



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, April 18, 2022

5:00 p.m.

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **100 689 05#**

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

MINUTES

January 10, 2022

APPLICATIONS FOR REVIEW:

22-09 25809a Still Pond Neck, LLC – Special Exception

26001 Still Pond Neck Road – Third Election District – Zoned Agricultural Zoning District (AZD)

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD AND WILL BE RESCHEDULED AT THE APPLICANT’S EXPENSE.

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals 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.

Other business without assigned times may be discussed during the meeting.

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: January 10, 2022
 Time: 5:00 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>#21-65 The Bungalow, LLC - Variance (Side Yard Setback)</p> <p>The applicants are requesting a 14-foot variance from the required 15-foot side yard setback to demolish an existing dwelling and replace it with a small, single-family residence that will be one (1) foot from the side property line. They are also requesting a 12-foot variance from the required 15-foot side yard setback to remove a portion of an existing patio and replace it with a small swimming pool that will be three (3) feet from the opposite side property line.</p> <p>The property is located at 25171 Wymont Park Road in the Third Election District and is zoned Critical Area Residential (CAR).</p> <p>The Kent County Planning Commission sent a favorable recommendation to the Board of Appeals in regards to this application.</p> <p><u>Applicant/Representative</u> William Crowding, surveyor, appeared on behalf of the applicant.</p> <p>Mr. Crowding was sworn in and presented his case.</p> <p><u>Planning Staff</u> Carla Gerber, Deputy Director, was sworn in.</p> <p>No correspondence was received.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member (observing)</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Michael Pelletier, Clerk</p>	<p>Mr. Massey moved to approve the side yard setback variance with the following condition:</p> <p style="padding-left: 40px;">The variance will lapse after 1 year if no substantial construction is undertaken in accordance with the plans presented.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

<p>#21-66 Beechwood Glen HOA – Variance (Pier Length)</p> <p>The applicant is requesting a variance from the 150-foot pier length limit and side yard setback requirements in order to construct a replacement pier. The applicant is proposing to construct a 256-foot pier for use by the Beechwood Glen Homeowners Association. A variance of 106 feet is needed to exceed the 150-foot pier length limit and variances of 1.5 feet and 2.5 feet are needed for the side setbacks for the T-head at the end of the pier.</p> <p>The 0.46-acre property is located at the mouth of Swantown Creek on the Upper Sassafras River in the First Election District and is zoned Critical Area Residential (CAR).</p> <p>The Kent County Planning Commission sent a favorable recommendation to the Board of Appeals in regards to this application.</p> <p><u>Applicant/Representative</u> Corey Downer, Dockmaster, Beechwood Glen HOA appeared on behalf of the applicant.</p> <p>Mr. Downer was sworn in and presented his case.</p> <p><u>Planning Staff</u> Carla Gerber, Deputy Director, was sworn in.</p> <p>No correspondence was received.</p>		<p>Ms. Horsey moved to approve the pier length and side yard setback variances with the following conditions:</p> <p>The variance will lapse after 1 year if no substantial construction is undertaken in accordance with the plans presented.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>
<p>MINUTES: December 13, 2021</p>		<p>Mr. Massey moved to approve the minutes. Ms. Horsey seconded the motion; the motion passed with all in favor.</p>	<p>Approved</p>
<p>Board Agenda Discussion</p> <p>Dr. Townshend requested that the rules of procedure and public notice be read only at the beginning of the</p>		<p>Staff will research further into implementing a potential change in procedure and will advise the Board.</p>	<p>N/A</p>

<p>hearing for all applications as opposed to being repeated separately with each individual application so as to avoid unnecessary repetition of the content. He is of the opinion that it would save a lot of time during future proceedings.</p> <p>The Board also informed Staff that they were impressed with the Executive Summary and contended that it would be beneficial for Executive Summaries to be provided for future applications.</p>			
<p>Update from Counsel for the Board</p> <p>Mr. Drummond updated the Board on the status on the Public Utility Commission Law judge’s project approval determination on the Morgnec Road Solar matter on Thursday.</p> <p>Mr. Drummond discussed the overall challenges that multiple jurisdictions face regarding public utilities law and the ability of the Commission to preempt County land use laws and decisions.</p> <p>Mr. Drummond also updated the Board on the status of the current Circuit Court proceeding in the American Legion/Minary’s Dream Alliance matter.</p>			
<p>Adjourn</p>		<p>Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 6:13 p.m.</p>	<p>Unanimous Approval</p>

