



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
February 1, 2024
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **829 010 853#**

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

Members of the public may also watch the live video feed and view the video after the meeting at the County’s YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

MINUTES

January 4, 2024

APPLICATIONS FOR REVIEW

23-32 Choptank Electric Cooperative Inc. – Major Site Plan (Final).....PC Decision
Map 16, Parcel 61 – First Election District – Employment Center (EC)

GENERAL DISCUSSION

Discussion of Comprehensive Rezoning and Update – Map Change Requests process for review by Planning Commission

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 applicants 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.



DRAFT

Planning Commission
Department of Planning, Housing, and Zoning

MINUTES

January 4, 2024

1:30 p.m.

A video recording of the Kent County Planning Commission meeting is available online for viewing on the County's YouTube channel at <https://www.youtube.com/watch?v=PrSaxalqCZY&list=PL2Rniclel5LpPRSLmeHJFpJlmf4bFr836&index=2>.

The Kent County Planning Commission met in regular session on Thursday, January 4, 2024, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland.

The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, James Saunders, Sean Jones, Paula Reeder, and William Crowding. 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, Associate Planner; and Beth Grieb, Office Manager, serving as Acting Clerk.

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

MINUTES

Mr. Saunders moved to approve the minutes from the November 2, 2023, meeting as presented. Mr. Jones seconded. The motion passed unanimously.

Mr. Saunders moved to approve the minutes from the December 7, 2023, meeting as presented. Ms. Reeder seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

22-08 25809a Still Pond Neck, LLC – Mr. Crowding made a motion to approve a 12-month extension of the major site plan approval for a utility solar installation at 26001 Still Pond Neck Road, contingent upon obtaining permits, recording easements, and posting sureties. Mr. Hickman seconded. The motion passed unanimously.

23-67 Brickyard Land Holdings/Gillespie Precast – The Commission reviewed the concept plan for an office expansion at 101 Brickyard Road but requested more details before granting preliminary/final approval. No formal action taken.

Chair Hickman moved to go into closed session for legal advice. The motion passed unanimously. The required form was completed. Chair reported out that legal advice was provided, and no decisions or determinations were made in closed session. Legal issues discussed involved the Circuit Court decision on the American Legion case.

23-51 Minary's Dream Alliance Inc. – The Commission acknowledged the zoning administrator's determination that the proposed uses are permitted in the zoning district.

23-51 Minary's Dream Alliance Inc. – Ms. Reeder made a motion to table the preliminary/final site plan review until the February meeting to allow time for appeals and additional details to be provided. Mr. Saunders seconded. The motion passed 5-1.

Adopted on [version for review]

DRAFT

GENERAL DISCUSSION

Mr. Crowding made a motion to send the Planning Commission's final recommended Land Use Ordinance dated January 4, 2024, to the County Commissioners for consideration and scheduling of public hearings. Mr. Jones seconded. The motion passed unanimously.

There was general discussion about phased plans, the health department's role in approvals, and other topics. No formal action taken.

STAFF REPORTS

The Planning Commission welcomed new member Sean Jones, who also serves on the Agriculture Advisory Commission.

There were no staff reports for this meeting.

ADJOURN

Mr. Ruge made a motion to adjourn the meeting. Mr. Crowding seconded. The meeting adjourned at approximately 3:30 p.m.

Francis J. Hickman, Chair

/s/ Bill Mackey
William Mackey, AICP, Director

Please note that approximately 95% of this document was created by Claude 2 from Anthropic utilizing a transcript created by Microsoft Teams. The DPHZ team reviewed the document prior to distribution to the Planning Commission.



To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: February 1, 2024
Subject: Choptank Electric Cooperative
Final Site Plan Review – Expansion of Electrical Substation

Executive Summary

REQUEST BY THE APPLICANT

Choptank Electric Cooperative is requesting final site plan review to expand an existing utility substation, which is to include a new 30-foot by 12-foot control building, new transformer, substation structure, and substation regulators.

