

MINUTES

March 6, 2025

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>. Meeting materials are available on the County portal at <https://www.kentcounty.com/commissioners/kent-countys-agenda-and-minutes-portal>.

The Planning Commission met in regular session on Thursday, March 6, 2025, 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, Sean Jones, and William Crowding. Member Jonathan Quinn was away and made arrangements in advance.

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; Robert Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, serving as Clerk; and Tyler Arnold, GIS Specialist.

Representatives for Everton did not speak at the meeting and are included in the sign-in sheet information below.

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.

Representatives for the Morgnec Solar project included Genevieve H. R. Macfarlane, Esq., Partner with Stevens Palmer, LLC.; Val Newcomb, Vice President, Economic & Community Development, Urban Grid Holdings LLC; Krista Ortiz, Development Manager, Urban Grid Holdings LLC; Clinton P. Eddy II, Project Manager, Urban Grid Holdings LLC; Nick Leffner, P.E., Kimley Horn and Associates; and Ellen C. Tusing, P.E., Kimly Horn and Associates. Other applicant representatives who did not speak are included in the sign-in sheet information below.

Representatives for KNR Inc. included Kevin Shearon, P.E., LEED AP, DMS & Associates and the applicant Mr. Sunil Dutta.

Representatives for Great Oak Manor included Kevin Shearon, P.E., LEED AP, DMS & Associates; Werten F. W. Bellamy, property and business owner; and Calin Taralunga, business manager.

Individuals who signed the sign-in sheet included Helen LeFever; Lakeesha Carr; Husain Poonawala; John Lysinger; Allan V. Durham; P. Hildebrandt; B. Hildebrandt; Chris Cothran; Henry R. Dierker III, SHA; Emily Jenkins; Hope Clark; Paula Reeder; Nathaniel DeJarnett; Jeff Chang; Judy Gifford; Janet Christensen-Lewis; Andy Simms; Thomas O'Neil; A. Elizabeth Watson, FAICP; Elon Elliot; Frank B. Rhodes, Kent County Board of Education member, appearing as a neighbor (Morgnec); and Miles Barnard, ASLA, RLA, appearing as a neighbor (Great Oak).

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

MINUTES

Mr. Saunders moved to accept the minutes of February 6, 2025. Mr. Crowding and Mr. Strong seconded, and the motion passed unanimously.

LEGAL

Mr. Jones moved to go into closed session in order to seek legal advice from the Planning Commission's Attorney. Mr. Crowding seconded the motion. The Planning Commission went into closed session at 1:32 p.m. and came out of closed session at 2:03 p.m. No action was taken during the closed session, and legal advice was provided.

*22-67 Everton Industrial, Lot 1 – Major Site Plan – Review of curb cut and setback waivers
Map 31, Parcel 6, Part 1, Lot 1 near Millington – First Election District – Employment Center (EC)*

*23-28 Everton Industrial, Lot 2 – Major Site Plan – Remand of curb cut and setback waivers
Map 31, Parcel 6, Part 1, Lot 2 near Millington – First Election District – Employment Center (EC)*

Mr. Crowding moved, as regards Everton Industrial 22-67 and 23-28, that we, after discussion with legal counsel, decide to postpone this to the next meeting in order to review the minutes and the transcript from the meeting in question and come back to make a decision. Vice Chair Ruge seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

*22-08 25809a Still Pond Neck, LLC – Extension of Major Site Plan Approval
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)*

Mr. Carper presented the staff report, noting that 25809a Still Pond Neck LLC had applied for an extension to the approved site plan. Pivot Energy, owner of the LLC, received a previous extension for final site plan approval. The applicant is seeking a second extension.

Staff recommended that the extension be granted, noting that the applicant has made progress on the required conditions and has also submitted an application for building permits to begin construction during the summer.

Mr. Seth Shafer and Mr. Ted Hastings were sworn in and testified that the project is moving forward but has been slow due to finalizing the decommissioning and landscaping bonds. The applicant is looking for changes from the County's model. Mr. Hastings stated they have a contractor lined up and are trying to finalize everything to start construction.

Chair Hickman invited members of the public to speak; no members of the public came forward to speak in person or online.

Mr. Crowding moved to recommend granting 25809a Still Pond Neck LLC a twelve-month extension to the site plan approval for the installation of a utility-scale solar energy system on an 85-acre farm owned by Raymond and Joyce Stoltzfus. It appears from testimony that they have made significant steps towards obtaining final approval for those reasons listed. Mr. Jones seconded. The motion passed unanimously.

