

MINUTES

April 2, 2026

1:30 p.m.

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The Planning Commission met in regular session on Thursday, April 2, 2026, 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 Joseph Hickman, James Saunders, Sean Jones, Paul Ruge, Jonathan Quinn, and Bill Crowding.

County Attorney Bobby Mowell, Esquire, was present. Staff attending included Carla Gerber, AICP, Director; Holly Baldwin, Associate Planner; and Tyler Arnold, GIS Specialist, serving as clerk.

Audience members were Tom Mason, Sean Hughes, Sam Avera, Yaw Bonsu, Michele Bennetta, Ted Hastings, John Shields, James Lindauer, and Jack Rowland.

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

MINUTES

Paul Ruge moved to accept the minutes as presented. Bill Crowding seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

**23-68: KNR, Inc. – Site Plan Review (Extension of Approval) – Convenience Store/Deli
10816 Worton Road, Worton**

Ms. Gerber summarized the staff report noting that KNR, Inc. is requesting an extension of final site plan approval that was granted in March 2025 for the construction of a convenience store and deli at 10816 Worton Road. Market conditions have delayed the start of construction; however, the applicant has recently obtained a new demolition permit to clean up the site in preparation for construction and anticipates beginning construction during the summer. Staff noted the application met all requirements of the ordinance at the time of original approval. Several conditions of that original approval remain outstanding, including relocation of the ice chest and propane cage to the space next to the trash enclosure; submission of sign and lighting details; and submission of required surety for sediment and erosion control, stormwater management, and landscaping. Staff recommended that the extension be granted with those original conditions remaining in effect. No correspondence was received.

Kevin Shearon, Davis, Bowen, and Friedel, Inc., and Sunny Datta, applicant, stated that a demolition contractor has been selected, and the site plan conditions will be completed prior to submitting to the Planning Office for final signatures.

There were no questions or comments from Commission members. No members of the public wished to speak to the application.

Adopted on 5/7/2026

Mr. Ruge moved to grant an extension of the site plan approval for the convenience store and deli at 10816 Worton Road, conditioned upon: relocation of the ice chest and propane cage to the space next to the trash enclosure; provision of sign and lighting details; and submission of required sureties for sediment controls, stormwater management, and landscaping. Mr. Quinn seconded. The motion passed with a 5-1 vote.

**24-17: MDL 153 Mason Solar, LLC –Site Plan Review (Final) – Utility-Scale Solar Energy System
9425 Fairlee Road, Chestertown – Agriculture Zoning District (AZD)**

Ms. Gerber summarized the staff report noting the applicant is requesting final site plan approval for a one-megawatt utility-scale solar energy system at 9425 Fairlee Road, Chestertown. The Board of Appeals granted the original special exception in August 2024. Preliminary site plan approval was granted by the Planning Commission in December 2024. The applicant subsequently received an extension of the special exception from the Board of Appeals in August 2025, and in December 2025 the Board of Appeals approved an amendment to eliminate the berm requirement in light of the Renewable Energy Certainty Act and the adoption of the County's new Unified Development Ordinance. In response, the applicant offered to shift the location of the facility further back from Fairlee Road to address concerns about the Mount Pleasant Cemetery.

Staff noted the application meets or exceeds the setback requirements; a landscape maintenance plan and truck-watering plan have been submitted; vegetation management within the fenced area will use rotational or mob-style grazing supplemented by mowing as needed; sediment and erosion control plans and stormwater management plans are being finalized; and a decommissioning plan consistent with previously reviewed plans has been submitted. Staff noted that this project is small enough to not require approval by the Public Service Commission and recommended the Commission approve the decommissioning plan and grant final site plan approval. No correspondence was received.

Ted Hastings, Senior Associate, Becker Morgan Group, and John Shields, Pivot Energy Development, were present. Mr. Hastings noted that the project returned to the Board of Appeals to remove the 5-foot berm requirement, as berms impede natural stormwater flow patterns and can compromise the growth of the landscape buffer. The project was shifted further from Fairlee Road while maintaining the 60-foot-wide landscape buffer. The applicant expressed appreciation for the thoroughness of the staff report.

