 0.00				
C. Net Tract Area	C = 9.91				
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 = 1.98				
E. Conservation Threshold (Net Tract Area x 50%)	E = 4.96				
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 = 1.98				
R. Total Planting Requirement	R = 1.98				

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

FOREST CONSERVATION PLAN TABLE

1. TOTAL TRACT AREA:	95.00 ACRES ±
2. EXISTING FORESTED AREA IN TOTAL TRACT:	19.40 ACRES
3. NET TRACT AREA (DISTURBED AREA):	09.91 ACRES
4. EXISTING FORESTED AREA IN NET TRACT:	00.00 ACRES
5. AREA IN 100-YEAR FLOODPLAIN:	00.00 ACRES
6. AREA OF NON TIDAL WETLANDS:	00.22 ACRES (ALL WOODED)
7. STEEP SLOPES (GREATER THAN 25%):	01.38 ACRES
8. FOREST CONSERVATION AREA REQUIRED:	01.98 ACRES
9. FOREST CONSERVATION AREA PROVIDED:	01.98 ACRES (ON-SITE) STILLPOND - FAIRLEE
10. WATERSHED:	



QUALIFIED PROFESSIONAL CERTIFICATION

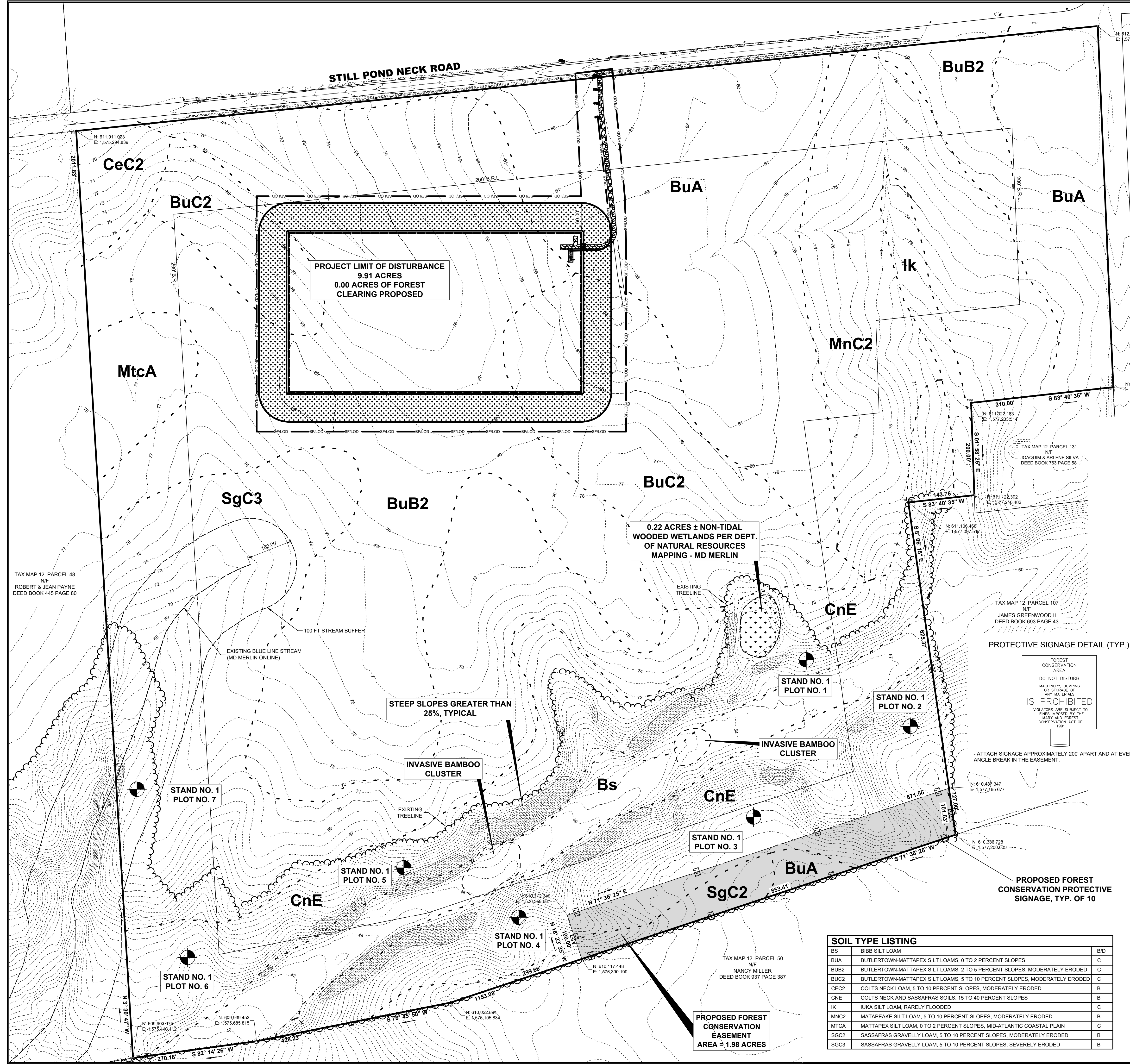
Kevin W. Parsons
KEVIN W. PARSONS, PROF. LAND SURVEYOR
FOREST CONSERVATION QUALIFIED PROFESSIONAL
BECKER MORGAN GROUP, INC.
12/14/2022 DATE

SITE INFORMATION

- SITE NAME: MDL118 - 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 21687
- SITE OWNER: RAYMOND & JOYCE STOLTZFUS, 267 RIVERVIEW ROAD, PEACH BOTTOM, PA 17563-0717, 25809A STILL POND NECK, LLC, SETH SHAFER, 6906 DEERPATH ROAD, SUITE 330, ELK RIDGE, MD 21075, 410-779-9377
- DEVELOPER: BECKER MORGAN GROUP, INC., C/O TED HASTINGS, 312 WEST MAIN STREET, SUITE 300, SALISBURY, MD 21801, 410-546-9100
- ENGINEER: BECKER MORGAN GROUP, INC., 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: 5.00 ACRES ±
- AREA OF USE: 5.00 ACRES
- LIMIT OF DISTURBANCE: 9.91 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: 240290155D, EFFECTIVE DATE: MARCH 16, 2015, FIRM ZONE: "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

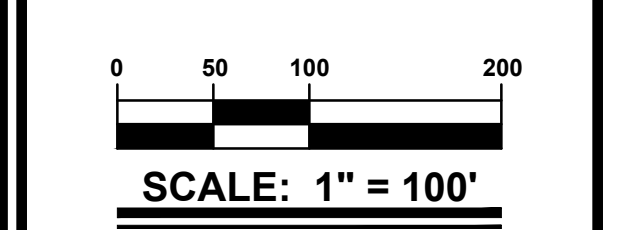
SOIL TYPE LISTING

Soil Code	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



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

PROJECT NO.: 2022004.00
DATE: 12/14/2022
SCALE: 1" = 100'
DRAWN BY: E.M.B. / PROJ. MGR.: E.H.H.
SHEET
FCP-1
COPYRIGHT: 2022

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Meeting: January 5, 2023
Subject: Green's Septic and Excavation, LLC (Steven Green)
Preliminary and Final Site Plan Review

Executive Summary

Request by Applicant

Steven Green is requesting final site plan approval to construct a pole building for storage of equipment used for his septic maintenance and excavation business on a parcel zoned Village.

Public Process

Per Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve site plans.

Summary of Staff Report

Steven Green is requesting final site plan approval to construct a pole building to store equipment used for his business. The business office will continue to be located at Mr. Green's home in Chesapeake Landing. A special exception for the use was approved by the Board of Appeals in November 2022 with a condition of final site plan approval by the Planning Commission. The property for the storage of equipment is located at 10252 Fairlee Road in Melitota in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

Article VII, Section 7 (54.5) of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for septic tank maintenance and excavation provided the application complies with the following:

- a. Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- b. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- c. All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- d. All fences and landscaping must be approved by the Planning Commission as part of site plan review.

Staff Recommendation

Staff recommends granting final approval contingent upon recordation of the Forest Conservation Easement and Agreement.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: Green's Septic and Excavation, LLC (Steven Green)
 Preliminary and Final Site Plan Review
 DATE: December 30, 2022

DESCRIPTION OF PROPOSAL

Steven Green is requesting final site plan approval to construct a pole building to store equipment used for his business. The business office will continue to be located at Mr. Green's home in Chesapeake Landing. A special exception for the use to operate the business from this location was approved by the Board of Appeals in November 2022 with a condition of final site plan approval by the Planning Commission. The property for the storage of equipment is located at 10252 Fairlee Road in Melitota in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

APPLICABLE LAWS**I. Special Exceptions – Specific Standards**

- A. *Applicable Laws:* Article V, Section 7.3 identifies the septic tank maintenance and excavation as a special exception in Village, subject to site plan review.

Article VII, Section 7(54.5) of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for septic tank maintenance and excavation provided the application complies with the following:

- e. Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- f. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- g. All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- h. All fences and landscaping must be approved by the Planning Commission as part of site plan review.

- B. *Staff and TAC Comments:* The applicant is requesting approval to construct a 50-foot by 80-foot pole building to store equipment used for his septic maintenance and excavation business. There will be no other structures on the property. The interior height will be 16 feet.

- The applicant is proposing a metal pole building that will have dark siding with a lighter colored wainscot. A long side, which will have 4 windows, will face Fairlee Road. One short side, which will have a sliding door, will face the existing gravel lane. The long side opposite Fairlee Road will have two overhead doors and "normal" doors on either end. A gravel parking area will be installed to allow access to this side of the building.
- The building is not visually intrusive or inappropriate to the setting.
- The building will be set almost 88 feet from the front property line. The front yard is currently lawn. The other sides of the property are surrounded by forest.
- The applicant intends to store all equipment inside the building. There will be no outside storage of materials or equipment.
- Landscaping, consisting of azaleas, rhododendrons, and flowering dogwoods, has been proposed along the front of the building facing Fairlee Road. The size and location of the landscaping will soften the view of the building and provide relief of the building's mass.

III. Site Plan Review

- A. *Applicable Law:* Article VI, Section 5 of the *Ordinance* establishes the procedures and standards for site plan review. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
1. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
 2. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
 3. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 4. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 5. Reasonable demands placed on public services and infrastructure.
 6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
 11. 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.
- C. *Staff and TAC Comments:*
- The proposal is consistent with the Comprehensive Plan.
 - There is a well on the property but no septic system. The Health Department noted in a letter from MDE dated June 6, 2006, the parcel was evaluated for a sand mound. Equipment will need to enter and exit onto the parcel via the gravel lane before, during, and after construction in order to preserve this area for possible future use for sewage disposal.
 - Existing vegetation will not be removed. The applicant has addressed Forest Conservation by agreeing to deed restrict all forest onsite as shown on the Forest Conservation Plan. The applicant will be using the easement template as the long-term protective agreement.
 - A landscape plan for the front yard, which meets the standards of the Ordinance, has been submitted.
 - No new access is planned, and SHA has no concerns with County approval.
 - A parking area behind the building will be provided. The parking area will provide access to the overhead doors located on the rear of the building.
 - The building will be almost 88 feet from the front property line which is similar to the setback of the remaining accessory building on the adjacent property.

- Wall mounted lights will be located on the side of the building with the door and the rear of the building. The lights will be dark sky compatible.
- No signage has been proposed at this time.

STAFF RECOMMENDATION

Staff recommends granting final approval contingent upon recordation of the Forest Conservation Easement and Agreement.

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)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** _____

Project Name: Green's Septic and Excavation, LLC

District: 6th **Map:** 27 **Parcel:** 87 **Lot Size:** 1.914ac **Deed Ref:** 1244/277 **Zoning:** Village

LOCATION: 10252 Fairlee Road, Chestertown, MD 21620

PROPOSED USE: Septic Tank Maintenance and Excavation Storage Building

OWNER OF LAND:

Name: Green's Septic and Excavation, LLC **Telephone:** 410-778-9294

Address: 10600 Hyala Ct., Chestertown, MD 21620 **Email:** greensseptic@gmail.com

APPLICANT:

Name: Owner is Applicant **Telephone:** _____

Address: _____ **Email:** _____

AGENT/ATTORNEY (if any):

Name: _____ **Telephone:** _____

Address: _____ **Email:** _____

REGISTERED ENGINEER OR SURVEYOR:

Name: Harry A. Smith, Jr. **Telephone:** 443-480-5080

Address: 10644 Big Stone Road, Millington, MD 21651 **Email:** delmarvasurveyco@yahoo.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: delmarvasurveyco@yahoo.com

Water Supply: Public System On lot system

Sewerage: Public System On lot system

TELEPHONE SERVICED BY: Verizon

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.



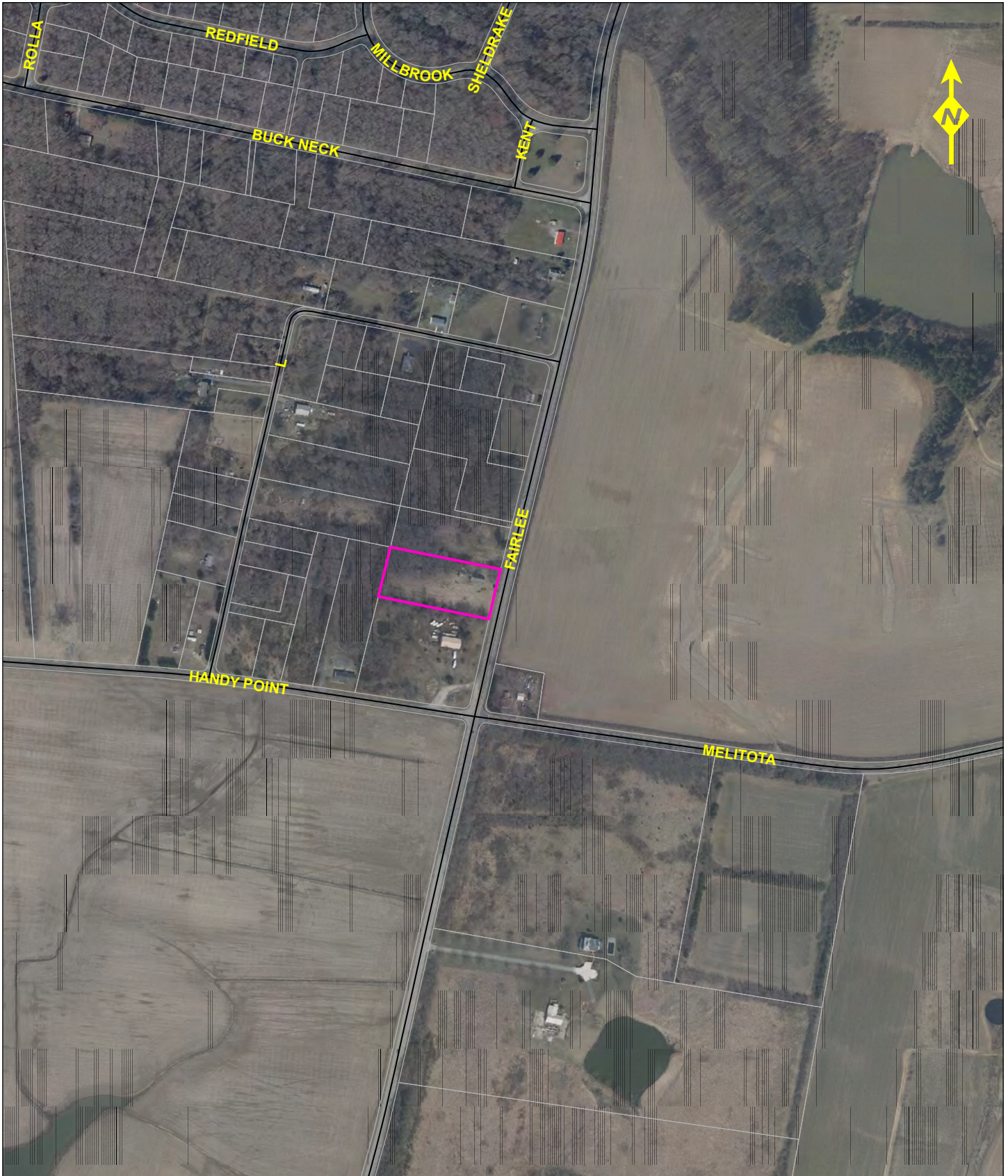
Signature of Applicant

9/28/22

Date

- Concept Plan Approving Authority: _____ Date _____
- Preliminary Approving Authority: _____ Date _____
- Final Approving Authority: _____ Date _____

Green's Septic and Excavation, LLC



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

1 inch = 500 feet

Harry A. Smith, Jr., Prof.L.S.

10644 Big Stone Road

Millington, MD 21651

Ph.443-480-5080

delmarvasurveyco@yahoo.com

**NARRATIVE
FOR A PROPOSED SITE PLAN
ON THE LANDS OF
GREEN'S SEPTIC AND EXCAVATION, LLC.**

Statement of Intent

The purpose of this Narrative is to provide members of the Kent County Planning Commission, Planning Director and Staff and the Kent County Board of Appeals information and intentions regarding the proposed application for Site Plan on the lands of Green's Septic and Excavation, LLC.

Owner/Developer

The owner/developer is Green's Septic and Excavation, LLC, c/o Steven Green, 10600 Hyala Ct., Chestertown, MD 21620. The Site Plan is located at 10252 Fairlee Road, Chestertown, MD 21620, Tax Map 27, Grid 3C, Parcel 87. The Surveyor is Harry A. Smith, Jr., Professional Land Surveyor, 10644 Big Stone Road, Millington, MD 21651. Any correspondence related to this project should be directed to the owner and surveyor.

Zoning/Use

This property is currently zoned (V) Village District. The former use of the parcel was residential. The existing house was dilapidated and has been recently demolished under a permit from the Kent County Planning, Housing & Zoning office. The existing parcel is currently vacant but includes existing improvements of an entrance, gravel lane, concrete pad and well. The proposed use is non-residential/commercial for the construction of a new 4,000 square foot Storage Building by "Special Exception – Septic Tank Maintenance and Excavation".

Viewshed/Open Space/Conservation

This Site Plan proposes to create no open space. The viewshed of this lot is limited as the parcel is completely surrounded by forested areas with the exception of the east/road frontage side.

Comprehensive Plan Compliance

This Site Plan is in compliance with the Kent County Comprehensive Plan by “fostering economic opportunities for all our citizens” by allowing Green’s Septic and Excavation, LLC to expand its business. The proposed Storage Building is needed by Green’s Septic and Excavation, LLC to provide inside storage of vehicles and equipment. The location for the expansion is in Melitota, a “Village” not serviced by public services but intended for future growth. The proposal is for storage which does not require public facilities. Additionally, the subject parcel has been vacant for many years with an existing dilapidated dwelling, and this proposal intends to “redevelop” within an existing designated “growth area”. Melitota is also designated as a Tier 3 - Priority Funding Area.

Proposed Water/Sewer Service

This Site is serviced by private well water, however no facilities requiring water or septic are proposed. The Site is not suitable for an on-site conventional septic system, thereby making Storage a compatible use of the property.

Proposed Development Schedule

No development schedule is proposed.

