

MINUTES

August 1, 2024

1:30 p.m.

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

The Planning Commission met in regular session on Thursday, August 1, 2024, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

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

Acting Planning Commission Attorney Elissa Levan, Esquire, was present. Staff attending included William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Rob Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, serving as Acting Clerk; and Tyler Arnold, GIS Coordinator.

Mr. William Ashmore and Mr. Richard Zaveta each represented himself online regarding his own respective application.

Representatives for Delmarva Power included Ryan D. Showalter, Esq., McAllister, DeTar, Showalter & Walker LLC (MDSW); Ida Parrett, Real Estate Representative, Delmarva Power; and George Zebley, Jr., Senior Designer, Verdantas.

Representatives for the Morgnec Solar project included Genevieve H.R. Macfarlane, Esq., Partner with Stevens Palmer, LLC.; Matt McCluskey, Chief Development Officer, Urban Grid; Val Newcomb, Vice President, Economic & Community Development, Urban Grid; Nick Leffner, P.E., Kimley Horn and Associates; and Jake Dixon, Project Manager, Urban Grid.

Members of the public who spoke were Janet Christensen-Lewis, KCPA; John Lysinger, KCPA; Bonnie Tucker; Tom Tucker; Judy Gifford; Thomas Kocubinski, RA, AIA, Principal Architect, Kocubinski Architects; A. Elizabeth Watson, FAICP; and Pat Langenfelder.

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

MINUTES

The minutes of the July 11, 2024 meeting were reviewed. Chair Hickman requested an addition to page 2. Mr. Crowding moved to accept the minutes with Chair Hickman's addition. Mr. Strong seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

*22-17 William and Valerie Ashmore - Major Site Plan - Extension of Approval -- PC Decision
Map 55, Parcel 128, Lot 1 - Fifth Election District - Marine (M)*

Ms. Gerber presented the request for a second one-year extension of the site plan approval for a private destination residence club. The applicant submitted a letter explaining the need for additional time, hoping to begin construction next year. Staff recommended extending the approval with the same conditions as previously applied.

Mr. Ashmore testified via Teams that he had nothing to add beyond the extension request.

Adopted on September 5, 2024

Mr. Crowding moved to grant a one-year extension to William and Valerie Ashmore for the major site plan for a private destination residence club, with the following conditions:

- Submission of all sureties for stormwater management, sediment erosion control, and landscaping; and
- Recordation of the slip agreement.

Vice Chair Ruge seconded. The motion passed unanimously.

*24-34 Richard and Madeline Zaveta - Variance - Pier Length -- PC Recommendation to BOA
6278 Burriss Road, Rock Hall - Seventh Election District - Zoned Resource Conservation District (RCD)*

Ms. Gerber provided an overview of the application for a 21-foot variance to install a 6-foot-wide pier extending 171 feet into Tavern Creek. The practical difficulty is caused by limited water depth and the requirement for safe operation of a proposed boat lift. Staff recommended a favorable recommendation be made to the Board of Appeals.

Mr. Zaveta testified via Teams, explaining the need for the longer pier due to shallow water depths and safety concerns with the current setup.

Mr. Crowding moved to send a favorable recommendation to the Board of Appeals for Richard and Madeline Zaveta's variance request for the property located at 6278 Burriss Road in the 5th election district, finding that:

- Piers are a common feature for waterfront properties;
- The proposed pier would not encroach on the channel and is less than 25% of the width of the waterway;
- The nearest pier is approximately 800 feet to the north;
- There are no known substantial detriments to adjacent or neighboring properties that would be created;
- No known changes to the character of the neighborhood will be caused;
- The variance is not inconsistent with the Comprehensive Plan or Critical Area Program;
- The proposed length will extend the pier beyond subaquatic vegetation in keeping with the Comp Plan;
- The practical difficulty is caused by limited water depth and safe operation requirements; and
- The application has been reviewed by relevant agencies with no objections or concerns.

Vice Chair Ruge seconded. The motion passed unanimously.

*24-13 Delmarva Power and Light Co. of MD - Major Site Plan (Preliminary) -- PC Decision
509 Morgnec Road, Chestertown - Fourth Election District - Zoned Commercial (C)*

Mr. Tracey presented the application for preliminary site plan approval for reconfiguration and improvements to the existing substation. The proposal includes rearranging electrical components and buildings, consolidating driveways, replacing fencing, and modifying landscaping. Mr. Tracey highlighted that changes to landscaping would require specific approval of the Planning Commission for a reduction in the number of plantings and changes in the species.

