



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, August 21, 2023

5:00 p.m.

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **469 559 966#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

MINUTES

July 17, 2023

APPLICATIONS FOR REVIEW:

22-42 25809a Still Pond Neck, LLC – Extension Request of Special Exception – Utility-Scale Solar in the AZD
26001 Still Pond Neck Road – Third Election District – Agricultural Zoning District (AZD)

GENERAL DISCUSSION

ADJOURN

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

**APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD
AND WILL BE RESCHEDULED AT THE APPLICANT'S EXPENSE.**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations. Other business without assigned times may be discussed during the meeting.



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

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: July 17, 2023
 Time: 5:35 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>23-39 Kent Manor Grain, LLC – Variance – Front, Rear, and Side Yard Setbacks</p> <p>The applicant is requesting variances of 353 feet from the front yard setback, 200 feet from the side yard setback, and 310 feet from the rear yard setback in order to construct a 152-foot by 75-foot waste management structure. The property is located at Map 14, Parcel 75 near Kennedyville.</p> <p>The proposed waste management structure will be located on a 20-acre parcel in the center of the larger farm. The structure is considered an agricultural best management practice.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Charles Miller with Kent Manor Grain, LLC, the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Carla Gerber, AICP, Deputy Director, was sworn in.</p>	<p>John Massey, Acting Chairman</p> <p>Joan Horsey, Member</p> <p>David Hill, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p> <p style="text-align: center; font-size: 2em; color: blue;">DRAFT</p>	<p>Mr. Hill made a motion to approve the setback variances north, south, and east to the structure within the 20-acre property. The shape of the parcel is considered a hardship and the criteria has been met for granting a variance.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
MINUTES: April 17, 2023		Mr. Massey moved to approve the minutes. Ms. Horsey seconded the motion; the motion passed with all in favor.	Approved
Adjourn	DRAFT	Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 5:19 p.m.	Unanimous Approval

John Massey, Acting Chairman

/s/ Campbell Safian
Campbell Safian, Planning Specialist



TO: Kent County Board of Appeals
FROM: Mark Carper, Associate Planner
MEETING: August 21, 2023
SUBJECT: 25809a Still Pond Neck, LLC
Extension Request of Special Exception – Utility-Scale Solar in the AZD

Staff Summary

REQUEST BY APPLICANT

The applicant, 25809a Still Pond Neck, LLC, is requesting extension of a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located at 26001 Still Pond Neck Road, in the Third Election District.

PUBLIC PROCESS

Per Article VII, Section 4 of the Kent County *Land Use Ordinance*, approval of a special exception shall be valid for one year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said one year period, or unless the Board of Appeals, or where applicable the Planning Director, approves an extension before the expiration of said one year period. When provided with sufficient evidence, the Board, or where applicable the Planning Director, may grant a special exception for a longer period.

SUMMARY OF THE STAFF REPORT

A special exception was granted by the Board of Appeals on September 18, 2022 (Case No: 22-42), and the Planning Commission granted final site plan approval on January 5, 2023 (Case No: 22-08). A necessary change in the system size and securing the required third-party decommissioning plan and bond have delayed the construction start; thus, the applicant is requesting an extension of the special exception.

STAFF RECOMMENDATION

Staff recommends approval of an extension of the special exception to 25809a Still Pond Neck, LLC, to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) with the following condition:

- The extended special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

25809a Still Pond Neck, LLC
6865 Deerpath Road, Suite 330
Elkridge, MD 21075 850-450-9895

Email: jspencer@pivotenergy.net

For Office Use Only:

Case Number/Date Filed: _____
Filed by: _____
Applicant: _____
Planning Commission: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: jspencer@pivotenergy.net

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1 Part 8 Section 11

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
 Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 25809a Still Pond Neck Road Corner of Still Pond Neck Road and Still Pond Road

In the Third Election District of Kent County.

Size of lot or parcel of Land: 85 acres
Map: 12 Parcel: 98 Lot #: N/A Deed Ref: 424/342

List buildings already on property: N/A

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Agricultural Zoning District

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) N/A

If appealing decision of Zoning Administrator, list date of their decision: _____

Present owner(s) of property: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130

If Applicant is not owner, please indicate your interest in this property: 25809a Still Pond Neck, LLC has entered into a land-lease agreement with the landowners for the proposed solar array.

Has property involved ever been subject to a previous application? Yes, we are seeking an extension.

If so, please give Application Number and Date: Case # 22-42 (Submitted June 29, 2022) Approval on Sept. 19, 2022

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: Thomas Simmons, Jr.
26004 Still Pond Neck Road, Still Pond MD, 21667

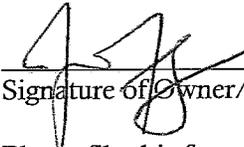
Owner(s) on the South: Nancy Miller
26050 Bessicks Corner Road, Still Pond, MD 21667

Owner(s) to the East: Robert & Jean Payne
25809 Still Pond Neck Road, Still Pond, MD 21667

Owner(s) to the West: Cannery Road Farm, LLC
5376 Easter Neck Road, Rock Hall, MD 21661

Homeowners Association, name and address, if applicable: N/A

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.