23-34 Morgnec Road Solar, LLC – Major Site Plan (Final)
Map 37, Parcel 40 and 174 – Fourth Election District – IV, CR, RR, and RCD

Mr. Carper presented the staff report on Morgnec Road Solar LLC, noting the applicant applied for final site plan review and approval for a proposed 245-acre, utility-scale energy system to be located on Morgnec Road near Chestertown. Preliminary site plan approval was granted by the Planning Commission on October 3, 2024, with a list of conditions. As part of its application, the applicant submitted evidence showing adherence to the conditions, including providing irrigation in the landscaping plan, locating the substation in the preferred location, utilizing some non-native plantings for increased screening, and compliance with County-wide standards for utility-scale systems.

Staff recommended approval of the final site plan with conditions, including approval from MDOT SHA for the facility entrance, approval of the landscape maintenance agreement, approval and recordation of the Deed of Forest Conservation Easement Agreement, approval of erosion and sediment control and stormwater management plans, approval of sureties for erosion and sediment control and stormwater management, submission and approval of sureties for landscape maintenance, and that the applicant obtain all required State and federal permits.

Correspondence from a neighbor, Jeremy Ferro, was noted, which expressed concern about the access road, water quality, potential flooding, and safety issues.

Ms. Genevieve McFarlane, Esq., Ms. Valerie Newcomb, Ms. Krista Ortiz, and Mr. Nick Leffner were sworn in and testified on behalf of Morgnec Road Solar LLC. They provided updates on the project and detailed compliance with the listed conditions, including substation location, landscaping irrigation, and community engagement efforts. Applicants requested to bifurcate gateway approval from final site plan approval, due to the timeline required by the State.

Public comment was received from Janet Christensen-Lewis, KCPA; Hope Clark; Paula Reeder; Allan V. Durham; and Thomas O'Neill.

Mr. Crowding moved to recommend granting final approval for Morgnec Road Solar LLC – that even though the County Land Use Ordinance does not allow utility-scale solar on Rural Residential land, Village, Intense Village, and Community Residential, the Maryland Public Service Commission has given them a CPCN to operate this system – with the following conditions: obtain Maryland Department of Transportation/SHA approval for the proposed facility entrance; approval of the landscape maintenance inspection agreement, during the terms of this agreement the applicant shall remove dead and dying plant materials and plant replacement plant materials as needed; approval and recordation of the Deed of Forest Conservation easement and agreement; approval of the erosion and sediment control storm water management plans; approval of sureties for sediment and erosion control and storm water management; and submission and approval of sureties for landscape maintenance plan as appended after meeting with the attorneys. We find that they have made reasonable fulfillment of Section 5.3.B.16 as far as conformance - A, B, C, D, E, F, G, H, I, J, and K; that they have met the requirements of Section 11 County-wide Standards for Utility-Scale Solar Energy Systems under A, 1 through 6; under B installation and maintenance standards, 1 through 10; under C landscape buffer for utility-scale solar systems, 1 through 8; under 8, A, B, C, D, and E; item D landscape berm, items 1 and 2, 3, 4, and 5; under item E for irrigation numbers, 1, 2, and 3; under item F the maintenance agreement is in the process of being formalized; item G the sureties are in the process of being done; items H, I, J, K, 1 through 10 have been met. Mr. Strong seconded. The motion passed unanimously.

23-68 KNR – Convenience Store/Deli – Major Site Plan (Final)
10816 Worton Road, Worton – Third Election District – Zoned Village

Ms. Gerber presented the staff report, noting the applicant is seeking final site plan approval for the construction of a new convenience store and deli at 10816 Worton Road, and that this item was the third step in the review process before the Planning Commission [concept site plan review, preliminary site plan review, and final site plan review].

Staff recommended granting final approval with conditions that the approval of the erosion and sediment control and stormwater management plans and submission of any required sureties take place. The proposed building meets the setback requirements, and the project is exempt from forest conservation. Stormwater and sediment control are under review. The site has 15 regular parking spaces and one ADA-accessible space.

Ms. Gerber noted that at the time the staff report was distributed, the applicant did not have sign or lighting details. The applicant indicated he would present that information. Ms. Gerber suggested that if the sign and lighting details were insufficient, the Commission could hold on approval or require the items to be submitted at a future date.

Mr. Kevin Shearon, representing KNR Inc., was sworn in and testified. Mr. Shearon explained that the applicant had moved the propane cage and ice chest from in front of the store to a location next to the trash enclosure. He also presented sign details, indicating a free-standing sign, 15 feet in height, no more than 25 square feet in area, which is permitted. Lighting will be wall-mounted, dark-sky compatible, and located on two or three sides of the building.

Chair Hickman invited comments; no members of the public were present or came forward to speak in person or online.

The Planning Commission discussed its concerns related to the entrance location, its proximity to the intersection, and issues of traffic in the area. There was also concern about the propane cage location and questions about more details on the sign and lighting. The applicant agreed to relocate the propane cage and ice chest, as discussed.

