

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

MINUTESJune 17, 2024

June 17, 202 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 June 17, 2024, at 5:00 p.m. in the County Commissioners Hearing Room. Board members in attendance were Chair Dr. Albert Townshend, Member John Massey, and Member Joan Horsey.

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, DPHZ Director; Carl Gerber, AICP, Deputy Director; and Mark Carper, LEED Green Associate, Associate Planner were in attendance.

Applicants' representatives included Anthony P. Kupersmith, Esq. of McAllister, DeTar, Showalter & Walker LLC; Ted Hastings, Edward (Ted) H. Hastings, PMP, Associate of Becker Morgan Group, Inc.; and John Shields of Pivot Energy.

Members of the public who attended in person and spoke included: Richard O'Connor; Linda O'Connor; Greg Blankenship; Karen Blankenship; Franklin A. Hynson of Mt. Pleasant United Methodist Church; Violet Rose of Mt. Pleasant United Methodist Church; Rosemary Crawford; and Elizabeth Watson, FAICP.

The meeting was called to order at 5:00 pm by Chair Townshend.

APPLICATIONS FOR REVIEW

24-18 MDL 153 Mason Solar -- Special Exception -- Utility-Scale Solar Energy System in AZD 9425 Fairlee Road, Chestertown -- Sixth Election District -- Zoned Agricultural Zoning District (AZD)

Tony Kupersmith, Esq., Ted Hastings, and John Sheilds presented the project to the Board of Appeals, noting that berms were added at the recommendation of the Kent County Planning Commission. Solar arrays will track the movement of the sun. The panels will be flat at midday and on end at the beginning and end of the day with the highest elevation being 15 feet. For most of the day the panels will be less than 15 feet in height. Landscape maintenance, bonding, lifespan of the panels, and subscriber qualifications were discussed.

The following members of the public spoke in opposition: Richard O'Connor; Greg Blankenship; Karen Blankenship; Linda O'Connor; Franklin A. Hynson of Mt. Pleasant United Methodist Church; Violet Rose of Mt. Pleasant United Methodist Church and Rosemary Crawford. Elizabeth Watson, FAICP spoke expressing that certain conditions can be imposed, even if a use must be permitted because it meets required criteria.

Adopted on August 19, 2024

Mark Carper presented the staff report. Tony Kupersmith, Esq. made a closing statement for the applicant.

Member Horsey moved to grant a special exception for utility scale solar energy system in the agricultural zoning district on the 131-acre portion north of Fairlee Rd of the 335.16-acre farm, located at 9425 Fairlee Rd Chestertown in the six election district, owned by Thomas and Alice Mason with the following conditions:

- 1. The applicant provides evidence that glare and reflection on adjacent property shall not interfere with traffic or create a safety hazard.
- 2. Applicant demonstrates that the proposed energy system will not interfere with the view of or from sites of significant public interest, in particular, the Mount Pleasant Church, and that the proposed development integrates into the existing landscape.
- 3. An irrigation plan or vegetative maintenance agreement must be submitted.
- 4. The berm shall be raised to five feet [instead of three feet].

Member John Massey seconded, and the motion was passed unanimously. Member Massey moved to adopt the findings as set forth in the staff report. Member Joan Horsey seconded, and the motion was passed unanimously.

GENERAL DISCUSSION

There was brief discussion about upcoming meetings and potential bylaw revisions, but no formal actions were taken.

MINUTES

The minutes from March 18, 2024 were not adopted. Corrections were requested regarding recusals.

ADJOURN

Member Joan Horsey moved to adjourn. Member John Massey seconded. The motion was passed unanimously.

The meeting was adjourned at approximately 7:52 pm.

/s/ Albert S. Townshend	/s/ W. A. Mackey	
Dr. Albert Townshend, Chairman	William A. Mackey, AICP, Director DPHZ	

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