Signature of Owner/Applicant/Agent or Attorney

07/18/2023

Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

August 2nd, 2023

Josh Spencer
1601 Wewatta St
Suite 700
Denver, CO 80202
850-450-9895
jspencer@pivotenergy.net
Pivot Energy

Kent County Board of Zoning Appeals
Dr. Albert Townshend
Joan Horsey
John Massey
David Hill
Christopher F. Drummond

Special Exception Approval Extension Request (Case No: 22-42, 25809a Still Pond Neck, LLC)

Dear Kent County Board of Zoning Appeals,

I'm writing this letter to formally request a 1-year extension of our Special Exception Approval of a Proposed Utility Scale Solar Energy System for Case No: 22-42 (25809a Still Pond Neck, LLC), approved on September 19th, 2022

We have made significant progress towards obtaining a building permit, including receiving Conditional Major Site Plan Approval. However, certain unexpected challenges have kept us from being construction ready within the 1-year timeframe of approval. These challenges include the following:

1. System size change – A cost estimate for Interconnection (IX), the fee we would need to pay DPL to construct system upgrades that would allow our solar array to connect to their system, was provided by Delmarva Power and Light (DPL) on November 17th, 2022 for \$1,777,777, consisting of substation improvements of \$1,267,000, distribution improvements of \$70,000 and telecom improvements of \$440,000. Normally, for a project of this size, we would expect a significantly lower number, closer to \$50,000 - \$350,000.
-

- a.** The pre-application inquiry from DPL, received on June 24, 2021 did not mention any necessary substation improvements and the large additional cost was totally unexpected and made the 1MW system unprofitable.
 - b.** We began coordination with DPL to determine a system size that would not trigger the large improvement requirement and on 11/22/2022 and received final word that a 525 kW system would not trigger the large improvements on 03/13/2023.
 - c.** The coordination for the reduced system size halted our Interconnection approval with DPL, which needs to be complete before we can begin construction on the site. DPL also has to wait for the Maryland Public Service Commission (PSC) to change the system size in their internal system to intake our new IX application and start coordination once again. A revised Attachment B was submitted to the Maryland PSC on 05/05/2023 and the system size has still not been updated as of 08/02/2023, thus halting our Utility Interconnection progress.
 - d.** The reduction in system size will not materially alter the project in terms of the Special Exception criteria and the findings made by the Board of Zoning Appeals. The changes will reduce the overall size of the system and the number of panels. Specifically, the Limitation of Disturbance (“LOD”) for the project will remain the same as previously approved and the number of panels reduced from an estimated 2,376 to 1,300. The only change to the approved plan is spacing the solar panels out, with less being required for the reduced system size. The reduced size system will comply with all applicable criteria for establishing and operating a solar array, including all setback requirements.
 - 2.** Decommissioning/landscape bond – Kent County requires a quote from a contractor for the decommissioning/landscape bond. Pivot Energy promptly began consulting contractors following
-

approval of the Special Exception. However, most contractors consulted did not want to provide or prioritize a quote to us for something that is 25 years away from happening.

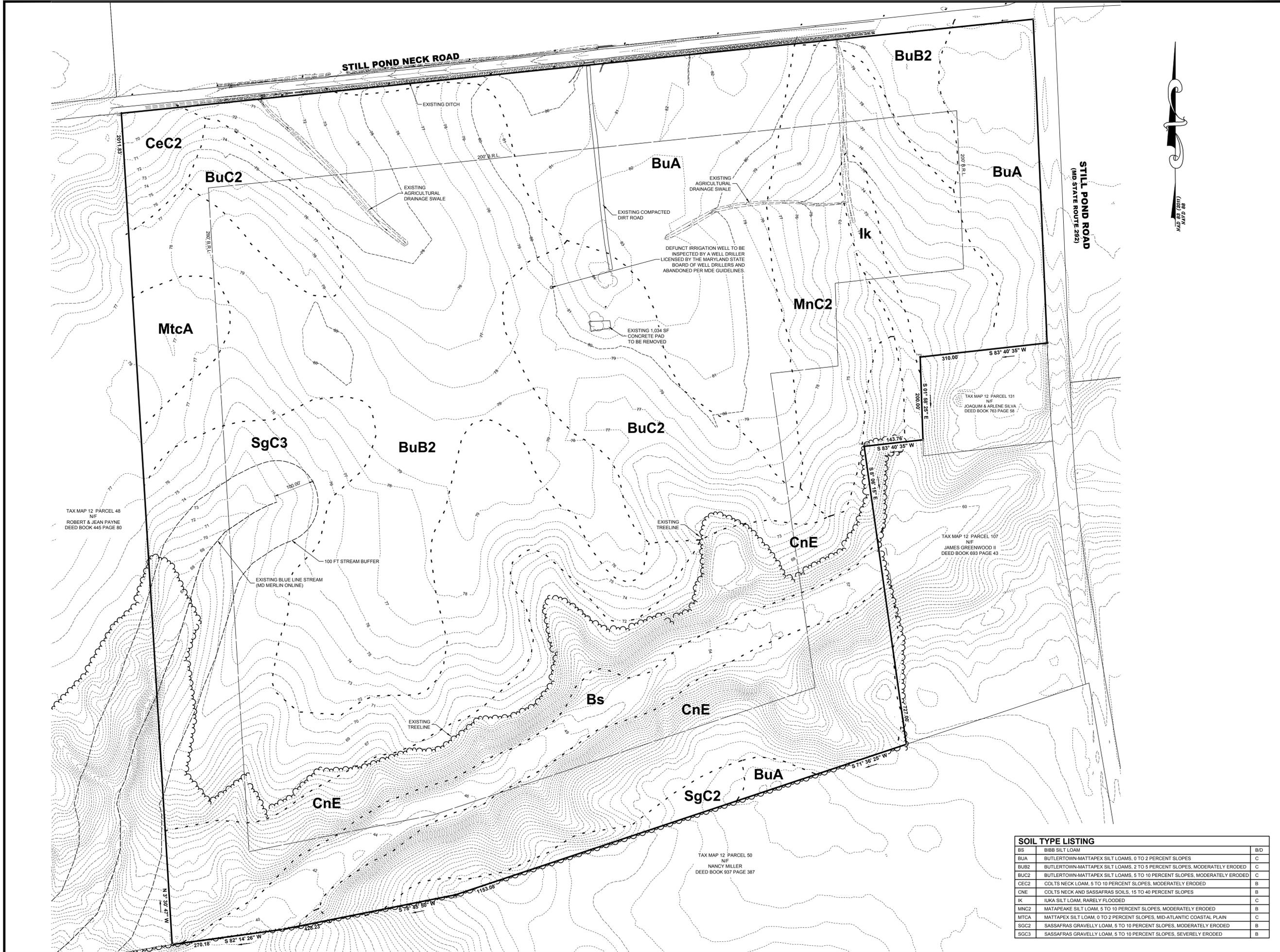
- a. Pivot Energy was able to find a contractor and requested a quote on 04/13/23, which was returned on 05/12/2023. This quote needed to be updated due to the system size change and revised plans/documents were sent to the contractor on 06/08/2023. The revised cost estimate was not received until 07/17/2023. Third party decommissioning report was received on 07/21/23 and bonding will be signed on 07/31/23. Conditional Final Site Plan Approval package will be submitted on week of 08/11/2023.