PUBLIC PROCESS

Per Article VI, Section 5.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and approve major site plans.

SUMMARY OF THE STAFF REPORT

Choptank Electric Cooperative is requesting final site plan review to expand an existing utility substation. There is to be an addition of 38,756 square feet of gravel to the area. The expansion will allow for conversion from a transmission breaker station to an electric step-down station to reduce voltage to provide power delivery to members of the Choptank Electric Cooperative. The 4.22-acre property is located along Massey Rd (MD State Highway 299), just north of Massey, in the First Election District and is zoned Employment Center (EC).

There is one entry into the existing facility, and two additional entrances into the area of expansion are proposed to increase safety and ease of maintenance and operations. MDOT SHA has approved the proposed new entrances. The proposed sediment and erosion control and stormwater management plans have received approval. The landscaping plan is approved.

The performance standards have been addressed, and a Certified Engineer's Report has been submitted. The applicant agrees to pay a fee-in-lieu to the Forest Conservation Fund to fulfill the environmental standards for the Employment Center district. A Citizen Participation Plan has been completed, and the report indicates that no questions or comments from letter recipients have been received. The required sureties for landscaping, sediment and erosion control, and stormwater management are in process and near completion.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the final site plan for the proposed substation expansion with the following conditions:

- Submission and approval of sureties for landscaping, sediment and erosion control, and stormwater management.
- Payment of the required fee-in-lieu to the Forest Conservation fund.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #23-32 – Choptank Electric Cooperative
Final Site Plan Review – Expansion of Electrical Substation

DATE: January 24, 2024

DESCRIPTION OF PROPOSAL

Choptank Electric Cooperative is requesting final site plan review to expand an existing utility substation, which is to include a new 30-foot by 12-foot control building, new transformer, substation structure, and substation regulators. There is to be an addition of 38,756 square feet of gravel to the area. The expansion will allow for conversion from a transmission breaker station to an electric step-down station to reduce voltage to provide power delivery to members of the Choptank Electric Cooperative. The 4.22-acre property is located along Massey Rd (MD State Highway 299), just north of Massey, in the First Election District and is zoned Employment Center (EC).

There is one entry into the existing facility, and two additional entrances into the area of expansion are proposed to increase safety and ease of maintenance and operations. MDOT SHA has approved the proposed new entrances. The proposed sediment and erosion control and stormwater management plans have received approval. The landscaping plan is approved. A Citizen Participation Plan has been completed, and the report indicates that no questions were posed, and no comments were submitted. The required sureties for landscaping, sediment and erosion control, and stormwater management are in process and near completion.

RELEVANT ISSUES

I. Permitted Uses and Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Laws:* Article V, Section 14.2 of the *Kent County Land Use Ordinance* establishes public utility buildings, structures, water treatment plants, and transmission lines as permitted uses and structures in the Employment Center.
- B. *Staff and TAC Comments:*
 - The applicant proposes to expand an existing utility substation.

II. Employment Center District Performance Standards

- A. *Applicable Law:* Article V, Section 14.6 of the *Kent County Land Use Ordinance* establishes the performance standards within the Employment Center District. These performance standards address noise, vibration, glare, air pollution, water pollution, radioactivity, electrical interference, smoke and particulate matter, toxic matter, and odorous matter limitations with compliance certified in an engineer's report.
- B. *Staff and TAC Comments:* The applicant has addressed the performance standards and has submitted a Certified Engineer's Report.

III. Employment Center District General Standards

- A. *Applicable Law:* Article V, Section 14.7 of the *Kent County Land Use Ordinance* establishes the general standards within the Employment Center District. These include a statement as to the

materials associated with the process, identification of chemical and solids to be discharged into the sewage system, expected traffic, hours of operation, and depiction of all proposed structures.

