



COUNTY COMMISSIONERS HEARING ROOM
400 HIGH STREET
CHESTERTOWN, MARYLAND

AGENDA

Thursday, December 5, 2024
1:30 p.m.

MINUTES

November 7, 2024

APPLICATIONS FOR REVIEW

- 24-17 MDL 153 Mason Solar – Major Site Plan (Preliminary) – Utility-Scale Solar Energy System in AZD
9425 Fairlee Road, Chestertown – Sixth Election District – Zoned Agricultural Zoning District (AZD)
- 24-60 Wharf at Handy’s Point – Site Plan (Concept) – Boat Storage Area
23153 Green Point Road Worton – Third Election District – Zoned M

GENERAL DISCUSSION

- 24-62 Town of Galena – Annexation
Lands of Sivad, LLC – 78.32 acres of Map 15, Parcel 3 – First Election District – Zoned Rural Character

2023 Annual Report Letter to Maryland Department of Planning

Courtesy presentation by LRK, Inc. – Update and General Information on Millington Crossing for the Planning Commission

STAFF REPORTS

ADJOURN

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **633 004 310#**

PHONE PARTICIPATION – Members of the public are asked to mute their phones/devices, until the Chair opens the floor for comment. Please note that phone participation is dependent on service carriers and internet providers, this option may not be available for all meetings or be available during the entire meeting. In-person attendance is always recommended.

ONLINE VIEWING – Please note that although many meetings are recorded, the availability of video online is dependent on internet availability and functionality. Some members of the public may be able to watch a live video feed and/or view the video after the meeting at the County’s YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

PROTOCOL – Meetings are conducted in open session unless otherwise indicated. All or part of the 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 Chair. Meetings are subject to audio and video recordings. All applicants 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.





DRAFT

Planning Commission
Department of Planning, Housing, and Zoning

MINUTES

November 7, 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 Thursday, November 7, 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, Sean Jones, and Paula Reeder. Member William Crowding reached out in advance to indicate that he could not attend.

Acting Planning Commission Attorney Thomas N. Yeager, Esquire, was present. Staff attending included Bill Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; Robert Tracey, AICP, Associate Planner; Beth Grieb, Office Manager, serving as Acting Clerk; and Tyler Arnold, GIS Specialist.

Representatives for Wicomico Hunt Club included Genevieve H. R. Macfarlane, Esq., Partner with Stevens Palmer, LLC, Eden Kloetzli, future Huntsman, and Ed Fry, Master of Foxhounds.

Representatives for KNR Inc. included Kevin Shearon, P.E., LEED AP, DMS & Associates and applicant Mr. Sunil Dutta.

Representatives for Delmarva Power included Tony Kupersmith, Esq. of McAllister, DeTar, Showalter & Walker LLC; Scott Parker, P.E., Senior Project Manager, Verdantas; and Ida Parrett, Real Estate Specialist, Delmarva Power.

Representatives for Ms. Vanantwerp and Mr. Lamont included Designer Tammy Brice of South & Main Designs, LLC and property owner Frank Lamont.

No member of the public spoke on any item. The sign-in sheet for members of the public included Alison Howard.

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

MINUTES

Ms. Reeder moved to approve the minutes of October 3, 2024, as presented. Mr. Saunders seconded. The motion passed 5-0 with one abstention by Vice Chair Paul Ruge who noted that he was not present at the October meeting.

PUBLIC HEARING

*24-57 Wicomico Hunt Club, Inc. -- Zoning Text Amendment
Adding Dog Kennels, Fox Hunting Club as a permitted use on farms in RCD*

Adopted on [Insert date]

DRAFT

Mr. Strong made a motion to open the public hearing, Mr. Jones seconded. The motion passed unanimously.

Ms. Gerber presented the staff report on an applicant-initiated text amendment to include dog kennels, fox hunting club as a permitted use on farms in the Resource Conservation District (RCD). Staff recommended changes to the amendment as submitted by the applicant, and Ms. Gerber reviewed the changes in the staff report. The report is available online.

The applicants' representatives, Genevieve Macfarlane, Esq., Ms. Kloetzli and Mr. Fry, provided testimony regarding the club's 95-year history and current operations. The representatives noted that foxes are not killed in the hunt process.

The Planning Commission raised concerns with requiring membership in a specific organization as part of granting the use. The Planning Commission also entertained the concept of expanding the use to commercial dog kennels in general within RCD.

Chair Hickman requested comments from the public in the room and online. Hearing none, Chair Hickman asked for a motion to close the public hearing.

Ms. Reeder moved to close the public hearing. Mr. Jones seconded. The motion passed unanimously.

Ms. Reeder moved to issue a favorable recommendation to the Commissioners to amend the Land Use Ordinance of Kent County as it pertains to the Resource Conservation District to permit *dog kennels* on properties of 20 acres or more, provided the kennels are 200 feet from any side or rear lot line, or located in an existing building, that there is provision made for proper management of waste disposal, and to satisfy such other requirements as may be mandated by the Health Department, and the Critical Area Commission, as a condition of the approval of their operation. Vice Chair Ruge seconded. The Planning Commission deliberated on the scope of use as moved. The motion failed 3:3.

Mr. Jones moved to send a favorable recommendation to the County Commissioners to amend Article 5 of the District regulations to allow *dog kennel, fox hunting clubs* on farms in the Resource Conservation District and also amend Article 11 which would read as follows: *dog kennel, fox hunting clubs* keeping of hounds owned by fox hunting club for the purpose of participating in the sport of fox chasing, breeding of hounds to perpetuate the sport of fox chasing, training the hounds for the sport of fox chasing, in addition to making sure that the kennels also have a 200-foot [setback] from the side or rear lot line or are in an existing building and that the waste is managed properly. It's found that this is in sync with the Comprehensive Plan and supporting natural and cultural, historic features of Kent County. Mr. Strong seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

23-68 KNR – Convenience Store/Deli – Major Site Plan (Preliminary)
10816 Worton Road, Worton – Third Election District – Zoned Village

Ms. Gerber presented the staff report, noting that the Planning Commission's approval of outdoor storage areas, the location of the building, and the location of parking in light of the railroad easement across the property is part of this approval process. Staff recommended preliminary site plan approval with conditions including recommended findings.

DRAFT

Mr. Shearon and Mr. Dutta presented details of the application, noting that the citizens' participation plan had been presented with the concept site plan and summarized the feedback from the public. The applicant confirmed that the proposed building is located due to the railroad easement across the property. The applicant agreed to relocate the propane storage, so windows are not blocked. The single vehicular access was discussed by the Planning Commission. The applicant noted that the Planning Commission had requested removal of the previous separate loading area access.

Ms. Reeder moved to grant preliminary approval to the site plan prepared for KNR, Inc., based on the fact that the proposal is consistent with the Comprehensive Plan, the property is served by public water and sewer, the number of parking spaces meets the minimum required, and there are no known impacts or unreasonable demands on public services and infrastructure; the lighting plan is in the process of being developed and will be submitted as a part of final review; the proposed building complies with setback requirements; they have held a citizens' participation meeting and to our knowledge there are no adverse comments; the ice chest and propane cage have been shown on the site plan and comments have been made relative to the most attractive sighting for those elements of the plan; it's recommended they consider putting curbing at the entrance and egress; the final approval will be contingent on submission of a storm water management and erosion and sediment control plan, which are currently under review; a plan review for a food service facility will need to be obtained and approved by the Kent County Health Department; relative to staff recommendations [referring to the Staff Report, dated for November 7, 2024, pages 1-2, bulleted items 1), 2), and 3)], the buildings will generally be within 40 feet, no closer than 20 feet, to the front line; staff has considered the proposed location of the building and has found it to be consistent with the spirit and intent of the Ordinance; further, staff has recommended that given the unique size and shape of the parcel and restricted area easement, the Planning Commission agrees that parking be allowed as proposed. And we note that neighborhood retail sales, once the building is established, are to be conducted entirely within the building; [except that] the Planning Commission approves outdoor storage and sales [of ice and propane to be shown on the final site plan]. Mr. Jones seconded. The motion passed 5-1 (Mr. Saunders).

24-13 Delmarva Power and Light Co. of MD -- Major Site Plan (Final) 509 Morgnec Road, Chestertown – Fourth Election District – Zoned Commercial

Mr. Tracey presented the staff report, noting a landscape waiver was previously approved by the Planning Commission at the preliminary site plan stage. Staff recommends approval with two conditions: 1) approval of the sediment and erosion control and stormwater management plans, which are still under review, and 2) submission and approval of sureties for the sediment and erosion control, stormwater management, and landscaping.

Mr. Kupersmith presented details of the application, including changes to the landscaping features that the applicant believes help to harmonize the relocated wall with the local area, since the fence is closer to the street.

Mr. Saunders moved to approve the final site plan with staff conditions: 1) approval of the sediment and erosion control and stormwater management plans, and 2) submission and approval of sureties for sediment and erosion control, stormwater management, and landscaping. Ms. Reeder seconded. The motion passed unanimously.

24-45 Shelia Beth Vanantwerp and Frank Joseph Lamont, Jr. – Variance 29303 Glencoe Road, Kennedyville – Second Election District – Zoned Critical Area Residential

Mr. Carper presented the staff report, noting the existing detached garage is planned to be attached to the house, and the project is partially located in the Critical Area Buffer. The Critical Area Commission did not object to the project. Staff recommended a favorable recommendation with one condition, including a list of recommended findings.

DRAFT

Ms. Brice presented details of the application. Mr. Lamont detailed the current issues that affect aging in place.

Mr. Strong moved to send a favorable recommendation to the Board of Appeals for approval of the requested variance with the following conditions: submission and approval of a buffer management plan, that the 5.3-foot variance from the 15-foot side yard setback and a buffer variance [is requested] in order to expand an existing dwelling within the 100-foot buffer to connect with a detached garage and to include the addition of a master bedroom; the 2.356-acre property is located at 29303 Glencoe Road, Kennedyville, in the Second Election District and is zoned Critical Area Residential; to include the staff recommendations and TAC comments of Section B [referring to the Preliminary Staff Report, dated on November 1, 2024, page-2]; the home was constructed prior to the adoption of the Critical Area Program, and much of the structure is within the 100-foot buffer; due to the existing floor plan, the structural supports of the dwelling, and the location of the existing septic system in the rear yard, alternative expansion opportunities are limited; [thus,] the practical difficulty was not caused by the applicants. Ms. Reeder seconded. The motion passed unanimously.

STAFF REPORTS

Mr. Mackey reported that Morgnec Solar is on the TAC agenda and therefore could be on the December agenda of the Planning Commission. At the December meeting, Russ Richardson's urban design firm, LRK Inc., will be presenting a general update on Millington Crossing [but not including an update on the Everton Industrial project]. Upon Chair Hickman's request, Mr. Mackey discussed the process for the final adoption of the Land Use Ordinance in 2025.

Ms. Gerber reported that the Board of Appeals granted the special exception for Great Oak Manor with a condition that the road maintenance agreement be negotiated in good faith with the neighbors, but not be a requirement.

Mr. Yeager explained the condition's legal basis and the special exception is not contingent upon the agreement.

Mr. Carper conveyed that the Mason Solar project may be on the December agenda for the Planning Commission.

Vice Chair Ruge asked about signs on site plans. Staff responded that size and location are regulated, not content.

ADJOURN

Chair Hickman called for adjournment. Vice Chair Ruge moved. The meeting was adjourned at 3:15 p.m.

/s/ Francis J. Hickman
Francis J. Hickman, Chair

/s/ William Mackey
William Mackey, AICP, Director

Please note 25% of this document was created by Claude 3 from Anthropic, using a transcript from Microsoft Teams.



TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
MEETING: December 5, 2024
SUBJECT: MDL 153 Mason Solar, LLC
24-17 – Preliminary Site Plan – Utility-Scale Solar in the AZD

Executive Summary

REQUEST BY APPLICANT

The applicant, MDL 153 Mason Solar, LLC, is requesting preliminary site plan review to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD). The 335.16-acre farm is located at 9425 Fairlee Road, Chestertown, and is owned by Thomas and Alice Mason. The property is divided by Fairlee Road. The proposed development is on the 131-acre portion north of Fairlee Road.

PUBLIC PROCESS

Per Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

SUMMARY OF THE STAFF REPORT

The proposed 1 MW array of panels will encompass approximately 5 acres near the intersection of Fairlee Road and Fish Hatchery Road. The property is a mix of woodlands and cultivated fields. Residential properties abut the location of proposed development. The Mt. Pleasant Church and Mt. Pleasant Cemetery are across Fairlee Road from the proposed site of development.

Following concept review by the Planning Commission and prior to review by the Board of Appeals for the special exception, the applicant submitted revised plans to include 1) a landscape buffer plan with a 3-foot berm and varied placements of the proposed vegetation, 2) renderings displaying the appearance of the proposed landscaping from two viewpoints at the time of planting and after 5 years of growth, 3) a glare analysis for the proposed project, and 4) a line-of-site analysis. The Board of Appeals granted the special exception with conditions addressing glare, viewscape, irrigation and vegetation management, and berm height.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant preliminary site plan approval. In order to receive final site plan approval, the applicant must address and/or submit the following:

- Submission and approval of a vegetative management plan that addresses the requirements established in Article VI, Sections 11.E through 11.G of the Land Use Ordinance.
- Submission and approval of the Deed of Forest Conservation Easement and Agreement.
- Approval of erosion and sediment control and stormwater management plans.
- Submission and approval of sureties for sediment and erosion control and stormwater management.
- Submission and approval of sureties for landscaping maintenance and bond-related requirements for decommissioning as listed in Article VI, Section 11 of the Land Use Ordinance.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: MDL 153 Mason Solar, LLC
24-17 – Preliminary Site Plan – Utility-Scale Solar in the AZD
DATE: November 21, 2024

DESCRIPTION OF PROPOSAL

The applicant, MDL 153 Mason Solar, LLC, is requesting preliminary site plan review to construct and operate a utility-scale solar energy system in the Agricultural Zoning District (AZD). The 335.16-acre farm is located at 9425 Fairlee Road, Chestertown, and is owned by Thomas and Alice Mason. The property is divided by Fairlee Road. The proposed development is on the 131-acre portion north of the road.

The proposed 1 MW array of panels will encompass approximately 5 acres near the intersection of Fairlee Road and Fish Hatchery Road. The property is a mix of woodlands and cultivated fields. The area is predominantly farmland, but the site is adjacent to the unincorporated village of Fairlee. Residential properties abut the location of proposed development. The Mt. Pleasant Church and Mt. Pleasant Cemetery are across Fairlee Road from the proposed site of development.

In response to comments from the Planning Commission at concept review and prior to review by the Board of Appeals for the special exception, the applicant submitted 1) a landscape buffer plan that included a 3-foot berm and varied placements of the proposed vegetation, 2) renderings displaying the appearance of the proposed landscaping from two viewpoints at the time of planting and after 5 years of growth, 3) a glare analysis for the proposed project, and 4) a line-of-site analysis.

The Board of Appeals granted a special exception on August 19, 2024, 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. The 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 United Methodist 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.

RELEVANT ISSUES

I. Site Plan Review

A. *Applicable Laws:* Article VI, Special Provisions, Section 5.2, General Requirements, establishes that special exceptions require a Major Site Plan Review, to include Concept, Preliminary, and Final Plans.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.

- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

B. *Staff Comments:*

- The proposal is consistent with the goal of the Kent County Comprehensive Plan in promoting sustainable building practices and providing an effective renewable resource strategy.
- The proposal is consistent with the general intent and the use, design, and environmental standards found in the Land Use Ordinance.
- Internal traffic is anticipated to be minimal and will be restricted to maintenance of equipment and landscaping.
- 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 off site. No smoke, fumes, dust, or odors are anticipated.
- A stormwater management plan and an erosion and sediment control plan have been submitted and are under review.
- Submission and approval of sureties for sediment and erosion control and stormwater management is required for final site plan approval.
- No existing vegetation is to be removed. A 60-foot-wide landscape buffer will surround the fenced-in solay array.
- A Forest Stand Delineation and a Forest Conservation Plan have been submitted and meet the required standards.

II. Countywide Standards for Utility-Scale Solar Energy Systems

A. *Applicable Law:* Article VI, Special Provisions, Section 11, details the requirements for setbacks, installation and maintenance standards, landscaping and irrigation requirements, and sureties for utility-scale solar energy systems.

B. *Staff Comments:*

- The proposed setback for the solar array panels is the required minimum 200 feet from any lot line, road/right-of-way, gateway into town or village, or residential use or zoning district.
- The General Notes in the site plan state that installation and maintenance standards are to meet the standards as established in Article VI, Section 11.B.
 - Any solvents used for cleaning are to be biodegradable, and any unused solvents will be removed from the parcel.

- All broken or waste solar panels shall be removed from the parcel within 30 days of being taken out of service.
- Statements include that Wiring will be underground except to connect to the public utility, and transmission wires for connection shall not cross a roadway overhead.

The above note is contradicted by site plan (C-201), which depicts the installation of additional utility poles on site with overhead wiring and a connection line that is to cross Fish Hatchery Road. Barriers to adherence to these requirements, such as technical specifications for utility connection, must be submitted to the County for review.

- The solar array shall be enclosed in a fence that will remain securely locked. A sign identifying responsible parties and contact information will be installed on the gate.
- The solar array will generate little to minimal noise.
- The solar arrays shall conform to all local, state, and national laws.
- A previously submitted glare analysis determined that a small section of Fairlee Road would be subject to glare exposure for westbound traffic for a five-minute window in the evenings between September and March. That analysis was based on a landscape buffer with an installed height of 6 feet above ground level.

The proposed minimum height of the evergreens on the landscape plan is to be 8 feet high atop a 5-foot berm. As a condition of the special exception, the applicant must submit evidence that glare and reflection on adjacent property shall not interfere with traffic or create a safety hazard.

- A 60-foot-wide landscape buffer plan has been submitted and adheres to the requirements for size, species variety, and arrangement. Per the conditions of the special exception, a 5-foot-high berm is proposed on the west, south, and east sides of the solar array. Swales with earthen check dams on the interior and exterior sides of the berms are proposed. The northern side of the development site is to have a swale with associated check dams rather than a berm. This side of the project is adjacent to established woodlands.
- Previously submitted renderings with 8-foot-high evergreen trees atop a 3-foot berm and line of site analysis from the perspective of the Mount Pleasant United Methodist Church indicate that the proposed energy system will not be visible from this viewing location. Per the conditions of the special exception, the applicant must prove that the proposed energy system will not interfere with the view of or from sites of significant public interest, in particular, the Mount Pleasant United Methodist Church, and that the proposed development integrates into the existing landscape.
- A proposed method of watering or a watering schedule have not been submitted. Staff recommends that a vegetative management plan similar to that provided for MDL 118-Still Pond Neck Solar Project be submitted for this application and that it addresses the requirements established in Article VI, Sections 11.E through 11.G of the Land Use Ordinance.
- A Forest Stand Delineation and a Forest Conservation Plan have been submitted and meet the required standards. A Forest Conservation deed restriction of 1.39 acres is proposed along the northern property line. Approval of a Deed of Forest Conservation Easement and Agreement is required for final site plan approval

- Submission and approval of sureties for landscape maintenance and bond requirements for decommissioning as listed in Article 6, Section 11 of the Land Use Ordinance are required. An estimate of the costs for replacing the landscape plantings and irrigation system will be necessary, as required in Article VI, Section 11.F of the Land Use Ordinance. The County has a sample performance and completion bond that will be provided to the applicant.
- The entrance is designed to ensure that neighboring properties, public rights-of-ways and roads are not exposed to an unscreened view through the entranceway.
- A decommissioning bond in accordance with Article VI, Section 11.K is required for final approval. An independent third-party is to provide a solar facility decommissioning plan and cost estimate. The third-party agency selected should provide details as to its experience and credentials, and the decommissioning plan should be detailed and inclusive. Cost estimates are to include bona fide written estimates with current quotes from the proposed contractor who will perform the removal of all solar-related structures and non-vegetative improvements on the site and for the restoration of the site to its pre-project condition as well as a quote from the PV salvage facility for the salvage value. The County has a sample performance and completion bond that will be provided to the applicant.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission grant preliminary site plan approval. In order to receive final site plan approval, the applicant must address and/or submit the following:

- Submission and approval of a vegetative management plan that addresses the requirements established in Article VI, Sections 11.E through 11.G of the Land Use Ordinance.
- Submission and approval of the Deed of Forest Conservation Easement and Agreement.
- Approval of erosion and sediment control and stormwater management plans.
- Submission and approval of sureties for sediment and erosion control and stormwater management.
- Submission and approval of sureties for landscaping maintenance and bond-related requirements for decommissioning as listed in Article VI, Section 11 of the Land Use Ordinance.

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)

SITE PLAN APPLICATION

File Number: _____ Amount Paid: _____ Date: _____

Project Name: MDL153 Mason Solar

District: 6 Map: 36 Parcel: 9 Lot Size: 335.16 Deed Ref: 774/ 474 Zoning: AZD

LOCATION: 9425 Fairlee Road, Chestertown, MD 21620

PROPOSED USE: Utility Scale Solar Energy System

OWNER OF LAND:

Name: Thomas & Alice Mason Telephone: _____

Address: 23991 Melitota Road, Chestertown, MD 21620 Email: _____

APPLICANT:

Name: MDL 153 Mason Solar, LLC (attn: John Shields) Telephone: (410) 709-4979

Address: 6865 Deerpath Road, Suite 330, Elkridge, MD 21075 Email: jshields@pivotenergy.net

AGENT/ATTORNEY (if any):

Name: _____ Telephone: _____

Address: _____ Email: _____

REGISTERED ENGINEER OR SURVEYOR:

Name: Becker Morgan Group, Inc Telephone: 410-546-9100

Address: 312 West Main Street, Suite 300, Salisbury, MD 21801 Email: thastings@beckermorgan.com

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: jshields@pivotenergy.net

Water Supply: ☐ Public System ☐ On lot system N/A

Sewerage: ☐ Public System ☐ On lot system N/A

TELEPHONE SERVICED BY: N/A

ELECTRIC SERVICED BY: Delmarva Power

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.


Signature of Applicant

10/27/2024

Date

☐ Concept Plan Approving Authority: _____ Date _____

☒ Preliminary Approving Authority: _____ Date _____

☐ Final Approving Authority: _____ Date _____



PROJECT NARRATIVE

MDL153 Mason Solar
Project Number: 2023293.00
Date: October 28, 2024

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: MDL153 – Mason Solar

PROJECT LOCATION:
Address: 9425 Fairlee Road
City, State, Zip: Chestertown, Maryland 21620
County: Kent
Nearest Intersection: Fairlee Road and Fish Hatchery Road
Primary Street: Fairlee Road
Secondary Street: Fish Hatchery Road

TAX MAP/GRID/PARCEL: Tax Map 36, Grid 2A, Parcel 9

DEED(S): 774/ 474

PLAT(S) 3/ 655

JURISDICTION: Kent County

DATE PREPARED: March 13, 2024

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

LANDOWNER: Thomas & Alice Mason
Address: 23991 Melitota Road
City, State, Zip: Chestertown, MD 21620
Contact Person: Thomas Mason
email: N/A

DEVELOPER: MDL153 – Mason Solar, LLC
Address: 6865 Deerpath Road, Suite 330
City, State, Zip: Elkridge, Maryland 21075
Contact Person: Joshua Spencer, P.E., PMP
Phone: (850) 450-9895
Email: jspencer@pivotenergy.net

PROPOSED BUILDING AREA: N/A

LOT SIZE: 335.16 acres

TYPE OF PROJECT: Community Solar System

2.0 EXISTING SITE CONDITIONS:

- Total Site 131.32 ± North of Fairlee Road (Total Parcel 335.16 acres±)
- Wooded 64.33 acres±
- Agricultural Use 66.99 acres±
- Impervious None
- Hydraulic Soils Rating C Soils (project area)
- FEMA 24029C0260D
- Flood Zone Determination Zone X – Areas outside the 0.2% annual chance flood.
- Existing Zoning AZD – Agricultural Zoning District
- Adjacent Zoning
 - North V – Village & AZD – Agricultural Zoning District
 - South V – Village & AZD – Agricultural Zoning District
 - East AZD – Agricultural Zoning District
 - West V – Village
- Environmental Concerns: None Found
- Road Frontage(s) Fairlee Road and Fish Hatchery Road
- Site Access Fish Hatchery Road
- State Wetlands Yes, but well outside the project area.
- Streams No.
- Stream Buffer No.
- 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 64.33-acre wooded area located on the northernly portion of the parcel. Numerous wetlands areas are in the wooded area but outside the project area. An existing compacted gravel culvert crossing located off Fish Hatchery Road will be utilized for the site access.

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:
 - A 60-foot-wide landscaped buffer will be provided on all sides of the array.
 - A 5-foot-tall berm is to be installed in accordance with the Board of Appeals conditions of approval.
- 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 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, or 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 reducing 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 of the system will take place entirely on the parcel it is to be located with only one access off of Fish Hatchery 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 sources that does not impact the environment.
- Public Participation: Pivot Energy intends to send 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 easement as a requirement for development unless new regulations eliminate this requirement.
- 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 2025
Obtain Permits	March 2025 – May 2025
Notice to Proceed	May 2025
Start Construction	June 2025
End Construction	November 2025

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

Technical Memorandum

To: Josh Spencer, Pivot Energy
From: Stephen Barrett
Date: June 14, 2024
RE: Glare Study, Solar PV Project, Fairlee Road, Chestertown, Maryland

Executive Summary

Pivot Energy is developing a nominal 1 MWac ground-mounted solar photovoltaic (PV) project off of Fairlee Road in Chestertown, MD. Pivot has engaged Barrett Energy Resources Group (BERG) to analyze potential impacts of glare from the project on nearby sensitive receptors.

BERG has utilized the Solar Glare Hazard Analysis Tool (SGHAT) which was developed by the US Department of Energy (DOE) for the Federal Aviation Administration (FAA) to protect aviation sensitive receptors. For this project, SGHAT has been used to assess potential glare impacts on 12 sensitive receptors which include motor vehicles and residences near the project site.

The modeling report is included in Attachments A. It shows that no glare was recorded for any of the receptors analyzed. This Technical Memorandum describes the project, methodology, and results.

Project Description

The Fairlee Road Solar Photovoltaic (PV) Project would be located on undeveloped farmland north and east of the intersection of Fairlee Road (State Route 298) and Fish Hatchery Road in Chestertown Maryland as shown in **Figure 1**. The project is comprised of a ground-mounted, single axis tracking system and electrical distribution equipment. The proposal also includes a 60-foot wide landscape buffer.



Figure 1. Fairlee Road Solar Project Locus

FAA Solar Policy

In 2013, the Federal Aviation Administration (FAA) published "Interim Policy, FAA Review of Solar Energy System Projects on Federally-Obligated Airport," which sets forth methods for assessing glare and the standards for determining impact for projects proposed on airport property. It also requires the use of modeling to assess glare and directs project proposers to the Solar Glare Hazard Analysis Tool (SGHAT) which was developed by the US Department of Energy at the request of the FAA. The Policy was issued as Final in May 2021. The US Department of Defense (DOD) has also adopted SGHAT and the associated requirements to analyze glare under Instruction (DODI) 4165.57. Given the critical safety issues associated with aviation, the model produces a highly credible result that is being used to evaluate other glare sensitive receptors.

Glare Methodology and Standard of Impact

Prediction of potential glare occurrence from a solar PV project requires knowledge of the sun position, observer location, and the solar module/array characteristics (e.g., location, extent, tilt, azimuth or orientation, etc.). The path of glare is governed by the law of reflection which states that the angle of incidence equals the angle of reflection (see **Figure 2**). Vector algebra is then used to determine if glare would be visible from the prescribed observation points.

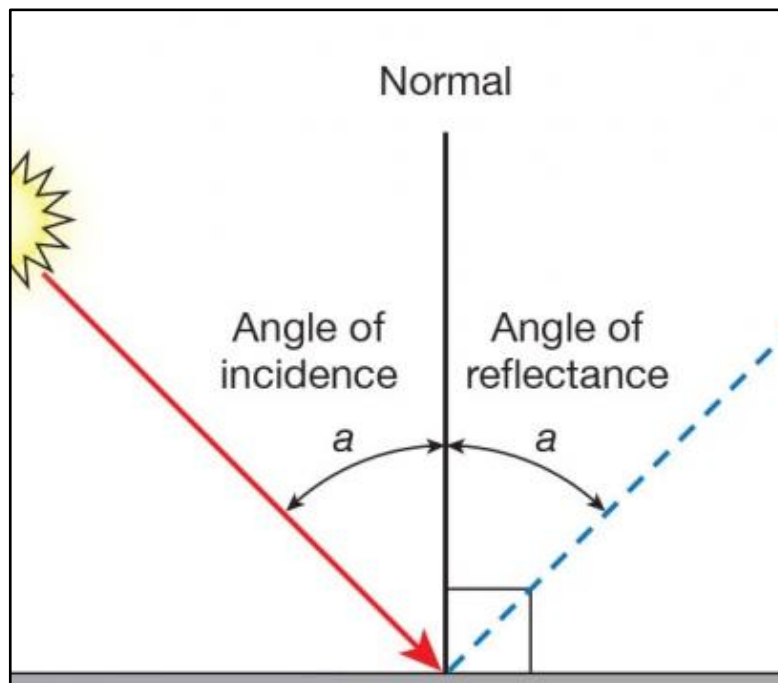


Figure 2. Law of Reflection

Figure 3 provides a simple representation of how the sun can produce glare on an automobile for a specific time and location. In accordance with the Law of Reflection, the angle of the light source from the sun must be equal to the angle of the reflection on a receptor. Therefore, when receptors are close to the ground (like a house or car), the reflection is only possible when the sun is also close to the ground (i.e., near sunrise or sunset). As the sun moves, the incidence of glare ends.