Commission members asked questions regarding the ownership and operational structure of the project. Pivot Energy holds a lease on the property and owns all equipment. Questions were raised about the consequence of Pivot Energy going out of business. The applicant explained that the decommissioning plan and associated bond address this scenario: if the facility ceases to generate electricity for more than one year, the bond would be used to decommission the site. The bond is reviewed every five years to adjust for changes in recycling values and material costs. Discussion also covered the recycling of solar panels, with the applicant noting that a growing number of recycling facilities are becoming available. The Commission expressed interest in the progress being made in that industry.

Mr. Crowding moved to approve the decommissioning plan and grant final major site plan approval for MDL 153 Mason Solar, LLC to install and operate a one-megawatt utility-scale solar energy system on property located at 9425 Fairlee Road, based on staff and applicant comments, finding that: the proposal is consistent with the goals of the Kent County Comprehensive Plan; the proposal is consistent with the general intent and the use, design, and environmental standards found in the Unified Development Ordinance; internal traffic is anticipated to be minimal and will be restricted to maintenance of equipment and vegetation; there are no unreasonable demands on public services and infrastructure; no sewage or refuse disposal activities are proposed; noise is anticipated to

be very limited on all portions of the site; no smoke, fumes, dust, or odors are anticipated; a sediment control plan has been submitted for County review; no existing vegetation is to be removed; and a 60-foot-wide landscape buffer will surround the fenced solar array. Approval is conditioned upon submission of a signed vegetation maintenance and inspection agreement and submission of sureties for sediment and erosion control, stormwater management, landscaping, and decommissioning. Mr. Ruge seconded. The motion passed unanimously.

26-05: Chestertown Community Energy Initiative, LLC – Major Site Plan (Concept) – Utility-Scale Solar Energy System
10236 Worton Road, Chestertown – Employment Center (EC)

Ms. Baldwin summarized the staff report and noted that Chestertown Community Energy Initiative, LLC is requesting concept site plan review for a 2-megawatt utility-scale solar energy system at 10236 Worton Road, Chestertown, in the Employment Center zoning district. The proposed limit of disturbance is 15.98 acres. A 35-foot-wide perimeter landscape buffer is planned, and the project will egress from Worton Road. Staff recommended the applicant proceed to preliminary site plan review. No correspondence was received.

Ted Hastings, Senior Engineer, Becker Morgan Group; Michael Redding, ECA Solar; and Jack Rowan, ECA Solar, were present to present the application. Mr. Hastings described the project as a community solar project at or under 2 megawatts, and therefore not subject to the CPCN process before the Public Service Commission.

Mr. Redding described ECA Solar's comprehensive watering plan in lieu of a traditional irrigation system, emphasizing the importance of establishing plantings in the first year and using watering bags that allow water to seep slowly into the soil at the root level. All native plant species will be used. ECA Solar conducted a community outreach meeting on September 4, 2025, with notices sent to approximately 15 properties within a half-mile radius; however, no members of the public attended.

Mr. Saunders questioned the benefit of the project to Kent County residents and the County government. The applicant responded that the project would increase personal property taxes (estimated at approximately \$25,000 per megawatt in year one, and approximately \$75,000 for this 3-megawatt project, depreciating over time), increase real property taxes as the land is converted from agricultural to commercial use, and offer community solar enrollment opportunities to Delmarva Power & Light customers for bill savings (a minimum of 10% discount for standard customers, higher for low- and moderate-income customers). The applicant also described ECA Solar's community engagement program, "Beyond the Grid," which includes donations to local organizations such as volunteer fire departments and food banks.