B. *Staff and TAC Comments:*

- The applicant has provided comment that there will be no waste or by-products created during operation, that no chemical or solids will be generated or discharged, that the property is an unmanned controlled access site and that very little traffic will be generated when it becomes operational, and that the hours of operation will be 24 hours a day each day of the year.

IV. Employment Center District Environmental Standards

A. *Applicable Law:* Article V, Section 14.8 of the *Kent County Land Use Ordinance* establishes the Employment Center District Environmental Standards which include agriculture, anadromous fish, forest conservation, natural heritage areas, nontidal wetlands, stream protection corridor, stormwater management, threatened and endangered species, and water quality standards.

B. *Staff and TAC Comments:*

- A parcel with less than 15% of its net tract area in forest cover shall be afforested to 15% of its net tract area. The property has no existing forest or woodlands. Because of safety and maintenance risks around overhead electric circuits, on-site afforestation is not possible. The applicant agrees to pay a fee-in-lieu at a rate of \$0.305 per square foot to the Forest Conservation Fund.
- Development or redevelopment of land for commercial use shall provide for appropriate stormwater management measures that control or manage such developments. The erosion and sediment control and stormwater management plans have been reviewed by the Kent County Soil and Water Conservation District and the Kent County Department of Public Works and have been approved.

V. Employment Center Design Standards

A. *Applicable Law:* Article V, Section 14.9 of the *Kent County Land Use Ordinance* establishes the Employment Center Design Standards which address site access, on-site circulation, floodplain, landscaping, screening, lighting, site planning, and subdivision.

B. *Staff and TAC Comments:*

- Access shall be consolidated whenever possible. There is one existing entrance. Two additional entrances into the expanded portion are proposed and have been approved by MDOT SHA.
- The front yard shall be landscaped and shall be maintained in a neat and attractive condition. The applicant proposes to install a row of 5- to 6-foot-tall Eastern Red Cedar trees spaced 8 feet apart on the exterior of the fencing of the new development as screening.

VI. Site Plan Review

A. *Applicable Law:* Article VI, Section 5 of the *Kent County Land Use Ordinance* outlines the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan
 - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
 - j. The 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 natural landscape.
- B. *Staff and TAC Comments:*
- The proposal is consistent with the Comprehensive Plan and conforms with all applicable rules and regulations.
 - Areas for vehicular flow appear to be adequate for the use proposed.
 - Demands on public services and infrastructure are reasonable, and there will be no undue disturbance by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, or stormwater runoff. A certified engineers report has been submitted.
 - No sewage or refuse disposal is proposed, and protection from pollution of surface and groundwater is proposed through stormwater management.
 - No lighting is proposed, and examples of the signage proposed for the site have been submitted.
 - No vegetation is proposed to be removed, and vegetated perimeter screening is proposed.
 - A Citizen Participation Plan has been completed, and no questions or comments have been received from letter recipients.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approves the final site plan for the proposed substation expansion with the following conditions:

- Submission and approval of sureties for landscaping, sediment and erosion control, and stormwater management.
- Payment of the required fee-in-lieu to the Forest Conservation fund.

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

\$225 to Kent Co. Commissioners

File Number: _____ **Amount Paid:** \$50 to Health Dept. **Date:** 4-17-2023

Project Name: Choptank Electric Cooperative - Massey 69kV Substation

District: 1st **Map:** 16 **Parcel:** 23 & 61 **Lot Size:** 4.221 Ac. **Deed Ref:** 293/320 & 88/427 **Zoning:** EC

LOCATION: 12305 Massey Rd., Massey, MD 21650

PROPOSED USE: Electric Utility (Transmission to Distribution) Step-down Substation

OWNER OF LAND:

Name: Choptank Electric Cooperative, Inc. **Telephone:** 877-892-0001

Address: 10384 River Rd., Denton, MD 21629 **Email:** nathans@choptankelectric.coop

APPLICANT:

Name: Michael Noh (of RGrid Power PLLC) on the behalf of Choptank EC **Telephone:** 984-202-9812