Duration of glare is longer for a stationary receptor as the avoidance of glare is dependent on the movement of the sun. For stationary receptors, impacts can last for hours. Duration is considerably shorter for moving objects, like aircraft and motor vehicles, as they transit in and out of a zone of influence. Impacts on moving receptors are typically measured in seconds.

The SGHAT model is a credible tool for predicting glare based on the characteristics of the project and the identified receptor. It produces results including relative glare intensity identified by color based on three categories: green (low potential for an after-image), yellow (potential for an after-image), and red (retinal burn). These categories apply to the FAA Policy and are not specifically relevant for glare assessment of other receptors. For non-aviation receptors, like those associated with the Fairlee Road Solar Project, the results are simply used to determine if glare is predicted or not.

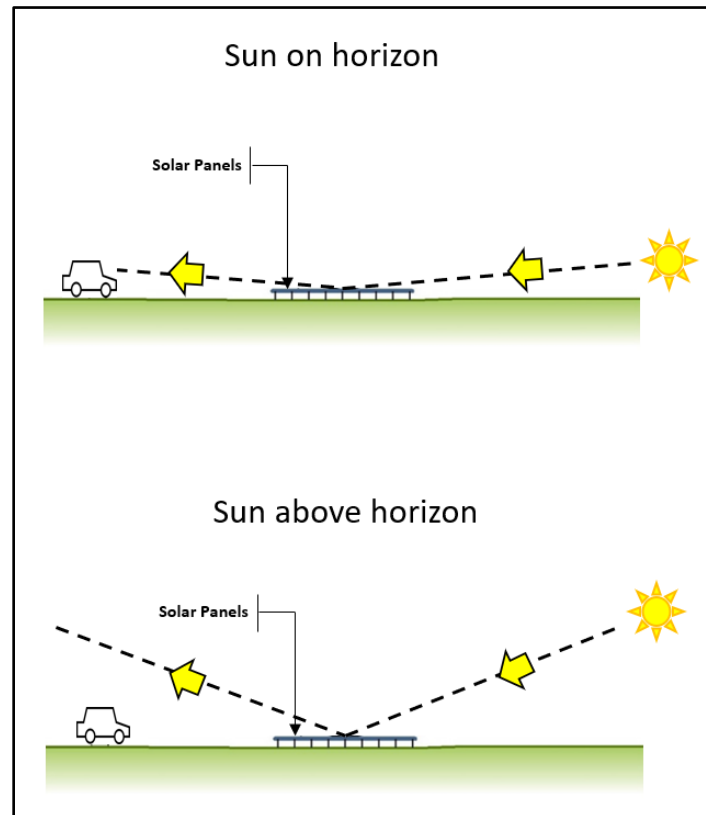


Figure 3. Geometric Representation of Potential Glare Impacts from the Sun

SGHAT Model Setup for Proposed Project

Regardless of the receptor to be analyzed, the model set-up entails locating the solar project, inputting its design characteristics, and identifying sensitive receptors for analysis. The position and movement of the sun throughout the year is built into the model.

For the Fairlee Road Solar Project, BERG used the PV project polygon tool to draw the footprint of the solar array on SGHAT's interactive Google map. The specific attributes of the solar array were then input into the model. As the project proposes a single axis tracking system, SGHAT includes relevant fields for those elements, including for this project design an array orientation of 0° , maximum tracking angle of 60° and a resting (stowage) angle of 0° . The average panel height 8 feet above ground level (agl), and a panel surface with anti-reflective coating were also input. Forested areas were programmed into the model and the tree heights set at 30 feet as a conservative estimate. A landscape buffer is proposed to surround the project which would have an installed height of 8 feet on top of a 3-foot berm for a total buffer height of 11 feet agl.

To evaluate potential impacts of glare, BERG identified representative motor vehicle receptors associated with Fairlee, Fish Hatchery and Mt. Pleasant Roads, as well as nearby stationary receptors such as residences and businesses as shown in **Figure 4**. The model's route tool was

used to locate the segments of the roadways for analysis. The observation point tool was used to select individual stationary points located on the Google map. For the motorist analysis, the driver's eye level height above the roadway was set at 8 feet based on Federal Highway Administration standards. For the residential and business receptors, the viewpoint was set at 5 feet above ground level to represent a person standing on the property.



Figure 4. Motorist and Stationary Receptors Analyzed for Glare

The glare analysis button was activated, and the model evaluated glare from various sun angles at 1-minute intervals throughout the year to predict if glare could be observed by the sensitive receptors.

Glare Model Results

The SGHAT Report with model results is provided as Attachments A. It shows that no glare was predicted for any of the 12 receptors analyzed.

Conclusions

Barrett Energy Resources Group (BERG) has used the SGHAT modeling tool developed by the US Department of Energy to assess the potential effects of glare from a solar PV project on sensitive receptors near the proposed Fairlee Road Solar Project. For this project, SGHAT has been used to assess potential glare impacts on 12 sensitive receptors which include motor vehicles and residences near the project site.

The SGHAT model registered no glare for any of the 12 receptors analyzed, which demonstrates that potential glare impacts from the project are insignificant.

Attachment A

Glare Modeling Results

Sensitive Receptors

FORGESOLAR GLARE ANALYSIS

Project: Fairlee Solar Project

A ground-mounted single axis tracking solar photovoltaic system

Site configuration: **Preferred**

Client: Pivot Energy

Created 13 May, 2024

Updated 14 Jun, 2024

Time-step 1 minute

Timezone offset UTC-5

Minimum sun altitude 0.0 deg

DNI peaks at 1,000.0 W/m²

Category 500 kW to 1 MW

(1,000 kW / 8 acre limit)

Site ID 119083.20459

Ocular transmission coefficient 0.5

Pupil diameter 0.002 m

Eye focal length 0.017 m

Sun subtended angle 9.3 mrad

PV analysis methodology V2



Summary of Results No glare predicted

PV Array	Tilt	Orient	Annual Green Glare		Annual Yellow Glare		Energy kWh
	°	°	min	hr	min	hr	
Solar Array	SA tracking	SA tracking	0	0.0	0	0.0	2,642,000.0

Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.

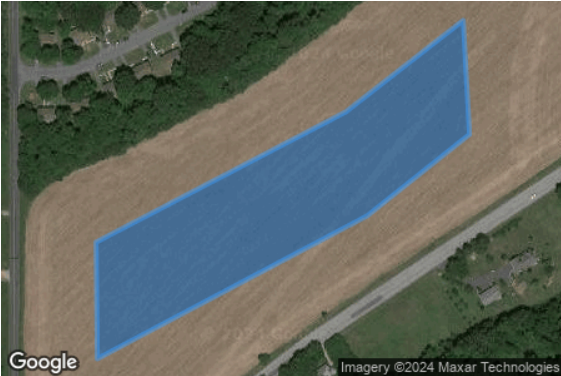
Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
Fairlee Road	0	0.0	0	0.0
Fish Hatchery Road	0	0.0	0	0.0
Mt Pleasant Road	0	0.0	0	0.0
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0

Component Data

PV Arrays

Name: Solar Array
Description: Ground-mounted single axis tracking solar facility
Axis tracking: Single-axis rotation
Backtracking: Shade
Tracking axis orientation: 180.0°
Max tracking angle: 60.0°
Resting angle: 0.0°
Ground Coverage Ratio: 0.5
Rated power: 1000.0 kW
Panel material: Smooth glass without AR coating
Reflectivity: Vary with sun
Slope error: correlate with material



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	39.234140	-76.164912	48.48	8.00	56.48
2	39.233533	-76.165921	45.90	8.00	53.90
3	39.232669	-76.168066	40.29	8.00	48.29
4	39.231896	-76.168056	35.31	8.00	43.31
5	39.232843	-76.165738	43.45	8.00	51.45
6	39.233383	-76.164859	48.68	8.00	56.68

Route Receptors

Name: Fairlee Road

Path type: Two-way

Observer view angle: 50.0°

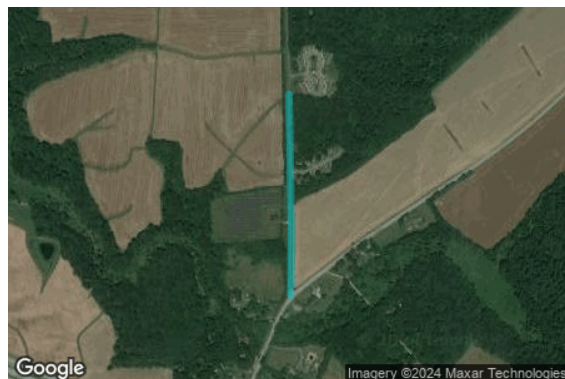


Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	39.235749	-76.159551	65.92	8.00	73.92
2	39.234698	-76.161118	63.33	8.00	71.33
3	39.233909	-76.162518	60.40	8.00	68.40
4	39.232542	-76.165194	38.63	8.00	46.63
5	39.231615	-76.166938	30.50	8.00	38.50
6	39.230655	-76.168467	24.47	8.00	32.47
7	39.230269	-76.168955	19.22	8.00	27.22
8	39.229595	-76.169373	15.74	8.00	23.74
9	39.229595	-76.169373	15.74	8.00	23.74
10	39.229595	-76.169373	15.74	0.00	15.74
11	39.229595	-76.169373	15.74	0.00	15.74
12	39.229595	-76.169373	15.74	0.00	15.74
13	39.229595	-76.169373	15.74	8.00	23.74
14	39.229595	-76.169373	15.74	8.00	23.74
15	39.229595	-76.169373	15.74	8.00	23.74
16	39.228889	-76.169749	18.99	8.00	26.99

Name: Fish Hatchery Road

Path type: Two-way

Observer view angle: 50.0°



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	39.235870	-76.168832	39.09	8.00	47.09
2	39.232213	-76.168756	34.29	8.00	42.29
3	39.230522	-76.168773	22.58	8.00	30.58

Name: Mt Pleasant Road
Path type: Two-way
Observer view angle: 50.0°



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	39.231162	-76.167556	27.37	8.00	35.37
2	39.230963	-76.166853	22.78	8.00	30.78
3	39.230489	-76.166284	21.92	8.00	29.92
4	39.230202	-76.165930	23.80	8.00	31.80

Discrete Observation Point Receptors

Name	ID	Latitude (°)	Longitude (°)	Elevation (ft)	Height (ft)
OP 1	1	39.232597	-76.164418	39.94	5.00
OP 2	2	39.231845	-76.166140	33.74	5.00
OP 3	3	39.231081	-76.166631	22.99	5.00
OP 4	4	39.230714	-76.167843	25.67	5.00
OP 5	5	39.230360	-76.168498	23.90	5.00
OP 6	6	39.228688	-76.168179	33.45	5.00
OP 7	7	39.229999	-76.169723	19.71	5.00
OP 8	8	39.233471	-76.168481	40.18	5.00
OP 9	9	39.233651	-76.167875	41.98	5.00
OP 10	10	39.233836	-76.167403	41.66	5.00
OP 11	11	39.233836	-76.167403	41.66	5.00

Obstruction Components

Name: Landscape Screening
Top height: 11.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.234347	-76.164796	47.52
2	39.233607	-76.166008	45.28
3	39.232726	-76.168197	40.11
4	39.231804	-76.168133	34.73
5	39.232801	-76.165644	43.07
6	39.233366	-76.164742	49.24
7	39.234347	-76.164796	47.52

Name: Near OP 1
Top height: 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.232721	-76.164725	40.82
2	39.232538	-76.165060	38.86
3	39.232451	-76.164975	36.93
4	39.232656	-76.164674	40.32
5	39.232721	-76.164725	40.82

Name: Near OP 2
Top height: 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.231800	-76.166482	32.22
2	39.231684	-76.166383	33.31
3	39.231796	-76.166176	33.40
4	39.231825	-76.166192	33.69
5	39.231879	-76.166088	33.40
6	39.231973	-76.166144	33.34
7	39.231800	-76.166482	32.22

Name: Near OP 3 1
Top height: 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.231224	-76.167330	29.39
2	39.231125	-76.167115	27.03
3	39.231283	-76.167080	30.14
4	39.231386	-76.166906	30.68
5	39.231467	-76.166997	30.36
6	39.231224	-76.167330	29.39

Name: Near OP 3 2

Top height: 32.8 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.231548	-76.166892	30.47
2	39.231432	-76.166782	31.22
3	39.231424	-76.166635	30.25
4	39.231295	-76.166670	28.78
5	39.231168	-76.166809	27.04
6	39.231091	-76.166710	23.92
7	39.231328	-76.166485	27.62
8	39.231470	-76.166509	30.36
9	39.231619	-76.166777	30.79
10	39.231548	-76.166892	30.47

Name: Near OP 6

Top height: 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.229903	-76.169036	16.47
2	39.230310	-76.166182	21.84
3	39.229130	-76.166332	31.71
4	39.229321	-76.169369	15.52
5	39.229903	-76.169036	16.47

Name: Near OP 7
Top height: 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.232004	-76.169045	34.32
2	39.231655	-76.168851	31.27
3	39.230496	-76.168857	22.72
4	39.230267	-76.169034	19.81
5	39.229569	-76.169479	14.78
6	39.229623	-76.169592	14.60
7	39.230575	-76.168964	25.34
8	39.231456	-76.169018	32.24
9	39.231772	-76.169350	32.05
10	39.232004	-76.169045	34.32

Name: Near OPs 8 9 10
Top height: 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	39.233044	-76.168644	40.45
2	39.233709	-76.166863	42.87
3	39.234856	-76.164911	44.03
4	39.235014	-76.165190	42.56
5	39.233837	-76.167070	41.49
6	39.233322	-76.168664	39.55
7	39.233044	-76.168644	40.45

Glare Analysis Results

Summary of Results No glare predicted

PV Array	Tilt	Orient	Annual Green Glare		Annual Yellow Glare		Energy
	°	°	min	hr	min	hr	kWh
Solar Array	SA tracking	SA tracking	0	0.0	0	0.0	2,642,000.0

Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
Fairlee Road	0	0.0	0	0.0
Fish Hatchery Road	0	0.0	0	0.0
Mt Pleasant Road	0	0.0	0	0.0
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0

PV: Solar Array no glare found

Receptor results ordered by category of glare

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
Fairlee Road	0	0.0	0	0.0
Fish Hatchery Road	0	0.0	0	0.0
Mt Pleasant Road	0	0.0	0	0.0
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0

Solar Array and Route: Fairlee Road

No glare found

Solar Array and Route: Fish Hatchery Road

No glare found

Solar Array and Route: Mt Pleasant Road

No glare found

Solar Array and OP 1

No glare found

Solar Array and OP 2

No glare found

Solar Array and OP 3

No glare found

Solar Array and OP 4

No glare found

Solar Array and OP 5

No glare found

Solar Array and OP 6

No glare found

Solar Array and OP 7

No glare found

Solar Array and OP 8

No glare found

Solar Array and OP 9

No glare found

Solar Array and OP 10

No glare found

Solar Array and OP 11

No glare found

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

The algorithm does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and intensity of glare at different times and days of the year.

Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare. This primarily affects V1 analyses of path receptors.

Random number computations are utilized by various steps of the annual hazard analysis algorithm. Predicted minutes of glare can vary between runs as a result. This limitation primarily affects analyses of Observation Point receptors, including ATCTs. Note that the SGHAT/ ForgeSolar methodology has always relied on an analytical, qualitative approach to accurately determine the overall hazard (i.e. green vs. yellow) of expected glare on an annual basis.

The analysis does not automatically consider obstacles (either man-made or natural) between the observation points and the prescribed solar installation that may obstruct observed glare, such as trees, hills, buildings, etc.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

The variable direct normal irradiance (DNI) feature (if selected) scales the user-prescribed peak DNI using a typical clear-day irradiance profile. This profile has a lower DNI in the mornings and evenings and a maximum at solar noon. The scaling uses a clear-day irradiance profile based on a normalized time relative to sunrise, solar noon, and sunset, which are prescribed by a sun-position algorithm and the latitude and longitude obtained from Google maps. The actual DNI on any given day can be affected by cloud cover, atmospheric attenuation, and other environmental factors.

The ocular hazard predicted by the tool depends on a number of environmental, optical, and human factors, which can be uncertain. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses.

The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Refer to the Help page at www.forgesolar.com/help/ for assumptions and limitations not listed here.

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

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EXPIRATION DATE: 09/23/26

PROJECT TITLE

**MDL153
MASON SOLAR**

9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

SHEET TITLE

**EXISTING
CONDITIONS PLAN**



ISSUE BLOCK

MARK DATE DESCRIPTION

PROJECT NO.: 2023293.00

DATE:

09/19/2024

SCALE:

1" = 60'

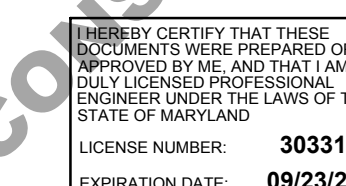
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SHEET

C-101

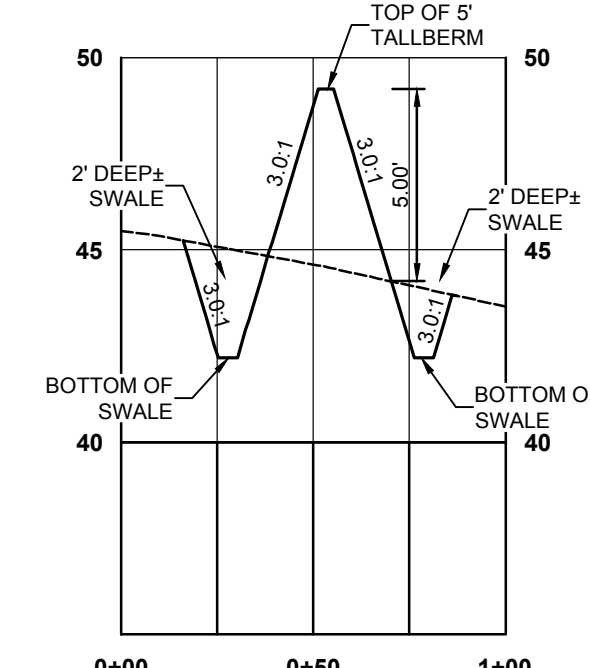
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SOIL TYPE LISTING		
MTcA	MATTAPEX SILT LOAM, 0 TO 2 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C
MTcB	MATTAPEX SILT LOAM, 0 TO 5 PERCENT SLOPES, MID-ATLANTIC COASTAL PLAIN	C



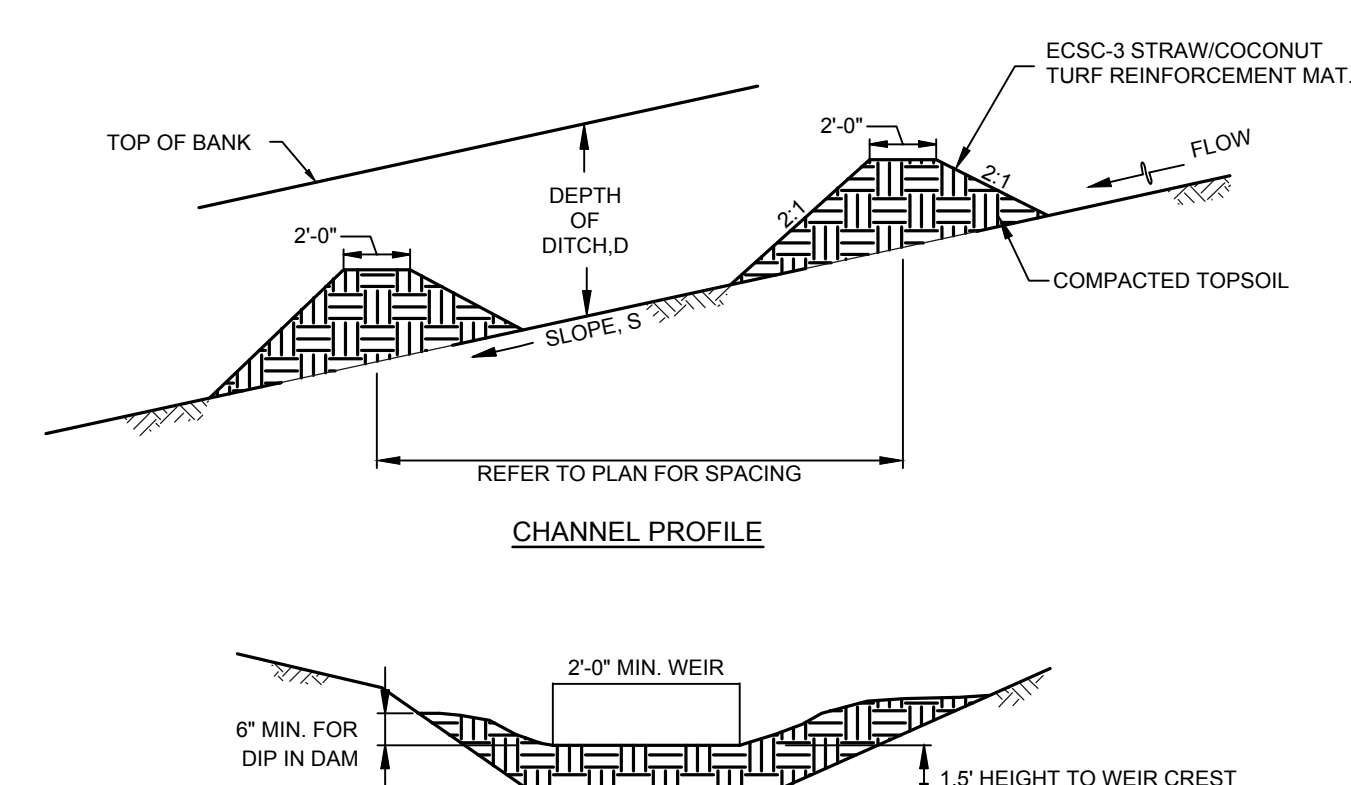
9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

OVERALL GRADING PLAN



SECTION A - A

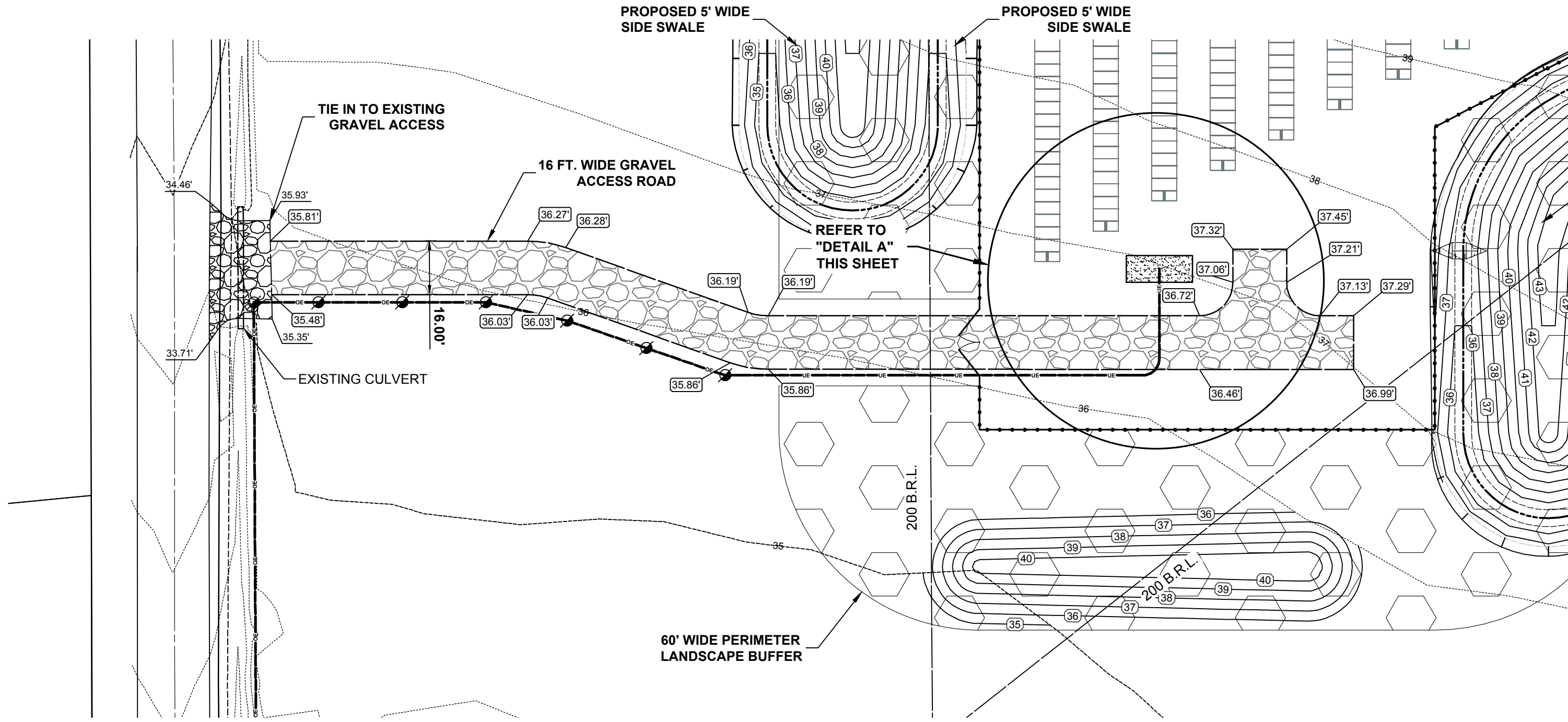
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CROSS SECTION

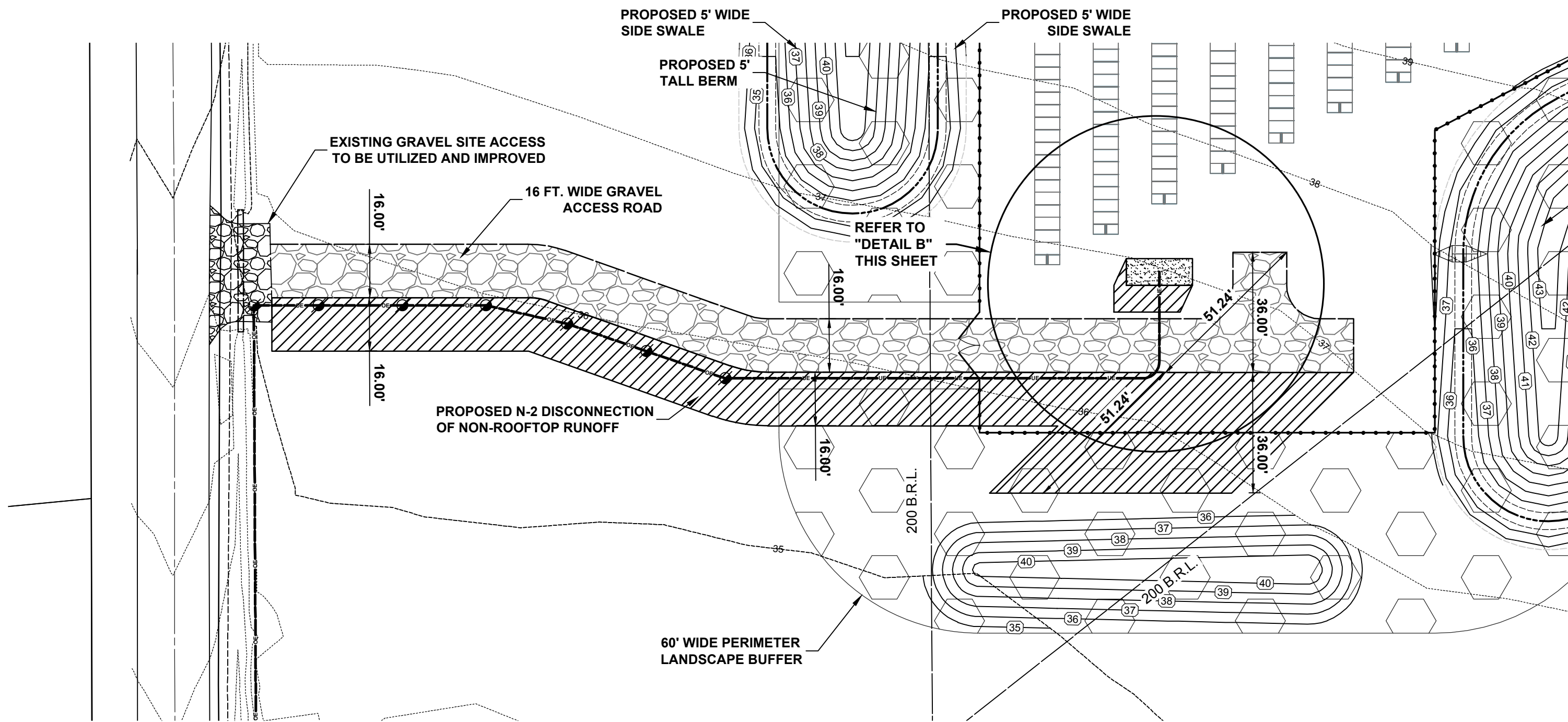
EARTHEN CHECK DAM

CUT / FILL SUMMARY					
NAME	CUT FACTOR	FILL FACTOR	2D AREA	FILL	NAT
BERM #1	1,000	1,000	89,113.05 SQ. FT.	2,055.05 CU. YD.	3,903.50 CU. YD.
BERM #2	1,000	1,000	4,220.57 SQ. FT.	0.00 CU. YD.	407.61 CU. YD.<FILL>
BERM #3	1,000	1,000	13,913.50 SQ. FT.	626.67 CU. YD.	198.81 CU. YD.<CUT>
SWALE #1	1,000	1,000	6,045.32 SQ. FT.	0.00 CU. YD.	394.12 CU. YD.<CUT>
SWALE #2	1,000	1,000	5,522.91 SQ. FT.	279.90 CU. YD.	279.90 CU. YD.<CUT>
TOTALS			109,818.35 SQ. FT.	3,265.74 CU. YD.	1,473.23 CU. YD.<FILL>