Dr. Albert Townshend, Chairman

/s/ Michael Pelletier
Michael Pelletier, Clerk



April 13, 2022

Dr. Al Townsend
Kent County Board of Appeals
400 High Street
Chestertown, MD 21620

RE: 25809a Still Pond Neck, LLC – Special Exception
Utility-Scale Solar Energy System in the Agricultural Zoning District (AZD)

Dear Dr. Townsend,

At its April 7, 2022, meeting, the Kent County Planning Commission reviewed the application of 25809a Still Pond Neck, LLC, requesting a special exception for 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 at 26001 Still Pond Neck Road in the Third Election District and is on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road. The proposed 1 MW array of panels will encompass approximately 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. The surrounding area is predominantly farmland and woodland.

Following discussion, the Planning Commission voted to make a favorable recommendation for the special exception of a utility-scale solar energy system in the AZD. The Planning Commission recommends the following conditions should the Board of Appeals grant approval:

- An engineering study be submitted as to the feasibility of reconfiguring the solar array toward the south side of the property to increase the set back and reduce visibility.
- The applicant obtains all state and federal permits.
- An installation and maintenance plan to include cleaning and landscaping be submitted.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.

The decision was based on the following findings of fact:

- Traffic Patterns will not be affected, and there will be no impact to community facilities and services.
- The proposal is consistent with the Comprehensive Plan and with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will not exceed maximum allowable height.
- The solar collection system will be incidental to the use of the farm, and it will not adversely impact adjacent properties.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

FJH/mc

cc: Cory McCandless, SGC Power
Bruce Wilson, SCG Power
Ted Hastings, Becker Morgan Group



TO: Kent County Board of Appeals
FROM: Mark Carper, Associate Planner
MEETING: April 18, 2022
SUBJECT: 25809a Still Pond Neck, LLC
Special Exception – Utility-Scale Solar in the AZD

Memorandum

EXECUTIVE SUMMARY

Request by Applicant

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

Public Process

Article VII, Section 6 of the *Kent County Land Use Ordinance* establishes that the *Planning Commission* shall review and send a recommendation to the Board of Appeals on solar energy systems, utility scale on farms as a special exception.

Summary of Staff Report

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

Recommendation

Staff recommends granting the special exception with the following conditions:

- An engineering study be submitted as to the feasibility of reconfiguring the solar array toward the south side of the property to increase the set back and reduce visibility.
- The applicant obtains all state and federal permits.
- An installation and maintenance plan to include cleaning and landscaping be submitted.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.

Note: SGC Power has submitted a letter as requested concerning the feasibility of relocating the panels and has moved the panels, as reflected in the accompanying site plans, as much as possible to address the concerns of the Planning Commission.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
SUBJECT: 25809a Still Pond Neck, LLC
Special Exception – Utility-Scale Solar in the AZD
DATE: April 13, 2022

DESCRIPTION OF PROPOSAL

The applicant, 25809a Still Pond Neck, LLC, is requesting concept site plan review and a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The proposed 1 MW array of panels will encompass approximately 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road.

The parcel has a newly created address of 26001 Still Pond Neck Rd and is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District. The surrounding area is predominantly farmland and woodland.

