

MINUTES

May 7, 2026

1:30 p.m.

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The Planning Commission met in regular session on Thursday, May 7, 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, Paul Ruge, James Saunders, Sean Jones, Ray Strong, Jonathan Quinn, and Bill Crowding.

County Attorney Bobby Mowell, Esquire, was present. Staff attending included Carla Gerber, AICP, Director; Holly Baldwin, Associate Planner; Jordan Johnson, Planning Specialist; and Beth Grieb, Office Manager, serving as clerk.

The representatives for Halo Worton, LLC were Brendan Mullaney of McAllister, DeTar, Showalter & Walker, LLC, Easton, MD, and Sean Miller of Kimley-Horn Engineering, Civil Engineer, Baltimore, MD. Kevin and Jennie Leghart appeared on their own behalf.

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

MINUTES

James Saunders moved to accept the minutes as presented. Sean Jones seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW**25-28 Halo Worton, LLC – Chinquapin Solar – Final Site Plan – Utility Scale Solar
Chinquapin Road, Worton**

Ms. Baldwin presented the staff report noting that this was the Planning Commission's third review of this application. Halo Worton, LLC, is requesting final site plan review to construct and operate a 1.99 MW utility scale solar energy system on an 11.86 acre parcel in the Employment Center Zoning District on Chinquapin Road in Worton. Staff noted that a prior site plan had referenced 1 MW; the corrected capacity of 1.99 MW is reflected in the final site plan submitted. A 60-foot-wide landscaping buffer is proposed along all four sides of the project, exceeding minimum requirements, with a mix of native shrubs, deciduous trees, and conifers. At the Planning Commission's prior request, the applicant has agreed to install an irrigation system to ensure survival of the buffer. No CPCN approval is required. Staff recommended final site plan approval.

Brendan Mullaney, McAllister, DeTar, Showalter & Walker, LLC, and Sean Miller, Kimley-Horn Engineering were sworn in. Mr. Mullaney confirmed the capacity correction from 1 MW to 1.99 MW, noting that the limit of disturbance of disturbance, acreage, and panel height are unchanged from prior submissions. Mr. Mullaney presented photographs of two utility scale solar projects in Dorchester County installed in 2020 and 2021 to illustrate properly maintained landscaping buffers. The photographs were taken in March when deciduous

materials were leafless; he noted buffers appear more robust for the remaining eight months of the year. Buffers in those photographs were installed at 8-foot heights, consistent with the current proposal. Mr. Mullaney confirmed that a citizen participation plan was submitted and approved by staff; a public meeting was held, and no public comments were received. He requested final site plan approval consistent with the staff recommendation.

Mr. Crowding inquired about the proposed disturbance of approximately 0.8 acres of non-tidal wetlands and how that would be permitted. Mr. Miller explained that a joint permit application was submitted to the Maryland Department of the Environment (MDE), with a 45-day review deadline of May 4, 2026. Approval or comments have not yet been received. He stated that impacts under one acre of isolated non-tidal wetlands are generally approved and that he did not anticipate denial. He acknowledged that if MDE denied the wetland impacts, the project design would require modification and a return to the Planning Commission. Mr. Mullaney noted the application was first presented in September 2025. He explained that joint permit applications are typically submitted following preliminary site plan approval, so that the final design is in place.

There was one attendee via phone who indicated they did not wish to speak to the application. No public comments were received.

Mr. Ruge moved to grant final site plan approval for Halo Worton, LLC for the utility scale solar project in the Employment Center Zoning District, finding that: it is consistent with the goals of the Kent County Comprehensive Plan; the proposal is consistent with the general intent and use, design, and environmental standards of the Unified Development Ordinance; internal traffic is anticipated to be minimal; there are no known unreasonable demands on public services and infrastructure; no sewage or refuse disposal activities are proposed; noise is anticipated to be very limited and inaudible offsite; and a stormwater management plan has been submitted. The motion included the condition that the MDE permit approving non-tidal wetland impacts must be received prior to construction. The motion passed unanimously.