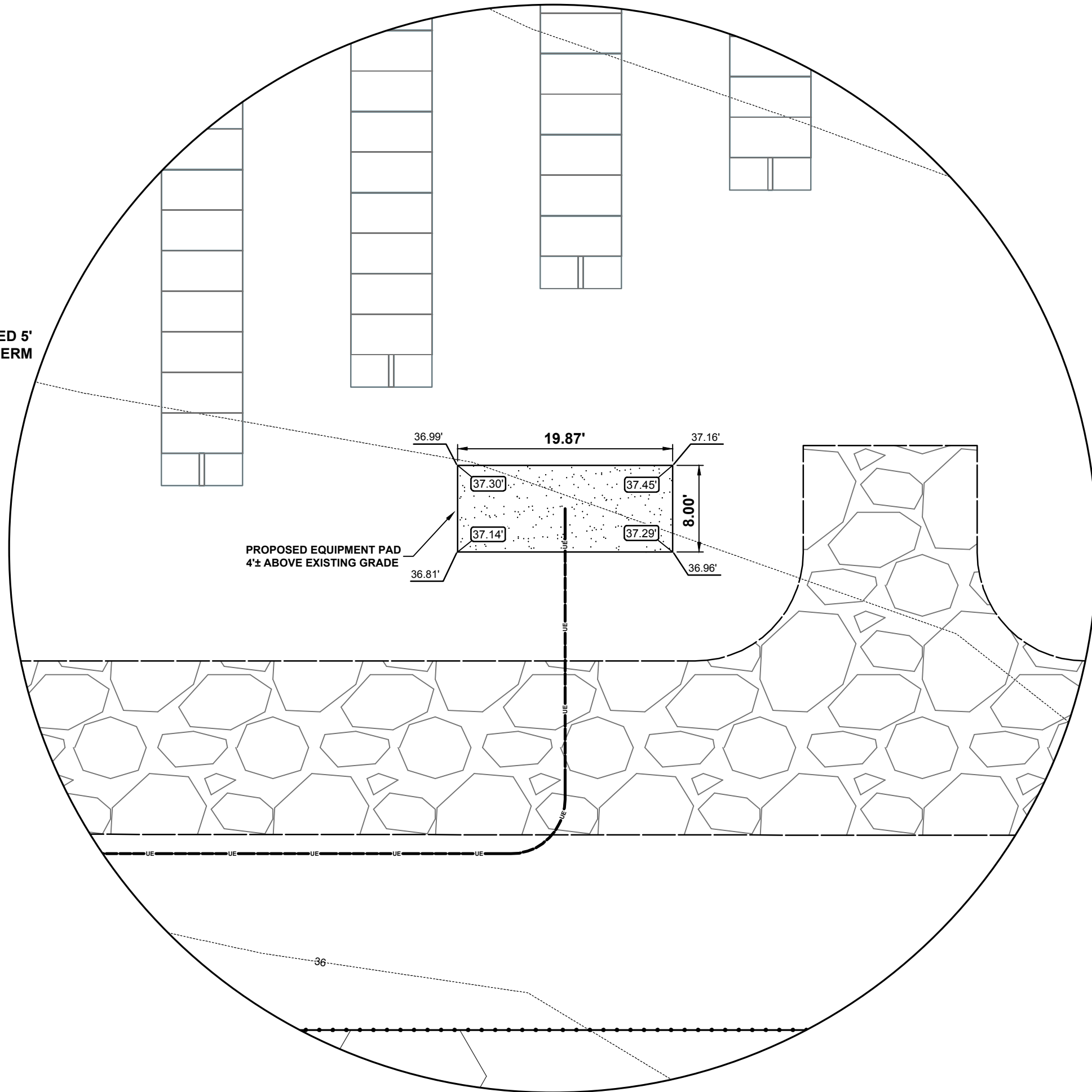
PLAN VIEW - SITE ACCESS

SCALE: 1" = 30'



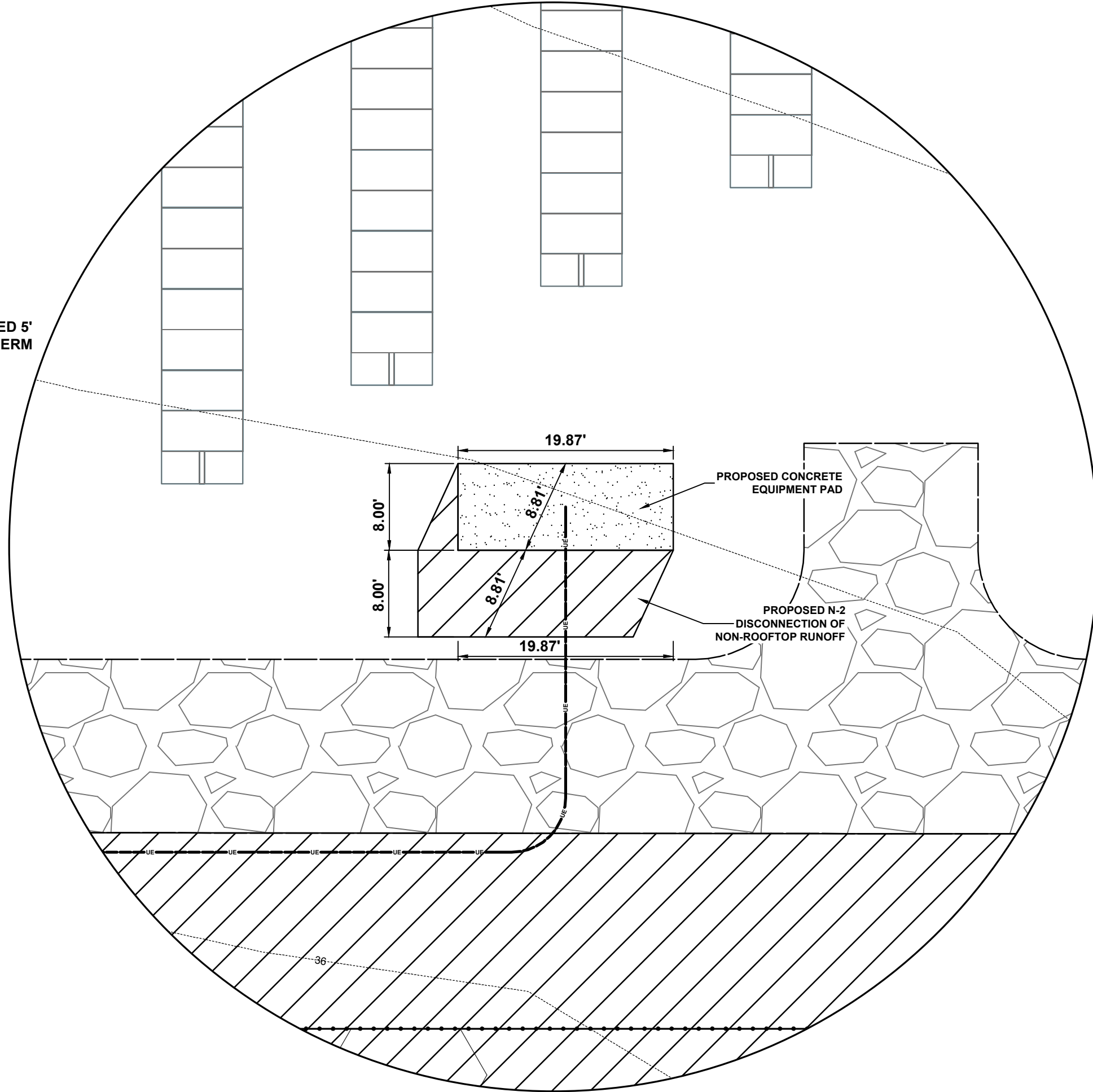
PLAN VIEW - DISCONNECT AREA

SCALE: 1" = 30'



DETAIL A

SCALE: 1" = 10'



DETAIL B

SCALE: 1" = 10'



I 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: 09/23/26

PROJECT TITLE

**MDL153
MASON SOLAR**

9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

SHEET TITLE

**SITE GRADING AND
ACCESS ROAD
CONSTRUCTION
PLAN**

ISSUE BLOCK

MARK DATE DESCRIPTION

PROJECT NO.: 2023293.00

DATE: 09/19/2024

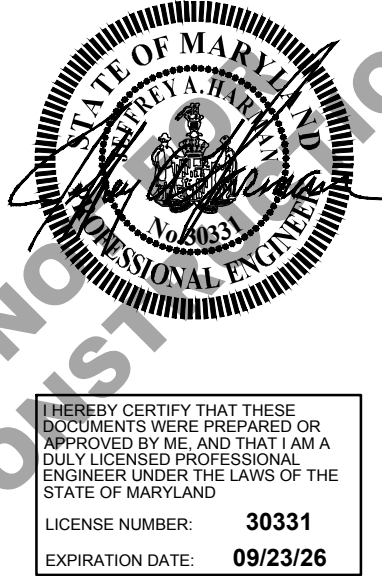
SCALE: AS SHOWN

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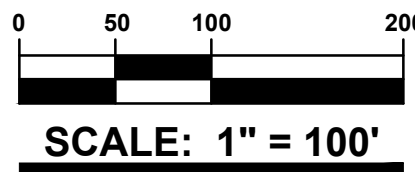
PROJECT TITLE

**MDL153
MASON SOLAR**

**9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND**

SHEET TITLE

**EROSION SEDIMENT
CONTROL PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER/STATE	C-502	
PROJECT NO.:	2023293.00	
DATE:	09/19/2024	
SCALE:	1" = 100'	
DRAWN BY:	E.H.H.	PROJ. MGR.: E.H.H.

SHEET

C-502

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TEMPORARY SEEDING SUMMARY						
HARDNESS ZONE (FROM FIGURE B-3):				SEED MIXTURE (FROM TABLE B-1):		
NO.	SPECIES	APPLICATION RATE (lb/ac)	SEEDING DATES	SEEDING DEPTHS	FERTILIZER RATE (10-20-20)	LIME RATE
1	ANNUAL RYEGRASS	40	2/15 TO 4/30 8/15 TO 11/30	1/2"	436 lb/ac (10 lb/1000 sf)	2 ton/ac (90 lb/1000 sf)

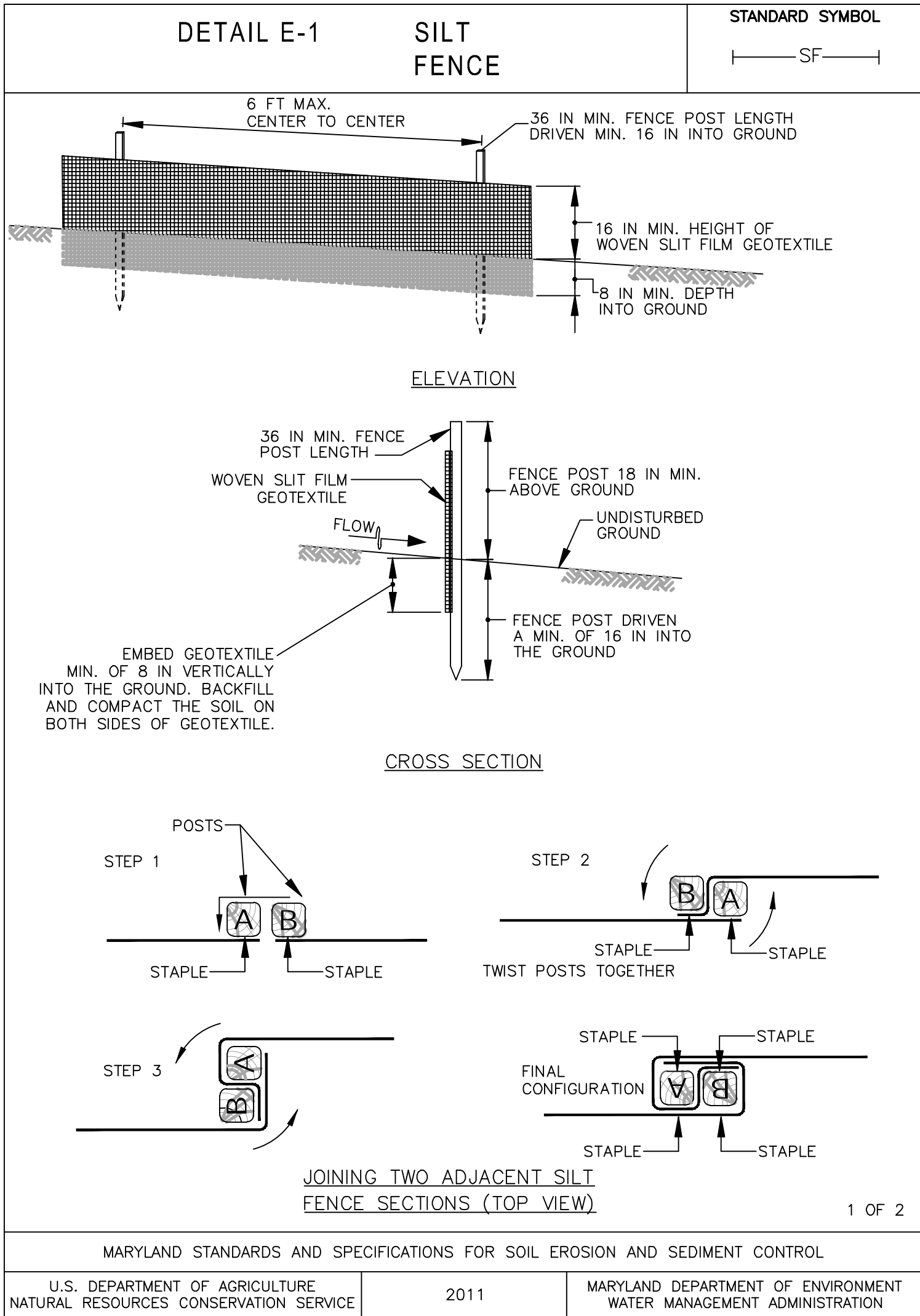
PERMANENT SEEDING SUMMARY (POLLINATOR MIX)								
FUZZ BUZZ MIX ERNMX - 146					FERTILIZER RATE (10-20-20)			LIME RATE
NO.	SPECIES	APPLICATION RATE (lb/ac)	PRICE/LB	PERCENT	N	P ₂ O ₅	K ₂ O	
1	Lolium perenne, 'Crave', Tetraploid	40	7.08	26.4%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
2	Dactylis glomerata, Polomac	40	7.08	21.0%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
3	Poa pratensis, 'Ginger'	40	7.08	18.9%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
4	Bromus biebersteinii, 'Fleet'	40	7.08	12.0%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
5	Trifolium hybridum	40	7.08	5.7%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
6	Festuca elatior x Lolium perenne, Duo	40	7.08	5.0%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
7	Trifolium pratense, Medium, Variety Not Listed	40	7.08	4.8%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
8	Lotus corniculatus, 'Leo'	40	7.08	2.0%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
9	Chamaecrista fasciculata, PA Ecotype	40	7.08	1.4%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
10	Lolium perenne	40	7.08	1.0%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
11	Coreopsis lanceolata	40	7.08	0.9%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
12	Chrysanthemum leucanthemum	40	7.08	0.5%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)
13	Solidago nemoralis, PA Ecotype	40	7.08	0.4%	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	2 ton/ac (90 lb/1000 sf)

EROSION & SEDIMENT CONTROL NOTES:

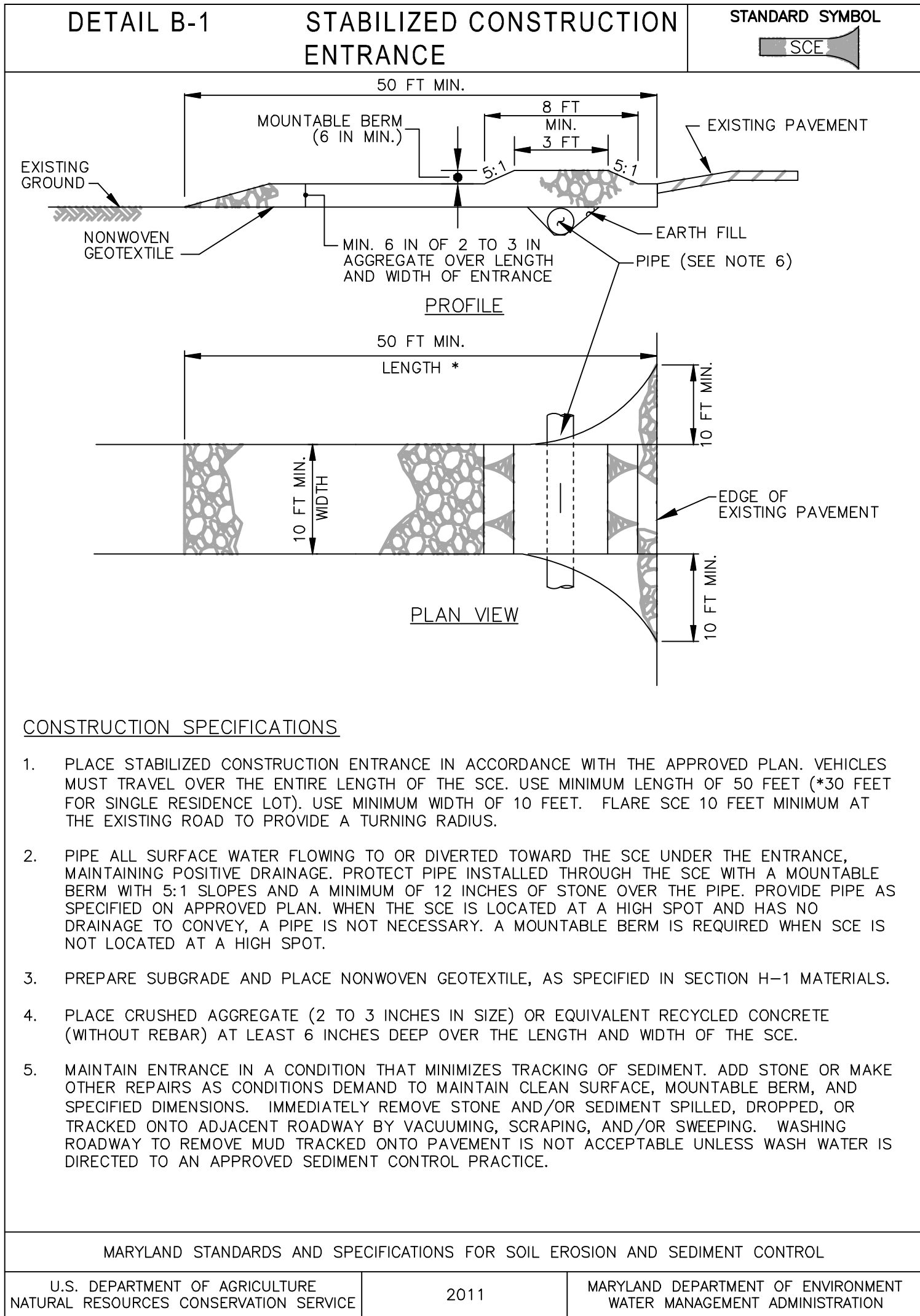
- PRIOR TO THE START OF WORK, THE CONTRACTOR IS TO OBTAIN KENT CONSERVATION DISTRICT APPROVAL OF ANY PROPOSED PLAN CHANGES AND SEQUENCING OF CONSTRUCTION, SPECIFICALLY RELATING TO INSTALLATION, INSPECTION, MAINTENANCE AND REMOVAL OF EROSION AND SEDIMENT CONTROL MEASURES.
- SEDIMENT CONTROL MEASURES ARE NOT TO BE REMOVED UNTIL THE AREAS SERVED HAVE ESTABLISHED VEGETATIVE COVER, OR WITH THE PERMISSION OF THE MDE SEDIMENT CONTROL INSPECTOR.
- WHEN PUMPING SEDIMENT LADEN WATER, THE DISCHARGE MUST BE DIRECTED TO AN APPROVED SEDIMENT TRAPPING MEASURE PRIOR TO RELEASE FROM THE SITE.
- ALL TEMPORARY STOCKPILES ARE TO BE LOCATED WITHIN AREAS PROTECTED BY SEDIMENT CONTROL MEASURES, AND ARE TO BE TEMPORARILY STABILIZED.
- ALL SEDIMENT CONTROL DIKES, SWALES, BASINS AND FLOW LINES TO BASINS WILL BE TEMPORARILY SEEDED IMMEDIATELY UPON INSTALLATION TO REDUCE THE CONTRIBUTION TO SEDIMENT LOADING.
- DISPOSAL OF EXCESS EARTH MATERIALS ON STATE OR FEDERAL PROPERTY REQUIRES MDE APPROVAL, OTHERWISE MATERIALS ARE TO BE DISPOSED OF AT A LOCATION APPROVED BY THE LOCAL AUTHORITY.
- TEMPORARY SOIL EROSION CONTROL AND SEDIMENT CONTROL MEASURES ARE TO BE PROVIDED AS PER THE APPROVED PLAN PRIOR TO GRADING OPERATIONS. LOCATION ADJUSTMENTS ARE TO BE MADE IN THE FIELD AS NECESSARY. THE MINIMUM AREA PRACTICAL SHALL BE DISTURBED FOR THE MINIMUM POSSIBLE TIME.
- IF GRADING IS COMPLETED OUT OF A SEEDING SEASON, GRADED AREAS ARE TO BE TEMPORARILY STABILIZED BY MULCH AND MULCH ANCHORING. MULCH MATERIAL SHALL BE UNWEATHERED, UNCHOPPED SMALL GRAIN STRAW SPREAD AT THE RATE OF 1 1/2 TO 2 TONS PER ACRE. MULCH ANCHORING TO BE ACCOMPLISHED BY AN APPROVED METHOD. USE OF A MULCH ANCHORING TOOL IS RECOMMENDED WHERE POSSIBLE.
- IMPLEMENTATION OF THE SEDIMENT CONTROL PLAN SHALL BE IN ACCORDANCE WITH "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL".
- THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTATION AND MAINTENANCE OF THE APPROVED PLAN, AND ALL OTHER MEASURES NECESSARY TO CONTROL, FILTER, OR PREVENT SEDIMENT FROM LEAVING THE SITE.
- IN CASE WHERE STORMWATER MANAGEMENT STRUCTURES ARE A PART OF SITE DEVELOPMENT, REMOVAL OF SEDIMENT CONTROL STRUCTURES MAY NOT BE ACCOMPLISHED BEFORE THE CONTRIBUTING DRAINAGE AREA TO THE STORMWATER MANAGEMENT STRUCTURE IS STABILIZED. ALSO, PROPER DEWATERING OF THE SEDIMENT FROM THE SITE.
- ON SITES WHERE INFILTRATION TECHNIQUES ARE UTILIZED FOR THE CONTROL OF STORMWATER, EXTREME CARE MUST BE TAKEN TO PREVENT ALL RUNOFF FROM ENTERING THE STRUCTURE DURING CONSTRUCTION.
- SEDIMENT CONTROL FOR CONSTRUCTION IN AREAS OUTSIDE OF DESIGNED CONTROLS:
 - EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
 - IMMEDIATELY FOLLOWING PIPE INSTALLATION THE TRENCH SHALL BE BACKFILLED, COMPACTED AND STABILIZED AT THE END OF EACH WORKING DAY.
 - TEMPORARY SILT FENCE OR STRAW BALE DIKES SHALL BE PLACED IMMEDIATELY DOWNSTREAM OF ANY DISTURBED AREA INTENDED TO REMAIN DISTURBED LONGER THAN ONE WORKING DAY.
 - REMOVE ONLY LENGTH OF SIDEWALK THAT CAN BE REPLACED DURING THE SAME WORKING DAY.
- ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE PROTECTED TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS.
- FOLLOWING INITIAL SOIL DISTURBANCE OR REDISTURBANCE, DETAILS OF TEMPORARY OR PERMANENT STABILIZATION SHALL BE COMPLETED AS FOLLOWS:
 - WITHIN THREE (3) CALENDAR DAYS ON ALL SURFACES OF PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES AND ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1).
 - WITHIN SEVEN (7) CALENDAR DAYS FOLLOWING FINAL GRADING, ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT WILL BE PERMANENTLY STABILIZED BY SEEDING OR MULCH. PERMANENT MULCH CAN INCLUDE BUT IS NOT LIMITED TO STONE, GRAVEL, BLACKTOP, OR CONCRETE SURFACING.

THE REQUIREMENTS OF SECTION B-4 (VEGETATIVE STABILIZATION) DO NOT APPLY TO THOSE AREAS WHICH ARE SHOWN ON THE PLAN AND ARE CURRENTLY BEING USED FOR MATERIAL STORAGE OR FOR THOSE AREAS ON WHICH ACTUAL CONSTRUCTION ACTIVITIES ARE CURRENTLY BEING PERFORMED OR TO INTERIOR AREAS OF A SURFACE MINE SITE WHERE THE STABILIZATION MATERIAL WOULD CONTAMINATE THE RECOVERABLE RESOURCE. MAINTENANCE SHALL BE PERFORMED AS NECESSARY TO ENSURE THAT THE STABILIZED AREAS CONTINUOUSLY MEET THE APPROPRIATE REQUIREMENTS OF THE "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL".

- STABILIZATION OF ALL DISTURBED AREAS ARE TO MEET THE REQUIREMENTS OF THE "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL" - SECTION B-4 VEGETATIVE STABILIZATION".
- THE OWNER/DEVELOPER OR REPRESENTATIVE IS TO CONTACT THE APPROPRIATE ENFORCEMENT AUTHORITY OR ITS AGENT AT THE FOLLOWING STAGES OF THE PROJECT:
 - PRIOR TO THE START OF EARTH DISTURBANCE.
 - UPON COMPLETION OF THE INSTALLATION OF PERIMETER EROSION AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH DISTURBANCE OR GRADING.
 - PRIOR TO THE START OF ANOTHER PHASE OF CONSTRUCTION OR OPENING OF ANOTHER GRADING UNIT.
 - PRIOR TO THE REMOVAL OF SEDIMENT CONTROL PRACTICES.
- CONTRACTOR SHALL CONTACT THE SITE INSPECTOR FOR APPROVAL OF ANY MINOR REVISIONS TO THIS SITE PLAN A MINIMUM OF FIVE (5) DAYS PRIOR TO MAKING FIELD CHANGES. ANY MAJOR CHANGE TO THESE PLANS WILL REQUIRE REVISED DRAWINGS BE SUBMITTED AND APPROVED.
- FOR DEWATERING SMALL TEMPORARY EXCAVATIONS, THE CONTRACTOR MAY OPT TO INSTALL EITHER A TEMPORARY PUMPING PIT AND STILLING BASIN OR USE A SILT BAG DEVICE TO REMOVE SEDIMENTS FROM THE PUMPED WATER.
- SOIL PREPARATION, TOPSOILING, AND SOIL AMENDMENTS SHALL BE IN ACCORDANCE WITH SECTION B-4-2 OF THE "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL".
- DUST CONTROL MEASURES SHALL BE IN ACCORDANCE WITH SECTION H-5 OF THE "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL".
- MAINTENANCE SHALL BE PERFORMED AS NECESSARY TO ENSURE THAT STABILIZED AREAS CONTINUOUSLY MEET THE APPROPRIATE REQUIREMENTS OF "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION & SEDIMENT CONTROL".
- APPROVED PLANS REMAIN VALID FOR THREE (3) YEARS FROM THE DATE OF APPROVAL, EXCEPT SURFACE MINES AND LANDFILL PLANS WHICH REMAIN VALID FOR FIVE (5) YEARS FROM THE DATE OF APPROVAL UNLESS SPECIFICALLY EXTENDED OR RENEWED BY THE APPROVAL AUTHORITY.
- A MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NOTICE OF INTENT (NOI) GENERAL PERMIT FOR CONSTRUCTION ACTIVITY IS REQUIRED FOR ALL CONSTRUCTION ACTIVITY IN MARYLAND WITH A PLANNED TOTAL DISTURBANCE OF 1 ACRE OR MORE.
- AS MANDATED BY THE NOTICE OF INTENT (NOI) GENERAL PERMIT ISSUED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE), AN INSPECTION MUST BE PERFORMED ONSITE OF ALL SEDIMENT CONTROLS ON A WEEKLY BASIS AND AFTER EVERY RAINFALL EVENT. ALL SELF INSPECTIONS MUST BE MAINTAINED ALONG WITH ALL APPLICABLE GOVERNING AGENCY INSPECTION REPORTS IN A LOG BOOK, TO BE KEPT ONSITE AT ALL TIMES.
- MODIFICATIONS TO AN APPROVED PLAN MAY BE REQUESTED BY THE OWNER/DEVELOPER OR REQUIRED BY THE APPROVAL OR ENFORCEMENT AUTHORITY. MODIFICATIONS TO AN APPROVED PLAN MUST BE REQUESTED IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL CRITERIA CONTAINED IN THE STANDARD AND/OR AS DIRECTED BY THE ENFORCEMENT AUTHORITY. IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES MAY BE REQUIRED.