Ownership/Maintenance

This Site is owned and will be maintained by Green’s Septic and Excavation, LLC.

Critical Area

This Site is not located in the Critical Area.

Impervious Surface

This Site Plan proposes 4,000 square feet of new impervious area for the construction of the Storage Building. This Site formally was improved by a residential structure that covered 1,300 square feet of impervious area. Because of the demolition of the dwelling and improvements, the net increase of impervious surface is 2,700 square feet.

Citizen Participation Plan & Cost Analysis

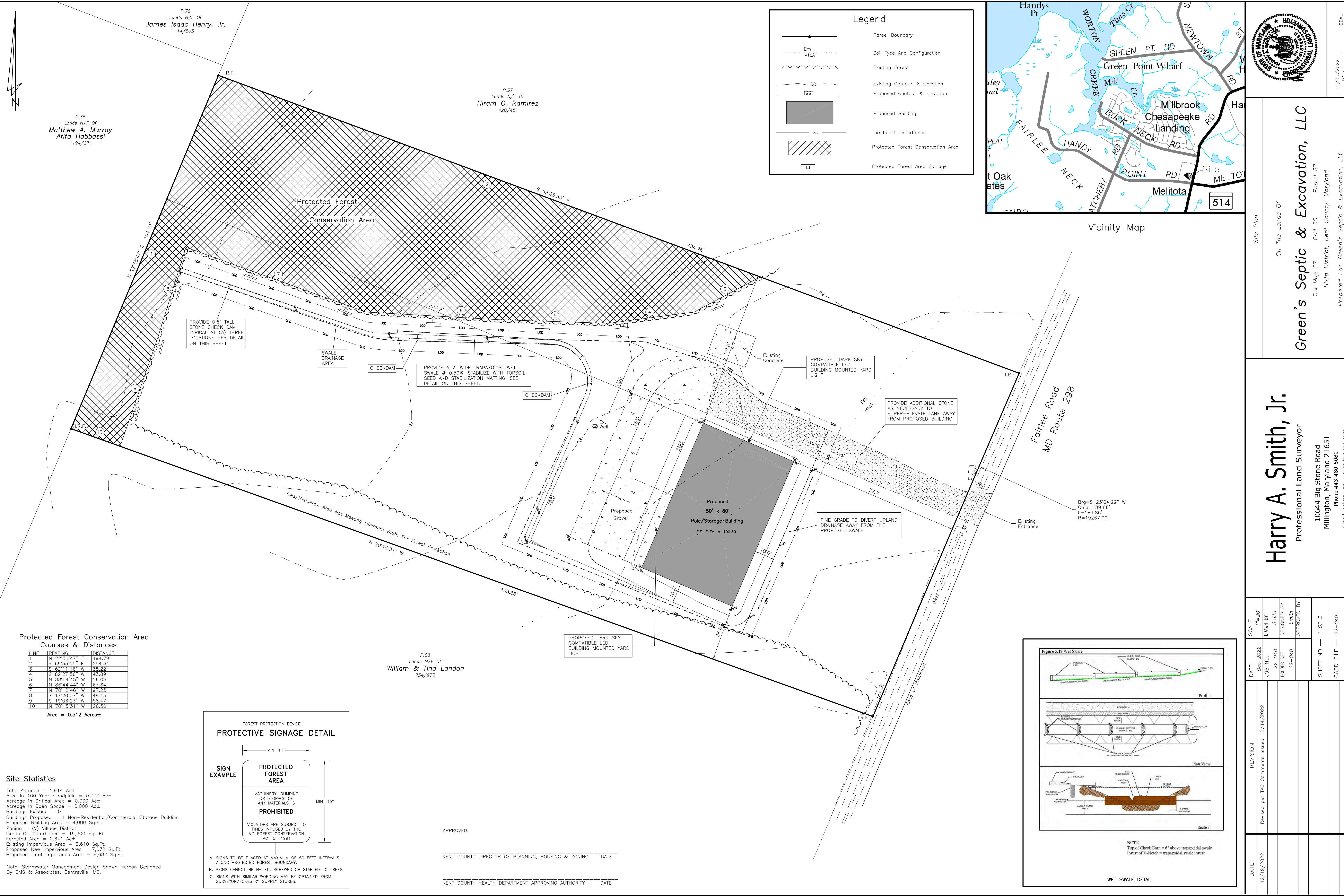
This application requests the Planning Director to waive the requirements for a Citizen Participation Plan and Government Services Cost Analysis as they are not applicable to this Site Plan.





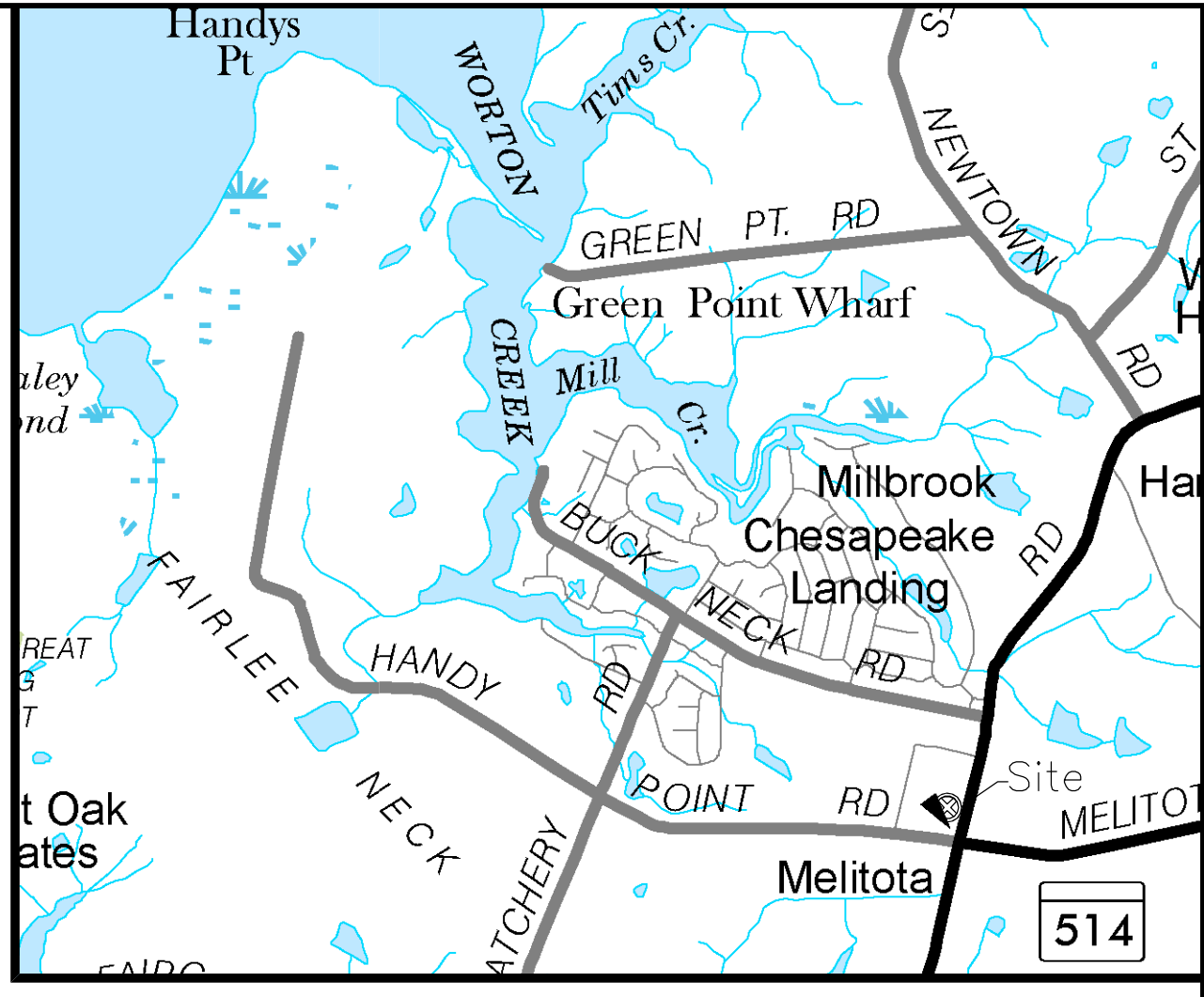




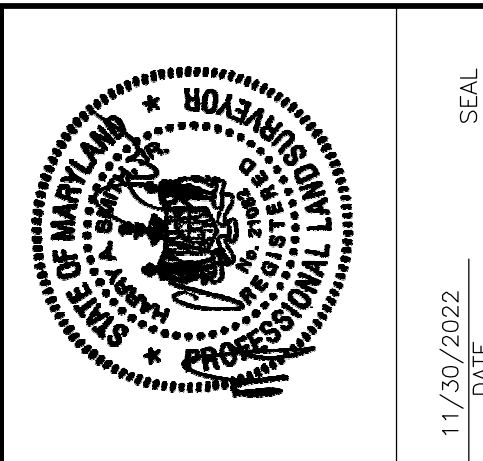


Legend

- Parcel Boundary
- Soil Type And Configuration
- Existing Forest
- Existing Contour & Elevation
- Proposed Contour & Elevation
- Proposed Building
- Limits Of Disturbance
- Protected Forest Conservation Area
- Protected Forest Area Signage



Vicinity Map



Site Plan
On The Lands Of
Green's Septic & Excavation, LLC
Tax Map 27 Grid 3C Parcel 87
Sixth District, Kent County, Maryland
Prepared For: Green's Septic & Excavation, LLC

Harry A. Smith, Jr.
Professional Land Surveyor
10644 Big Stone Road
Millington, Maryland 21651
Phone 443-460-5080
Email delmarasurveyco@yahoo.com

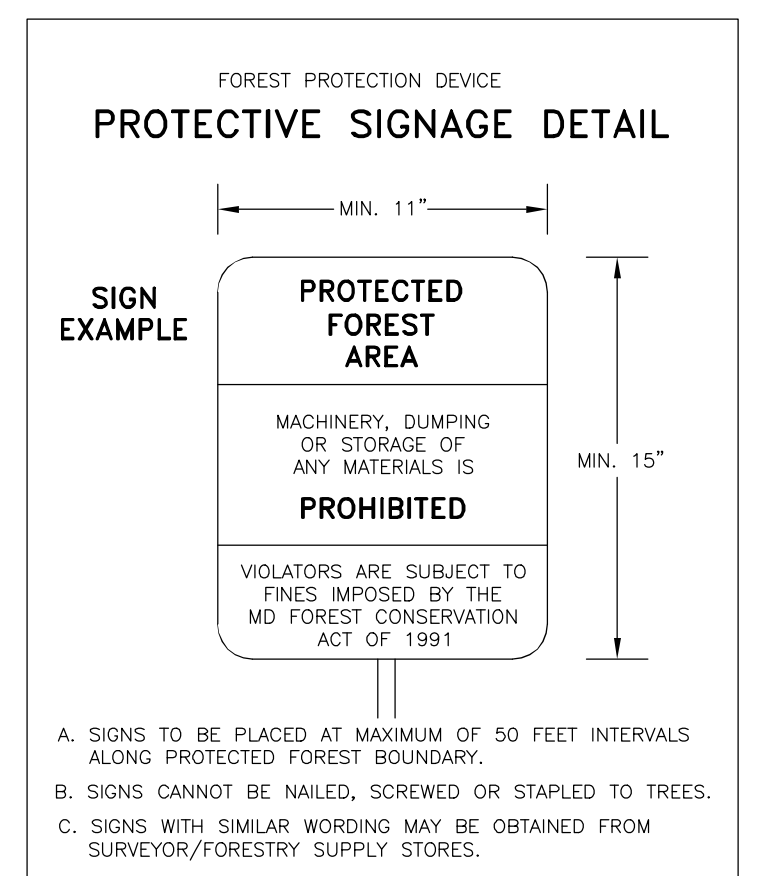
SCALE	1" = 20'
DATE	Dec 2022
JOB NO.	22-040
DRAWN BY	Smith
DESIGNED BY	Smith
TOLERANCE	22-040
APPROVED BY	
SHEET NO.	1 OF 2
CADD FILE	22-040

Protected Forest Conservation Area Courses & Distances

LINE	BEARING	DISTANCE
1	N 22°38'47" E	194.79'
2	S 69°35'55" E	294.31'
3	S 82°11'16" W	38.22'
4	S 82°27'56" W	43.89'
5	N 88°04'45" W	56.05'
6	N 86°44'44" W	67.64'
7	N 70°12'46" W	97.25'
8	S 17°20'07" W	48.15'
9	S 19°06'23" W	58.47'
10	N 70°15'31" W	26.56'

Area = 0.512 Acres±

P.88
Lands N/F Of
William & Tina Landon
754/273

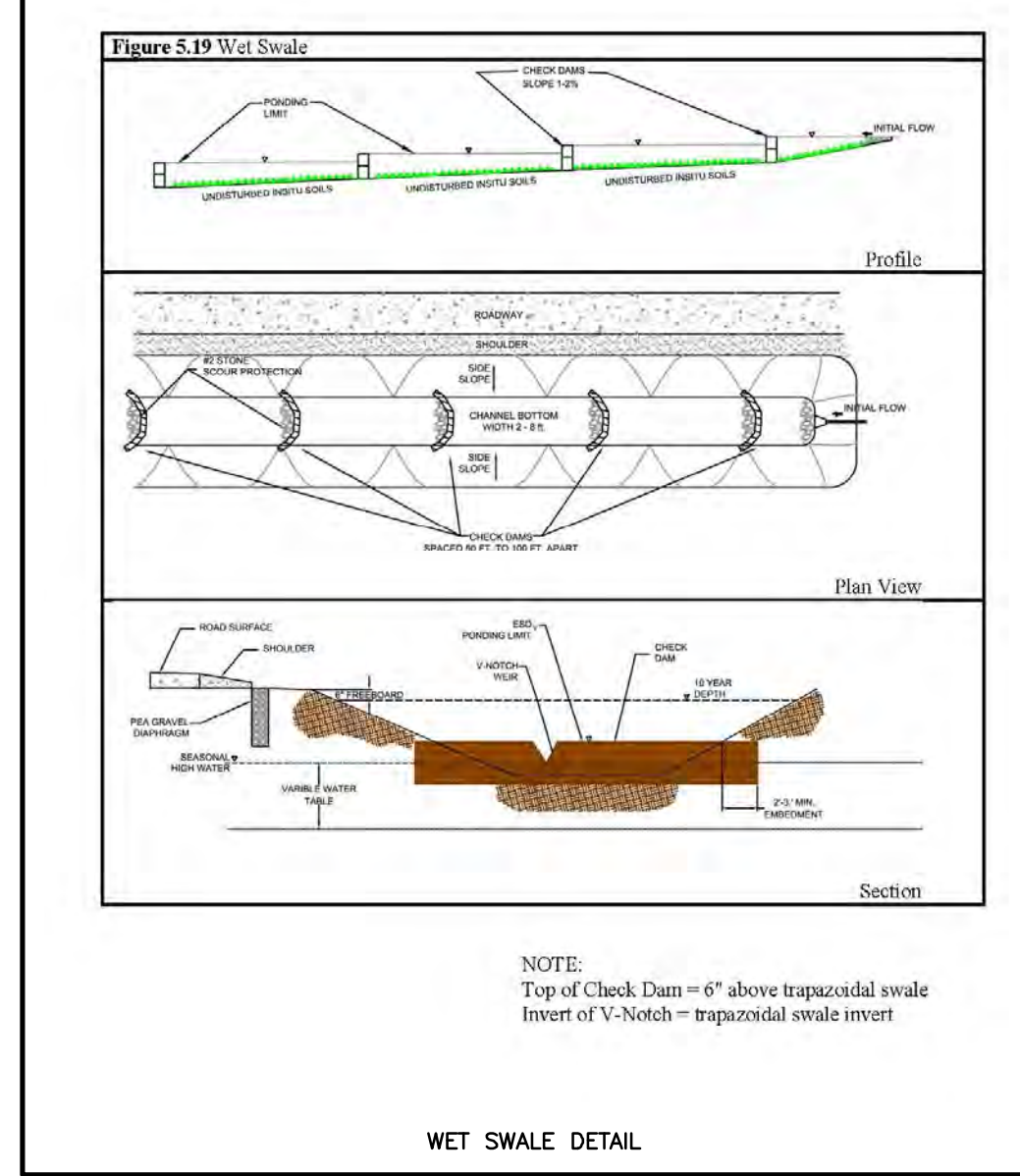


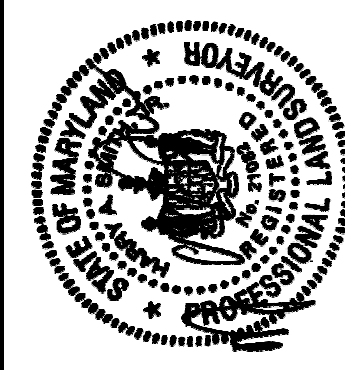
APPROVED:
KENT COUNTY DIRECTOR OF PLANNING, HOUSING & ZONING DATE
KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY DATE

Site Statistics

Total Acreage = 1.914 Ac±
Area In 100 Year Floodplain = 0.000 Ac±
Acreage in Critical Area = 0.000 Ac±
Acreage In Open Space = 0.000 Ac±
Buildings Existing = 0
Buildings Proposed = 1 Non-Residential/Commercial Storage Building
Proposed Building Area = 4,000 Sq.Ft.
Zoning = (V) Village District
Limits Of Disturbance = 19,300 Sq. Ft.
Forested Area = 0.641 Ac±
Existing Impervious Area = 2,610 Sq.Ft.
Proposed New Impervious Area = 7,072 Sq.Ft.
Proposed Total Impervious Area = 9,682 Sq.Ft.

Note: Stormwater Management Design Shown Hereon Designed By DMS & Associates, Centreville, MD.





