

County Commissioners Hearing Room

**400 High Street
Chestertown, Maryland**

AGENDA

**Monday, September 19, 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.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **812 618 871#**

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

MINUTES

August 15, 2022

APPLICATIONS FOR REVIEW:

- 22-51 Mark Vasant – Variance – Front Yard Setback
21542 East Sharp Street – Fifth Election District – Critical Area Residential (CAR) and Village (V)
- 22-54 Mary Lou Hurtt – Special Exception – Adaptive Use of an Historic Structure
32762 Galena Sassafras Road – First Election District – Resource Conservation District (RCD) and Rural Residential (RR)
- 22-55 Andrew and Emily Kaiser – Buffer Variance -- Addition to Existing Dwelling
24212 Comegys Bight Lane – Seventh Election District – Resource Conservation District (RCD)
- 22-42 25809a Still Pond Neck, LLC – Special Exception – Utility-Scale Solar in the AZD
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)
- 22-73 Richard and Donna Wadsley – Appeal of Zoning Administrator’s Decision
Long Cove Court – Fifth Election District – Critical Area Residential (CAR)
[Review of this application has been deferred to October’s meeting at the request of the applicant.](#)

GENERAL DISCUSSION

ADJOURN

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.



Board of Zoning Appeals
Department of Planning, Housing, and Zoning

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: August 15, 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>22-28 Rayenne Chen – Buffer Variance</p> <p>The applicant is requesting a variance to demolish an existing principal dwelling, associated improvements, and construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer. The property is located at 4833 Deep Point Drive, Chestertown.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> David Mallon, representative of the property owner, was sworn in and presented a summary of the case.</p> <p>Rayenne Chen, property owner, was sworn in and presented a closing statement.</p> <p><u>Public Comment</u> Four letters of correspondence were received in favor of this application.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Ms. Horsey moved to approve the application by Rayenne Chen for a buffer variance to demolish, reconfigure, and rebuild a single-family dwelling along with a surrounding porch, and walks and steps; to remove the existing sheds, brick patios and walk, wooden ramp, and fence; to reconfigure the existing gravel drive; and to upgrade the septic system at 4833 Deep Point Drive in the Seventh Election District. The buffer variance approval is contingent upon the following conditions: A Buffer Mitigation/Enhancement Plan is submitted for review and approval, the historic “Grieb Log Smokehouse” is relocated to a place outside of the buffer, and the septic system update is approved by the Kent County Health Department. The variance will lapse after the expiration of two years if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Hill; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

DRAFT

Agenda Item	Sitting for the Board	Action Taken	Vote ³
<p>22-47 Fred and Linda Lint – Variance</p> <p>The applicants are requesting a variance of 7.5 feet from the 15-foot side yard setback to construct an attached garage. The property is located at 13910 Swantown Creek Road, Galena.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Fred Lint, property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p>	<p>Mr. Massey moved to approve the application by Fred and Linda Lint for a variance of 7.5 feet from the 15-foot side yard setback to construct an attached garage at 13910 Swantown Creek Road. A buffer mitigation at 1:1 for temporary disturbance and at 3:1 for permanent disturbance are the conditions required for the approval of this variance.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

DRAFT

Agenda Item	Sitting for the Board	Action Taken	Vote ⁴
<p>22-38 Gary Mundrake – Buffer Variance</p> <p>The applicant is requesting a variance to construct an 8’ 1” by 8’ 6” wooden deck and stairs, of which 49 square feet will be within the 100-foot buffer. Construction will be on the side of the home and will not advance toward the waterfront. The property is located at 4884 Skinners Neck Road, Rock Hall.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Buck Nickerson, LS, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Carla Gerber, AICP, Deputy Director of Planning, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p>	<p>Ms. Horsey moved to approve the application by Gary Mundrake for a buffer variance to add a small deck and set of steps at 4884 Skinners Neck Road in the Fifth Election District. The applicant must complete a Buffer Mitigation Plan at a rate of 3:1 mitigation for disturbance within the buffer. The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

DRAFT

Agenda Item	Sitting for the Board	Action Taken	Vote ⁵
<p>22-39 Robert L. Hindman – Variance</p> <p>The applicant is requesting a variance to allow for the construction of a driveway through approximately 713 square feet of slopes greater than 15%. The proposed development of this 3.103-acre property is for a single-family residence. The property is located east and south of Belchester Road near Kennedyville.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Kevin Shearon, P.E., LEED AP, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p>	<p>Mr. Massey moved to approve the application by Robert Hindman for a slope variance. The property is located east and south of Belchester Road near Kennedyville in the Second Election District. The variance will allow for the construction of a driveway through approximately 713 square feet of slopes greater than 15%. The following conditions are applied: 3:1 mitigation for disturbance of the steep slopes and the variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

DRAFT

Agenda Item	Sitting for the Board	Action Taken	Vote ⁶
<p>22-40 Matthew and Gayle McCormick – Variance</p> <p>The applicants are requesting a variance from the steep slope requirements in order to construct a dwelling, driveway, walkway, and retaining walls on slopes in excess of 15%. The property is currently undeveloped. The 2.43-acre lot is part of the Kinnaird’s Point subdivision and is located on Walnut Valley Court.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Kevin Shearon, P.E., LEED AP, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Carla Gerber, AICP, Deputy Director of Planning, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p>	<p>Ms. Horsey moved to approve the variance application by Mr. and Mrs. McCormick to allow for the development of a parcel with steep slopes greater than 15% for a single-family residence on Walnut Valley Court with the following conditions: a 3:1 mitigation for disturbance of the steep slopes and 1:1 for clearing outside of the steep slopes in the form of Native Maryland tree and understory plantings or payment of a fee-in-lieu if there is not sufficient space on the property to mitigate. Additionally, the variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

DRAFT

Agenda Item	Sitting for the Board	Action Taken	Vote ⁷
<p>22-41 Kenah One Health Care Services – Special Exception</p> <p>The applicant is requesting a special exception to operate an existing assisted living facility as a hospital, rehabilitation facility, or other similar institution for human care. The property is located at 25000 Lambs Meadow Road, Worton.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application. The Planning Commission recommends the following condition should the Board of Appeals grant approval of the special exception: A site plan be submitted to the Planning Commission for review and approval showing adequacy of parking and any impact to traffic patterns.</p> <p><u>Applicant/Representative</u> Latonya Cotton, LCSW-C, Clinical Director, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p>	<p>Mr. Massey moved to approve the application by Kenah One Health Care Services for a special exception to operate an existing assisted living facility as a rehabilitation facility, or other similar institution for human care in the Village District. Patient services shall be limited to 14 residents. Additionally, a site plan shall be submitted to the Planning Commission for review and approval showing adequacy of parking and any impact to traffic patterns.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>
<p>MINUTES: July 18, 2022</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>Adjourn</p>	<p>DRAFT</p>	<p>Ms. Horsey made a motion to adjourn the meeting, and Mr. Massey seconded the motion; the motion passed with all in favor. The meeting adjourned at 6:47 p.m.</p>	<p>Unanimous Approval</p>

Dr. Albert Townshend, Chairman

/s/ Campbell Safian
Campbell Safian, Planning Specialist



Planning Commission
Department of Planning, Housing, and Zoning

September 2, 2022

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

RE: Mark and Lu Ann Vansant
 Variance – Front Yard Setback

Dr. Townshend:

At its meeting on September 1, 2022, the Kent County Planning Commission reviewed the application of Mark and Lu Ann Vansant requesting a 30-foot variance from the minimum 50-foot front yard setback requirement in order to construct a new sunroom on the front of their house. The property is located at 21542 East Sharp Street near Rock Hall in the Fifth Election District. Following the adoption of the new Critical Area Line in February 2021, per Article III, Section 6 of the Land Use Ordinance, the requirements and regulations of the Critical Area Residential (CAR) zoning district are applied to the property; the underlying zoning district is Village (V).

The Commission opined that a practical difficulty was due to the location of the septic system utilized when the house was built which influenced the location of the house toward the front of the lot. The Commission also noted that many of the nearby houses are closer to the road than the applicant's house. After discussion and consideration of the applicant's testimony, the Commission voted to make a favorable recommendation for the variance. The Commission's recommendation was based on the following findings of fact:

- Granting a variance will not cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The Comprehensive Plan is neutral on this issue and the proposal is consistent with the general intent of the Land Use Ordinance.
- The practical difficulty is caused by the location of the house which was constructed in 1957.

Sincerely,
 Kent County Planning Commission

F. Joseph Hickman
 Chair

FJH/cmg

cc: Mark Vansant

To: Kent County Board of Appeals
From: Carla Gerber, Deputy Director
Meeting: September 13, 2022
Subject: Mark and Lu Ann Vansant
Variance – front yard setback

Executive Summary

Request by Applicant

Mark and Lu Ann Vansant are requesting a front yard setback variance to construct a sunroom addition.

Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

Summary of Staff Report

Mr. and Mrs. Vansant are proposing to construct a new sunroom that will be 20 feet from the front property line. The property is located at 21542 East Sharp Street near Rock Hall and is zoned Village. However, following the adoption of a new Critical Area Line in February 2021, which affected this property, the requirements and regulations of the Critical Area Residential (CAR) zoning district are applied.

The requested 30-foot front setback variance will not change the character of the neighborhood or be a detriment to adjacent properties. A practical difficulty exists due to the location of the septic system originally used for the house. Moreover, an addition to the front of the house keeps improvements farther from the 100-foot stream buffer and floodplain located toward the rear of the property.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for the requested 30-foot front yard setback variance.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
 SUBJECT: #22-51 – Mark and Lu Ann Vansant
 Variances – Front Setback
 DATE: September 13, 2022

Description of Proposal

Mark and Lu Ann Vansant are requesting a 30-foot variance from the 50-foot front setback requirement in order to construct a new sunroom on the front of their house. The property is located at 21542 East Sharp Street near Rock Hall in the 5th Election District and is zoned Village. However, following the adoption of a new Critical Area Line in February 2021, which affected this property, the requirements and regulations of the Critical Area Residential (CAR) zoning district are applied. The surrounding area is characterized by residential development.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
 - A. Comprehensive Plan: “Ensure that all new development or redevelopment meets a high standard of planning, workmanship, and design.” (Page 31)
 - B. Applicable Law: Article V, Section 5.5 of the Kent County Land Use Ordinance establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Yard

Front	50 feet
Side	15 feet
Rear	30 feet

Minimum Lot Size – ½ acre

Minimum Lot Width – 75 feet

- C. Staff and TAC Comments: The applicant is requesting a variance of 30 feet from the required front setback to construct a sunroom addition.
- II. Variance
 - A. Applicable Law: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- ...
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

- B. Staff and TAC Comments: The variance will not cause a substantial detriment to adjacent or neighboring properties and will not change the character of the neighborhood. The Comprehensive Plan is neutral on this application. The house was constructed in 1957 and was originally on private well and septic. The septic system was located in the rear yard and the house was located toward the front of the property. The parcel has a slightly irregular shape with a stream buffer and floodplain toward the rear beyond the location of the old septic system. There is a small porch on the front of the house. The proposed sunroom will replace and enlarge this existing porch. Other houses in the vicinity have porches or sunrooms and are similarly close to the road.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for:

- 1) A 30-foot variance of the front yard setback requirement.

Mark and Lu Ann Vasant
21542 E. Sharp Street, Rock Hall



Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared August 2022.

1 inch = 100 feet

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)

410 708 7013
MARK VANSANT
21542 E SHARP ST
ROCK HALL MD 21661

Email: rhmark@verizon.net

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: rhmark@verizon.net

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1X Section 2.2

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.) 21542 E SHARP ST ROCK HALL MD
In the 5th Election District of Kent County.

Size of lot or parcel of Land: .506
Map: 0051 Parcel: 0198 Lot #: _____ Deed Ref: 00355/00154

List buildings already on property: HOUSE 1,798 SF
SHED 200 SF

If subdivision, indicate lot and block number: _____

If there is a homeowner's association, give name and address of association: _____

PRESENT ZONING OF PROPERTY: Critical Area

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

SUNROOM ADDITION
FRONT YARD SETBACK

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

Present owner(s) of property: MARK + LU ANN VANSANT Telephone: 410 708 7013

If Applicant is not owner, please indicate your interest in this property: _____

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: _____

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: ROCK HALL VOLUNTEER FIRE COMPANY

Owner(s) on the South: ERNEST & MILDRED STRONG (Rock Hall Lumber)
THOMAS & TAMZI McTEAR

Owner(s) to the East: ERNEST & MILDRED STRONG

Owner(s) to the West: JOSEPH & BARBARA AMALFITANO

Homeowners Association, name and address, if applicable: _____

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.


Signature of Owner/Applicant/Agent or Attorney

7-8-2022
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.

22-51 Mark Vasant – Variance – Front Yard Setback – 21542 E. Sharp St., Rock Hall

Additional Information

Asking for a Variance of Front Yard Setback for a proposed Sunroom measuring approximately 27' x 13'. This Sunroom would encompass an existing front porch area of 10' x 5'.

Existing home built in 1957 has a slight 'L' shape in the front with widest part of 'L' extending 5' closer to road than the narrow part of 'L'. Proposed Sunroom would come approx. 8' closer to road from wide part of 'L' and approx. 13' from narrow part of 'L'.

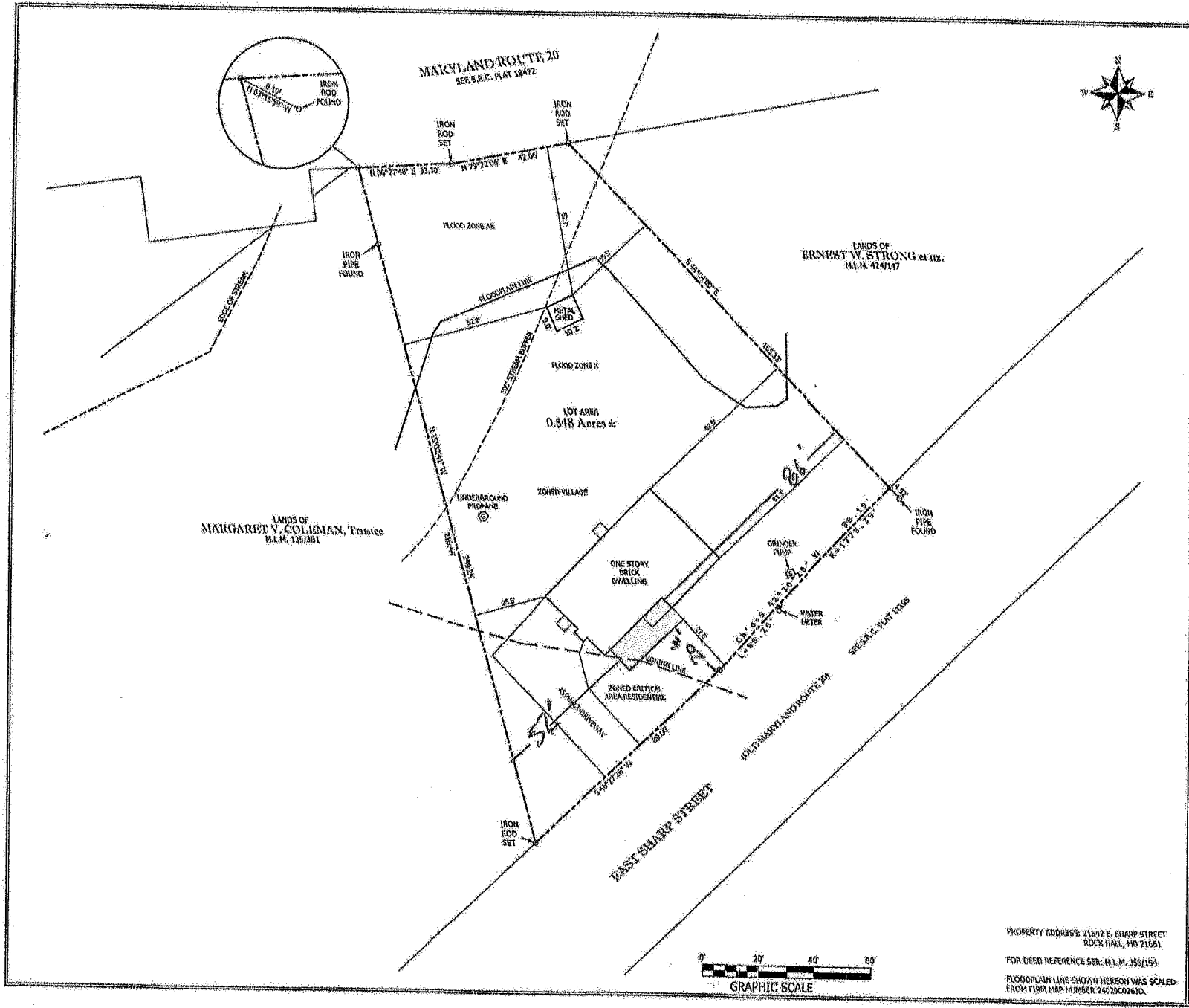
There are currently 5 houses between Route 20 and bridge over Gray's Inn Creek headwaters on northwest side of East Sharp Street. For each of these houses, I measured the distance between the front wall of the house to the center line on East Sharp Street. Although I know this is not the official distance to right of way for measuring setback, it was the only easy way I could think of to be consistent in comparing these houses with my own.

House 1 (Strong) –	43'
House 2 (VANSANT current) --	57'
House 3 (Amalfitano) --	52'
House 4 (Amalfitano) --	50'
House 5 (Potts) --	47'

House 2 (WITH Proposed Sunroom) -- 49'

Currently, my home is further from East Sharp Street than any other house on northwest side of street. With Proposed Sunroom, distance from East Sharp Street would become average with other houses on the northwest side of the street.

Proposed Sunroom would not be a detriment to any neighboring property nor change character of the neighborhood. Proposed Sunroom should have no adverse effect on wetlands, wildlife/marine life or water quality of the Chesapeake Bay and its tributaries as Critical Areas regulations intend. Locating Proposed Sunroom elsewhere on property would not be practical due to layout of home as well as difficulties with relocating/removing old septic tank, air conditioner unit, generator, underground electric and gas lines.



EXTREME
MENSURES
 LAND SURVEYORS

Chesapeake, MD 21620 PHONE 410-778-8077
 WWW.EXTREMELANDSURVEYS.COM

SCALE	DATE	BY	REV.	NO.	DATE

MARK K. VANSANT et ux.
 FIFTH ELECTION DISTRICT, ALBERT COUNTY, MARYLAND
 T10 MAP 51, PARCEL 105



PROPERTY ADDRESS: 21572 E. SHARP STREET
 ROCK HALL, MD 21681
 FOR DEED REFERENCE SEE: M.L.M. 359/194
 FLOODPLAIN LINE SHOWN HEREON WAS SCALED
 FROM FEMA MAP NUMBER 24500C0265D.

September 1, 2022

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

RE: 22-54 Mary Lou Hurtt, Trustee – Special Exception and Concept Site Plan Review – Adaptive Reuse of an Historic Structure

Dear Dr. Townsend,

At its meeting on September 1, 2022, the Kent County Planning Commission reviewed the application of Mary Lou Hurtt, Trustee, requesting a special exception and concept site plan review for the adaptive reuse of a historic structure on Federal Hill Farm. The structures for adaptive reuse are an historic barn and granary to be utilized for the sale of pre-cut Christmas trees and other holiday-related items. The property is located at 32762 Galena Sassafras Road in the First Election District and is zoned Rural Residential (RR) and Resource Conservation District (RCD).

Following discussion, the Planning Commission voted to make a favorable recommendation for the special exception for the adaptive reuse of an historic structure. The Planning Commission recommends the following conditions should the Board of Appeals grant approval:

- Final site plan approval by the Planning Commission.

The decision was based on the following findings of fact:

- Standards allow for the adaptive reuse of historic structures in the Rural Residential District.
- The structures are historic and with notable character.
- The proposal will not negatively affect traffic patterns nor places of worship of other historic areas
- The proposal will positively impact the cultural and historical character of the farm as the barns will be repaired and maintained where otherwise they may not as they are not suitable for modern agriculture.
- The special exception will not adversely impact the character of the neighborhood or have a negative impact on fish, wildlife, and plant habitat
- The proposed use will not have an impact on community services, such as police, fire, water, or sewer.
- There will be no noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties.
- The proposed change in use will not create any change in property values.
- The proposed change in use is consistent with the Comprehensive Plan and Land Use Ordinance.

Sincerely,
Kent County Planning Commission



Joe Hickman
Chair

FJH/mc

cc: Mary Tazewell and Margaret Hurtt, daughters of Mary Lou Hurtt, Trustee
John and Beth Hickey
Buck Nickerson, L.S., Extreme Measures LLC

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: September 1, 2022
Subject: Mary Lou Hurtt, Trustee
Special Exception and Concept Site Plan Review – Adaptive Reuse of a Historic Structure

Executive Summary

REQUEST BY THE APPLICANT

Mary Lou Hurtt, Trustee, is requesting a special exception and concept site plan review for the adaptive reuse of a historic structure on Federal Hill Farm. The structures for adaptive reuse are a historic barn and granary to be utilized for the sale of pre-cut Christmas trees and other holiday items.

The property is located at 32762 Galena Sassafras Road in the First Election District and is zoned Rural Residential (RR) and Resource Conservation District (RCD). The barn and granary, as well as the principal structure, are listed in the Maryland Inventory of Historic Properties. No more than 6,200 square feet of the structures will be used for sales or storage. Operating hours will be approximately 15 days over three-day weekends during the winter holiday season. Inventory for the first season will be 300 trees, but an annual growth of 200 additional trees is anticipated with a maximum annual production of 1,500 trees. An estimated high average of 22 vehicles at a time will require parking, and 31 spaces are provided for along with 5 spaces for employees. Two porta-potties will be on site during hours of operation.

PUBLIC PROCESS

Per Maryland State Law and Article VII, Section 6.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for special exceptions.

SUMMARY OF THE STAFF REPORT

The intent of the special exception provisions is to provide for certain uses, which because of their unique characteristics, cannot be distinctly listed as a permitted use in a particular District. The Board of Appeals must consider the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

The applicant has addressed all specific and general performance standards and has outlined its proposed uses onsite. The site and its structures possess historical characteristics and value, and the proposed adaptive reuse maintains the larger use of the property as agricultural.