Planning Commission members also raised the following concerns and questions: the need to address construction entrances and mud control along Worton Road, noting that nearby residential properties could be affected; the preference for underground rather than overhead electrical lines consistent with the Unified Development Ordinance, and a request that the applicant provide a letter from Delmarva Power specifically referencing the County ordinance and explaining the necessity of overhead installation; the use of all-native, slow-growing plant species in the landscape buffer, with members acknowledging that the buffer would require several years to establish; and questions from Commission members regarding the amount of land remaining in the Employment Center zoning district and the appropriateness of solar development in a district intended for employment uses, as well as proximity to the County wastewater treatment plant and implications for future expansion.

No formal motion was made. The Commission provided concept-level comments, and the applicant was directed to address the items noted by staff and the Commission prior to returning for preliminary site plan review.

**26-06 and 26-07: Network Towers II, LLC / Olan H. Simpkins – Major Site Plan (Concept) and Special Exception – Personal Wireless Facility Tower
Cypress Road, Millington (Map 33, Parcel 3) – Agriculture Zoning District**

Ms. Baldwin summarized the staff report noting that Network Towers II, LLC is requesting concept site plan review and special exception review in order to construct and operate a 199-foot monopole telecommunications tower on property owned by Olan H. Simpkins at Cypress Road, east of Millington, in the Agricultural Zoning District. The property is 153.5 acres. The overall lease area will be 80 feet by 80 feet. Analysis by the applicant determined that no existing infrastructure is of sufficient height, location, or capacity to address the documented coverage gap in the area; the proposed monopole will maintain a galvanized steel finish designed to blend with the backdrop of the sky; all ground equipment will be located within a fenced compound and screened as required; no equipment shelters are planned; the tower and compound are sited within a mature wooded portion of the property; a double-staggered row of American holly trees is proposed for additional screening; no lighting is proposed; the only required signage will be what is required by the FCC; no impacts to cultural, historic, or environmental resources are anticipated per a preliminary NEPA study; the facility is not located within or adjacent to a public park, recognized scenic byway, or designated historic resource area; the applicant has provided all required descriptions and agreements, carrier coverage maps, photo simulations, citing evaluations, and a non-interference letter; and a pre-Phase 1 environmental assessment anticipating no adverse impacts has been submitted. Staff recommended that the Planning Commission forward a favorable recommendation to the Board of Appeals for the special exception and that the applicant proceed to preliminary site plan review.

Staff also read into the record a letter received the day of the meeting from Wayne J. Starkey on behalf of the Millington Volunteer Fire Company, expressing support for the tower due to very limited cell service along MD 291 between Millington and Delaware.

Sean Hughes and Sam Aversa, representing the applicant, thanked staff for their thorough presentation. Mr. Hughes noted there is no direct financial benefit to the County from the lease of this private property, but that the improvement in wireless connectivity would benefit emergency communications as well as daily communications for residents.

Michelle Bonetta, 29134 River Road, Millington, addressed the Commission. Ms. Bonetta raised concerns regarding the potential impact of low-frequency electromagnetic emissions on migrating birds, insects, and pollinators. She questioned the maximum number of co-locators (confirmed by the applicant as four), asked about bond requirements and the applicant's liability for tower removal at the end of the lease, and noted that the community outreach radius of one-half mile may have been insufficient given the rural character of the area and the likelihood that landowners beyond that radius would have visual exposure to the tower. Ms. Bonetta also asked when a radio frequency engineer would be available to answer technical questions from the public and was advised that the radio frequency report is in the record and available to the public through the Planning Office. Mr. Hughes also indicated the radio frequency engineer may be available at the Board of Appeals hearing.

Regarding tower removal obligations, the applicant stated that Network Towers has a contractual agreement with the property owner to decommission and remove the tower and its foundation to at least two to three feet below grade at the end of the lease.

A Planning Commission member raised the question of whether Massey Airport had been notified of the proposed tower. The applicant confirmed the tower went through the FAA review process and committed to following up

to ensure the airport was properly notified. Another Commission member noted the demonstrated need for improved cell service in the Millington area and the Volunteer Fire Company's letter of support.