Thank you for your consideration of this request and I will be happy to answer any questions or concerns the Board may have.

Sincerely,



Josh Spencer, P.E., PMP



HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/24

PROJECT TITLE
MDL-118 STILL POND NECK ROAD - SOLAR
26001 STILL POND NECK ROAD
STILL POND
KENT COUNTY, MD 21667
ELECTION DISTRICT 3

SHEET TITLE
EXISTING CONDITIONS PLAN



MARK	DATE	DESCRIPTION
	06/01/23	NEW ARRAY LAYOUT
	10/24/2022	

PROJECT NO.: 2022004.00
DATE: 10/24/2022
SCALE: 1" = 100'
DRAWN BY: E.M.S. PROJ. MGR.: E.H.H.
SHEET

SOIL TYPE LISTING	B/D
BS BIBB SILT LOAM	B/D
BUA BUTLERTOWN-MATTAPEX SILT LOAMS, 0 TO 2 PERCENT SLOPES	C
BUB2 BUTLERTOWN-MATTAPEX SILT LOAMS, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED	C
BUC2 BUTLERTOWN-MATTAPEX SILT LOAMS, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	C
CEC2 COLTS NECK LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
CNE COLTS NECK AND SASSAFRAS SOILS, 15 TO 40 PERCENT SLOPES	B
IK IUKA SILT LOAM, RARELY FLOODED	C
MNC2 MATTAPEKE SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
MTCA MATTAPEX SILT LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C
SGC2 SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED	B
SGC3 SASSAFRAS GRAVELLY LOAM, 5 TO 10 PERCENT SLOPES, SEVERELY ERODED	B

The following items are from the previous hearing and decision.

BEFORE THE KENT COUNTY BOARD OF APPEALS

IN THE MATTER OF: *

THE APPLICATION OF 25809a *
STILL POND NECK, LLC FOR *
SPECIAL EXCEPTION APPROVAL *
OF A PROPOSED UTILITY SCALE *
SOLAR ENERGY SYSTEM *

Case No: 22-42

* * * * *

MEMORANDUM AND DECISION

This matter is before the Kent County Board of Appeals (“the Board”) pursuant to Article VII, Sections 2 and 7.57.25 of the Kent County Land Use Ordinance. The Applicant, 25809a Still Pond Neck, LLC, seeks special exception approval for a utility scale solar energy system on a portion of 26001 Still Pond Neck Road leased or under an option to lease by the Applicant.

A. Procedural History

On June 29, 2022, the Applicant submitted its application. The application was scheduled for a hearing before the Board of Appeals for September 19, 2022, at 5:00 p.m. Public notice was submitted to and appeared in the *Kent County News* on September 8, 2022, as required by the Land Use Ordinance. The hearing notice was posted on the Applicant’s property on September 8, 2022. Notice of the application and hearing was mailed to adjoining neighbors on August 17, 2022.

The matter was heard by the Board on September 19, 2022. Dr. Al Townshend, P. Joan Horsey, and John R. Massey, Board members were present. William Mackey, Planning Director, and Mark Carper, Associate Planner, were present for the Department of Planning, Housing, and Zoning. Campbell Safian acted as Clerk to the Board and Christopher F. Drummond, Esquire, as attorney to the Board. The Applicant was represented by Bruce Wilson and Seth Shafer (who appeared remotely) of SGC Power and Tony Kupersmith, Esquire, of Easton, Maryland.

The proposed use was first heard by the Board in April 2022. The application was then denied as the Board found the “area of use” exceeded five (5) acres and, therefore, was inconsistent with its understanding of that term. In the intervening months, the County Commissioners amended Article VII, Section 7.57.25 to specify that the “area of use” against which the five (5) acre maximum is judged is to include only the area within the security fence surrounding the solar array.

B. Board’s Powers And Duties

Article X, Section 2 of the Land Use Ordinance provides that the Board shall “hear and decide applications for special exceptions” and may limit such approvals “by such conditions as the case may require.” Article VII, Section 2 provides that the Board “may authorize buildings, structures, and uses as special exceptions in specific instances . . . provided the location is appropriate and consistent with the Comprehensive Plan.” The general criteria for special exception approval are set forth in Article VII, Section 2 as follows.