STAFF RECOMMENDATION

Staff recommends approval of the special exception conditioned upon site plan approval.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: #22-54 – Mary Lou Hurtt, Trustee
 Special Exception and Concept Site Plan Review– Adaptive Reuse of a Historic Structure
 DATE: August 25, 2022

DESCRIPTION OF PROPOSAL

Mary Lou Hurtt, Trustee, is requesting a special exception and concept site plan review for the adaptive reuse of a historic structure on Federal Hill Farm, located at 32762 Galena Sassafras Road, Galena Maryland. The barn and granary, as well as the principal structure, are listed in the Maryland Inventory of Historic Properties. Reported to have been built in 1883, the home is typical of the large Victorian Gothic Revival farmhouses that had been constructed around Kent County in the last quarter of the nineteenth century, made possible by prosperous orchards of the times. The associated bank barn, more typically seen in Cecil County and Pennsylvania, is believed to have been built in several stages and is of an increasingly rarer architectural style. As stated in a 2004 update of the Maryland Historical Trust NR-Eligibility Review Form, “The property is in excellent condition and retains a high degree of its architectural integrity (house, barn, outbuildings) and its historic plan. The property appears to be eligible for listing in the National Register of Historic Placers under Criterion C as an outstanding example of a late nineteenth century farmstead with a Gothic Revival style house. The structures for adaptive reuse are the barn and granary, which are to be utilized for the sale of pre-cut Christmas trees and other holiday items. A small area of land approximately 375 feet northeast of the barn is leased by American Tower. The base is thickly screened by evergreen trees.

The 200-acre property is zoned Rural Residential (RR) and Resource Conservation District (RCD) and is in the First Election District. All the historic structures are in the Rural Residential zoning district. No more than 6,200 square feet of the structures will be used for sales or storage. Operating hours will be approximately 15 days over three-day weekends during the winter holiday season. Inventory for the first season will be 300 trees, but an annual growth of 200 additional trees is anticipated with a maximum annual production of 1,500 trees. An estimated high average of 22 vehicles at a time will require parking, and 31 spaces are provided for in the front lawn area. Five employee parking spaces are proposed to be located behind the existing barn. Two porta-potties will be on site during hours of operation.

RELEVANT ISSUES

- I. Special Exception – Specific Standards for Adaptive Reuse of Historic Structures
 - A. *Comprehensive Plan*:
 - Assist property owners in preserving historic sites (Page 124)
 - The County seeks the adaptive reuse of historic structures and resources as appropriate, through the development review process (Page 127)
 - B. *Applicable Laws*: Article V, Section 4.3 of the Kent County Land Use Ordinance identifies the adaptive reuse of historic structures as a special exception in the RR, subject to site plan review and standards found in Article VII.

Article VII, Section 7.4 of the Kent County Land Use Ordinance authorizes the Kent County

Board of Appeals to grant a special exception for the adaptive reuse of historic structures in RR provided the application complies with the following:

- a. Structures shall be listed in the Kent County Historic Site Survey or approved as a historically significant structure by the Planning Commission.
 - b. It is shown that exterior changes to site structures will be minimized. Extensions or enlargement of the principal and accessory structures may not exceed 25% of the gross floor area of each individual building above that which existed as of August 1, 1989. Enlargements shall be designed in keeping with the character of the building.
 - c. Landscaping is in keeping with the character of the building.
 - d. The site must have access to a public road adequate to handle traffic generated. The proposed use shall not generate traffic of a type or amount inappropriate for all access roads and the surrounding area. The use does not require road improvements detrimental to the character of the area.
 - e. The number of dwellings shall not exceed the density permitted in the district in which the structure is located.
 - f. The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
 - g. In RCD, adaptive reuse projects shall be limited to non-commercial and non-industrial uses.
- C. *Staff and TAC Comments:*
- According to the applicant's research, earliest records for the property are circa 1834 with the sale of the property to Ebenezer Welch, of Kent County, who operated the farm until his passing in 1859, whereupon the farm was inherited by Thomas Jacobs, a nephew to Mr. Welch. The current home was constructed by Mr. Jacobs, but by the end of the century he lost the farm to creditors who sold the farm at public sale to Andrew Woodall, who passed in 1906. Emily Woodall inherited Federal Hill Farms, and it was passed to her daughter, Bessie, who married Woodland Hurtt. The farm remains in the Hurtt family and is being operated by John W. and Beth Hickey. In 1986, the property was listed in the Maryland Inventory of Historic Places (MIHP).
 - The applicant intends to preserve the history of the property and no alterations to the buildings are proposed at this time.
 - Aerial imagery of the property identifies that active farm fields surround much of the structures, save for woodlands north and nearer to the Sassafras River. Landscaping is in keeping with the character of the buildings.
 - The applicant proposes access to the site from the existing driveway on Route 290, Galena Sassafras Road. Adequate parking is provided for on the lawn in front of the structures, approximately 800 feet from the road. The proposed use will have minimal impact on traffic. Farm operations will not be affected. No vegetation is to be removed, and potential damage to the lawn from parking will be minimal and temporary given the limited days of operation.
 - The number of dwellings does not exceed the density permitted in the Rural Residential District.
 - The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- II. Special Exception – General Standards
- A. *Comprehensive Plan:*
- The County will continue to promote the compatible adaptive reuse of significant historic

structures through the use of flexible protocols. (Page 124)

- B. *Applicable Laws:* Article VII, Section 6 of the Kent County Land Use Ordinance authorizes the Planning Commission to review and send a recommendation to the Board of Appeals for special exceptions.

Article VII, Section 2 of the Kent County Land Use Ordinance requires that the Board of Appeals 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 and TAC Comments:*

- The site will continue to be accessed by the existing driveway.
- The area is surrounded by farmland, woodlands, and limited residential development.
- The property is located approximately 3.4 miles to the Town of Galena, where the closest churches, schools, and places of public gathering are located.
- The site is served by private well and septic. The Kent County Health Department provided the following comments: Operation of the business six months or more will require a land evaluation for a septic system.
- The Comprehensive Plan and the Ordinance encourage the preservation of historic structures. The full scope of the proposed uses onsite has been described, identified, and limited by the applicant.
- The proposed use of the structures and property should not have a negative impact on property values.
- The proposed use is considered agriculture. Operations will take place inside and immediately outside of the adapted structures. Farming operations elsewhere on the property will not be interrupted.
- The proposal is consistent with Comprehensive Plan strategies for the preservation of historic structures.

III. 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.

All other commercial and industrial development, multi-family dwellings, special exceptions, public facilities, and quasi-public facilities require Major Site plan Review - Concept Plan, Preliminary Plan and Final Plan. The Technical Advisory Committee reviews these projects. The Planning Commission reviews and approves major site plans. Where deemed appropriate by the Planning Director, the final site plan may be combined with the preliminary site plan. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary and final site plans may be combined.

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 building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how
- B. *Staff and TAC Comments:*
- The proposal is consistent with the Comprehensive Plan.
 - Areas of vehicular flow are clearly identified, and sufficient parking is provided.
 - The proposed use places reasonable demands on public services and infrastructure.

- The proposed use will be conducted on a large property surrounded by active farmland, will be approximately 800 feet from the road, and will be with limited number of visitors at any one time, thereby protecting abutting properties from any undue disturbance cause by excessive or unreasonable noise, smoke, vapor fumes, dust, odors, glare, stormwater runoff, etc.
- No tree or vegetation removal is proposed, and the setback is more than adequate.

STAFF RECOMMENDATION

Staff recommends approval of the special exception conditioned upon site plan approval.

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

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

Mary Lou Hurtt, Trustee
32762 Galena Sassafras Road
Galena, MD 21635

Email: j.w.hick@icloud.com & MaryTazewell@aol.com

For Office Use Only:
Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 4.3.3
of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
X Special Exception Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 32762 Galena - Sassafras Road

In the 1st Election District of Kent County.

Size of lot or parcel of Land: 200 acres
Map: 8 Parcel: 5 Lot #: Deed Ref: MLM 598/350

List buildings already on property: Historic Home, equipment shed, garage, wind mill, milk house, corn crib
and several farm buildings

If subdivision, indicate lot and block number:

If there is a homeowners association, give name and address of association:

PRESENT ZONING OF PROPERTY: Resource Conservation District and Rural Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires
the Appeal Hearing.) Adaptive Reuse of a Historic Structure by selling Christmas Trees in a former dairy barn

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

Present owner(s) of property: Mary Lou Hurtt, Trustee Telephone:

If Applicant is not owner, please indicate your interest in this property: John Hickey - Tenant Farmer

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date:

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 7/27/22 CS

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: Jean Hurtt Taylor and Lots 8-15 in the Gentle Winds subdivision

Owner(s) on the South: Maryland Route 290

Owner(s) to the East: Steven Homyack

Owner(s) to the West: Wilson Point Road

Homeowners Association, name and address, if applicable: _____

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.

Jean Hurtt - Agent

7.27.22

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 Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals or the Planning Office is required to make out this Application. Application should be filled in by applicant or its agent. If the Planning Office assists you, they 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.



July 26, 2022

Special Exception for Adaptive Reuse of a Historic Structure Narrative

Land Owner: Mary Lou Hurtt, Trustee
 Premises Address: 32762 Galena Sassafras Road
 Galena, Md. 21635

Tax Map: 8
 Parcel: 5
 Current Zoning: Rural Residential & Resource Conservation District
 Current Use: Agricultural
 Proposed Use: Agricultural/Agribusiness

Farm History:

Federal Hill Farm is situated on 246 acres nestled along Jacob's Creek. The properties earliest records are circa 1834 showing the sale of the property from John L. and William D. Wilmer, both of Kent County, to Ebenezer Welch of Kent County. (Kent County Land Records, JNG/350) The present house, was not there at this time, though the one whose fragment now appears to be under the dining room may have been. Welch owned and operated the farm until his death, in 1859. Upon Welch's passing he bequeathed the farm to his nephew Thomas Jacobs, unfortunately there were several financial commitments associated with the Will and some were also charged against the farm. In the early 1880s Jacob's built the present house, but by 1896 he was on his way to losing the farm because he was unable to pay his creditors. It was first assigned to Charles T. Westcott and John D. Urie In trust. They were authorized to sell to

convert as much of his property as possible into cash. The trustees sold the farm at public sale to Andrew Woodall of Georgetown the shipping, grain, and lumber entrepreneur who acquired Kent and Cecil County farms as investments, owning over 30 by the time of his death in 1906. The farm is still in the Woodall/Hurt family. After Woodall's death in 1906, Emily A. Woodall, wife of James F. M. Woodall, inherited Federal Hill farm along with others after the division of Andrew Woodall's estate into six portions. After her death, it passed to her daughter Bessie, who married Woodland Hurtt. After serving in the Navy during World War One, their son James F. Hurtt returned to Federal Hill in January of 1920. James F. and Ruth MacArthur Hurtt operated Federal Hill Farm until 1970. In 1971 their son, James F. Hurtt Jr. and his wife Mary Lou Aiken Hurtt returned to Federal Hill farm and took over the operations. The farm was owned and operated by Jim and Mary Lou Hurtt until 2008 when Jim Hurtt passed on February 21, 2008. The Farm is owned by Mary Lou Hurtt and is being operated today by John W. and Beth Hickey.

Operations:

Federal Hill Farm is nestled along Jacob's creek just outside of Galena, MD. and for nearly 190 years it has grown various crops such as peaches, asparagus, corn, soybean, wheat, barley, and managed a dairy operation over the years. In the next chapter of Federal Hill Farm, we will embark on planting Christmas trees where locals can come and experience the rich history of our farm and create a family tradition and memories as they pick out the perfect tree. The strategy is to utilize the exiting barns to create the stage for our Christmas Tree Operations.

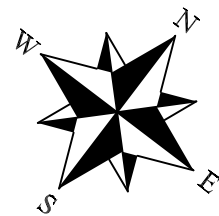
The farm has several outbuildings with an unusually long barn, measuring about 122 feet. It is assumed this may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County. Fewer and fewer of these large old barns survive as with modern farm operations. The Christmas tree operation will utilize this barn in all aspects of the

operation. The intent is to use the cow stable to set up pre-cut trees as well as display and market wreaths and greens. The granary will be used as a shop/market to sell ornaments, holiday items, offer hot drinks to warm up, secure the sale of the tree as well as offering local Kent Co artisan items. Other outbuildings such as the wagon shed will be used to showcase pre-cut trees as well as storage of trees and supplies.

In the spring of this year, we planted 2500 trees with the intent to start harvesting these trees in 2030. Our plan is to continue to plant 2000 to 3000 trees annually. Until we can offer a U-Cut tree operation we plan to establish a tree lot with Pre-Cut trees. In 2022 our plan is to offer 300 trees for purchase to the public. Our hours of operations are planned for Friday through Sunday, starting on the Friday after Thanksgiving, November 25th. The hours of Operations would be from 8am to 5pm. With 300 trees to sell, we anticipate 1200 guests. This is based on 4 guest per family and a sale of 300 trees. Based on sales we would anticipate a growth in the pre-cut tree sales to build up to our intended launch of U-Cut sales in 2030 and selling on average 1500 trees. Therefore, the anticipated growth would be 200 trees annually to build up to our intended U-Cut numbers of 1500 trees in 2030.

Other Activities:

As the Christmas Tree operations grows, we are sure other activities may offer opportunities to grow our business. Such activities would be fall festivities such as a pumpkin patch or corn maze or even a venue for events such as weddings or photo opportunities. Whatever the activity maybe it will need to align with the mission of Federal Hill Farm, where our focus is agriculture and the purpose is to offer others an opportunity to step back in time to create special memories and traditions with their family and friends.



LAND LEASED BY
AMERICAN TOWER
M.L.M. 1049/273

EXISTING BUILDING

EXISTING BUILDING

1000' CRITICAL AREA BUFFER (SCALED)

RCD ZONING
RR ZONING

EXISTING STONE LANE

TILLED FIELD

PROPOSED
EMPLOYEE
PARKING
5 SPACES

CORN CRIB

EXISTING SILO

SHED

PROPERTY LINE
PARCEL 127
LANDS OF
MARY LOU HURTT, Trustee
M.L.M. 598/350
PLAT REFERENCE: E.H.P. 38/56

CHRISTMAS TREE
DISPLAY AREA

EXISTING
COW STABLE

EXISTING
CONCRETE

CHRISTMAS TREE
DISPLAY AREA

EXISTING
GRANARY

MILK
HOUSE

EXISTING
CONCRETE

SHED

AREA PLANTED
IN CHRISTMAS
TREES

EXISTING BUILDINGS

EXISTING LIGHT

EXISTING WELL

PROPOSED
LOADING/UNLOADING

EXISTING
WINDMILL

CHRISTMAS TREE
DISPLAY AREA

EXISTING
WAGON SHED

1 STORY
FRAME
DWELLING

2½ STORY
FRAME
DWELLING

REMAINS
OF WATER
TOWER

TRAFFIC
FLOW
(TYP.)

PEDESTRIAN WALKWAY

ICE
HOUSE

PROPOSED
PORTA-POTTIES

LAWN
AREA

DAYS OF OPERATION PER YEAR = 15
HOURS OF OPERATION 8a-5p = 9hrs/day
MAXIMUM TREES SOLD = 1500/yr
ESTIMATED MAXIMUM NUMBER OF CUSTOMERS PER HOUR = 25
MAXIMUM NUMBER OF EMPLOYEES = 5

PROPOSED PARKING SPACES
31 - 10'x20'

TILLED
FIELD

EDGE OF FIELD

PROPERTY LINE

PROPERTY LINE

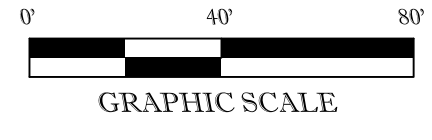
EXISTING STONE LANE

EXISTING STONE LANE

EDGE OF FIELD

25' WIDE
RIGHT-OF-WAY

NOTES:
DEED REFERENCE: M.L.M. 598/350
PREMISES ADDRESS: 32762 GALENA SASSAFRAS ROAD
GALENA, MD. 21635
PROPERTY LINES SHOWN HEREON ARE BASED ON
SURROUNDING SURVEYS AND DO NOT REPRESENT
A FIELD RUN SURVEY AT THIS TIME.



SITE PLAN

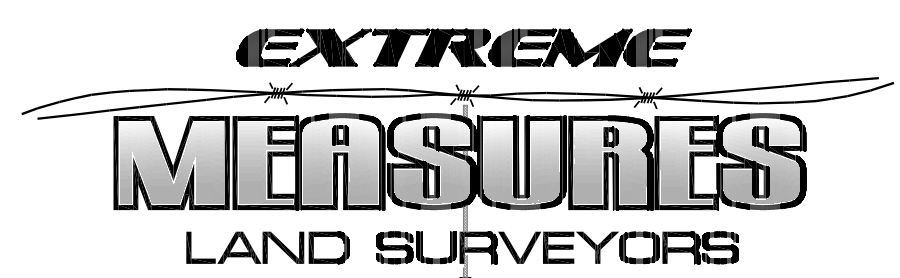
OF THE LANDS OF

MARY LOU HURTT, Trustee

DISTRICT, KENT COUNTY, MARYLAND

MAP 8 PARCEL 5

SCALE
1"=40'
DRAWN BY
WJE
DATE
6/13/22
JOB NO.
1477
REVISIONS



Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com

SHEET 2 OF 2

K-632

Federal Hill Farm

Architectural Survey File

This is the architectural survey file for this MIHP record. The survey file is organized reverse-chronological (that is, with the latest material on top). It contains all MIHP inventory forms, National Register nomination forms, determinations of eligibility (DOE) forms, and accompanying documentation such as photographs and maps.

Users should be aware that additional undigitized material about this property may be found in on-site architectural reports, copies of HABS/HAER or other documentation, drawings, and the “vertical files” at the MHT Library in Crownsville. The vertical files may include newspaper clippings, field notes, draft versions of forms and architectural reports, photographs, maps, and drawings. Researchers who need a thorough understanding of this property should plan to visit the MHT Library as part of their research project; look at the MHT web site (mht.maryland.gov) for details about how to make an appointment.

All material is property of the Maryland Historical Trust.

Last Updated: 05-14-2004

**MARYLAND HISTORICAL TRUST
NR-ELIGIBILITY REVIEW FORM**

NR Eligible: yes 33
no

Property Name: Federal Hill Farm Inventory Number: K-632

Address: 32762 Galena Sassafras Road City: Galena Zip Code: 21635

County: Kent USGS Topographic Map: Millington

Owner: James F. Hurtt

Tax Parcel Number: 5 Tax Map Number: 08 Tax Account ID Number: 008277

Project: American Towers-Galena Site Agency: FCC

Site visit by MHT Staff: no yes Name: _____ Date: _____

Eligibility recommended Eligibility not recommended

Criteria: A B C D Considerations: A B C D E F G None

Is the property located within a historic district? no yes Name of district: _____

Is district listed? no yes Determined eligible? no yes District Inventory Number: _____

Documentation on the property/district is presented in: MIHP form completed by Margaret Q. Fallaw (1986)

Description of Property and Eligibility Determination: *(Use continuation sheet if necessary and attach map and photo)*

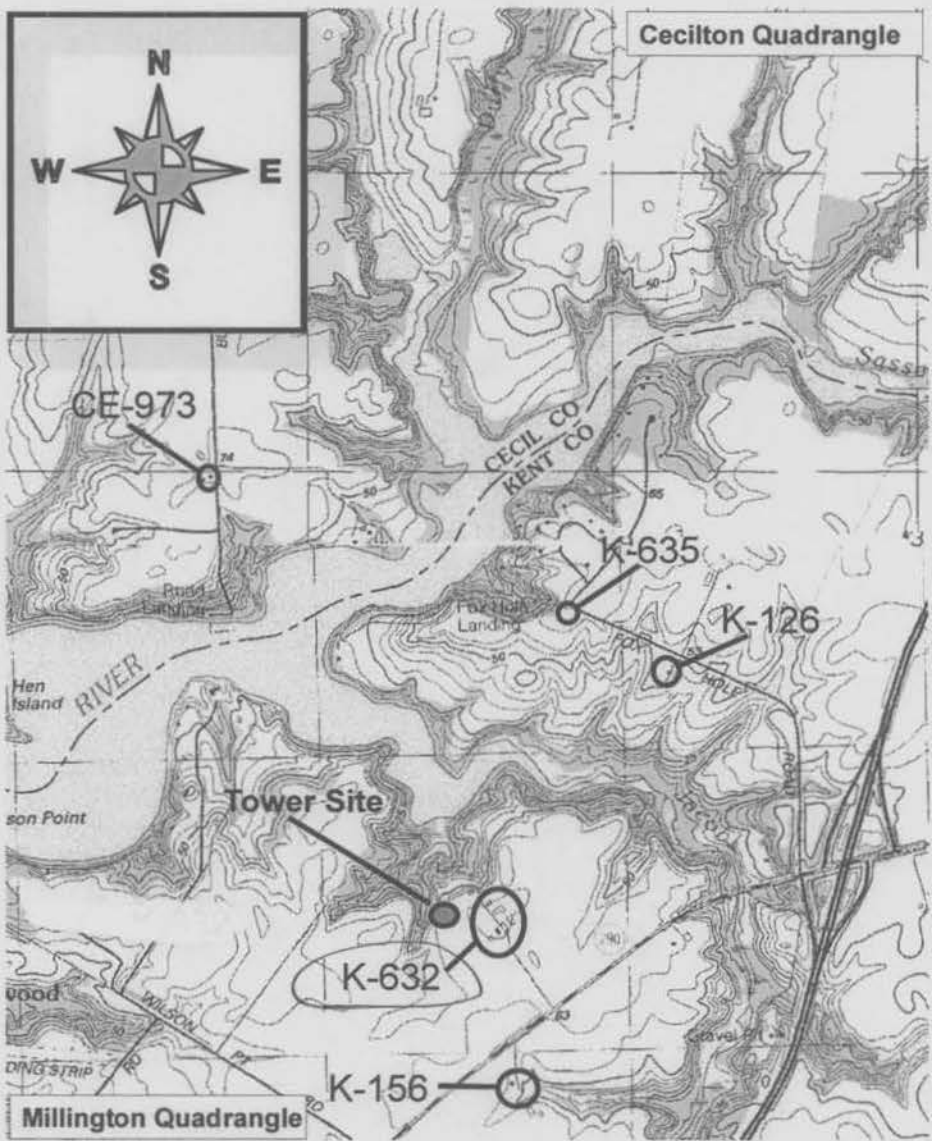
The Federal Hill Farm is a farmstead comprised of a 2 1/2-story frame Gothic Revival house, barn with a silo, stable/garage, windmill, and other outbuildings located north of MD Route 290. According to the owner, the house was built in 1883. The farm continues to operate as a working agricultural enterprise.

The property remains as it was described and photographed by Fallaw and reported in the 1986 MIHP form. The property is in excellent condition and retains a high degree of its architectural integrity (house, barn, outbuildings) and its historic plan. The property appears to be eligible for listing in the National Register of Historic Places under Criterion C as an outstanding example of a late nineteenth century farmstead with a Gothic Revival style house.