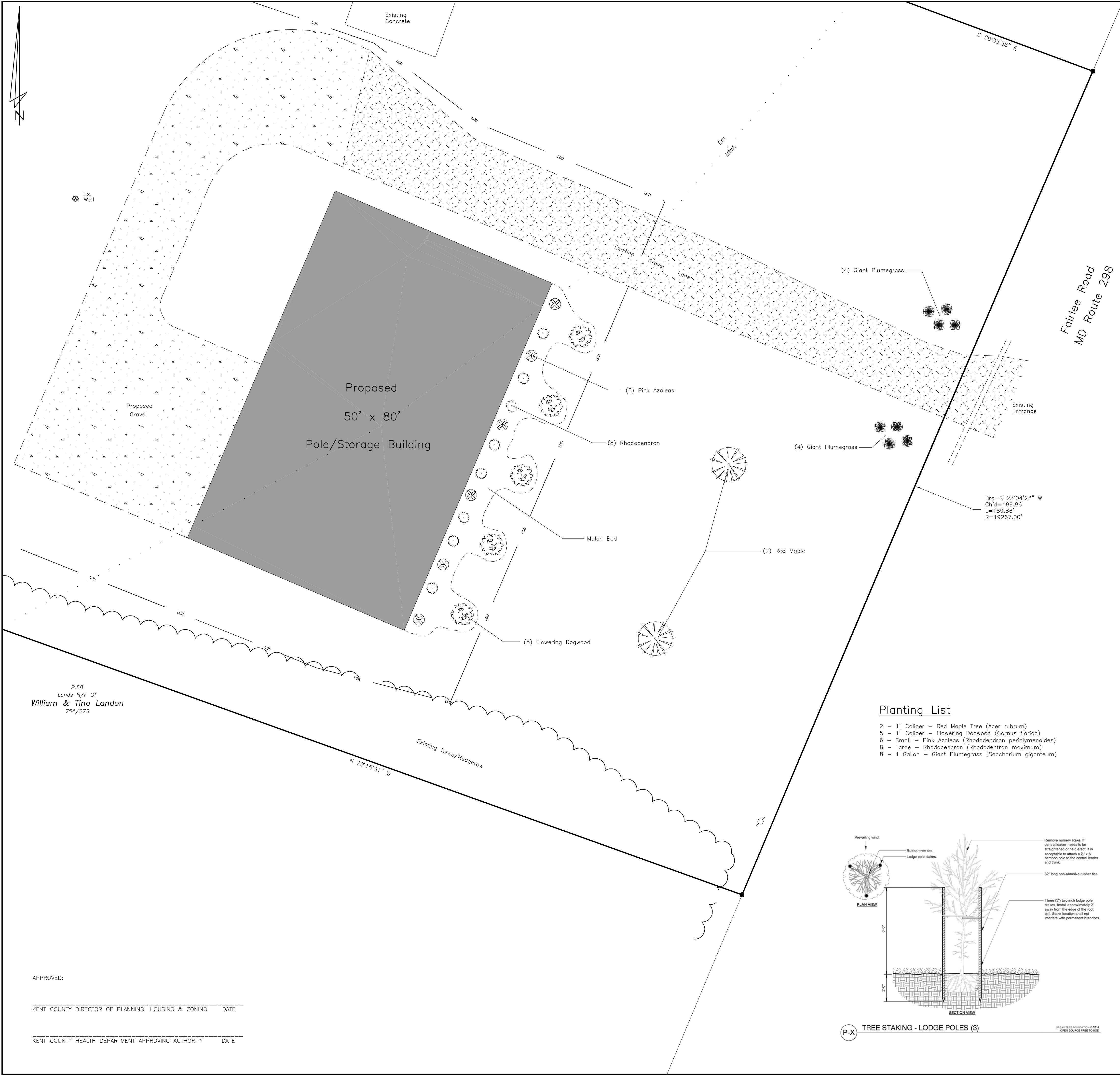
11/30/2022
DATE
SEAL

Landscape Plan
On The Lands Of
Green's Septic & Excavation, LLC
Tax Map 27 Grid 3C Parcel 87
Sixth District, Kent County, Maryland
Prepared For: Green's Septic & Excavation, LLC

Harry A. Smith, Jr.
Professional Land Surveyor
10644 Big Stone Road
Millington, Maryland 21651
Phone 443-460-5080
Email delmarvasurveyco@yahoo.com

DATE	SCALE	1"=10'
Dec 2022	JOB NO.	22-040
	DESIGNED BY	Smith
	DESIGNED BY	Smith
	APPROVED BY	Smith
	SHEET NO.	2 OF 2
	CADD FILE	22-040 LP

DATE	REVISION
12/19/2022	Revised per TAC Comments issued 12/14/2022



LANDSCAPE NARRATIVE

LANDSCAPING SHOWN HEREON IS BEING PROPOSED IN ACCORDANCE WITH SECTION 7.8(C)(6) OF THE KENT COUNTY LAND USE ORDINANCE, SPECIFICALLY PROVIDING THAT THE FRONT YARD BE MAINTAINED IN A NEAT AND ATTRACTIVE CONDITION. PERIMETER SCREENING IS BEING PROVIDED BY NATURALLY VEGETATED/WOODED AREAS ON THE REMAINING THREE SIDES OF THE SITE.

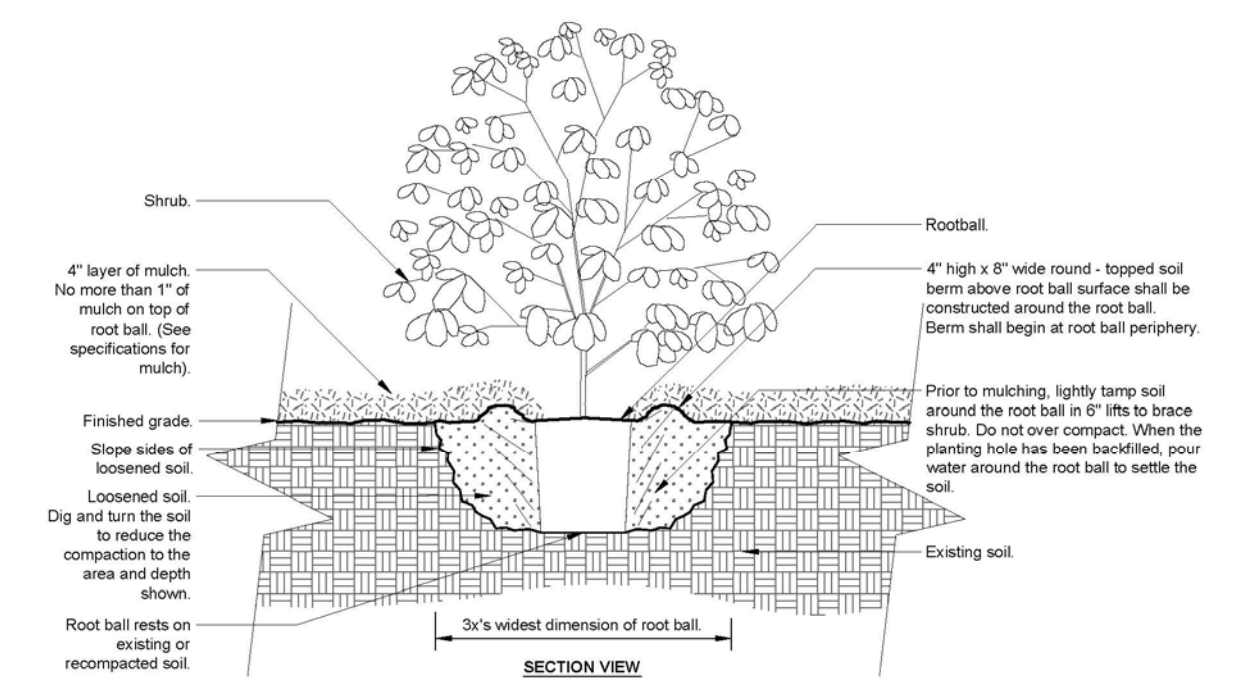
THE 15% SITE LANDSCAPING REQUIREMENT IS BEING ACCOMPLISHED BY THE 0.512 ACRE PROTECTED FOREST CONSERVATION AREA EASEMENT (SEE SHEET 1 OF 2) IN COMBINATION WITH THE PROPOSED FRONT YARD PLANTING PLAN SHOWN HEREON.

PROPOSED PLANTINGS WERE CHOSEN FROM THE MARYLAND NATIVE TREE PLANTING LIST. SPECIES WERE CHOSEN TO HANDLE MEDIUM TO HEAVY SOIL CONDITIONS WITH HALF TO FULL SUNLIGHT.

THIS PLANTING PLAN SHOWN HEREON IS ALSO INTENDED TO MITIGATE THE EFFECTS OF THE BUILDING MASS, SIZE, AND SCALE BY ALTERNATING TREES AND WINDOWS.

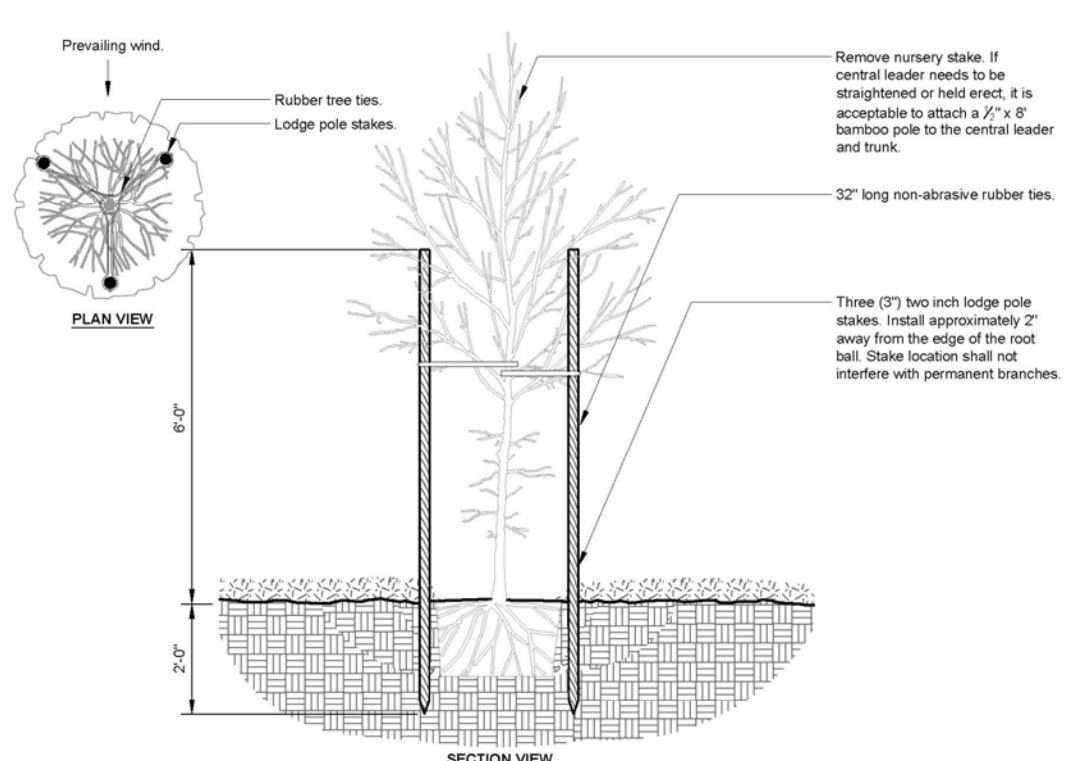
Planting List

- 2 - 1" Caliper - Red Maple Tree (*Acer rubrum*)
- 5 - 1" Caliper - Flowering Dogwood (*Cornus florida*)
- 6 - Small - Pink Azaleas (*Rhododendron periclymenoides*)
- 8 - Large - Rhododendron (*Rhododendron maximum*)
- 8 - 1 Gallon - Giant Plumegrass (*Saccharium giganteum*)

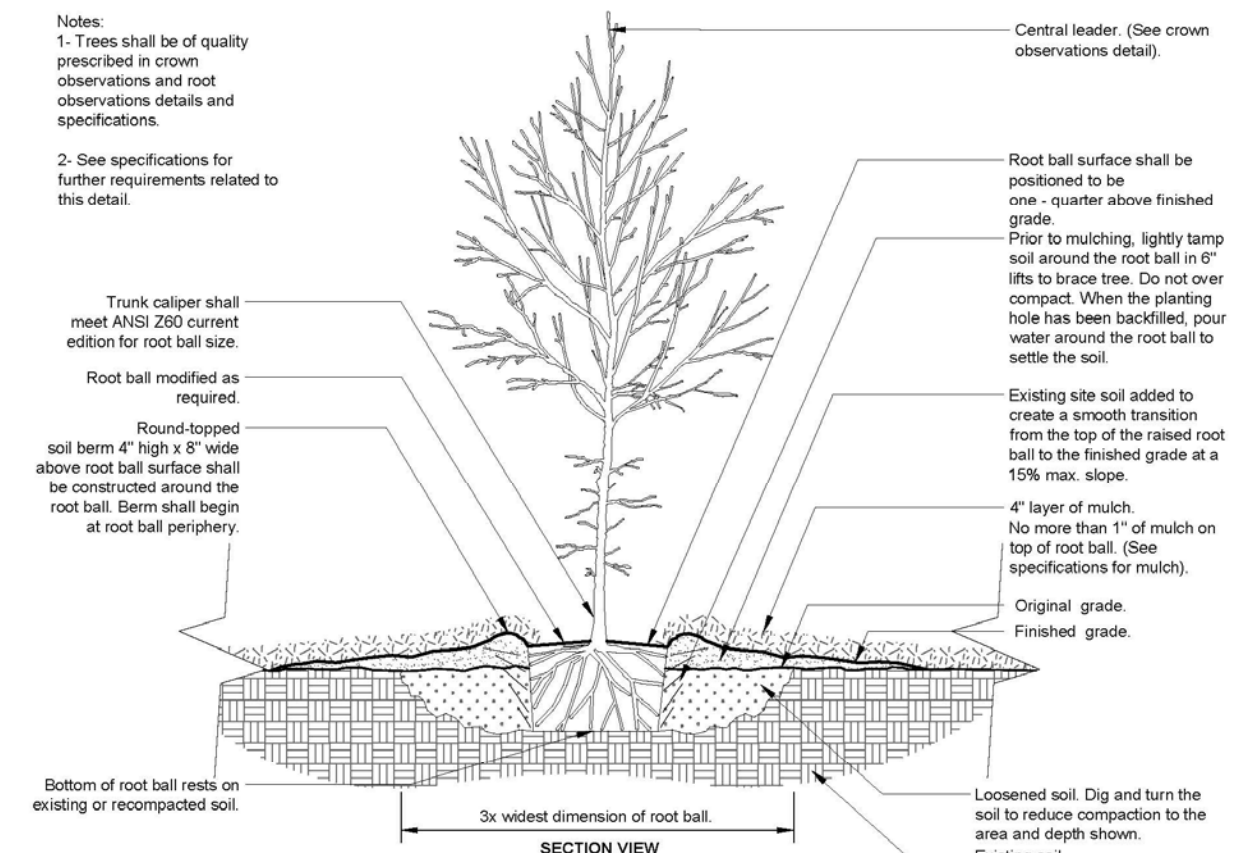


Notes:
1. Trees shall be of quality prescribed in the root observations detail and specifications.
2. See specifications for further requirements related to this detail.

(P-X) SHRUB - UNMODIFIED SOIL



(P-X) TREE STAKING - LODGE POLES (3)



(P-X) TREE IN POORLY DRAINED SOIL

P.88
Lands N/F Of
William & Tina Landon
754/273

APPROVED:

KENT COUNTY DIRECTOR OF PLANNING, HOUSING & ZONING DATE

KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY DATE

P.79
Lands N/F Of
James Isaac Henry, Jr.
14/505

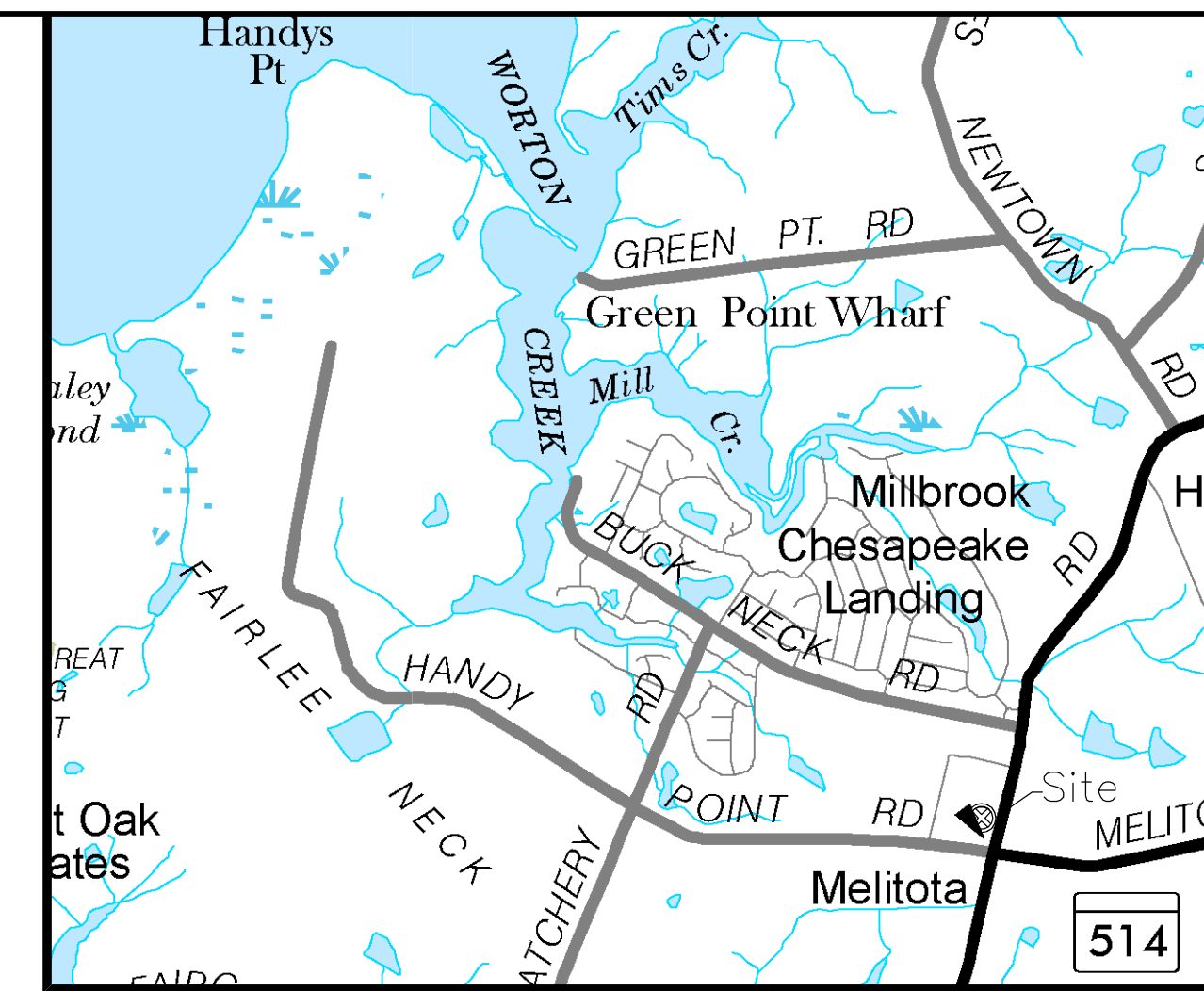
P.86
Lands N/F Of
Matthew A. Murray
Afifa Habbassi
1194/271