1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
5. The impact of the development or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant natural features and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II; 406
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
10. The most appropriate use of land and structure;
11. Conservation of property values;
12. The proposed development’s impact on water quality;
13. Impact on fish, wildlife and plant habitat;
14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;

15. Consistency with the Critical Area Program; and
16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

A proposed utility scale solar energy system may be approved as a special exception in the AZD District under the following specific circumstances found in Article VII, Section 7.57.25:

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established in each zoning district.
- d. Solar collection devices shall not exceed 38 feet in height.
- e. The solar collection system shall be incidental to the use of the farm.
- f. Installation of the solar collection system shall not adversely impact adjacent properties.
- g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.
- h. All solar collection systems shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system
- j. The area of the solar panel arrays may not exceed 5 acres. The area of the solar panel arrays shall be measured as the area within the solar panel arrays' security fence. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. IN AZD, only the five-acre maximum area of solar panel arrays, as measured in subsection j., is considered *development* and counted towards the maximum percentage of the property in lots.
- l. Tree removal shall be minimized and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

C. Relevant Facts

The Applicant leases or intends to lease a portion of an 85-acre tract of land owned by

Raymond and Joyce Stoltzfus known as 26001 Still Pond Neck Road. The property is shown on Tax Map 12 as Parcel 98. It is zoned in the AZD District. The property is largely used for traditional agricultural activities. The Applicant proposes a solar array energy system, confined within a 5-acre fence line, that will become part of Maryland's Community Solar Pilot Program. When the required landscape buffer is added to the size of the solar array, 8-9 acres will be devoted to the proposed use. Electricity generated by the solar system will be offered to Maryland subscribers, including a required percentage of low- and moderate-income subscribers. The solar system is expected to have between 300-325 subscribers, 25% of which must be low- or moderate-income customers. Those customers will receive a 25% discount on the cost of electricity.

When questioned by Mr. Kupersmith, Mr. Wilson testified that the solar system represents approximately 15% of the active farm field on the property. No trees will be removed to accommodate the proposed use. An access road will be constructed from Still Pond Neck Road. The only traffic entering the property on the access road will occur during construction and, thereafter, periodically for maintenance and repair. A mesh fence, 8' in height, will surround the array. The solar panels will track east to west to follow the sun and, at their highest tilt, will rise no more than 8.5' from ground level. The required 60' wide landscape buffer will be outside the perimeter fence and will be planted initially with 8' nursery stock. The solar panels will not be anchored with concrete pilings. The Maryland Historic Trust has declared that the proposed use will not impact historic structures. Mr. Wilson noted that the glare analysis does reveal the property at 26004 Still Pond Neck Road may experience "yellow glare" a total of 5,120 minutes a year between 9:50 a.m. and 12:25 p.m. during the months of November through January. "Yellow glare" has the "potential for a temporary impairment of vision in the form of

an after-image.” The glare analysis notes that Still Pond Neck Road runs east/west so that motorists are unlikely to be looking to the south where the solar system would be located. Mr. Kupersmith asked Mr. Wilson to comment on each of the requirements for approval of utility scale solar systems found in Section 7.57.25 relevant to the proposed use. According to Mr. Wilson, the proposed use met each of those requirements.

Mr. Drummond inquired about the Applicant’s plans for watering the plants and trees installed in the landscape buffer. Mr. Wilson explained that watering would be accomplished by water trucks. Mr. Drummond commented that similar installations in other counties that were not irrigated had not survived well. Moreover, if the landscaped buffer fails to thrive, the likelihood of glare affecting nearby properties will only increase. Mr. Wilson expressed the Applicant’s commitment to assuring that the landscape buffer performed its intended function.

Mr. Massey asked whether the Applicant would be leasing the area intended for the landscape buffer. Mr. Wilson responded that all 8-9 acres would be leased by the Applicant. Mr. Massey questioned whether the proposed use was actually “incidental” to the farming operations on the property. Mr. Wilson replied that the solar system will consume approximately 15% of the area currently farmed by the property owners. Additionally, Mr. Kupersmith, reminded the Board that the meaning of “incidental” was discussed during the April 2022 hearing. At that hearing, the Board accepted that the proposed use was “incidental” to the farming operations. Mr. Massey expressed his concern that failure of the landscape buffer will increase the problem of glare across Still Pond Neck Road.

The Board then heard from a series of neighboring property owners who expressed their concerns about or opposition to the proposed use. Robert Payne testified that farms should remain in agricultural use. Mr. Payne noted that his nearby farm is in a land preservation

program, as are a number of other farms in the vicinity. James Payne testified that he is a third-generation farmer and objects to the loss of 15% of the farm field to the proposed use. In Mr. Payne's view, solar systems "do not fit" the agricultural nature of the area. Frank DeYoung, who lives a quarter mile from the proposed use, expressed concern about glare onto his property. Mr. DeYoung testified that he is or has been in the landscaping business and a 60-70% survival rate of plants and trees is to be expected. Andrew Simmons echoed Mr. DeYoung's testimony. Mr. Simmons lives to the north of the proposed use and is concerned about the glare identified in the glare analysis. Mr. Simmons noted that the landscape buffer will require constant attention and maintenance.

The Board then heard from Mr. Carper who presented the staff report. He testified that the Planning Commission considered the application at its meeting on September 1, 2022. The Planning Commission voted to send a favorable recommendation to the Board as it found that the proposed use will not impact traffic patterns or adversely affect community facilities or services, is consistent with the Comprehensive Plan, and will be incidental to the farming operations. The Planning Commission recommended approval with the following conditions:

1. The Applicant obtain all state and federal permits.
2. The Applicant comply with all bond-related requirements.
3. The Applicant receive final site plan approval.

Mr. Carper outlined the substance and recommendations of Department staff. Staff agrees that the proposed use is consistent with the Comprehensive Plan and satisfies the general and specific standards for special exception approval. Ms. Horsey inquired whether the Department has received any comments from adjacent property owners other than the testimony received during the hearing. Mr. Carper responded that the Department had not.

A property owner expressed his concern that, if approved, the Applicant's solar system

will prevent adjacent properties from considering the same use given the “aggregation” prohibition in Section 7.57.25(j). That subsection, however, is intended to prevent adjacent property owners from working in tandem and across property lines to defeat the 5-acre maximum. Mr. Wilson acknowledged that the State of Maryland does prohibit Community Solar Pilot Program installations to be constructed on adjacent properties. There is no prohibition for an adjacent property to install a solar system that is not included in the Pilot Program. Dr. Townshend expressed the opinion that the aggregation prohibition actually protects agricultural lands.