Prepared by: David S. Rotenstein

Date Prepared: November 2000

MARYLAND HISTORICAL TRUST REVIEW	
Eligibility recommended <input checked="" type="checkbox"/>	Eligibility not recommended <input type="checkbox"/>
Criteria: <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> D	Considerations: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> None
Comments: _____	
_____ Reviewer, Office of Preservation Services	_____ Date
_____ Reviewer, NR program	_____ Date



















K-632

Circa 1880

Federal Hill Farm

Near Sassafras

Private

In a number of ways the house at Federal Hill Farm, located southwest of Sassafras, is typical of the large, frame, five-bay-wide, 2-1/2 storey Victorian Gothic Revival farmhouses with central gable built in all parts of Kent County during the last quarter of the nineteenth century. This sort of house was the most common style and form for houses built by the county's most prosperous farmers, who very likely were enabled to do so through the bumper peach and pear crops harvested and sold during this period. Much of this farm, like seemingly every other farm along the Sassafras River, was planted in orchards during the period when these houses were built. Stylistically, this house is especially notable for the fine, almost lacy front-porch trim that arched between the posts, with a center drop. The farm is also notable for several of its outbuildings. There is an unusually long barn, measuring about 122 feet, that may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County. Fewer and fewer of these large old barns survive as with modern farm operations there is little use for them. Near the house there is a large planked meathouse, and farther back on the property is a small, moved one-room-with-loft structure that if not a slave cabin was the dwelling of free farm help. It is strikingly similar to Charley's House (K-322), a dwelling that was moved from the extension of Court Street in Chestertown to the Kent Museum property at Turner's Creek. Most of these small dwellings, probably housing a considerable number of people all over the county, have been lost, whereas the bigger, finer houses survive out of proportion to their numbers initially. The big main house and the small dwelling provide an interesting study in contrasts.

Maryland Historical Trust State Historic Sites Inventory Form

1. Name (indicate preferred name)

historic Federal Hill Farm

and/or common

2. Location

street & number Northwest side Rt. 290, 1.7 miles southeast of
Sassafras not for publication

city, town Sassafras vicinity of congressional district First

state Maryland county Kent

3. Classification

Category	Ownership	Status	Present Use	
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture	<input type="checkbox"/> museum
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational	<input checked="" type="checkbox"/> private residence
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
	<input checked="" type="checkbox"/> not applicable	<input checked="" type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other:

4. Owner of Property (give names and mailing addresses of all owners)

name Mr. & Mrs. James F. Hurtt Jr.

street & number Federal Hill Farm telephone no.: 648-5142

city, town Galena state and zip code Maryland 21635

5. Location of Legal Description

courthouse, registry of deeds, etc. Court House liber EHP 71

street & number Cross Street folio 741

city, town Chestertown state Maryland

6. Representation in Existing Historical Surveys NONE

title

date federal state county local

depository for survey records

city, town state

7. Description

Condition		Check one	Check one	
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site	
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved	date of move _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed			

Prepare both a summary paragraph and a general description of the resource and its various elements as it exists today.

Federal Hill Farm is located on the northwest side of Route 290, the Galena-Sassafras road, about 1-1/2 miles southwest of the village of Sassafras. The frame farmhouse, facing southeast, has a large, five-bay-wide, 2-1/2 storey, gable-roofed main section with a central gable and a dormer on each side. The rear, perpendicular wing, two storeys tall, is set in several feet from the northeast end of the main section. It has a porch on each side. The main section plan is central-hall with one room on each side. In this circa 1880 vernacular Victorian Gothic Revival farmhouse there is unusually good access from main section family living room to the rear wing. Evidence in the cellar indicates that under at least this portion the foundation is not a new one but re-used from a former building. There are several notable nineteenth-century farm outbuildings on the farm.

(Continued)

The main section of Federal Hill's house is about 40 feet wide and 18 feet deep. The lower, two-storey section measures about 20 feet wide and 40 feet deep, in actuality, then, the larger part of the house. Attached to the rear gable-end of the wing is a one-storey, one-bay deep porch that is now enclosed; it has a shed roof.

The exterior walls of both sections are covered with horizontal, lapped weatherboard with 4-1/2" to 5" exposure. There are double cornerboards of about 4" wide. Most of the weatherboard on the long sides of the wing's first storey has been replaced. The enclosed porch is sided with German shiplap siding, applied during the 1940s. The weatherboard is continuous from the main wall up into the central gable. In the center of the gable is a double-hung 2-over-2 window with triangularly-pointed upper sash. Its trim is plain and wide.

The main section is built over a crawl space; the foundation is built of brick and has been parged. The foundation of the wing is stone. Under the first wing room, the dining room, is a cellar, which tapers off into a crawl space toward the rear of the wing. The foundation and some sills appear to have been used for a previous building, one whose axis may have been the other direction from that of the present wing. There is an indication of a previous chimney base in the area under the entry in the southeast side of the dining room. Most of the stone appears to have been re-used in the new foundation. An old man, who worked on the farm before the new house was built, told the present owner's father that there was indeed a building in the location of the dining room and that it extended out to the northeast, beyond the present wing porch there.

There are four chimneys, as is most usual with this type of house. One is located at each side outside the central hall, within the side rooms. This moving from the formerly traditional gable-end chimney location that was typical of the later of this type of house freed the gable end for decorative treatment and addition of windows for additional light. Accordingly, a three-part, one-storey bay is in the northeast end of the main section, and on the other end there is a centered window on each storey. The chimneys located near the center of the house probably were more efficient as well. They rise through the roof ridge at each side of the central gable. These chimneys are built of quite bright-red brick. They have a two-course band just below chimney-top. The other two chimneys are wing chimneys, one at the rear dining room wall and one at the rear gable-end of the wing, for the kitchen. They rise through the roof ridge. The dining room chimney has a four-course cap and the kitchen chimney three courses of corbelling, out and in.

The roofs are covered with metal roofing, both standing-seam type and corrugated, dating from the 1950s. They replaced wood shingles.

The main entry is in the central bay of the main section's southeast side. The architrave is wide and tall, 5'-9" wide by 9'-0" tall at the center, including the sill. The architrave is quite simple in comparison to some
(continued)

Continuation page 7.2

K-632

others in similar houses. The trim is 5" wide and plain except for a 9/16" inside bead. The sill is wood. There are double wooden screen doors that appear original or very early; each has one panel over two. There is a three-light transom, over which the head trim is slightly pedimented. The double main doors are typical catalogue doors of the period, with bold bolection molding around the panels that is 2-1/4" wide, with 2-3/8" square corner blocks having incised concentric circles (bullseyes). Each door has a large, vertical top panel, a small, horizontal central panel, and a lower almost square panel. The panels are recessed and slightly raised with applied panel molding and the bolection molding besides. In the center of each panel is an applied raised and beveled panel framed with compound symmetrical trim. The hinges are decorative Victorian cast hinges. The original operating hardware is in place, of embossed, cast brass--knobs and keyhole with escutcheon. There is a box lock.

Main-section windows are double-hung with 2-over-2 lights. Second-storey windows are shorter than those of the first storey. They are trimmed in the same manner as the main entry, including the pedimented head trim. Muntins are wide, and the sills are double. The first-storey shutters have a top section of movable louvers and a lower section of a plain recessed panel with ogee-and-bevel panel molding. Second-storey shutters are entirely with movable louvers. On the west west-end window the shutters have 1-over-1 panels.

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input checked="" type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)

Specific dates Circa 1880 **Builder/Architect**

check: Applicable Criteria: A B C D
 and/or
 Applicable Exception: A B C D E F G
 Level of Significance: national state local

Prepare both a summary paragraph of significance and a general statement of history and support.

In a number of ways the house at Federal Hill Farm is typical of the large, frame, five-bay-wide, 2-1/2 storey Victorian Gothic Revival farmhouses with central gable built in all parts of Kent County during the last quarter of the nineteenth century. This sort of house was the most common style and form for houses built by the county's most prosperous farmers, who very likely were enabled to do so through the bumper peach and pear crops harvested and sold during this period. Much of this farm, like seemingly every other farm along the Sassafras River, was planted in orchards during the period when these houses were built. Stylistically, this house is especially notable for the fine, almost lacy front-porch trim that arches between the posts, with a center drop. The farm is also notable for several of its **outbuildings**. There is an unusually long barn, measuring about 122 feet, that may have been built in several stages but is essentially a bank barn more often seen in Pennsylvania and Cecil County . Near the house there is a large planked meathouse, and farther back on the property is a small one-room-with-loft structure that if not a slave cabin was the dwelling of free farm help. It is strikingly similar to Charley's House (K-322), a dwelling that was moved from the extension of Court Street in Chestertown to the Kent Museum property at Turner's Creek. Most of these small dwellings, probably housing a considerable number of people all over the county, have been lost, whereas the bigger, finer houses survive out of proportion to their numbers initially. The big main house and the small dwelling provide an interesting study in contrasts.

(Continued)

One wonders about any possible connection of the name Federal Hill Farm with the Federal Hill area of Baltimore. However, the name is an old one. The farm was designated by that name in an 1834 deed conveying the property from John L. Wilmer and William D. Wilmer, both of Kent County, to Ebenezer Welch of Kent County. (Kent County Land Records, JNG/350) The present house, of course, was not there at this time, though the one whose fragment now appears to be under the dining room may have been. The selling price was \$1,477.50, or at least the amount mentioned in the deed. Since Thomas Jacobs was yet to become owner of this farm, the creek that borders the farm on the northeast naturally was not yet known by his name. It was called Herring Creek, evidently because at that time the herring still came up the Sassafras that far during the spawning season. The size of the farm was 246+ acres.

Ebenezer Welch, who was a vestryman of St. Clement's Church and a part owner of the Swantown Mill to the west on Route 290 as well as a farmer, owned the property until his death, which probably was soon after writing his will dated January 29, 1858, for in it he says he is "weak in body." Besides making provisions for freeing his slaves and providing them with land, he left the farm to his nephew Thomas A. Jacobs, though an income was to be provided his wife from the farm if her stated income from other sources was insufficient. Some of his other bequests were also charged against the farm. Jacobs evidently got the farm subject to a number of financial commitments. In the early 1880s he built the present house, but by 1896 he was on his way to losing the farm because he was unable to pay his creditors. It was first assigned to Charles T. Westcott and John D. Urie in trust. They were authorized to sell to convert as much of his property as possible into cash. The trustees sold the farm at public sale to Andrew Woodall of Georgetown, the shipping, grain and lumber entrepreneur who seemed to collect Kent and Cecil County farms as investments, owning over 30 by the time of his death in 1906. Woodall paid \$7,7750 for the farm, still 246 acres. The farm is still in the Woodall family. After his death in 1906, the present owner's grandmother Emily A. Woodall, wife of James F. M. Woodall (a Woodall had married a Woodall), inherited this farm along with others after the division of Andrew Woodall's estate into six portions. After her death, it passed to her two heirs, and then to the sons of one of them, one of whom was the father of the present owner.



Planning Commission
Department of Planning, Housing, and Zoning

September 1, 2022

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

RE: 22-55 Andrew and Emily Kaiser – Variance (Development in Buffer)

Dear Dr. Townsend,

At its meeting on September 1, 2022, the Kent County Planning Commission reviewed the application of Andrew and Emily Kaiser, requesting a buffer variance to partially renovate an existing residential dwelling by adding a small mudroom to the landward side of the principal structure. An existing stoop and partial walkway are to be demolished and replaced with the mudroom and associated stoop and steps for a net gain of 26.75 square feet of permanent disturbance within the buffer. A buffer mitigation plan for the permanent disturbance that exceeds the required 3:1 ratio and which will be located between the improvements and the water has been proposed. This 2.666-acre property is located at 24212 Comegys Bight Lane in the Seventh Election District and is zoned Resource Conservation District (RCD).

Following discussion, the Planning Commission voted to make a favorable recommendation for the variance to add a mudroom to an existing structure, permanently disturbing the buffer. The Planning Commission recommends the following conditions should the Board of Appeals grant approval:

- Buffer mitigation as proposed will be implemented within two growing seasons and will be maintained to ensure survivability.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

The decision was based on the following findings of fact:

- The variance will not cause a substantial detriment to adjacent or neighboring property.
- The variance will not change the character of the neighborhood or district.
- The variance is consistent with the Comprehensive Plan and general intent of the Land Use Ordinance.
- The practical difficulty is that the house is entirely in the buffer, which was not caused by the applicant's own action.
- Granting of a variance will be in harmony with the general spirit and intent of Critical Area Law and County regulations.
- The addition will not negatively impact water quality, fish, or wildlife or plant habitat.
- The granting of a variance will not confer upon the applicants any special privilege that would be denied by this Ordinance to other lands or structures.
- A literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area.

Sincerely,
 Kent County Planning Commission

Joe Hickman
 Chair

FJH/mc

cc: Andrew and Emily Kaiser
 John Hutchison, Architect

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: September 1, 2022
Subject: Andrew and Emily Kaiser
Variance – Buffer

Executive Summary

REQUEST BY THE APPLICANT

Andrew and Emily Kaiser are requesting a buffer variance to partially renovate an existing residential dwelling. The applicants propose to remove a stoop, stairs, and part of a walkway in order to add a mudroom, stoop, and stairs on to the landward side of the residential structure, resulting in 26.75 square feet of permanent impact to the buffer. In addition, an existing one-story screened porch on the waterfront side will be rebuilt and a second story will be added to it. The renovation will not encroach further into the buffer. Lot coverage allowed for this property is 17,420 square feet. Current lot coverage is 17,153 square feet. The proposed project would increase lot coverage to 17,180 square feet. The 2.66-acre property is located at 24212 Comegys Bight Lane in the Seventh Election District and is zoned Resource Conservation District (RCD).

PUBLIC PROCESS

Per Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances. The Board of Appeals may authorize variances from ... buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

SUMMARY OF THE STAFF REPORT

The applicant has addressed specific and general performance standards. The intent of the variance provision is to set forth the procedures and standards for variances and waivers from certain enumerated provisions of this Ordinance. The Board of Appeals may authorize variances so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of the Ordinance. The applicants meet the majority of criteria for being granted a variance due to the practical difficulty of the entirety of the home being in the 100-foot buffer.

STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance with the following conditions:

- Buffer mitigation as proposed will be implemented within two growing seasons and will be maintained to ensure survivability.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: #22-55 – Andrew and Emily Kaiser
 Variance – Buffer
 DATE: August 25, 2022

DESCRIPTION OF PROPOSAL

Andrew and Emily Kaiser are requesting a buffer variance to partially renovate an existing residential dwelling by adding a small mudroom to the landward side of the principal structure. The principal dwelling was constructed in 1970, and County records indicate that it has 1,944 square feet of above grade living area. This 2.666-acre property is located at 24212 Comegys Bight Lane in the Seventh Election District and is zoned Resource Conservation District (RCD).

An existing stoop and partial walkway, equaling 42.75 square feet, are to be demolished. To be constructed are 35.75 square feet for the mudroom and 33.75 square feet for new stoop and steps, for a net gain of 26.75 square feet of permanent disturbance within the buffer. A buffer mitigation plan for the permanent disturbance that exceeds the required 3:1 ratio and is to be located between the improvements and the water has been proposed. In addition, an existing one-story screened porch on the waterfront side will be rebuilt and a second story will be added to it. The renovation will not encroach further into the buffer. Lot coverage allowed for this property is 17,420 square feet. Current lot coverage is 17,153 square feet. The proposed project would increase lot coverage to 17,180 square feet.

RELEVANT ISSUES

I. Development in the Buffer

- A. *Comprehensive Plan*: “Maintain, enforce and if necessary, strengthen existing regulations for floodplains and buffers.” (Page 86)
- B. *Applicable Law*: Article V, Section 2.7.B.3.a of the Kent County Land Use Ordinance establishes the standards for development in the buffer:
 - i. Development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
- C. *Staff and TAC Comments*:
 - Development activity of this nature is not permitted in the buffer; therefore, the applicant has applied for a buffer variance to partially renovate an existing residential dwelling, including a mudroom with associated steps that will result in 26.75 square feet of permanent impact to the buffer.
 - The Critical Area Commission (CAC) has reviewed this application and does not oppose the buffer variance. The CAC recommends that the required 3:1 mitigation be located between the improvements and the shoreline to maximize water quality benefits.

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances of the Kent County *Land Use Ordinance* authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

In order to grant a *variance*, the Board of Appeals must find all of the following:

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
- e. That the practical difficulty or other injustice was not caused by the applicants own actions.
- f. That within the *Critical Area* for *variances* of 15% slope, impervious surface, or buffer requirements:
 - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area Law* and the *regulations* adopted by Kent County
 - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
 - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area Commission*.
 - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
 - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.

- xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.
- g. In considering an application for a *variance*, the Board shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
- h. In considering an application for a *variance*, the Board of Appeals shall presume that the specific *development* activity in the Critical Area that is subject to the application and for which a *variance* is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.

B. *Staff and TAC Comments:*

- The Comprehensive Plan advocates for the maintenance, enforcement, and, if necessary, strengthening of existing regulations for floodplains and buffers. The intent of the Ordinance is to set the standards for variances from certain enumerated provisions.
- The practical difficulty is that the entirety of the principal structure is within the 100-foot buffer.
- As the proposed impact is minimal and the required mitigation has been agreed upon, the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations.
- The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
- Homes on adjacent and nearby properties are not within the 100-foot buffer and do not share the same practical difficulty.
- Authorization of the variance will not be a substantial detriment to adjacent property and the character of the district will not be changed.
- Mudrooms are a desirable and common feature of waterfront homes, and a literal interpretation of this Ordinance would deprive the applicants the rights commonly enjoyed by other properties in similar areas.
- The granting of a variance will not confer upon the applicants any special privilege that would be denied by this Ordinance to other lands or structures.
- Without a variance, the applicant would be deprived of use of a structure permitted to others in accordance with the provisions of the critical area program.
- The Critical Area Commission has recommended that the Board of Appeals make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent County Land Use Ordinance and COMAR 27.01.12.04, both of which address whether the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law. With the limited impact and the clear intent to mitigate, along with other environmental improvements on the property, Staff has determined that the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law.

STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance to remove a stoop, stairs, and part of a walkway in order to add a mudroom, stoop, and stairs on to the landward side of the residential structure, resulting in 26.75 square feet of permanent impact to the buffer. Staff further recommends the following:

- Buffer mitigation as proposed will be implemented within two growing seasons and will be maintained to ensure survivability.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Larry Hogan
Governor
 Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
 Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
 CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS**

August 23, 2022

Mr. Mark Carper
 Kent County
 Department of Planning, Housing and Zoning
 400 High Street
 Chestertown, Maryland 21620

**Re: Andrew and Emily Kaiser
 Buffer Variance Request (22-55)
 24212 Comegys Bight Lane
 (TM 52, P 35)**

Dear Mr. Carper:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a Buffer variance in order to partially renovate an existing residential dwelling. The property is 2.66 acres in size, located on lands designated as Resource Conservation Area (RCA), and zoned Residential Conservation District (RCD). The applicant proposes to remove and replace in-kind an existing screened-in porch that will also include a second story above the porch; the porch and addition are located on the waterside of the residential dwelling. In addition, the applicant proposes to remove a stoop, stairs, and partial walkway in order to add a mudroom, stoop, and stairs onto the landward side of the residential dwelling, resulting in 26.75 square feet of permanent impacts to the Buffer. Lastly, the applicant proposes to add a second story home office onto the existing garage, located outside of the Buffer.

The proposed total lot coverage on site is 17,179 square feet (14.8%). No clearing is proposed; however, the residential structure and associated amenities are located wholly within the Buffer; therefore, 26.75 square feet of permanent impacts will occur within the Buffer.

Based on the information provided, we do not oppose this Buffer variance request. Mitigation at a 3:1 ratio is required for permanent impacts to the Buffer as per COMAR 27.01.09.01-2. Locating the plantings between the improvements and the shoreline is recommended to maximize water quality benefits. The applicant shall provide a Buffer Management Plan as per COMAR 27.01.09.01-3 to the County for review and approval that includes species, size, spacing and schedule of plantings, and maintenance activities and survivability assurance.

Kaiser Buffer Variance (22-55)

August 23, 2022

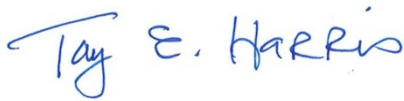
Page 2

In addition, when deciding the proposed buffer variance request, the Board of Appeals shall make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent Land Use Ordinance and COMAR 27.01.12.04.

Finally, it is unclear if the proposed home office above the garage constitutes as a dwelling unit per the County and Critical Area definition. We note that density in the RCA is limited to 1 dwelling unit per 20 acres; however, the County may consider one additional dwelling unit per lot or parcel if it complies with the provisions found in Natural Resources Article 8-1808.1(e)2. We recommend that the County work with the applicant to clarify this matter, including determining if a non-conversion agreement is necessary for the home office.

Thank you for the opportunity to review and provide comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. If you have any questions, please feel free to contact me at 410-260-3481 or tay.harris@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Tay E. Harris". The signature is written in a cursive, slightly slanted style.

Tay E. Harris
Natural Resources Planner
KC 285-22

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)

ANDREW AND EMILY KAUSER

24212 COMEGYS BLVD LAKE

CHESTERTOWN, MD. 21620

Email: EMILY.FINTEL.KAUSER@GMAIL.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: JOHN@JOHNHOTCHAPPEL.COM

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article Section

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.) 24212 COMEGYS BLVD LAKE

In the Election District of Kent County.

Size of lot or parcel of Land:

Map: 0052 Parcel: 0135 Lot #: Deed Ref:

List buildings already on property: MAIN HOUSE, GARAGE

If subdivision, indicate lot and block number:

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

PRESENT ZONING OF PROPERTY: RESOURCE CONSERVATION DISTRICT

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) BUILD A SMALL MUDROOM WITH THE BUFFER, BUT NO

WASER TO SHOROWNE THAN EXISTING HOUSE. EASTING BOUNDARY PAGES HANDSHIP DUE TO BEING ENTIRELY W/IN BUFFER

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

Present owner(s) of property: ANDREW AND EMILY KAUSER Telephone: 410.810.4550

If Applicant is not owner, please indicate your interest in this property: _____

Has property involved ever been subject to a previous application? UNKNOWN

If so, please give Application Number and Date: _____

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: CHARLES E. CONKLIN

Owner(s) on the South: M. RICHARD KALTER

Owner(s) to the East: COMEGYS CREEK

Owner(s) to the West: DONALD FREDERICK HEWES

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.

[Signature] (Architect)
Signature of Owner/Applicant/Agent or Attorney

7/29/22
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.

August 25, 2022

**Re: JHA Project #21031 - Comegys Bight Renovations
24212 Comegys Bight Lane, Chestertown MD
Buffer Variance Narrative**

To whom it may concern,

The following narrative are comments I would like to make in support of our request for a Buffer Variance for a new Mudroom addition of the house addressed above.