P.37
Lands N/F Of
Hiram O. Ramirez
420/451

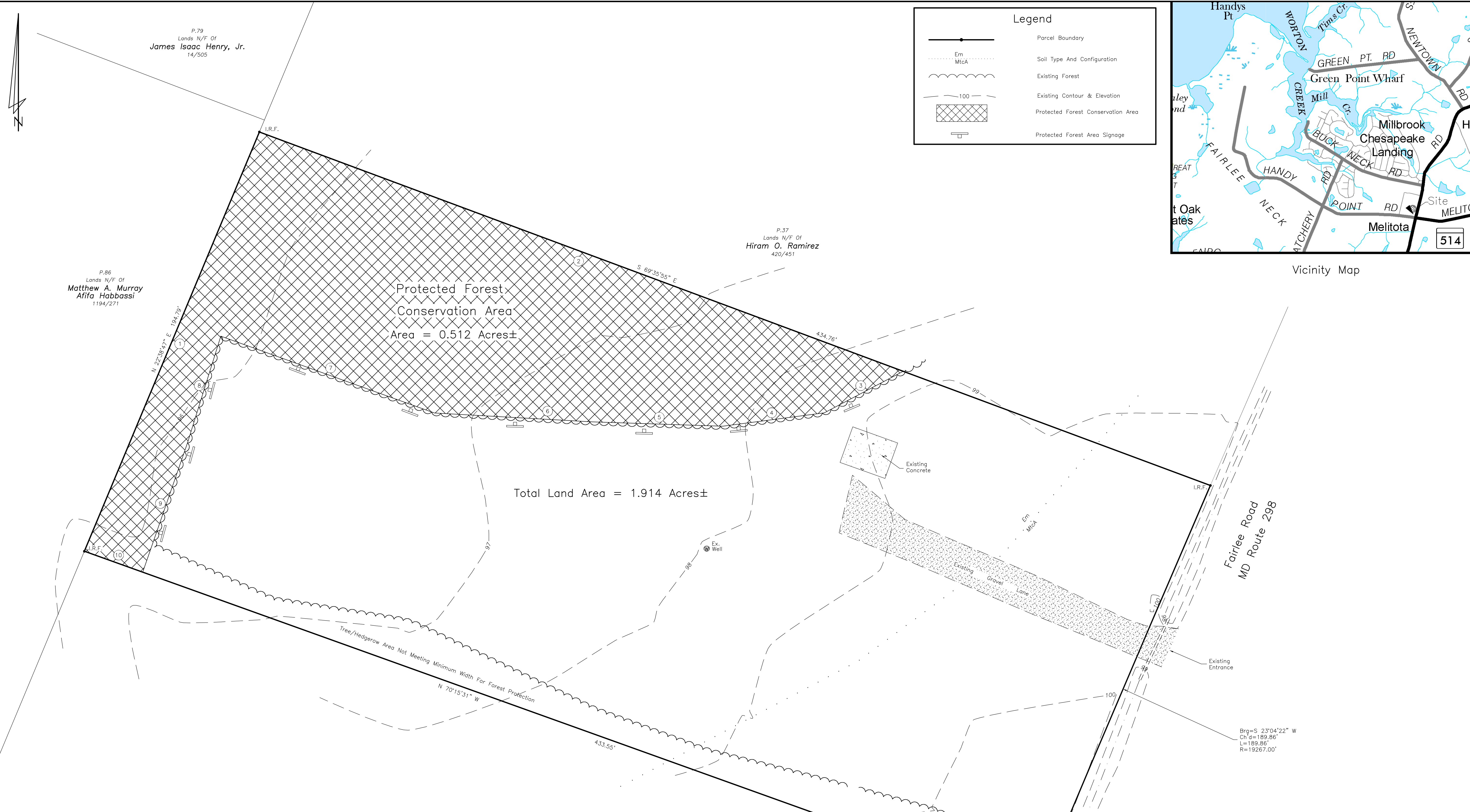
P.88
Lands N/F Of
William & Tina Landon
754/273

Legend

- Parcel Boundary
- Soil Type And Configuration
- Existing Forest
- Existing Contour & Elevation
- Protected Forest Conservation Area
- Protected Forest Area Signage

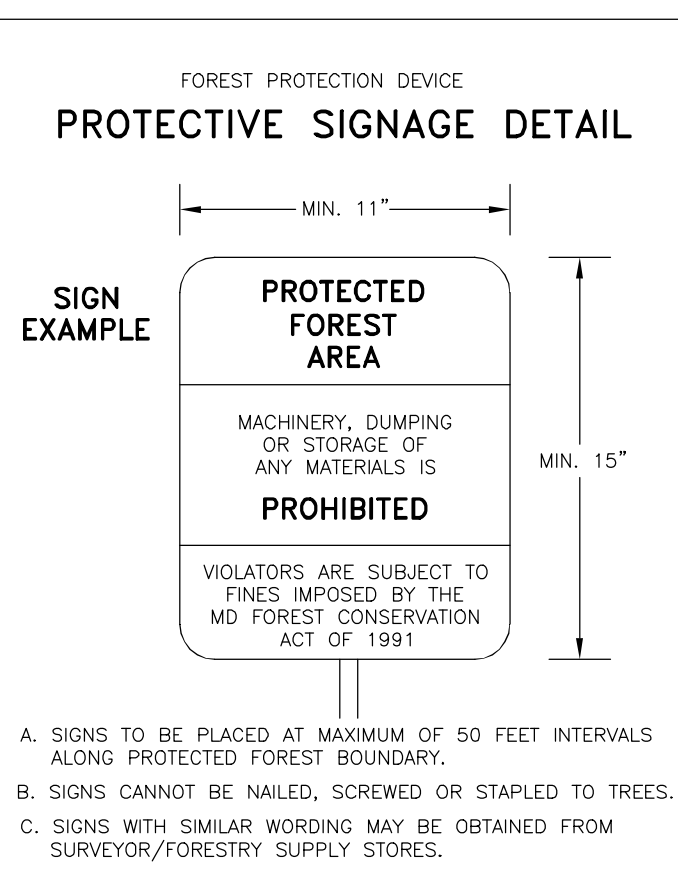


Vicinity Map



Forest Conservation Worksheet For Green's Septic & Excavation

Net Tract Area		
A. Total Tract Area	A =	1.91
B. Deductions	B =	0.00
C. Net Tract Area	C =	1.91
Land Use Category		
Input the number "1" under the appropriate land use zoning, and limit to only one entry		
ARA	MDR	IDA
0	1	0
HDR	MPD	CIA
0	0	0
D. Afforestation Threshold (Net Tract Area x 20%)	D =	0.38
E. Conservation Threshold (Net Tract Area x 25%)	E =	0.48
Existing Forest Cover		
F. Existing Forest Cover within the Net Tract Area	F =	0.51
G. Area of Forest Above Conservation Threshold	G =	0.03
Break Even Point		
H. Break Even Point	H =	0.49
I. Forest Clearing Permitted Without Mitigation	I =	0.03
Proposed Forest Clearing		
J. Total Area of Forest to be Cleared	J =	0.00
K. Total Area of Forest to be Retained	K =	0.51
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 =	0.00
R. Total Planting Requirement	R =	0.00



Protected Forest Conservation Area Courses & Distances

LINE	BEARING	DISTANCE
1	N 22°38'47" E	194.79
2	S 69°35'55" E	294.31
3	S 62°11'16" W	38.22
4	S 82°27'56" W	43.89
5	N 88°04'45" W	56.05
6	N 86°44'44" W	67.64
7	N 70°12'46" W	97.25
8	S 17°20'07" W	48.15
9	S 19°06'23" W	58.47
10	N 70°15'31" W	26.56

Area = 0.512 Acres±

NOTES:

- FOR DEED REFERENCE, SEE 1244/277
- PROPERTY ADDRESS - 10252 FAIRLEE ROAD CHESTERTOWN, MARYLAND 21620
- DENOTES DEED POINT (UNLESS OTHERWISE NOTED)
- N/F - DENOTES NOW OR FORMERLY
- I.P.F. - DENOTES IRON PIPE FOUND
- I.R.S. - DENOTES IRON ROD SET
- I.R.F. - DENOTES IRON ROD FOUND
- THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A REVIEW OF AN ABSTRACT OF TITLE.

APPROVED FOR FOREST CONSERVATION:

KENT COUNTY DIRECTOR OF PLANNING, HOUSING & ZONING DATE

I HEREBY CERTIFY THAT I HAVE PERSONALLY PREPARED THE BOUNDARY SURVEY SHOWN AND DESCRIBED HEREON OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT; I ALSO CERTIFY THAT IT WAS PREPARED IN COMPLIANCE WITH THE REQUIREMENTS AS SET FORTH IN COMAR 09.13.06.03 AND 09.13.06.12 OF THE MINIMUM STANDARDS OF PRACTICE FOR LANDS SURVEYORS.

[Signature] 11/30/2022
 HARRY A. SMITH, JR. DATE
 MARYLAND REGISTERED PROFESSIONAL LAND SURVEYOR #21082
 LICENSE EXPIRES/RENEWS 2/14/2023

Boundary Survey & Protected Forest Conservation Area

On The Lands Of

Green's Septic & Excavation, LLC

Tax Map 27 Grid 3C Parcel 87
 Sixth District, Kent County, Maryland

Prepared For: Green's Septic & Excavation, LLC

Harry A. Smith, Jr.

Professional Land Surveyor

10644 Big Stone Road
 Millington, Maryland 21651
 Phone 443-460-5080
 Email delmarasurveyco@yahoo.com

DATE	SCALE	DESIGNED BY	APPROVED BY
Dec 2022	1"=20'	Smith	Smith
JOB NO. 22-040	DRAWN BY	DESIGNED BY	APPROVED BY
TOLER REF 22-040	Smith	Smith	Smith
SHEET NO. 1 OF 1	DATE	REVISION	
CAOD FILE 22-040 B5	12/19/2022	Revised per TAC Comments issued 12/14/2022	



TO: Kent County Planning Commission
FROM: Carla Gerber, Deputy Director
MEETING: January 5, 2023
SUBJECT: County Commissioners of Kent County
Map 7, Parcel 357, (Toal Park) Comprehensive Water & Sewerage Plan Amendment

Executive Summary

Request by Applicant

The County Commissioners are requesting an amendment to the Comprehensive Water and Sewerage Plan to allow a connection to a Denied Access Line in order to construct restrooms at Toal Park.

Public Process

Comprehensive Water and Sewerage Plan: Section 1.4.6 Denied Access includes the conditions by which an allocation may be granted to a vacant property along the denied access line.

Summary of Staff Report

The County has applied for Program Open Space funding to design and construct public restroom facilities at Toal Park. The project proposes installation of a well and grinder pump connection to the sewer line running along MD Route 213. Toal Park was not included in the existing service area of the 2018 Comprehensive Water and Sewerage Plan, and, therefore, an amendment to the plan is necessary. The request is consistent with the Comprehensive Plan as it supports the development of public facilities and will not negatively affect any nearby farms.

Recommendation

Staff recommends that the Planning Commission makes a finding of consistency with the Comprehensive Plan and the Land Use Ordinance and sends a favorable recommendation to the County Commissioners for approval of the amendment.

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
 FROM: Carla Gerber, Deputy Director
 DATE: December 30, 2022
 SUBJECT: Toal Park, Map 7, Parcel 357
 Comprehensive Water and Sewerage Plan Amendment

DESCRIPTION OF PROPOSAL

The County is requesting an amendment to the Comprehensive Water and Sewerage Plan to allow connection to a denied access sewer line for the construction of restroom facilities at Toal Park. The project will utilize Program Open Space Funds and a condition of the funding is an amendment to the Plan. The Galena-Georgetown Line was constructed in 2018 to address failing septic systems of existing homes and businesses in Georgetown, a Rural Village Priority Funding Area.

Toal Park was initially developed in 1999 with a picnic pavilion, playground, ball field, and athletic field. Portable toilets are available April 1 – October 31. Toal Park is considered a Community Park and is approximately 0.5 miles north of Galena. The property is zoned AZD, Agricultural Zoning District, and RCD, Resource Conservation District.

RELEVANT ISSUES

- I. Permitted and Accessory Uses
 - A. *Applicable Law*: Article V, Section 1.2 of the Kent County *Land Use Ordinance* establishes the permitted principal uses and structures. Public parks are a permitted use.
 - B. *Staff Comments*: Parcel 357 is currently prohibited from connecting to the Denied Access line, which prevents construction of public restrooms for the park.
- II. Amendment
 - A. *Comprehensive Plan*: The Plan supports the development of parks with goals to “enhance existing and provide new recreational programs to meet the recreational needs of all County residents” (page 112) and strategies to “assure that the amount of amenities for public open space and recreational land keeps pace with changing needs in the demographics of the population.” (page 114)
 - B. The *Comprehensive Plan* also has goals to preserve its rural character. Much of the County land is designated as Priority Preservation Area (PPA), of which one of the goals is to maintain agricultural land and forests (44). A principal strategy toward this goal is the retention of the AZD, and, of the policies enacted for that purpose, there is included the following:
 5. Public Water and/or sewer systems are not planned for this zoning district and will not be extended into or through this zoning district except to correct situations where:
 - a. An existing developed property has a dysfunctional on-site wastewater treatment or water supply system (hereafter referred to as a sanitary system) that, due to the parcel’s characteristics, cannot be replaced with an existing system meeting current health and environmental standards; and
 - b. There exists a public or other community sanitary system that can practically and economically supply service to the parcel and its existing uses; and
 - c. The provision of such services will not result in material expansion, new lot creation or otherwise materially intensify the use of the property; and

- d. The Planning Commission makes a finding that that provision of the service is consistent with this Comprehensive Plan; and
 - e. A Comprehensive Water and Sewerage Plan amendment is approved by the County and the State; and
 - f. This policy shall not be interpreted to allow additional new development and/or material intensification of an existing use and is reserved for special circumstance to protect public health and the environment and not to foster development of residential, commercial, and/or industrial uses in this zoning district. (45-46).
- C. *Comprehensive Water and Sewerage Plan: Section 1.4.6 Denied Access* includes a provision that connection of any property or parcel to a Denied Access line is prohibited unless all of the following is demonstrated:
1. The allocation is for an improved legal lot of record that existed prior to the County adoption of the denied access line in the Water and Sewer Plan, and the local health department has certified that the septic system is failing and cannot be corrected on site; or the connection is to an unimproved lot of record that can demonstrate it is buildable by passing on-site well and septic requirements;
 2. The served properties are contiguous to the right-of-way containing the service main;
 3. There is adequate capacity in the Treatment system to serve the new area or the County has allocation available from the municipality; and
 4. There shall be only one allocation granted per lot, except that additional allocations may be granted if there are multiple authorized uses existing on the lot as of the date of the installation of the line, such as: apartment, small business, second home, so on. (10-11)
- D. *Staff and TAC Comments:*
- Granting an allocation to Toal Park would not disrupt agricultural use or the rural character of the AZD. The parcel is an important community amenity and construction of public restrooms will be an enhancement of the park.
 - The addition of public restrooms will not materially intensify the existing use.
 - The park has been providing recreational access to the community for over 20 years.
 - The Galena-Georgetown line has capacity for additional users, and additional users actually increase the operating efficiency of the wastewater treatment plant.
 - Regarding the County's Comprehensive Water & Sewerage Plan for provisions for connecting to a Denied Access line, the request meets three of the four standards:
 - 2) The served properties are contiguous to the right-of-way containing the service main;
 - 3) There is adequate capacity in the Treatment system to serve the new area or the County has allocation available from the municipality; and
 - 4) There shall be only one allocation granted per lot, except that additional allocations may be granted if there are multiple authorized uses existing on the lot as of the date of the installation of the line, such as: apartment, small business, second home, so on.
 - The County has not had a perc test performed and is requesting that testing for a septic reserve area not be required.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission makes a finding of consistency with the Comprehensive Plan and Land Use Ordinance and sends a favorable recommendation to the County Commissioners for approval of the amendment.



**DEPARTMENT OF
PUBLIC WORKS**

709 Morgnec Road
Chestertown, MD 21620
410-778-2600

Michael S. Moulds, P.E., Director
mmoulds@kentgov.org

Memorandum

To: William Mackey, Director
Copy: Shelley Heller, County Administrator
From: Mike Moulds, PE Director of Public Works *MSM*
Date: December 8, 2022
Re: M7-P357 Water and Sewerage Comprehensive Plan Amendment

The County has applied for Program Open Space funding (POS #7490-14-121) to design and construct public restroom facilities at the County's Toal Park. The project proposes installation of a well water supply and grinder pump connection to the County sewer line running along Route 213. The sewer line was initially constructed in 2020 to serve the Georgetown area. Toal Park is not included in the existing County service area identified in the Comprehensive Plan on Figure 4-3 Town of Galena Wastewater Treatment Plant and Sewerage Area and the sewer line is designated as a denied access line.

As a condition of POS funding, the County is proposing an amendment to the Comprehensive Water and Sewerage Plan to include Toal Park (Map 7, Parcel 357) in the existing sewer service area. Included with this Memorandum is the proposed revised Figure 4-3 noting the location of Toal Park.

Denied Access

The Comprehensive Water and Sewer Plan includes a provision in Section 1.4.6 Denied Access Facilities that *Connection of any property or parcel to a "Denied Access" line is prohibited unless all of the following is demonstrated:*

1. *The allocation is for an improved legal lot of record that existed prior to the County adoption of the denied access line in the Water and Sewer Plan, and the local health department has certified that the septic system is failing and cannot be corrected on site; or the connection is to an unimproved lot of record that can demonstrate it is buildable by passing on-site well and septic requirements;*
2. *The served properties are contiguous to the right-of-way containing the service main;*
3. *There is adequate capacity in the treatment and conveyance system to serve the new area or the County has allocation available from the municipality; and*

Page 2 of 2
M7-P357 W/S Comprehensive Plan Amendment
December 8, 2022

4. *There shall be only one allocation granted per lot, except that additional allocations may be granted if there are multiple authorized uses existing on the lot as of the date of the installation of the line, such as an apartment, small business, second home, so on.*

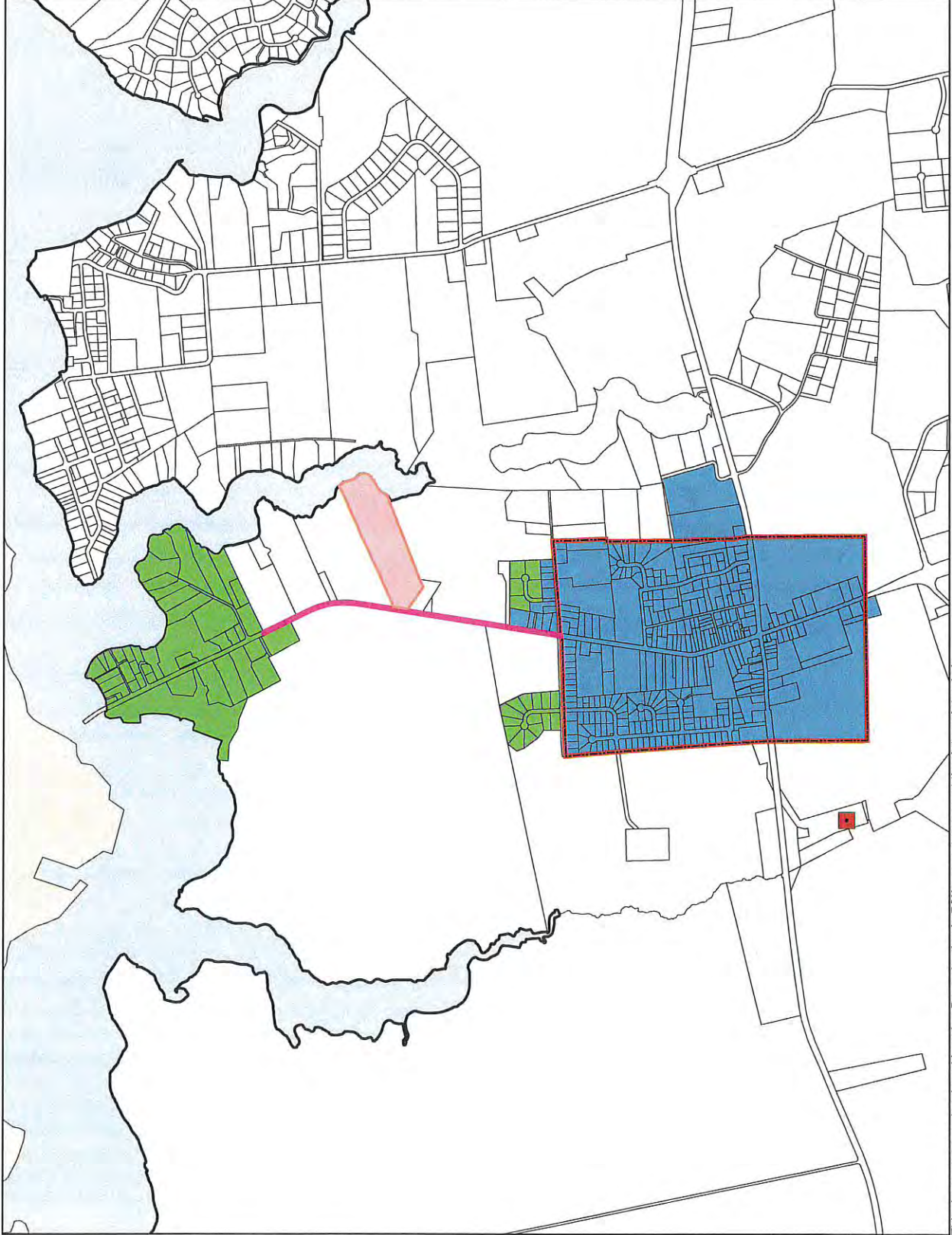
The County at this time is able to meet conditions 2, 3 and 4. As the proposed restroom facility is a beneficial public use for an existing public park, the County is also requesting a waiver to not expend public funds to demonstrate that the site could be served with an onsite septic system. Installation of a septic system would be detrimental to further development of playing fields.