Mr. Crowding moved to forward a favorable recommendation to the Board of Appeals for the special exception for Network Towers II, LLC / Olan H. Simpkins to construct and operate a 199-foot monopole telecommunications tower on lands of Mr. Olan Simpkins, the property is a 153.5 acres located on the north side of Cypress Road east of Millington, Maryland, based on testimony and finding that: the nature of the immediate site is forest and farmland and the applicant will lease and 80 foot by 80 foot area for the tower and equipment compound; the facility will be unmanned and will only be visited approximately once per month by technicians; the tower is strategically sited up against a mature wooded area of the property to reduce visibility; there are no known dwellings, houses of worship, schools, public structures, or other places of public gathering within 500 feet; the tower is strategically sited to solve a current coverage gap issue in this area of Kent County; there are no known impacts to cultural, historic, or significant natural feature or trees as confirmed by a preliminary NEPA study; there is no known potential for noise or nuisance to impact other properties; there are no known conflicts with the intent of this ordinance; the site plan submitted shows compliance with the setback condition that the minimum distance from the ground base of any tower to any property line, road, or public recreational area will be the height of the tower including antennas or other appurtenances; there are no known conflicts with the most appropriate use of the land; there is no known impact on property values; the Kent County Health Department had no comments on the project; there are no known impacts to fish, wildlife, or plant habitat; the Comprehensive Plan is neutral on this matter; and the site is not within the Chesapeake Bay Critical Area. Mr. Quinn seconded. The motion passed unanimously with Mr. Hickman abstaining.

Following the special exception motion, Commission members provided comments on the concept site plan, including discussion of landscaping, screening, and Massey Airport notification. No formal motion on the concept site plan was made at this time.

GENERAL DISCUSSION

Motion to Streamline Motions: Discussion was initiated regarding the Commission's practice of reading staff findings verbatim into the record as part of motions. Commission members asked Mr. Mowell whether findings in written staff reports could be incorporated by reference rather than read aloud in their entirety. Mr. Mowell indicated that incorporating staff comments by reference – provided the packet is made available to the public and the record is clear – would be acceptable, and that this approach could be defended if challenged on appeal. He noted an exception for contested applications, where more specific oral findings may be appropriate. The Commission expressed interest in adopting this streamlined approach going forward.

Everton Industrial Litigation Update: Mr. Mowell provided an update on the Everton Industrial case currently on appeal to the Appellate Court of Maryland. The Circuit Court previously issued a favorable ruling for the County. The neighbors have appealed, and briefing for the appellants is due approximately April 30. The County has 30 days to file a response brief.

STAFF REPORTS

Ms. Gerber reported that Building Permit Specialist Kathy Billmire retired on March 20, 2026. The department is currently working on a plan for restaffing. Staff noted that full staffing for the department is approximately 9 positions.

Robert Tracey, AICP, Associate Planner, announced that his last day will be April 7, 2026. He has accepted a position with the Maryland Department of Planning as Natural Resources Analyst and Regional Planner, where he will work on two teams: one focused on best management practices for comprehensive planning and sustainable growth requirements, and one focused on agricultural, critical area, and environmental planning. Mr. Tracey thanked the Planning Commission and staff for the opportunities provided during his tenure with Kent County. The members expressed appreciation for his service and wished him well.

Ms. Gerber noted that the next TAC meeting will be a large one, but that few if any items are anticipated to come forward to the Planning Commission as a result.

Ms. Gerber noted that landscaping installation at the Morgnec Solar facility appears to be well underway, with plantings installed along the western sides and progressing toward MD 291.

Ms. Gerber reported that the Gateway Committee has selected an artist for the Chestertown Gateway amenity being provided by Morgnec Solar.

ADJOURN

Mr. Saunders moved to adjourn. Mr. Crowding seconded. The meeting adjourned at approximately 3:00 p.m.

_____/s/
Francis J. Hickman, Chair

_____/s/
Carla Gerber, AICP, Director

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