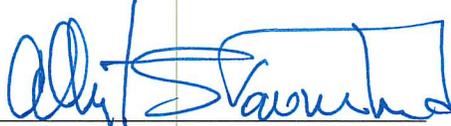
D. Deliberations, Conclusions Of Law/Findings Of Fact

The Board expressed its concern that the landscaped buffer would not perform its intended screening function if not properly planted, maintained, and carefully monitored. Mr. Massey remained skeptical that the proposed use would be “incidental” to agricultural use of the property. Dr. Townshend inquired about stormwater management once the solar system is installed. Stormwater management, designed to comply with State standards, will be reviewed by the Planning Commission as part of the site plan process. Dr. Townshend noted that “the point has been made” regarding concerns about the health of the landscaped buffer and increased glare. Mr. Drummond commented that if the buffer plantings fail and the Applicant does not respond appropriately, the Department has enforcement options and, ultimately, could ask the Board to rescind special exception approval. The Board acknowledged the Planning Commission’s recommendation and agreed that the proposed use is consistent with the Comprehensive Plan. Mr. Massey moved to approve the application with the Board adopting as its findings of fact the Staff Comments attached hereto as Exhibit No. 1 with the following conditions:

1. The Applicant shall comply with this special exception approval and all required local and State permits.
2. The Applicant shall obtain final site plan approval from the Planning Commission
3. The Applicant shall comply with all bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.

Ms. Horsey seconded the motion which then passed by majority vote with Mr. Massey opposed.

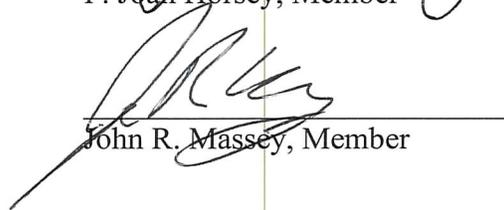
Date: 10/17/2022



Dr. Al Townshend, Chairman



P. Joan Horsey, Member



John R. Massey, Member



Planning Commission
Department of Planning, Housing, and Zoning

September 1, 2022

Dr. Al Townshend
Kent County Board of Appeals
400 High Street
Chestertown, MD 21620

RE: 25809a Still Pond Neck, LLC – Special Exception
Utility-Scale Solar Energy System in the Agricultural Zoning District (AZD)

Dear Dr. Townshend,

At its meeting on September 1, 2022, the Kent County Planning Commission reviewed the application of 25809a Still Pond Neck, LLC, requesting a special exception for a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located at 26001 Still Pond Neck Road in the Third Election District and is on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. The surrounding area is predominantly farmland and woodland.

Following discussion, the Planning Commission voted to make a favorable recommendation for the special exception of a utility-scale solar energy system in the AZD. The Planning Commission recommends the following conditions should the Board of Appeals grant approval:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.

The decision was based on the following findings of fact:

- Traffic Patterns will not be affected, there will be no impact to community facilities and services, and there will be minimal noise and no odor, noxious materials, or other nuisances.
- The proposal is consistent with the Comprehensive Plan and with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will not exceed the maximum allowable height.
- The solar collection system will be incidental to the use of the farm, and it will not adversely impact adjacent properties, water quality, fish, or wildlife and plant habitat.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

FJH/mc

cc: Seth Shafer, P.E. Pivot Energy
Bruce Wilson, Pivot Energy
Ted Hastings, Becker Morgan Group



TO: Kent County Board of Appeals
FROM: Mark Carper, Associate Planner
MEETING: September 1, 2022
SUBJECT: 25809a Still Pond Neck, LLC
Special Exception – Utility-Scale Solar in the AZD

Executive Summary

REQUEST BY APPLICANT

The applicant, 25809a Still Pond Neck, LLC, is requesting a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District, and it has been assigned the street address of 26001 Still Pond Neck Road. The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. Assessments for glare and visibility indicate that the proposed solar array would be unnoticeable and would not reflect glare on adjacent properties or roadways. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

PUBLIC PROCESS

Per Maryland State Law and Article VII, Section 6.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for special exceptions.

SUMMARY OF THE STAFF REPORT

The intent of the special exception provisions is to provide for certain uses, which because of their unique characteristics, cannot be distinctly listed as a permitted use in a particular District. The Board of Appeals must consider the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are established by the special exception performance standards.

The applicant has addressed all specific and general performance standards and has outlined its proposed uses onsite. The proposed use meets the standards and requirements for a special exception for a utility-scale solar energy system in the AZD.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission send a favorable recommendation to the Board of Appeals in granting the special exception with the following conditions:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.
- The special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
SUBJECT: 25809a Still Pond Neck, LLC
Special Exception – Utility-Scale Solar in the AZD
DATE: August 25, 2022

DESCRIPTION OF PROPOSAL

The applicant, 25809a Still Pond Neck, LLC, is requesting a special exception to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road in the Third Election District, and it has been assigned the street address of 26001 Still Pond Neck Road.

The area is predominantly farmland with scattered residential properties. The proposed 1 MW array of panels will be enclosed within a perimeter fence with an area of 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. All setback, landscaping, and structural requirements have been addressed in the site plan. The proposal is not inconsistent with the Comprehensive Plan, and there will be no adverse impacts to adjacent properties or the surrounding area.

HISTORY

The application has been revised and resubmitted in order to comply with a related Zoning Text Amendment adopted on August 2, 2022. On first application for a special exception, the Planning Commission sent a favorable recommendation to the Board of Appeals for approval.

RELEVANT ISSUES

I. Special Exception – Specific Standards for Utility-Scale Solar Energy Systems on Farms in AZD and RCD

A. *Comprehensive Plan:*

- Retain the Agricultural Zoning District

B. *Applicable Law:*

Article VI, Section 7.57.25 of the Kent County *Land Use Ordinance* grants the Board of Appeals the authority to grant a special exception for solar energy systems, utility scale, on farms in the AZD and RCD provided:

- a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
- c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
- d. Solar collection devices shall not exceed 38 feet in height.
- e. The solar collection system shall be incidental to the use of the farm.
- f. Installation of the solar collection system shall not adversely impact adjacent properties.