RELEVANT ISSUES

I. SPECIAL EXCEPTION GENERAL REVIEW CRITERIA

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

B. Applicable Law:

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

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

The Board shall make findings on the following where appropriate:

1. The nature of the proposed *site*, including its size and shape and the proposed size, shape, and arrangement of *structures*;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, *houses of worship*, schools, public *structures*, and other places of public gathering;
5. The impact of the *development* or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant *natural features* and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;

10. The most appropriate use of land and *structure*;
11. Conservation of property values;
12. The proposed *development's* impact on water quality;
13. Impact on fish, wildlife and *plant habitat*;
14. Consistency with the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the *Critical Area Program*; and
16. Compatibility with existing and planned land use as described in the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan.

C. Staff Comments:

- The entrance of this project is Still Pond Neck Road, which is a gateway road into the Village of Coleman, and, as such, a vegetated buffer of 60 feet around the perimeter of the site area is required.
- Traffic patterns will not be affected.
- The surrounding area of the proposed site is predominantly farmland and woodland. The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted for the 19.4 acres of existing forest.
- Two residential properties are adjacent to the farm on the eastern side, and the Village of Coleman is approximately a half mile to the west. Landscape screening surrounding the energy system is planned as to the specifications of the Land Use Ordinance.
- There will be no impact on community facilities and services.
- The proposal is consistent with the Comprehensive Plan as it will provide zero emissions solar generating facilities to which DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings on electricity.
- The proposal is consistent with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.

II. UTILITY-SCALE SOLAR ENERGY SYSTEMS SPECIAL EXCEPTION REVIEW CRITERIA

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

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 38 feet in height.
- e. The solar collection system shall be incidental to the use of the farm.
- f. Installation of the solar collection system shall not adversely impact adjacent properties.
- g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.
- h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the

system.

- j. The area of use may not exceed 5 acres onsite. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. In AZD, the area developed by a utility scale solar energy system is considered *development* and counted toward the maximum percentage of the property in lots.
- l. Tree removal shall be minimized and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

B. Staff Comments:

- The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The solar collection system will be incidental to use of the farm, and it will not adversely impact adjacent properties.
- The area of use will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- The applicant will need to demonstrate that the proposed energy system will not interfere with the view of, or from, sites of significant public interest.
- A Citizen Participation Plan is included.

STAFF RECOMMENDATION:

Staff recommends granting the special exception with the following conditions:

- An engineering study be submitted as to the feasibility of reconfiguring the solar array toward the south side of the property to increase the set back and reduce visibility.
- The applicant obtains all state and federal permits.
- An installation and maintenance plan to include cleaning and landscaping be submitted.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.

Note: SGC Power has submitted a letter as requested concerning the feasibility of relocating the panels and has moved the panels, as reflected in the accompanying site plans, as much as possible to address the concerns of the Planning Commission.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

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

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

25809a Still Pond Neck, LLC

6865 Deerpath Road Suite 330

Elkridge, MD 21075

Email: cory.mccandless@sgc-power.com

For Office Use Only:

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

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: cory.mccandless@sgc-power.com

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

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

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

DESCRIPTION OF PROPERTY INVOLVED:

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

In the Third Election District of Kent County.

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

List buildings already on property: N/A

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

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

PRESENT ZONING OF PROPERTY: Agricultural Zoning District (AZD)

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

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

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

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

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

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

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

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

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

NAMES OF ADJOINING PROPERTY OWNERS:

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


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

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

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

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

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

 2/17/2021
Signature of Owner/Applicant/Agent or Attorney Date

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

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

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



PROJECT NARRATIVE

26001 Still Pond Neck Road-Solar
Project Number: 2022004.00
Date: March 31, 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: 26001 Still Pond Neck Road - Solar