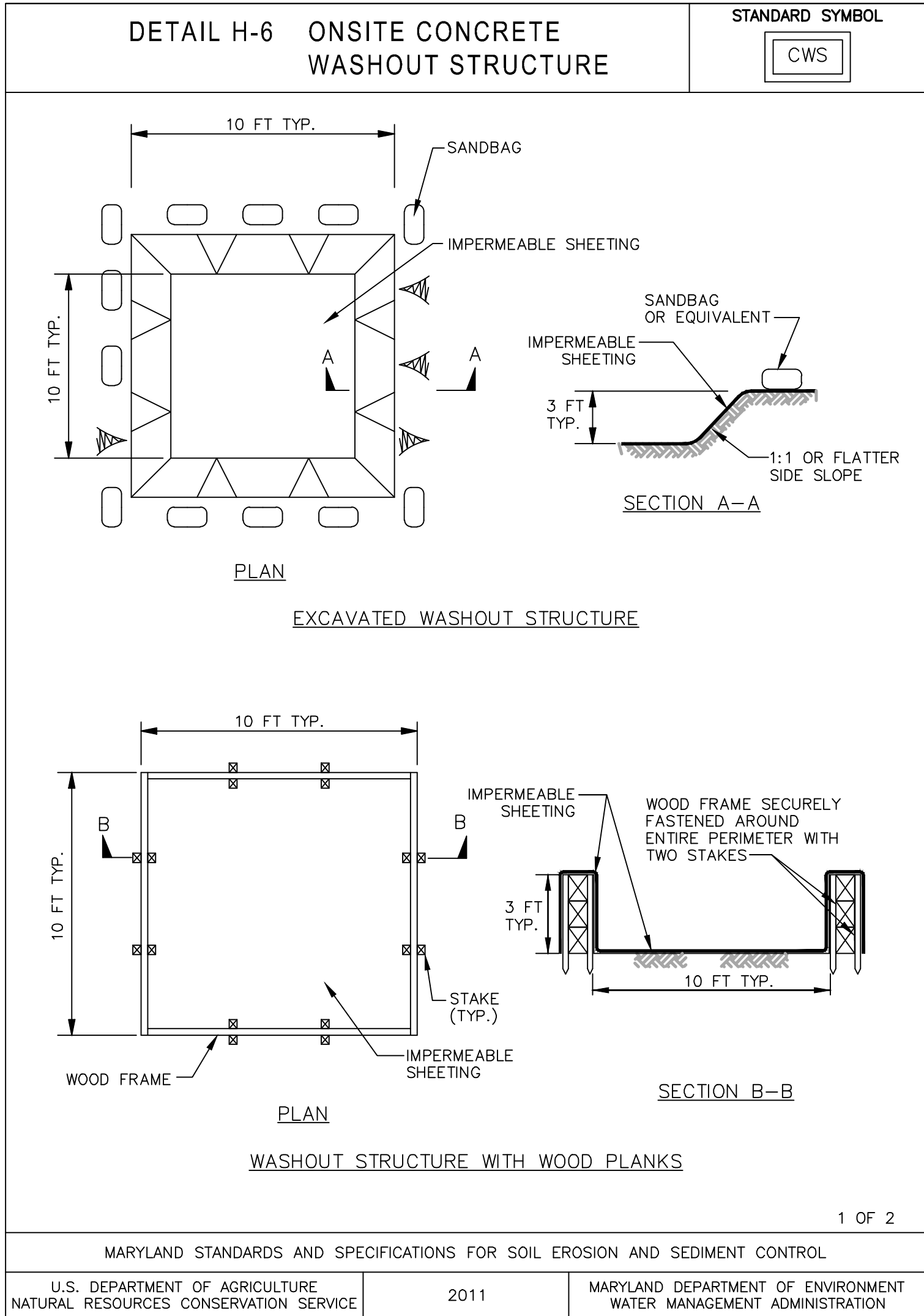


MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL		
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	2011	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

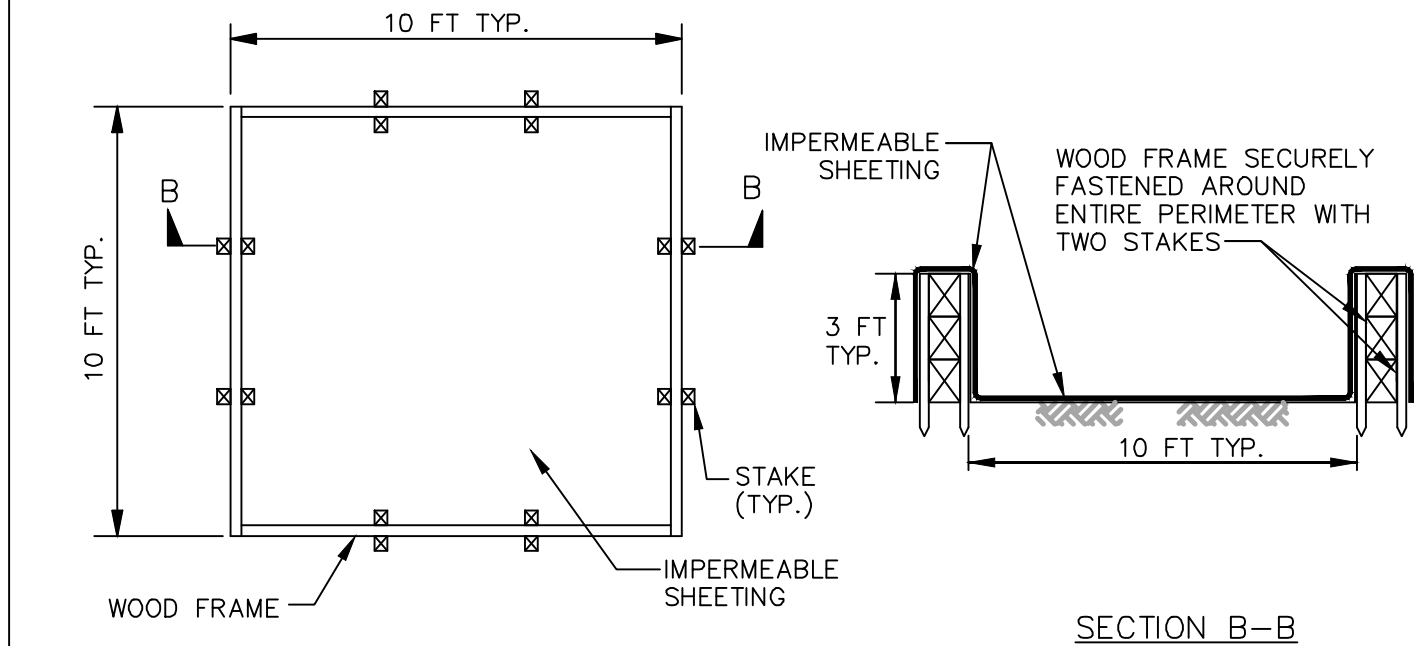


- CONSTRUCTION SPECIFICATIONS**
- PLACE STABILIZED CONSTRUCTION ENTRANCE IN ACCORDANCE WITH THE APPROVED PLAN. VEHICLES MUST TRAVEL OVER THE ENTIRE LENGTH OF THE SCE. USE MINIMUM LENGTH OF 50 FEET (*30 FEET FOR SINGLE RESIDENCE LOT). USE MINIMUM WIDTH OF 10 FEET. FLARE SCE 10 FEET MINIMUM AT THE EXISTING ROAD TO PROVIDE A TURNING RADIUS.
 - PIPE ALL SURFACE WATER FLOWING TO OR DIVERTED TOWARD THE SCE UNDER THE ENTRANCE, MAINTAINING POSITIVE DRAINAGE. PROTECT PIPE INSTALLED THROUGH THE SCE WITH A MOUNTABLE BERM WITH 5:1 SLOPES AND A MINIMUM OF 12 INCHES OF STONE OVER THE PIPE. PROVIDE PIPE AS SPECIFIED ON APPROVED PLAN, WHEN THE SCE IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO CONVEY, A PIPE IS NOT NECESSARY. A MOUNTABLE BERM IS REQUIRED WHEN SCE IS NOT LOCATED AT A HIGH SPOT.
 - PREPARE SUBGRADE AND PLACE NONWOVEN GEOTEXTILE, AS SPECIFIED IN SECTION H-1 MATERIALS.
 - PLACE CRUSHED AGGREGATE (2 TO 3 INCHES IN SIZE) OR EQUIVALENT RECYCLED CONCRETE (WITHOUT REBAR) AT LEAST 6 INCHES DEEP OVER THE LENGTH AND WIDTH OF THE SCE.
 - MAINTAIN ENTRANCE IN A CONDITION THAT MINIMIZES TRACKING OF SEDIMENT. ADD STONE OR MAKE OTHER REPAIRS AS CONDITIONS DEMAND TO MAINTAIN CLEAN SURFACE, MOUNTABLE BERM, AND SPECIFIED DIMENSIONS. IMMEDIATELY REMOVE STONE AND/OR SEDIMENT SPILLED, DROPPED, OR TRACKED ONTO ADJACENT ROADWAY BY VACUUMING, SCRAPING, AND/OR SWEEPING. WASHING ROADWAY TO REMOVE MUD TRACKED ONTO PAVEMENT IS NOT ACCEPTABLE UNLESS WASH WATER IS DIRECTED TO AN APPROVED SEDIMENT CONTROL PRACTICE.

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL		
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	2011	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION



EXCAVATED WASHOUT STRUCTURE



WASHOUT STRUCTURE WITH WOOD PLANKS

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL		
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	2011	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION



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www.beckermorgan.com



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LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/26

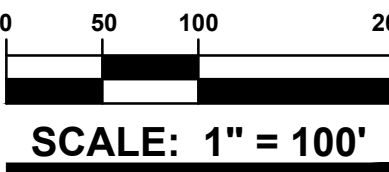
PROJECT TITLE

MDL153
MASON SOLAR

9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

SHEET TITLE

EROSION SEDIMENT
CONTROL PLAN



ISSUE BLOCK

MARK DATE DESCRIPTION

LAYER/STATE: C-503

PROJECT NO.: 2023293.00

DATE: 09/19/2024

SCALE: 1" = 100'

DRAWN BY: E.H.H. PROJ. MGR.: E.H.H.

SHEET

C-503

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B-4.3 STANDARDS AND SPECIFICATIONS

FOR

SEEDING AND MULCHING

Definition

The application of seed and mulch to establish vegetative cover.

Purpose

To protect disturbed soils from erosion during and at the end of construction.

Conditions Where Practice Applies

To the surface of all perimeter controls, slopes, and any disturbed area not under active grading.

Criteria

A. Seeding

1. Specifications

a. All seed must meet the requirements of the Maryland State Seed Law. All seed must be subject to re-testing by a recognized seed laboratory. All seed used must have been tested within the 6 months immediately preceding the date of sowing such material on any project. Refer to Table B-4 regarding the quality of seed. Seed tags must be available upon request to the inspector to verify type of seed and seeding rate.

b. Mulch alone may be applied between the fall and spring seeding dates only if the ground is frozen. The appropriate seeding mixture must be applied when the ground thaws.

c. Inoculants: The inoculant for treating legume seed in the seed mixtures must be a pure culture of nitrogen fixing bacteria prepared specifically for the species. Inoculants must not be used later than the date indicated on the container. Add fresh inoculants as directed on the package. Use four times the recommended rate when hydroseeding. Note: It is very important to keep inoculant as cool as possible until used. Temperatures above 75 to 80 degrees Fahrenheit can weaken bacteria and make the inoculant less effective.

d. Sod or seed must not be placed on soil which has been treated with soil sterilants or chemicals used for weed control until sufficient time has elapsed (14 days min.) to permit dissipation of phyto-toxic materials.

2. Application

a. Dry Seeding: This includes use of conventional drop or broadcast spreaders.

i. Incorporate seed into the subsoil at the rates prescribed on Temporary Seeding Table B.1, Permanent Seeding Table B.3, or site-specific seeding summaries.

ii. Apply seed in two directions, perpendicular to each other. Apply half the seeding rate in each direction. Roll the seeded area with a weighted roller to provide good seed to soil contact.

B.15

- b. Drill or Cultipacker Seeding: Mechanized seeders that apply and cover seed with soil.
- i. Cultipacking seeders are required to bury the seed in such a fashion as to provide at least 1/4 inch of soil covering. Seedbed must be firm after planting.
- ii. Apply seed in two directions, perpendicular to each other. Apply half the seeding rate in each direction.
- c. Hydroseeding: Apply seed uniformly with hydroseeder (slurry includes seed and fertilizer).
- i. If fertilizer is being applied at the time of seeding, the application rates should not exceed the following: nitrogen, 100 pounds per acre total of soluble nitrogen; P₂O₅ (phosphorus), 200 pounds per acre; K₂O (potassium), 200 pounds per acre.
- ii. Lime: Use only ground agricultural limestone (up to 3 tons per acre may be applied by hydroseeding). Normally, not more than 2 tons are applied by hydroseeding at any one time. Do not use burnt or hydrated lime when hydroseeding.
- iii. Mix seed and fertilizer on site and seed immediately and without interruption.
- iv. When hydroseeding do not incorporate seed into the soil.

B. Mulching

1. Mulch Materials (in order of preference)

a. Straw consisting of thoroughly threshed wheat, rye, oat, or barley and reasonably bright in color. Straw is to be free of noxious weed seeds as specified in the Maryland Seed Law and not musty, moldy, caked, decayed, or excessively dusty. **Note: Use only sterile straw mulch in areas where one species of grass is desired.**

b. Wood Cellulose Fiber Mulch (WCFM) consisting of specially prepared wood cellulose processed into a uniform fibrous physical state.

i. WCFM is to be dyed green or contain a green dye in the package that will provide an appropriate color to facilitate visual inspection of the uniformly spread slurry.

ii. WCFM, including dye, must contain no germination or growth inhibiting factors.

iii. WCFM materials are to be manufactured and processed in such a manner that the wood cellulose fiber mulch will remain in uniform suspension in water under agitation and will blend with seed, fertilizer and other additives to form a homogeneous slurry. The mulch material must form a blotter-like ground cover, on application, having moisture absorption and percolation properties and must cover and hold grass seed in contact with the soil without inhibiting the growth of the grass seedlings.

iv. WCFM material must not contain elements or compounds at concentration levels that will be phyto-toxic.

v. WCFM must conform to the following physical requirements: fiber length of approximately 10 millimeters, diameter approximately 1 millimeter, pH range of 4.0 to 8.5, ash content of 1.6 percent maximum and water holding capacity of 90 percent minimum.

B.16

2. Application

a. Apply mulch to all seeded areas immediately after seeding.

b. When straw mulch is used, spread it over all seeded areas at the rate of 2 tons per acre to a uniform loose depth of 1 to 2 inches. Apply mulch to achieve a uniform distribution and depth so that the soil surface is not exposed. When using a mulch anchoring tool, increase the application rate to 2.5 tons per acre.

c. Wood cellulose fiber used as mulch must be applied at a net dry weight of 1500 pounds per acre. Mix the wood cellulose fiber with water to attain a mixture with a maximum of 50 pounds of wood cellulose fiber per 100 gallons of water.

3. Anchoring

a. Perform mulch anchoring immediately following application of mulch to minimize loss by wind or water. This may be done by one of the following methods (listed by preference), depending upon the size of the area and erosion hazard:

i. A mulch anchoring tool is a tractor drawn implement designed to punch and anchor mulch into the soil surface a minimum of 2 inches. This practice is most effective on large areas, but is limited to flatter slopes where equipment can operate safely. If used on sloping land, this practice should follow the contour.

ii. Wood cellulose fiber may be used for anchoring straw. Apply the fiber binder at a net dry weight of 750 pounds per acre. Mix the wood cellulose fiber with water at a maximum of 50 pounds of wood cellulose fiber per 100 gallons of water.

iii. Synthetic binders such as Acrylic DLR (Agro-Tack), DCA-70, Petroseal, Terra Tac II, Terra Task AR or other approved equal may be used. Follow application rates as specified by the manufacturer. Application of liquid binders needs to be heavier at the edges where wind catches mulch, such as in valleys and on crests of banks. **Use of asphalt binders is strictly prohibited.**

iv. Lightweight plastic netting may be stapled over the mulch according to manufacturer recommendations. Netting is usually available in rolls 4 to 15 feet wide and 300 to 3,000 feet long.

B.17

B-4.4 STANDARDS AND SPECIFICATIONS

FOR

TEMPORARY STABILIZATION

Definition

To stabilize disturbed soils with vegetation for up to 6 months.

Purpose

To use fast growing vegetation that provides cover on disturbed soils.

Conditions Where Practice Applies

Exposed soils where ground cover is needed for a period of 6 months or less. For longer duration of time, permanent stabilization practices are required.

Criteria

1. Select one or more of the species or seed mixtures listed in Table B.1 for the appropriate Plant Hardiness Zone (from Figure B.3), and enter them in the Temporary Seeding Summary below along with application rates, seeding dates and seeding depths. If this Summary is not put on the plan and completed, then Table B.1 plus fertilizer and lime rates must be put on the plan.
2. For sites having soil tests performed, use and show the recommended rates by the testing agency. Soil tests are not required for Temporary Seeding.
3. When stabilization is required outside of a seeding season, apply seed and mulch or straw mulch alone as prescribed in Section B-4.3.A.1.b and maintain until the next seeding season.

Temporary Seeding Summary

Hardiness Zone (from Figure B.3): <u>7A</u>					Fertilizer Rate (10-20-20)	Lime Rate
Seed Mixture (from Table B.1): _____						
No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depths		
1	ANNUAL PERGRASS	40	2/15 TO 4/30 8/15 TO 11/30		436 lb/ac (10 lb/1000 sf)	2 tons/ac (90 lb/1000 sf)

SEED TAGS MUST BE AVAILABLE UPON REQUEST TO THE INSPECTOR TO VERIFY
TYPE OF SEED AND SEEDING RATE.

B.18

PERMANENT SEEDING TO BE APPLIED IN CONJUNCTION WITH WITH A COVER CROP OF
ANNUAL RYEGRASS 12 LB/ACRE AS A NURSE CROP. THE ANNUAL RYE GRASS MAY BE
APPLIED AS TEMPORARY STABILIZATION.

Permanent Seeding Summary

PERMANENT SEEDING SUMMARY								LIME RATE
HARDINESS ZONE (FROM FIGURE B.3): <u>7A</u>					FERTILIZER RATE (10-20-20)			
SEED MIXTURE (FROM TABLE B.3): _____								
NO.	SPECIES	APPLICATION RATE (lb/ac)	SEEDING DATES	SEEDING DEPTHS	N	P ₂ O ₅	K ₂ O	
7	GREPPING RED FESCUE KENTUCKY BLUEGRASS	60 15	3/15 TO 5/15 8/15 TO 10/15	1/4" - 1/2"				
8	TALL FESCUE	100	3/15 TO 5/15 8/15 TO 10/15	1/4" - 1/2"	45 lbs per acre (1.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	90 lbs per acre (2.0 lb/1000sf)	
9	TALL FESCUE KENTUCKY BLUEGRASS PERENNIAL RYEGRASS	60 40 20	3/15 TO 5/15 8/15 TO 10/15	1/4" - 1/2"				

B. Sod: To provide quick cover on disturbed areas (2:1 grade or flatter).

1. General Specifications

a. Class of turfgrass sod must be Maryland State Certified. Sod labels must be made available to the job foreman and inspector.

b. Sod must be machine cut at a uniform soil thickness of 1/2 inch, plus or minus 1/8 inch, at the time of cutting. Measurement for thickness must exclude top growth and thatch. Broken pads and torn or uneven ends will not be acceptable.

c. Standard size sections of sod must be strong enough to support their own weight and retain their size and shape when suspended vertically with a firm grasp on the upper 10 percent of the section.

d. Sod must not be harvested or transplanted when moisture content (excessively dry or wet) may adversely affect its survival.

e. Sod must be harvested, delivered, and installed within a period of 36 hours. Sod not transplanted within this period must be approved by an agronomist or soil scientist prior to its installation.

2. Sod Installation

a. During periods of excessively high temperature or in areas having dry subsoil, lightly irrigate the subsoil immediately prior to laying the sod.

b. Lay the first row of sod in a straight line with subsequent rows placed parallel to it and tightly wedged against each other. Stagger lateral joints to promote more uniform growth and strength. Ensure that sod is not stretched or overlapped and that all joints are butted tight in order to prevent voids which would cause air drying of the roots.

c. Wherever possible, lay sod with the long edges parallel to the contour and with staggering joints. Roll and tamp, peg or otherwise secure the sod to prevent slippage on slopes. Ensure solid contact exists between sod roots and the underlying soil surface.

d. Water the sod immediately following rolling and tamping until the underside of the new sod pad and soil surface below the sod are thoroughly wet. Complete the operations of laying, tamping and irrigating for any piece of sod within eight hours.

B.23

rapid establishment is necessary and when turf will receive medium to intensive management. Certified Perennial Ryegrass Cultivars/Certified Kentucky Bluegrass Seeding Rate: 2 pounds mixture per 1000 square feet. Choose a minimum of three Kentucky Bluegrass cultivars with each ranging from 10 to 35 percent of the total mixture by weight.

iii. Tall Fescue/Kentucky Bluegrass: Full Sun Mixture: For use in drought prone areas and/or for areas receiving low to medium management in full sun to medium shade. Recommended mixture includes: Certified Tall Fescue Cultivars 95 to 100 percent, Certified Kentucky Bluegrass Cultivars 0 to 5 percent. Seeding Rate: 5 to 8 pounds per 1000 square feet. One or more cultivars may be blended.

iv. Kentucky Bluegrass/Fine Fescue: Shade Mixture: For use in areas with shade in Bluegrass lawns. For establishment in high quality, intensively managed turf area. Mixture includes: Certified Kentucky Bluegrass Cultivars 50 to 40 percent and Certified Fine Fescue and 60 to 70 percent. Seeding Rate: 1½ to 3 pounds per 1000 square feet.

Notes:

Select turfgrass varieties from those listed in the most current University of Maryland Publication, Agronomy Memo #77, "Turfgrass Cultivar Recommendations for Maryland"

Choose certified material. Certified material is the best guarantee of cultivar purity. The certification program of the Maryland Department of Agriculture, Turf and Seed Section, provides a reliable means of consumer protection and assures a pure genetic line

c. Ideal Times of Seeding for Turf Grass Mixtures

Western MD: March 15 to June 1, August 1 to October 1 (Hardiness Zones: 5b, 6a)

Central MD: March 1 to May 15, August 15 to October 15 (Hardiness Zone: 6b)

Southern MD, Eastern Shore: March 1 to May 15, August 15 to October 15 (Hardiness Zones: 7a, 7b)

d. Till areas to receive seed by disk or other approved methods to a depth of 2 to 4 inches, level and rake the areas to prepare a proper seedbed. Remove stones and debris over 1½ inches in diameter. The resulting seedbed must be in such condition that future mowing of grasses will pose no difficulty.

e. If soil moisture is deficient, supply new seedlings with adequate water for plant growth (½ to 1 inch every 3 to 4 days depending on soil texture) until they are firmly established. This is especially true when seedlings are made late in the planting season, in abnormally dry or hot seasons, or on adverse sites.

B.22

B-4.5 STANDARDS AND SPECIFICATIONS

FOR

PERMANENT STABILIZATION

Definition

To stabilize disturbed soils with permanent vegetation.

Purpose

To use long-lived perennial grasses and legumes to establish permanent ground cover on disturbed soils.

Conditions Where Practice Applies

Exposed soils where ground cover is needed for 6 months or more.

Criteria

A. Seed Mixtures

1. General Use

a. Select one or more of the species or mixtures listed in Table B.3 for the appropriate Plant Hardiness Zone (from Figure B.3) and based on the site condition or purpose found on Table B.2. Enter selected mixture(s), application rates, and seeding dates in the Permanent Seeding Summary. The Summary is to be placed on the plan.

b. Additional planting specifications for exceptional sites such as shorelines, stream banks, or dunes or for special purposes such as wildlife or aesthetic treatment may be found in USDA-NRCS Technical Field Office Guide, Section 342 - Critical Area Planting.

c. For sites having disturbed area over 5 acres, use and show the rates recommended by the soil testing agency.

d. For areas receiving low maintenance, apply urea form fertilizer (46-0-0) at 3 ½ pounds per 1000 square feet (150 pounds per acre) at the time of seeding in addition to the soil amendments shown in the Permanent Seeding Summary.