- g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.
- h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
- i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- j. The area of solar panel arrays may not exceed 5 acres. The area of the solar panel arrays shall be measured as the area within solar panel arrays' security fence. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
- k. In AZD, only the five-acre maximum area of solar panel arrays, as measured in subsection j., is considered *development* and counted toward the maximum percentage of the property in lots.
- l. Tree removal shall be minimized and any removal shall be mitigated in accordance with the Critical Area Program requirements.
- m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

C. *Staff Comments:*

- A glare assessment was submitted, indicating that of ten observation points with potential for glare, only one was within a range that can cause temporary visual impairment in the form of an after-image (yellow glare). Due to the minimal slopes at the project site, the landscape screening buffer will effectively mitigate visibility of the array and any glare to this observation point and others and nearby roads. The proposed project will not interfere with traffic or create a safety hazard.
- Year-round screening, as specified in the Land Use Ordinance, shall be provided, and the panel array will be lower than the maximum allowable height.
- The solar collection system will be incidental to use of the farm, and it will not adversely impact adjacent properties.
- The area of use, defined as the collection of solar panels and associated equipment to be enclosed in perimeter fencing, will not exceed 5 acres on site. The area of use does not include the required landscape buffers.
- No tree removal is proposed, and a forest stand delineation has been submitted.
- A visibility assessment has been provided, indicating that proposed buffer will successfully mitigate visibility from all of the observation points and the roads. Visibility is already mitigated by existing terrain, vegetation, and/or structures to 7 of the 10 observation points.

II. Special Exception – General Standards

A. *Comprehensive Plan:*

- “Quality of Life and Sustainability: A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.” (page 3)

B. *Applicable Laws:*

Article V, Section 1.3.26.5 of the *Kent County Land Use Ordinance* establishes that solar energy systems, utility scale on farms, may be granted as a special exception in the Agricultural Zoning District (AZD).

Article VII, Section 2 of the *Kent County Land Use Ordinance* establishes the following standards for consideration of special exceptions:

The Board shall make findings on the following where appropriate:

1. The nature of the proposed *site*, including its size and shape and the proposed size, shape, and arrangement of *structures*;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, *houses of worship*, schools, public *structures*, and other places of public gathering;
5. The impact of the *development* or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant *natural features* and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
10. The most appropriate use of land and *structure*;
11. Conservation of property values;
12. The proposed *development's* impact on water quality;
13. Impact on fish, wildlife and *plant habitat*;
14. Consistency with the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the *Critical Area* Program; and
16. Compatibility with existing and planned land use as described in the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan.

C. *Staff Comments:*

- The entrance of this project is Still Pond Neck Road, which is a gateway road into the Village of Coleman, and, as such, a vegetated buffer of 60 feet around the perimeter of the site area has been proposed as required.
- Traffic patterns will not be affected.
- The surrounding area of the proposed site is predominantly farmland and woodland. The southern portion of the property is wooded, and a Forest Stand Delineation has been submitted for the 19.4 acres of existing forest.
- Two residential properties are adjacent to the farm on the eastern side, and the Village of Coleman is approximately a half mile to the west. Landscape screening surrounding the energy system is planned as to the specifications of the Land Use Ordinance.
- There will be no impact on community facilities and services.
- The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials, or other nuisances.
- The proposed use of the structures and property should not have a negative impact on property values.
- The proposed use will not have a negative impact on water quality or negative impact on fish, wildlife, or plant habitat.
- The proposal is consistent with the Comprehensive Plan as it will provide zero emissions solar generating facilities to which DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings on electricity.
- The proposal is consistent with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.

STAFF RECOMMENDATION:

Staff recommends granting the special exception with the following conditions:

- The applicant obtains all state and federal permits.
- The project shall comply with all the bond-related requirements as listed in Article VI, Section 11 of the Land Use Ordinance.
- Final site plan approval is granted by the Planning Commission.
- The special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant))

26001 Still Pond Neck, LLC

6865 Deerpath Road Suite 330

Elkridge, MD 21075

Email: cory.mccandless@sgc-power.com

For Office Use Only:

Case Number/Date Filed: _____
Filed by: _____
Applicant: _____
Planning Commission: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: cory.mccandless@sgc-power.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1 Part 8 Section 11

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
 Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 26001 Still Pond Neck Road *Corner of Still Pond Neck Road and Still Pond Road*

In the Third Election District of Kent County.

Size of lot or parcel of Land: 85 acres
Map: 12 Parcel: 98 Lot #: N/A Deed Ref: 424/ 342

List buildings already on property: N/A

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Agricultural Zoning District (AZD)

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) N/A

If appealing decision of Zoning Administrator, list date of their decision: _____

Present owner(s) of property: Raymond & Joyce Stoltzfus Telephone: (717) 471-3130

If Applicant is not owner, please indicate your interest in this property: 26001 Still Pond, LLC has entered into an
land-lease agreement with the landowners for a 1 MW AC solar energy array.

