



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

MINUTES

March 17, 2025

5:00 PM

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

The Board of Appeals met on March 17, 2025, at 5:00 p.m. in the County Commissioners' Hearing Room.

Board members in attendance were John Massey, David Hill, Rob Davis, and Ben Legow (observing).

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, DPHZ Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk, were in attendance.

Representatives for 25809a Still Pond Neck LLC included Seth Shafer, Director, Project Development, Pivot Energy; and Edward (Ted) H. Hastings, PMP, Associate of Becker Morgan Group, Inc.

Individuals who signed the sign-in sheet included one member of the public: Mr. Andrew T. Simmons.

The meeting was called to order at 5:00 pm by Member John Massey.

ELECTION OF OFFICERS

Mr. David Hill moved to elect John Massey as Chair of the Board. The motion passed by acclamation.

APPLICATIONS FOR REVIEW

*22-42 25809a Still Pond Neck, LLC -- Special Exception -- Extension of Approval
26001 Still Pond Neck Road -- Third Election District -- Agricultural Zoning District (AZD)*

Mr. Carper presented the staff report, noting the applicant was seeking a second extension of a special exception. The first extension was granted due to connection issues with Delmarva Power & Light and the resulting need to resize the project. The applicant submitted a revised site plan with reduced solar panels to meet the power output requirements without costly upgrades to the system. Mr. Carper noted that the applicant is working on finalizing bonds, surety language, and administrative requirements. A building permit was submitted, indicating the applicant is ready for construction once documents are complete. The cost estimate for erosion and sediment control has been approved, and the applicant is awaiting a surety instrument. Draft performance completion bonds for landscape and decommissioning have been submitted and are under review. The forest conservation agreement has been approved and is waiting to be recorded. Staff recommended granting the extension.

Ms. Grieb reported for the record that the property was posted on February 14, 2025; letters were sent to adjacent property owners on February 14, 2025; and a notice of the public hearing was published in the paper of record, the *Kent County News*, on March 13, 2025. There was no correspondence received.

Mr. Hastings and Mr. Shafer testified on behalf of the applicant, requesting extension of the previously approved special exception, noting they are ready to build but need additional time due to delays in securing interconnection agreements with Delmarva Power & Light, as well as finalizing bonds and contractor arrangements. They confirmed having subscribers and reducing the project to under 600 KW, noting they are the same company, same owners, and everything is the same, as previously approved.

Public comment was received from Mr. Andrew T. Simmons, property owner at 13460 Still Pond Road.

Mr. Yeager, Attorney for the Board, advised the Board that they could stipulate "no more extensions," noting that each request must be evaluated on its own merits.

Mr. Hill moved to approve the additional extension of a special exception to construct and operate a utility-scale solar energy system in the AZD district at the property located at 26001 Still Pond Neck Road on the 85-acre farm owned by Raymond and Joyce Stoltzfus and extend it for one year based on what was previously discussed at the other meetings. Mr. Davis seconded. The motion passed unanimously.

MINUTES

Mr. Hill moved to approve the Board minutes of November 18, 2024. Mr. Massey seconded. The motion passed unanimously.

GENERAL DISCUSSION

Mr. Carper announced this is his last week with the County, as he is moving to be closer to family. Board members expressed their deep appreciation for his service and wished him well in his future endeavors.

Mr. Mackey noted that there would be no meeting next month, as there are no applications to review.

ADJOURN

Mr. Hill moved to adjourn. Mr. Davis seconded. The motion passed unanimously. The meeting adjourned at approximately 5:27 p.m.

/s/ John Massey
John Massey, Chair

/s/ W. A. Mackey
William A. Mackey, AICP, Director DPHZ

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