2. Turfgrass Mixtures

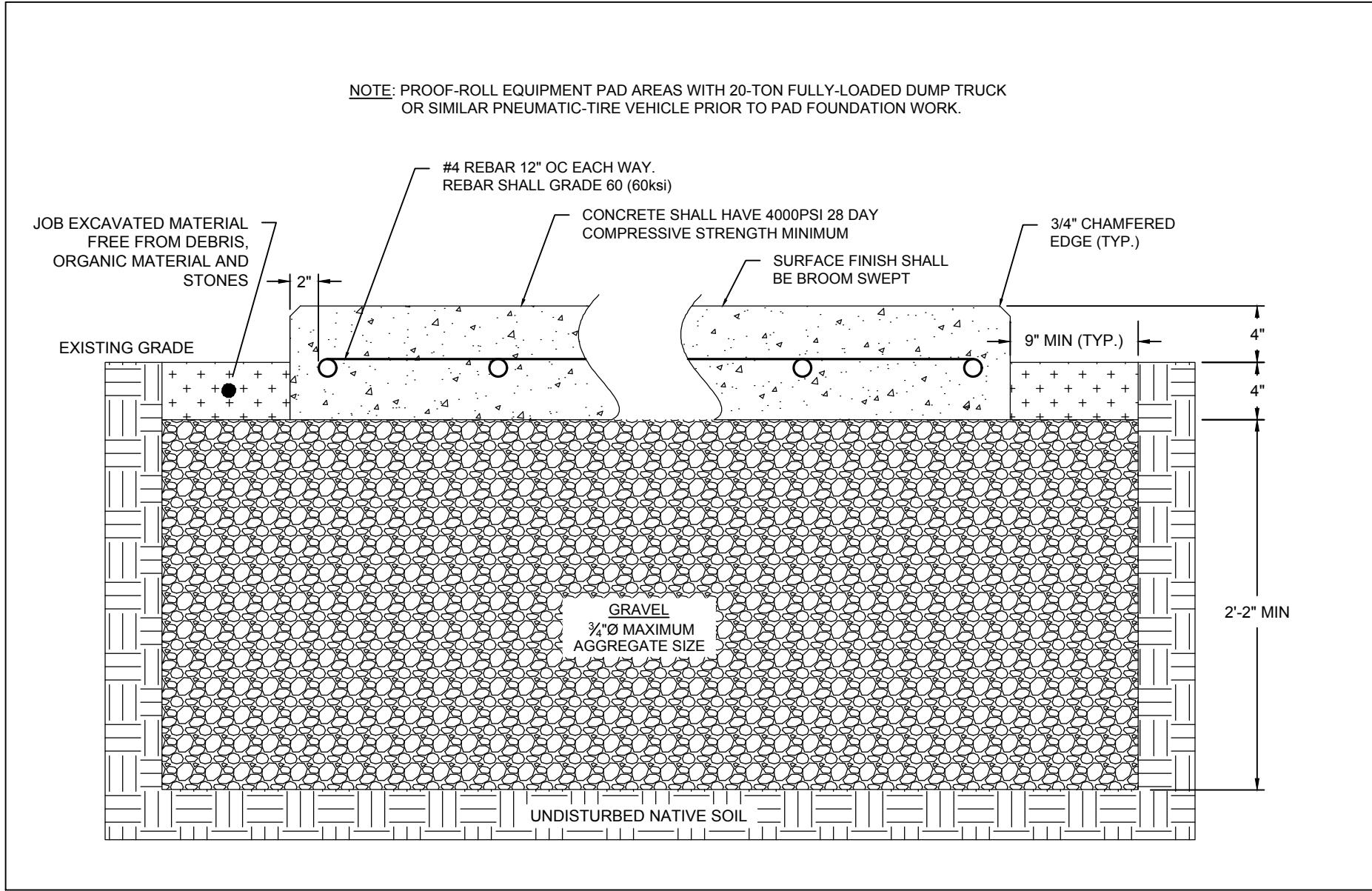
a. Areas where turfgrass may be desired include lawns, parks, playgrounds, and commercial sites which will receive a medium to high level of maintenance.

b. Select one or more of the species or mixtures listed below based on the site conditions or purpose. Enter selected mixture(s), application rates, and seeding dates in the Permanent Seeding Summary. The summary is to be placed on the plan.

i. Kentucky Bluegrass: Full Sun Mixture: For use in areas that receive intensive management. Irrigation required in the areas of central Maryland and Eastern Shore. Recommended Certified Kentucky Bluegrass Cultivars Seeding Rate: 1.5 to 2.0 pounds per 1000 square feet. Choose a minimum of three Kentucky bluegrass cultivars with each ranging from 10 to 35 percent of the total mixture by weight.

ii. Kentucky Bluegrass/Perennial Rye: Full Sun Mixture: For use in full sun areas where

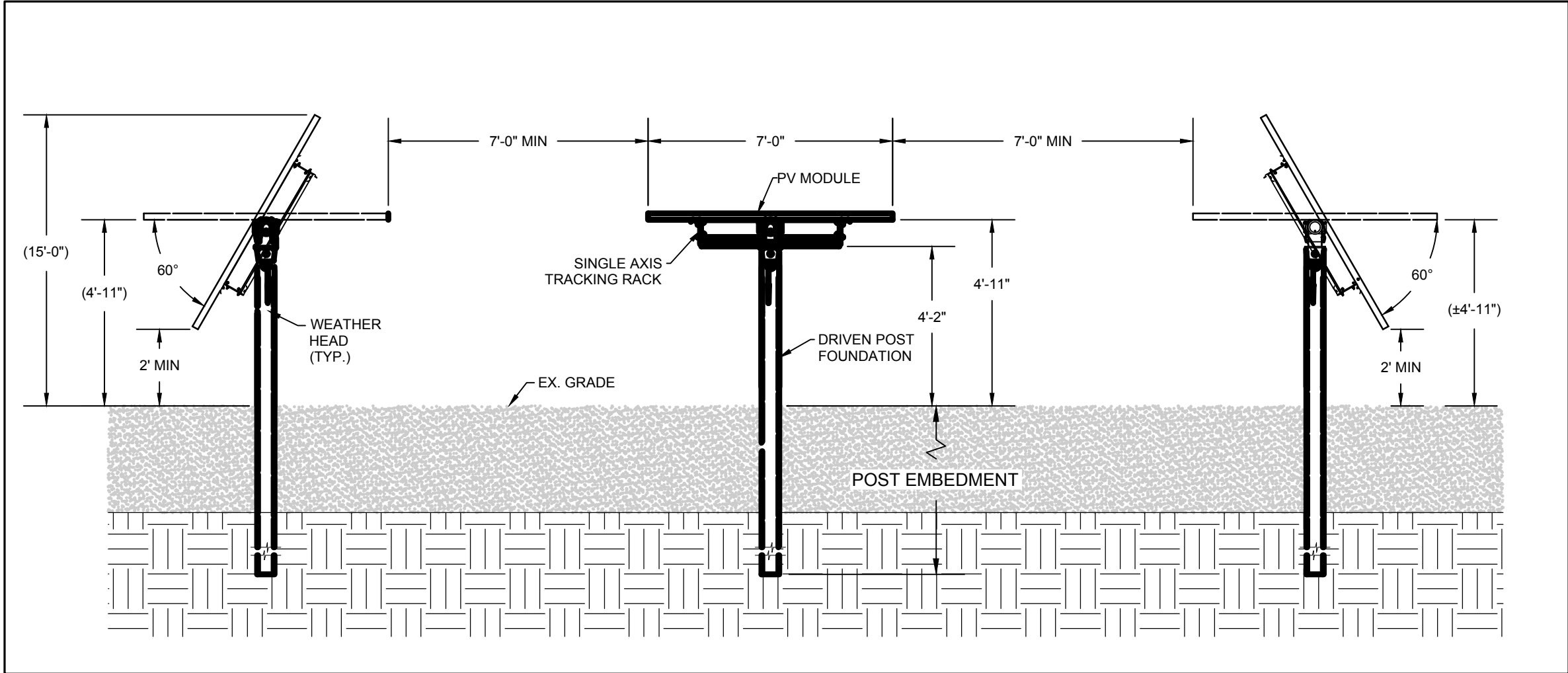
B.21



CONCRETE ELECTRICAL PAD SECTION

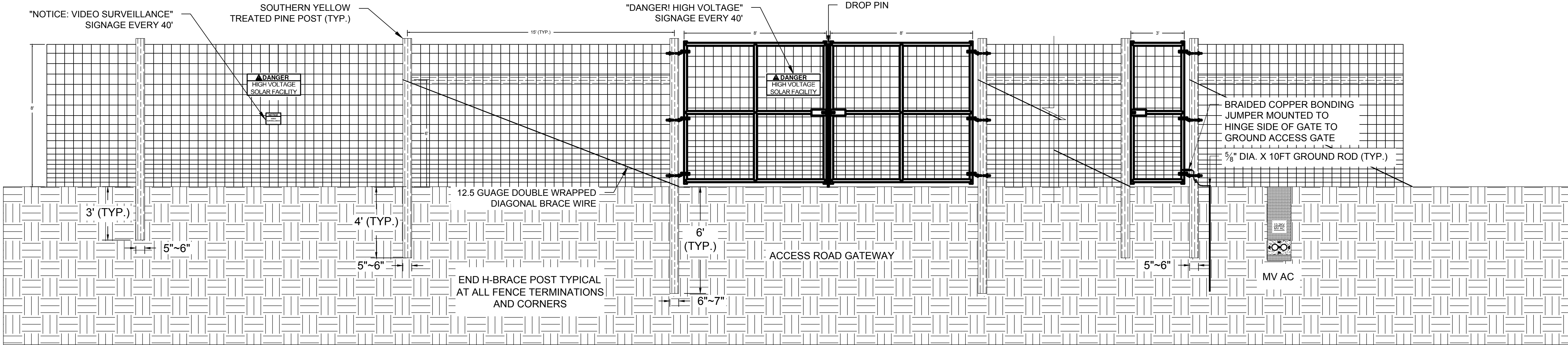
NO SCALE

SHOWN FOR REFERENCE ONLY



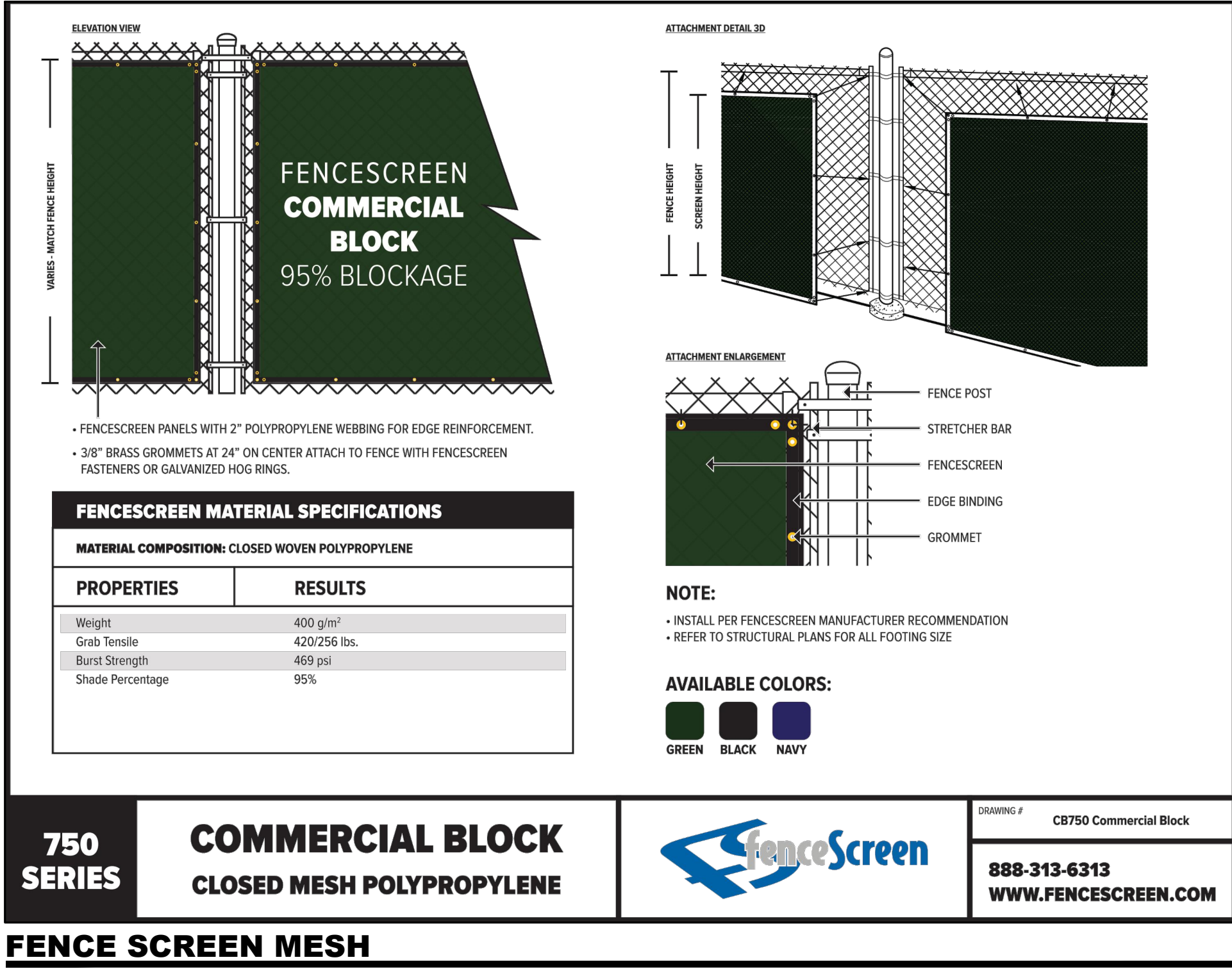
TYPICAL ARRAY ELEVATION

NO SCALE



AG FENCE ELEVATION

NO SCALE



FENCE SCREEN MESH

NO SCALE

BECKER
MORGAN
GROUP

ARCHITECTURE
ENGINEERING

Delaware

309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina

3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com



I HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A
FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND
LICENSE NUMBER: 30331
EXPIRATION DATE: 09/23/26

PROJECT TITLE

MDL153
MASON SOLAR

9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

SHEET TITLE

CONSTRUCTION
NOTES AND
DETAILS

ISSUE BLOCK

MARK DATE DESCRIPTION

PROJECT NO.: 2023293.00

DATE: 09/19/2024

SCALE: N/A

DRAWN BY: E.H.H. PROJ. MGR.: E.H.H.

SHEET

C-901

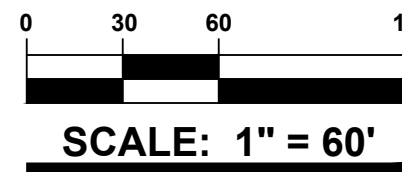
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PROJECT TITLE

MDL153
MASON SOLAR9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

SHEET TITLE

LANDSCAPE PLAN



ISSUE BLOCK

MARK DATE DESCRIPTION

LAYER STATE: L-001

PROJECT NO.: 2023293.00

DATE: 03/20/2024

SCALE: 1" = 60'

DRAWN BY: A.J.D. PROJ. MGR.: E.H.H.

SHEET

L-001

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FISH HATCHERY ROAD (KENT COUNTY #72)
50' R.O.W. "LOCAL ROAD"FAIRLEE ROAD (MD #298)
60' R.O.W. "MAJOR COLLECTOR"
DEDICATED TO PUBLIC USE

PLANT LIST						
KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
CANOPY TREES						
FG	42	FAGUS GRANDIFOLIA	AMERICAN BEECH	3" CAL	B&B	FHV
QR	14	QUERCUS RUBRA	NORTHERN RED OAK	3" CAL	B&B	FHV
UNDERSTORY TREES						
CC	28	CERCIS CANADENSIS	EASTERN REDBUD	1 1/2" CAL	B&B	FHV
CF	28	CORNUS FLORIDA	WHITE FLOWERING DOGWOOD	1 1/2" CAL	B&B	FHV
EVERGREEN TREES						
CT	157	CHAMAECYPARIS THYOIDES	WHITE CEDAR	8' HGT MIN.	B&B	FHV
IO	161	ILEX OPACA	AMERICAN HOLLY	8' HGT MIN.	B&B	FHV
TO	162	THUJA OCCIDENTALIS 'EMERALD GREEN'	EMERALD GREEN ARBORVITAE	8' HGT MIN.	B&B	FHV
SHRUBS						
IG	92	ARONIA MELANOCARPA	BLACK CHOKEBERRY	#5	CONT.	
IS	99	ILEX GLABRA	INKBERRY HOLLY	#5	CONT.	
RA	97	RHODODENDRON MAXIMUM	GREAT RHODODENDRON	#5	CONT.	
TOTAL: 56 CANOPY TREES, 56 UNDERSTORY TREES, 480 EVERGREEN TREES, 288 SHRUBS						

KENT COUNTY MARYLAND - SOLAR BUFFER REQUIREMENTS :

- PERIMETER BUFFER REQUIREMENT:

THE REQUIRED SETBACK SHALL BE PLANTED AT (60) SIXTY FEET WIDE AND ACHIEVE A MINIMUM EIGHT (8) FOOT HIGH FOUR SEASON VISUAL BARRIER IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:

A: NOT MORE THAN 25% OF ANY SINGLE PLANT SPECIES SHOULD BE INCLUDE IN THE BUFFER TO PROMOTE THE GROWTH OF A NATURAL LANDSCAPE AND AVOID MONOTONY AND UNIFORMITY OF THE BUFFER. NON-NATIVE PLANT MATERIAL SHALL NOT TOTAL MORE THAN 10% OF ALL PLANTINGS. VEGETATION SHALL PROVIDE AN OPAQUE VISUAL BARRIER THAT OBSCURES THE UTILITY SCALE SOLAR ARRAY FROM SIGHT ONCE THE VEGETATION REACHES MATURITY OR WITHIN FIVE YEARS, WHICHEVER COMES FIRST. A MIX OF EVERGREEN TREES, UNDERSTORY TREES, SHADE TREES, SHRUBS AND FLOWERING GROUND COVER SHALL BE INCLUDED.

B: A MINIMUM OF TWO STAGGERED ROWS OF EVERGREEN TREES THAT AT INSTALLATION SHALL BE AT LEAST EIGHT (8) FEET IN HEIGHT, EACH PLANTED NO MORE THAN 10 FEET APART.

C: IN ADDITION TO THE EVERGREEN TREES, NATIVE DECIDUOUS OR SHADE TREES WITH A MINIMUM SIZE AT INSTALLATION OF TWO AND A HALF (2.5) INCH CALIPER SHALL BE INTERSPERSED TO ENHANCE THE EVERGREEN SCREENING ALONG WITH UNDERSTORY TREES WITH A MINIMUM SIZE AT INSTALLATION OF ONE AND A HALF (1.5) INCH CALIPER OR SIX (6) FEET IN OVERALL HEIGHT OR GREATER IF REQUIRED BY THE PLANNING COMMISSION TO ADDRESS GATEWAY AREAS.

D: SHRUBS WITH A MINIMUM SIZE AT INSTALLATION OF 24 INCHES IN HEIGHT OR 30 INCHES IN SPREAD.

E: THE BUFFER SHALL INCLUDE A FLOWERING GROUND COVER FOR POLLINATORS, WARM SEASON GRASSES AND OTHER BENEFICIAL HABITAT. THE GROUND COVER SEED MIXTURE SHALL INCLUDE A MINIMUM OF 10 PLANT SPECIES WITH A MINIMUM OF 2 FLOWERING SEASONS. LAWNS OUTSIDE THE REQUIRED BUFFER ARE DISCOURAGED; PLANTINGS FOR POLLINATORS ARE ENCOURAGED IN ALL PLANTED AREAS.

F: THE HEIGHT OF PROPOSED PLANTING MAY REQUIRE ALTERNATIVES BASED UPON THE SITE ELEVATION AND VISIBILITY FROM ADJACENT PROPERTIES AND ROADS AND/OR RIGHTS OF WAYS. IF NECESSARY, AN ELEVATION OR PERSPECTIVE ILLUSTRATION EXHIBIT SHALL BE PROVIDED WITH VIEWPOINTS FROM RELEVANT LOCATIONS AROUND THE SITE FOR THE PLANNING COMMISSION TO CONSIDER.

G: A LANDSCAPE BERM SHALL BE PROVIDED AT A MINIMUM OF THREE (3) FEET IN HEIGHT TO ASSIST IN SCREENING. THE DESIGN OF THE BERM SHALL BE SUCH THAT THE NATURAL DRAINAGE PATTERNS OF THE SITE WILL NOT BE ALTERED. THE LANDSCAPE PLAN & BERM SHALL SCREEN ELEVATIONS OF THE SITE WITHIN 2 YEARS AFTER PLANTING.
- PERIMETER BUFFER REQUIRED: 2,619 LF OF OPAQUE EVERGREEN BUFFERING
- BUFFER PLANTINGS REQUIRED:

EACH EVERGREEN TREE SHALL BE PLANTED AT A HEIGHT OF NO LESS THAN 8'. NO SPECIES SHALL COMPRISE OF MORE THAN 25% OF THE TOTAL WITHIN 100LF. NO MORE THAN 10% OF ALL PLANTINGS MAY BE NON-NATIVE.

2,619 LF / 100 LF @ 60' WIDE = 26.19 BUFFER UNITS
26.19 BUFFER UNITS X 14 EVERGREEN TREES = 367 TREES (MIN)
26.19 BUFFER UNITS X 2 UNDERSTORY TREES = 53 TREES (MIN)
26.19 BUFFER UNITS X 10 SHRUBS = 262 TREES (MIN)
26.19 BUFFER UNITS X 2 SHADE TREES = 53 TREES (MIN)

TOTAL PROVIDED:
480 EVERGREEN TREES
56 UNDERSTORY TREES
288 SHRUBS
56 SHADE TREES
882 TOTAL PLANTINGS
NOTE: BUFFER TREES ALONG STREETS HAVE BEEN ENHANCED TO REDUCE VISIBILITY
- GROUND COVER PROVIDED: 100' X 60' = 6,000 SF
6,000 SF X 26.19 BUFFER UNITS = 157,140 SF (3.62 AC)
TOTAL: 3.62 AC OF FLOWERING GROUND COVER
RECOMMENDED MIX - FUZZ BUZZ MIX (ERNMX-146)

MARYLAND LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF, REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA

3725

DATE

QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK."

EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.

ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.

PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.

UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLED US WOUNDS, IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.

2. ALL PLANTS SHALL BE PLANTED IN TPOISOL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES, NOTHING BUT SUITABLE TPOISOL, FREE OF DRY SOIL, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.

MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF 1/2" WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL MULCHES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.

3. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)

4. LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.

5. AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TPOISOL AND SEED OR SOIL AS REQUIRED.

6. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.

7. NO PLANT, EXCEPT DROGCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.

8. NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.

9. NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.

10. ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.

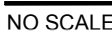
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.

12. TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL), SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.

13. THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.

14. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.

15. ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL SITES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.





PLANTING HEIGHT - VIEW 1



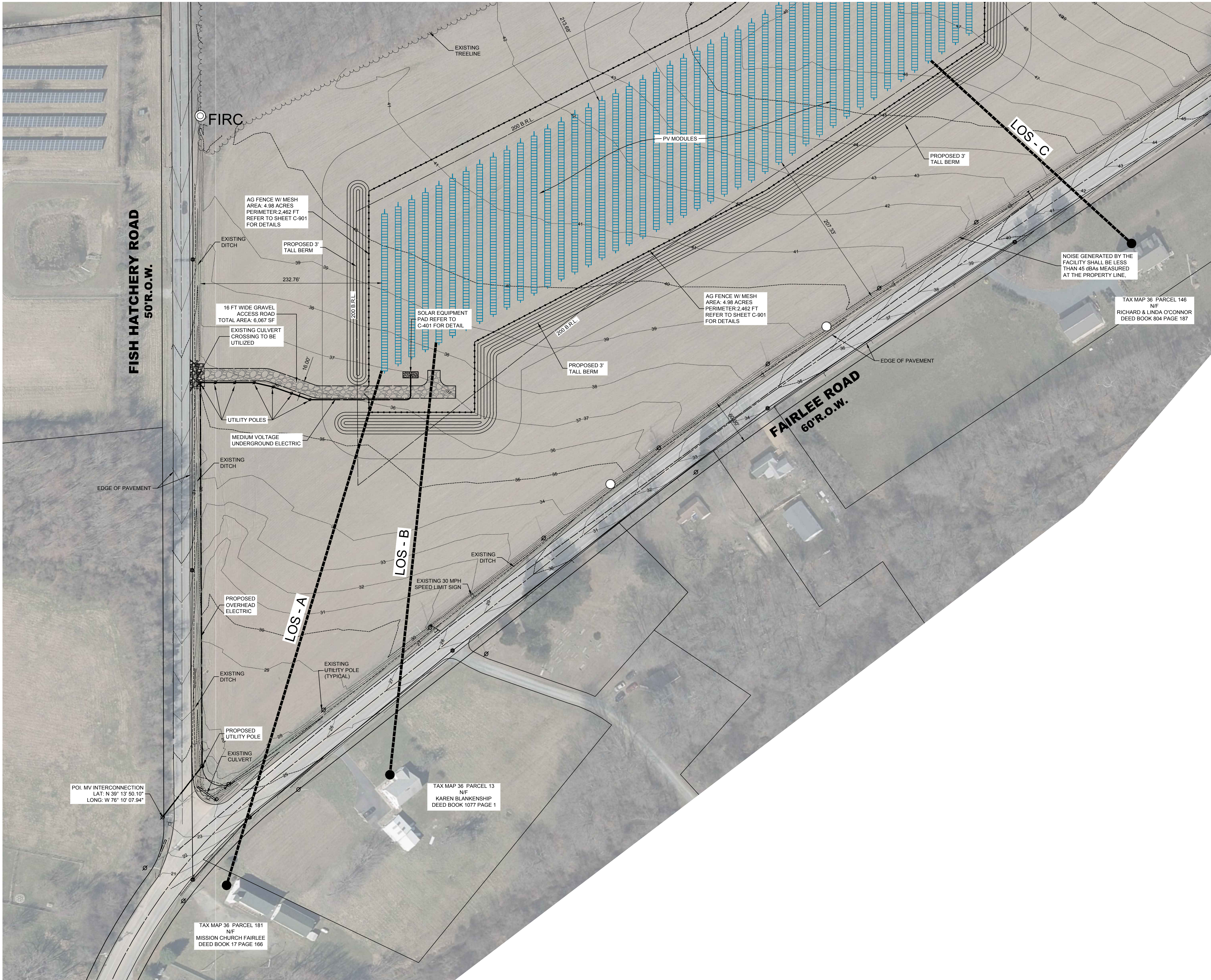
5 YEAR GROWTH - VIEW 1



PLANTING HEIGHT - VIEW 2



5 YEAR GROWTH - VIEW 2



PROJECT TITLE

**MDL153
MASON SOLAR**

9425 FAIRLEE ROAD
CHESTERTOWN
KENT COUNTY, MARYLAND

SHEET TITLE

**LINE OF SIGHT
PLAN VIEW**



ISSUE BLOCK

MARK	DATE	DESCRIPTION
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	
06/06/24	PLANNING COMMISSION	

PROJECT NO.: 2023293.00

DATE: 01/30/2024

SCALE: 1" = 60'

DRAWN BY: E.H.H. PROJ. MGR.: E.H.H.

SHEET

LOS-1

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TO: Kent County Planning Commission
FROM: Carla Gerber, Deputy Director
MEETING: December 5, 2024
SUBJECT: Wharf at Handy's Point, Inc. – Major Site Plan (Concept) – Out-of-water Boat Storage

Executive Summary

Request by Applicant

The Wharf at Handy's Point, Inc., is requesting concept site plan review for the construction of an out-of-water boat storage area.

Public Process

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

Summary of Staff Report

The owners of the Wharf at Handy's Point Marina are proposing to construct a 2.837-acre out-of-water boat storage area on their 39.299-acre parcel located at the end of Green Point Road near Worton. The new storage area will tie into an existing gravel area, and there will be space for at least 124 boats. Currently, out-of-water boat storage utilizes the parking lot for the marina, and during the off-season, vehicular and pedestrian movement becomes dangerous and difficult. The new storage area will separate car parking from boat parking. The parcel is zoned Marine (M), and the surrounding area is a mix of residential and agricultural uses.

The application complies with the standards of the Land Use Ordinance.

Recommendation

The following items are necessary for preliminary and final approval:

- Approval by MDE of the General Permit for Discharges of Stormwater Associated with Construction Activity
- Submission of lighting and sign details, if proposed.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: 24-60: Wharf at Handy's Point, Inc. – Major Site Plan (Concept) – Out-of-water Boat Storage
DATE: November 27, 2024

DESCRIPTION OF PROPOSAL

The owners of the Wharf at Handy's Point Marina are proposing to construct a 2.837-acre out-of-water boat storage area on their 39.299-acre parcel located at the end of Green Point Road near Worton. The new storage area will tie into an existing gravel area, and there will be space for at least 124 boats. Currently, out-of-water boat storage utilizes the parking lot for the marina, and during the off-season, vehicular and pedestrian movement becomes dangerous and difficult. The new storage area will separate car parking from boat parking. The parcel is zoned Marine (M), and the surrounding area is a mix of residential and agricultural uses.

Relevant Issues

I. Uses

A. *Comprehensive Plan:*

- "Retain and promote existing businesses and assist in their growth." (page 8)
- "Promote Kent County as a boating center." (page 16)
- "Enhance and expand locally based tourism that is rooted in the unique natural, cultural, and historic features and qualities of Kent County." (page 18)

B. *Applicable Law:* Article V, Section 13.2, #7 of the Kent County Land Use Ordinance permits out-of-water boat storage, but not multi-level boat storage.

C. *Staff and TAC Comments:* The proposed project is a permitted principal use.

II. Density, Area, Height, Width and Yard Requirements

A. *Applicable Law:* Article V, Section 13.5 of the Kent County Land Use Ordinance requires the minimum yard:

Front	30 ft
Side	25 ft
Rear	25 ft
Waterfront	Minimum 100 ft buffer
Fence Height	8 ft (security)

B. *Staff and TAC Comments:* The proposed fence around the perimeter of the storage area will be 25 feet from Green Point Road, which is a side yard, and 125 feet from the rear property line. The storage area will be over 500 feet from Worton Creek. The security fence will be a 7-foot chain link fence with strands of barbed wire on top for a total height of 8 feet.

III. District Environmental Standards

A. *Applicable Law:* Article V, Section 13.6 in the Kent County Land Use Ordinance establishes the Marine Environmental Design Standards, which include stormwater and Critical Area standards. The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically, it is the overall goal of the County to maintain the quality of the County's ecosystem in the face of continuing activity, growth and change.

B. *Staff and TAC Comments:*

Mitigation to meet the 10% water quality improvement standard has been provided. It is part of the mitigation approved by the Critical Area Commission for the granting of growth allocation to change the zoning to Marine. Stormwater management and sediment and erosion control will be approved by MDE as this project requires a General Permit for Discharges of Stormwater Associated with Construction Activity (Maryland General Permit No. 20-CP). Estimates and sureties, along with approved plans will be required for final site plan approval.

V. Landscaping

A. *Applicable Law:* Article V, Section 13.7, #4 and 5 establishes the general landscaping and screening requirements in the Marine district.

B. *Staff and TAC Comments:* The applicant is not proposing any new landscaping. There is an existing hedge of white pines and hardwoods along Green Point Road. There is an existing forested buffer along Worton Creek, and given the topography, the site is well screened. Mitigation is required for the removal of several trees within the proposed storage area. Staff is of the opinion that the existing landscaping is sufficient.

VI. Site Plan Review

A. *Comprehensive Plan:* "Implement thorough design review for new development and major renovations." (Page 33)

B. *Applicable Law:* Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

C. Staff and TAC Comments:

- The proposal is consistent with strategies and goals of the Comprehensive Plan.
- Separating the out-of-water boat storage area from the vehicle parking area will improve safety.
- There are no known unreasonable demands on public services and infrastructure.
- Relocating the out-of-water boat storage area away from Worton Creek should reduce the risks of pollution to surface waters.
- There are no known undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, or runoff. Staff has recommended that a dumpster or other appropriate trash receptacle be included on the site plan.
- Sufficient parking is provided on the property.
- Staff is of the opinion that existing landscaping is sufficient.
- Per the applicant, no decision has been made on installing lights.
- No information on any proposed signs has been submitted.
- The proposed use is permitted and complies with setback requirements.
- Staff determined that a Citizen Participation meeting was not necessary given the location of the property and the nature of the proposed use.

Staff Recommendation

The following items are necessary for preliminary and final approval:

- Approval by MDE of the General Permit for Discharges of Stormwater Associated with Construction Activity
- Submission of lighting and sign details, if proposed.