- A. Prior to employing my office to design this project, and also subsequently, the owners have polled some of their neighbors to see if anyone would be apposed to the Mudroom Addition or Garage Second Floor Addition, both of which shown in my drawings that are labeled, "Variance Submission", and dated 29 July, 2022. To date, they have have received no objections from their neighbors - only comments of support. The design of the mudroom and 2nd Floor Garage additions, have been intentionally modest, and within keeping of the modest aesthetic of surrounding residences and farmland.
- B. The Owner's of the property, Andrew and Emily Kaiser, are presented with a practical difficulty which was not created by the Owner's actions. The entire existing house, built circa 1970, resides within the 100' buffer, and thusly, to change the footprint in any way, requires a buffer variance.
- C. The purpose of the mudroom, is to allow for the Kaisers to have an entry to the house which can be safely used by their two children, who are active with sports and summer camps. The current layout of the house does not have any reasonable interior space for a mudroom. We also considered an addition at the front door, but that would be less safe because of the main stairway to the second floor being in that location, and would be visually less attractive (and also would still be within the 100' buffer). We consider the proposed location on the side of the house to be a good solution, as it is aesthetically in keeping with the rest of the house, it is adjacent to the current Laundry, and the addition is designed in an area presently occupied (partially) by a paved pathway and large masonry stoop, totaling 43 sq ft of current impervious coverage which will be "swallowed up" by the addition. As a result, the new addition and stoop only create an additional 27 sq ft of impervious coverage for the property.
- D. The 27 sq ft of additional impervious coverage has been addressed with a Buffer Planting Plan shown on Sheet A0.03 of the submitted drawings. Being within the buffer, the required credits shall be the total new coverage multiple by a factor of 3. Thusly, the required credits required for this project is 81 sq ft). We have proposed a new Sweetly Magnolia (totaling 150 sq ft credits) between the house and the water, as shown on the drawings. Also on Sheet A0.03, are lot coverage calculations provided by surveyor Mike Scott, with new coverage calculations provide by me. The total allowable impervious area of the lot is listed at 17,420 sq ft. The total existing impervious coverage is 17,153 sq ft and the total lot coverage after construction, is proposed to be 17,180 sq ft. Thusly, after the proposed construction, the property is still within the limits of 15% coverage as established within the Land Use Ordinance, and accordingly will not adversely affect water quality, or adversely impact fish, wildlife, or plant habitat.
- E. As intimated in Item A above, it is our opinion that the proposed construction will not be a substantial

detriment to any adjacent property and the character of the surrounding Zoning district will not be changed by the granting of this variance. The construction has been purposely designed to be modest, and in keeping with the adjacent Architecture.

- F. The Owners are parents who both work as consultants from their home. As with many other parents with school age children, the owners wish to have a living space that also accommodates the needs of their active children. A Mudroom is a very common need for active families. The residence was designed and built circa 1970, and the needs and living patterns of families has certainly evolved since then. However, the circumstances of the existing residence being entirely within the buffer, restricts the owners from having similar spaces that they would otherwise be allowed, if the building was not within the buffer.

I trust the above comments will help you understand the this project and why we consider our request for a Variance to be reasonable, and not in conflict with the County's Land Use Standards.

My sincerest thank you, for your time and consideration,



John C. Hutchison, AIA
John Hutchison Architecture

From: Emily Fintel Kaiser <emily.fintel.kaiser@gmail.com>
 Subject: Fwd: Thanks and follow-up
 Date: June 7, 2022 at 14:35
 To: John Hutchison Architecture johnhutcharch@gmail.com

EK

Forwarded message
 From: Emily Fintel Kaiser <emily.fintel.kaiser@gmail.com>
 Date: Wed, Aug 11, 2021 at 3:56 PM
 Subject: Re: Thanks and follow-up
 To: John Beskid-MDH <john.beskid@maryland.gov>

Thanks so much John and yes, we will keep you in the loop as we continue to think about this and move forward with the design process.
 Take care, and enjoy the rest of your summer!

Emily
 On Wed, Aug 11, 2021 at 2:40 PM John Beskid-MDH <john.beskid@maryland.gov> wrote:

On Wed, Aug 11, 2021 at 10:55 AM Emily Fintel Kaiser <emily.fintel.kaiser@gmail.com> wrote:
 Dear John,

Thanks so much for coming out yesterday and for talking through our plans and what would be permissible on our property.
 In order for us to move forward, I want to be sure that I have correctly understood what you shared would be allowable under existing county regs. This is my understanding:

- Adding an additional bedroom as we were hoping is not currently possible. **Correct**

However:
 - Within the main house, we would be able to move the existing master bedroom to a new location over the screened-in porch and to convert the existing master bedroom into a living/office room.

- For the garage, we would be able to add an additional second floor office space, as well as a half bath. **YES, this would require a non conversion agreement recorded at the Kent County Court House stating the office space is not approved as a bedroom.**

Your architect should design it as an office and not something that meets bedroom building code, if that makes sense.

Please let me know if I have captured the conclusions of our conversation accurately, and if there is anything I have missed. (We want to be sure that we get this right so that we can start with architectural design plans!)
Good idea to share plans with me as they evolve.

Thanks very much again, and look forward to staying in touch as our plans continue to take shape.
Do not hesitate to contact me.
 John

All best,
 John C. Beskid, LEHS
 Director of Environmental Health
 Kent County Health Department
 125 South Lynchburg Street
 Chestertown, MD 21620
 john.beskid@maryland.gov
 410 778 1361 Office
 410 778 7017 fax
 410 778 2142 desk

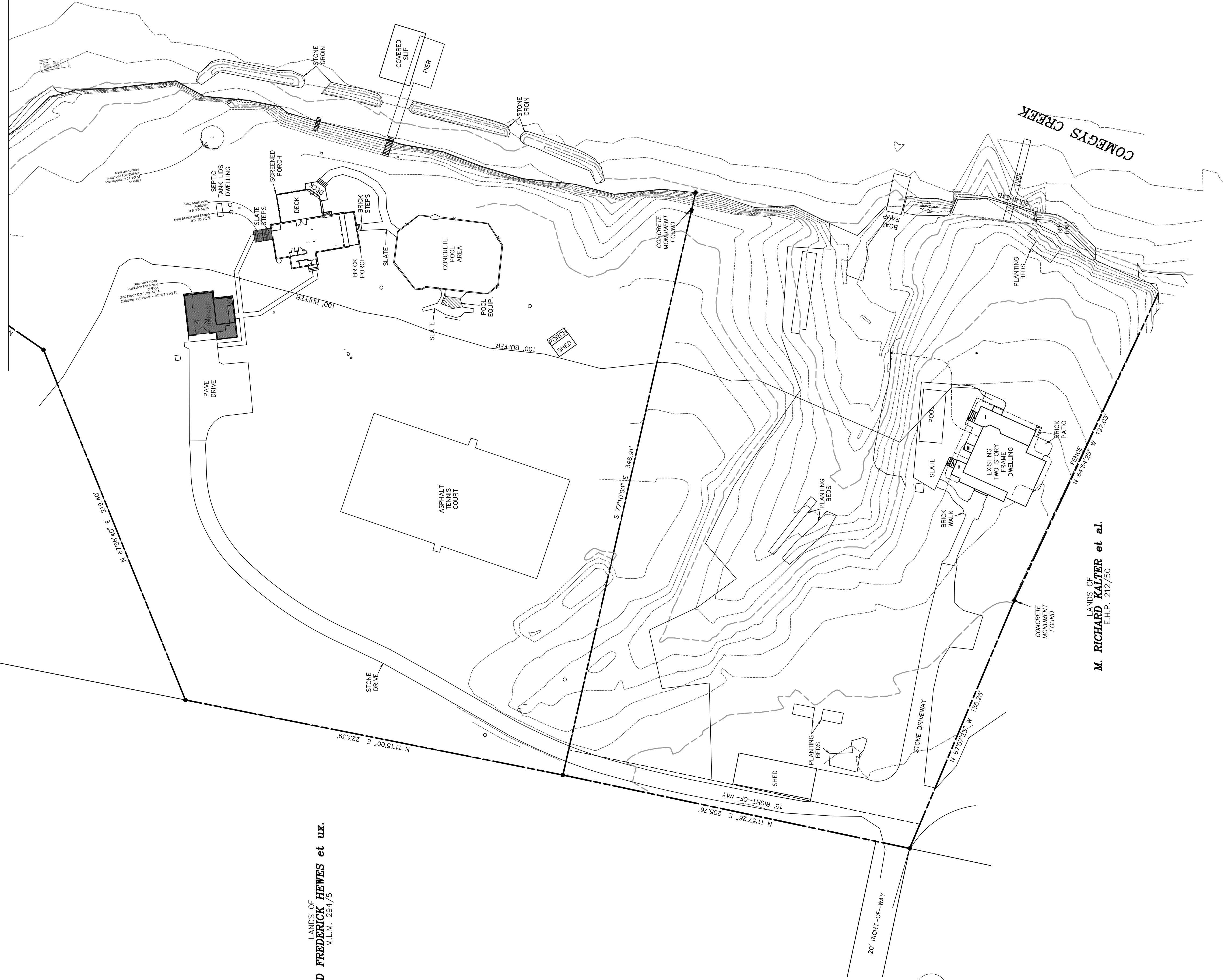
LANDS OF
CHARLES E. CONKLIN et ux.
 M.L.M. 32/1122

LOT COVERAGE CALCULATIONS

AREA OF PROPERTY:	2,666 AC.±
AREA OF LOT COVERAGE ALLOWED:	17,420 SQ. FT.
AREA OF LOT COVERAGE EXISTING:	
AREA OF PAVEMENT:	8,790 SQ. FT.
AREA OF STONE DRIVEWAY:	2,692 SQ. FT.
AREA OF CONCRETE:	2,889 SQ. FT.
AREA OF HOUSE AND PORCH:	1,617 SQ. FT.
AREA OF SHED AND GARAGE:	834 SQ. FT.
AREA OF SLATE:	514 SQ. FT.
AREA OF BRICK:	17 SQ. FT.
TOTAL EXISTING:	17,153 SQ. FT.
Stoop and steps to be removed:	(43) SQ. FT.
New Mudroom Addition:	36 SQ. FT.
New Stoop and Steps:	34 SQ. FT.
Total Lot Coverage After Construction:	17,180 SQ. FT.
Total New Lot Coverage for Buffer Management:	27 SQ. FT.
x 3.00 for within the Buffer:	81 SQ. FT.
Total Credits Provided (1 sweetbay Magnolia):	150 SQ. FT.

LANDS OF
DONALD FREDERICK HEWES et ux.
 M.L.M. 294/5

LANDS OF
M. RICHARD KALTER et al.
 E.H.P. 212/30



SP 0.03 Site Plan - Proposed
 SCALE: 1" = 30'
 0 30 60

Note: Drawings are not authorized for Permit or Construction unless affixed with a Professional Seal and Signature of the Architect below. Drawings authorized for Construction must also be stamped "Issued for Construction" above the Sheet Title below. Drawings stamped "Preliminary" or "For Permit Only" are not authorized for Construction.

Drawings and Specifications as instruments of service are and shall remain the property of the Architect. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Architect.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.
 © John Hutchison Architecture

Project Number: JHA 21031
Comegys Bight Renovations and Additions
 24212 Comegys Bight Lane
 Chestertown, MD 21620
 Kent County

for
 Andrew and Emily Kaiser

REVISIONS

ID	Change Name	Date

Note: 3D Images are shown for reference only and shall not be used for Actual Construction.
 Note: Full Size drawings are typically printed on 22x34 or 24x36 paper; if printed on 11x17 or 13x19 paper, it is likely the drawings are printed using a 50% reduction. Please verify scale of all drawings.

PRELIMINARY
FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

Variance Submission
 Work in Progress
 Printed: 7/29/22
 Site Plan - Proposed

A
0.03

BIMcloud: johnhutcharch - BIMcloud as a Service/Kaiser Comegys Bight Renovations and Additions/Arch/Cad Files/Kaiser Comegys Bight Renovations Variance Submission

Note: Drawings are not authorized for Permit or Construction unless affixed with a Professional Seal and Signature of the Architect below. Drawings authorized for Construction must also be stamped "Issued for Construction" above the Sheet Title below. Drawings stamped "Preliminary" or "For Permit Only" are not authorized for Construction.

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 © John Hutchison Architecture

Project Number: JHA 21031
Comegys Bight Renovations and Additions
 24212 Comegys Bight Lane
 Chestertown, MD 21620
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PRELIMINARY
FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

Variance Submission
 Work in Progress
 Printed: 7/29/22

First Floor Plans - House

A
1.01a

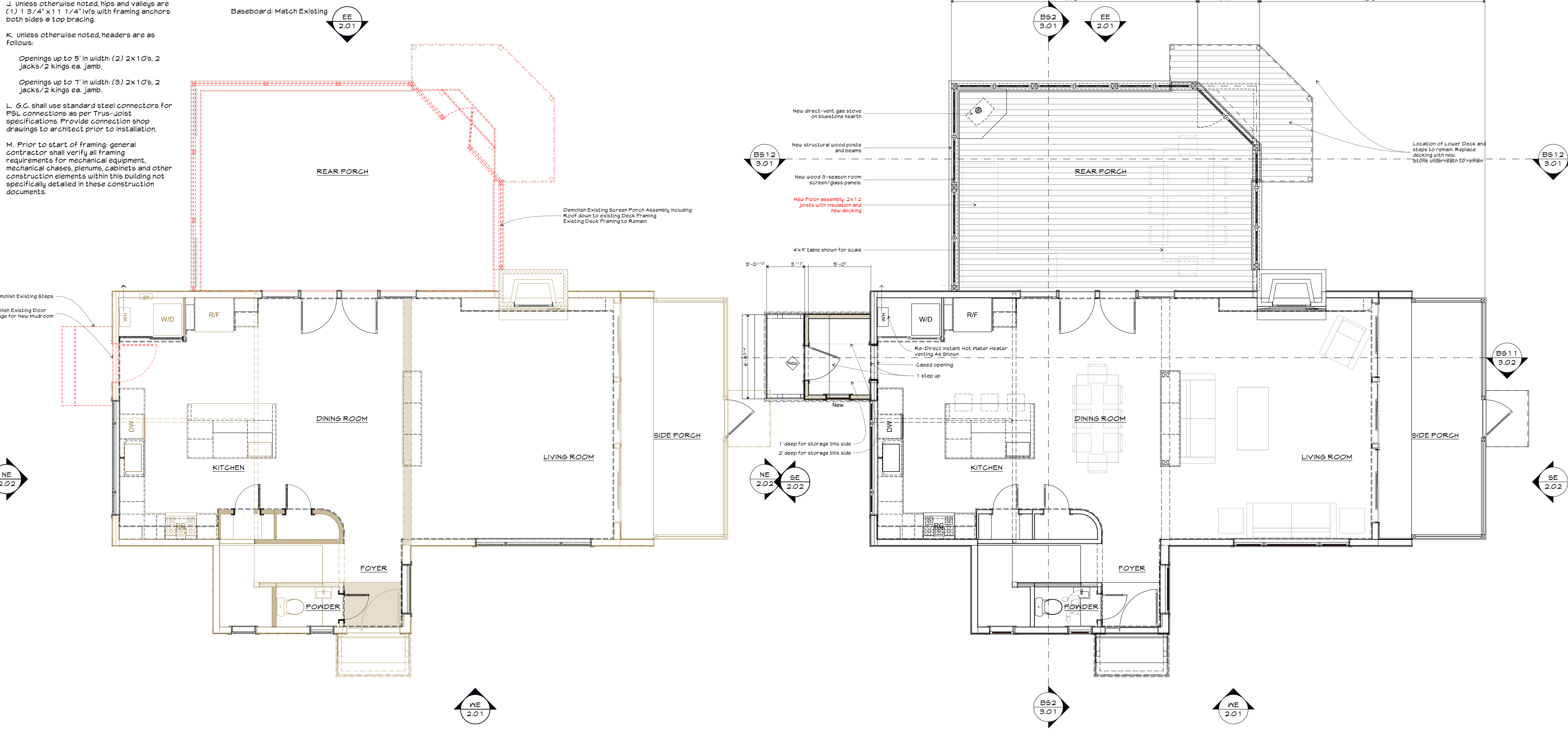
Framing General Notes

- A. Unless otherwise noted, framing members are #2 hem-fir. Floor joists and rafters as follows:
 - 2nd Floor Joists Master Bedroom Suite: 2x12s @ 16" o.c.
 - 2nd Floor Joists Garage: 1 1/2" x 11 0 wood I-Joists @ 16" o.c.
 - Deck Joists: P.T. 2x10s @ 16" o.c.
 - Typical building rafters: 2x10s @ 16" o.c.
 - Typical porch rafters: #2 Doug-Fir 2x8s @ 16" o.c.
- B. Unless otherwise noted, dimensions are shown to the outside of exterior bearing walls (not to include sheathing) & to the centerline of framing members.
- C. Building Rim Joists are LSL, typ.
- D. Except where otherwise indicated, framing members shown close to each other are snug together.
- E. Provide Simpson or equivalent joist hangers where indicated/as necessary.
- F. U.O.N. Subfloor is 23/32" Advantech, 48/24 span rating, glued and nailed to joists.
- G. U.O.N. roof sheathing to be 1/2" Advantech.
- H. U.O.N. Exterior walls are 2x6 studs @ 16" o.c. w/ r-21 batt insulation. Wall sheathing to be 1/2" ZIP sheathing.
- I. Where joists bear on perpendicular walls, partitions and beams, provide blocking between joists using same joist type. Provide (2) joists directly below walls or partitions above.
- J. Unless otherwise noted, hips and valleys are (1) 1 5/4" x 11 1/4" lvs with framing anchors both sides @ top bracing.
- K. Unless otherwise noted, headers are as follows:
 - Openings up to 5' in width: (2) 2x10s, 2 jacks/2 Kings ea. jamb.
 - Openings up to 7' in width: (3) 2x10s, 2 jacks/2 Kings ea. jamb.
- L. G.C. shall use standard steel connectors for FSL connections as per Trus-Joist specifications. Provide connection shop drawings to architect prior to installation.
- M. Prior to start of framing, general contractor shall verify all framing requirements for mechanical equipment, mechanical chases, plenums, cabinets and other construction elements within this building not specifically detailed in these construction documents.

Floor Plan General Notes

- A. All thresholds shall have beveled edges with the slope being no greater than 1:2.
- B. Unless otherwise noted, color selection of finishes is to be coordinated with owner. Selection and design of casework, counters, and cabinets shall be coordinated with the owner. G.C. to provide shop drawings for owner approval prior to construction.
- C. All dimensions are to rough face of framing, face of block, or centerline of stud unless otherwise noted.
- D. New Interior doors shall be primed MDF solid core REEB 2-panel (flat) doors with square sticking, w/ 1 1/2 pair Oil Rubbed Bronze square tip hinges, interior door hardware to be Oil Rubbed Bronze. Coordinate hardware selection, locking, and final finish selection with Owner.
- E. Projected interior floor finishes are as follows:
 - Mudroom: Tile
 - Bedrooms: Wood
 - Existing Bedrooms: Sand & refinish to match new Bedroom Floor
 - Office Stair: Carpet
 - Bathrooms: Tile
 - Emily's Office: Wood
 - Garage Offices: Carpet
 - Sitting Room: Wood to Match Existing (Including Color)
- F. Interior Trim:
 - Door and window casings: Match Existing
 - Baseboard: Match Existing

- G. New Bathroom cabinetry: Shaker panel overlay doors and drawers.
- H. Not Used
- I. Finished Ceilings: Finished ceilings are 1/2" drywall except as follows:
 - Exterior porches: Per Exterior Elevation General Notes.
 - Underside of Garage Office roof (vaulted ceiling): 1/2" GNB.
- J. Insulation - U.O.N. Insulation shall be as follows:
 - Exterior Walls - R-21 fiberglass batt
 - Ceiling/Rafters - Full thickness open cell spray foam
- K. Appliances: TBD
- L. Mechanical Assumptions:
 - 1st Floor: Mini split wall-mount Heat pumps located per Floor Plans.
 - Mezzanine: Mini split wall-mount Heat pumps located per Floor Plans.
 - Hot Water: One on-demand gas heater located in Crawlspace.
 - Electric: Verify sub-panel size in Garage.
- M. Not Used



1. 1.01a 1st Floor - Demo SCALE: 1/4" = 1'-0"

1. 1.01a 1st Floor - Proposed SCALE: 1/4" = 1'-0"

BIMcloud - BIMcloud as a Service/Kaiser Comegys Bight Renovations and Additions/Arch/Cad Files/Kaiser Comegys Bight Renovations Variance Submission

September 1, 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 meeting on September 1, 2022, 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 be enclosed within a perimeter fence with an area of 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 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:

- The applicant obtains all state and federal permits.
- 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, there will be no impact to community facilities and services, and there will be minimal noise and no odor, noxious materials, or other nuisances.
- 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 the maximum allowable height.
- The solar collection system will be incidental to the use of the farm, and it will not adversely impact adjacent properties, water quality, fish, or wildlife and plant habitat.

Sincerely,
Kent County Planning Commission



Joe Hickman
Chair

FJH/mc

cc: Seth Shafer, P.E. Pivot Energy
Bruce Wilson, Pivot Energy
Ted Hastings, Becker Morgan Group

TO: Kent County Board of Appeals
FROM: Mark Carper, Associate Planner
MEETING: September 1, 2022
SUBJECT: 25809a Still Pond Neck, LLC
Special Exception – Utility-Scale Solar in the AZD

Executive Summary

REQUEST BY APPLICANT

The applicant, 25809a Still Pond Neck, LLC, is requesting 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, and it has been assigned the street address of 26001 Still Pond Neck Road. The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 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. Assessments for glare and visibility indicate that the proposed solar array would be unnoticeable and would not reflect glare on adjacent properties or roadways. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

PUBLIC PROCESS

Per Maryland State Law and Article VII, Section 6.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for special exceptions.

SUMMARY OF THE STAFF REPORT

The intent of the special exception provisions is to provide for certain uses, which because of their unique characteristics, cannot be distinctly listed as a permitted use in a particular District. The Board of Appeals must consider the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

The applicant has addressed all specific and general performance standards and has outlined its proposed uses onsite. The proposed use meets the standards and requirements for a special exception for a utility-scale solar energy system in the AZD.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a favorable recommendation to the Board of Appeals in granting the special exception with the following conditions:

- The applicant obtains all state and federal permits.
- 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 special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
 SUBJECT: 25809a Still Pond Neck, LLC
 Special Exception – Utility-Scale Solar in the AZD
 DATE: August 25, 2022

DESCRIPTION OF PROPOSAL

The applicant, 25809a Still Pond Neck, LLC, is requesting 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, and it has been assigned the street address of 26001 Still Pond Neck Road.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 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 or the surrounding area.

