

## **MINUTES**

October 3, 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, October 3, 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, Jim Saunders, Ray Strong, Sean Jones, Paula Reeder, and William Crowding. Vice Chair Paul Ruge telephoned in advance to indicate that he could not attend.

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

Representatives for Camp Fairlee included Gene Aucott of Easterseals Camp Fairlee; Kevin Shearon, P.E., LEED AP, DMS & Associates; and Miles Barnard, ASLA, RLA, South Fork Studio Landscape Architecture; and John C. Hutchison, AIA, NCARB of John Hutchison Architecture.

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; Allison Whickham, Founder, Siller Pollinator Company (remotely); Ellen C. Tusing, P.E., Kimly Horn; Daniel Dotterer, Dotterer Farms and ASGA Board of Directors; and Stormy Neff, Chester River Landscaping / Neff & Son, Inc.

Members of the public who spoke were Jordan Curtice (remotely); Janet Christensen-Lewis, KCPA; A. Elizabeth Watson, FAICP; Thomas and Bonnie Tucker; Annie Richards, Chester Riverkeeper, Shore Rivers; Thomas Kocubinski, RA, AIA, Principal Architect, Kocubinski Architects; and John Lysinger, KCPA. A letter from Judy Gifford was read into the record.

Members of the public who signed in but who did not speak were Elliot Blosch; Jeff Chang; Gabrielle Jennings; Krista Ortiz; Melinda Bookwalter; and Catherine Durham.

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

## **MINUTES**

Mr. Saunders moved to approve the minutes of September 5, 2024, as presented. Ms. Reeder seconded. The motion passed unanimously.

## **APPLICATIONS FOR REVIEW**

*24-32 ESSD-M, Inc. -- Camp Fairlee -- Major Site Plan (Concept) -- Replacing Pool and Bathhouse  
Map 37, Parcel 40 and 174 -- Intense Village, Community Residential, Rural Residential, Resource Conservation District*

Adopted on November 7, 2024

Mr. Carper presented the application for a combined preliminary and final site plan review for replacement of an in-ground swimming pool and bathhouse within the Critical Area. He noted that the proposal is consistent with the comprehensive plan, and the property is served by public water and sewer. The project requires approval from the Maryland Historical Trust and the Maryland Department of Health.

Mr. Barnard, Mr. Shearon and Mr. Hutchison presented on behalf of the applicant. They explained that the existing pool is proposed to be redone, and a replacement pool and bathhouse have been designed. They have received approval from the Kent Soil Conservation District and are finalizing stormwater management review.

The Planning Commission discussed the lighting for the bathhouse, Maryland Historical Trust approval, and erosion and sediment control plans.

There were no members of the public who wished to speak either online or in the hearing room.

Mr. Crowding moved to grant preliminary and final approval for Camp Fairlee ESSD-M, Inc., for a pool and bath house replacement on their property, subject to receiving a final erosion and sediment control and stormwater management plan. Mr. Strong seconded. The motion passed unanimously.

*24-44 Shane Bender/SNK Holdings LLC -- Amendment of Special Exception  
516 Morgnec Road, Chestertown – Intense Village*

Ms. Gerber presented the staff report

There were no members of the public who wished to speak either online or in the hearing room.

The Commission briefly discussed the application to amend the special exception granted in 2016 for automobile repair services. The amendment would add a 24/7 towing service through state highway registration for Kent and northern Queen Anne's County.

Mr. Crowding moved to forward a favorable recommendation to the Board of Appeals for SNK Holdings, LLC to amend their special exception to allow towing services and to amend that service for towing only up to 24 hours a day, seven days a week. We find that it meets Article 7, Section 2, the general standards for special exception; therefore, we should send it the Board of Appeals. Mr. Saunders seconded. The motion passed unanimously.

*23-34 Morgnec Road Solar, LLC -- Major Site Plan (Preliminary), Map 37, Parcel 40 and 174  
Intense Village, Community Residential, Rural Residential, and Resource Conservation District*

Mr. Carper presented the application for a preliminary site plan review of a proposed 245-acre utility-scale solar energy system. He noted that the applicant has provided updates since the last meeting, including summaries of compliance with CPCN conditions and County-wide standards for utility-scale solar systems.

Ms. Macfarlane, Mr. Leffner, Ms. Newcomb, and Mr. McCloskey presented on behalf of the applicant. They discussed updates to the site plan, including landscaping, berms, substation locations, and visual renderings. They also presented information on their agrivoltaics program, community engagement, and economic benefits. Ms. Whickham addressed pollinators. Mr. Dotterer addressed sheep management, and Ms. Turing addressed engineered grading of the berms.

Public testimony was received from Jordan Curtice; Janet Christensen-Lewis; A. Elizabeth Watson, FAICP; Thomas Tucker; Bonnie Tucker; Annie Richards, Shore Rivers; Thomas Kocubinski, RA, AIA; John Lysinger, and Judy Gifford.

The Commission discussed various aspects of the project, including substation location, landscaping, berm design, irrigation, and noise concerns. The Commission also discussed the proposed gateway feature and community benefits. The applicant's representatives were asked to respond to the questions raised by the public during public testimony. Applicant's representatives did so, and applicant's counsel summed stating applicant had met or exceeded standards.

Ms. Reeder moved to grant preliminary site plan approval to Urban Grid for the solar installation on Morgnec Road, subject to the following conditions: MDOT SHA approval of the proposed facility entrance; finalized irrigation plan that meets the requirements established in Article 6, Section 11E of the Land Use Ordinance; final approval of the landscape maintenance agreement; approval and recordation of the Deed of Forest Conservation Easement and Agreement; approval of Urban Grid's erosion and sediment control and stormwater management plans; submission and approval of sureties for sediment and erosion control and stormwater management; submission and approval of sureties for landscape maintenance and bond requirements for decommissioning as listed in Article 6, Section 11 of the Land Use Ordinance; that the applicant obtains all required State and federal permits; that the final plan provides for the location of the substation in location 2; that the applicant be afforded the flexibility to provide 90% native plantings; that the existing berm plan is deemed adequate and meets the requirements of the Land Use Ordinance; and the applicant provides assurance that the project will meet the County noise ordinance requirements.

Mr. Saunders seconded. Motion was amended twice (final version appears above). The motion passed unanimously.

#### **STAFF REPORTS**

Ms. Gerber reported that next month's meeting is expected to include a zoning text amendment to allow dog kennels for foxhound clubs in RCD. Delmarva Power may return for final site plan review. Work continues with the Critical Area Commission on issues related to the new Land Use Ordinance and Zoning Map. The goal is to introduce the Land Use Ordinance for final adoption at the beginning of calendar year 2025.

Mr. Mackey reported that the State has reviewed the Land Use Ordinance and provided conditional approval. Updates are being made to address new requirements from the General Assembly, including housing and forest conservation. The Governor's Housing Initiative will require changes to how jurisdictions implement their laws regarding modular and manufactured housing as of January 1, 2025.

#### **ADJOURN**

Mr. Crowding moved to adjourn. Chair Hickman seconded. The meeting was adjourned at approximately 4:15 p.m.

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

/s/ William Mackey  
William Mackey, AICP, Director

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