



DRAFT

Planning Commission
Department of Planning, Housing, and Zoning

MINUTES

May 2, 2024

1:30 p.m.

Video recordings of the Kent County Planning Commission meeting are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

The Planning Commission met in regular session on Tuesday, May 2, 2024, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Ray Strong, Paula Reeder, Sean Jones, and William Crowding. Planning Commission Attorney Cynthia L. McCann, Esquire, was present. Staff in attendance included William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Rob Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, and serving as Acting Clerk; and Tyler Arnold, GIS Coordinator.

Representatives for the Mason Solar project included Ted Hastings; Josh Spencer; and Tony Kupersmith, Esq. Members of the public who spoke regarding the Mason Solar project included Linda O'Connor; Richard James O'Connor; Janet Christensen-Lewis; and A. Elizabeth Watson, FAICP.

Applicants for rezoning requests included Lance Young, Esq.; Robin Brayton; Roy Hoagland;

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

MINUTES

Ms. Reeder moved to approve the minutes from the April 4 and April 11 meetings, along with the closed session summary. Vice Chair Ruge seconded the motion. The minutes were approved unanimously.

APPLICATIONS FOR REVIEW

23-51 Minary's Dream Alliance Inc. – Major Site Plan (Preliminary)

The applicant withdrew this application prior to the meeting.

24-17 MDL 153 Mason Solar – Major Site Plan (Concept)

Mr. Mark Carper, Associate Planner, provided background information and staff comments related to the proposed 1 MW utility-scale solar energy system on a 335-acre farm zoned AZD.

Representatives from Pivot Energy and the project's attorney responded to questions and concerns raised by the Planning Commission and members of the public regarding screening, visual impacts, glare, electromagnetic fields, stormwater management, economic benefits, and the eligibility criteria for low to moderate income subscribers.

Adopted on June 6, 2024

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Discussion of the immediately neighboring, historical, African American church led to the recommendation that the applicant utilize berms to screen the view of the proposed solar field from the historic church and cemetery.

Concept site plans receive only comments from the Planning Commission for the applicant's use in preparing for the preliminary site plan. No motion was offered.

24-18 MDL 153 Mason Solar – Special Exception

Based on the site plan discussion and after further discussion, Ms. Reeder moved to send a favorable recommendation for the special exception to the Kent County Board of Zoning Appeals with the following conditions: 1) that they provide evidence that the glare or reflection onto adjacent properties and adjacent roadways shall not interfere with traffic or create a safety hazard, and 2) they demonstrate that the proposed energy system will not interfere with the view of or from sites of significant public interest, and that the proposed development integrates into the existing landscape.

The motion was seconded by Vice Chair Ruge. The motion passed 6-1, with Chair Hickman opposed.

GENERAL DISCUSSION

Town of Betterton Annexation Request

Mr. Mackey presented the staff report related to the proposed request for annexation by the Town of Betterton.

Mr. Crowding moved to send a favorable recommendation to the Board of County Commissioners for the Town of Betterton's request to annex the American Legion property (Tax Map 4, Parcels 88 and 130), and to include a waiver of the five-year zoning designation. Ms. Reeder seconded the motion. The motion passed unanimously.

Map Change Requests for Review by Planning Commission

The Planning Commission reviewed several map change requests and made recommendations to the County Commissioners as follows:

Re #4 Harris / Chandler property (Map 12, Parcel 92), Mr. Crowding moved to send a favorable recommendation to change the zoning of the portion currently zoned Resource Conservation District to Critical Area Residential. Ms. Reeder seconded, and the motion passed unanimously.

Re #15 Lindauer property (Map 28, Parcels 31, Lot 2), Mr. Crowding moved to send a favorable recommendation to change the zoning of Lot 2 and Parcel 97 from Industrial to AZD. Mr. Vice Chair Ruge seconded, and the motion passed unanimously.

Re #33 Mills properties (Map 13, Parcels 109 and 33A), Mr. Crowding moved to send a favorable recommendation to change the zoning of Parcel 109 and Parcel 33A from AZD to Commercial. Mr. Strong seconded, and the motion passed unanimously.