Has property involved ever been subject to a previous application? N/A

If so, please give Application Number and Date: N/A

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: Thomas Simmons, Jr.
26004 Still Pond Neck Road, Still Pond MD, 21667

Owner(s) on the South: Nancy Miller
26050 Bessicks Corner Road, Still Pond, MD 21667

Owner(s) to the East: Robert & Jean Payne
25809 Still Pond Neck Road, Still Pond, MD 21667

Owner(s) to the West: Cannery Road Farm, LLC
5376 Easter Neck Road, Rock Hall, MD 21661

Homeowners Association, name and address, if applicable: N/A

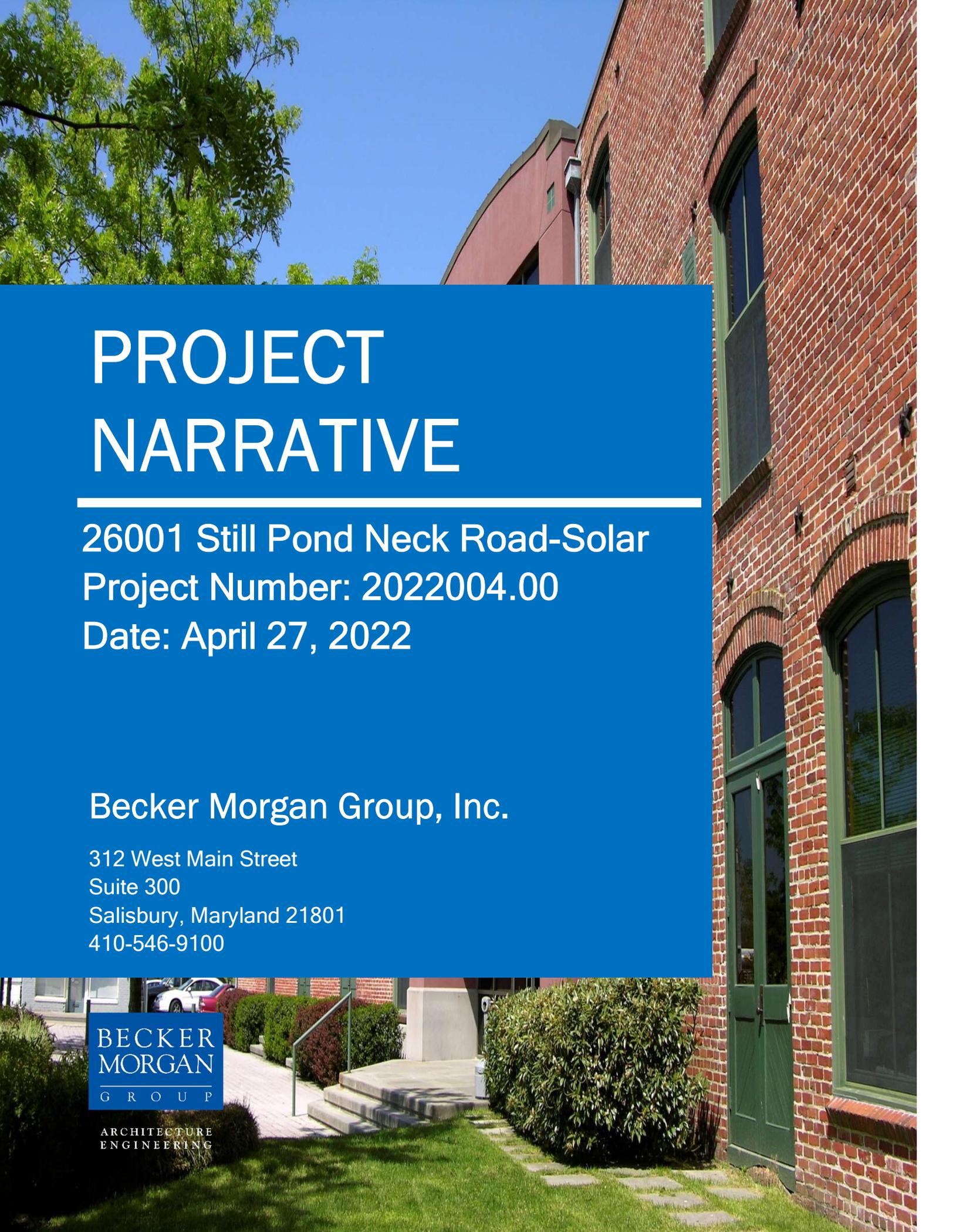
BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.

 06/29/2022
Signature of Owner/Applicant/Agent or Attorney Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.



PROJECT NARRATIVE

26001 Still Pond Neck Road-Solar
Project Number: 2022004.00
Date: April 27, 2022

Becker Morgan Group, Inc.

312 West Main Street
Suite 300
Salisbury, Maryland 21801
410-546-9100

BECKER
MORGAN
GROUP

ARCHITECTURE
ENGINEERING

1.0 GENERAL SITE INFORMATION

PROJECT NAME: Still Pond Neck Road - Solar

PROJECT LOCATION:
 Address: Still Pond Neck Road
 City, State, Zip: Still Pond, Maryland 21667
 County: Kent
 Nearest Intersection: Still Pond Neck Road and Still Pond Road
 Primary Street: Still Pond Neck Road
 Secondary Street: Still Pond Road

PARCEL NUMBER(s): 98

DEED(S): 424/ 342

PLAT(S) None Available

JURISDICTION: Kent County

DATE PREPARED: March 31, 2022

PREPARED BY: Becker Morgan Group, Inc.
 Address: 312 West Main Street, Suite 300
 City, State, Zip: Salisbury, Maryland 21801
 Contact Person: Edward (Ted) Hastings
 Phone: 410-546-9100
 Email: thastings@beckermorgan.com

LANDOWNER: Raymond & Joyce Stoltzfus
 Address: 267 Riverview Road
 City, State, Zip: Peach Bottom, Pennsylvania 17563-9717
 Contact Person: Raymond Stoltzfus
 email: sell3130@gmail.com

DEVELOPER: 25809A Still Pond Neck, LLC
 Address: 6865 Deerpath Road, Suite 330
 City, State, Zip: Elkridge, Maryland 21075
 Contact Person: Cory McCandless
 Phone: 410-779-9377 ext. 608

