



MINUTES

June 2, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, June 2, 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, County Commissioner President P. Thomas Mason, William Sutton, James Saunders, and Ray Strong. Cynthia L. McCann, Esq., Planning Commission Attorney was in attendance via Teams. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; and Mark Carper, Associate Planner.

County representatives, Myra Butler, Director of Parks and Recreation, and Kat Stork Blaher of Shore Strategies LLC attended to present an item. Members of the public included John Massey; Anthony Kupersmith, Esq.; Cory McCandless; Tylor Jones; and Bruce Wilson (remotely).

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

MINUTES

Mr. James Saunders moved to accept the minutes of May 5, 2022, without correction. Mr. William Sutton seconded the motion. The motion passed with all in favor.

PUBLIC HEARING

#22-31 Zoning Text Amendment

Solar Energy System, utility scale special exception on farms in AZD and RCD

Clarification of language

Cynthia McCann, Esq., read the public notice published in the Kent County News on May 26, 2022. Mr. Mackey presented an overview of the staff report. The application for the zoning text amendment was submitted by the Department of Planning, Housing, and Zoning at the request of the Kent County Board of Zoning Appeals.

Mr. Anthony Kupersmith, Esq., spoke on behalf SGC Power of Elkridge, Maryland, which submitted an application for a community solar array that was denied by the Board of Appeals at the same meeting when the Board requested the zoning text amendment to clarify the language of the Land Use Ordinance. Mr. Kupersmith addressed savings in the costs of power for eligible low- and moderate-income families via community solar projects. Mr. Kupersmith also requested that the Planning Commission consider altering the second sentence of sub-section j. to read "measured ~~as to include~~ the area within the solar panel array's security fence."

Discussion ensued regarding the location of the transformer which was confirmed to be inside the security fence. It was confirmed that solar panels were individually grounded, and a subterranean mesh was not used. Concern was expressed over the application of the 10% rule and treating solar arrays differently than other uses. The issue of camera surveillance was confirmed, as there would be a single camera planned for the entrance. The benefits to Kent County were discussed as tax revenue and the opportunity for citizens who are customers of

Delmarva Power & Light to sign up for the more affordable community solar power. It was clarified by the representatives of SGC Power that Choptank customers were not eligible for community solar, since under Maryland law, Choptank, as a co-operative, is not required to participate.

The Planning Commission discussed the maximum percentage of property in lots (10% rule) and the area of use being limited to five acres. It was asked and confirmed the area of land being leased by SGC Power is five acres. It was clarified by SGC Power that COMAR prohibits community solar on adjacent properties, and staff clarified that the Kent County Land Use Ordinance would allow applications for any property zoned AZD to be considered for a special exception for a solar panel array. It was noted by the Planning Commission that five acres would not likely be an economically viable area if the landscaping buffer were to be included within the five acres. Staff noted that the proposed zoning text amendment was intended to clarify the requirements and not change them.

Chair Hickman moved a favorable recommendation to the County Commissioners for the proposed zoning text amendment with the elimination of the proposed phrase “by erecting solar panel arrays in close proximity to each other” in the second sentence of sub-section j. and supporting staff’s recommendation in sub-section k. Mr. Sutton seconded the motion. The motion passed 5-0.

APPLICATIONS FOR REVIEW

Draft 2022 Land Preservation, Parks and Recreation Plan

Ms. Myra Butler, Director of Parks and Recreation, and Ms. Kat Stork Blaher of Shore Strategies LLC presented an overview of the draft 2022 LPPRP. The plan includes a needs assessment and is supported by a focus group and a survey of County residents. The plan is required to be updated every five years and supports parks and recreation activities, agricultural preservation, and natural resource conservation. A current plan is required to receive certain Program Open Space funds and to participate in other State-funded parks and recreation programs. The goal of the plan is to ensure a wide variety of opportunities for citizens. The survey and focus group revealed the desire that the County continue to maintain its existing facilities and expand with new features in existing facilities.

Mr. Sutton moved a highly favorable recommendation for adoption by the County Commissioners, noting the LPPRP’s inclusion of maintaining Turners’ Creek Park. Mr. Strong seconded. The motion passed 5-0.

Brent Nelson, Map 31, Parcel 5 – Comprehensive Water and Sewerage Plan Amendment

Ms. Carla Gerber presented the staff report for the application forwarded by the Department of Public Works. The applicant is requesting to connect to a denied access line for a vacant property with connected houses on either side. Staff recommended that the Planning Commission make a finding of consistency with the Comprehensive Plan and the Land Use Ordinance, since this is the specific charge in the Comprehensive Water & Sewerage Master Plan for the Planning Commission. The situation represented by the applicant’s request is considered unique since the vacant parcel is located next to houses with access and the County needs more connections to support the system.

Chair Hickman moved a favorable recommendation to the County Commissioners for the application of Brent Nelson for Map 31, Parcel 5, to address the consistency of the Comprehensive Plan and Land Use Ordinance with the Water & Sewerage Master Plan to grant a single sewer allocation for a single-family dwelling. This will not change the character of the neighborhood. It will not affect ag operations. It will not intensify development materially in this area. The Chesterville Forest Extension has capacity and will increase the operating efficiency of the wastewater treatment plant. The property served is contiguous to the right-of-way. Only one allocation will

ever be granted for this property. The Planning Commission found this consistent with the Comprehensive Plan and the Land Use Ordinance in allowing the use of this property. Mr. Saunders seconded. The motion passed 5-0.

STAFF REPORTS

Mr. Mackey reported on the upcoming Comprehensive Rezoning Update Task Force meeting in July. The goal is to provide materials in advance of the meeting as requested. The meeting will focus on signs and nonconformities. Also, the Land Use Ordinance is a unified development code, and there are a variety of non-zoning chapters that need to be addressed by staff as part of the overall Land Use Ordinance update, and this will take additional time.

Ms. Gerber reported on the 17 agricultural easements received and the review and ranking process. DPHZ is also starting to digitize files for permanent storage. The team is looking forward to the Project Specialist joining in July.

Mr. Carper reported on the workload for planning projects, which the new Planning Specialist will handle in future.

Ms. McCann reported on signature changes being made to the model forest conservation easement document.

GENERAL DISCUSSION

There was no general discussion.

ADJOURN

Vice Chair Ruge moved to adjourn. Mr. Strong seconded. The meeting adjourned at approximately 3:55 pm.

/s/ Francis J. Hickman
Francis J. Hickman, Chair

/s/ W. A. Mackey
William A. Mackey, Director