Re #1 Brayton Family properties (Map 37, Parcel 76 and Parcel 97), Mr. Crowding moved to send a favorable recommendation to change the zoning from Intense Village to Commercial. Mr. Strong seconded, and the motion passed unanimously.

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RE #41 Hoagland property (Map 36, Parcel 24, Parcel 1, re applicant's request), Mr. Crowding moved to send a favorable recommendation to change the zoning from Community Residential to Village. Ms. Reeder seconded, and the motion passed unanimously.

Re Map D, the Hoagland property (Map 36, Parcel 24, a portion of Parcel 2, re staff request), Mr. Crowding moved to send a favorable recommendation to change the zoning on a portion of Parcel 2 from Community Residential to AZD. Mr. Strong seconded, and the motion passed unanimously.

Re #34 Kelly property (Map 51, Parcel 378), Mr. Crowding moved to send an unfavorable recommendation to change the zoning from Village to AZD. Vice Chair Ruge seconded, and the motion passed unanimously.

Re #35 Good House LLC properties (Map 27, Parcels 454, 470, 516, 577, and 691), Mr. Crowding moved to send an unfavorable recommendation to change the zoning from Critical Area Residential or Community Residential to Village. Vice Chair Ruge seconded, and the motion passed unanimously.

Re #36, Weinstein property (Map 7, Parcel 15B), Mr. Crowding moved to send an unfavorable recommendation regarding the requested change to the zoning district from Community Residential to Commercial. Vice Chair Ruge seconded, and the motion passed 6-0 with one abstention by Ms. Reeder.

Re #37 North property (Map 44, Parcel 110), this request was recommended to be added to the no-change list.

Re #38 Standiford / Yasinsky property (Map 45, Parcel 48, Lot 2), Ms. Reeder moved to send an unfavorable recommendation regarding the requested change from Resource Conservation District to Critical Area Residential. Mr. Crowding seconded, and the motion passed unanimously.

Re #39 Orr Property (Map 1, Parcel 302), Ms. Reeder moved to send an unfavorable recommendation regarding the requested change from Critical Area Residential to Community Residential. Mr. Strong seconded, and the motion passed unanimously.

Re #42 Kendall property (Map 48, Parcel 48), Mr. Crowding moved to send a favorable recommendation regarding the requested change from Community Residential to AZD. Mr. Strong seconded, and the motion passed unanimously.

Ms. Gerber read the consent list that includes all the applications for which no change in the zoning was requested. The consent list is attached to these minutes including an annotation that was added during the meeting.

Ms. Reeder moved to accept the list of "no change" requests as presented. Mr. Crowding seconded the motion, and it passed unanimously. The list is amended to these minutes with a notation added during the meeting.

Staff also presented a series of proposed map changes to correct zoning designations based on updated Critical Area mapping or due to property line adjustments since 2003. The Commission made favorable recommendations on Map A (Map 51, Parcel 169 Crosby area), Map B (Galena area), Map C (Betterton area), Map E (Golts area), Map F (Massey area), Map G (Chesterville Forest area), Map H (Harmony Corner / Molly's area), Map I (Kennedyville area), Map J (Still Pond area), and Map K (Coleman area).

Re Map A (Crosby area) Mr. Crowding moved to rezone to Village a portion of Map 51, Parcel 169, Lot 1 and Lot 2, to extend the Village zoning boundary from the northeast corner of Parcel 482 to the southeast corner of Parcel 202. Mr. Strong seconded, and the motion passed unanimously.

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Re Map B (Galena area), Mr. Crowding moved to rezone the properties as indicated on Map B, due to changes in the Critical Area (affecting multiple parcels including Map 7, Parcels 4 and 349; Map 15, Parcels 2, 159, and 240, *et al*). Mr. Strong seconded, and the motion passed unanimously.

Re Map C (Betterton area), Mr. Crowding moved to send a favorable recommendation to do the clean-up of the Critical Area designations of the parcels on Map C (affecting multiple parcels including Map 4, Parcels 16, 19, 88, 140, *et al*). Ms Reeder seconded, and the motion passed unanimously.