Address: 501 N. Main Street, Wake Forest NC 27587 **Email:** mnoh@rgridpower.com

AGENT/ATTORNEY (if any):

Name: _____ **Telephone:** _____

Address: _____ **Email:** _____

REGISTERED ENGINEER OR SURVEYOR:

Name: Bob Beadle, PE (RGrid Power PLLC) **Telephone:** 919-801-5859

Address: 501 N. Main Street, Wake Forest NC 27587 **Email:** rbeadle@rgridpower.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: mnoh@rgridpower.com

Water Supply: Public System On lot system N/A (none planned for project site)

Sewerage: Public System On lot system N/A (none planned for project site)

TELEPHONE SERVICED BY: N/A (non planned for this project site)

ELECTRIC SERVICED BY: Choptank Electric Cooperative Inc.

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.



4/17/2023

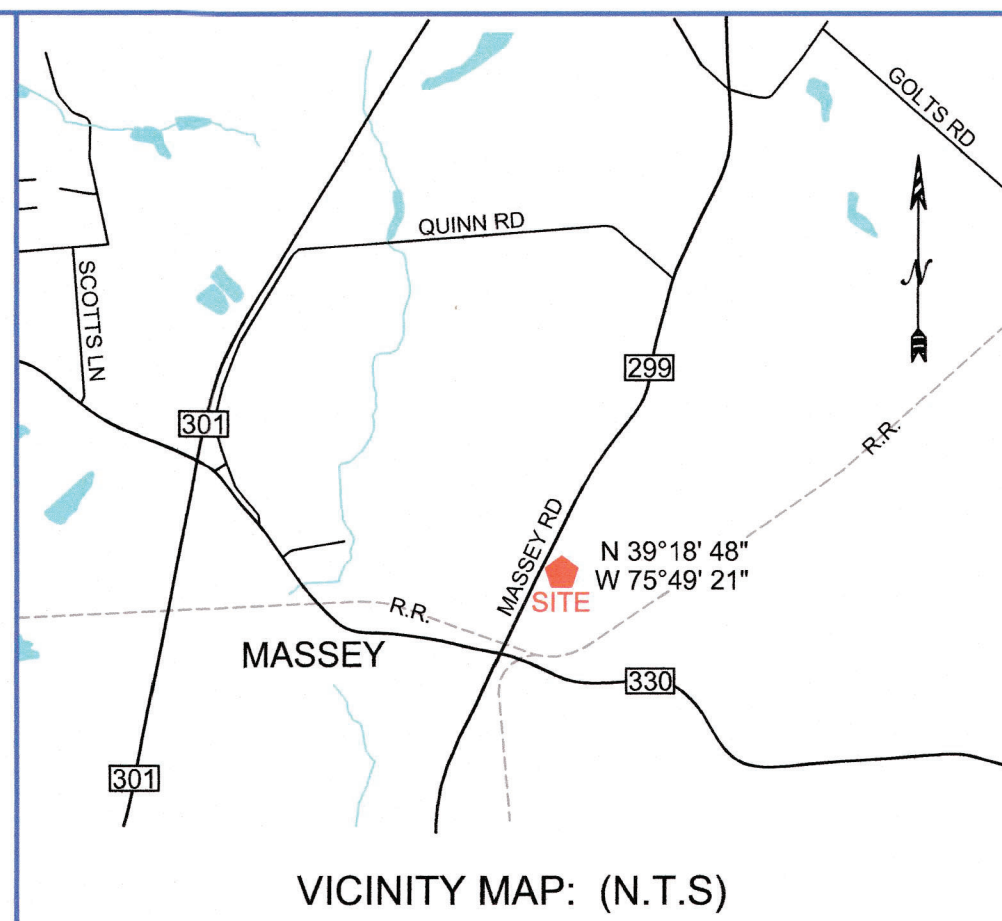
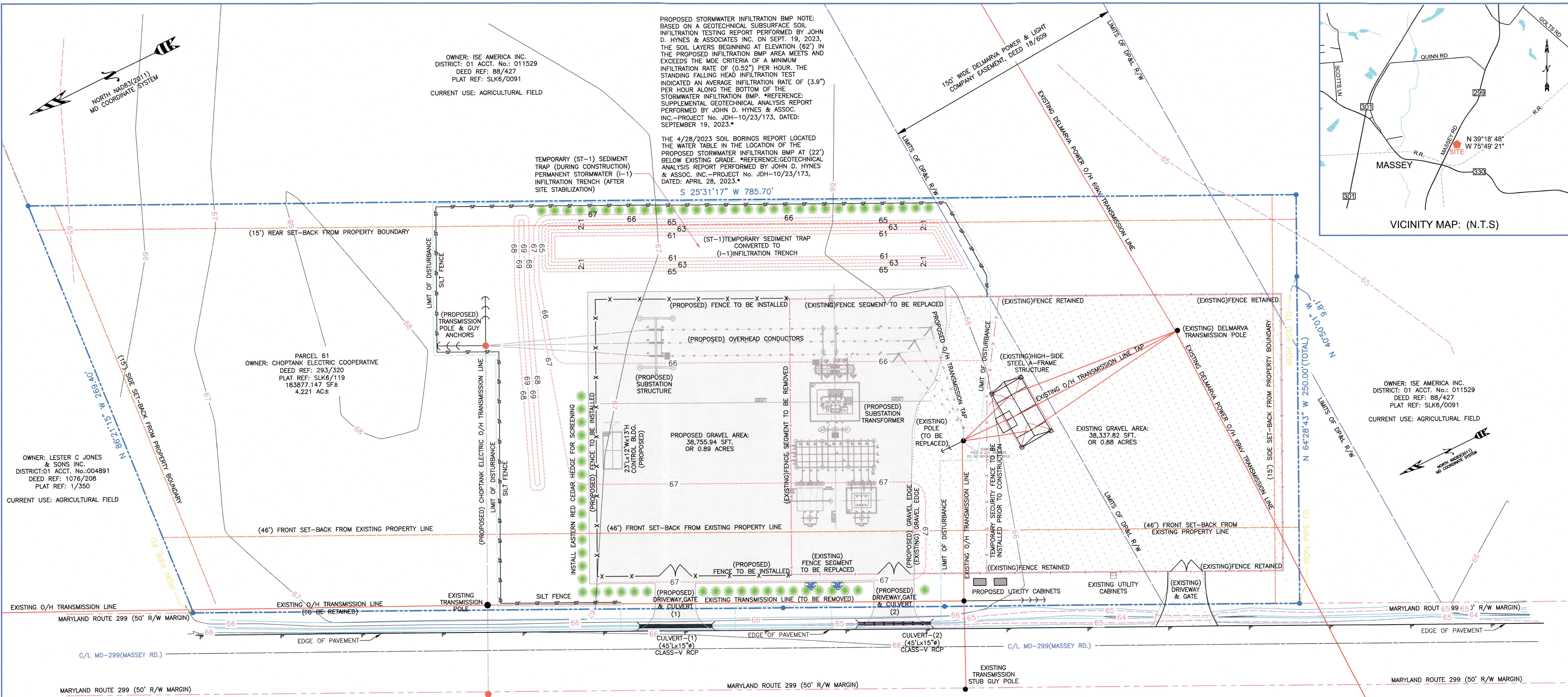
Signature of Applicant (MICHAEL NOH)