The Department of Public Works has no objection to the proposed amendment as it allows the use of available public sewer service for public recreation improvements. The use of public sewer is also more environmentally preferable to a septic system due to the proximity to tidal waters.

Enclosed is a proposed Resolution for the Plan Amendment. We are requesting a review and recommendation from the Planning Commission prior to submittal of a draft amendment to MDE for comment.

Please let me know if you need any additional information. Thank you.

FIGURE 4-3
TOWN OF GALENA
WASTEWATER TREATMENT PLANT
AND SEWERAGE SERVICE AREA



- Legend**
- Treatment Plant
 - Denied Access Force Main
 - Existing Town Service
 - Existing County Service
 - Town Boundary
 - County Boundary
 - Proposed Connection for Total Park

Kent County
 Comprehensive Water & Sewer Plan
 2018



1 inch = 1,200 feet

Kent County Department of Planning,
 Housing and Zoning, September 2018,
 Revised: 11/18/22; Total Park Amendment

This document was developed in color. Reproduction in B/W may not represent the data as intended.

RESOLUTION NO _____

**PERTAINING TO THE AMENDMENT TO THE KENT COUNTY COMPREHENSIVE
WATER AND SEWERAGE PLAN, 2018 UPDATE TO INCLUDE PUBLIC SEWER
SERVICE FOR THE CONSTRUCTION OF RESTROOMS AT THE
COUNTY'S TOAL PARK**

WHEREAS, pursuant to Title 9, Subtitle 5 of the Environmental Article of the Maryland Annotated Code, the County Commissioners of Kent County, Maryland have general powers to adopt and amend a county plan addressing water supply systems and sewerage systems and has heretofore adopted the Kent County Comprehensive Water and Sewerage Plan, 2018 Update.

WHEREAS, the Kent County Planning Commission discussed the proposed plan amendment on _____ and found that it was in compliance with the Land Use Ordinance and Comprehensive Plan.

WHEREAS, after due notice was published, the County Commissioners conducted a public hearing on _____, at which time the proposed amendment was discussed, staff's recommendations were considered, and public comment was solicited; and

NOW, THEREFORE, after considering the evidence which had been presented at the public hearing regarding the proposed amendment The County Commissioners of Kent County, Maryland hereby amend the Comprehensive Water and Sewerage Plan to include public sewer service for the construction of public restrooms at the County's Toal Park as set forth in Figure 4-3 revised attached hereto and made a part hereof.

This amendment shall take effect on the ___ day of _____, 2023, the date of adoption by the County Commissioners.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

ATTEST

John F. Price, Member

Sondra Blackiston, County Clerk

Albert H. Nickerson, Member



Department of Planning, Housing, and Zoning

To: Kent County Planning Commission
From: Bill Mackey, Director
Meeting: January 5, 2022
Subject: 2023 Millington Annexation Proposal
Millington Elementary School (MES) Property

Executive Summary

Request by Applicant

The Town of Millington is requesting that the Millington Elementary School be annexed into the Town of Millington. The Town has prepared an Annexation Resolution for consideration by the Mayor and Council, and the Board of County Commissioners as the property owner signed a letter consenting to annexation.

Summary of Staff Report

Millington Elementary School, identified as Tax Map 32, Parcel 49, is located primarily outside the Town's boundaries. A small area of the parcel, as indicated on the attached aerial map, is already located inside the Town. Kent County's Designated Growth Areas [2018 Comp Plan, p. 32, Map 5] and the municipal proposed annexation area found in Millington's 2018 Comprehensive Plan [Map 5-2] both indicate that the subject property is anticipated for annexation into the Town of Millington.

The County's usual role in an annexation application review is to assess the zoning in accordance with the five-year rule and to find consistency with the Kent County Comprehensive Plan. In this case, the County has a dual role as the property owner; however, at this point, property ownership does not necessarily affect this part of the process. The proposal is consistent with the goals and strategies in the Kent County Comprehensive Plan.

The Town is requesting a waiver of the five-year zoning rule, since the Town plans to build the "Millington Senior Village" project on the property and desires the flexibility to rezone the property for that purpose. Since the allowable density under the County's Village zoning district would permit the project, there is no reason to withhold a waiver. The Town will submit a revised Annexation Agreement prior to the County Commissioners' meeting, which will reflect the request for a waiver of the five-year zoning rule.

Staff Recommendation

Staff recommends that the Planning Commission consider forwarding a favorable recommendation to the County Commissioners, based on the proposal's consistency with the Kent County Comprehensive Plan.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission

SUBJECT: 2023 Millington Annexation Proposal
Millington Elementary School (MES) Property
172 Sassafras Street, Millington MD 21620

MEETING: January 5, 2022

DESCRIPTION

The Town of Millington has forwarded for County review the 2023 Millington Annexation Proposal. The proposed annexation is for 24.455± acres of property owned by the Board of County Commissioners. The property is located on the west side of Delaware Railroad Ave and the east side of Sassafras Street. The property is zoned Village and is improved with a school building, parking lot, and playing fields. The parcel is primarily surrounded by land within the Town limits. It is adjacent to the 2022 Millington Annexation Proposal that was approved last month. The 2022 proposal is also indicated on the attached zoning map.

The annexation parcel is included within the Municipal Growth Element of the Millington Comprehensive Plan. The parcel is located in the existing water service area and the existing sewer service area. The Town is requesting a waiver of the five-year zoning rule. The Town would like to rezone the property with a mix of districts. The Town will redevelop the parcel with commercial, residential, and community service uses.

POLICY AND LAW

A. 2018 Kent County Comprehensive Plan

Growth in Towns

The five incorporated towns of Betterton, Chestertown, Galena, Millington, and Rock Hall are the County's principal residential, commercial, and business centers. These towns are the best locations for future growth and development. ... Given this goal of focusing growth in existing population centers, the County will coordinate and support town efforts to manage growth. To this end, Kent County will also coordinate its planning efforts with the towns' growth aspirations. (p. 23)

Develop Designated Growth Areas in cooperation with the towns

The County will work with interested incorporated towns to identify and map County designated growth areas for the towns consistent with municipal growth areas. In 2006, the State adopted HB 1141, the Local Government Planning Act which requires municipalities to include a municipal growth element in their comprehensive plans. These elements are intended to provide a formal process for assessing growth potential, identifying future growth locations within the jurisdiction (municipal growth areas) along with future annexation sites (p. 27).

When approved by both the County and the towns, the designated growth areas will be incorporated into both the town and County comprehensive plans. This strategy will create a system of town growth boundaries that are the dividing line between areas planned for community development and green-belt areas planned for resource-based uses such as agriculture, forestry and limited development designed to maintain the rural edge of each town (p. 28).

B. Applicable Law

The Maryland General Assembly passed specific guidance for annexations. Most of the regulations apply to a Town's process for annexations. However, the five-year zoning rule is applicable to the County's review of annexations. The five-year rule is explained [here](#) on pages 8, 17, and 18. Also, if you're interested, the Maryland Municipal League's process flowchart may be found [here](#), and the MML 2019 Legislative Update may be found [here](#). The MML publications page is found [here](#).

MD Code, Local Government, § 4-416 [Source: West's Annotated Code of Maryland [here](#)]

§ 4-416. Planning and zoning authority

Existing municipal authority

- (a) (1) Notwithstanding § 4–104(f) of this title, if an area is annexed to a municipality that has planning and zoning authority at the time of annexation, the municipality shall have exclusive jurisdiction over planning, subdivision control, and zoning in the area annexed.
- (2) Paragraph (1) of this subsection does not grant any planning or zoning power or subdivision control to a municipality that is not authorized to exercise planning or zoning power or subdivision control at the time of annexation.

Different land use or density

- (b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

County approval of zoning classification

- (c) Notwithstanding § 4–204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.

ANALYSIS

The proposed annexation is consistent with the Kent County Comprehensive Plan's strategies relative to growth in Towns and designating growth areas in cooperation with Towns, as cited above in this report.

The County's role in an annexation application review is to assess the zoning in accordance with the five-year rule and to find consistency with the Comprehensive Plan. The proposal is consistent with the goals

and strategies in the Comprehensive Plan and the Kent County Comprehensive Water and Sewerage Plan that already includes this property within the existing water service area and existing sewer service area.

The Town is requesting a waiver of the five-year zoning rule since the Town plans to build the “Millington Senior Village” project on the property and desires the flexibility to rezone the property for that purpose.

Mr. Frank Hodgetts of Home Partnership, Inc. is working with the Town of Millington to develop an affordable senior housing project. The project will involve up to 40 units of senior apartments along with community space for health and wellness services. Home Partnership, Inc. plans to submit the project to the Maryland Department of Housing and Community Development (DHCD) as a 4% Low Income Housing Tax Credit Program (LIHTC) application. The County has donated the MES property as part of the project.

Since the allowable density of 4 units per acre under the County’s Village zoning district would permit the project, there is no reason to withhold a waiver. The Town will submit a revised Annexation Agreement prior to the County Commissioners’ meeting to reflect its request for a waiver of the five-year zoning rule.

Due to time constraints from the holidays, the revised agreement may not be received prior to January 5. Via email with the Town, dated December 21, 2022, the Planning Director agreed to include the submitted Annexation Agreement in the packet to the Planning Commission and ask the DPHZ team to convey that the Town would like to request a five-year waiver, so the process could move forward, since the Town’s advertised public hearing is already scheduled for January 10, 2023, at 6:30 p.m. In conjunction with the Planning Commission’s review, a review by the County Commissioners is being requested for the morning of January 10, 2023, in the hopes that the County can provide a recommendation prior to the Town’s own public hearing on January 10. The Town is only required by law to provide a 30-day notice to the County. DPHZ works diligently to schedule items as received in an attempt to provide timely recommendations.

RECOMMENDATION

Staff recommends that the Planning Commission consider forwarding a favorable recommendation to the County Commissioners, based on the proposal’s consistency with the County’s Comprehensive Plan and regarding the request (conveyed via this staff report) by the Town for a waiver of the five-year zoning rule.

Attachments

- Applicant’s submittal dated December 15, 2022
- DPHZ prepared excerpted zoning map and aerial map
- DPHZ excerpted maps from County and Town Comp Plans

Town of Millington

Incorporated 1890

P. O. Box 330 - Millington, Maryland 21651

Phone: (410) 928-3880 Fax: (410) 928-5764

Website: millingtonmd.us

December 15, 2022

Kent County Planning & Zoning
400 High Street
Chestertown, Maryland 21620

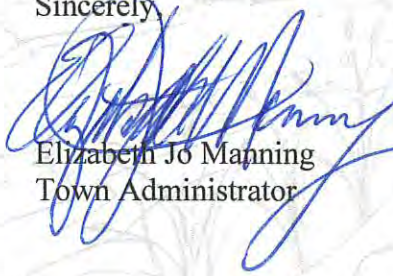
Re: Annexation of former Millington Elementary School property
172 Sassafras Street
Millington, Maryland

Honorable Planning & Zoning Members:

Enclosed are documents pertaining to the future annexation of the land owned by The County Commissioners of Kent County into the Town of Millington. The Millington Council introduced Resolution 2022-11 for this annexation at its meeting on December 13, 2022. The public hearing is scheduled for January 10, 2023 at 6:30 PM during the regular Council meeting.

Do not hesitate to contact me with any questions or concerns. Thank you for your consideration in this matter.

Sincerely,



Elizabeth Jo Manning
Town Administrator

Enclosures

Kevin Hemstock, Mayor

Michelle Holland, Council
Zita Seals, Council

Mark Linton, Council
Wayne Starkey, Council

RESOLUTION 2022-11
A RESOLUTION TO APPROVE ANNEXATION of
24.455± ACRES OF LAND LOCATED
AT THE EAST SIDE OF SASSAFRAS STREET,
MILLINGTON, MD, MAP 0032, PARCEL 0049

WHEREAS, the Mayor and Council of Millington is granted the authority to annex land pursuant to Article 11-3 of the Constitution of the State of Maryland, and Section 19 or Local Government Article of the Annotated Code of Maryland, 1975 Edition, as amended, entitled "Municipal Corporations", and

WHEREAS, the Mayor and Council of Millington has determined the proposed annexation will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the town, or real property proposed to be within the corporate limits of the Town as a result of the annexation, or any combination of such properties, and

WHEREAS, the Mayor and Council of Millington have received consent from the owners of more than 25% of the assessed value of the area to be annexed; and

WHEREAS, an annexation plan has been promulgated and is available for public review and discussion at public hearings to be held;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council amend the Charter of Millington by adding a new section of Millington described as follows:

Beginning for the same at a point located at the intersection of the division line between the herein described lands of the County Commissioners of Kent County (1007/134) and the lands now or formerly of Gary B. Fellows, et. Us. (297/499) with the eastern most right-of-way line of Maryland Route 313 (Sassafras Street)(50'R/W);

Thence leaving said point of beginning so fixed and binding with the aforesaid division line;

1) North 88°51'07" East 412.39' to an iron rod found located along the southwestern most boundary line of the lands now or formerly of Steven & Dawn Webb (102/51) passing in transit a concrete marker found located 4.69' from the beginning thereof;

Thence leaving the aforesaid Fellows lands and binding with the aforesaid Webb lands and lands now or formerly of the State of Maryland (815/2);

2) South 47°09'28" East 713.91' to a concrete marker found located along the western most right-of-way line of the lands now or formerly of the Maryland Department of Transportation (66' Wide Railroad R/W);

Thence leaving the State of Maryland lands and binding with the aforesaid Maryland Department of Transportation lands;

3) South 14°23'00" West 877.09' to an iron rod found located at the northeastern most corner of the lands now or formerly of the Town of Millington (694/215)(Water Tank Property);

Thence leaving the Maryland Department of Transportation lands and binding with the Town of Millington lands the (2) two following courses and distances;

4) South 85°16'45" West 243.11' to an iron rod found;

5) South 05°16'24" East 278.22' to an iron rod found located along the northern most boundary line of the lands now or formerly of Lewis & Pamela Teat (307/88);

Thence leaving the Town of Millington lands and binding with the Teat lands;

- 6) North $87^{\circ}43'00''$ West 241.48' to an iron rod set located at the southeastern most corner of the lands now or formerly of C. Scott Westcott (731/12);
Thence leaving the Teat lands and binding with the aforesaid Westcott lands and the lands now or formerly of Raymond Edward Conner, et al (548/323) the (2) two following courses and distances;
- 7) North $06^{\circ}22'50''$ West 266.86' to a concrete marker found, passing in transit a concrete marker found located 147.08' from the end thereof;
- 8) South $85^{\circ}14'56''$ West 134.67' to a point located along the eastern most right-of-way line of the aforementioned Maryland Route 313, said point being further referenced North $85^{\circ}14'56''$ East 2.01' from a concrete marker found;
Thence leaving the Conner lands and binding with the aforesaid right-of-way line the (5) five following courses and distances:
- 9) North $07^{\circ}24'18''$ West 184.62' to a point curvature;
Thence with an arc of a curve to the right a distance of 194.12', said curve having a radius of 6975.00' and scribed by a chord of;
- 10) North $06^{\circ}36'28''$ West 194.11' to a point of tangency;
Thence,
- 11) North $05^{\circ}48'38''$ West 131.59' to a point of curvature;
Thence with an arc of a curve to the right a distance of 477.88', said curve having a radius of 5875.00' and scribed by a chord of;
- 12) North $03^{\circ}28'49''$ West 477.75' to a point of tangency;
Thence
- 13) North $01^{\circ}09'00''$ West 376.55' to the point of beginning.

BE IT PROVIDED that the area to be annexed will become part of the Town of Millington and that persons residing in the area, and their property, and the owners of the property herein, shall be subject to the provisions of the Charter of Millington and its Municipal Ordinances and Resolutions, and that such persons and their property shall be subject to municipal taxation and entitled to municipal services and facilities equal to such taxation imposed and such services and facilities provided to the other residents and property owners of Millington, subject to the provisions contained herein, and

BE IT FURTHER PROVIDED, that the property being annexed shall be zoned in compliance with the Millington Comprehensive Plan and ratified by Kent County.

BE IT FURTHER RESOLVED, provided further that there shall have been published in the Kent County News, a newspaper of general circulation serving the community of Millington, once in each of the four weeks commencing December 15, 2022, a brief and accurate description of the area to be annexed and the conditions and circumstances applicable thereto, including notice of a public hearing to be held by the Mayor and Council on the proposed annexation on January 10, 2023, provided further that such public hearing shall have been held, and unless a proper petition for referendum shall have been filed as provided by Section 19 of Local Government Article of the Annotated Code of Maryland prior to such effective date.

AND BE IT FURTHER RESOLVED, that the Mayor of Millington is hereby specifically directed to carry out the provision of the above section hereof regarding the giving of notice by publication of the material directed therein to be published, and as evidence of that compliance, the Town Manager shall cause to be affixed to the Annexation Resolution a certificate of the publication of the newspaper in which such material shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Annexation Resolution to be effective on the effective date herein provided, by affixing his/her signature here to in the space provided below the effective date hereof.