PROPOSED BUILDING AREA: N/A

LOT SIZE: 85.00 acres

TYPE OF PROJECT: Solar

2.0 EXISTING SITE CONDITIONS:

- Total Site 85.00 acres±
- Wooded 19.35 acres±
- Agricultural Use 65.65 acres±
- Impervious 1,035 sq.ft.±
- Hydraulic Soils Rating B & C Soils (proposed array entirely in C Soils)
- FEMA 24019C0215E
- Flood Zone Determination Zone X – Areas outside the 0.2% annual chance flood
- Existing Zoning AZD – Agricultural Zoning District
- Adjacent Zoning
 - North AZD – Agricultural Zoning District
 - South AZD – Agricultural Zoning District
 - East AZD – Agricultural Zoning District
 - West AZD – Agricultural Zoning District
- Environmental Concerns: None Known
- Road Frontage(s) Still Pond Neck Road and Still Pond Road
- Site Access Still Pond Neck Road
- State Wetlands One small area onsite not within the project area.
Source: MD Merlin Online
- Streams Yes. Not within the project area.
- Stream Buffer Yes. 100' buffer not within the project area.
- Water N/A
- Sewer N/A
- Natural Gas N/A
- Electric Delmarva Power
- Communications N/A

SYNOPSIS

The existing site is predominantly an active farm field with 19.35-acre wooded area located on the southernly portion of the parcel along a well-defined gully. A blue line stream, as shown on MD Merlin, is located on the west side of the site approximately 970 feet from Still Pond Neck Road. A 100-foot buffer is shown as stream protection. An approximate 495-foot compacted dirt access road is located off Still Pond Neck Road, that leads to a 1,035 sq.ft. concrete pad and a few scattered trees. What

appears to be an abandoned irrigation well is located on the east side of the existing compacted dirt road, approximately 525 feet from Still Pond Neck Road.

3.0 PROPOSED SITE CONDITIONS:

The site is to be the location for a 1 MW Solar Array. The array footprint will be a maximum of five acres in size inclusive of the fencing encompassing the entire array. The site is in conformance with the following requirements as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS:

- 200 feet from any lot line
- 200 feet from any road and/or right-of way
- 200 feet from any road / right-of-way within ½ mile of a town or village boundary that is the gateway into a town or village
- 200 feet from any residential use or zoning district
- The solar array shall be enclosed by a fence or other appropriate barrier at the interior edge of the required landscape buffer, or immediately adjacent to the solar array. The fence or barrier shall:
 - Secure the facility at all times to prevent unauthorized persons or vehicles from gaining access.
 - All access gates will provide a sign that identifies the responsible parties or owners with current contact information.
- Landscaping will be provided as follows:
 - Still Pond Neck Road has been established as gateway to Still Pond, Maryland, per the TAC meeting held on March 9, 2022, therefore a 60-foot-wide landscaped buffer will be provided on all sides of the array.
 - We are respectfully requesting a waiver for the 3-foot-tall berm to protect and maintain the existing drainage patterns of the site. The conditions for elimination of the berm as stated in SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS will be met and shown in a landscaping plan, as designed by a licensed Landscape Architect.
- The Forest Conservation requirements will be met by on-site conservation. A Forest Stand Delineation has been submitted to Kent County for review.
- Stormwater management will be met by utilizing non-structural practices and by following MDE Stormwater Design Guidance for Solar Panel Installations. A Concept Stormwater Report has been submitted to Kent County for review.
- The limits of disturbance for the site does not contain any wetlands, wetland buffers, streams, and stream buffers.

- Installation and maintenance will follow the Solar Standards, as stated in Section 11.
- Noise levels produced will be below the 45 dBAs threshold, as measured at the property line.

COMPLIANCE WITH KENT COUNTY ARTICLE VII, SECTION 7.57.25

- A single axis tracking system is being proposed for this site. The panels will remain perpendicular to the sun, therefore eliminating glare to any surrounding properties and roadways.
- Screening is being provided on all sides of the array in accordance with Section 11. View of the array will be completely obscured by both landscaping and fencing.
- The array will not exceed 38 feet in height.
- The array is situated so that the rest of the land can continue to be utilized for agricultural use.
- The installation for the system will take place entirely on the parcel it is to be located with only one access off of Still Pond Neck Road.
- The area within the fencing is no larger than the 5-acre.
- Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
- No trees are to be removed as part of the project.
- The site is located outside the Critical Areas.

COMPLIANCE WITH KENT COUNTY COMPREHENSIVE PLAN

The project has taken into consideration Maryland's Twelve Planning Visions, as stated in the Kent County Comprehensive Plan and are as follows:

- Quality of Life and Sustainability: The use of solar energy generating facilities help protect the environment by creating emission free energy source that does not impact the environment.
- Public Participation: SGC Power sent a letter to the adjoining property owners explaining the project and that DP&L customers would be eligible to sign up for the Community Solar benefits with a potential savings up to 10% on their electric bill.
- Growth Areas: Not applicable to this project.
- Community Design: Not applicable to this project.
- Infrastructure: This additional electric infrastructure will allow residents to subscribe to the solar program to decrease their current electric bill.
- Transportation: Not applicable to this project.
- Housing: Not applicable to this project.
- Economic Development: Not applicable to this project.

- Environmental Protection: Though this project will utilize existing farmland, once the life cycle of the solar array is completed, the site will be decommissioned and returned to the existing conditions. The site could be returned to agricultural use after the removal of the system.
- Resource Conservation: A portion of the site will be put into a forest conservation area as a result of this project.
- Stewardship: The Community Solar provides the community with an opportunity to reduce their electric bill while protecting the natural resources since the site can be returned to agricultural use once the site has been decommissioned.
- Implementation: This site is in line with the State of Maryland goal of 50% of the State's energy coming from renewable sources by the year 2030.

SCHEDULE (PRELIMINARY)

Approval from all Agencies	February 2023
Obtain Permits	March 2023 – June 2023
Notice to Proceed	September 2023
Start Construction	December 2023
End Construction	May 2024

Note: These dates are estimated and may vary dependent on availability of materials and contractors.