**26-09: Kevin and Jennie Leghart – Variance – Front Yard Setback
21251 Kansas Avenue, Chestertown – Sixth Election District – Zoned CR**

Ms. Baldwin presented the staff report noting that Kevin and Jennie Leghart are requesting a 24-foot variance to the front yard setback for the construction of a single-family home at 21251 Kansas Avenue in the Sixth Election District. The standard front yard setback in the CR district is 35 feet; the applicants are requesting an 11-foot front yard setback. The practical difficulty is the placement of a new well in the rear yard, which requires a 30-foot setback from the house. Staff received inquiries from a few neighbors following public notice but no official written comments. Staff recommended a favorable recommendation to the Board of Appeals.

Mrs. Leghart explained that after consulting the Health Department regarding the non-viable old well, they engaged a well driller who identified the optimal location for a new well given required setbacks from adjacent properties. This placement necessitated shifting the home toward the front property line. She noted the proposed front setback aligns with their existing adjacent home.

Mr. Crowding and Mr. Ruge discussed the right-of-way width of Kansas Avenue. Mr. Leghart, noting involvement with the Tolchester Community Association (TCA), indicated the road is 60 feet wide. Discussion ensued regarding the nature of paper roads in the neighborhood, TCA history and legal standing, and responsibility for road maintenance over time. Mr. Ruge expressed interest in the question of long-term road maintenance obligations and succession. The Legharts confirmed the property is served by county sewer, that existing sewer allocation constraints limit further development in the area, and that they intend to place gravel for access.

Mr. Hickman stated that staff has noted a practical difficulty. Mr. Crowding moved to forward a favorable recommendation to the Board of Appeals of the request by Kevin and Jennie Leghart for the property located at 21251 Kansas Avenue in the Sixth Election District for a 24-foot variance from the required front yard setback. Mr. Strong seconded. The motion passed unanimously.

GENERAL DISCUSSION

Mr. Hickman inquired whether the Planning Commission has authority to take a formal position on processing solar site plans while CPCN proceedings are pending, and whether such a position could be communicated to the County Commissioners. Legal counsel noted that the Commissioners appoint and can remove Planning Commission members but likely do not have authority to prevent the Planning Commission from considering final site plans. The Planning Commission agreed to place the topic on the June agenda. Legal counsel suggested the Chair consider attending a County Commissioners closed session on the matter to promote consistency, while noting that if the two bodies take diverging positions, counsel may need to recuse from one.

STAFF REPORTS

Ms. Gerber reported that the June meeting is expected to include: (1) the Millington Mixed-Use Development District Master Plan for concept review under the new Unified Development Ordinance process for mixed-use districts; and (2) the Transportation Priority Letter.

Ms. Gerber introduced Jordan Johnson as the new Planning Specialist. Jordan will serve as the point of contact for packets, postings, and meeting logistics for the Planning Commission, Board of Appeals, and Technical Advisory Committee. Members requested that packets be available on Fridays. Staff also introduced Sondra Blackiston, formerly of the County Commissioners' Office, who has joined the Planning Department as the new Permit Specialist. Staff noted the department is continuing to recruit for a Planner position.

Ms. Baldwin reported that the Maryland Agricultural Land Preservation Foundation (MALPF) has combined the fiscal year 2027 and 2028 funding cycles for budgetary reasons, allowing for larger offers. Kent County has 13 applications and can submit up to 16. At least two agricultural preservation district applications are expected before the Agricultural Preservation Advisory Board and Planning Commission within the next several months.

Mr. Mowell reported that the Circuit Court upheld the Planning Commission's prior decisions on curb cuts and setbacks in the Everton matter. That decision has been appealed, and counsel filed the appellate brief the day prior to this meeting. The Everton final site plan is dependent on an amendment to the county water and sewer plan. Everton may seek final site plan review before an appellate decision is rendered. Members discussed scheduling a closed session for legal advice when the Everton application returns.

ADJOURN

Chair Hickman called for a motion. A member moved to adjourn. Mr. Saunders seconded. The meeting adjourned at approximately 2:25 p.m.

_____/s/
Francis J. Hickman, Chair

_____/s/
Carla Gerber, AICP, Director

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