Vice Chair Ruge moved to approve (a) the final site plan of KNR Inc., the convenience store and deli, as has been presented by Kevin Shearon on behalf of Mr. Sunil Dutta, KNR Inc. They have requested the final site plan for construction of a convenience store and deli at 10816 Worton Road, Worton; (b) to include the staff comments - that the proposal is consistent with the strategy and goals of the Comprehensive Plan; property is served by public sewer and water; the stormwater management and erosion settlement control plans are followed; the number of parking spaces meet the minimum required; there are no known impacts or unreasonable demands on public services and infrastructure; the proposed building elevations have also been submitted; the plan review for the food service facility will need to be obtained and approved by the Kent County Health Department prior to commencing construction; the proposed building complies with setback requirements; a citizen participation meeting has been held and the report is included in the applicant's materials; (c) the applicant notes that an inlet and storm drain piping have been added along Porter's Grove Road; and ice chests and propane cage have been shown on the site plan but [the applicant] has agreed to move it to a new location next to the trash enclosure; and, the sign and lighting details have not been provided; and, (d) that the sign and lighting details will be approved by the staff once we have the final signage plan. Mr. Strong seconded. The motion passed 5-1 with Mr. Crowding voting against the motion.

*24-27 Freedom Properties GOM, LLC – Major Site Plan (Preliminary)
Demonstration Kitchen/Yoga Studio
10568 Cliff Road, Chestertown – Sixth Election District – Zoned Critical Area Residential (CAR)*

Ms. Gerber presented the staff report, noting that Mr. Werten Bellamy and Mr. Kevin Sharon, on behalf of Freedom Properties GOM (Great Oak Manor), were requesting preliminary site plan review and approval of the proposed accessory structure to be used as a demonstration kitchen and yoga studio.

Staff recommended granting preliminary approval and noted that in order to receive final approval, several items must be completed or submitted: an updated narrative with information on how the conditions of the Board of Appeals decision to change this to a retreat have been addressed, approval of sediment control and stormwater management plans and submission of any required sureties, final landscaping and buffer enhancement plans and submission of those sureties, approval of the Health Department, and recordation of the lot line adjustment. The buffer enhancement plan is required for the 4,855 square feet of increased lot coverage and needs to be updated to indicate that all plantings will be located in the buffer. The parking area is adequate for the guest rooms, and the applicant has shown the area for overflow parking on the site, which will be screened by a row of evergreen trees.

Mr. Bellemy and Mr. Shearon were sworn in and testified. Mr. Shearon noted that four more of the existing trees will be saved, which will change how and where the replacement plantings would be implemented. Stormwater management has been designed and reviewed by the County's consultant. A septic consultant is evaluating the property and will work with the Health Department. Mr. Bellamy noted his readiness to move forward with the conditions set by the Board of Appeals related to an amendment to the special exception submitted for this use.

Chair Hickman invited members of the public to speak; no members of the public came forward to speak in person or online.

Mr. Saunders moved for preliminary site plan approval for Freedom Properties GOP, stating that in order to receive final approval the following items must be submitted: an updated narrative with information on how the conditions of the Board of Appeals decision are addressed; approval of sediment control and stormwater management plans and submission of required sureties; final landscaping and buffer enhancement plans and submission of required sureties; approval of the Health Department; and recordation of the lot line adjustment. Mr. Jones seconded. The motion passed unanimously.

GENERAL DISCUSSION

Kent County – Water and Sewer Plan Amendment – Millington WWTP

Ms. Gerber presented the staff report, noting this item is for Planning Commission's recommendation to the Board of County Commissioners. Based on engineering studies, a new WWTP is needed in a new location.

Staff recommended a favorable recommendation, noting consistency with the Comprehensive Plan, Land Use Ordinance, and Zoning Map. Town of Millington's Planning Commission had already recommended favorably.

Mr. Strong moved, noting the finding of consistency with the Comprehensive Plan and the Land Use Ordinance, to send a favorable recommendation to the County Commissioners for approval of the proposed amendment. Mr. Crowding seconded. The motion passed unanimously.

STAFF REPORTS

Mr. Carper announced that he is relocating outside of Maryland. The Planning Commission praised Mr. Carper's work with the Planning Commission and the County, and everyone wished him the very best in his new endeavors.

ADJOURN

Chair Hickman called for a motion. Vice Chair Ruge moved. Mr. Jones seconded. The meeting adjourned at 4:15 p.m.

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

/s/ William Mackey
William Mackey, AICP, Director

Please note that 50% of this document was created by Claude 3 from Anthropic, using a transcript from Microsoft Teams.