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: 24-60 Amount Paid: 5012 7540 Date: 10/31/2024
Project Name:

District: 3 Map: 19 Parcel: 102 Lot Size: 39.2 Deed Ref: SLK 1367/204 Zoning: M

LOCATION: 23153 Green Point Road, Worton, MD 21678

PROPOSED USE: 2.83 acre Proposed Boat Storage

OWNER OF LAND:

Name: The Wharf at Handys Point Inc Telephone: 410-708-3568

Address: 23153 Green Point Road, Worton, MD 21678 Fax/Email: cmaier@greenpointfarms.com

APPLICANT:

Name: Telephone:

Address: Fax/Email:

AGENT/ATTORNEY (if any):

Name: Telephone:

Address: Fax/Email:

REGISTERED ENGINEER OR SURVEYOR:

Name: Extreme Measures Land Surveyors Telephone: 410-778-0147

Address: 23680 Ricauds Branch Road, Chestertown, MD 21620 Fax/Email: buck@extrememeasuresllc.com

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: buck@extrememeasuresllc.com

Water Supply: ☐ Public System ☒ On lot system

Sewerage: ☐ Public System ☒ On lot system

TELEPHONE SERVICED BY: Verizon

ELECTRIC SERVICED BY: Delmarva

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Signature of Applicant: 10-31-24
Date

☐ Final - Minor Approving Authority: Date
Amendment

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 10/31/24

Narrative for Site Plan to Construct a Boat Storage Area for The Wharf at Handys Point Inc.

October 30, 2024

Premise Address: 23153 Green Point Road
Worton, MD 21678

Tax Map 19, Parcel 102

Size of Property: 39.299acres

Property is currently zoned – Marine

Site is in the Critical Area with an IDA designation
Limits of Disturbance is not in the Floodplain
There are no wetlands near the Limits of Disturbance.

Current Use – Marina
Proposed Use – Marina – 2.83ac± Boat Storage Area

The property has a recently approved perc test and will be served by private well & septic.

Entrance to the site will be provided by an existing entrance onto Green Point Road.

A letter dated December 15, 2022, from the Maryland Department of Natural Resources, Wildlife and Heritage Service determined there were no rare, threatened or endangered species within the project site (attached hereto). The letter also states that the open water adjacent to the site are known historic waterfowl concentrations area. This project is 630' from open water at the closest point.

This property adjoins the lands of Jay & Susie Shah to the north, lands of Green Point Coves Associates, Stanley Hart and Green Point Farms to the and east, Mill Creek to the south and Worton Creek to the west. All surrounding properties are currently zoned AZD, except the Hart property which is zoned Marine.

Parking – The marina has an apartment over the office building for the marina manager, 3 full time employees, 134 boat slips and 30 mooring buoys in Worton Creek. 2 parking spaces have provided for the apartment, 3 parking spaces have been provided for the employees and 164 parking spaces have been provided for slip holder for a total of 169 spaces provided. A proposed bicycle rack will have provisions for a minimum of 7 bicycles.

Landscaping – to be discussed at TAC meeting.

Screening – There are rows of staggered white pines and hardwoods along the southern side of Green Point Road which screen the proposed boat storage area from the county road, the Hart property and the Green Point Coves property. Mature hardwoods screen the marina from Green Point Farms.

Stormwater Management – The requirements of the Critical Area 10% Rule Worksheet for the proposed lot coverage and the future lot coverage created by the 29 parking space area (to be constructed at a later time), have been met planting 2.7 acres of mitigation plantings along a tidal stream on the lands of Green Point Farms. See attached 10% Worksheet.

This project should positively affect property values of adjoining properties.

Any outdoor lighting will be dark sky compatible.

An application for a General Permit for Stormwater Discharge Associated with Construction Activity (20CP) will be submitted to the MDE within the next week.



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

December 15, 2022

Mr. Robert Nickerson
Extreme Measures Land Surveyors
23680 Ricauds Branch Road
Chestertown, MD 21260

RE: Environmental Review for 23200 Green Point Road, Worton - The Wharf at Handy's Point Marina Expansion, Kent County, Maryland.

Dear Mr. Nickerson:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. However, we would like to point out that the open waters that are adjacent to or part of the site are known historic waterfowl concentration areas. If there is to be any construction of water-dependent facilities please contact Josh Homyack of the Wildlife and Heritage Service at (410) 827-8612 x100 or josh.homyack@maryland.gov for further technical assistance regarding waterfowl.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at lori.byrne@maryland.gov or at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2022.1631.ke
Cc: J. Homyack, DNR
C. Jones, CAC

Worksheet A: Standard Application Process

Calculating Pollutant Removal Requirements¹

Step 1: Calculate Existing and Proposed Site Imperviousness
--

A. Calculate Percent Imperviousness

- 1) Site Area within the Critical Area IDA, A = 39.299 acres
- 2) Site Impervious Surface Area, Existing and Proposed, (See Table 4.1 for details)

	(a) Existing (acres)	(b) Proposed (acres)
Roads	<u> </u>	<u> </u>
Parking lots	<u> </u>	3.44
Driveways	<u> </u>	<u> </u>
Sidewalks/paths	<u> </u>	<u> </u>
Rooftops	<u> </u>	<u> </u>
Decks	<u> </u>	<u> </u>
Swimming pools/ponds	<u> </u>	<u> </u>
Other	<u> </u>	<u> </u>
Impervious Surface Area	<u>4.800</u>	<u>8.240</u>

- 3) Imperviousness (I)

Existing Imperviousness, I_{pre} = Impervious Surface Area / Site Area
 = (Step 2a) / (Step 1)
 = $(\frac{4.800}{39.299})$
 = 12.2 %

Proposed Imperviousness, I_{post} = Impervious Surface Area / Site Area
 = (Step 2b) / (Step 1)
 = $(\frac{8.240}{39.299})$
 = 21.0 %

B. Define Development Category (circle)

- 1) New Development: Existing imperviousness less than 15% I (Go to Step 2A)
- 2) Redevelopment: Existing imperviousness of 15% I or more (Go to Step 2B)
- 3) Single Lot Residential Development: Single lot being developed or improved; single family residential development; and more than 250 square feet of impervious area and associated disturbance (Go to Section 5, Residential Approach, for detailed criteria and requirements).

¹ NOTE: All acreage used in this worksheet refers to areas within the IDA of the Critical Area only.

Step 2: Calculate the Predevelopment Load (L_{pre})

A. New Development

$$\begin{aligned}
 L_{pre} &= (0.5) (A) \\
 &= (0.5) (\underline{39.299}) \\
 &= \underline{19.650} \text{ lbs /year of total phosphorus}
 \end{aligned}$$

Where:

$$\begin{aligned}
 L_{pre} &= \text{Average annual load of total phosphorus exported from the site prior to development (lbs/year)} \\
 0.5 &= \text{Annual total phosphorus load from undeveloped lands (lbs/acre/year)} \\
 A &= \text{Area of the site within the Critical Area IDA (acres)}
 \end{aligned}$$

B. Redevelopment

$$\begin{aligned}
 L_{pre} &= (R_v) (C) (A) (8.16) \\
 R_v &= 0.05 + 0.009 (I_{pre}) \\
 &= 0.05 + 0.009 (\underline{\hspace{2cm}}) = \underline{N/A} \\
 L_{pre} &= (\underline{\hspace{2cm}}) (\underline{\hspace{2cm}}) (\underline{\hspace{2cm}}) (8.16) \\
 &= \underline{N/A} \text{ lbs/year of total phosphorus}
 \end{aligned}$$

Where:

$$\begin{aligned}
 L_{pre} &= \text{Average annual load of total phosphorus exported from the site prior to development (lbs/year)} \\
 R_v &= \text{Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff} \\
 I_{pre} &= \text{Pre-development (existing) site imperviousness (i.e., } I = 75 \text{ if site is 75\% impervious)} \\
 C &= \text{Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l} \\
 A &= \text{Area of the site within the Critical Area IDA (acres)} \\
 8.16 &= \text{Includes regional constants and unit conversion factors}
 \end{aligned}$$

Step 3: Calculate the Post-Development Load (L_{post})
A. New Development and Redevelopment:

$$L_{\text{post}} = (R_v) (C) (A) (8.16)$$

$$R_v = 0.05 + 0.009 (I_{\text{post}})$$

$$= 0.05 + 0.009 (\underline{21}) = \underline{0.239}$$

$$L_{\text{post}} = (\underline{0.239}) (\underline{0.30}) (\underline{39.299}) (8.16)$$

$$= \underline{23.00} \text{ lbs/year of total phosphorus}$$

Where:

L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)

R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff

I_{post} = Post-development (proposed) site imperviousness (i.e., $I = 75$ if site is 75% impervious)

C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l

A = Area of the site within the Critical Area IDA (acres)

8.16 = Includes regional constants and unit conversion factors

Step 4: Calculate the Pollutant Removal Requirement (RR)

$$RR = L_{\text{post}} - (0.9) (L_{\text{pre}})$$

$$= (\underline{23.0}) - (0.9) (\underline{19.65})$$

$$= \underline{5.315} \text{ lbs/year of total phosphorus}$$

Where:

RR = Pollutant removal requirement (lbs/year)

L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)

L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)

Step 5:	Identify Feasible BMP(s)
----------------	---------------------------------

Select BMP Options using the screening matrices provided in the Chapter 4 of the 2000 Maryland Stormwater Design Manual. Calculate the load removed for each option.

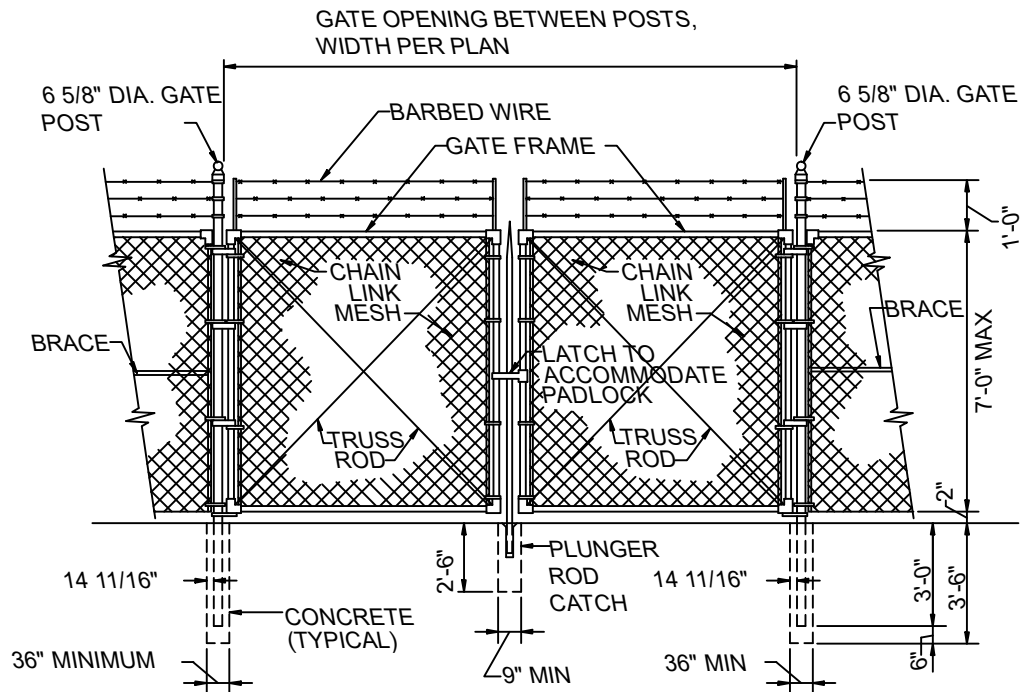
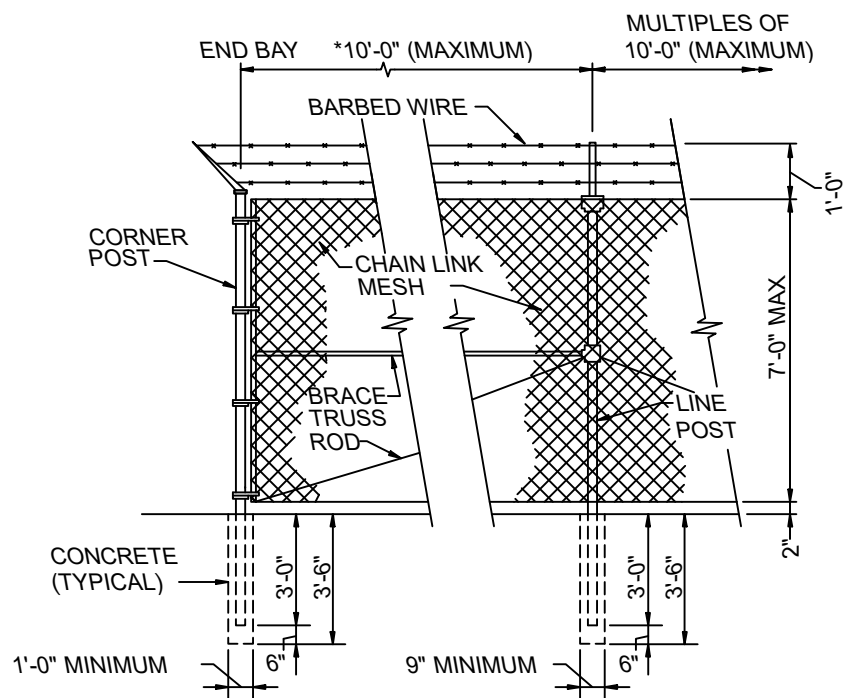
BMP Type	(L_{post})	x	(BMP_{RE})	x	(% DA Served)	=	LR
2.66 Acres of trees planted		x		x		=	5.315 lbs/year
		x		x		=	lbs/year
		x		x		=	lbs/year
		x		x		=	lbs/year
Load Removed, LR (total) =							5.315 lbs/year
Pollutant Removal Requirement, RR (from Step 4) =							5.315 lbs/year

Where:

Load Removed, LR	=	Annual total phosphorus load removed by the proposed BMP (lbs/year)
L_{post}	=	Average annual load of total phosphorus exported from the post-development site (lbs/year)
BMP_{RE}	=	BMP removal efficiency for total phosphorus, Table 4.8 (%)
% DA Served	=	Fraction of the site area within the critical area IDA served by the BMP (%)
RR	=	Pollutant removal requirement (lbs/year)

If the Load Removed is equal to or greater than the Pollutant Removal Requirement computed in Step 4, then the on-site BMP complies with the 10% Rule.

Has the RR (pollutant removal requirement) been met? ☒ Yes ☐ No



FENCE DETAIL
NOT TO SCALE

WE ARE TRYING TO
AVOID THIS SITUATION

Worton Creek

Jacks Marine Services

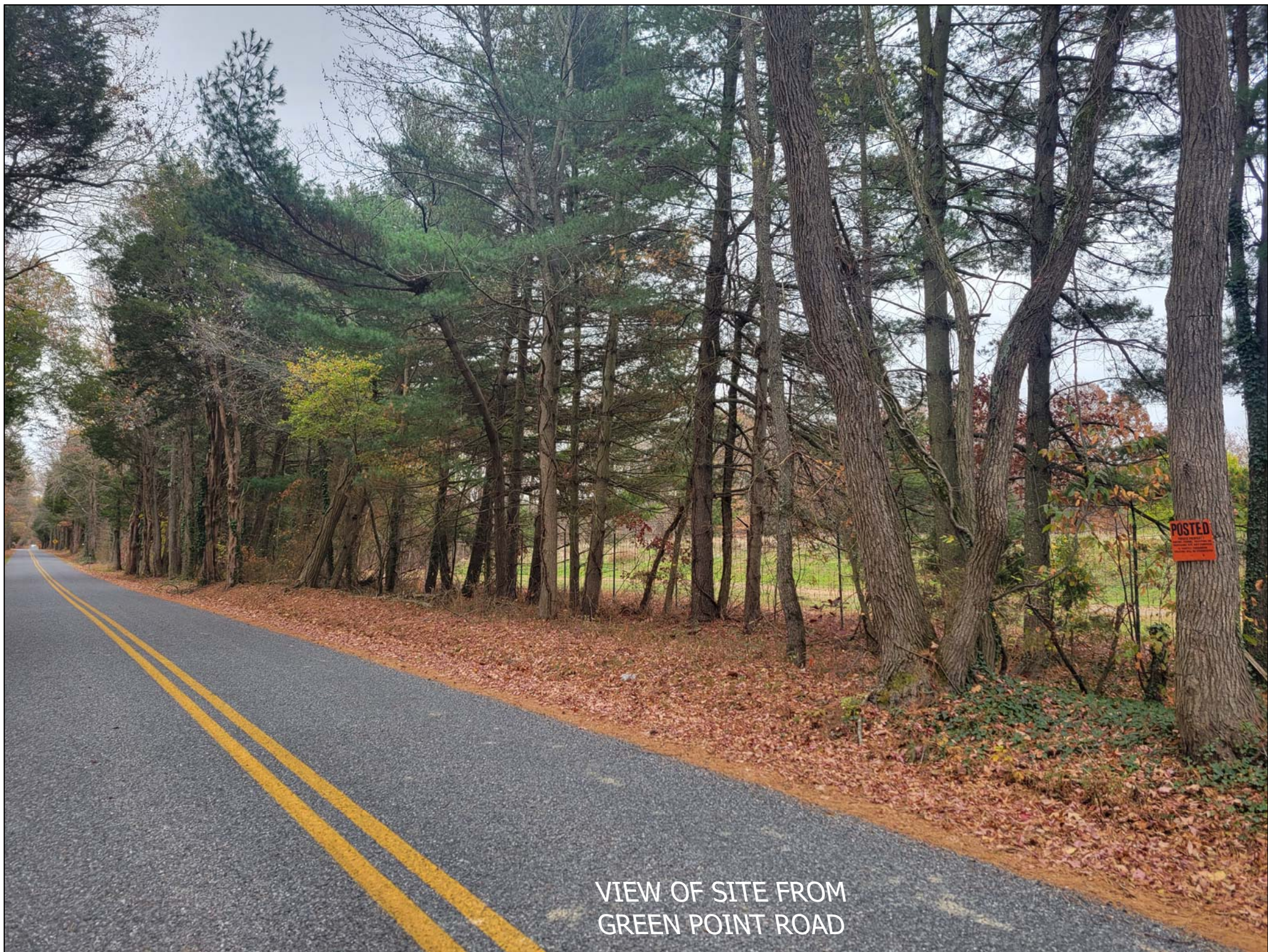
The wharf at Handy's Point

Wharf At Handy's Point

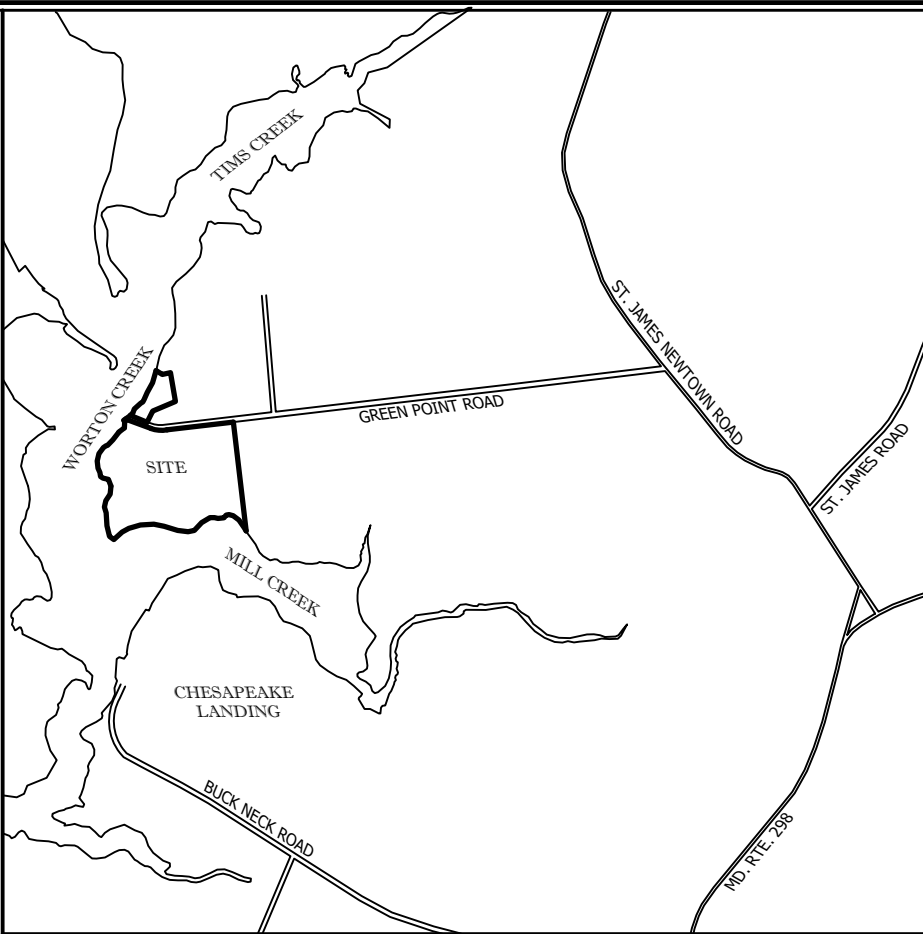
WE ARE TRYING TO
AVOID THIS SITUATION

Image U.S. Geological Survey





VIEW OF SITE FROM
GREEN POINT ROAD



VICINITY MAP

COURSES & DISTANCES ALONG THE APPROXIMATE MEAN HIGH WATER LINE OF WORTON CREEK

LINE	BEARING	DISTANCE
1	S 79°54'30" W	10.57
2	N 89°00'48" W	48.42
3	N 81°12'31" W	55.73
4	S 74°53'34" W	38.15
5	S 49°16'51" W	74.48
6	S 54°53'07" W	68.90
7	S 62°01'10" W	52.04
8	S 63°25'31" W	68.24
9	S 68°20'52" W	48.87
10	N 85°23'56" W	53.45
11	N 68°19'49" W	62.53
12	N 76°09'57" W	73.11
13	N 79°21'38" W	95.05
14	S 89°51'23" W	59.82
15	N 77°37'27" W	100.05
16	S 86°57'51" W	95.36
17	S 75°35'50" W	83.19
18	S 58°11'15" W	58.25
19	S 56°02'07" W	60.49
20	S 49°41'17" W	66.70
21	S 49°43'33" W	64.74
22	S 57°22'50" W	45.18
23	S 82°28'02" W	56.94
24	N 52°35'44" W	44.41
25	N 26°58'29" W	40.37
26	N 11°42'51" W	76.61
27	N 01°08'18" W	79.61
28	N 00°50'27" E	91.26
29	N 05°09'38" E	52.57
30	N 13°08'44" E	57.75
31	N 24°40'48" E	59.29
32	N 25°07'06" E	111.83
33	N 08°29'00" E	42.13
34	N 09°04'36" W	69.75
35	N 23°51'38" W	72.44
36	N 12°43'54" W	23.08
37	N 41°05'40" W	32.19
38	N 45°06'15" W	37.63
39	N 38°55'27" W	22.55
40	N 66°50'36" W	20.73
41	N 78°30'15" W	20.28
42	N 78°08'44" W	18.33
43	N 51°18'30" W	40.01
44	N 14°50'07" W	14.75
45	N 52°14'06" W	7.32
46	S 42°50'48" W	10.59
47	N 57°00'33" W	20.32
48	N 05°32'43" W	30.29
49	N 27°31'57" E	38.48
50	N 59°25'14" E	66.25
51	N 20°04'26" E	23.09
52	N 18°30'24" E	27.57
53	N 39°42'49" W	15.85
54	N 26°28'55" E	28.24
55	N 34°10'48" E	47.00
56	N 62°22'56" E	29.29
57	S 89°22'05" E	10.69
58	S 74°47'54" E	16.09
59	N 43°49'03" E	33.06
60	N 63°29'34" W	29.29
61	N 75°07'45" W	35.85
62	N 55°54'56" E	47.39
63	N 59°18'23" E	23.83
64	N 79°49'15" E	20.95
65	N 71°00'21" E	30.69
66	N 61°29'00" E	34.77
67	N 69°20'05" W	18.17
68	N 66°23'30" W	20.98
69	N 52°27'54" E	16.11
70	N 56°30'41" E	43.70
71	N 57°59'20" E	54.25

COURSES & DISTANCES ALONG AN EXISTING WOODEN BULKHEAD

LINE	BEARING	DISTANCE
72	N 66°53'16" W	23.81
73	N 04°19'44" E	59.49
74	N 38°17'07" W	36.98
75	N 25°12'51" W	6.30
76	S 52°43'47" E	26.99
77	N 37°06'14" E	24.79
78	N 53°09'41" W	30.92
79	N 35°36'27" E	16.92
80	N 83°36'50" E	27.30
81	S 66°52'23" E	15.04
82	N 37°43'30" E	2.41

COURSES & DISTANCES ALONG VARIOUS BULKHEADS & THE APPROXIMATE MEAN HIGH WATER LINE

LINE	BEARING	DISTANCE
83	N 38°53'26" E	56.18
84	N 87°50'59" E	7.12
85	S 49°57'25" E	21.55
86	N 40°27'27" E	48.08
87	N 44°51'18" W	18.06
88	N 15°08'32" W	12.12
89	N 42°24'53" E	44.66
90	N 42°55'13" E	42.70
91	N 28°39'14" E	56.25
92	N 28°57'17" E	26.56
93	S 61°51'10" E	1.93
94	N 28°08'50" E	59.12
95	N 28°02'52" E	130.17
96	N 47°45'59" W	37.83
97	N 29°50'26" E	48.14
98	N 29°58'22" E	72.08
99	N 58°39'08" W	60.49
100	N 57°08'08" W	10.85
101	N 34°02'48" E	22.28
102	N 54°16'45" E	17.04

LEGEND

- - - - - DENOTES EXISTING PROPERTY LINE
- - - - - DENOTES APPROXIMATE MEAN HIGH WATER LINE
- - - - - DENOTES BLUELINE STREAM (FIELD LOCATED)
- - - - - DENOTES FLOODPLAIN LINE (SCALED)
- - - - - DENOTES LIMITS OF MODERATE WAVE ACTION LINE
- - - - - DENOTES EDGE OF WOODS
- - - - - DENOTES EDGE OF GRAVEL

SITE STATISTICS

PROPERTY OWNER: THE WHARF AT HANDYS POINT INC.
PREMISE ADDRESS: 23153 GREEN POINT ROAD
WORTON, MD 21678

FOR DEED REFERENCE SEE: S.L.K. 1310/19
FOR PLAT REFERENCE SEE: PLAT BOOK S.L.K. 6/180
FOR PLAT REFERENCE SEE: PLAT BOOK S.L.K. 6/117

TOTAL LOT AREA = 39.299AC±
SITE IS 100% WITHIN THE CRITICAL AREA
TOTAL AREA ZONED MARINE = 39.299AC±

EXISTING LOT COVERAGE WITHIN IDA DESIGNATION = 208,880ft²
PROPOSED ADDITIONAL LOT COVERAGE (BOAT STORAGE) = 123,575ft²

EXISTING BOAT SLIPS = 134
PROPOSED BOAT SLIPS = 134
PLUS 30 MOORINGS IN WORTON CREEK

EXISTING AREA OF WOODS = 18.727AC±

CONTOURS SHOWN HEREON WERE TAKEN FROM AERIAL TOPOGRAPHY
AND ARE ON NAVD88 DATUM.