Re Map E (Golts area), Ms. Reeder moved to amend the zoning on (Map 17) Parcel 116, owned by DNR in Golts, to make the entire parcel AZD. Mr. Crowding seconded, and the motion passed unanimously.

Re Map F (Massey area), Ms. Reeder moved to make all of (Map 16) Parcel 31 Employment Center. Mr. Strong seconded, and the motion passed unanimously.

Re Map G (Chesterville Forest area), Mr. Crowding moved to accept staff's rezoning request on (Map 31) Parcel 143 to rezone all of the parcel to Community Residential. Vice Chair Ruge seconded, and the motion passed unanimously.

Re Map H (Harmony Corner / Molly's), Mr. Crowding moved to send a favorable recommendation to rezone all of Lot 2 of (Map 14) Parcel 76 to Commercial zoning. Vice Chair Ruge seconded, and the motion passed unanimously.

Re Map I (Kennedyville area), Mr. Crowding moved to accept staff's rezoning request to rezone all of Map 21, Parcel 163 to AZD. Mr. Strong seconded, and the motion passed unanimously.

Re Map J (Still Pond area), Mr. Crowding moved to accept staff's rezoning request to change the zoning on Parcel 38A to all Commercial. Mr. Jones seconded, and the motion passed unanimously.

Re Map K (Coleman area), Mr. Crowding moved to accept staff's rezoning request to change the portion of Parcel 89 that is currently zoned Village to AZD. Vice Chair Ruge seconded, and the motion passed unanimously.

Ms. Gerber presented S&L Farms, LLC. Mr. Crowding moved to send a favorable recommendation to leave the zoning as is, for the property on Map 44, Parcel 313. Vice Chair Ruge seconded, and the motion passed unanimously.

STAFF REPORTS

Mr. Mackey summarized the role of staff in preparing recommendations for the Planning Commission's review.

ADJOURN

Vice Chair Ruge made a motion to adjourn. Mr. Jones seconded. The meeting adjourned at 4:30 p.m.

/s/ Joe Hickman
Joe Nickman, Chair

/s/ Bill Mackey
William Mackey, AICP, Director

Please note that a small portion of this document was created by Claude 3 from Anthropic, utilizing a transcript created by Microsoft Teams. Due to many highly-detailed motions, these minutes were created mostly by a human.

MAP #	OWNNAME1	LOT	MAP	PARCEL	Current	Change	Notes
11	F & S OPERATIONS LLC	3	0037	0485	IV	IV	Owner would like the zoning to stay the same.
11	HORSEY JOAN OZMAN		0037	0180	IV	IV	Owner wanted to make sure zoning stays the same.
11	JIMSTOWN LLC		0037	0044	IV	IV	Owner wanted to make sure zoning stays the same.
11	JIMSTOWN LLC		0037	0177	IV	IV	Owner wanted to make sure zoning stays the same.
11	LONDON WALTER F & TRACYE S	1	0037	0485	IV	IV	Owner wanted to make sure zoning stays the same.
11	SMITH SCOTT O & SHARI C	2	0037	0485	IV	IV	Owner wanted to make sure zoning stays the same.
11	SMITH TODD B & SMITH DIANE H	4	0037	0485	IV	IV	Owner wanted to make sure zoning stays the same.
16	LINS THOMAS IRVIN & DONNA MARIE		0027	0019	AZD	AZD	Owners wanted to make sure their zoning stays the same.
17	MACIELAG JOHN F & PATRICIA M		0055	0088	CAR	CAR	Owner wanted to make sure their zoning stays the same.
19	MAYO MARY JANE		0016	0006	EC	EC	Owner wanted to make sure their zoning stays the same.
22	SCHWARTZ JOHN A & SCHWARTZ PAMELA M		0020	0003	AZD	AZD	
23	SISCO ELIZABETH C		0046	0038	V	V	Owner wanted to make sure their zoning stays the same.

41	HOAGLAND ROY P		0035 D	0301	CC	C	Owner wanted to make sure zoning stays the same
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John North 7490 QNR