AND BE IT FURTHER RESOLVED, that, if a proper petition for referendum on the Annexation Resolution herein proposed is filed, the Mayor and Council and other proper officials of the Town of Millington shall comply with the provisions set forth in Section 19, Local Government Article of the Annotated Code of Maryland.

AND BE IT FURTHER RESOLVED, that as soon as the Annexation Resolution hereby made shall become effective, either as herein provided or following a referendum, the Mayor of Millington shall promptly register both the original boundaries and the new boundaries with the Town Manager and the Clerk of the Court of Kent County, Maryland, and shall send separately by registered mail to the Secretary of State of Maryland, the Director of the Hall of Records, the State Law Library, and to the Department of Legislative Reference of Maryland, a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Council members voting for and against it, and a report on the votes cast for or against the amendment hereby enacted and any referendum hereon and the effective date of the Annexation Resolution.

This resolution introduced this _____ day of _____.

Mayor and Council of Millington

Attest to All

Kevin Hemstock, Mayor

Elizabeth Jo Manning, Town Administrator

Michelle Holland, Council

Mark Linton, Council

Zita Seals, Council

Wayne Starkey, Council

The Charter Amendment passed by the foregoing Resolution on _____ effective 45 days thereafter.

Elizabeth Jo Manning, Town Administrator

ANNEXATION AGREEMENT

This Annexation Agreement (the Agreement) is made this ____ day of _____ 2022, between the Town of Millington (the Town) and the County Commissioners of Kent County, (the County) for property located at 172 Sassafras Street, the former site of Millington Elementary School.

- A. The Town is the fee simple owner of a particular tract or parcel of land (from now on referred to as the “Annexation Property”) located adjacent to the Millington corporate boundary and more particularly described in a deed recorded in the records of Kent County as SK 01289/00073 (see Addendum A).
- B. The Annexation Property consists of 24.455± acres of land, more or less, adjacent to and contiguous with a portion of the northern boundary of the Town.
- C. The Town has submitted an annexation proposal that complies with the Land Use Article and the Local Government Article of the Annotated Code of Maryland.
- D. The Town wishes to annex the property based on specific aims about anticipated town zoning, the future availability of public utilities and services, and future economic development.
- E. The Town desires to develop the annexed property with a mix of commercial, residential, and community service uses all of which must be approved for development by the Town’s Planning Commission, a section of the property to be used as part of the Millington Senior Village project and the renovation of the existing school building into a Community Center. Development of the property will be in accordance with the Millington Comprehensive Plan and otherwise comply with all state, county, and local laws, and ordinances.
- F. The Town desires to control the growth that will occur in its designated growth areas and intends explicitly that development in annexation areas not result in more substantial Municipal and County expenditures than anticipated revenues, which would indirectly burden existing Town or County residents with the costs of services or facilities to support the area annexed. Accordingly, the costs of providing roads, utilities, parks, and other community services will be borne by the Town and its developers of future projects in this location.

NOW, THEREFORE, in consideration of the above recitals and representations, and mutual interests, covenants, agreements, and undertakings set forth herein, and the mutual promises and covenants herein contained, the sufficiency of which is expressly acknowledged, the County and the Town mutually agree as follows:

SECTION 1. Property.

The property subject to this Annexation Agreement is identified in the tax records of Kent County, Maryland as Parcel 49 on Tax Map 32 and is shown on the Annexation Plat (see attached Addendum B), which is incorporated by reference as a part hereof.

SECTION 2. Consistency with the Comprehensive Plan

The Annexation Property is located within an area designated as the Town's future annexation area in the Growth Management Element of the Town's Comprehensive Plan. The Millington Comprehensive Plan states: "... all annexations must be consistent with the Town's municipal growth element," and requires that any "future annexation will include a detailed 'Annexation Agreement' between the landowner(s) and the Town that addresses the following":

SECTION 3. Land Use/Zoning

Existing Use.

- 3.1 At present the 24.445± acres located at 172 Sassafras Street is currently vacant and is the former site of the now closed Millington Elementary School. This property is currently zoned Village in the Kent County Land Use Ordinance. A portion is maintained by the Millington Lions Club to be used for youth sports activities, as stated in an original agreement dated February 4, 1991 between the Board of Education of Kent County and the Lions Club of Millington, MD and the Millington Youth Baseball Association of Kent County, Maryland; agreement extended by The County Commissioners of Kent County as stated in a letter dated October 22, 2018. That portion of the property currently maintained by the Millington Lions Club will continue as a youth sports activities under a new agreement (to be finalized by March 31, 2023) between the Town of Millington and the Millington Lions Club.
- 3.2 The Town agrees that all existing land uses of the Annexation Property may continue after annexation subject to all applicable ordinances and regulations in the Code of the Town of Millington, including Chapter 80 Zoning.

Existing Zoning

- 3.3 According to the Zoning District Map of Kent County, Maryland, this Annexation Property is zoned Village.

Proposed Zoning

- 3.4 The Town of Millington requests a waiver of the five-year zoning wait period, to allow for the design and development of the Millington Senior Village and Community Center project.
- 3.5 At the time of approval of this annexation agreement, the properties will be zoned for a mix of residential, commercial and community service uses as then provided under the provisions of Chapter 80, Code of the Town of Millington.

SECTION 4. Development Intentions.

- 4.1 The Town intends to develop the Annexation Property with a mix of commercial, residential, and community service uses by development and construction of Millington Senior Village and Community Center project.
- 4.2 The Town intends to develop the property in phases.

- 4.3 The Annexation Property originally included five (5) water/sewer allocations; an amended wastewater agreement was signed by the County Commissioners of Kent County, Maryland the Town of Millington to reduce the number of allocations to one (1) allocation. (See Addendum E).

SECTION 5. Conditions

Except for the expense reimbursement provisions and indemnities in this section, which are continuing obligations of the Town, this Agreement is contingent in its entirety upon successful and final annexation of the Annexation Property into the Town. The annexation will not become effective until all requirements of such annexation have been satisfied and the annexation approved in the manner established by statute. These conditions should not affect or otherwise diminish the Town's right to be a party to and participate in all legal proceedings as well as initiate legal proceedings against a third party.

SECTION 6. Mutual Assistance

The County and the Town shall do all things reasonably necessary or appropriate, and in compliance with the Town's standard practices and procedures, to carry out and to expedite the terms and provisions of this Agreement and as may be necessary to give effect to the terms and objectives of this Agreement and the intentions of the parties. The parties will assist each other in carrying out the terms and provisions of this Agreement such as by holding public hearings, giving notice, and other actions as may be necessary to enable the parties to comply with the terms and provisions of this Agreement.

The County and the Town agree to promptly execute its part in all permit applications needed by the Town from: the Maryland Department of the Environment, the Maryland State Highway Administration, Kent County and its various agencies and departments, or any other public agencies from which a permit is required to develop the Annexation Property. All such permit applications shall be prepared in accordance with applicable rules, regulations, and laws, and the Millington Comprehensive Plan and the parties further agree to cooperate in the securing of such permits or approvals from such agencies.

SECTION 7. Other Provisions.

- 7.1 **Applicable Law.** It is the intention of the parties that all questions concerning the construction of this Agreement and the rights and liabilities of the parties hereunder shall be determined in accordance with the laws of the State of Maryland.
- 7.2 **Headings.** Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement. Notwithstanding the above, the Property Transfer Agreement (Addendum F) and the Amendment to the Sewer Wastewater Service Agreement (Addendum E) signed by the parties are incorporated, but not merged, into this Agreement, and the terms and conditions of the aforementioned Property Transfer Agreement and Sewer Wastewater Service Amendment survive this Annexation Agreement.
- 7.3 **Binding Effect.** Subject to the provisions of this paragraph, the terms of this Agreement shall be binding upon and shall inure to the benefit of the parties, any successor municipal authorities of the Town, successor of record of the Annexation Property and the successors and assigns of the County. It is expressly understood and agreed that the County may assign its benefits, rights, duties, and obligations either as part of the conveyance of the

Annexation Property as entirety or severally as part of conveyances of portions of the Annexation Property.

It is expressly agreed by all parties and their successors of a portion of the Annexation Property shall have no contractual rights to control, approve or otherwise direct the size, density, proposed uses, style, arrangement, timing, phasing, or any other aspect of development of the remainder of the Annexation property that the petitioner does own. No provision of this Agreement shall create any third-party beneficiary rights or other rights in any person or entity, not a party hereto.

- 7.4 Severability. In case any single or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof; and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- 7.5 Enforceability. This Agreement shall be specifically enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action or suit at law or in equity to secure the performance of the covenants herein contained, subject to the indemnity provisions of Section 5 of this Agreement.
- 7.6 Exhibits. Attached to this Agreement are exhibits in support of or for clarification.
- 7.7 Recording. This Agreement shall be recorded in the land records of Kent County at the expense of the Town.

IN WITNESS WHEREOF, the parties have executed and sealed this Agreement as of the day and year first above written, provided, however, that for the purposes of determining the date hereof, as used in this Agreement, such date shall be the last date any of the parties hereto executes this Agreement.

Date

County Commissioners of Kent County, MD

Witness

Town of Millington

Addendum A – Recorded Deed SK 012891/00073

Addendum B – Annexation Plat and Legal Description

Addendum C – February 4, 1991 agreement with Board of Education of Kent County, The Lions Club of Millington, MD, and the Millington Youth Baseball Association of Kent County.

Addendum D – October 22, 2018 letter from The County Commissioners of Kent County extended February 4, 1991 agreement.

Addendum E – Addendum to Sewer Wastewater Service Agreement

Addendum F – Property Transfer Agreement

LR - Government
Instrument 0.00
Agency Name: County
Commissioners of Kent
County
Instrument List: Deed
Describe Other: County
Commissioners/Town of
Millington
Ref:

Total: 0.00
12/16/2022 01:27
CC14-DH
#16854726 CC0203 -
Kent County/CC02.03.01
- Register 01

After recording, return to:
Thomas N. Yeager
County Attorney for Kent County
203 Maple Avenue
Chestertown, Maryland 21620

NO TITLE SEARCH

DEED

THIS DEED, dated this 15th day of November 2022, by and between the County Commissioners of Kent County, (the "County"), a body politic and political subdivision of the State of Maryland, Grantor, and the Town of Millington, a municipal corporation of the State of Maryland, Grantee.

The within instrument is a transfer among government bodies and as such is exempt from recording fees and transfer and recordation taxes.

WHEREAS, the below described property is no longer needed for public use by the County; and,

WHEREAS, the parties recognize the need for Senior Citizen housing and for a Community Center in Millington area of Kent County; and

WHEREAS, the Town of Millington plans to develop a portion of the property with a Community Center and other facilities for public use, and to partner with a non-profit organization to develop the remainder of the property for Senior Citizen housing; and,

WHEREAS, the requisite notice set forth in Section 10-312 of the Local Government Article of the Annotated Code of Maryland has been given; and,

I hereby certify as of 12/16/22, taxes are paid on the property, covered by this deed, as well as any other charges which should be collected before transfer of same, pursuant to the Real Property Article Title 3 Section 104 of the Annotated Code of Maryland

Patricia Muntz
Collector of Taxes for Kent County, MD

01-010778

LAW OFFICE OF
THOMAS N. YEAGER
ATTORNEY AT LAW
203 MAPLE AVENUE
P.O. BOX 455
CHESTERTOWN, MD 21620

(410) 810-0428

WITNESSETH, that in consideration of the sum of One and 00/100 Dollars (\$1.00) and the terms of the Transfer Agreement of the Parties dated November 1, 2022 and incorporated herein by reference, the receipt of which is hereby acknowledged, the said County Commissioners of Kent County, does hereby grant and convey unto the said Town of Millington, its successors and assigns, in fee simple, all that property lying and being in the County of Kent, State of Maryland, and being described as follows:

PARCEL 1: ALL that lot, piece or parcel of land, situate, lying and being in the First Election District of Kent County, Maryland, in the town of Millington, and described as follows, that is to say:

BEGINNING for the same at a granite stone located on the north side of Cypress Street and on the West side of the New Street, which point of beginning is North sixty seven and one quarter degrees West, one hundred and fifty six feet from the lot of land now owned by Mrs. Edgar Price; and running from thence North sixty seven and one quarter degreed West, Three hundred and seventy one feet six inches to James E. Hurlock's pear orchard; thence North eighteen and one half degrees East, four hundred and sixteen feet six inches; thence South Eighty two and one half degrees East, three hundred and sixty feet six inches to the New Street; thence with West side of said Street South sixteen and one half degrees West Five hundred feet six inches to the point of beginning containing 3.84 acres of land, more or less.

PARCEL 2: ALL that tract of land situate, lying and being in the First Election District of Kent County, State of Maryland, and being near the town of Millington; the aforementioned tract of land lying along the easterly side of the State Road (Md. Route No. 313) leading from Millington to Massey; the aforementioned tract of land lying westerly of the right-of-way (right-of-way being 66.0 feet wide) of Delaware Railroad – Centreville Branch (formerly P. B. & W. Railroad); the aforementioned tract of land being bounded on the west by the State Road (Md. Route 313); bounded on the north by lands now belonging to James Rigby Mullin; bounded on the northeast by lands now belonging to E. W. Montell; bounded on the east by the right-of-way (right-of-way being 66.0 feet wide) of Delaware Railroad – Centreville Branch (formerly P. B. & W. Railroad); bounded on the south by land belonging to Travis Manning; being bounded on the west by lands belonging to Richard C. and Harrison T. Steen; being bounded on the west and south by lands belonging to Raymond Edward and Mary Eloise Conner; and being more particularly described by metes and bounds, courses and distances, as follows, to wit:

BEGINNING for the same at a concrete monument set on the line dividing the herein described tract of land from lands now belonging to James Rigby Mullin and along the easterly side of the right-of-way of the State Road (Md. Route 313) leading from Millington to Massey, and running thence (1) with the Lands of Mullin North Eighty-Eight Degrees Fifty-One Minutes East Four Hundred Seven and No Tenths Feet (N 88 Deg. - 51 Min. E - 407.0') to a point where a concrete monument is to be set and the lands of E. W. Montell; thence (2) with the lands of Montell South Forty-Seven Degrees nine Minutes East Seven Hundred thirteen and Fifty-Seven One Hundredths Feet (S 47 Degs. - 09 min. E - 713.57') to a point where another concrete monument is to be set along the westerly side of the right-of-way (right-of-way 66.0 feet wide) of Delaware Railroad - Centreville Branch (formerly P. B.& W. Railroad); thence (3) with the westerly side of the aforementioned railroad right-of-way South Fourteen Degrees Twenty-Three Minutes West One Thousand One Hundred Eighty Nine and Seven Tenths Feet (S 14 deg. - 23 min. W - 1189.7') to still another point where a concrete monument is to be set along the aforementioned railroad right-of-way and land now belonging to Travis Manning, the aforesaid concrete monument which is to be set at a common corner for lands of the herein described tract of land, the aforementioned railroad right-of-way and lands of Manning; thence (4) with the lands of Manning North Eighty-Seven Degrees Forty-Three Minutes West Three Hundred Eighty and Forty-Five One Hundredths Feet (N 87 deg. - 43 min. W - 380.45') to a point in the center of a ditch, said point lying South Six Degrees Thirty-Two Minutes East Nine and Four One Hundredths Feet (S 6 deg. - 32 min. E - 9.04') from a point where a concrete monument is to be set beside a post and the lands now belonging to Richard C. and Harrison T. Steen; thence (5) with the lands of Steen and toward the point where a concrete monument is to be set beside a post North Six Degrees Thirty-Two Minutes West Nine and Four One Hundredths Feet (N 6 deg. - 32 min. W - 9.04') to the point where a concrete monument will be set beside a post; thence (6) with the lands of Steen and lands now belonging to Raymond Edward and Mary Eloise Conner North Six Degrees Thirty-Two Minutes West Two Hundred Fifty-Seven and Fourteen One Hundredths feet (N 6 deg. - 32 mins. W - 257.14') to still another point where a concrete monument is to be set beside a post; thence (7) with the lands of Conner South Eighty-Five Degrees Twenty-Four Minutes West One Hundred Thirty-Six and Five Tenths Feet (S 85 deg. - 24 min. W - 136.5') to still another point where a concrete monument is to be set beside a post along the easterly side of the State Road (Md. Route 313) leading from Millington to Massey; thence (8) with the easterly side of the State Road (Md. Route 313) leading from Millington to Massey and toward Massey North Five Degrees Seventeen Minutes West Six Hundred Eighty-Nine and Five

Tenths Feet (N 5 deg. – 17 min. W – 689.5') to another point along the westerly side of the aforementioned State Road (Md. Route 313) where a concrete monument is to be set; thence (9) still with the easterly side of the State Road (Md. Route No. 313) and toward Massey North Two Degrees Nine Minutes West Six Hundred Seventy-Four and Forty-Six One Hundredths Feet (N 2 deg. – 09 min. W – 674.46') to the place of beginning, CONTAINING an area of Twenty-Five and Forty-Five One Hundredths Acres (25.45 A.) of land.

NOTE: Bearings are computed from the angles, which have been observed precisely, and are referred to a magnetic meridian, corrected for declination; Declination at present being 8 degrees 15 Minutes WEST.

SAVING AND EXCEPTING the property that was conveyed from the County Commissioners of Kent County, Maryland to the Town of Millington by deed dated September 20, 2011 and recorded among the Land Records for Kent County, Maryland in Liber M. L. M. No 694, folio 215, and is further described as follows:

ALL that lot, piece of parcel of land situate, lying and being in the First Election District of Kent County, Maryland, in the town of Millington, and described as follows, that is to say:

BEGINNING for the same at a concrete monument found along the westernmost outline of the lands, now or formerly of, the State of Maryland Department of Transportation (see E.H.P. 134/244), at the intersection of the division line between the lands of the County Commissioners of Kent County (see E.H.P. 61/241) and the lands, now or formerly of, Pamela D. Teat and Lewis E. Teat (see M.L.M. 307/088); said beginning point being further located at the southeasternmost corner of the herein described lands as shown on a plat entitled "SUBDIVISION OF PART OF THE LANDS OF COUNTY COMMISSIONERS OF KENT COUNTY", which is attached hereto as Exhibit "A".

THENCE leaving said beginning point so fixed and binding on the aforesaid division line;

1) North 87° 34' 00" West 139.23 feet to a point;

THENCE leaving the lands of Teat and running for new lines of division through the aforementioned lands of the County Commissioners of Kent County, the following two (2) courses and distances;

2) North 05° 16' 24" West 278.22 feet to a point and;

3) North 85° 16' 45" East 243.11 feet to a point on the westernmost outline of the aforementioned lands of the State of Maryland Department of Transportation;

THENCE binding on the westernmost outline of the aforesaid lands of the State of Maryland Department of Transportation;

4) South 14° 23' 00" West 312.39 feet to the place of beginning.

Containing an area of 1.264 acres of land, more or less, as described by McCrone, Inc., Registered Professional Engineers and Land Surveyors in August 2008.

BEING the same parcels of land conveyed by the Board of Education of Kent County, Maryland, to the County Commissioners of Kent County, by deed dated June 25, 2019, and recorded among the Land Records for Kent County, Maryland in Liber M.L.M. No. 1007, folio 134.