FOR FLOODPLAIN REFERENCE SEE FLOOD MAP 24029C0145D

ENTIRE 300' BUFFER = 13.159AC±



SCALE
1"=100'
DRAWN BY
RAN
DATE
10/22/24
JOB NO.
1221E
REVISIONS



Chestertown, MD 21620

PHONE 410-778-0147

www.extrememeasuresllc.com

APPROVED:	
DATE	KENT COUNTY DIRECTOR OF PLANNING
APPROVED:	
DATE	KENT COUNTY HEALTH DEPT. APPROVING AUTHORITY

SITE PLAN - EXISTING CONDITIONS

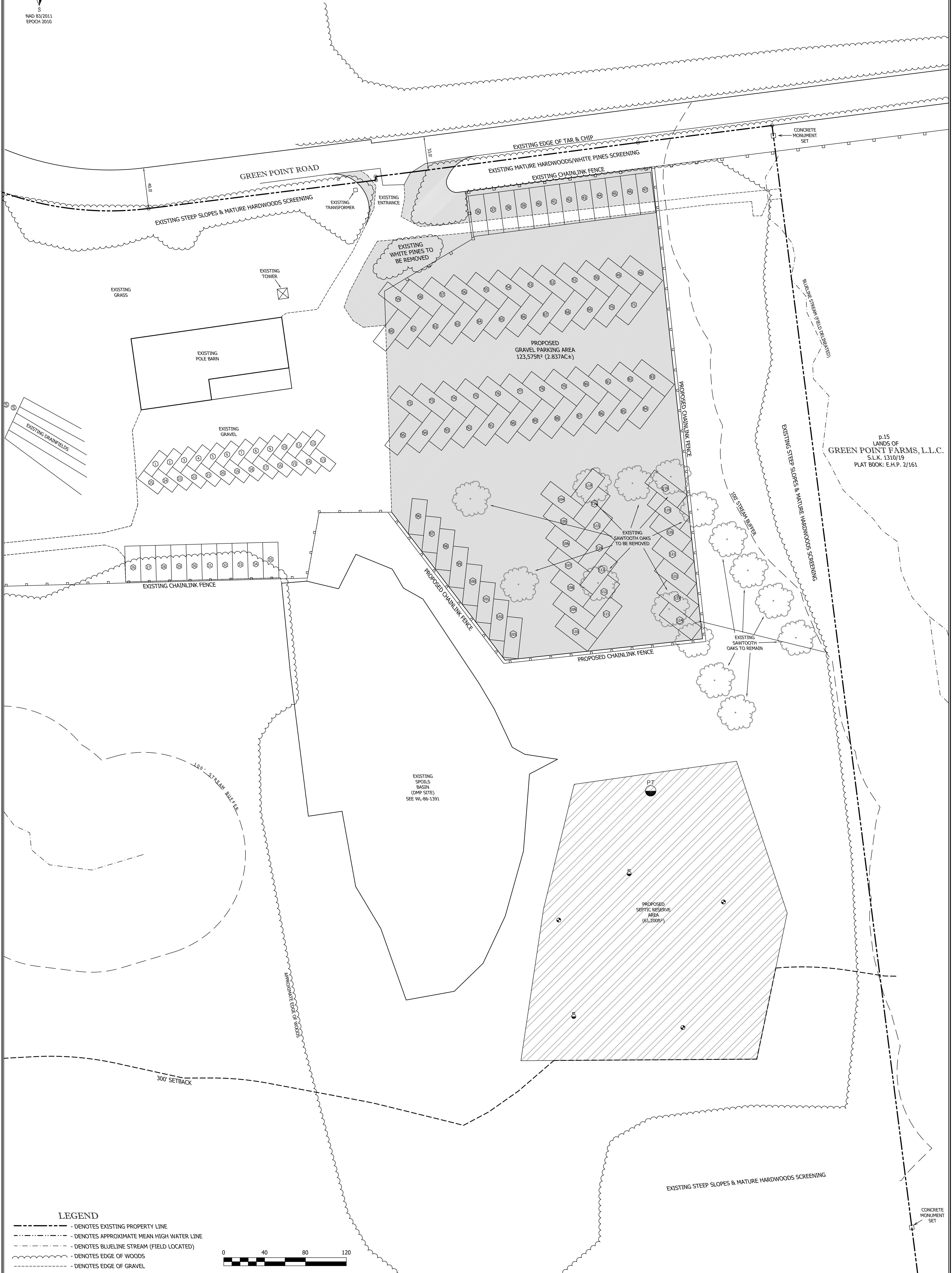
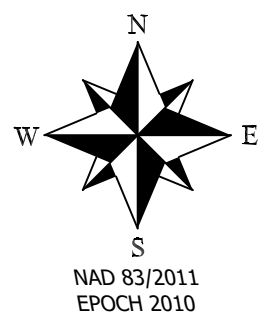
OF THE LANDS OF,

THE WHARF AT HANDYS POINT, INC.

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND

MAP 19 PARCEL 102

SHEET 1 of 4



p.15
LANDS OF
GREEN POINT FARMS, L.L.C.
S.L.K. 1310/19
PLAT BOOK: E.H.P. 2/161

LEGEND

- - - - - DENOTES EXISTING PROPERTY LINE
- - - - - DENOTES APPROXIMATE MEAN HIGH WATER LINE
- - - - - DENOTES BLUELINE STREAM (FIELD LOCATED)
- - - - - DENOTES EDGE OF WOODS
- - - - - DENOTES EDGE OF GRAVEL



SITE PLAN FOR PARKING

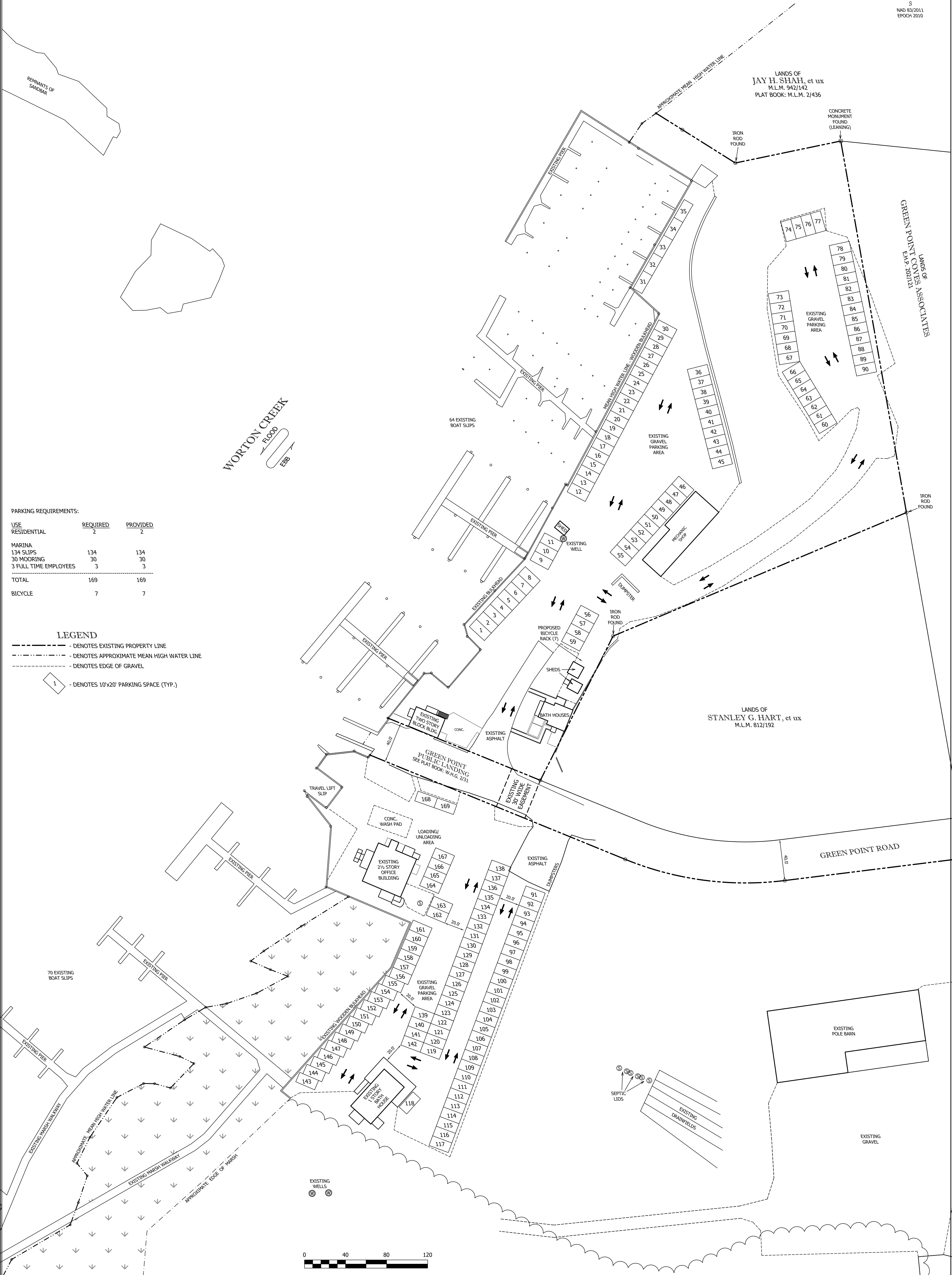
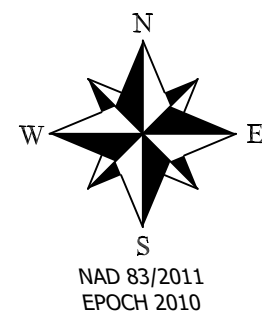
OF THE LANDS OF,

THE WHARF AT HANDYS POINT, INC.

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
MAP 19 PARCEL 102

SCALE
1"=40'
DRAWN BY
RAN
DATE
10/31/24
JOB NO.
1221E
REVISIONS

EXTREME MEASURES
LAND SURVEYORS
Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com



PARKING REQUIREMENTS:

USE	REQUIRED	PROVIDED
RESIDENTIAL	2	2
MARINA		
134 SLIPS	134	134
30 MOORING	30	30
3 FULL TIME EMPLOYEES	3	3
TOTAL	169	169
BICYCLE	7	7

LEGEND

- DENOTES EXISTING PROPERTY LINE
- DENOTES APPROXIMATE MEAN HIGH WATER LINE
- DENOTES EDGE OF GRAVEL
- 1 - DENOTES 10'x20' PARKING SPACE (TYP.)

SITE PLAN FOR PARKING

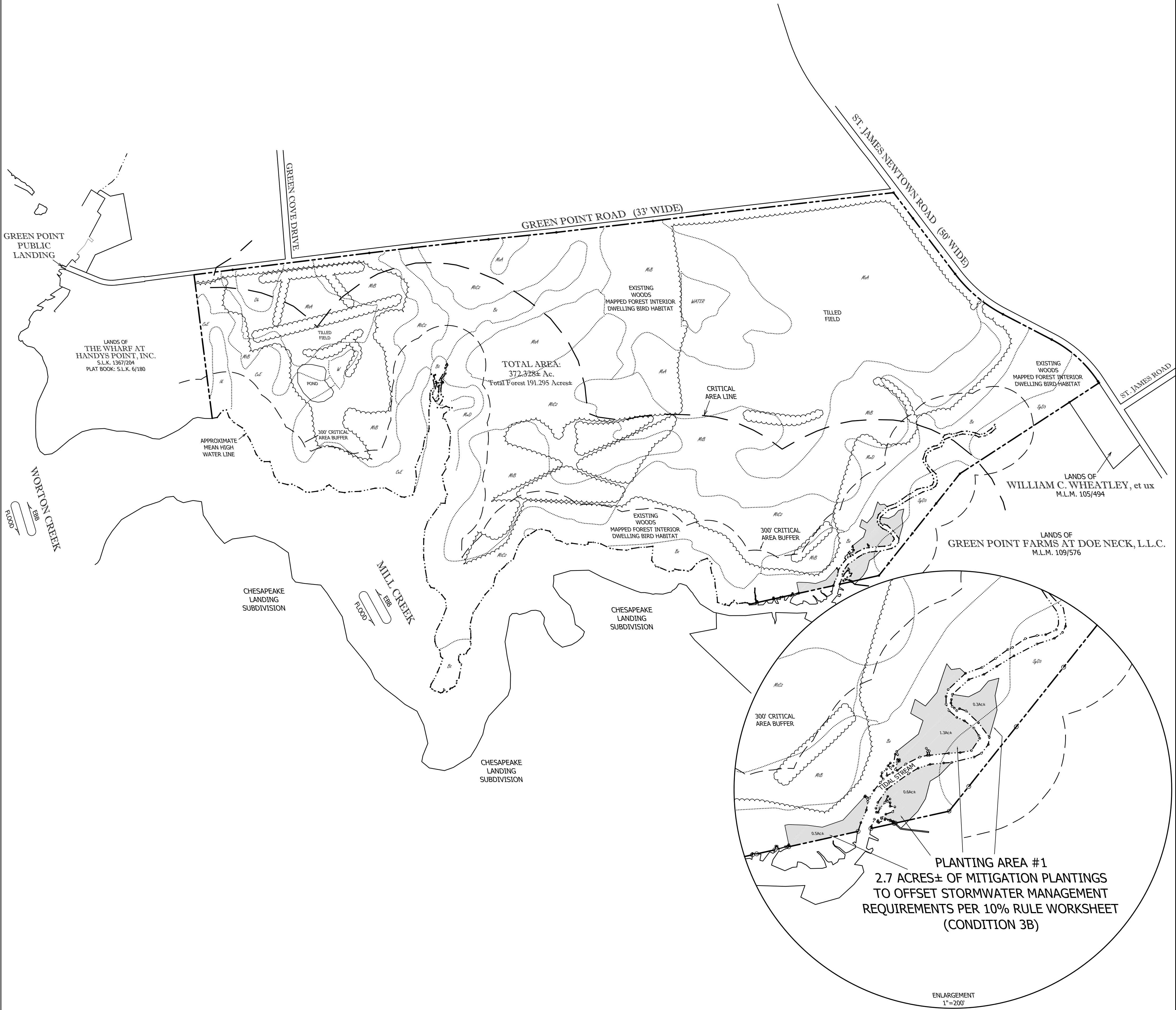
OF THE LANDS OF,

THE WHARF AT HANDYS POINT, INC.

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
MAP 19 PARCEL 102

SCALE
1"=40'
DRAWN BY
RAN
DATE
10/31/24
JOB NO.
1221E
REVISIONS

EXTREME MEASURES
LAND SURVEYORS
Chestertown, MD 21620
PHONE 410-778-0147
www.extrememeasuresllc.com



NOTES:
DEED REFERENCE: S.L.K. 1310/19
PLAT BOOK: E.H.P. 2/161
PREMISES ADDRESS: 11030 ST. JAMES NEWTOWN ROAD
WORTON, MD. 21678