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

PARCEL NUMBER(s): 98

DEED(S): 424/ 342

PLAT(S) None Available

JURISDICTION: Kent County

DATE PREPARED: March 31, 2022

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

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

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

PROPOSED BUILDING AREA: N/A

LOT SIZE: 85.00 acres

TYPE OF PROJECT: Solar

2.0 EXISTING SITE CONDITIONS:

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

SYNOPSIS

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

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

3.0 PROPOSED SITE CONDITIONS:

The site is to be the location for a 1 MW Solar Array. The array footprint will be a maximum of five acres in size with fencing encompassing the entire array, with a 20' wide maintenance area located between the fence and the 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 along Still Pond Neck Road. The other three sides of the array will have the standard 50-foot-wide landscaped buffer.
 - We are respectfully requesting a waiver for the 3-foot-tall berm to protect and maintain the existing drainage patterns of the site. The conditions for elimination of the berm as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS will be met and shown in a landscaping plan, as designed by a licensed Landscape Architect.
- The Forest Conservation requirements will be met by on-site conservation. A Forest Stand Delineation has been submitted to Kent County for review.
- Stormwater management will be met by utilizing non-structural practices and by following MDE Stormwater Design Guidance for Solar Panel Installations. A Concept Stormwater Report has been submitted to Kent County for review.

- The limits of disturbance for the site does not contain any wetlands, wetland buffers, streams, and stream buffers.
- Installation and maintenance will follow the Solar Standards, as stated in Section 11.
- Noise levels produced will be below the 45 dBAs threshold, as measured at the property line.

COMPLIANCE WITH KENT COUNTY ARTICLE VII, SECTION 7.57.25

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

COMPLIANCE WITH KENT COUNTY COMPREHENSIVE PLAN

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

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

- Economic Development: Not applicable to this project.
- Environmental Protection: Though this project will utilize existing farmland, once the life cycle of the solar array is completed, the site will be decommissioned and returned to the existing conditions. The site could be returned to agricultural use after the removal of the system.
- Resource Conservation: A portion of the site will be put into a forest conservation area as a result of this project.
- Stewardship: The Community Solar provides the community with an opportunity to reduce their electric bill while protecting the natural resources since the site can be returned to agricultural use once the site has been decommissioned.
- Implementation: This site is in line with the State of Maryland goal of 50% of the State's energy coming from renewable sources by the year 2030.

SCHEDULE (PRELIMINARY)

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

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



25809a Still Pond Neck, LLC Design Justification

The 25809A Still Pond Neck, LLC solar project is designed to generate the greatest amount of renewable energy for the surrounding community while maintaining a PV area no greater than 5-acres, per County regulations. The design, as currently proposed, incorporates single-axis tracking structures that support the solar modules in long rows of electrically connected "strings". The rows are themselves mechanically connected east-to-west by a central drive shaft. In this manner, the entire solar array as proposed can be rotated by a single motor.