HISTORY

The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022. On first application for a special exception, the Planning Commission sent a favorable recommendation to the Board of Appeals for approval.

RELEVANT ISSUES

I. Special Exception – Specific Standards for Utility-Scale Solar Energy Systems on Farms in AZD and RCD

A. *Comprehensive Plan:*

- Retain the Agricultural Zoning District

B. *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 solar panel arrays may not exceed 5 acres. The area of the solar panel arrays shall be measured as the area within solar panel arrays' security fence. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. In AZD, only the five-acre maximum area of solar panel arrays, as measured in subsection j., 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.

C. *Staff Comments:*

- A glare assessment was submitted, indicating that of ten observation points with potential for glare, only one was within a range that can cause temporary visual impairment in the form of an after-image (yellow glare). Due to the minimal slopes at the project site, the landscape screening buffer will effectively mitigate visibility of the array and any glare to this observation point and others and nearby roads. 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, defined as the collection of solar panels and associated equipment to be enclosed in perimeter fencing, will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- No tree removal is proposed, and a forest stand delineation has been submitted.
- A visibility assessment has been provided, indicating that proposed buffer will successfully mitigate visibility from all of the observation points and the roads. Visibility is already mitigated by existing terrain, vegetation, and/or structures to 7 of the 10 observation points.

II. Special Exception – General Standards

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 Laws:*

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 has been proposed as 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 proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- The proposed use of the structures and property should not have a negative impact on property values.
- The proposed use will not have a negative impact on water quality or negative impact on fish, wildlife, or plant habitat.
- 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.

STAFF RECOMMENDATION:

Staff recommends granting the special exception with the following conditions:

- The applicant obtains all state and federal permits.
- 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 special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

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))

26001 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.

 06/29/2022
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: April 27, 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: 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 inclusive of the fencing encompassing the entire 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 on all sides of the array.
 - 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 area within the fencing is no larger than the 5-acre.
- 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:

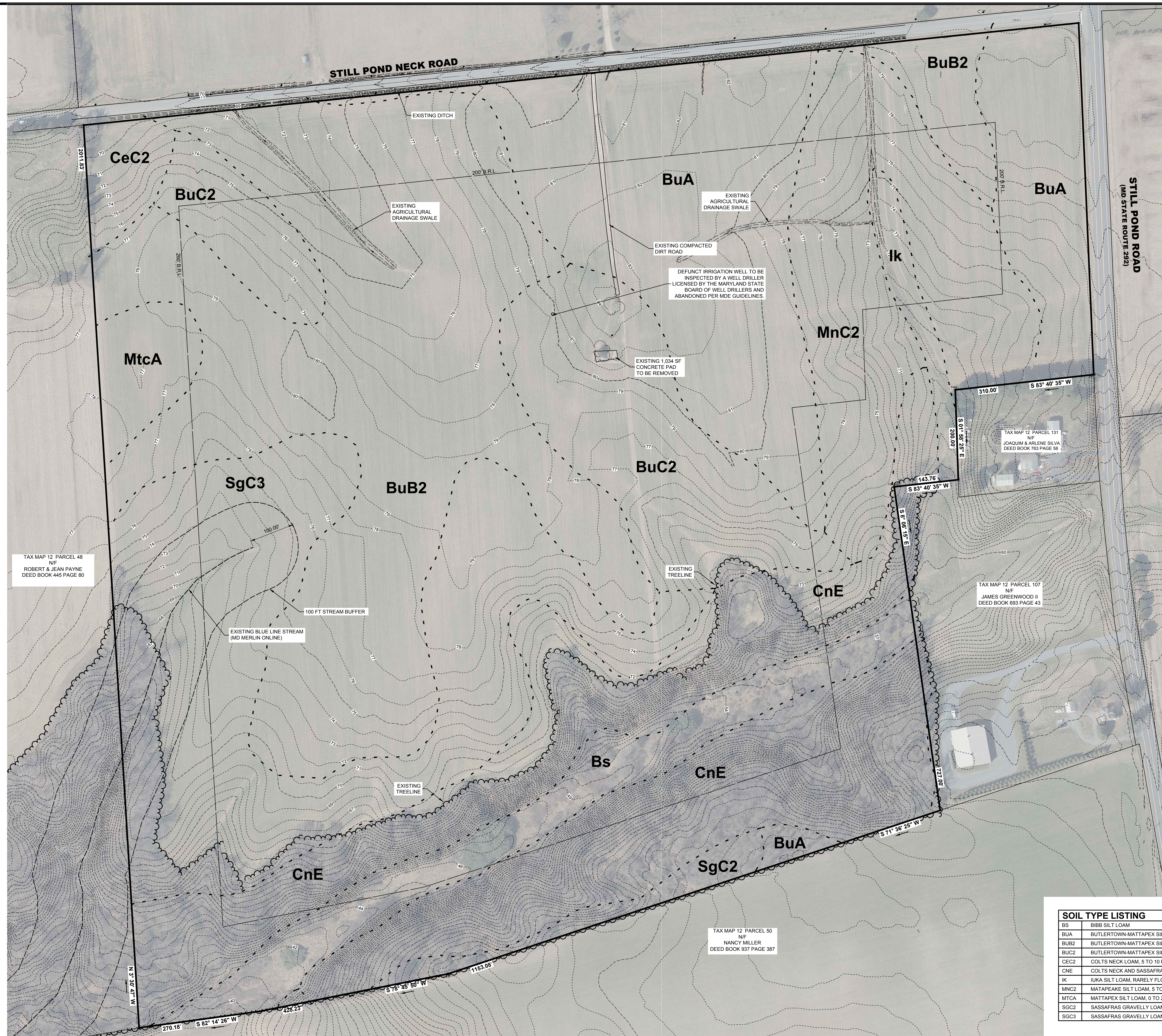
- Quality of Life and Sustainability: The use of solar energy generating facilities help protect the environment by creating emission free energy source that does not impact the environment.
- Public Participation: SGC Power sent a letter to the adjoining property owners explaining the project and that 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.



TAX MAP 12 PARCEL 48
N/F
ROBERT & JEAN PAYNE
DEED BOOK 445 PAGE 80

EXISTING 1,034 SF
CONCRETE PAD
TO BE REMOVED

TAX MAP 12 PARCEL 131
N/F
JOAQUIM & ARLENE SILVA
DEED BOOK 763 PAGE 58

TAX MAP 12 PARCEL 107
N/F
JAMES GREENWOOD II
DEED BOOK 693 PAGE 43

TAX MAP 12 PARCEL 50
N/F
NANCY MILLER
DEED BOOK 937 PAGE 387

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	MATTAPEX 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

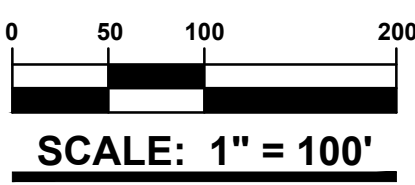
PROJECT TITLE

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: 04/27/2022

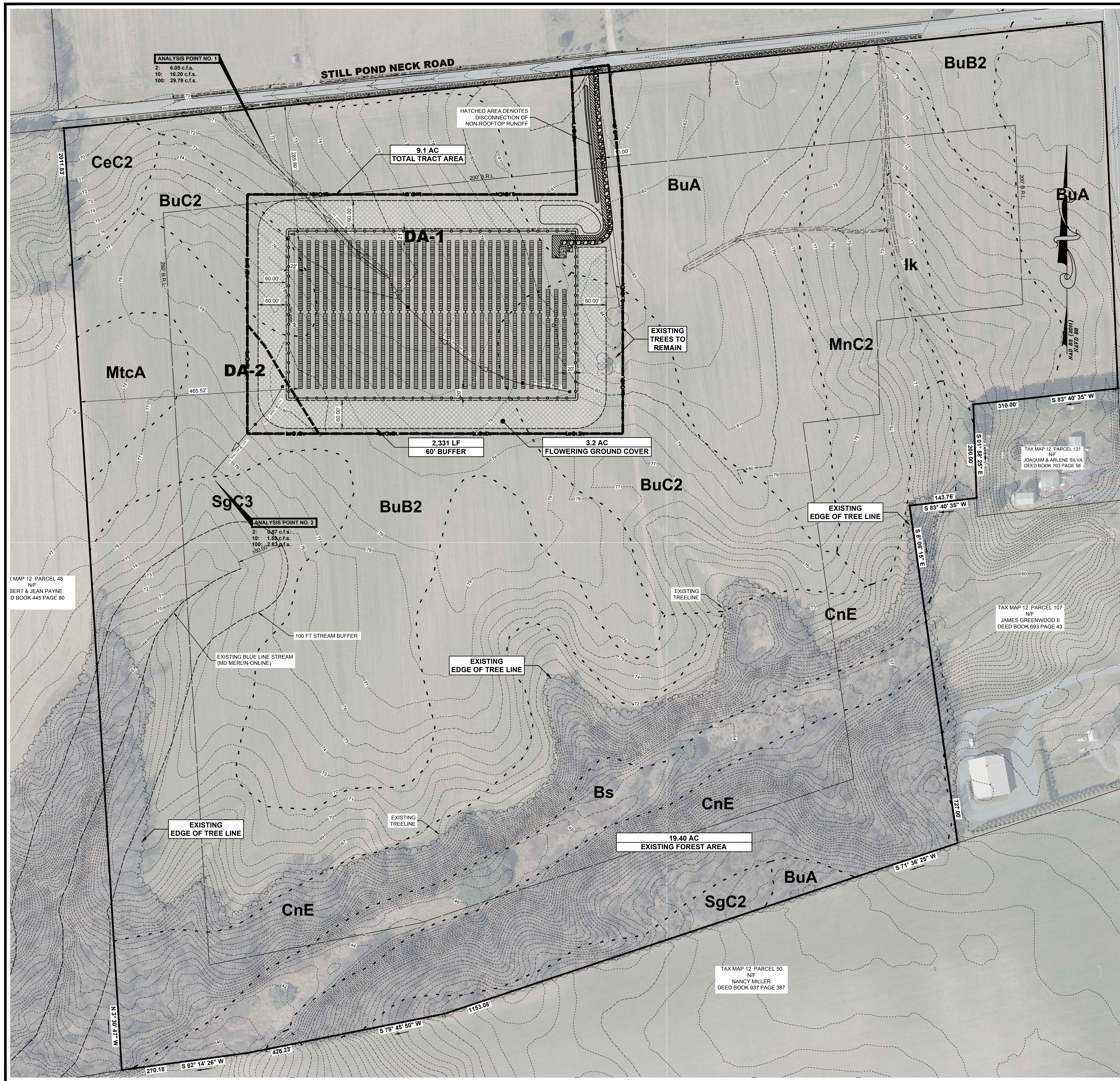
SCALE: 1" = 100'

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

SHEET

C-101

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FOREST CONSERVATION REQUIREMENT

1. FOREST CONSERVATION & PLANTING REQUIREMENT: SEE FOREST CONSERVATION WORKSHEET 2.2 BELOW FOR THE REQUIRED TREE PRESERVATION BASED ON THE TOTAL TRACT AREA OF 11.10 ACRES

Forest Conservation Worksheet 2.2					
Net Tract Area					
A. Total Tract Area				A =	11.10
B. Deductions				B =	0.00
C. Net Tract Area				C =	11.10
Land Use Category					
Input the number "1" under the appropriate land use zoning, and limit to only one entry					
ARA	MDR	IDA	HDR	MPD	CIA
1	0	0	0	0	0
D. Afforestation Threshold (Net Tract Area x 20%)					
				D =	2.22
E. Conservation Threshold (Net Tract Area x 50%)					
				E =	5.55
Existing Forest Cover					
				F =	0.00
				G =	0.00
Break Even Point					
				H =	0.00
				I =	0.00
Proposed Forest Clearing					
				J =	0.00
				K =	0.00
Planting Requirements					
				L =	0.00
				M =	0.00
				N =	0.00
				O =	2.22
				P =	0.00
				Q =	2.22
				R =	2.22

FOREST AREA TO BE ADDRESSED VIA ON-SITE EASEMENT UPON APPROVAL OF FOREST STAND DELINEATION

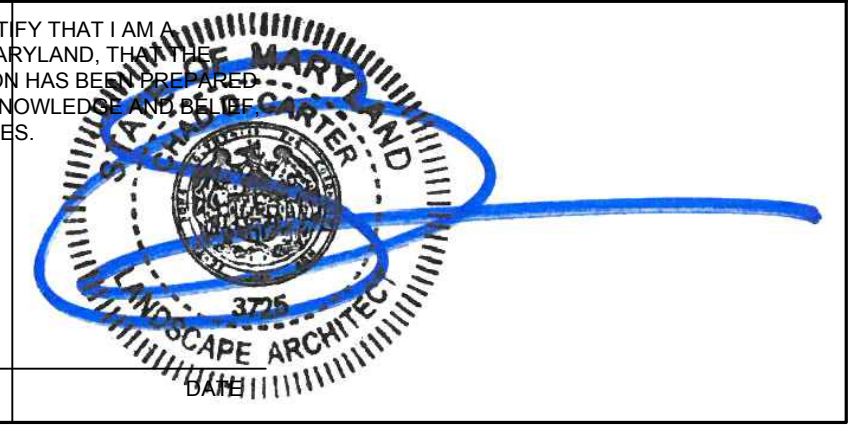
KENT COUNTY MARYLAND - SOLAR BUFFER REQUIREMENTS :

- PERIMETER BUFFER REQUIREMENT: THE REQUIRED SETBACK SHALL BE PLANTED AT (60) SIXTY FEET WIDE AND ACHIEVE A MINIMUM EIGHT (8) FOOT HIGH FOUR SEASON VISUAL BARRIER IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:
 - A: NOT MORE THAN 25% OF ANY SINGLE PLANT SPECIES SHOULD BE INCLUDED IN THE BUFFER TO PROMOTE THE GROWTH OF A NATURAL LANDSCAPE AND AVOID MONOTONY AND UNIFORMITY OF THE BUFFER. NON-NATIVE PLANT MATERIAL SHALL NOT TOTAL MORE THAN 10% OF ALL PLANTINGS. VEGETATION SHALL PROVIDE AN OPAQUE VISUAL BARRIER THAT OBSCURES THE UTILITY SCALE SOLAR ARRAY FROM SIGHT ONCE THE VEGETATION REACHES MATURITY OR WITHIN FIVE YEARS, WHICHEVER COMES FIRST. A MIX OF EVERGREEN TREES, UNDERSTORY TREES, SHADE TREES, SHRUBS AND FLOWERING GROUND COVER SHALL BE INCLUDED.
 - B: A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION SHALL BE AT LEAST 8 FEET IN HEIGHT, EACH PLANTED NO MORE THAN 10 FEET APART.
 - C: IN ADDITION TO THE EVERGREEN TREES, NATIVE DECIDUOUS OR SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF 2 1/2 INCH CALIPER SHALL BE INTERSPERSED TO ENHANCE THE EVERGREEN SCREENING ALONG WITH UNDERSTORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF 1 1/2 INCH CALIPER OR 8 FEET IN OVERALL HEIGHT OR GREATER IF REQUIRED BY THE PLANNING COMMISSION TO ADDRESS GATEWAY AREAS.
 - E: THE BUFFER SHALL INCLUDE A FLOWERING GROUND COVER FOR POLLINATORS, WARM SEASON GRASSES AND OTHER BENEFICIAL HABITAT. THE GROUND COVER SEED MIXTURE SHALL INCLUDE A MINIMUM OF 10 PLANT SPECIES WITH A MINIMUM OF 2 FLOWERING SEASONS. LAWNS OUTSIDE THE REQUIRED BUFFER ARE DISCOURAGED; PLANTINGS FOR POLLINATORS ARE ENCOURAGED IN ALL PLANTED AREAS.
 - F: THE HEIGHT OF PROPOSED PLANTING MAY REQUIRE ALTERNATIVES BASED UPON THE SITE ELEVATION AND VISIBILITY FROM ADJACENT PROPERTIES AND ROADS AND/OR RIGHTS OF WAYS. IF NECESSARY, AN ELEVATION OR PERSPECTIVE ILLUSTRATION EXHIBIT SHALL BE PROVIDED WITH VIEWPOINTS FROM RELEVANT LOCATIONS AROUND THE SITE FOR THE PLANNING COMMISSION TO CONSIDER.
- PERIMETER BUFFER PROVIDED: 2,331 LF OF OPAQUE EVERGREEN BUFFERING
 - EACH EVERGREEN TREE SHALL BE PLANTED AT A HEIGHT OF NO LESS THAN 8' NO SPECIES SHALL COMPRISE OF MORE THAN 25% OF THE TOTAL WITHIN 100LF THE FOLLOWING SPECIES OF EVERGREEN TREES ARE ACCEPTABLE:
 - AMAEYCYPARIS THYOIDES
 - PINUS TAEDA
 - PINUS STROBUS
 - JUNIPERUS VIRGINIANA
 - CRYPTOMERIA JAPONICA
 - TSUGA CANADENSIS
 - ILEX OPACA
 - THE FOLLOWING SPECIES OF UNDERSTORY TREES ARE ACCEPTABLE:
 - CORNUS FLORIDA
 - CORNUS AMOMUM
 - CERCIS CANADENSIS
 - MONOLIA VIRGINIANA
 - CHIONANTHUS VIRGINIANUS
 - AMELANCHIER CANADENSIS
 - CARPINUS CAROLINIANA
 - THE FOLLOWING SPECIES OF SHRUBS ARE ACCEPTABLE:
 - ILEX GLABRA
 - KALMA LATIFOLIA
 - VIBURNUM LENTAGO
 - VIBURNUM DENTATUM
 - MYRICA CERIFERA
 - RHODODENDRON MAXIMUM
 - RHODODENDRON ATLANTICUM
- BUFFER PLANTINGS PROVIDED: 2,331 LF / 100 LF @ 60' WIDE = 23.31 BUFFER UNITS
 - 23.31 BUFFER UNITS X 10 EVERGREEN TREES = 233 TREES (MIN)
 - 23.31 BUFFER UNITS X 2 UNDERSTORY TREES = 47 TREES (MIN)
 - 23.31 BUFFER UNITS X 10 SHRUBS = 233 TREES (MIN)
 - 23.31 BUFFER UNITS X 2 SHADE TREES = 47 TREES (MIN)
- TOTAL: 233 EVERGREEN TREES, 47 UNDERSTORY TREES, 233 SHRUBS, 47 SHADE TREES, 560 TOTAL PLANTINGS
- GROUND COVER PROVIDED: 100' X 60' = 6,000 SF, 6,000 SF X 23.31 BUFFER UNITS = 139,860 SF (3.2 AC), 3.2 AC OF FLOWERING GROUND COVER, RECOMMENDED MIX - HONEY BEE FORAGE MIX (ERNMX-157)
- TOTAL REQUIRED AFFORESTATION: 1.82 AC
- TOTAL PROVIDED AFFORESTATION VIA SOLAR BUFFER: 3.2 AC

MARYLAND LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS MY GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA 3725



ARCHITECTURE
ENGINEERING

Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950

The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland
312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

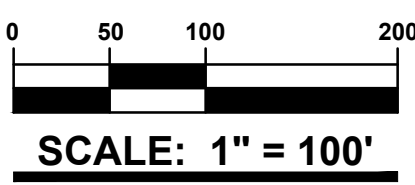
www.beckermorgan.com

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

FOREST CONSERVATION PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER STATE	LOST	

PROJECT NO.: 2022004.00

DATE: 06/28/2022

SCALE: 1" = 100'

DRAWN BY: S.W.A. PROJ. MGR.: E.H.H.

SHEET

L-001

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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

FENCE DETAIL

ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER STATE	L-102	

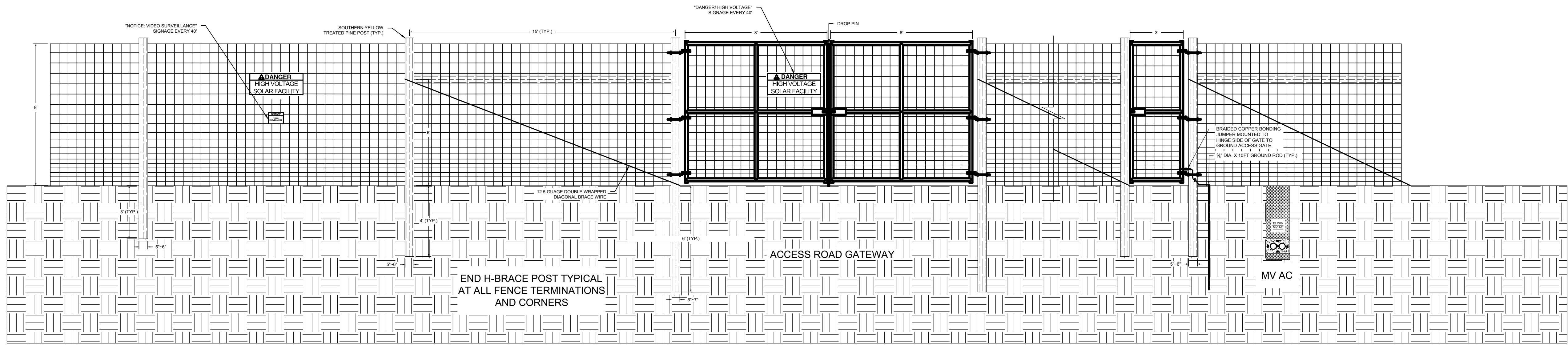
PROJECT NO.: 2022004.00
DATE: 06/28/2022

SCALE: N/A

DRAWN BY: S.W.A. | PROJ. MGR.: E.H.H.

L-102

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AG FENCE ELEVATION

NO SCALE

Solar Photovoltaic Glare Assessment

**26001 STILL POND NECK ROAD, STILL POND
KENT COUNTY, MD 21667
MDL118 - 25809a Still Pond Neck, LLC**

SGC Power, LLC

A. Weber
August 2022



SGC
P O W E R

Guiding Renewable Energy Projects



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SGC Power, LLC. 6865 Deerpath Road #330, Elkridge, Maryland, USA.

Email: contact@sgc-power.com Website: www.sgc-power.com



EXECUTIVE SUMMARY

Purpose of Report

SGC-Power and 25809a Still Pond Neck, LLC are developing a community solar photovoltaic (PV) installation located at 26001 Still Pond Neck Rd, in Still Pond, Maryland. This report examines the potential for solar glare due to PV panel reflections on nearby homes, businesses, and roads. The results are based on a detailed geometric analysis of the PV array configuration, observation point locations, and sun positions throughout a year.

