

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, September 3, 2015, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; Ed Birkmire; Bill Crowding; James Saunders; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Katrina Tucker, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

Ms. Morris called the meeting to order at 1:30pm.

## MINUTES

The minutes of August 6, 2015, meeting, were approved as presented.

## APPLICATIONS FOR REVIEW:

**OneEnergy Blue Star Solar, LLC is requesting conceptual site plan review on lands that are owned by David A. Bramble, Inc.,** for a proposed utility scale solar energy system. The applicant is also requesting modification of the stream protection corridor provisions. The system would be sited on 36.64 acres of the 225-acre parcel and consists of 3 separate areas of ground-mounted solar panels with 5 inverter stations to be accessed by 25-foot wide gravel lanes. The solar panels are 12 feet in width and placed in rows approximately 265 feet in length. The overall height is 8 feet. The entire 36.64-acre area will be enclosed by an 8-foot high chain-link fence. Landscaping is proposed to screen portions of the system which are directly visible from Galena Road/Maryland Route 313.

The property is located at 12213 Galena Road in the First Election District and is zoned Industrial (I) and Employment Center (EC). The utility scale solar energy system is proposed to be located on a 36.64-acre portion of the 225-acre parcel. The property is currently comprised of an asphalt plant, a dwelling and accessory buildings, and agricultural land. The parcel is also comprised of areas of nontidal wetlands and affiliated 25-foot buffers, as well as an intermittent stream and the affiliated 100-foot stream protection corridor. The property is located along an existing railroad line.

Present and duly sworn in were, Robert Collier, Manager, Project Development for OneEnergy Blue Star Solar, LLC., Kevin Shearon of DMS & Associates, and Amy G. Moredock, Director of Planning, Housing, and Zoning.

Ms. Moredock gave an overview of the application and cited all of the applicable laws of the *Kent County Land Use Ordinance* to include Article V, Sections 14.2 and 15.2 that establishes site plan review requirements for all permitted industrial uses in the Employment Center and Industrial Districts; Article V, Sections 14.5 and 15.5 establishes the density, height, width, bulk, and fence requirements for the EC and I Districts; Article V, Section 14.6 and 15.6 which establishes the EC and I performance standards; Article V, Section 14.7 which establishes the EC and I general standards; Article V, Section 14.8 and 15.8 that establishes the EC and I environmental standards; Article V, Section 15.8.B.7 which establishes the standards for stream protection corridors; Article V, Section 14.9 and 15.9 which establishes the EC and I design standards; Article VI, Section 1.3 and 1.4 which establishes the parking, loading, and bicycle parking standards; and Article VI, Section 5 establishes the procedures and standards for site plan review.

Ms. Moredock stated that no correspondence had been received regarding this application.

Property owner Paul Bramble testified that he has chosen to keep as much land in agricultural production as opposed to utilizing the land for industrial use and would like the Planning Commission members to take that into consideration when reviewing this project.

The applicants responded to inquiries from members of the Planning Commission with respect to the proposed project. Following a detailed review of the conceptual site plan, the Planning Commission made the following comments:

- ☞ A utility scale solar energy system is proposed consisting of 3 separate areas of ground-mounted solar panels constructed at an overall height of 8 feet to include an 8-foot tall chain-link fence which will enclose the 36.64-acre site.
- ☞ The applicant conducted a Citizen Participation meeting in Massey on 12 August 2015.
- ☞ The proposal is consistent with many strategies and goals of the Comprehensive Plan.
- ☞ Elevation details of the ground-mounted system on sheet C-4 have been submitted.
- ☞ In general, it appears that proposed structures meet the minimum setback requirements.
- ☞ The applicant has addressed the performance standards and submitted a Draft Engineer's Report. This Report must be sealed prior to final site plan review.
- ☞ There will be no full-time staff on site; the site will be monitored from a remote operations center.
- ☞ Members expressed concern over the potential for lack of attention to general maintenance needs of the overall site in general and of the solar energy system components specifically.
- ☞ During the peak of construction of the solar system, there will be between 50-75 construction workers accessing the site for approximately 3 to 5 months. Construction is anticipated to begin in Spring 2016.
- ☞ The property is served onsite water and septic systems. Public systems are not available in this area.
- ☞ Adequacy of methods for sewerage and refuse disposal have been reviewed and approved by the Kent County Environmental Health Department.
- ☞ No signage is proposed.
- ☞ No new lighting is proposed.
- ☞ There are 2 points of access: 1 approximately 200 feet east of Galena Road which currently serves as the access point for the asphalt plant and 1 indirectly off of Galena Road which currently serves as the access point for the residence.
- ☞ SHA has reviewed the proposal for impacts on local roadways and has determined that there will not be a significant increase in traffic as a result of this proposal. SHA staff has deemed that both existing access points are sufficient for the proposed use.
- ☞ Several 15-foot wide gravel roads are proposed to provide 3 access points off of the 2 existing lanes within the site for maintenance vehicles. These areas will be accessed by 3 lockable, gated entrances.
- ☞ A 25-foot wide vegetative screen has been provided along Galena Road. The applicant proposes a mixture of shrubs and should consider adding native trees to the list of proposed species.
- ☞ The applicant is seeking a Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission. If a CPCN is granted, then the project will be subject to the affiliated exemption standards under the Natural Resource Article.
- ☞ If the CPCN is not granted prior to preliminary site plan review, then Forest Conservation provisions must be addressed in accordance with Article VI, Sections 14.8.B.3 and 15.8.B.3.
- ☞ Stormwater management must be addressed in accordance with Article VI, Section 10 during preliminary site plan review. The applicant has indicated that the plan will be designed to meet the MDE Stormwater Design Guidelines for Solar Panel Installations.
- ☞ Sediment control must be addressed in accordance with Article VI, Section 9 during preliminary site plan review.
- ☞ Landscaping is proposed along the west side of the property in areas of use which are visible from Galena Road. MD Route 313. The Landscape plan consists of a 25-foot wide screening area