Representatives from Delmarva Power testified regarding the proposed changes, including the new non-conductive fencing and revised landscaping plan. There was extensive discussion about the proposed landscaping, fencing materials, and screening of the substation.

Members of the public A. Elizabeth Watson, FAICP, and John Lysinger, KCPA, spoke in opposition to the application.

Mr. Crowding moved to grant preliminary approval to Delmarva Power and Light Company of Maryland for their project located at 509 Morgnec Road in Chestertown, in the 4th election district, Kent County, Maryland. They're requesting preliminary site plan approval for improvements to the existing substation. Proposed upgrades will include rearranging electrical components, buildings, consolidating four driveways into two, replacing an existing chain link fence with a non-conductive panel system with modifications to the existing, approved landscape plan from 2021. We find that:

- The proposal is consistent with many strategies and goals of the Comprehensive Plan;
- Stormwater management, sediment control and the affiliate sureties must be approved prior to final approval;
- There are no unreasonable demands on public services or infrastructure;
- The applicant has noted that the area is removed from any interaction with the public, such as all vehicular and pedestrian movements will be governed by the company in strict compliance with workplace safety;
- Off street parking is provided for vehicles when maintenance is required;
- No new signage is proposed at this time; and
- The applicant has proposed replacing the existing 6-foot chain link privacy fence with an 8-foot nonconductive panel-based fence.

In order to receive final site plan approval, the applicant must address and submit the following outstanding items:

- Stormwater management, and sediment and erosion control plans must be approved, and any required sureties must be submitted;
- A final landscaping plan and any required sureties must be approved, noting that the Planning Commission wants to see some change in the configuration and that will need to be approved by this board to get final approval; and
- The renderings of the proposed panel fencing and the landscaping along Morgnec Road must be reviewed and approved by this board.

Mr. Strong seconded. The motion passed unanimously.

Ms. Reeder moved that the Planning Commission reduce or waive the landscape requirement, previously discussed with the applicant, when they can demonstrate that the spirit and intent of the requirement is achieved through other means. Mr. Saunders seconded. The motion passed 4:3.

23-34 Morgnec Road Solar, LLC - Major Site Plan (Preliminary) -- PC Decision

Map 37, Parcel 40 and 174 - Fourth Election District

Intense Village (IV), Community Residential (CR), Rural Residential (RR), and Resource Conservation District (RCD)

The applicant presented revised plans addressing previous concerns expressed about landscaping and visibility. There was extensive discussion about the proposed partial berm waiver, landscaping plans, and screening of the solar arrays.

Members of the public who spoke were Janet Christensen-Lewis, KCPA; John Lysinger, KCPA; Bonnie Tucker; Tom Tucker; Judy Gifford; Thomas Kocubinski, RA, AIA, Principal Architect, Kocubinski Architects; A. Elizabeth Watson, FAICP; and Pat Langenfelder. All members of the public spoke in opposition. A PowerPoint presentation was presented and narrated by Janet Christensen-Lewis, KCPA, and a video was presented and narrated by John Lysinger, KCPA.

After discussion, the Commission voted on the berm waiver request.

Vice Chair Paul Ruge moved to approve the requested waiver for the berm that has been presented by the applicant. Ms. Reeder seconded. The motion failed 2:5.

Mr. Jones moved to deny the waiver for partial berm relief, because it would not provide adequate screening. Mr. Crowding seconded. The motion passed 5:1 with one abstention by Mr. Saunders.

Following the denial of the berm waiver, the applicant requested a continuance and to resubmit their application.

Mr. Crowding moved to allow Morgnec Road Solar LLC to resubmit their preliminary plan for a utility-scale solar project on a 245-acre system at 616 Morgnec Road, Chestertown, Maryland, in the 4th election district of Kent County, Maryland. Mr. Strong seconded. The motion passed unanimously.

STAFF REPORTS

There were no staff reports.

ADJOURN

Mr. Crowding moved to adjourn. Mr. Jones seconded. The meeting was adjourned at approximately 4:30 p.m.

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

/s/ William Mackey
William Mackey, AICP, Director

Please note 95% of this document was created by Claude 3 from Anthropic, using a transcript from Microsoft Teams.