Glare Overview

While solar PV panels are designed to absorb as much light as possible, various factors can result in some amount of light being reflected. The quantity of light reflected by a panel depends on the amount of incoming sunlight, the position of the sun relative to the panel, and various panel materials and environmental properties. The relative position of the sun to the panels to the observer tends to be the strongest determining factor. The farther a panel is tilted away from the sun, the greater its potential to reflect light.

This analysis considers two types of glare. Higher magnitude glare, hereafter termed “yellow glare”, has the potential to cause a temporary after-image in the vision of observers. Lesser magnitude glare, hereafter termed “green glare”, may still be visible as a reflection but is unlikely to cause a temporary after-image or cause any impairment. The glare analysis predicts if there is potential for glare at various times of the day throughout the year, the magnitude of that glare, and where on the array it would be reflecting from.

Components Under Consideration

- One photovoltaic (“PV”) array with single axis tracking modules oriented 180° (due south) and tilt varying from 60° east - to flat - to 60° west as they track the sun across the sky morning to evening.
- 10 neighboring homes, each comprising a single discrete Observation Point (OP).
- Two roadways each comprising a “Route” in the analysis:
 - Still Pond Road (MD-292)
 - Still Pond Neck Road

Assessment & Findings

The glare analysis was performed using ForgeSolar’s online application GlareGauge. GlareGauge meets all glare analysis standards required by the U.S. Federal Aviation Administration. GlareGauge solely considers characteristics of the PV array, movement and behavior of the sun, and relative positions of observers. It does not account for vegetation, terrain, or other structures positioned between the PV array and the observer that might obstruct the observer’s view of the glare.

The findings were as follows:

- **Absent vegetation and terrain, neighbors north of the array may experience glare mid-November through late-January.**
 - One residence north of the array has potential for yellow glare from 10:25am to 12:25pm (11:25am to 1:25pm daylight savings time) during the winter months.
 - Nine of the ten neighboring residences have no potential for glare due to their relative position to the array and/or distance from the array.
 - No glare will be visible from Still Pond Rd (MD-292) or Still Pond Neck Rd, thus no glare hazards for traffic.
 - These results are expected for the proposed single-axis tracking array. Since tracking arrays track the sun across the sky, the angle between the panels and the sun rarely becomes wide enough to reflect glare.



Mitigation Strategies

- **Glare is substantially mitigated by existing tree cover for the sole residence/business north of the array with potential for glare.**
- A landscape screening buffer will be planted around the perimeter of the array at a 60 ft width per county regulations. Due to minimal ground slopes at this site, the buffer will effectively mitigate visibility of the array, and thereby any glare, for the residence/business north of the array.
- Solar panels used on this project will utilize anti-reflective coatings to further reduce the possibility of light reflection.



REFLECTIVITY & SOLAR GLARE

Overview of Reflectivity

The amount of light reflected by a solar panel depends on the amount of incoming sunlight, the position of the sun relative to the panel, and various panel material and environmental properties - with the relative positioning of the panels tending to have the greatest impact. A panel that absorbs >90% of incoming sunlight may reflect light when the incidence angle between the panel normal and the sun is greater than 60°, such as during sunset and sunrise for panels with a fixed low tilt¹. In other words, the farther a panel is tilted away from the sun, the greater the proportion of reflected light. It is important to note that this same phenomenon occurs for many common reflective surfaces, such as car windshields and residents' windows. Anti-reflective coatings (ARC) and surface texturing can reduce the ocular impact of glare and will be used on this project.

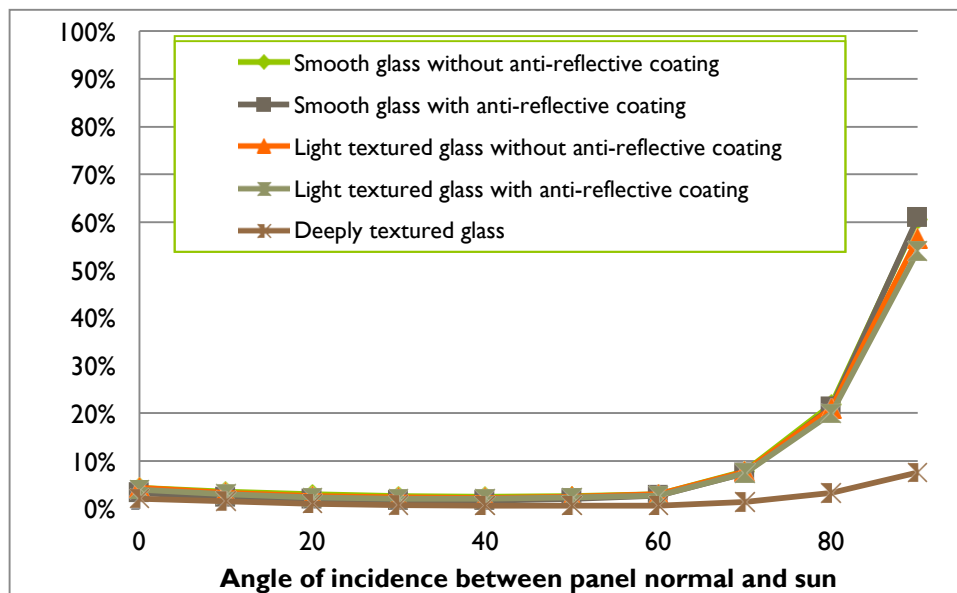


FIGURE 1 - PERCENT OF LIGHT REFLECTED AS A FUNCTION OF INCIDENCE ANGLE. INCIDENCE ANGLE LIES BETWEEN VECTOR TOWARD SUN AND PANEL NORMAL. PANELS WITH VERY LOW REFLECTIVITY CAN STILL CAUSE GLARE WHEN THE INCIDENCE ANGLE IS LARGE, SUCH AS IN THE MORNING AND EVENING.²
SOURCE: [HTTPS://SHARE.SANDIA.GOV/PHLUX/SGHAT/REFLECTIVITY-DATA/](https://share.sandia.gov/phlux/sghat/reflectivity-data/)

¹Ho, C. K., Ghanbari, C. M., and Diver, R. B., 2009, Hazard Analyses of Glint and Glare from Concentrating Solar Power Plants, SAND2009-4131C, in proceedings of SolarPACES 2009, Berlin, Germany, Sept. 15-18.

²<https://share.sandia.gov/phlux/sghat/reflectivity-data/>



Quantifying Glare

Glint is defined as a momentary flash of bright light often caused by sunlight reflecting off a moving source such as a passing car. On the other hand, glare is defined as a continuous source of bright light and is generally associated with stationary objects, which, due to the slow relative movement of the sun, will reflect light for a longer duration. Accordingly, this Assessment will use the term “glare” when discussing solar reflections. The magnitude of reflected irradiance (i.e. the amount of light reflected) determines the level of ocular (i.e. visual) impact.

Glint and glare are separated into three categories, based on their ocular impact:

- “Green” glare has low potential for after-image; when viewed for the average amount of time it takes the human eye to blink, the observer will not experience flash blindness³.
- “Yellow” glare has the potential to cause temporary after-image (flash blindness), which can impair or distract observers.
- “Red” glare has the potential to cause retinal burn and permanent eye damage. This requires a focusing of light and is not seen with solar panels, due to their lack of curvature.

The classifications correspond with the following figure:

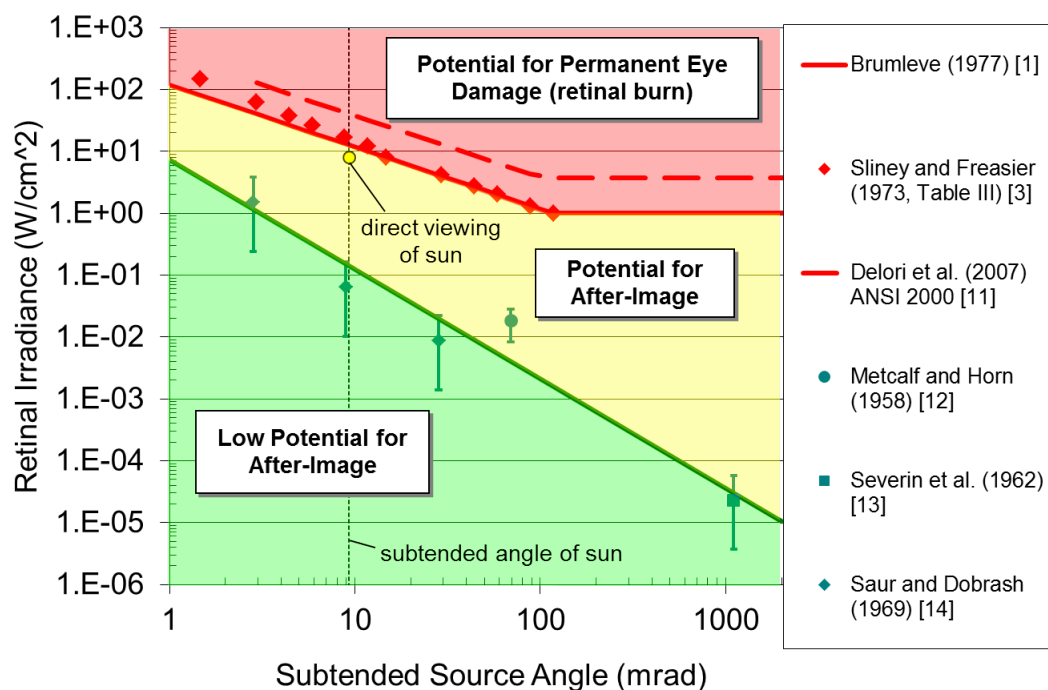


FIGURE 2 - GLARE HAZARD PLOT DEPICTING OCULAR IMPACT REGIONS⁴

³The Federal Aviation Administration defines flash blindness as “Generally, a temporary visual interference effect that persists after the source of illumination has ceased.” (FAA Order 7400.2f)

⁴Ho, C. K., Ghanbari, C. M., and Diver, R. B., 2011, Methodology to Assess Potential Glint and Glare Hazards from Concentrating Solar Power Plants: Analytical Models and Experimental Validation, *ASME J. Sol. Energy Eng.*, 133.



Note that these classifications serve only as a guide for quantifying glare. The ocular impact of solar glare can be influenced by environmental, physical, and human factors such as eye size, humidity, etc. Consequently, green glare which causes no after-image in one observer, may adversely affect another observer with a temporary after-image under the right circumstances. Distance also plays a role in ocular impact. As shown in Figure 2 above, glare severity is dependent on the retinal irradiance and the subtended angle of the glare source (i.e. glare spot size). Retinal irradiance does not change with distance, but the subtended source angle decreases as distance increases. Accordingly, the further an observer is from the array, the lower the severity of glare experienced. For closer observers, the maximum value of the subtended source angle is limited by the overall size of the array.

ASSESSMENT METHODOLOGY

GlareGauge

This glare analysis was performed using ForgeSolar’s online application GlareGauge, found at www.forgesolar.com and owned and operated by Sims Industries. GlareGauge relies on the Solar Glare Hazard Analysis Tool (SGHAT) technology built by Sandia National Laboratories (The app developer is a co-inventor of SGHAT). GlareGauge assesses potential glare for each minute of the year and provides quantified data on when and where glare occurs, as well as its ocular impact. GlareGauge meets all glare analysis standards required by the U.S. Federal Aviation Administration.

GlareGauge solely considers characteristics of the PV array, movement and behavior of the sun, and the relative positions of observers. It does not account for terrain, vegetation or other structures positioned between the PV array and the observer that might obstruct the observer’s view of the glare.

Methodology

1. Define the PV array location, configuration(s) and geometric model.
2. Define key observation points based on site and/or client input. For this analysis, the observation points chosen include residences and businesses on all neighboring properties, as well as nearby public roads.
3. Perform quantitative geometric analysis to determine the timing and amount of glare for observation points.
 - a. Model the sun as a conical beam of light which is reflected across the solar panels. The model accounts for the size of the sun, since glare can occur if even a small portion of sunlight hits the panels.
 - b. Use site specific annual sun path data (discussed and defined in the Sun Movement section of this report) to calculate the position of this conical beam of light for each minute of the year.
 - c. Perform calculations to determine the amount of sunlight reflected by the PV array for each minute of the year.
 - d. Perform analysis to determine whether an observer at can “see” the reflected sunlight on the panels at the designated observation points.
 - e. Quantify which minutes of the year yield potential for glare at each observation point, as well as the amount/severity of this glare.
4. Review physical obstructions and other mitigating factors for affected observation points.
 - a. Locate the corners and center points of each array in the field.
 - b. For each located point, take pictures at eye level of each observation point or route.



- c. Evaluate whether existing obstructions or terrain partially or fully screen each observation point.
 - d. Evaluate whether landscaping would fully screen each observation point.
5. If necessary, perform sensitivity analysis on PV site to explore alternate configurations (azimuth orientation or tilt) to reduce glare.

Assumptions

The GlareGauge tool makes several assumptions worth noting (from the SGHAT technology User's Manual on the Sandia National Laboratories website):

1. "[GlareGauge] does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and ocular impact of glare at different times and days of the year."
2. "The ocular hazard predicted by the tool depends on many environmental, optical, and human factors including observer eye characteristics, angle of view, and typical blink response time, which are uncertain and vary. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses."
3. Geo-coordinates rely on the WGS84 datum to represent the Earth.
4. Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
5. Several calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints.
6. Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Further details on the methodology used in this assessment can be provided upon request.



PROJECT LOCATION & SUN BEHAVIOR

Solar Array Footprint & Configuration

One PV solar array is modeled in this assessment. It is located at 26001 Still Pond Neck Rd in Still Pond, Maryland. The site ranges in elevation between 74 ft and 83 ft. above mean sea level (amsl). The array is designated as “PV Array 1” in the model. It utilizes a single-axis tracking system with rows oriented in a north-south axis. The panels’ tilt varies from 60° east - to flat - to 60° west as the array tracks the sun across the sky morning to evening. When the sun is past the maximum tilt angle, the array employs a tracking optimization strategy called backtracking. Backtracking allows the array to rotate backwards from maximum tilt in situations where the sun is low in the sky and the combination of terrain, row spacing, and maximum tilt may be causing the rows of panels to shade each other. In these situations, backtracking rotates the panels back towards flat until inter-row shading is minimized, thus optimizing energy produced early morning and late evening. The panels then “rest” at 60° east overnight. The PV panels are a minimum of 5 feet-3 inches above ground, which represents the panel centroid.



FIGURE 3 – PV ARRAY INSTALLATION FOOTPRINT

TABLE 1 –ARRAY 1 VERTEX LOCATIONS

Vertex	Latitude deg	Longitude deg	Ground elevation ft	Height above ground ft	Total elevation ft
1	39.342499	-76.068449	74.58	5.25	79.83
2	39.341358	-76.068438	80.21	5.25	85.46
3	39.341375	-76.067540	78.09	5.25	83.34
4	39.341383	-76.066609	78.94	5.25	84.19
5	39.342540	-76.066598	81.45	5.25	86.70

The vertex locations and elevations were derived from data provided on Forge Solar’s website.



Sun Movement

Analyzing glare on a minute-by-minute basis is an important step in ensuring the entirety of the sun’s path is considered when predicting glare. Because the position of the sun changes daily as well as seasonally, glare not evident in the summer months could manifest in the winter, and vice versa. Figure 4 illustrates the range of movement of the sun throughout the year for the array location. The azimuth represents the horizontal angle between the sun and true north. For example, a sun position of due south has an azimuth of 180°. In the northern hemisphere, the sun rises and sets farther southward during the winter and farther northward during the summer. In the southern hemisphere, the reverse occurs.

TABLE 2 – RANGE OF SUN POSITION, BASED ON SOLSTICES

Date	Azimuth at Sunrise	Azimuth at Sunset	Elevation at Solar Noon
21 Jun.	59°	301°	74°
21 Dec.	120°	240°	27°

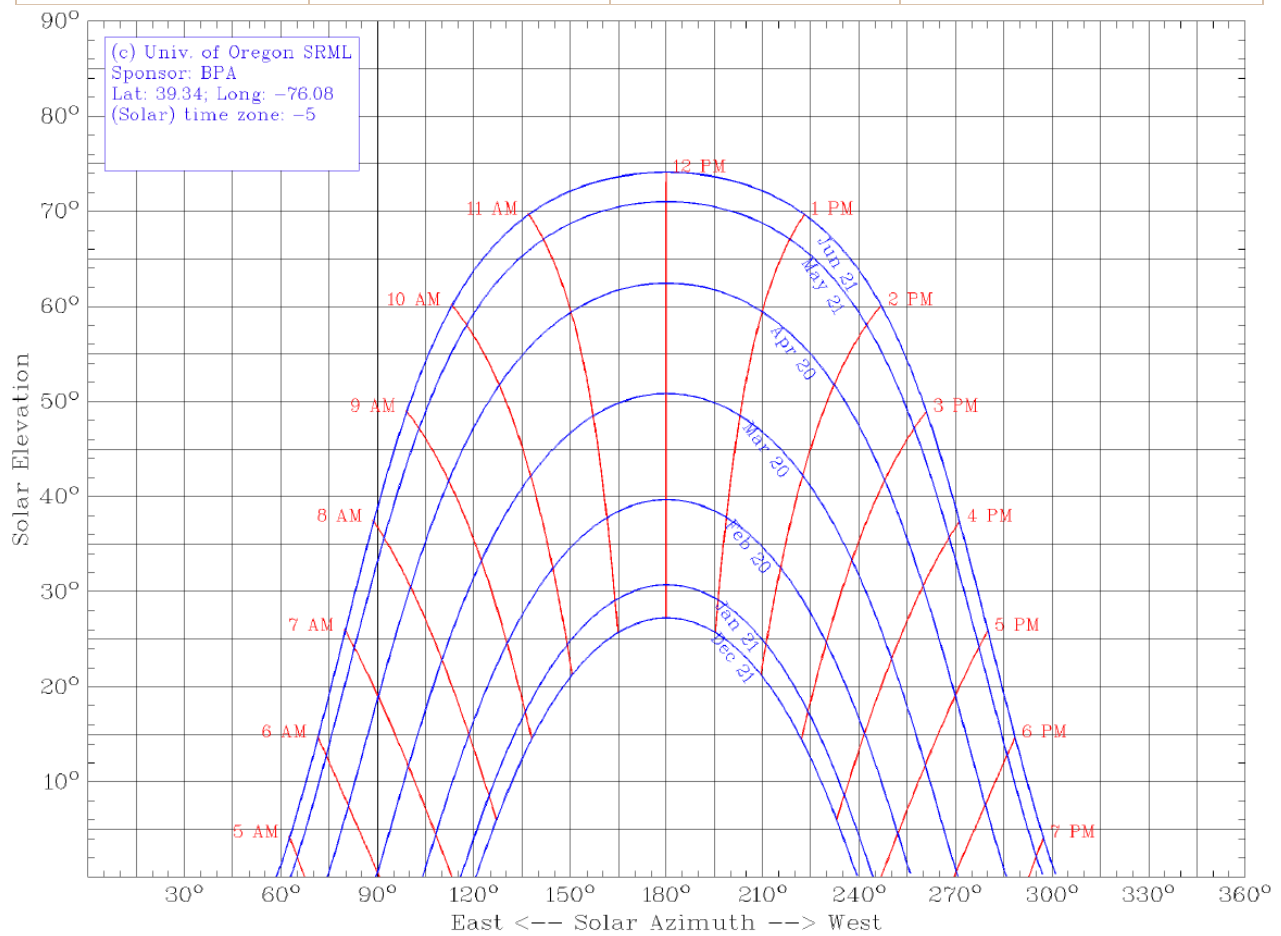


FIGURE 4 - RANGE OF AZIMUTH ANGLES FOR WINTER AND SUMMER SOLSTICES (SUNRISE TO SUNSET)



OBSERVATION POINTS

Nearby Structures and Roads

Various locations around the PV arrays were included in the analysis to determine if glare might be visible to observers at those locations. In total, 10 discrete observation points, represented by red “pins” in Figure 5 below, were chosen to model nearby homes and businesses. Garages and barns were not included in the analysis. Additionally, two routes, represented by cyan lines in Figure 5 below, were modeled to represent Still Pond Rd (MD-292) and Still Pond Neck Rd. Since reflected glare travels outward from the array in a linear fashion, observers farther away from the array, but aligned with a closer observer, will experience similar levels of glare as the closer observer (although visibility may decrease with distance). As such, observation points can represent and account for points farther away from the array, negating the need to include more distant structures within the same spoke-line.

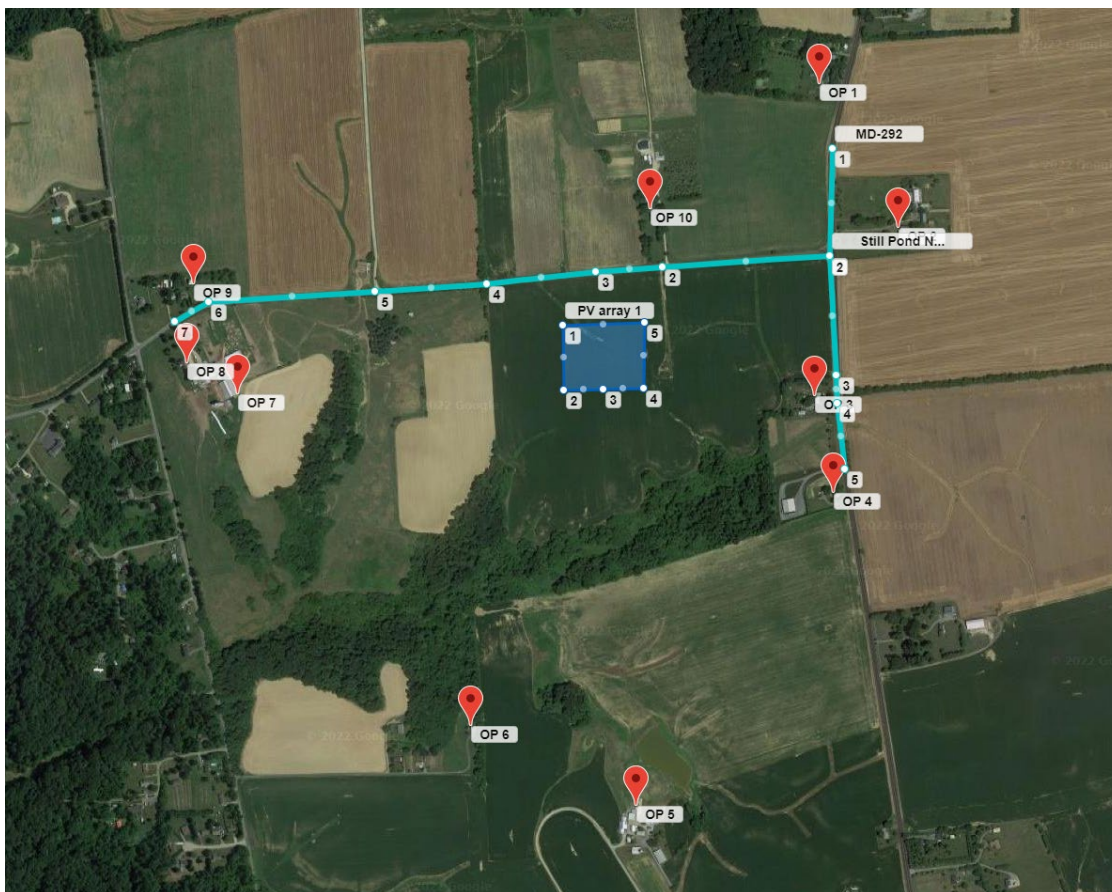


FIGURE 5 — OBSERVATION POINTS MODELING NEARBY STRUCTURES

Mitigating Factors

Glare is mitigated by the relative position of the observer to the array. Glare which is beyond 25° line-of-sight has a reduced impact and glare beyond 50° line-of-sight is completely negated. The analysis will indicate observation points for which their relative position to the array negates their view of any reflected light. Glare is also mitigated when view of the glare is blocked by an obstruction located in between an observation point and the array. Obstructions come in three primary forms: existing trees and vegetation, existing structures such as buildings or signs, and terrain. Observers at lower elevations relative to the PV array may have their view of the array obstructed by the rising ground elevation and/or the array’s support structure.



