



**MINUTES**  
December 5, 2024  
1:30 p.m.

*Video recordings of the Kent County Planning Commission meeting are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.*

The Planning Commission met in regular session on Thursday, December 5, 2024, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Ray Strong, William Crowding, and Paula Reeder.

Acting Planning Commission Attorney Thomas N. Yeager, Esquire, was present. Staff attending included Bill Mackey, AICP, Director (attending remotely); Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Robert Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, serving as Acting Clerk; and Tyler Arnold, GIS Specialist.

Representatives for Mason Solar included Edward (Ted) H. Hastings, PMP, Associate of Becker Morgan Group, Inc., and John F. Shields, Manager, Pivot Energy.

Representatives from the Wharf at Handy's Point included Buck Nickerson, LS, Extreme Measures, LLC; and Mr. Chris Maier, General Manager of the Wharf at Handy's Point.

Representatives from the Town of Galena included Amber Englebach, Zoning & Historic Resource Coordinator.

Representatives from Millington Crossing included Jim Constantine, PP, LRK; Russ Richardson, property owner; and Chip MacLeod, Esq.

Members of the public who were also present included Richard J. O'Connor, John Lysinger, Catherine Yeager, Judy Gifford, and Janet Christensen-Lewis.

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

**MINUTES**

Vice Chair Ruge moved to approve the minutes of November 7, 2024. Mr. Strong seconded. The motion passed unanimously. It was clarified that Planning Commissioner Bill Crowding participated remotely via MS Teams.

## APPLICATIONS FOR REVIEW

### *24-17 MDL 153 Mason Solar – Major Site Plan (Preliminary) – Utility-Scale Solar Energy System in AZD 9425 Fairlee Road, Chestertown – Sixth Election District – Zoned Agricultural Zoning District (AZD)*

Mr. Carper presented the staff report on the preliminary site plan for a utility-scale solar energy system, noting that the applicant had addressed previous comments and received special exception approval from the Zoning Board of Appeals on August 19, 2024. The Board's conditions included providing evidence of no glare impact on adjacent properties, demonstrating no interference with significant viewsheds, ensuring integration with existing landscape, and increasing the berm height to five feet.

The applicant's representative, Edward (Ted) H. Hastings, PMP, Associate of Becker Morgan Group, Inc., presented updates including a revised landscape buffer with five-foot berm, an updated glare analysis showing no impact, and noted a public outreach meeting was held November 21, 2024. A vegetative maintenance plan is pending. Overhead powerlines for interconnection will be installed by Delmarva Power, not by the applicant in this case.

Chair Hickman asked about irrigation. Applicant replied that due to project size, irrigation would not be in ground.

Mr. Richard J. O'Conner commented as a member of the public regarding the immediately adjacent neighborhood.

Ms. Reeder moved that the Commission approve the request for preliminary site plan approval per the Staff recommendation subject to the applicant submitting and obtaining approval for a vegetative management plan that addresses the requirements established in Article 6, Section 11.E through 11.G of the Land Use Ordinance, submission and approval of a deed of Forest Conservation easement and agreement, approval of erosion and sediment control and stormwater management plans, submission and approval of sureties for sediment and erosion control and stormwater management, and submission and approval of sureties for landscaping, maintenance and bond related requirements for decommissioning as listed in Article 6, Section 11 of the Land Use Ordinance. Mr. Strong seconded. The motion passed unanimously.

### *24-60 Wharf at Handy's Point – Site Plan (Concept) – Boat Storage Area 23153 Green Point Road Worton – Third Election District – Zoned M*

Ms. Gerber presented the staff report on the concept site plan for a 2.8-acre out of water boat storage area on a 39-acre site. The plan includes estimated space for 124 boats with a 7-foot chain link security fence with barbed wire above up to 8 feet. Existing vegetation was deemed sufficient for screening by staff as part of the TAC review.

Mr. Nickerson and Mr. Maier, representing the applicant, will include dark sky compatible lighting and proposes a bluestone surface. Applicant plans to return in either March or April in conjunction with State permit reviews.

In response to inquiry by Vice Chair Ruge, the applicant stated that no expansion is being planned for the marina.

Planning Chair suggested that onsite lighting be able to be turned off to protect wildlife. Applicant was receptive.

As this was a concept review, no formal motion by this Planning Commission was required as part of this review.

## GENERAL DISCUSSION

### *24-62 Town of Galena – Annexation*

*Lands of Sivad, LLC – 78.32 acres of Map 15, Parcel 3 – First Election District – Zoned Rural Characters*

Ms. Gerber presented the Town’s annexation request for 78 acres, reviewing the County’s capacity analysis data.

Ms. Amber Englebach of Galena discussed recent public hearing feedback on the concept plan for approximately 140 residential units and seven acres of roadside retail and commercial use and confirmed adequate water/sewer capacity. The Town recognizes that the jurisdiction will need to amend its Comprehensive Plan’s growth area.

Mr. Bill Crowding highlighted the previously publicly stated desire for specific limits on water and sewer areas.

Ms. Englebach responded that water and sewer would not extend beyond the property in question per the Town.

Ms. Reeder moved that the Commission recommend to the County Commissioners a waiver of the five-year rezoning term to permit immediate action by the Town to accomplish the goal of annexation. Mr. Saunders seconded. The motion passed 5-1.

### *2023 Annual Report Letter to Maryland Department of Planning*

Ms. Gerber presented the County’s annual report, noting 35 new dwelling permits with nine in priority funding areas. The report included a mid-cycle comprehensive plan review, as required by the Maryland Department of Planning. The Planning Commission discussed the need to revise proposed economic development language.

### *Courtesy presentation by LRK, Inc. – Update and General Info on Millington Crossing for the Planning Commission*

Mr. Constatine of LRK, Inc. provided a courtesy presentation on development concepts for the Millington growth area. The presentation covered the planned mixed-use development framework, parkway and green space network, design guidelines, and phasing considerations. A copy of the PowerPoint presentation is available upon request.

## STAFF REPORTS

Discussion of January meeting date resulted in changing to January 9, 2025, due to holiday. *Editor’s Note:* The Planning Commission meeting for January was later cancelled, as there were no applications submitted for review.

## ADJOURN

Chair Hickman called for adjournment. Ms. Reeder moved. The meeting was adjourned at 3:07 p.m.

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

/s/ William Mackey  
William Mackey, AICP, Director

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