Date

Concept Plan **Approving Authority:** _____ **Date** _____

Preliminary **Approving Authority:** _____ **Date** _____

Final **Approving Authority:** _____ **Date** _____



DWG. No. **FSP1**

GRID POWER P.L.C.
LICENSE NO. ZR652792
501 N. MAIN STREET
WAKE FOREST, NC 27587
(919) 662-3994

SEAL

11/27/23

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
No. 11037
KENT COUNTY

Choptank Electric Cooperative
A Townsboro Energy Cooperative

CHOPTANK ELECTRIC COOPERATIVE
10384 RIVER ROAD
DENTON, MD 21629
(877) 892-0001

REV.	DATE	DESCRIPTION
1.0	11/09/23	ISSUED FOR MDOT SHA REVIEW
1.1	11/27/23	ISSUED FOR KENT COUNTY REVIEW

- SITE NOTES:**
- OWNER: CHOPTANK ELECTRIC COOPERATIVE
DENTON HEADQUARTERS
10384 RIVER ROAD
DENTON, MD 21629
 - SITE 911 ADDRESS: MASSEY BREAKER STATION
12305 MASSEY ROAD
MASSEY, MD 21650
 - ZONING CLASSIFICATION: EC (EMPLOYMENT CENTER)
 - PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY LANE ENGINEERING LLC.
OF 354 PENNSYLVANIA AVE., CENTERTVILLE, MD 21617 ON 1/06/2023
 - SURVEY & PLAT INFORMATION:
• PLAT TITLE: REVISED LOT LINE ADJUSTMENT PLAT ON THE LANDS OF ISE AMERICA, INC. & CHOPTANK ELECTRIC COOPERATIVE INC. IN THE FIRST ELECTION DISTRICT KENT COUNTY, MARYLAND - TAX MAP 16, GRID 4D PARCELS 23 & 61
• SEALED BY REGISTERED PROPERTY LINE SURVEYOR: JEFFERSON EWELL HUBBARD, RLS MD REGISTRATION No. 363, SEAL DATE: 8-8-2023
 - THE PROPERTY SHOWN HEREON IS NOT LOCATED IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL FLOOD. THE PROPERTY IS MAPPED IN THE "X" FLOOD ZONE(S) AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR COMMUNITY NO. 240045, MAP NO. 24029C0215D FOR KENT COUNTY, MARYLAND, EFFECTIVE DATE JUNE 9, 2014. FLOOD ZONE LEGEND: (ZONE X) - AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD
 - THIS SITE WILL NOT REQUIRE ANY TREE REMOVAL OR DE-FORESTATION FOR CONSTRUCTION AND DEVELOPMENT. ASIDE FROM THE EXISTING FENCED CHOPTANK ELECTRIC COOPERATIVE BREAKER STATION, THE UNDEVELOPED PORTION OF THIS 4.22 ACRE PROPERTY WAS RECENTLY BEING USED FOR AGRICULTURAL PURPOSES AND CONSISTS OF EITHER PLANTED OR FALLOW CROP FIELDS.

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL & WATER CONSERVATION DISTRICT _____ DATE _____