ASSESSMENT RESULTS – GLARE ANALYSIS

This section provides a review of the results for each observation point analyzed and then examines glare mitigating factors to determine whether the solar panels are visible from each observation point at the dates and times glare is expected. For full analysis data and results, please see Attachment 1.

1. *“MDL118-StillPondNeckRd-Glare Report-Shade-Slope Backtracking_2022818pdf”*

Specifically, Attachment 1 provides additional charts that elaborate on:

- The daily durations of predicted glare
- The glare severity prediction (based on retinal irradiance and subtended source angle)

Results Overview

A table summarizing the results from the glare analysis is below. It shows the total number of minutes per year of potential glare for each observation point. It is important to remember that these results do not consider whether view of this glare will be visible or is obstructed by existing trees, buildings and/or terrain.

TABLE 3 – PREDICTED ANNUAL GLARE RESULTS FROM ARRAY 1

PV array 1 potential temporary after-image

Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	2354	5120
Route: MD-292	0	0
Route: Still Pond Neck Rd	0	0

Table 3 shows that only one of the ten observation points has potential for glare within the range that can cause temporary visual impairment in the form of an after-image (yellow glare). This corresponds to a residence north of the array, at 26004 Still Pond Neck Road (OP10), which also hosts a business, Simmon’s Christmas Trees. Residences and businesses east, west, and south of the array yielded no potential for glare. The MD-292 and Still Pond Neck Rd routes also yielded no potential for glare. The analysis shows that the relative angles between these observation points or routes and the array are such that glare won’t be visible.



Detailed Results & Mitigating Factors Analysis

This section takes a deeper look at the one observation point for which glare was predicted. It details the times of day and portions of the year for which glare may be an issue for this observation point. It also examines whether mitigating features such as trees, buildings, and terrain will obstruct the view of potential glare for an observer at that point.

Observation Point 10: House & business located at 26004 Still Pond Neck Rd (directly north of array)

Potential for Glare: Yes

Time of Year: Mid-November to Late-January

Times of Day: Ranging between 9:50am-12:25pm (10:50am-1:25pm daylight savings time)

View of Glare Obstructed: Yes, almost fully by trees.

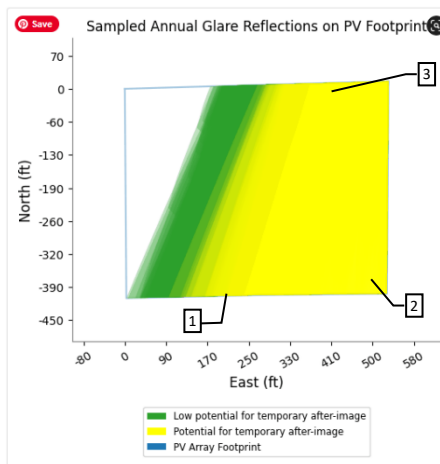
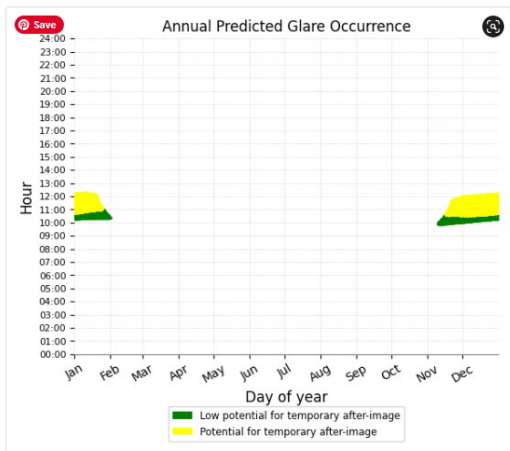


FIGURE 6 – GLARE OCCURRENCES (LEFT) AND GLARE REFLECTIONS ON PV FOOTPRINT (RIGHT) FOR OP10

As can be seen in the Glare Reflections on PV Footprint diagram, glare is only emanating from the eastern portion of the array and the Glare Occurrence diagram shows that this is only during late-Fall to mid-Winter. Below are views of OP10 from the three points denoted on the footprint diagram.

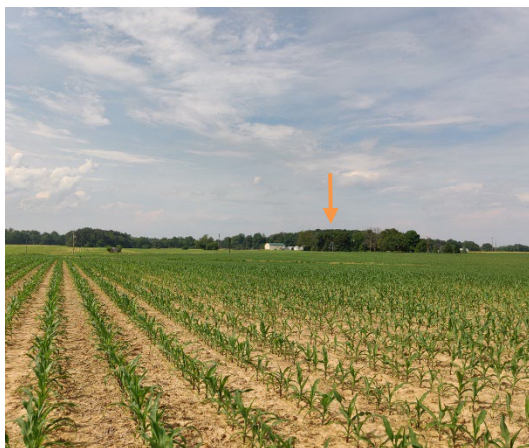


FIGURE 7 – VISIBILITY OF OP10 FROM POINT 1 ON ARRAY

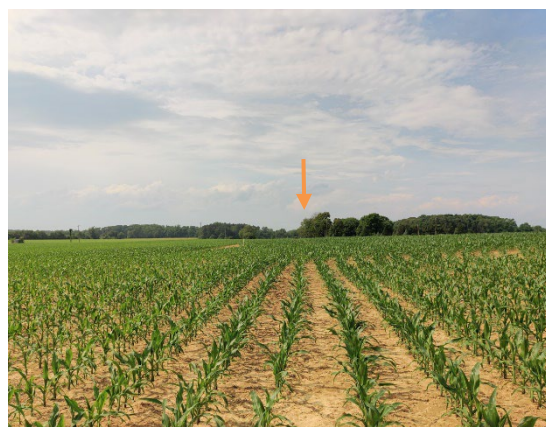


FIGURE 8 – VISIBILITY OF OP10 FROM POINT 2 ON ARRAY

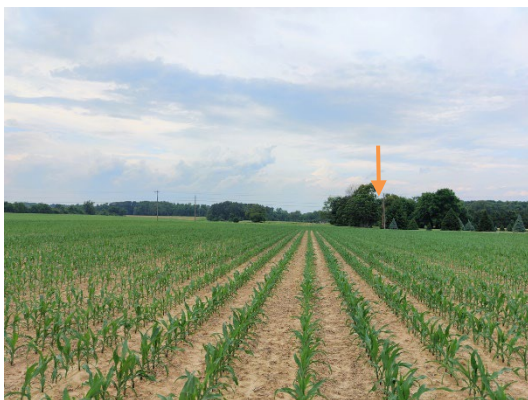


FIGURE 9 – VISIBILITY OF OP10 FROM POINT 3 ON ARRAY

Figures 8 and 9 show that existing trees fully obstruct the view of the house and barns at OP10 from Points 2 and 3 on the eastern portion of the array where glare is predicted to emanate from. Figure 7 illustrates that the barns on the property become visible as you move west across the array, but the house remains obscured by the existing trees. Irregardless, the proposed landscape plan proposes a landscaping buffer aligned with the county’s requirements for a “four season visual barrier” around the array perimeter. Please see Attachments 2 and 3 which illustrate the proposed landscaping buffer and provide a line-of-sight visualization for OP10, showing that the proposed landscaping will additionally mitigate any view of glare for this house and business.

2. “202200400-LSCAPE-L-101-05-27-2022.pdf” – Proposed landscape plan
3. “202200400_LOS-EXHIBIT_2022-06-28.pdf” – Line of Sight Exhibit

Glare Magnitude

The glare analysis found no instances of glare within the “red” (permanent retinal damage) range. Only “yellow” glare, causing a temporary after-image, and green glare, with low potential for after image, were found to be produced by the PV array for the observation points examined. Figure 10 below examines the magnitude of glare at OP10, the residence and Christmas tree farm business north of the array. As can be seen, the amount of sunlight reflected from PV Array 1 is just above the boundary between green and yellow, indicating that any after-image produced will likely be short in duration.

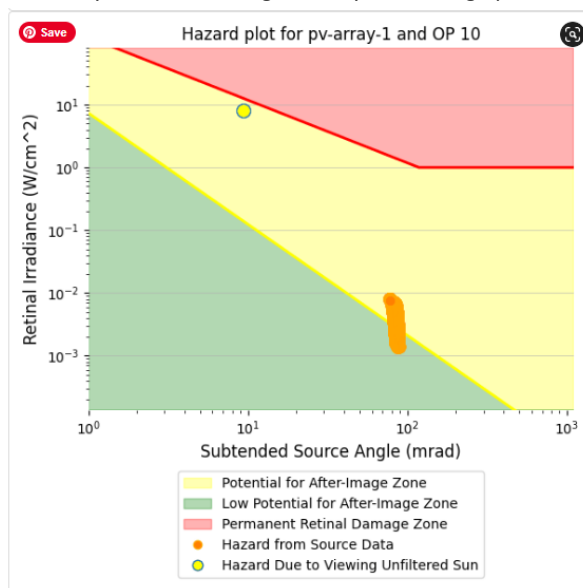


FIGURE 10 == GLARE HAZARD PLOT FOR OP10



CONCLUSIONS

Potential for Glare

The analysis revealed that of the ten neighboring residences and businesses analyzed, only the one residence/business to the north of the array had potential for glare. For observers at structures northwest, west, south, east and northeast of the array, the analysis shows that their relative angle to the array was such that they wouldn't experience glare. This includes the full stretch of Still Pond Rd (MD-292) east of the property. Although Still Pond Neck Rd runs north of the property, a driver's eyes would be looking east or west while driving and the relative angles between their eyes, the array, and the sun is such that glare wouldn't be visible.

For the residence with potential for glare, this glare fell within the yellow range, meaning there could be potential for a temporary impairment of vision in the form of an after-image. However, this magnitude of glare was very low within the yellow range, indicating that any after-image produced will likely be short in duration. Potential for glare at this observation point ranged from the hours of 9:50am to 12:25pm between the months of November and January. The total number of minutes for potential for yellow glare annually is 5,120 minutes or 85.3 hours. That is a mere 0.97% of total minutes in a year, and an average of 105 minutes per day for the months it is predicted. This indicates that the impact of glare will not be significant from this solar array installation.

These results are as expected for tracking arrays. Recall that a panel that absorbs >90% of incoming sunlight may reflect light when the incidence angle between the panel normal and the sun is greater than 60°, such as during sunset and sunrise for fixed tilt arrays¹. As shown in Figure 1, single axis tracking solar arrays adjust their tilt to remain perpendicular to the sun as it moves across the sky from morning to evening, going into a "rest" position of 60° tilt to the east at night. The result is that incidence angle between the panel normal and the sun is rarely greater than 60°, effectively eliminating glare during most of the year.

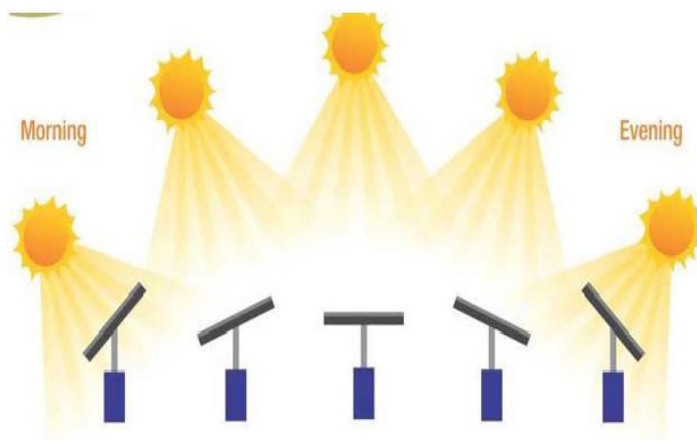


FIGURE 11 – ILLUSTRATION OF SINGLE AXIS TRACKING ROTATION ANGLES⁵

The only exception is during the winter months, when the sun is much lower in the sky. In the middle of the day, when the panels are pointing nearly straight up (on a relatively flat site like this one), but the sun's elevation is much lower, the angle becomes great enough to cause glare for observation points to the north, as seen in this analysis.

¹ Ho, C. K., Ghanbari, C. M., and Diver, R. B., 2009, Hazard Analyses of Glint and Glare from Concentrating Solar Power Plants, SAND2009- 4131C, in proceedings of SolarPACES 2009, Berlin, Germany, Sept. 15-18.

⁵SOFTX-INDIA – Solar Sun Tracker. - http://softx.in/solar_projects/solar_sun_tracker



Mitigation of Glare

Examination of mitigating factors at the only observation point with potential for glare, OP10, showed that view of the array from the residence was completely obstructed by existing trees on that property. The eastern side of the array, where glare emanation was concentrated, was also completely obstructed from view from the barns on that property. However, the central portion of array, where glare is possible from, is only partially obstructed from view for the barns and other farm structures by the existing trees at OP10. Accordingly, our landscape plan proposes placing landscaping along the entire perimeter of the array in line with the county's requirements. The landscaping will "provide an opaque visual barrier that obscures the utility scale solar array from sight" and will increasingly mitigate any glare as it matures. Per the county's guidelines, this buffer will include "two staggered rows of evergreen trees" to maintain mitigation in the winter season when the glare is expected to be experienced. Attachment 3, the Line-of-Sight Exhibit, shows that this buffer will effectively mitigate all predicted glare from this solar array.

Solar Photovoltaic Visibility Assessment

**26001 STILL POND NECK ROAD, STILL POND
KENT COUNTY, MD 21667
MDL118 - 25809a Still Pond Neck, LLC**

SGC Power, LLC

C. Gonzalez, C. McCandless, B. Wilson
June 2022



SGC
P O W E R

Guiding Renewable Energy Projects



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EXECUTIVE SUMMARY

Purpose of Report

SGC-Power and 25809a Still Pond Neck, LLC are developing a community solar photovoltaic (PV) installation located south of Still Pond Neck Rd and west of Still Pond Rd in Still Pond, Maryland. This report explores the visibility of the PV panels from nearby buildings and roads. The results are based on detailed site analysis of the PV array configuration, observation point locations, and mitigating obstructions.

Visibility Overview

Kent County's zoning regulations require a large and diverse landscape buffer. The visibility analysis explores if existing or proposed terrain, landscaping, or structures screen visibility of the PV panels from observers at nearby buildings and roads.

Components Under Consideration

- One PV array with single-axis tracking modules oriented 180° (due south) and tilt varying from 60° east - to flat - to 60° west as they track the sun across the sky morning to evening.
- 10 neighboring buildings, each comprising a single discrete Observation Point (OP).
- Two routes along Still Pond Neck Rd & Still Pond Rd, both routes are shown with 11 discrete points.

Assessment & Findings

The findings were as follows:

- 7 of the 10 observation points on have no visibility of the PV array due to existing terrain, vegetation, and/or structures blocking the view.
- Both routes have visibility of the PV array

Mitigation Strategies

- No mitigation is required for the 7 observation points for which visibility is already mitigated by existing terrain, vegetation, and/or structures.
- Landscaping is proposed at 60ft width around the perimeter of the PV array.
- Due to the minimal ground slopes, the proposed landscaping will successfully mitigate visibility from all OP's and routes.



ASSESSMENT METHODOLOGY

Methodology

1. Define the PV array location, configuration(s), and geometric model.
2. Define key observation points-based on-site and/or client input. For this analysis, the observation points chosen include residences and businesses on all neighboring properties, as well as any nearby public roads.
3. Perform an on-site analysis of visibility for each observation point.
 - a. Locate the corners and center points of each array.
 - b. For each located point on the arrays, take pictures at eye level of each observation point or route.
 - c. Determine whether the designated observation points and routes are visible from each array point.
 - d. Identify physical obstructions and other mitigating factors for affected observation points.
4. Evaluate whether existing obstructions fully or partially screen each observation point.
5. Evaluate whether proposed landscaping will fully screen each observation point.

NOTE: Geo-coordinates rely on the NAD83 datum to represent the Earth.

Further details on the methodology used in this assessment can be provided upon request.



PROJECT LOCATION

Solar Array Footprint & Configuration

The PV solar array modeled in this assessment is located in Kent County at 26001 Still Pond Neck Road, Still Pond, MD 21667. The site ranges in elevation between 74 ft. and 83 ft. above mean sea level (AMSL). The array utilizes a single-axis tracking system with rows oriented in a north-south axis. The panels’ tilt varies from 60° east - to flat - to 60° west as the array tracks the sun across the sky from morning to evening. The panels then “rest” at 5° east once the sun is past the 60° rotation limit. The PV panels are a minimum 6ft above ground at 0°. Figure 1 and Table 1 show the locations and elevations of the 5 corners of the array.

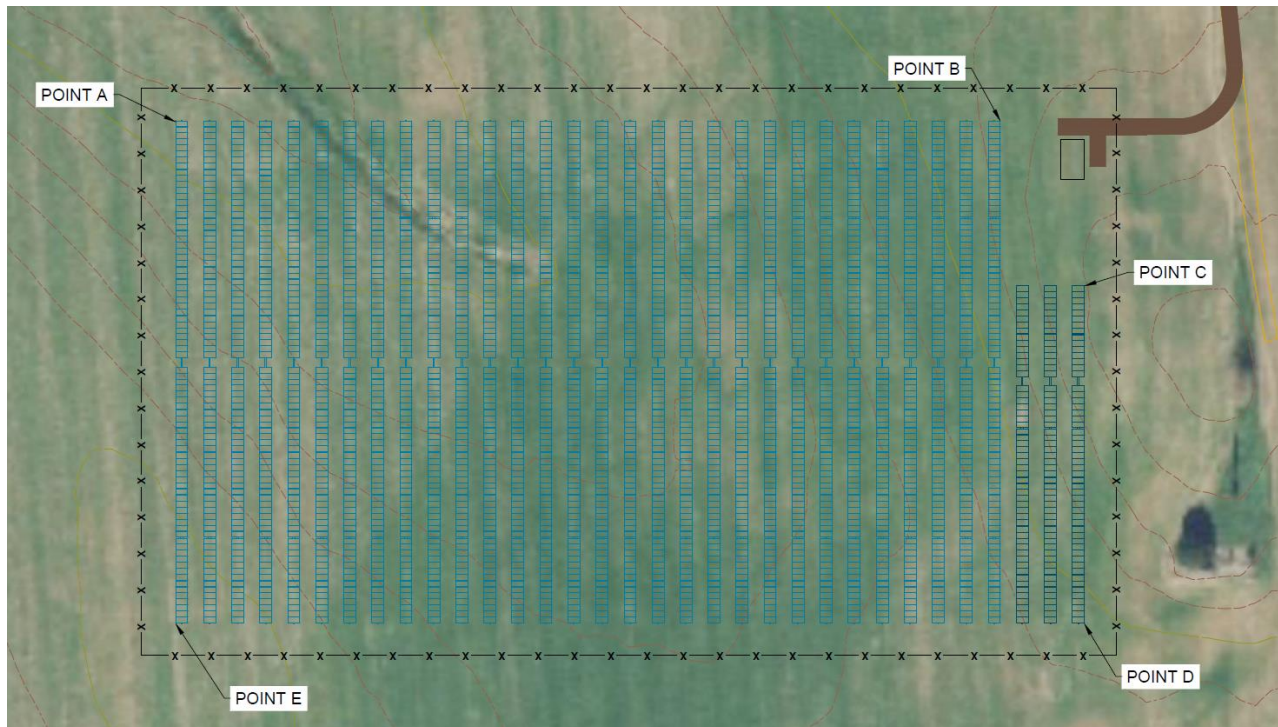


FIGURE 1 – PV ARRAY INSTALLATION FOOTPRINTS

TABLE 1 –ARRAY 1 VERTEX LOCATIONS

Vertex	Latitude (°)	Longitude (°)	Ground Elevation (ft)	Height above ground (ft)	Total Elevation (ft)
A	39.3425	-76.0684	74	6	80
B	39.3425	-76.0666	82	6	88
C	39.3422	-76.0664	83	6	89
D	39.3416	-76.0664	80	6	86
E	39.3416	-76.0684	80	6	86

The locations and elevations were derived using Google, AutoCAD, and GIS topography.



OBSERVATION POINTS

Nearby Structures and Roads

Various locations around the PV arrays were included in the analysis to determine if the solar array might be visible to observers at those locations. In total, 10 OP's and two routes with 11 points were chosen to model nearby structures encompassing neighboring homes, businesses, and locations of importance. Garages and barns were not included in the analysis. Figure 2 and Table 2 show the location and elevation of the OP's. OP1-10 are represented by red pins with correlating numbers. The blue rectangle represents the proposed PV array. The cyan lines represent the two routes. The numbered points along the routes are referenced in this report as R1P1, R1P2, and so on. R1P2 and R2P1 is the intersection of the two routes and therefore the same point. Table 3 shows the route points' locations and elevations. All model points range in elevation between 70 ft. and 84 ft. AMSL.