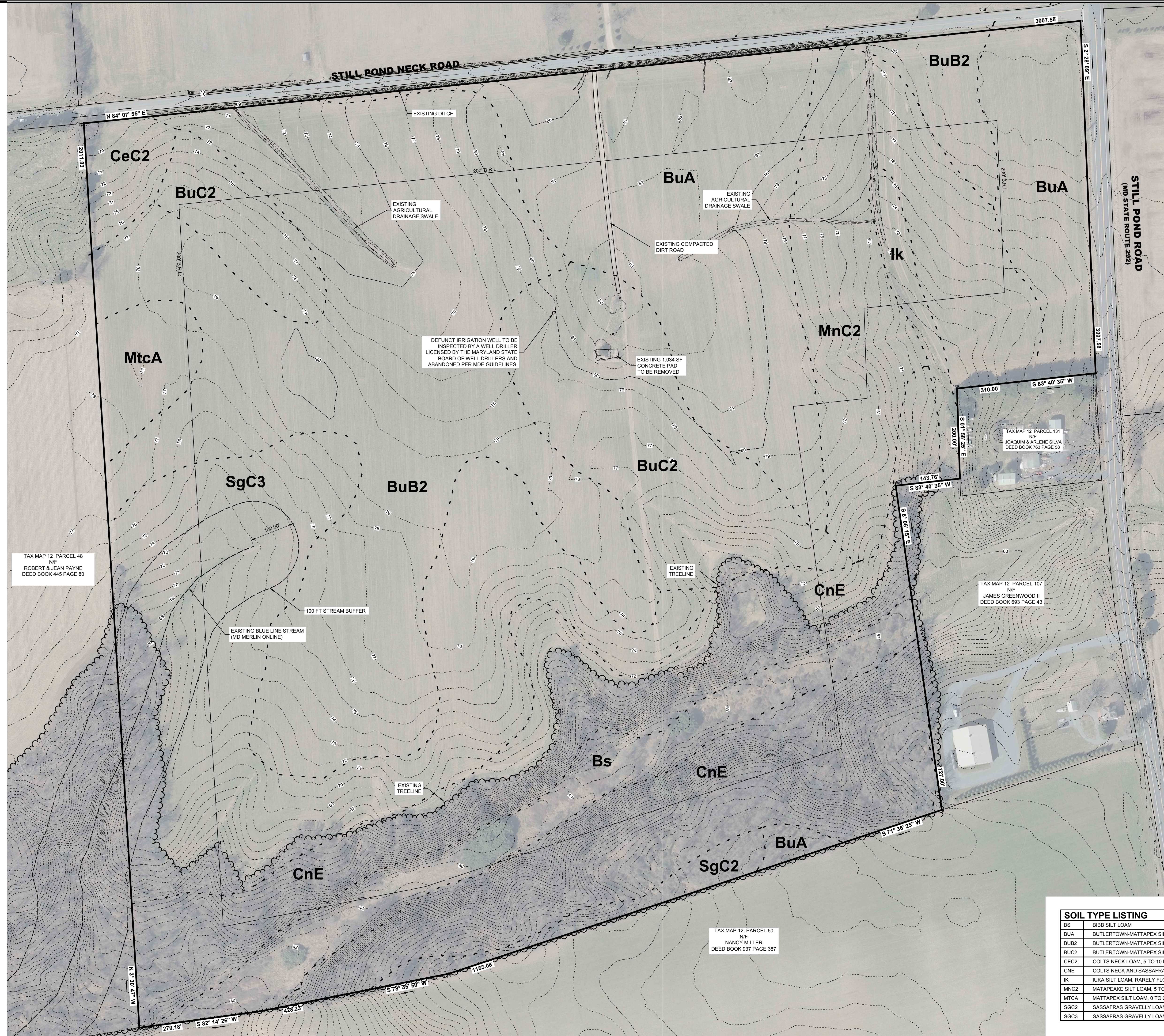
This row configuration and the use of a single motor optimizes system production, generating more clean energy for the surrounding community, and reduces maintenance when compared to smaller subarrays with multiple motors that would introduce many more points of failure. This in turn reduces the frequency of unplanned maintenance visits to the site.

The design team has investigated other design options that would create a larger north-south footprint and found that such options would result in increased points of failure and lower energy generation. The support structure row lengths are limited to approximately three strings of electrically connected solar modules, with 27 solar modules per string. Increasing to four or more strings per row would create structural loading beyond the capabilities of the tracker motor and other mechanical components of the structure. For this reason, elongating the solar array in the north-south direction would require a separate tracking support structure with an additional motor. This would also require an accessway between the two tracker structures to allow for vehicle access for maintenance which would be included within the contiguous 5-acre PV area. To stay within the 5-acre limit the design would be forced to utilize fewer solar modules or reduce inter-row spacing between solar modules, resulting in greater self-shading losses. These design options would produce less clean energy for the surrounding community than the option currently proposed due to the decreased capacity or increased losses that would be required.

Please do not hesitate to contact the SGC Power team with for any questions or clarifications.

Respectfully,

Richard Gilker, P.E.
VP – Design & Engineering, Co-founder
SGC Power, LLC
410-989-8860
Richard.gilker@sgc-power.com



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

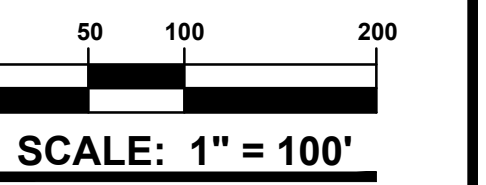
PROJECT TITLE

**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: 03/10/2022

SCALE: 1" = 100'

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

SHEET

C-101

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