



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

MINUTES

August 18, 2025

5:00 PM

Video recordings of the meetings may be available online, dependent on internet availability, access, and functionality: <https://www.kentcounty.com/commissioners/kent-countys-agenda-and-minutes-portal>.

The Board of Appeals met on August 18, 2025, at 5:00 p.m. in the County Commissioners' Hearing Room.

Board members in attendance were Chair John Massey and Alternate Member Benjamin Legow (sitting).

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Beth Grieb, Office Manager, serving as Clerk; and Tyler Arnold, GIS Specialist attended.

Representatives for Mason Solar included Anthony P. Kupersmith, Esq. of McAllister, DeTar, Showalter & Walker LLC; and John Shields, PD-E, Manager, Pivot Energy.

Individuals who signed the sign-in sheet included Thomas P. Mason, property owner.

The meeting was called to order at 5:04 pm by Chair John Massey.

MINUTES

Mr. Legow moved to approve the minutes from the last meeting on May 19, 2025. Chair seconded the motion. The motion passed unanimously.

APPLICATIONS FOR REVIEW

*24-18 MDL 153 Mason Solar – Special Exception – Utility Scale Solar in AZD – Extension of Approval
9425 Fairlee Road, Chestertown – Sixth Election District – Zoned Agricultural Zoning District (AZD)*

Public Notice Information: Clerk Beth Grieb read into the record that the public notice was posted in the *Kent County News* on August 15, 2025. Letters were sent to adjacent property owners on July 30, 2025. The property was posted on August 1, 2025, and no correspondence was received regarding this matter.

Hearing Procedure: Chair outlined the standard hearing procedure for testimony, cross-examination, and closing arguments.

Applicant Testimony:

Mr. Kupersmith, Esq. and Mr. Shields requested an extension of the special exception previously granted for this community solar project. The original special exception was granted with a written decision, dated August 19, 2024. Under the zoning ordinance in effect at the time (which has since been updated), special exceptions were valid for one year.

Adopted on November 17, 2025

Request: The applicants requested a two-year extension from the date of the hearing (August 18, 2025).

Justification for Extension: The applicants explained that Delmarva Power provided a letter dated April 2025 outlining their power cost estimate and required upgrades at both the Lynch substation and the point of interconnection near the project location. These upgrades are projected to take 24 to 30 months to complete. The applicants are seeking the two-year extension to align with the anticipated timeline for these utility upgrades.

Staff Report: Ms. Gerber presented the staff report, noting that the recently adopted Unified Development Ordinance that replaces the former Land Use Ordinance allows for two-year approvals. Staff recommends approval.

Closing Statement: Mr. Kupersmith, Esq. noted Pivot Energy’s ongoing efforts to submit for review and approval of the site plan via the County’s adopted processes, as evidenced by the Planning Commission minutes and the Technical Advisory Committee minutes.

Motion: Mr. Legow moved to approve the request for a two-year extension, provided that the applicant is still meeting the conditions laid out in the original approval, dated August 18, 2024. Chair Massey seconded. The motion passed unanimously.

GENERAL DISCUSSION

Ms. Gerber reported there will be a meeting in September including a pier variance and other items.

Chair John Massey, Mr. Legow, and DPHZ staff thanked County Attorney Tom Yeager for his many years of service to both the County and his recent service to the Board. Attorney Yeager thanked the Board of Appeals and expressed his deep affection and appreciation for Kent County, noting that his new position would not affect his wider participation in the greater Kent County community. All wished Tom well.

ADJOURN

Mr. Legow moved to adjourn the meeting. Chair Massey seconded. The motion passed unanimously. The meeting was adjourned at approximately 5:24 p.m.

/s/ John Massey
John Massey, Chair

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

Please note 90% of this document was created by Claude from Anthropic using a transcript from MS Teams.