consisting of a mixture of coniferous and deciduous varieties and a mix of native and nonnative species of shrubs.

- ☞ The applicant should consider adding more extensive areas of screening to the landscape plan. Screening as proposed may not be adequate to address the protection of onsite and offsite views.

Further, following review of all applicable laws and the Comprehensive Plan, the Planning Commission noted that applicant has not presented sufficient documentation in order to meet the stream protection corridor modification provisions. In order to receive the requested modification, the applicant must demonstrate how the project with the reduced corridor will achieve significant water quality and habitat improvements equal to the required corridor. In addition, the applicant must demonstrate that 75 % of the corridor is disturbed with an obvious human impact; the applicant must also document that agricultural production constitutes an obvious human impact.

In addition to the satisfactory resolution to the stream protection corridor modification request, the applicant must address and/or submit the following outstanding items in order to receive preliminary site plan approval:

- ☞ A certified Engineer's Report (sealed) and
- ☞ Preliminary Forest Conservation, Landscape, Stormwater Management, Sediment and Erosion Control Plans.

The following must be addressed in order to receive final site plan approval:

- ☞ Forest Conservation, Landscape, Stormwater Management, Sediment and Erosion Control Plans must be approved and affiliated sureties submitted.

## Staff Reports

Mitch Mowell:

- ☞ Pursuing action regarding a violation outside of the town limits of Betterton.

Amy Moredock:

- ☞ Attended the MACo conference and participated in the Healthy Waters Round Table with Commissioner William Pickrum on the 12<sup>th</sup> of August. There will be a follow up meeting to the Round Table discussion on September 10<sup>th</sup>. The result of the meetings will be a list of projects in which local jurisdictions can collaborate to find collaborative means to meet the Local Watershed Implementation Plan load reduction goals to present to the MDE.
- ☞ Reconvening the Renewable Energy Task Force at the request of the Commissioners in order to review the provisions adopted in 2010 and to look at specifically at industry developments specific to utility scale energy with an eye on more flexibility for utility scale solar projects.
- ☞ Announced that the County received the CoastSmart Resiliency Grant to study the County's vulnerability to coastal hazards. This is a joint project with the Eastern Shore Land Conservancy who will be spearheading the meetings and the training that is called VCAPs. It is a tool to assess coastal vulnerability. The trainers will be coming from the University of Virginia. The grant will start in October 2015 and end in September 2016.
- ☞ Informed the member that there has been recent discussion with the Kent County Commissioners regarding the Pharm Kent Conceptual Site Plan that was postponed in July. The Commissioners requested that the planning staff coordinate with Pharm Kent. The applicants feel that their Conceptual Review should occur as they prepare their State of Maryland License application.

Katrina Tucker:

- ☞ The Planning Commission members were requested to consider nominations of individuals that they know would be interested in serving on various Boards and Commissions.
- ☞ The Request For Proposals for the update to the Kent County Comprehensive Plan was issued on September 2, 2015. Proposals are due by October 2, 2015 no later than 10:00 a.m. It is anticipated that the project will commence in October and be completed within one year.

**General Discussion:**

Carla Gerber, GIS Specialist, presented the Aberdeen Proving Grounds Joint Land Use Study and requested comments from the Planning Commission. She noted that the County will incorporate some of the information in the JLUS in the Kent County Comprehensive Plan.

There being no further business for the good of the organization, the meeting was adjourned at 3:06 p.m.

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Elizabeth Morris, Chairman

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Tonya L. Thomas, Clerk