SUBJECT TO a 50 foot wide ingress/egress easement area as set forth on the plat entitled "Subdivision of Part of the Lands of County Commissioners of Kent County in the Town of Millington and First Election District, Kent County, MD" dated July 2010, prepared by McCrone, Inc., which is attached hereto as Exhibit "A". The centerline of said easement being more particularly described as follows:

BEGINNING for the same at a point on the easterly right-of-way line of Sassafras Street, said point of beginning being further located; North 05° 20' 24" West 157.24 feet from a concrete monument found at the intersection of said right-of-way with the division line between the lands of the County Commissioners of Kent County (see E.H.P. 61/241) and the lands, now or formerly of, Raymond E. Conner et al. (see M.L.M. 548/323);

THENCE leaving said beginning point so fixed and binding on the centerline of the herein described easement over the aforesaid lands of the County Commissioners of Kent County, the three (3) following courses and distances;

1) North $84^{\circ} 55' 19''$ East 327.89 feet to a point of curvature;

THENCE binding on the arc of a curve to the right, a distance of 126.16 feet to a point of tangency, said curve having a radius of 80.00 feet and subtended by a chord of;

2) South $49^{\circ} 53' 58''$ East 113.49 feet;

3) South $04^{\circ} 43' 15''$ East 97.12 feet to a point on the northernmost outline of the above described 1.264 acre parcel; said point being further located 25.00 feet from the northwesternmost corner of said parcel.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or anywise appertaining.

SUBJECT TO all restrictions, conditions, easements and other matters of record.

ALSO SUBJECT TO the Real Property Transfer Agreement of the Parties dated November 1, 2022, and incorporated herein by reference.

ALSO SUBJECT TO: that, in the event that the Grantee, the Town of Millington, its successors and assigns, does not develop the property with Senior Citizen Housing and a Community Center in accordance with the plans and project known as Millington Senior Village, and as further set forth and described in the aforementioned Transfer Agreement of the parties, within five (5) years of the date of this Deed, the subject property described herein shall revert to the Grantee, The County Commissioners of Kent County, free and clear of any interest or claims of the Grantee, the Town of Millington, its successors and assigns. The Grantee, its successors and assigns, shall execute any documents or instruments requested by the Grantor in the event the Grantor exercises its right of reversion.

ALSO SUBJECT TO the Amendment dated November 1, 2022 to the Sewer Wastewater

Service Agreement of the Parties, which is incorporated herein by reference.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said the Town of Millington, its successors and assigns, in fee simple subject to the aforementioned right of reversion of the Grantor.

AND THE SAID Grantor does hereby covenant that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

ATTEST:

The County Commissioners of Kent County

Sondra Blackiston
Sondra Blackiston, Clerk

By: P. Thomas Mason
P. Thomas Mason, President

STATE OF MARYLAND, COUNTY OF KENT, to wit:

I HEREBY CERTIFY, that on November 1st, 2022, before me, a Notary Public of the State and county aforesaid, personally appeared P. Thomas Mason, President of the County Commissioners of Kent County, Maryland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed who acknowledged that he executed the same for the purpose therein contained.

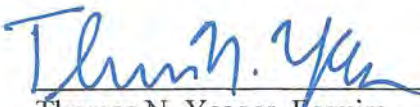
IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

My Commission Expires: 8/25/25



Tonya Lee Thomas
Notary Public

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Thomas N. Yeager, Esquire
County Attorney for Kent County

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor COUNTY COMMISSIONERS OF KENT COUNTY

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

172 SASSAFRASS STREET, MILLINGTON, MARYLAND 21651

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Jonas L. Thomas
Witness/Attest

KENT COUNTY COMMISSIONERS

Name of Entity

By

Thomas N. Yeager
THOMAS N. YEAGER

Name

11/01/22
**Date

COUNTY ATTORNEY

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

Harry A. Smith, Jr., Prof. L.S.

10644 Big Stone Road

Millington, MD 21651

Ph. 443-480-5080

delmarvasurveyco@yahoo.com

**Description Of The Lands Of
The County Commissioners of Kent County
(Former Millington Elementary School)
First District, Kent County, Maryland
Area Equals 24.455 Acres Of Land, More Or Less
Basis Of Bearings Is Deed M.L.M. 1007/134**

BEGINNING for the same at a point located at the intersection of the division line between the herein described lands of the County Commissioners of Kent County (1007/134) and the lands now or formerly of Gary B. Fellows, et ux. (297/499) with the eastern most right-of-way line of Maryland Route 313 (Sassafras Street)(50' R/W);

THENCE leaving said point of beginning so fixed and binding with the aforesaid division line;

- 1) North 88°51'07" East 412.39' to an iron rod found located along the southwestern most boundary line of the lands now or formerly of Steven & Dawn Webb (102/51) passing in transit a concrete marker found located 4.69' from the beginning thereof;

THENCE leaving the aforesaid Fellows lands and binding with the aforesaid Webb lands and lands now or formerly of the State of Maryland (815/2);

- 2) South 47°09'28" East 713.91' to a concrete marker found located along the western most right-of-way line of the lands now or formerly of the Maryland Department of Transportation (66' Wide Railroad R/W);

THENCE leaving the State of Maryland lands and binding with the aforesaid Maryland Department of Transportation lands;

- 3) South 14°23'00" West 877.09' to an iron rod found located at the northeastern most corner of the lands now or formerly of the Town of Millington (694/215)(Water Tank Property);

THENCE leaving the Maryland Department of Transportation lands and binding with the Town of Millington lands the (2) two following courses and distances;

- 4) South 85°16'45" West 243.11' to an iron rod found;
- 5) South 05°16'24" East 278.22' to an iron rod found located along the northern most boundary line of the lands now or formerly of Lewis & Pamela Teat (307/88);

THENCE leaving the Town of Millington lands and binding with the Teat lands;

- 6) North 87°43'00" West 241.48' to an iron rod set located at the southeastern most corner of the lands now or formerly of C. Scott Wescott (731/12);

THENCE leaving the Teat lands and binding with the aforesaid Wescott lands and the lands now or formerly of Raymond Edward Conner, et al (548/323) the (2) two following courses and distances;

- 7) North 06°22'50" West 266.86' to a concrete marker found, passing in transit a concrete marker found located 147.08' from the end thereof;
- 8) South 85°14'56" West 134.67' to a point located along the eastern most right-of-way line of the aforementioned Maryland Route 313, said point being further referenced North 85°14'56" East 2.01' from a concrete marker found;

THENCE leaving the Conner lands and binding with the aforesaid right-of-way line the (5) five following courses and distances;

- 9) North 07°24'18" West 184.62' to a point curvature;

THENCE with an arc of a curve to the right a distance of 194.12', said curve having a radius of 6975.00' and scribed by a chord of;

10) North $06^{\circ}36'28''$ West 194.11' to a point of tangency;
THENCE,

11) North $05^{\circ}48'38''$ West 131.59' to a point of curvature;
THENCE with an arc of a curve to the right a distance of 477.88', said curve having a radius of 5875.00' and scribed by a chord of;

12) North $03^{\circ}28'49''$ West 477.75' to a point of tangency;
THENCE,

13) North $01^{\circ}09'00''$ West 376.55' to the point of beginning.

Containing in all 24.455 acres of land, more or less, as surveyed and shown on a plat prepared by Harry A. Smith, Jr., Professional Land Surveyor entitled "Boundary Survey of The Lands of The County Commissioners of Kent County" dated July 18, 2022.

This Metes and Bounds Description, the Boundary Survey on which it is based and the Survey Work reflected in it, has been personally prepared by me, Harry A. Smith, Jr., Professional Land Surveyor and is in compliance with the regulations set forth in COMAR 09.13.06.03, 09.13.06.08 and 09.13.06.12.





- 1. PROPERTY LINES - IN ACCORDANCE WITH THE SURVEY.
- 2. PROPERTY CORNERS - IN ACCORDANCE WITH THE SURVEY.
- 3. EASEMENTS - AS SHOWN ON THE SURVEY.
- 4. UTILITIES - AS SHOWN ON THE SURVEY.
- 5. CURB - AS SHOWN ON THE SURVEY.
- 6. DRIVE - AS SHOWN ON THE SURVEY.
- 7. FENCE - AS SHOWN ON THE SURVEY.
- 8. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 9. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 10. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 11. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 12. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 13. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 14. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 15. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 16. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 17. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 18. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 19. DRIVEWAY - AS SHOWN ON THE SURVEY.
- 20. DRIVEWAY - AS SHOWN ON THE SURVEY.

HARRY A. SMITH, JR.
 PROFESSIONAL LAND SURVEYOR
 10644 Big Stone Road
 Millington, Maryland 21651
 PHONE 410-460-1022
 EMAIL hsmith@surveypro.com

DATE	REVISION	DATE	SCALE
05/22/2022		05/22/2022	1"=100'

Harry A. Smith, Jr.
 Professional Land Surveyor
 10644 Big Stone Road
 Millington, Maryland 21651
 Phone 410-460-1022
 Email hsmith@surveypro.com

Boundary Survey
 On the Lands of
County Commissioners of Kent County
 Tax Map 32 Dist 28 Parcel 43
 First District, Kent County, Maryland
 Prepared For: Town of Millington



ADDENDUM C

FAX COVER SHEET

Facsimile

Kent County Public Schools

DATE:	6/26/08
TO:	Maryland Massey
COMPANY:	
FAX NO.:	410-928-3301
NO. PAGES: INCL. COVER PAGE	

NOTES:

As per Fay Miller, the field may be used at the discretion of the Lions Club.



THIS AGREEMENT, made this 4th day of February, 1991, by and between the BOARD OF EDUCATION OF KENT COUNTY, a body politic and corporate of the State of Maryland, hereinafter "Board", party of the first part and THE LIONS CLUB OF MILLINGTON, MD., hereinafter "Lions Club", party of the second part, and the MILLINGTON YOUTH BASEBALL ASSOCIATION OF KENT COUNTY, MARYLAND, hereinafter "Association", party of the third part.

WHEREAS, the Board is the owner of certain lands located in the First Election District of Kent County, Maryland, more particularly described on a plat attached hereto and intended to be made a part hereof; and,

WHEREAS, the parties hereto have reached certain agreements with respect to the use of said land and desire to reduce the same to writing.

NOW, THEREFORE WITNESSETH, that in consideration of the above, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. That the land described on the plat attached hereto shall be made available by the Board to the Lions Club and

the Association for the period commencing February 4, 1991. Unless otherwise agreed in writing, by the three parties hereto, said agreement may be renewed annually, however, with the consent of all involved.

2. It is understood that the Association desires to use the subject area for youth sports activities, according to the proposal submitted to the Board dated January 7, 1991. It is understood that during the period that the property is under the control of the Lions Club they will make adequate provisions to insure full maintenance of the area, to include grass cutting and keeping the area free of trash. Also, it is understood and agreed that the Association will be responsible to insure proper crowd control and will not have access to the adjoining Board lands. Parking will be limited to the area covered by the agreement. In other words, the Association will see to it that the crowds do not spill over onto nor park on the adjoining lands of the Board.

3. The Association shall submit to the Board adequate financial assurance, including the source(s) of funds to complete the Project, before alterations to the property may commence.

4. The agreement is subject to any extended use by Board if necessary for educational purposes.

5. The Lions Club assumes all risk of loss, damage or injury, to person or property, by reason of the condition of subject premises, or by reason of the management, control or operation whereof, and holds harmless the Board, its successors and assigns, from all claim for such loss, damage or injury sustained by the Board, or by any agent or employee of the Board, or by any person whomsoever.

6. It is understood and agreed that upon termination of this agreement, or of any renewal thereof, that the Lions Club shall return the site to its original condition, including the removal of any backstops, bleachers, fences or barriers erected.

7. The Board in cooperation with the County Commissioners will provide access to the designated area on the far North end of the property line adjacent to State Route #313 (see attachment).

8. The Board will plant a row of trees along the ditch line facing State Route #313.

9. The Lions Club joins in the execution hereof for the purpose of guaranteeing the performance of the Association in all respects.

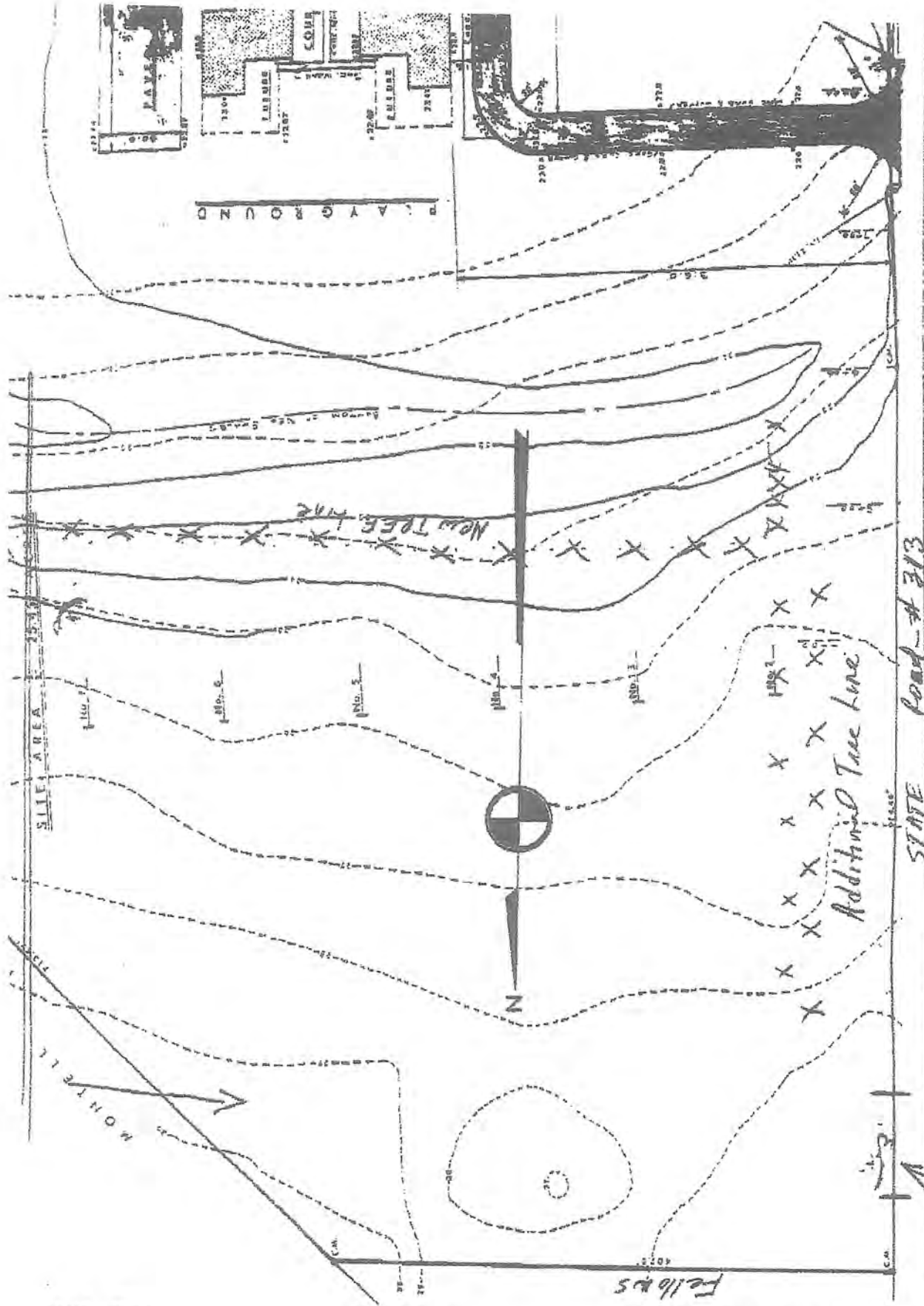
IN WITNESS WHEREOF, the parties have executed this agreement the day and year aforesaid.

Witness:

BOARD OF EDUCATION OF
KENT COUNTY

THE LIONS CLUB OF
MILLINGTON, MD.

MILLINGTON YOUTH BASEBALL
ASSOCIATION



ENTRANCE
FROM STATE ROAD #213

The County Commissioners of Kent County

WILLIAM W. PICKRUM
PRESIDENT
CHESTERTOWN, MD

R. Clayton Mitchell, Jr.
Kent County Government Center
400 High Street
Chestertown, Maryland 21620
TELEPHONE 410-778-4600
FACSIMILE 410-778-7482
E-MAIL kentcounty@kentgov.org
www.kentcounty.com

SHELLEY L. HELLER
COUNTY ADMINISTRATOR

RONALD H. FITHIAN
MEMBER
ROCK HALL, MD

THOMAS N. YEAGER
COUNTY ATTORNEY

WILLIAM A. SHORT
MEMBER
CHESTERTOWN, MD

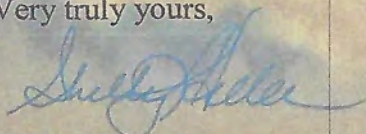
October 22, 2018

Members of the Millington Lions Club
PO Box 120
Millington, MD 21651

Dear Millington Lions Club Members:

The Board of Education of Kent County is in the process of transferring Millington Elementary School (MES) to the County Commissioners of Kent County. Upon the effective date of the transfer, the County Commissioners will honor the terms and conditions as set forth in the Memorandum of Understanding dated February 4, 1991 between the Board of Education, the Millington Lions Club, and the Millington Youth Baseball Association of Kent County except for Paragraph 2 regarding grass cutting. The County will assume the responsibilities of grounds maintenance of the parcel, thereby relieving the Lions Club of that task. An updated Memorandum of Understanding to that effect will be drafted upon execution of the property transfer.

Very truly yours,



Shelley L. Heller
County Administrator

SLH

cc: County Commissioners of Kent County



AMENDMENT TO SEWER WASTEWATER SERVICE AGREEMENT
The County Commissioners of Kent County
The Town of Millington, Maryland

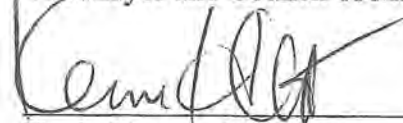
This Amendment to the Sewer Wastewater Service Agreement dated April 13, 2004 (this "Amendment"), by and between the County Commissioners of Kent County, Maryland, a body politic and political subdivision of the State of Maryland (the "County") and the Town of Millington, Maryland, a municipal subdivision of the State of Maryland (the "Town") dated this 1st day of November, 2022.

WITNESSETH, in consideration of the covenants contained herein, the parties agree as follows:

1. Contemporaneous with the transfer of the real property located at 172 Sassafras Street, known or formerly known as the Millington School Property, the County shall transfer one allocation for one Equivalent Dwelling Unit (EDU) to the Town of Millington.
2. The deed and the transfer agreement for the transfer of the real property to the Town is conditioned upon the Town developing and utilizing the real property for a specific purpose, namely a community center and senior citizen housing. In the event that the property is not developed as planned, the aforementioned deed and transfer agreement provide for the real property to be transferred back to the County.
3. In the event that the real property is transferred back to County in accordance with the deed and agreement, then the parties agree that the allocation that is being transferred to the Town pursuant to this Agreement shall be transferred back to the County.
4. The parties agree to execute such other and further documents as may be necessary to effectuate the above-described transfers.
5. In all other respects the terms and conditions of the Sewer Wastewater Service Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their duly authorized representatives on the day and year first above written.

