

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, April 7, 2022, 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 P. Thomas Mason; James Saunders; William Sutton; Ray Strong (1:45 pm); and Cynthia L. McCann, Esq., Planning Commission Attorney. Staff in attendance were William Mackey, Director; Carla Gerber, Deputy Director; Mark Carper, Associate Planner; and Michael Pelletier, Clerk.

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

## MINUTES

Vice Chair Ruge moved to accept the March 3, 2022, minutes as distributed. Mr. Sutton seconded the motion; the motion passed with all in favor.

## APPLICATIONS FOR REVIEW:

### **ALP 22-01 Harmony Crest Partnership – Ag Preservation District – 300 acres**

The owners of Harmony Crest Partnership LLC wish to create an Agricultural Preservation District on their 300-acre farm located at 28482 Lambs Meadow Road in the Second Election District. The farm consists of 217 acres of crop land and 70 acres of woodland. Approximately 78% of the soils are considered Class I, II or III. There are two dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). It is outside the 10-year water and sewer plan.

The farm is adjacent to a 254-acre easement and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Mr. Hickman asked for public comment and there was none.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

Mr. Sanders seconded the motion. The motion passed with all in favor.

### **ALP 22-02 Harmony Crest Partnership – Ag Preservation District**

The owners of Harmony Crest Partnership LLC wish to create an Agricultural Preservation District on their 126.32-acre farm located on Kentmore Park Road in the Second Election District. The farm consists of 101 acres of crop land and 25 acres of woodland. Approximately 69.5% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). It is outside the 10-year water and sewer plan.

Adopted: May 5, 2022

The farm is adjacent to over 9,100 acres of districts and easements that stretches from the Sassafra River to the Chester River and is located within the Priority Preservation Area.

Ms. Gerber provided background information and the applicable laws as outlined in the staff report. She advised that the Agricultural Preservation Advisory Board has reviewed the application and recommends approval of the district. Ms. Gerber added that no correspondence had been received.

Mr. Hickman asked for public comment and there was none.

Mr. Sutton made a motion to send a favorable recommendation to the County Commissioners noting that the application meets or exceeds the criteria for creating an Agricultural Land Preservation District, complies with the goal of the Comprehensive Plan to preserve large blocks of contiguous prime agricultural land, and is located within the County's PPA.

Mr. Sanders seconded the motion. The motion passed with all in favor.

**22-08                    25809a Still Pond Neck, LLC – Site Plan – Utility Solar (Concept)**

**22-09                    25809a Still Pond Neck, LLC – Special Exception – Utility Solar (Concept)**

The applicant is requesting concept site plan review and a special exception to construct and operate a utility-scale solar energy system in the Agricultura Zoning District 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.

Mr. Carper noted the area is predominantly farmland with scattered residential properties and the array panels will encompass 5 acres on the northwestern corner of the property. The entrance will be from Still Pond Neck Road. The proposal is consistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties in the surrounding area.

Staff recommends sending a favorable recommendation for the special exception to the Kent County Board of Zoning Appeals with the following conditions:

- All state and federal permits will be obtained by the applicant.
- An installation and maintenance plan to include cleaning and landscaping.
- The project shall comply with all the bond-related requirements set forth in the Land Use Ordinance.
- Final Site Plan approval is granted by the Planning Commission.

Staff comments on the concept site plan are that:

- 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 the use of the farm and 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.

- The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted and a Forest Conservation Plan and Easement will be required for the proposed 2.22 acres that will be permanently protected.

Mr. Carper added that no correspondence was received with this application.

Cory McCandless with SGC Power, Ted Hastings with Becker Morgan Group, and Brue Wilson (remote) with SGC Power were sworn in on behalf of the applicant.

Ms. McCandless informed the Commission that she has been in communication with neighboring properties and that a Citizen Participation Plan has already been distributed. She added that energy generated would go to the grid.

Mr. Wilson noted that about 30 percent of the energy will go to low- to moderate-income subscribers who may see energy savings of 20-25%.

Vice Chair Ruge raised concerns of visibility of the array and its proximity to the road as the land is generally flat. Mr. Hastings added the most energy efficient location will be close to the road and the view will be buffered from neighboring farms. He added the landscaping plan will be submitted reflecting this buffer.

Robert Payne, Jr. of Still Pond was sworn in. He has lived near this property all his life and expressed concern with not only the view, but also the high winds and whether the panels could cause damage.

Jeanne Payne of Still Pond, an adjoining farm owner, was sworn in. Ms. Payne expressed a desire to keep the land agriculture and mentioned that the property in question is good farmland with the potential to yield a lot of crops.

Andy Simmons of Still Pond was sworn in. He voiced concern with the loss of farmland. He is the son of an adjacent property owner, and he is concerned about the precedent this sets as well as impact on property values.

Ms. Gerber indicated there was one other similar solar facility in the County. Mr. Simmons inquired as to whether any neighbors are precluded from seeking to install utility solar, and Mr. Carper indicated this application would not preclude them. Mr. Wilson added that the solar panels are hurricane grade panels capable of handling winds far in excess than those experienced in Maryland.

Frank DeYoung of Chestertown lives close by and was concerned that the siting of solar panels would affect the scenic drive to Betterton, and the County does not need to lose any more farmland, even if it is just 5 acres. Mr. Wilson clarified the height of the panels would only be about 8 feet. Mr. Hastings added that the equipment gets recycled at the end of the contract, and the land will be returned to farmland upon completion.

Vice Chair Ruge inquired about the life span of the panels considering that there would be upgrades. Ms. McCandless noted that there was a 20-year contract with two 10-year extension options totaling a potential of 40 years. She added that 60 feet of buffering is substantial considering other jurisdictions are at around 20 feet. Ms. McCandless noted that the proposal is about 5 acres of an 80-acre parcel and requests the Commission take into account the property owner's rights when making its recommendation.

Chair Hickman inquired about restarting farming after the solar farm is decommissioned and whether they would be stripping the topsoil. Mr. Hastings confirmed that there would be no stripping of the topsoil.