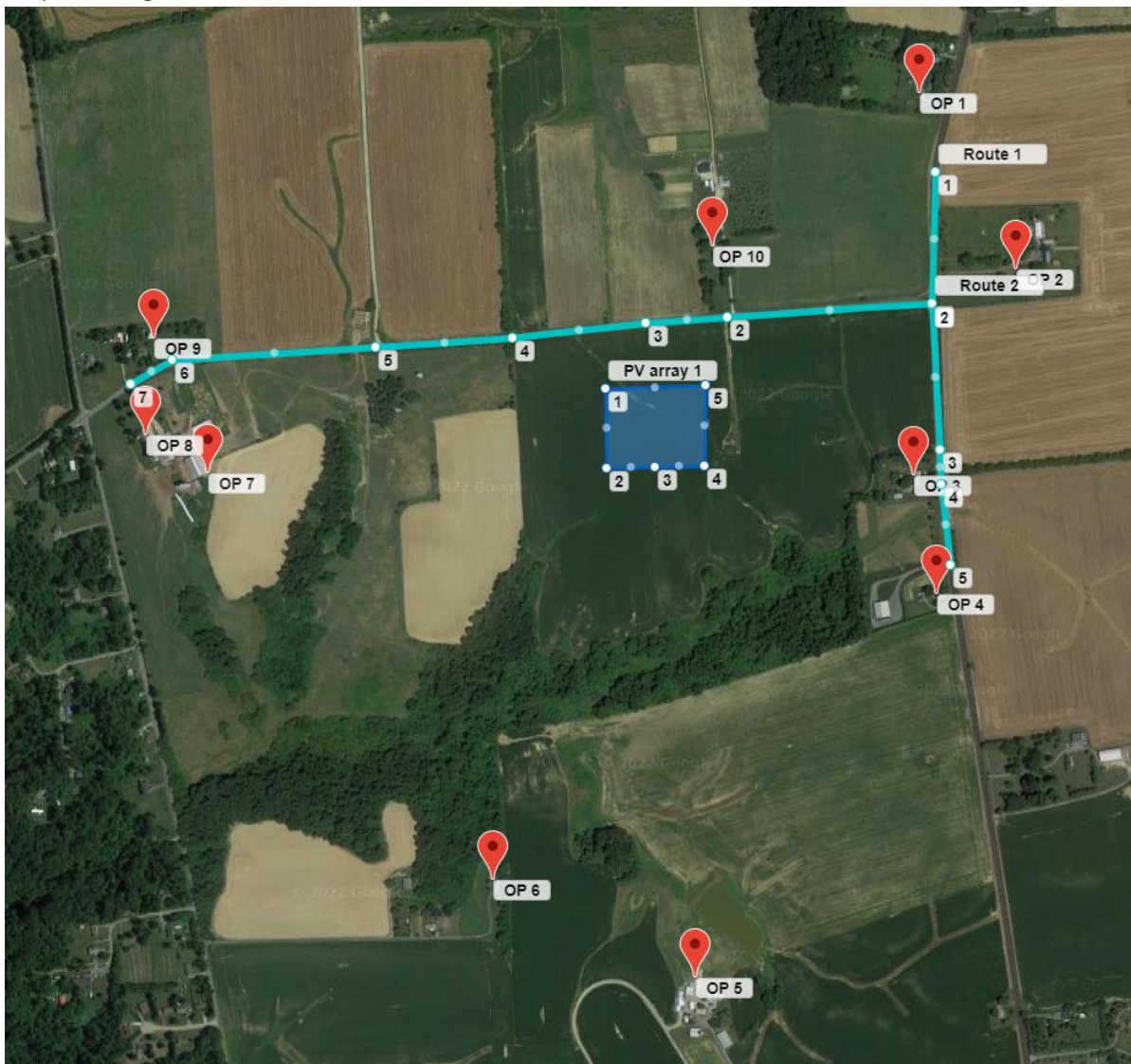


FIGURE 2 – OBSERVATION POINTS MODELING NEARBY STRUCTURES



TABLE 2 –OP VERTEX LOCATIONS

Vertex	Latitude (°)	Longitude (°)	Ground Elevation (ft)	Height above ground (ft)	Total Elevation (ft)
OP 1	39.34683	-76.0628	77	6	83
OP 2	39.3442	-76.0608	84	6	90
OP 3	39.34123	-76.0627	77	6	83
OP 4	39.3395	-76.0623	81	6	87
OP 5	39.33396	-76.0668	79	6	85
OP 6	39.33542	-76.0706	73	6	79
OP 7	39.34132	-76.0759	79	6	85
OP 8	39.3419	-76.0771	84	6	90
OP 9	39.34323	-76.0769	78	6	84
OP 10	39.34455	-76.0665	79	6	85

TABLE 3 –Route Vertex LOCATIONS

Route	Point	Latitude (°)	Longitude (°)	Ground Elevation (ft)	Height above ground (ft)	Total Elevation (ft)
1	1	39.34562	-76.0623	78	6	84
1	2	39.34371	-76.0624	81	6	87
1	3	39.34162	-76.0622	75	6	81
1	4	39.34113	-76.0622	71	6	77
1	5	39.33996	-76.062	75	6	81
2	1	39.34373	-76.0624	81	6	87
2	2	39.34353	-76.0662	81	6	87
2	3	39.34345	-76.0677	76	6	82
2	4	39.34323	-76.0702	70	6	76
2	5	39.3431	-76.0727	71	6	77
2	6	39.34292	-76.0765	77	6	83
2	7	39.34257	-76.0773	80	6	86

Mitigating Factors

Visibility is mitigated when the view of the PV solar array is blocked by an obstruction located in between an observation point and the array. Obstructions come in three primary forms: existing trees/vegetation, existing structures, and terrain. Observers at lower elevations relative to the PV array may have their view of the array obstructed by the rising ground elevation.



ASSESSMENT RESULTS

Below are the results of a detailed analysis identifying whether the PV array will be visible from the various observation points and routes are chosen. It examines whether mitigating features such as trees, buildings, and terrain obstruct the view of the PV array for an observer at each point. This assessment focused on the corners of the array, where visibility would be highest.

Detailed Results

Observation Point 1: Northeast of array.

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain

Figures 3-6 illustrate views of OP1 from Points A, B, C, and D.



FIGURE 4 – VISIBILITY OF OP1 FROM POINT A



FIGURE 5 – VISIBILITY OF OP1 FROM POINT B



FIGURE 6 – VISIBILITY OF OP1 FROM POINT C



FIGURE 7 – VISIBILITY OF OP1 FROM POINT D

Observation Point 2: East of array.

View of PV Array: No.

View of Array Obstructed: Yes, by terrain and existing trees

Figures 8-11 illustrate views of OP2 from Points A, B, C, and D.



FIGURE 8 – VISIBILITY OF OP2 FROM POINT A



FIGURE 9 – VISIBILITY OF OP2 FROM POINT B



FIGURE 10 – VISIBILITY OF OP2 FROM POINT C



FIGURE 11 – VISIBILITY OF OP2 FROM POINT D

Observation Point 3: East of array.

View of PV Array: Yes

View of Array Obstructed: Yes, partially by existing trees

Figures 12-15 illustrate views of OP3 from Point B, C, D, and E.

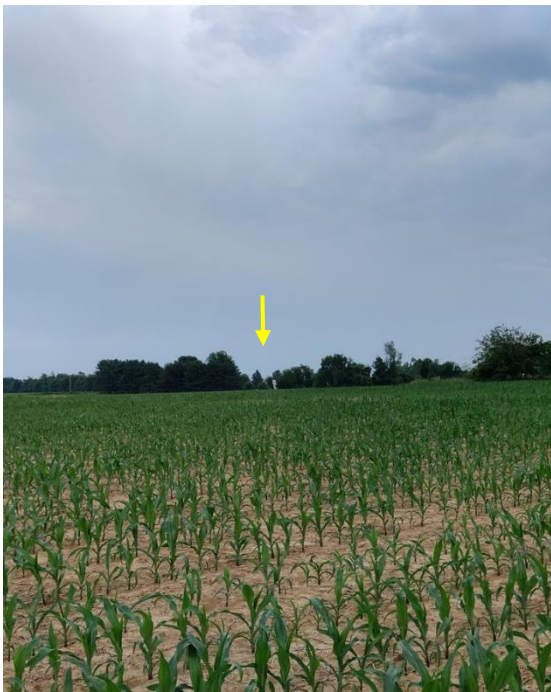


FIGURE 12 – VISIBILITY OF OP3 FROM POINT B

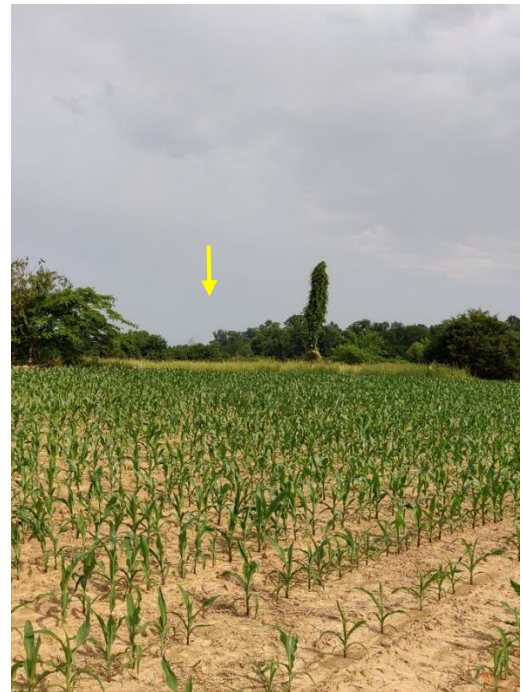


FIGURE 13 – VISIBILITY OF OP3 FROM POINT C



FIGURE 14 – VISIBILITY OF OP3 FROM POINT D



FIGURE 15 – VISIBILITY OF OP3 FROM POINT E

Observation Point 4: Southeast of array.

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees

Figures 16-18 illustrate views of OP 4 Points C, D, and E.



FIGURE 16 – VISIBILITY OF OP4 FROM POINT C



FIGURE 17 – VISIBILITY OF OP4 FROM POINT D

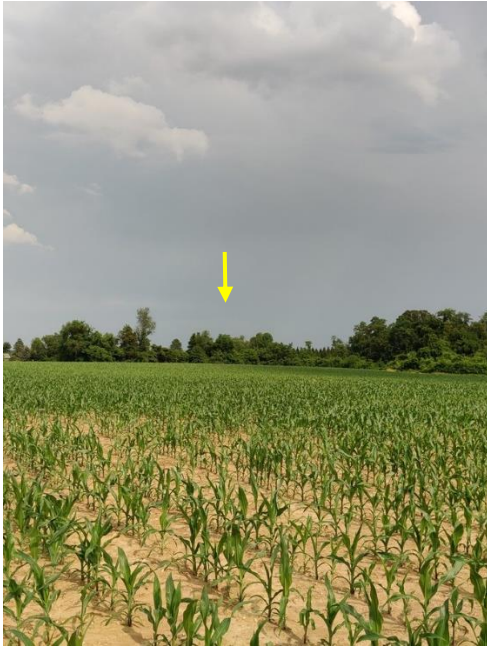


FIGURE 18 – VISIBILITY OF OP4 FROM POINT E

Observation Points 5 & 6: South of array.

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees

Figures 19-20 illustrate views of OP5 & 6 from Points D and E.



FIGURE 19 – VISIBILITY OF OP5 & 6 FROM POINT D

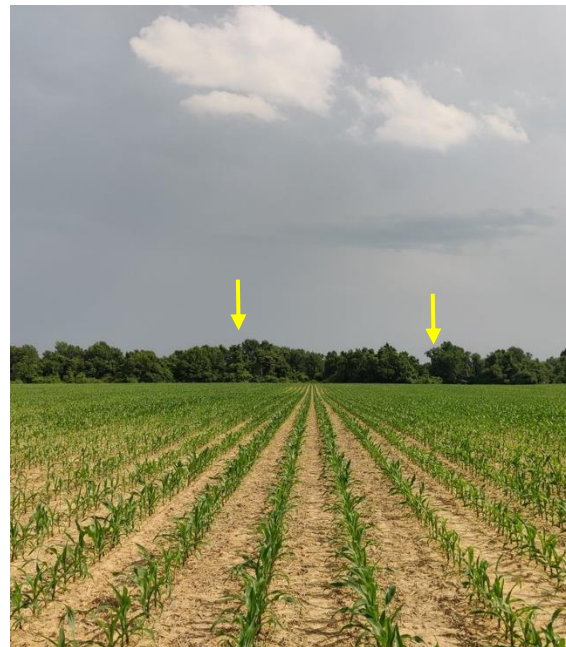


FIGURE 20 – VISIBILITY OF OP5 & 6 FROM POINT E



Observation Points 7 & 8: West of array.

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees

Figures 21-22 illustrate views of OP7 & 8 from Point A and E.



FIGURE 21 – VISIBILITY OF OP7 & 8 FROM POINT A



FIGURE 22 – VISIBILITY OF OP7 & 8 FROM POINT E

Observation Point 9: Northwest of array.

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees

Figures 23-25 illustrate views of OP 9 from Points A, B, and E.



FIGURE 23 – VISIBILITY OF OP9 FROM POINT A



FIGURE 24 – VISIBILITY OF OP9 FROM POINT B



FIGURE 25 – VISIBILITY OF OP9 FROM POINT E

Observation Point 10: North of array.

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain and existing trees

Figures 26-28 illustrate views of OP 10 from Points A, B, and C.

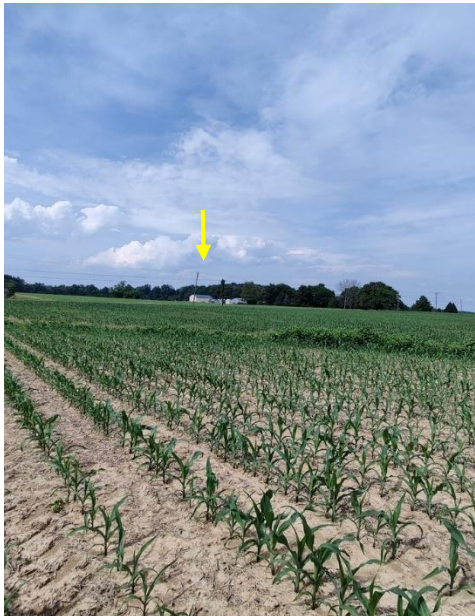


FIGURE 26 – VISIBILITY OF OP10 FROM POINT A



FIGURE 27 – VISIBILITY OF OP10 FROM POINT B



FIGURE 28 – VISIBILITY OF OP10 FROM POINT C

Route 1, Point 1: Still Pond Road, see Figure 29.

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain



FIGURE 29 – VISIBILITY FROM R1P1

Route 1, Point 2 & Route 2, Point 1:: Still Pond Road, see Figure 30

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain



FIGURE 30 – VISIBILITY FROM R1P2 AND R2P1

Route 1, Point 3: Still Pond Road, see Figure 31

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain

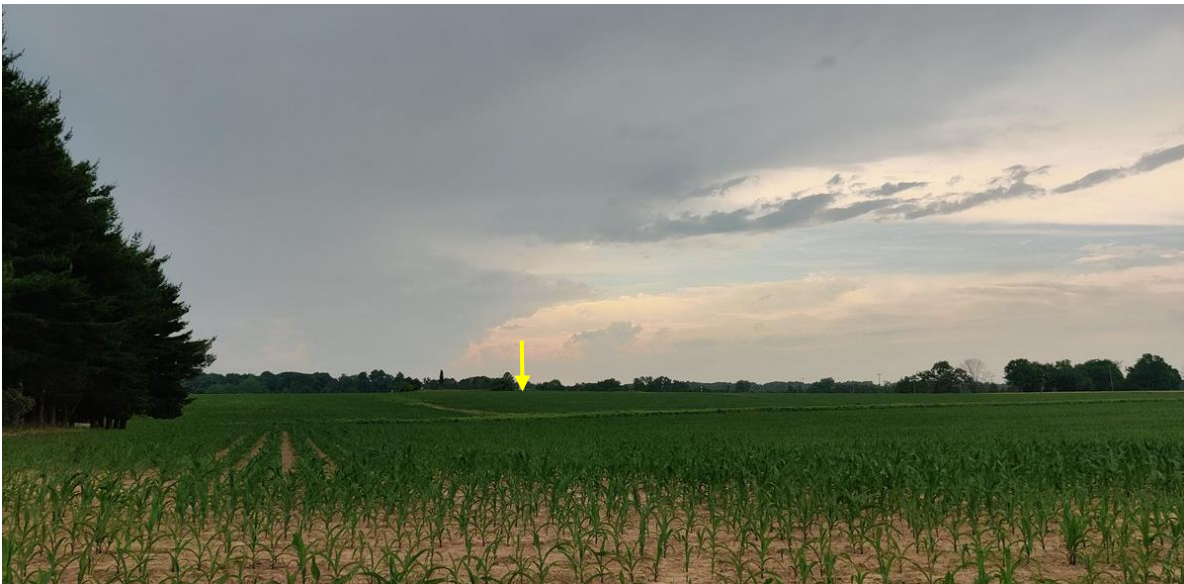


FIGURE 31 – VISIBILITY FROM R1P3



Route 1, Point 4: Still Pond Road, see Figure 32

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees



FIGURE 32 – VISIBILITY FROM R1P4

Route 1, Point 5: Still Pond Road, see Figure 33

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees



FIGURE 33 – VISIBILITY FROM R1P5



Route 2, Point 2: Still Pond Neck Road, see Figure 34

View of PV Array: Yes

View of Array Obstructed: No



FIGURE 34 – VISIBILITY FROM R2P2

Route 2, Point 3: Still Pond Neck Road, see Figure 35

View of PV Array: Yes

View of Array Obstructed: No



FIGURE 35 – VISIBILITY FROM R2P3



Route 2, Point 4: Still Pond Neck Road, see Figure 36

View of PV Array: Yes

View of Array Obstructed: No



FIGURE 36 – VISIBILITY FROM R2P4

Route 2, Point 5: Still Pond Neck Road, see Figure 37

View of PV Array: No

View of Array Obstructed: Yes, fully by terrain and existing trees



FIGURE 37 – VISIBILITY FROM R2P5



Route 2, Point 6: Still Pond Neck Road, see Figure 38

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain and existing trees



FIGURE 38 – VISIBILITY FROM R2P6

Route 2, Point 7: Still Pond Neck Road, see Figure 39

View of PV Array: Yes

View of Array Obstructed: Yes, partially by terrain and existing trees



FIGURE 39 – VISIBILITY FROM R2P7



MITIGATION

Mitigation of Visibility

The visibility assessment demonstrated that OP1, 3, 10, R1P1, 2, 3, R2P2, 3, 4, 6, and 7 have partial visibility of the PV arrays that is not fully mitigated by existing vegetation, structures, or terrain. The proposed landscape plan was designed to mitigate visibility and adhere to Kent County's ordinance. Please see Attachments 1-3.

1. "202200400-LSCAPE-L-001-05-27-2022"
2. "202200400-LSCAPE-L-101-05-27-2022"
3. "202200400-LSCAPE-L-102-05-27-2022"

Visibility from all other Observation Points were fully screened by existing features due in large part to the minimal elevation changes and existing obstructions. Attachments 4, 5, and 6 show the line-of-sight analysis for OP1, 2, 3, and 10 with their cross sections to the array. These cross sections demonstrate the visibility mitigation achieved by the proposed landscape with the existing terrain.

4. "202200400_LOS-EXHIBIT-1_2022-06-28"
5. "202200400_LOS-EXHIBIT-2_2022-06-28"
6. "202200400_LOS-EXHIBIT-3_2022-06-28"

Figure 40 below draws sight lines from OP1, 3, and 10 to the nearest points of the array, demonstrating that the proposed landscaping will mitigate the view of the array for the observation points. All routes will be mitigated by the proposed landscape due to the minimal ground slopes.

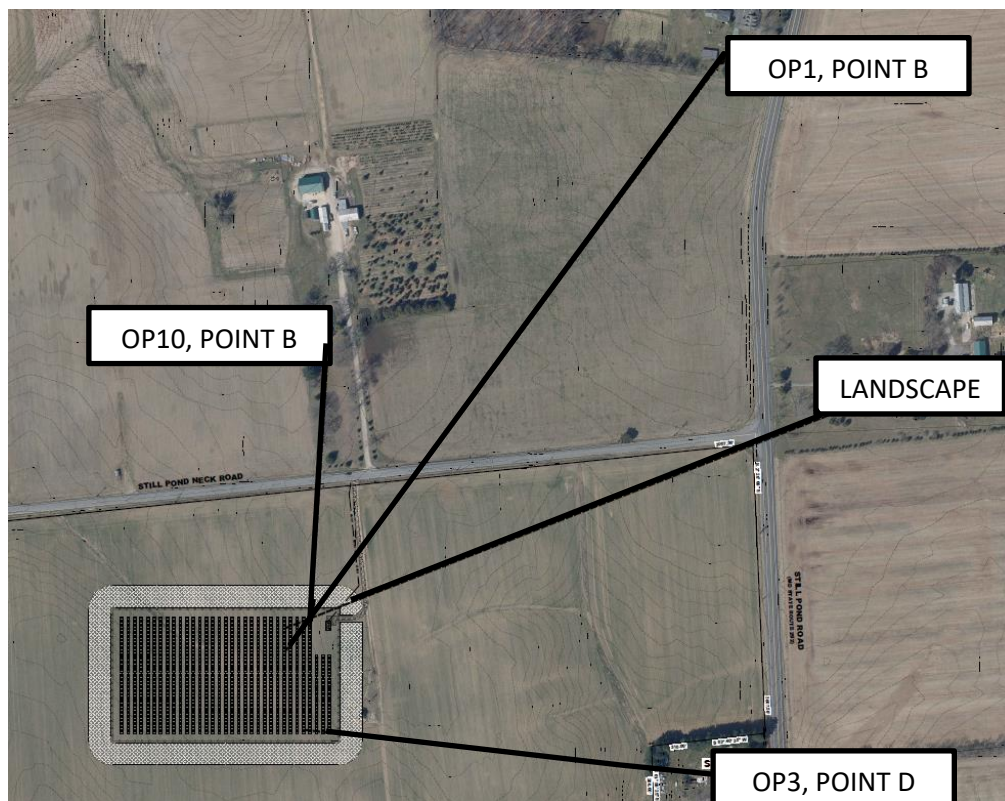


FIGURE 40 – SIGHT LINES FOR OP 1, 3, AND 10



CONCLUSIONS

The existing ground slopes across all observation points and array points are minimal. Because of the minimal ground slopes, the existing trees fully and partially mitigate visibility from the observation points. The minimal ground slopes from OP1, 3, and 10 allow the proposed landscape to properly mitigate visibility from the observation points. The observation points along the road will also benefit from the minimal ground slopes, allowing the proposed landscape to mitigate the visibility.

The analysis revealed that only three observation points have visibility of the proposed PV array. A combination of the terrain, existing vegetation, and the proposed landscape will successfully mitigate visibility of the proposed PV array. To address the unmitigated visibility at these three residences, landscaping has been proposed in a Schematic Landscape Plan along the eastern and southern edges of the array. ***The result will be that the solar array will not be visible to surrounding residences, businesses, or any other area accessible to the public.***