The Mayor and Council of Millington



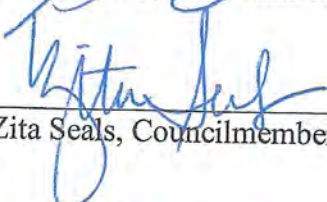
Kevin Hemstock, Mayor



Michelle Holland, Councilmember



Mark Linton, Councilmember

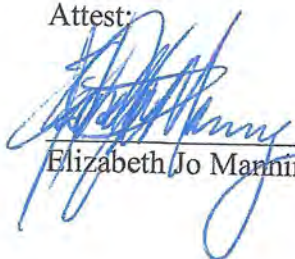


Zita Seals, Councilmember

ABSENT

Wayne Starkey, Councilmember

Attest:



Elizabeth Jo Manning, Clerk
Town Administrator

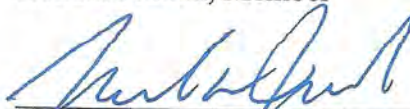
The County Commissioners
of Kent County, Maryland



P. Thomas Mason, President

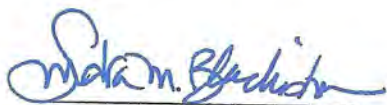


Ronald Fithian, Member



Robert Jacob, Member

Attest:



Sondra Blackiston, Clerk

REAL PROPERTY TRANSFER AGREEMENT
The County Commissioners of Kent County
The Town of Millington, Maryland

This Real Property Transfer Agreement (this "Agreement"), by and between the County Commissioners of Kent County, Maryland, a body politic and political subdivision of the State of Maryland (the "County") and the Town of Millington, Maryland, a municipal subdivision of the State of Maryland (the "Town") dated this 1st day of November, 2022.

WHEREAS, the County is the Owner of Real Property located at 172 Sassafras Street near the Town of Millington, which is known or formerly known as the Millington Elementary School Property, and more fully described in a deed recorded among the Land Records for Kent County in Liber M.L.M. No. 694, folio 215 (the "Property");

WHEREAS, the Property is no longer needed for public use by the County; and

WHEREAS, the Town of Millington desires to utilize the Property for a Community Center and for Senior Citizen Housing in furtherance of the public interest.

WITNESSETH, in consideration of the sum of one dollar (\$1.00), receipt of which is hereby acknowledged, and the covenants contained herein, the parties agree as follows:


1. The County shall transfer ownership of the Property to the Town via a deed prepared by and executed by the County in substantially the same form as set forth on "Exhibit A", which is attached hereto.
2. The Property is being transferred in its "as is" condition.
3. The County has not conducted a title search, nor has the County obtained a recent survey of the Property. If the Town desires a title search or survey, the Town shall so obtain at the Town's expense.
4. Because this is an intergovernmental transfer, the deed is exempt from recording charges, transfer taxes, and recordation taxes. In the event there are any transfer charges, all such costs shall be paid by the Town.
5. Upon the transfer of the Property to the Town via the execution of the Deed, the Town shall be fully responsible for all maintenance and upkeep of the property, and all risk of loss shall be on the Town.
6. The Town desires to annex the property into the Town's corporate limits, and the County consents to such annexation. In that regard the County has given its written consent, and agrees to execute such other and further documents as may be required for the annexation.
7. The transfer of the Property is conditioned upon the Property being developed and used in accordance with the project known as "Millington Senior Village" for the stated

purpose of Senior Citizen Housing, a Community Center, and uses incidental thereto, consistent with the presentation and representations made to the County by the Town at public meetings of the County Commissioners.

8. The Town shall not subdivide, transfer, or encumber the Property or any portion thereof, except in accordance with and in furtherance of the development of Senior Citizen Housing and a Community Center on the Property.
9. In the event that on the third anniversary of the transfer of the Property to the Town, the development of the Property for the above-stated purpose has not been completed or substantially completed, the Town shall so advise the County and shall provide the County with a status report and plan for the completion of the development. If the County, in its discretion, determines that completion of the development is not likely or feasible within the next two years, the County may exercise its right of reversion, as set forth in item 10 below, at that time, rather than having to wait until the fifth anniversary of the transfer of the Property.
10. In the event that on the fifth anniversary of the transfer of the Property, the development of the Property has not been completed or substantially completed, the Town, upon the request of the County, shall transfer the Property back to the County, and shall execute all such documents and instruments necessary to effectuate such transfer.
11. In the event that title to the Property is transferred back to the County, and upon request of the County, the Town shall de-annex the property, and to that end, shall initiate a Resolution for de-annexation, shall execute any such instruments or documents as may be necessary, and shall cooperate with the County in the de-annexation process.
12. Pursuant to a Sewer Wastewater Agreement between the County and the Town dated April 13, 2004, the County purchased sewer allocations for 133 Equivalent Dwelling Units (EDU's) from the Town for the sum of Six-Hundred Ninety Thousand Dollars (\$690,000). Those allocations were not designated for any specific properties and were for County use to be assigned and re-assigned by the County in the County's discretion. In that regard, the County assigned allocations for five (5) EDU's to the Property. The County will transfer one (1) EDU with the Property and will retain the remaining four (4) EDUs for County use. The parties agree to amend the Sewer Wastewater Agreement accordingly.
13. This Agreement is binding upon the parties, their successors and assigns, and the terms of this Agreement shall survive the transfer of the Property to the Town.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives on the day and year first above written.

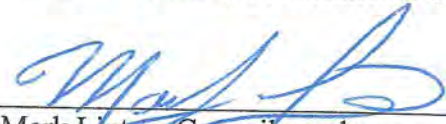
The Mayor and Council of Millington



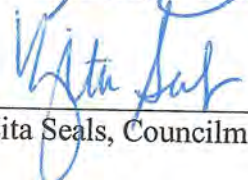
Kevin Hemstock, Mayor



Michelle Holland, Councilmember



Mark Linton, Councilmember

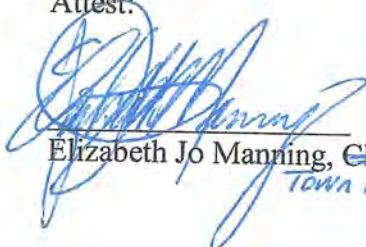


Zita Seals, Councilmember

ABSENT

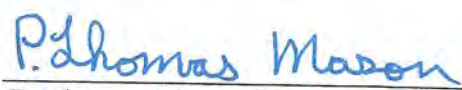
Wayne Starkey, Councilmember

Attest:



Elizabeth Jo Manning, Clerk
Town Administrator

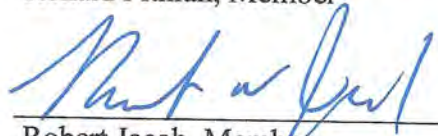
The County Commissioners
of Kent County, Maryland



P. Thomas Mason, President



Ronald Fithian, Member



Robert Jacob, Member

Attest:

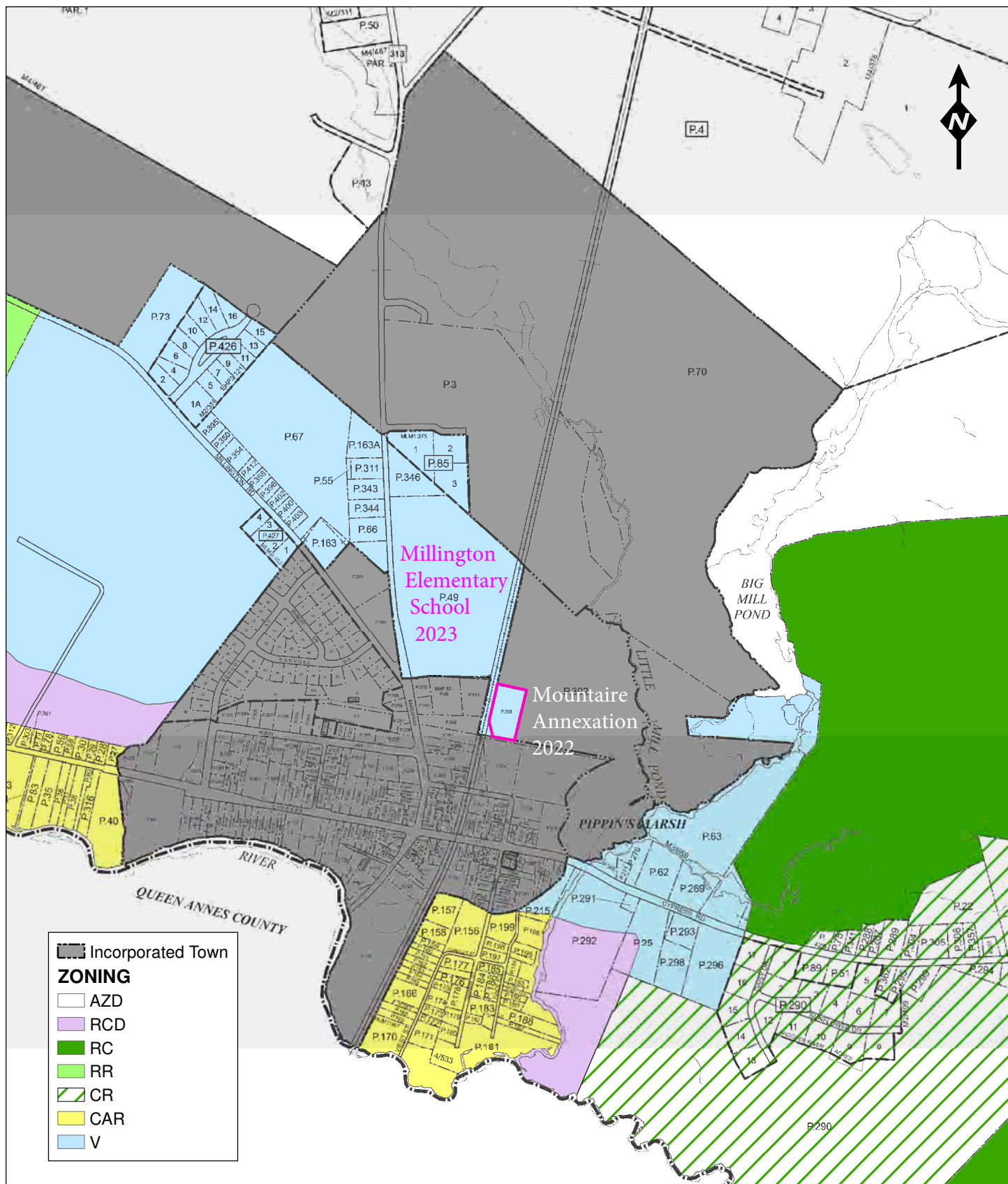


Sondra Blackiston, Clerk

LR - Government	0.00
Instrument	0.00
Agency Name: County	
Commissioners of Kent	
County	
Instrument List:	
Agreement / Easement	
Describe Other: County	
Commissioners/Town of	
Millington	
Ref:	

Total:	0.00
12/18/2022	01:27
#18854728	CC14-DH
County/CO02.03.01 -	
Register 01	

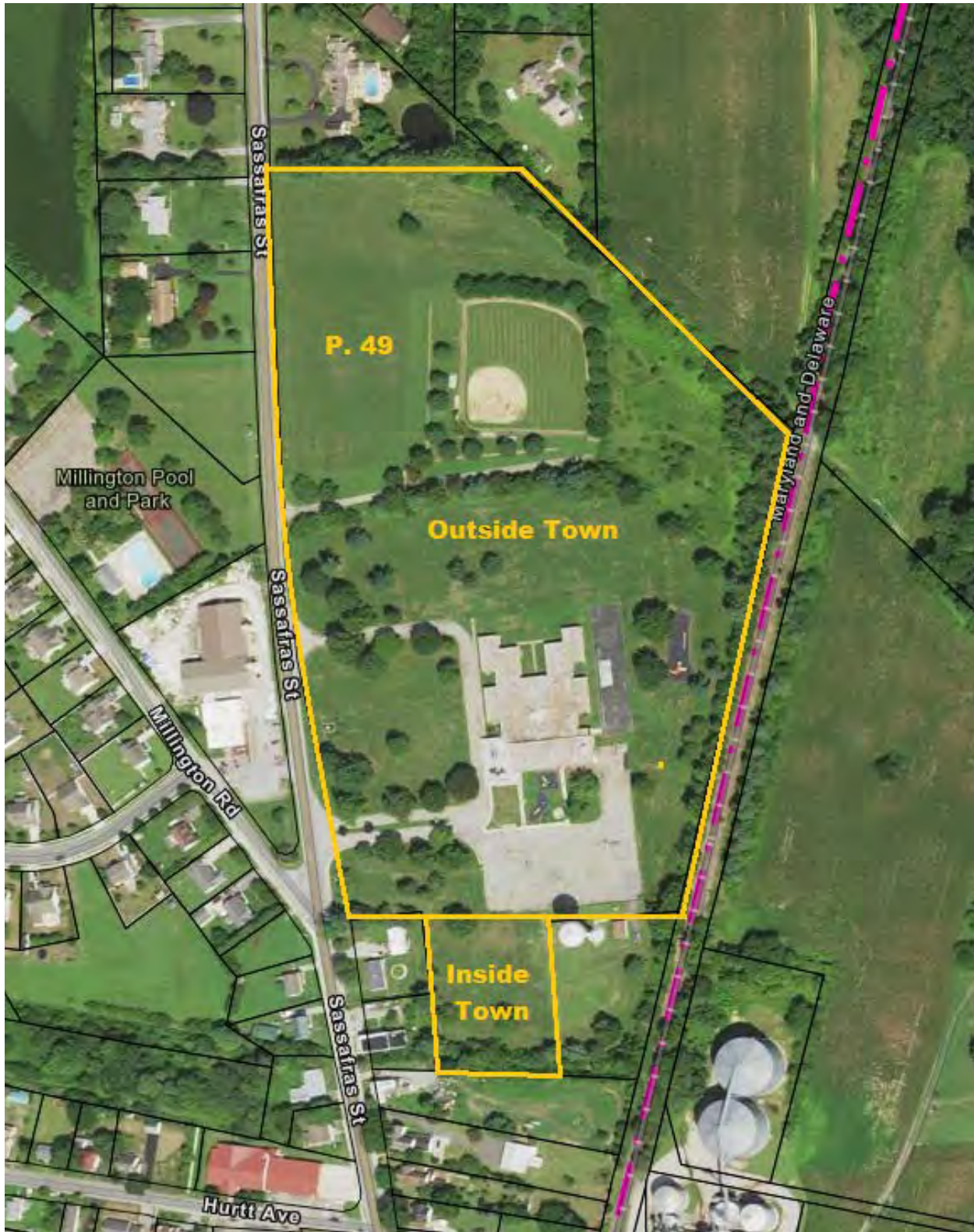
2023 Millington Annexation Proposal
Millington Elementary School
Tax Map 32, Parcel 49



Source: Kent County Department of Planning, Housing, and Zoning
Prepared December, 2022.

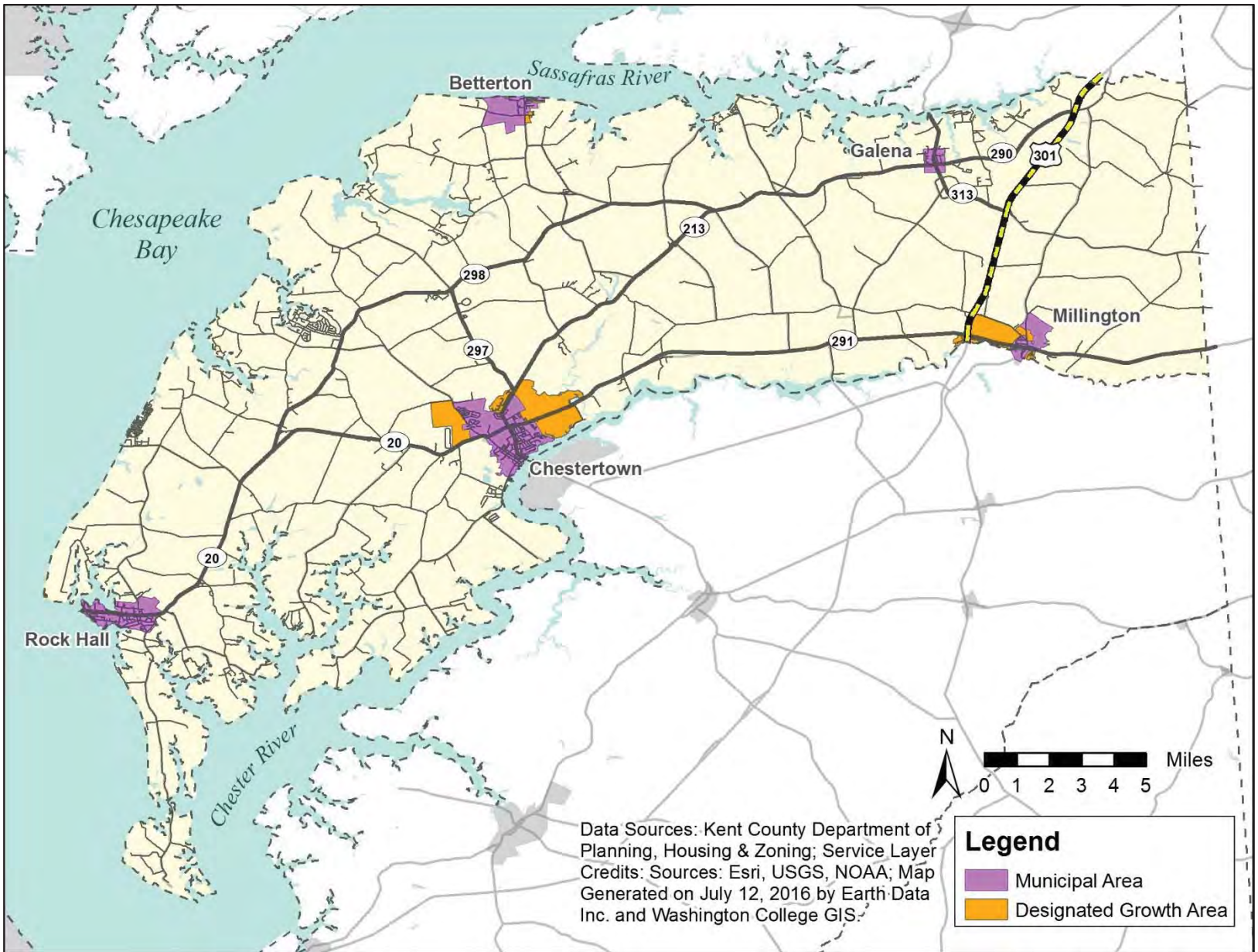
1 inch = 1,000 feet

2023 Millington Annexation Proposal
Millington Elementary School
Tax Map 32, Parcel 49



Source: Kent County Department of Planning, Housing, and Zoning
Prepared December 2022

Map 5 – Designated Growth Areas



MAP 5-2 COMPREHENSIVE PLAN Millington, Maryland