KENT COUNTY PLANNING COMMISSION _____ DATE _____

KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY _____ DATE _____

- FINAL SITE PLAN NOTES:**
- TOTAL PROPERTY AREA: (4.22 ACRES)
 - PROPOSED LIMIT OF DISTURBANCE AREA: 77,828.95 SFT. OR (1.79 ACRES)
 - PROPOSED ADDITIONAL GRAVEL SURFACE AREA: 38,755.94 SFT. OR (0.89 ACRES)
 - EXISTING GRAVEL SURFACE AREA: 38,337.82 SFT. OR (0.88 ACRES)
 - TOTAL POST-DEVELOPMENT GRAVEL SURFACE AREA: 77,093.76 SFT. OR (1.77 ACRES)
 - THERE ARE NO PLANNED SANITARY SEWER OR POTABLE WATER INSTALLATIONS FOR THIS ELECTRIC UTILITY FACILITY.
 - SECURITY LIGHTING IS PLANNED FOR THIS ELECTRIC UTILITY FACILITY.
 - ALL PERMANENT EXISTING AND PROPOSED SECURITY FENCE FOR THIS FACILITY WILL BE EIGHT FEET (8') IN HEIGHT CONSISTING OF SEVEN FEET (7') OF CHAIN-LINK MESH, TOPPED WITH ONE FOOT (1') OF 3-STRAND BARBED WIRE.
 - TOTAL POST-DEVELOPMENT FENCE DIMENSIONS: (425'L x 169.5'W x 8'H)
TOTAL POST-DEVELOPMENT FENCED AREA: (72,037.5 SFT. OR 1.65 ACRES)
 - THIS IS AN UNMANNED, CONTROLLED ACCESS FACILITY AND WILL EXPERIENCE INFREQUENT TRAFFIC BY CHOPTANK ELECTRIC COOPERATIVE EMPLOYEES AND THEIR CONTRACTORS. THERE ARE NO PUBLIC FACILITIES OR THROUGHFARES PLANNED FOR THIS SITE.
 - THE (23'L x 12'W x 13'H) CONTROL BUILDING WILL BE UNMANNED AND WILL BE USED TO HOUSE ELECTRICAL UTILITY AND COMMUNICATION CONTROL AND MONITORING EQUIPMENT.

APPROVED

APPROVED

LEGEND:

- MARYLAND ROUTE 299 (50' R/W MARGIN)
- MARYLAND ROUTE 299 (CENTERLINE)
- MARYLAND ROUTE 299 (PAVEMENT EDGE)
- CHOPTANK ELECTRIC COOPERATIVE PROPERTY BOUNDARY
- ADJOINER PROPERTY LINE
- DELMARVA POWER & LIGHT (150' WIDE) EASEMENT MARGIN
- PROPERTY SETBACK LINES FOR ZONE: (EC) SHOWN ADJUSTED AWAITING APPROVAL
- EXISTING MAJOR ELEVATION CONTOURS
- EXISTING MINOR ELEVATION CONTOURS
- PROPOSED MAJOR ELEVATION CONTOURS
- PROPOSED MINOR ELEVATION CONTOURS
- EXISTING CHOPTANK ELECTRIC COOP. (8FT.) FENCE
- PROPOSED CHOPTANK ELECTRIC COOP. (8FT.) FENCE
- TEMPORARY CHOPTANK ELECTRIC COOP. (8FT.) FENCE TO BE INSTALLED PRIOR TO CONSTRUCTION
- EXISTING OVERHEAD TRANSMISSION LINES
- PROPOSED OVERHEAD TRANSMISSION & DISTRIBUTION LINES (TO BE INSTALLED)
- SILT FENCE
- PROPOSED LIMITS OF DISTURBANCE
- (EXISTING) ELECTRIC UTILITY POLE
- (PROPOSED) ELECTRIC UTILITY POLE
- EASTERN RED CEDAR (4'-5' TALL) VISUAL / VEGETATIVE SCREENING PLANTED 8 FT. APART FOR HEDGE
- PROPOSED CLASS-V R.C.P. (45'L x 15'Ø) W/ STONE INLET & OUTLET PROTECTION
- EXISTING GRAVEL AREA (TO BE RETAINED)
- PROPOSED NEW GRAVEL AREA (TO BE INSTALLED)

SCALE: 1 INCH = 30 FEET

CLIENT PROJ. REF. No.: RGRID POWER PLLC

DATE: 11/27/2023
SCALE: (1" = 30')

DWN BY: MSN
CKD BY: RSB
APPVD BY: RSB

CHOPTANK ELECTRIC COOPERATIVE
DENTON, MARYLAND

CHOPTANK ELECTRIC COOPERATIVE, MASSEY 69KV SUBSTATION PRELIMINARY EROSION CONTROL PLAN AND STORMWATER MANAGEMENT PLAN

MASSEY 69KV SUBSTATION
EROSION & SEDIMENT CONTROL PLAN & STORMWATER MANAGEMENT PLAN (POST-DEVELOPED) FINAL SITE PLAN

DWG. No. **FSP1**