5.315lbs REQUIRED TO BE REMOVED FOR PROPOSED LOT COVERAGE = 2.66AC±

- LEGEND
- - - - - DENOTES PROPERTY LINE
 - - - - - DENOTES CRITICAL AREA LINE (SCALED FROM CRITICAL AREA BOUNDARY MAP VIEWER)
 - DENOTES SOIL LINES (SCALED FROM WEB SOIL SURVEY)
 - - - - - DENOTES 300' CRITICAL AREA BUFFER
 - - - - - DENOTES APPROXIMATE MEAN HIGH WATER LINE (FIELD LOCATED)
 - ~~~~~ DENOTES EDGE OF WOODS (SCALED RECENT AERIAL PHOTOS)
 - M1-M30 DENOTES SOIL TYPE



MITIGATION PLAN

ON THE LANDS OF

GREEN POINT FARMS, L.L.C.

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND

MAP 19 PARCEL 15

SCALE
1"=400'
DRAWN BY
RAN
DATE
7/8/24
JOB NO.
1321
REVISIONS

EXTREME MEASURES
LAND SURVEYORS
Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com



To: Kent County Planning Commission
From: Bill Mackey, Director
Meeting: December 5, 2024
Subject: 2024 Galena Annexation Proposal

Executive Summary

Request by Applicant

SIVID, LLC., is requesting that a 78.32-acre portion of Tax Map 15, Parcel 3 be annexed into the Town of Galena. The Town has prepared an Annexation Resolution for consideration by its Mayor and Council. The 25.21-acre remainder of the subject parcel is already located within the boundary of the Town of Galena.

Summary of Staff Report

The Town has stated that it intends to work with the Developer in order to provide mixed-use commercial and approximately 140 attached and detached single-family residential homes. The parcel is mostly within the Town's new municipal growth area. A small portion of residential is located outside the growth area.

- The Town plans to provide both water and sewer for the property and any future development.
- The Board of Education reports that Galena Elementary School is currently operating under 67% of capacity (*Kent County Public Schools Educational Facilities Master Plan 2024*, Table ES-1, p. vi).
- Subject property is located off Main Street and Cross Street, which are both State Highways; access to the aforementioned streets shall require approval by the State Highway Administration.
- The only County road bordering the property is Olivet Hill Road, which was resurfaced this past year. The road surface is in excellent shape; however, the road is narrow, hilly and has a few sharp curves.
- Proposed Town zoning designations are C-2 Commercial District (7 acres) and R-1 (96.5 acres); the current Kent County zoning designation is Rural Character (RC), which is and outside Critical Area.

The County's role in an annexation application review is to assess the proposed zoning in accordance with the 5-year rule and to determine consistency with the Kent County Comprehensive Plan. The Town is requesting a waiver of the 5-year rule. The proposal would not appear to place a burden on County infrastructure, so a waiver is appropriate. The proposal is consistent with the goals and strategies cited in the 2018 Kent County Comprehensive Plan.

Staff Recommendation

Staff recommends that the Planning Commission forward a favorable recommendation to the Board of County Commissioners regarding the Town of Galena's request for a waiver of the 5-year rule for zoning.



PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: 2024 Galena Annexation Proposal
DATE: December 5, 2024

DESCRIPTION OF PROPOSAL

SIVID, LLC., is requesting that a 78.32-acre portion of Tax Map 15, Parcel 3 be annexed into the Town of Galena. The Town has prepared an Annexation Resolution for consideration by its Mayor and Council. The 25.21-acre remainder of the subject parcel is already located within the boundary of the Town of Galena.

RELEVANT ISSUES

A. Comprehensive Plan:

Growth in Towns

The five incorporated towns of Betterton, Chestertown, Galena, Millington, and Rock Hall are the County's principal residential, commercial, and business centers. These towns are the best locations for future growth and development....Given this goal of focusing growth in existing population centers, the County will coordinate and support town efforts to manage growth. To this end, Kent County will also coordinate its planning efforts with the towns' growth aspirations (2018 *Kent County Comprehensive Plan*, p. 23).

Develop Designated Growth Areas in cooperation with the towns

The County will work with interested incorporated towns to identify and map County designated growth areas for the towns consistent with municipal growth areas. In 2006, the State adopted HB 1141, the Local Government Planning Act which requires municipalities to include a municipal growth element in their comprehensive plans. These elements are intended to provide a formal process for assessing growth potential, identifying future growth locations within the jurisdiction (municipal growth areas) along with future annexation sites (2018 *Kent County Comprehensive Plan*, p. 27).

When approved by both the County and the towns, the designated growth areas will be incorporated into both the town and County comprehensive plans. This strategy will create a system of town growth boundaries that are the dividing line between areas planned for community development and green-belt areas planned for resource-based uses such as agriculture, forestry and limited development designed to maintain the rural edge of each town (2018 *Kent County Comprehensive Plan*, p. 28).

B. Applicable Law:

In 2006, the Maryland General Assembly passed specific guidance for annexation. Most of the changes dealing with annexation apply to town requirements for annexation. However, a change to the "5-year rule" is applicable to the County comments on annexation. This standard applies to annexation projects that prohibit any annexation that proposes different uses or substantially higher densities than that permitted by the existing county zoning for five years, unless a county grants a waiver.

C. Staff Comments:

The Town has stated that it intends to work with the Developer in order to provide mixed-use commercial and approximately 140 attached and detached single-family residential homes. The parcel is mostly within

the Town's new municipal growth area. A small portion of residential is located outside the growth area.

- The Town plans to provide both water and sewer for the property and any future development.
- The Board of Education reports that Galena Elementary School is currently operating under 67% of capacity (*Kent County Public Schools Educational Facilities Master Plan 2024*, Table ES-1, p. vi).
- Subject property is located off Main Street and Cross Street, which are both State Highways; access to the aforementioned streets will require approval by the State Highway Administration.
- The only County road bordering the property is Olivet Hill Road, which was resurfaced this past year, so the road surface is in good condition; however, the road is narrow, hilly and has a few sharp curves.
- Proposed Town zoning designations are C-2 Commercial District (7 acres) and R-1 (96.5 acres); the current Kent County zoning designation is Rural Character (RC), which is outside the Critical Area.

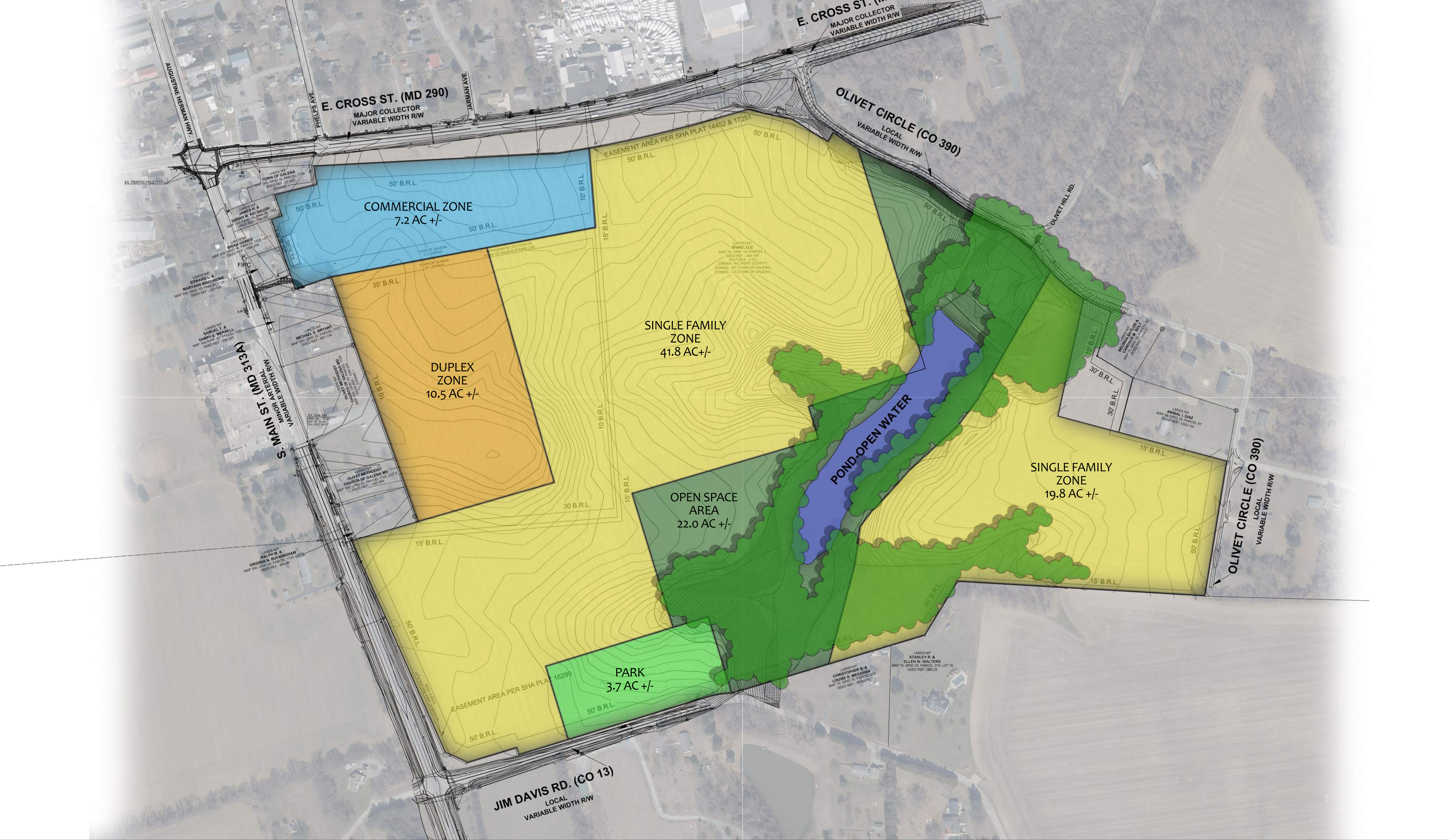
STAFF RECOMMENDATION

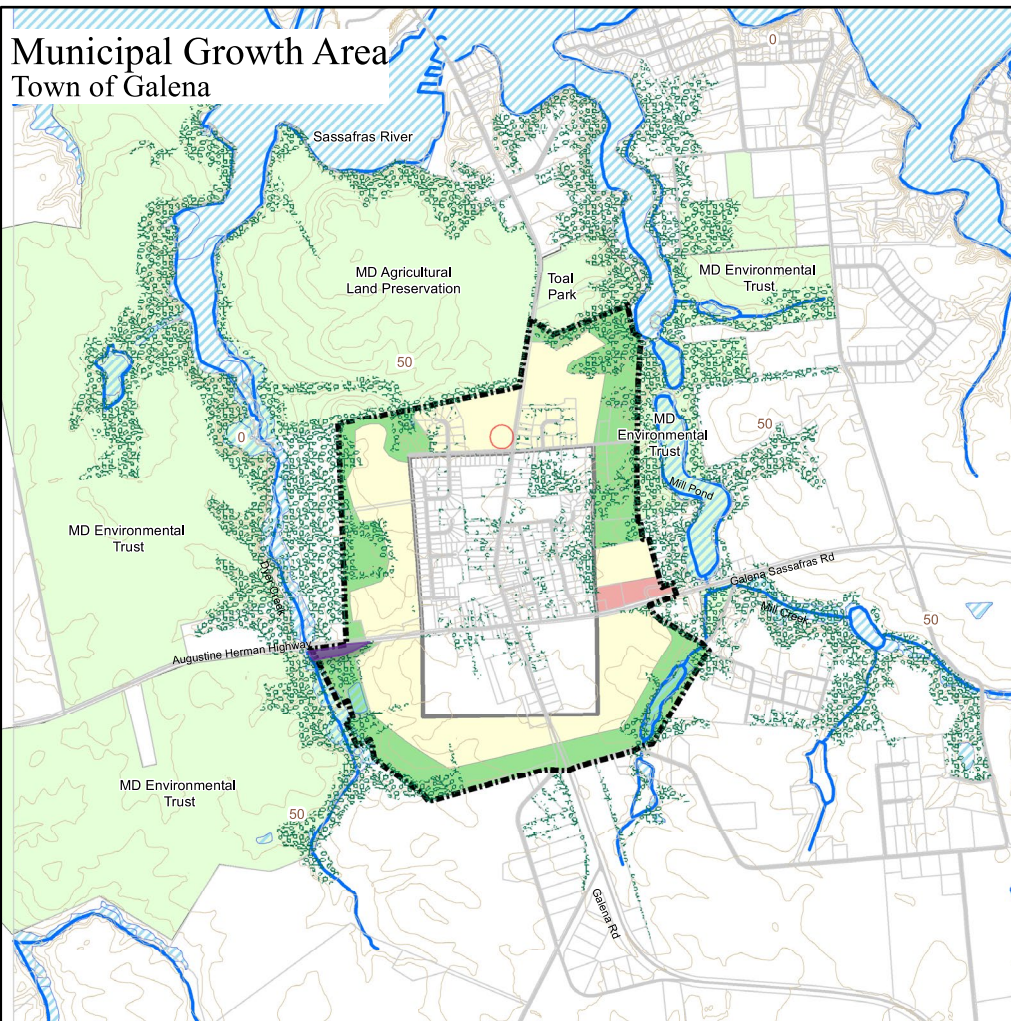
The County's role in an annexation application review is to assess the proposed zoning in accordance with the 5-year rule and to determine consistency with the Kent County Comprehensive Plan. The Town is requesting a waiver of the 5-year rule. The proposal would not appear to place a burden on County infrastructure, so a waiver is appropriate. The proposal is consistent with the goals and strategies cited in the 2018 Kent County Comprehensive Plan.

Staff recommends that the Planning Commission forward a favorable recommendation to the Board of County Commissioners regarding the Town of Galena's request for a waiver of the 5-year rule for zoning.

ATTACHMENTS

- Concept Diagram of Proposed Development from Becker Morgan
- Municipal Growth Area Map in 2022 Galena Comprehensive Plan
- 2024 Annexation Proposal Package submitted by Town of Galena





Growth Area Recommended Land Use

- Commercial
- Resource Conservation
- Town Residential
- Potential for Commercial
- Industrial - Critical Area

- Municipal Growth Area
- Galena Municipal Boundary
-

MAP 4

rea

Map Created: July 8, 2022
Mapping Data Sourced: Maryland iMap, Maryland Department of Planning, Maryland MDOT, the Chesapeake Conservancy
Conservation Innovation Center's 1m resolution land cover data, and Kent County.

0 1,500 3,000 Feet
Scale: 1 inch = 1,500 Feet

John T. Carroll, Jr.

Mayor

Sarah E. Merrell

Council Member

Justinian M. Dispenza.

Council Member

Tyler J. Carpenter

Council Member

Cheryl Richwine

Council Member



Warren S. Walters
Maintenance & Facilities Coordinator

Caitlyn Smith

Town Clerk

Amber Englebach

Zoning Coordinator

Audrey M. Erschen

Grants & Technology

Thomas N. Yeager

Attorney

Chuck Woodall

Maintenance

Mayor and Council of Galena

101 S. Main Street, Galena, Maryland 21635

www.townofgalena.com • 410-648-5151 • info@townofgalena.com

County Commissioners for Kent County
c/o William A. Mackey, AICP
Director of Planning, Housing and Zoning
400 High St.
Chestertown, MD, 21620

RE: Town of Galena, MD Proposed Annexation

Dear Commissioners:

The Mayor and Council of Galena have introduced a resolution to annex 78.32 acres, more or less, of land lying contiguous to the southern corporate boundary of the Town of Galena (the "Town"). This property (the "Annexation Property") is part of a 103.53 acres, more or less, tract of land, of which 25.21 acres, more or less, already lie within the corporate boundary of the Town. The land is more particularly described on a plat entitled "SIVID, LLC" as prepared by Becker Morgan dated May 10, 2024, attached to the Petition for Annexation that was submitted by the Developer.

The Town of Galena would like to include a request for a waiver of the 5-year zoning rule, for the purpose of rezoning for future development. As you may know, the Town of Galena has a proposed development opportunity that will create more affordable housing options within the corporate limits. The waiver would allow the Town to rezone this proposed property to achieve such goals.

The Town intends to work with the Developer petitioning this annexation to develop this parcel with mixed use commercial and attached and detached single family residential homes. Proposals of extending existing streets and infrastructure have been discussed and will be further addressed in a Developer's Rights and Responsibilities Agreement, as well as a Public Works Agreement at a later date as stated in the attached Annexation Agreement. The Town of Galena anticipates working closely with the property owners, developers and county to create the most beneficial annexation plan for our town.

Sincerely,

Amber Englebach

Town of Galena

Zoning Coordinator & Historic Resource Coordinator

John T. Carroll, Jr.

Mayor

Sarah E. Merrell

Council Member

Justinian M. Dispenza.

Council Member

Tyler J. Carpenter

Council Member

Cheryl Richwine

Council Member



Warren S. Walters

Maintenance & Facilities Coordinator

Audrey M. Erschen

Grants & Technology

Amber Englebach

Zoning Coordinator

Chuck Woodall

Maintenance

Marisa Pisapia

Finance & Administrative Clerk

Thomas N. Yeager

Attorney

Mayor and Council of Galena

101 S. Main Street, Galena, Maryland 21635

www.townofgalena.com • 410-648-5151 • info@townofgalena.com

**County Commissioners for Kent County
c/o William A. Mackey, AICP
Director of Planning, Housing and Zoning
400 High St.
Chestertown, MD, 21620**

RE: Town of Galena, MD Proposed Annexation

Included:

Cover letter

Package contents

Public Hearing Notice

Galena Planning Commission Recommendation Letter

Legal Description of Lands

Petition

Annexation Plan

Annexation Resolution 2024-03

Annexation Agreement

Annexation Plat

John T. Carroll, Jr.

Mayor

Sarah E. Merrell

Council Member

Justinian M. Dispenza

Council Member

Tyler J. Carpenter

Council Member

Cheryl A. Richwine

Council Member



Warren S. Walters

Maintenance & Facilities Coordinator

Marisa R. Pisapia

Finance & Administrative Clerk

Audrey M. Erschen

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Chuck M. Woodall

Maintenance

Thomas N. Yeager

Attorney

Mayor and Council of Galena

101 S. Main Street, Galena, Maryland 21635

www.townofgalena.com • 410-648-5151 • info@townofgalena.com

Contact: Amber Englebach

Zoning & Historic Resource Coordinator

(410) 648-5151 Ext. 305

Run: November 4, 2024

PUBLIC HEARING NOTICE

RESOLUTION 2024-03

TOWN OF GALENA

The Mayor and Council will hold a Public Hearing on the adoption of the Resolution 2024-03 for the Annexation of SIVAD, LLC Property. This meeting is open to the public and will be held on Monday, December 2, 2024, at 7:00 p.m. at Town Hall, 101 S. Main Street, Galena, MD 21635. A copy of the proposed resolution is available for review and inspection during normal business hours at the Town Hall.

FOR THE MAYOR AND COUNCIL

Amber E. Englebach

Zoning & Historic Resource Coordinator

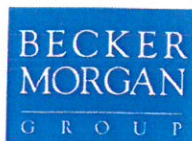
Beginning for this description at a Found Iron Rod with Cap, said Iron Rod with cap being a common corner for the lands, now or formerly, of Sivad, LLC, and described in a deed among the Land Records of Kent County, MD in Liber 449; Folio 187, and shown on a plat entitled "Boundary Survey Of The Lands Of Sivad, LLC" as parcel 66, and the lands, now or formerly, of Anibal I. Diaz, and described in a deed among the land records of Kent County, MD in Liber 1302; Folio 130, thence, from said Point of Beginning;

S 75° 04' 38" E for a distance of 379.09 feet to a point along the Right of Way of Olivet Circle, a public road, thence following the aforementioned road,

S 9° 17' 16" W for a distance of 463.37 feet to a point on the line of the lands, now or formerly, of Stanley R. & Ellen W. Walters, and described in a deed among the Land Records of Kent County, MD in Liber 985; Folio 22, thence following the Walters' line N 86° 37' 58" W for a distance of 839.03 feet to a point, said point being a common corner for the lands of the aforementioned Sivad, LLC, and shown on a plat entitled "Boundary Survey Of The Lands Of Sivad, LLC" as Parcel 3, and the lands of the aforementioned Stanley & Ellen Walters, thence, S 31° 16' 25" W for a distance of 213.57 feet to a point, thence, S 73° 14' 37" for a distance of 119.80 feet to a point, said point being a common corner for the lands of the aforementioned Stanley & Ellen Walters and the lands, now or formerly, of Christopher B & Louise G. Megahan, and described in a deed among the Land Records of Kent County, MD in Liber 1019; Folio 270, thence, S 73° 15' 06" W for a distance of 565.39 feet to the beginning of a curve to the left, and passing over an Iron Pipe at 529.86 feet, said curve having a radius of 309.92 feet, a chord bearing of S 80° 57' 54" W for a distance of 86.50 feet and an arc length of 86.78 feet to a point on the Right of Way of Jim Davis Road, a public road, thence following the aforementioned road, S 72° 56' 36" W for a distance of 577.84 feet to a point, thence S 73° 05' 13" W for a distance of 88.05 feet to a point, thence, N 16° 54' 47" W for a distance of 25.00 feet to a point, thence, S 73° 05' 13" W for a distance of 173.83 feet to a point at the intersection of Jim Davis Road and S. Main Street, a public road, thence, N 65° 49' 29" W for a distance of 83.71 feet to a point, thence, following the line of S. Main Street, N 23° 53' 28" W for a distance of 788.56 feet to a point at the beginning of a curve to the left, said curve having a radius of 25 feet, a chord bearing of N 87° 44' 10" E for a distance of 11.89 feet and an arc length of 12.00 feet to a point, said point being a common corner for the lands of the aforementioned Sivad, LLC, and the lands, now or formerly, of Ralph M. & Virginia N. Buckingham, and described in a deed among the land records of Kent County, MD in Liber 485; Folio 99, thence, N 73° 59' 06" E for a distance of 36.31 feet to a point where the line of the aforementioned Buckinghams intersects the Municipal Boundary separating Kent County and the Town of Galena, thence, following the Municipal Boundary line, N 85° 29' 27" E for a distance of 863.03 to a point, thence, N 4° 30' 35" W for a distance of 1255.33 feet to a point at the beginning of a curve to the left where the Municipal Boundary line intersects the aforementioned Sivad, LLC's property line, said curve having a radius of 3944.72 feet, a chord bearing of S 77° 49' 20" W for a distance of 300.50 feet and an arc length of 300.58 feet to a point, thence, N 75° 02' 55" E for a distance of 40.43 feet to a point, thence, N 74° 51' 19" E for a distance of 40.44 feet to a point, thence, N 74° 39' 19" E for a distance of 40.44 feet to a point, thence, N 74° 27' 19" E for a distance of 40.44 feet to a point, thence, N 74° 15' 19" E for a distance of 40.43 feet to a point, thence, N 74° 09' 20" E for a distance of 53.65 feet to a point, thence, S 75° 03' 23" E for a distance of 54.70 feet to a point, thence, S 78° 38' 55" E for a distance of 99.12 feet to a point, thence, S 56° 43' 25" E for a distance of 97.66 feet to a point, thence, S 60° 30' 40" E for a distance of 44.32 feet to a point, thence, N 29° 29' 20" E for a distance of 35.49 to a point on the Right of Way of Olivet Hill Road, a public road, thence, following the line of Olivet Hill Road, S 55° 54' 15" E for a distance of

70.97 feet to the beginning of a curve to the left, said curve having a radius of 550.15 feet, a chord bearing of S 61° 14' 31" E for a distance of 102.36 feet and an arc length of 102.51 feet to a point, thence, S 66° 34' 46" E for a distance of 99.57 feet to the beginning of a curve to the right, said curve having a radius of 650.94 feet, a chord bearing of S 60° 09' 12" E for a distance of 145.70 feet and an arc length of 146.01 feet to a point, thence, S 53° 43' 43" E for a distance of 36.47 feet to the beginning of a curve to the left, said curve having a radius of 863.21 feet, a chord bearing of 58° 06' 36" E for a distance of 131.91 feet and an arc length of 132.04 to a point, thence, S 62° 29' 33" E for a distance of 76.08 feet to the beginning of a curve to the right, said curve having a radius of 389.09 feet, a chord bearing of S 51° 58' 39" E for a distance of 142.01 feet and an arc length of 142.81 to a point, thence, S 41° 27' 48" E for a distance of 71.10 feet to the beginning of a curve to the left, said curve having a radius of 496.30 feet, a chord bearing of S 50° 11' 06" E for a distance of 150.52 and an arc length of 151.10 feet to a Found Iron Rod with Cap, thence, S 12° 25' 21" W for a distance of 407.50 feet to a point, thence, S 75° 04' 39" E for a distance of 213.14 feet to the Point and Place of Beginning. Contained within these metes and bounds 3,411,503.91 square feet or 78.32 acres±.

Petition



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

BECKER MORGAN GROUP, INC.
309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

3333 JAECKLE DRIVE, SUITE 120
WELMINGTON, NORTH CAROLINA 28403
910.341.7600

615 SOUTH COLLEGE STREET, SUITE 9-112
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

314 EAST MAIN STREET
CLAYTON, NORTH CAROLINA 27520
919.243.1332

www.beckermorgan.com

August 19, 2024

John T. Carroll Jr., Mayor
Galena Town Office
101 South Main Street
Galena, MD 21635

RE: **SIVAD, LLC**
Annexation Petition

Dear Mayor Carroll:

I am hereby submitting this petition on behalf of SIVAD, LLC, the owner of 78.32 acres of property located at the corner of East Cross Street and S. Main Street. The following members represent SIVAD, LLC:

1. Jarman Wilson Davis
2. Frances Davis Ward

Jarman Wilson Davis is the managing member of the LLC. As a result, the members of the ownership request the Town of Galena Annex the property into town limits.

Please accept the following as part of our application.

- Completed application form signed.
- Filing fee of \$1,000.00.
- Annexation Petition
- The metes and bounds survey and legal description of the parcel to be annexed.

If you have any questions, don't hesitate to contact me.

Signed

BECKER MORGAN GROUP, INC.

A handwritten signature in blue ink, appearing to read 'Gregory V. Moore'.

Gregory V. Moore, P.E.
Civil Engineer

/rlh

Enclosures

202407000ab-annex-ltr.docx

SIVAD LLC

Operating Agreement

Prepared by

Ronald R. Holden
Attorney at Law

Law Office of Ronald R. Holden
705 Melvin Avenue, Suite 105
Annapolis, Maryland 21401
410- 263-1667

Baltimore line: 410-269-7552
D.C. line: 301-858-5959
Fax: 410-263-4157

SIVAD LLC

Operating Agreement

This Operating Agreement (this "Agreement") is entered into this 16 day of June, 2007, by and among the signatories hereto.

Explanatory Statement

The Members of SIVAD LLC ("the LLC"), have decided to set forth in writing an Operating Agreement for the purpose of establishing the management structure of the LLC and to govern all other aspects of its operation.

NOW, THEREFORE, for good and valuable consideration, the parties hereto, intending legally to be bound, agree as follows:

Section I. **Defined Terms**

The following capitalized terms shall have the meanings specified in this Section I. Other terms are defined in the text of this Agreement; and, throughout this Agreement, those terms shall have the meanings respectively ascribed to them.

"Act" means the Maryland Limited Liability Company Act, as amended from time to time.

"Adjusted Book Value" means, with respect to any asset, such asset's adjusted basis for federal income tax purposes, with the following exceptions and adjustments:

(i) The initial Adjusted Book Value of any asset contributed to the Company by a Member shall be the fair market value of such asset (unreduced by liabilities secured by such asset) as determined by the contributing Interest Holder and the Manager;

(ii) The Adjusted Book Values of all Company assets may be adjusted to equal their respective fair market values (unreduced by liabilities secured by such assets), as determined by the Manager, as of the following times: (a) the acquisition of an additional interest in the Company by any new or existing Interest Holder in exchange for more than a de minimis Capital Contribution; (b) the distribution by the Company to an Interest Holder of more than a de minimis amount of Company Property as consideration for an interest in the Company if the Manager reasonably determines that such adjustment is necessary or appropriate to reflect the relative economic interests of the Interest Holders in the Company; and (c) the liquidation of the Company within the meaning of Regulations Section 1.704-1(b)(2)(ii)(g);

(iii) The Adjusted Book Value of any Company asset distributed to any Interest Holder shall be the fair market value (unreduced by liabilities secured by such assets) of such asset on the date of distribution as determined by the Manager;

(iv) The Adjusted Book Values of Company assets shall be increased (or decreased) to reflect any adjustments to the adjusted basis of such assets pursuant to Sections 734(b) or 743(b) of the Code, but only to the extent that such adjustments are taken into account in

"Capital Transaction" means any transaction not in the ordinary course of business which results in the Company's receipt of cash or other consideration other than Capital Contributions, including, without limitation, proceeds of sales or exchanges or other dispositions of property not in the ordinary course of business, financings, refinancings, condemnations, recoveries of damage awards, and insurance proceeds.

"Cash Flow" means all cash funds derived from operations of the Company (including interest received on reserves), without reduction for any non-cash charges, but less cash funds used to pay current operating expenses and to pay or establish reasonable reserves for future expenses, debt payments, capital improvements, replacements and future investment as determined by the Manager. Cash Flow shall not include Capital Proceeds but shall be increased by the reduction of any reserve previously established.

"Code" means the Internal Revenue Code of 1986, as amended, or any corresponding provision of any succeeding law.

"Company" means the limited liability company formed in accordance with this Agreement.

"Family Member" means FRANCES DAVIS WARD and JARMAN WILSON DAVIS the descendants of both of them, and the current spouses of both of them, namely: DAVID CHARLES WARD or SUSAN PATTERSON DAVIS.

"Interest" means a Person's share of the Profits and Losses of, and the right to receive distributions from, the Company.

"Interest Holder" means any Person who holds an Interest, whether as a Member or as an unadmitted assignee of a Member or other Interest Holder.

"Involuntary Withdrawal" means, with respect to any Interest Holder, the occurrence of any of the following events:

- (i) the Interest Holder makes an assignment for the benefit of creditors;
- (ii) the Interest Holder files a voluntary petition in bankruptcy;
- (iii) the Interest Holder is adjudged bankrupt or insolvent or there is entered against the Interest Holder an order for relief in any bankruptcy or insolvency proceeding;
- (iv) the Interest Holder files a petition or answer seeking for the Interest Holder any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation;
- (v) the Interest Holder seeks, consents to, or acquiesces in the appointment of a trustee for, receiver for, or liquidation of the Interest Holder or of all or any substantial part of the Interest Holder's properties;
- (vi) the Interest Holder files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the Interest Holder in any proceeding described in Subsections (i) through (v);
- (vii) the continuation of any proceeding against the Interest Holder seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, for one hundred twenty (120) days after the commencement thereof, or the appointment of a trustee, receiver, or liquidator for the Interest Holder or all or any substantial part of the Interest Holder's properties without the Interest Holder's agreement or acquiescence, which appointment is not vacated or stayed for one hundred twenty (120) days or, if the appointment is stayed, for one hundred twenty (120) days after the expiration of the stay during which period the appointment is not vacated;

(i) all items of income, gain, loss, deduction, or credit required to be stated separately pursuant to Code Section 703(a)(1) shall be included in computing taxable income or loss;

(ii) any tax-exempt income of the Company, not otherwise taken into account in computing Profit or Loss, shall be included in computing taxable income or loss;

(iii) any expenditures of the Company described in Code Section 705(a)(2)(B) (or treated as such pursuant to Regulation Section 1.704-1(b)(2)(iv)(i)) and not otherwise taken into account in computing Profit or Loss, shall be subtracted from taxable income or loss;

(iv) gain or loss resulting from any taxable disposition of Company property shall be computed by reference to the Adjusted Book Value of the property disposed of, notwithstanding the fact that the Adjusted Book Value differs from the adjusted basis of the property for federal income tax purposes;

(v) in lieu of the depreciation, amortization, or cost recovery deductions allowable in computing taxable income or loss, there shall be taken into account the depreciation computed based upon the Adjusted Book Value of the asset; and

(vi) notwithstanding any other provision of this definition, any items which are specially allocated pursuant to Section 4.3 hereof shall not be taken into account in computing Profit or Loss.

“Regulation” means the income tax regulations, including any temporary regulations, from time to time promulgated under the Code.

“SDAT” means the State Department of Assessments and Taxation of Maryland.

“Transfer”, when used as a noun, means any voluntary sale, hypothecation, pledge, assignment, gift, bequest, or other transfer, and, when used as a verb, means voluntarily to sell, hypothecate, pledge, assign, give, bequeath, or otherwise transfer.

Section II.

Formation and Name: Office; Purpose; Term

2.1. Organization. The parties shall organize a limited liability company pursuant to the Act and the provisions of this Agreement. For that purpose, Articles of Organization were filed for record with SDAT on June 27, 2005. A copy of the Articles of Organization is attached hereto as a part of **Exhibit B** and made a part hereof.

2.2. Name of the Company. The name of the Company shall be “SIVAD LLC.” The Company may do business under that name and under any other name or names upon which the Manager selects. If the Company does business under a name other than that set forth in its Articles of Organization, then the Company shall file a trade name certificate as required by law.

be determined by an independent appraiser who shall be selected by the General Manager. The Profit or Loss for each unsold asset shall be determined as if the asset had been sold at its fair market value, and the Profit or Loss shall be allocated as provided in Section 4.2 and shall be properly credited or charged to the Capital Accounts of the Interest Holders prior to the distribution of the assets in liquidation pursuant to Section 4.4.


4.5.3. All Profit and Loss shall be allocated, and all distributions shall be made to the Persons shown on the records of the Company to have been Interest Holders as of the last day of the taxable year for which the allocation or distribution is to be made. Notwithstanding the foregoing, unless the Company's taxable year is separated into segments, if there is a Transfer or an Involuntary Withdrawal during the taxable year, the Profit and Loss shall be allocated between the original Interest Holder and the successor on the basis of the number of days each was an Interest Holder during the taxable year; provided, however, the Company's taxable year shall be segregated into two or more segments in order to account for Profit, Loss, or proceeds attributable to a Capital Transaction or to any other extraordinary non-recurring items of the Company.

4.5.4. The General Manager is hereby authorized, upon the advice of the Company's tax counsel, to amend this Section IV to comply with the Code and the Regulations promulgated under Code Section 704(b); provided, however, that no amendment shall substantially affect distributions to an Interest Holder without the Interest Holder's prior written consent.

Section V.

Management: Rights, Powers and Duties

5.1. Manager.

5.1.1. **Manager.** The Company shall be managed by a Manager, who may, but need not, be a Member. JARMAN WILSON DAVIS is hereby designated to serve as the initial Manager. 

5.1.2. **General Powers.** The Manager shall have full, exclusive, and complete discretion, power, and authority, subject in all cases to the other provisions of this Agreement and the requirements of applicable law, to manage, control, administer, and operate the business and affairs of the Company for the purposes herein stated, and to make all decisions affecting such business and affairs, including without limitation, for Company purposes, the power to:

5.1.2.1. acquire by purchase, lease, or otherwise, any real or personal property, tangible or intangible;

5.1.2.2. construct, operate, maintain, finance, and improve, and to own, sell, convey, assign, mortgage, or lease any real estate and any personal property;

5.1.2.3. sell, dispose, trade, or exchange Company assets in the ordinary course of the Company's business;

IN WITNESS WHEREOF, this Agreement has been executed under seal as of the date set forth hereinabove.

MEMBERS:

Laura P. Davis
WITNESS

Laura P. Davis
WITNESS

James Wilson Davis (SEAL)
JARMAN WILSON DAVIS

Frances Davis Ward (SEAL)
FRANCES DAVIS WARD

**SIVAD LLC
Operating Agreement**

**EXHIBIT A
List of Members, Capital, and Percentages**

<u>Name and Address</u>	<u>Initial Capital Contribution</u>	<u>Percentages</u>	<u>Taxpayer Identification Number (TIN)</u>
FRANCES D. WARD 9466 BLACK VELVET LN., COLUMBIA, MD 21046	½ undivided interest contributed by each Member in real property described in a Deed dated Nov. 26, 2005 and recorded at Liber 0449, folio 187, Kent County, MD, Land Records Dec. 2, 2005	50%	
JARMAN W. DAVIS 996 MELVIN RD. ANNAPOLIS, MD 21403		50%	



Application for

Annexation Application

ANX

2/09

Town of Galena

Application Fee:

Less than 24.9 Acres \$500

Greater than 25 Acres \$1000

101 S. Main St. Galena, Md 21635

Phone: 410-648-5151 • E-mail: info@townofgalena.com • Web site: www.townofgalena.com

Please Print Clearly or Type

Property Address Information S Main Street Galena, MD 21635

Subdivision 0000 Lot (S) 0 N/A Block N/A

Zoning RC-Kent County Tax Account (S) _____

Property Size (in square feet) Total 3,411,504 SF/78.32

Property's Use Existing (to include office, industrial, residential, commercial) Farmland/Agricultural

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant SIVAD LLC
996 Melvin Road. Annapolis, MD 21403

Property Owner SIVAD LLC 996 Melvin Rd
Annapolis, MD 21403

Architect Becker Morgan Group, Inc.
312 West Main Street, Salisbury, MD 21801

Engineer Becker Morgan Group, Inc.
312 West Main Street, Salisbury, MD 21801

Attorney _____

Property Current Zoning In the Town of Galena _____

STAFF USE ONLY

Application Acceptance:

Application # _____ OR Date Received _____

Date Accepted _____

Staff Contact _____

Application Intake:

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes ☐ No ☐

Project Name SIVAD Subdivision

Metes and Bonds Description

"Attached"

A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner. I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here

Jaman Wilson / AVIS 8/14/24

Application Checklist:

The following documents are to be furnished as part of this application:

Submitted

- o Complete Application
- o Filing Fee
- o Petition
- o Metes and Bonds description and graphic plan prepared and certified by a professional engineer.
Twelve (3) printed full size copies
 - Electronic Copy

Comments on Submittal: (For Staff Use Only)

ANX

The Town of Galena, Maryland

Annexation Plan 2024 Annexation SIVAD, LLC Property

WHEREAS, Sivad, LLC filed a petition for Annexation with regard to certain property contiguous and adjoining to the boundary of the Town of Galena, comprised of seventy-eight and thirty-two hundredths (78.32) acres, more or less, and more commonly known as the Sivad, LLC property located on south of Cross Street and East of Main Street, as shown on tax map 0015 as parcel 0003 (the “Annexation Property”).

WHEREAS, on the 7th day of October, 2024, the Mayor and Council of Galena introduced Resolution No. 2024-03 proposing a municipal annexation petitioned by Sivad, LLC.

A. Introduction

This plan has been prepared by the Town of Galena pursuant to Section 4-415 of the Local Government Article of the Annotated Code of Maryland. It is a plan for the extension of services for development purposes and for public use of property.

B. Land Use Pattern for the Annexation Property

- 1) The Annexation Property is located on the southern boundary and eastern boundary of the Town of Galena on the south side of Main Street. The Annexation Property is more particularly described on a plat prepared by Becker Morgan, dated May 10, 2024, which is attached to Annexation Resolution No. 2024-03 as Exhibit A. The Annexation Property is shown on as parcel 0003 on tax map 0015.
- 2) The existing land use to the north and west of the Annexation Property are mix of residential, commercial, and governmental, with most of such use being residential.
- 3) This annexation and the proposed subsequent development are consistent with the Comprehensive Plan for the Town of Galena.

C. Proposed Use of Annexation Property

The proposed use of the Annexation Property is primarily residential, with some commercial use, and some use reserved for town governmental purposes including a town park.

D. Availability of Land for Public Facilities

The Annexation Property contains sufficient land for such public facilities as may be required as a result of its annexation and development. The Town may require the dedication of land for the construction, expansion and extension of public facilities as a condition to any development approvals. All necessary infrastructure and improvements, including, but not limited to, road systems, storm water management systems, water and sewer systems expansion and/or extensions and utility delivery systems, and all other facilities necessary to serve the residents and occupants of the Annexation Property, shall be installed in accordance with sound engineering principles, and shall be subject to location, design, and construction approvals by the Galena Planning Commission, Town staff, and professional consultants of the Town of Galena.

E. Municipal Water and Sewer

The Annexation Property will be served by the Town of Galena's water-and-sewer system.

F. Municipal Facilities

The Annexation Property shall pay the water-and-sewer allocation fees and all other applicable fees in accordance with the Town's Water and Sewer Ordinance and associated Resolutions set forth establishing water and sewer fees and rates that are in effect at the time services are requested, as well as any Annexation Agreements, Public Works Agreements, and Development Rights and Responsibilities Agreements as may be entered into by the Town and Sivad, LLC, and its successors and assigns (the "Owner" and/or "Developer"). Any such agreements shall be incorporated as if fully set forth herein. In addition, said owner and/or developer shall comply with all provisions of the Town's Water and Sewer Ordinance and related policies with respect to physically connecting to the Town's water-and-sewer lines.

G. Other Town Services

- 1) Emergency Service. The Galena Volunteer Fire Department presently provides fire protection and emergency medical services to the Annexation Property. Kent County also provides emergency medical services. Such services will continue after annexation, using existing personnel and equipment, at the same or similar level of service now being provided.
- 2) Police Service. The Annexation Property is presently served by the Kent County Sheriff's office for purposes of police protection. Such services will continue after annexation, using existing personnel and equipment, at the same or similar level of service provided.
- 3) Street Maintenance. The Annexation property is located off Main Street and Cross Street, which are State Highways. Access to the aforementioned streets shall require

approval of the State Highway Administration ("SHA"). Any extensions and improvements of public roadways to, or within the Annexation Property shall be made at the expense of the property owner in accordance with the Town regulations prior to any development. It is anticipated that existing Town streets, including Phelps Avenue and Jarman Avenue, will be extended into the Annexation Property when such property is developed.

- 4) Refuse Collection. Presently, the Town of Galena offers residential trash collection. The Town charges a fee for such collection. It is expected that such trash collection will be available to the Annexation Property and that the rate schedule in place for such collection will be applicable to the Annexation Property.

WITNESS

Mayor and Council of the Town of Galena, MD

Amber E. Englebach,
Zoning Coordinator

John T. Carroll, Jr., Mayor

Sarah E. Merrell, Councilmember

Justinian M. Dispenza, Councilmember

Tyler J. Carpenter, Councilmember

Cheryl A. Richwine, Councilmember

RESOLUTION NO. 2024-03

2024 ANNEXATION
SIVAD, LLC PROPERTY

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF GALENA, MARYLAND ENLARGING THE CORPORATE BOUNDARIES OF THE TOWN OF GALENA BY ANNEXING LAND CONTIGUOUS AND ADJOINING THE EXISTING CORPORATE AREA OF THE TOWN CONSISTING OF A PARCEL OF LAND CONTAINING APPROXIMATELY SEVENTY-EIGHT AND THIRTY TWO HUNDRETHS (78.32) ACRES, MORE COMMONLY KNOWN AS THE SIVAD, LLC, SOUTH OF CROSS STREET AND EAST OF MAIN STREET, AS SHOWN ON TAX MAP 0015 AS PARCEL 0003, SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN ANY CONTRACTS AND ANNEXATION AGREEMENTS BY AND BETWEEN THE TOWN AND THE CURRENT OWNER OF THE PROPERTY; AMENDING THE CHARTER OF THE TOWN OF GALENA FOR THE PURPOSES OF INCLUDING THE ANNEXED PROPERTY WITHIN THE LEGAL DESCRIPTIONS AND PLATS DEPICTING THE CORPORATE LIMITS OF THE TOWN; AND CONCERNING ALL MATTERS RELATED TO SAID ANNEXATION.

WHEREAS, the Mayor and Council of the Town of Galena, Maryland, a municipal corporation of the State of Maryland, has determined to enlarge and extend the limits of the Town by including therein contiguous and adjoining parts of Kent County in accordance with the procedures contained in Section 4-401 of the Local Government Article of the Annotated Code of Maryland (2013 Rep. Vol.); and

WHEREAS, the proposed annexation has been requested by and consented to by the owner of the property to be annexed, SIVAD, LLC; and

WHEREAS, based upon the aforesaid consent, the Mayor and Council of the Town have determined to initiate a Resolution, to enlarge and extend the limits of the Town to include the hereinafter described area and to make applicable to that area all laws which are now in force and effect or which may be hereinafter enacted, in the Town, specifically subject to any Contracts and Annexation Agreements which are incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Galena, Maryland, in legislative session assembled:

Section 1. That there is hereby annexed into the corporate boundaries of the Town of Galena, a municipal corporation of the State of Maryland, all of that land contiguous and adjoining the existing Town of Galena in Kent County, Maryland, consisting of a 78.32 acre +/- parcel of land located in Kent County, Maryland, as more particularly and fully described on the plat attached hereto as “Exhibit A” and by a survey of courses and distances attached hereto as “Exhibit B”, and incorporated herein by reference as it fully set forth in the body of this Resolution;

Section 2. That the annexation of the land described in Exhibits “A” and “B” will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town, real property proposed to be within the corporate limits of the Town, or any combination of such properties;

Section 3. That from and after the effective date of this Resolution, all provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the Town of Galena, and all duly adopted Charter and Ordinance provisions of the Town of Galena, (except as altered by the terms and conditions contained in any Annexation Agreement) shall be and the same are hereby extended and made applicable to such portion of Kent County as is, under the provision of this Resolution, annexed to and made a part of the Town of Galena, Maryland. Nothing herein or elsewhere in the Resolution shall affect the power of the Mayor and Council of the Town of Galena to amend or to repeal any Charter provision or Ordinance existing at the date of passage of this Resolution, or to enact and ordain any Ordinance which, at the date of passage of this Resolution, or hereinafter, it may be authorized to enact or ordain;

Section 4. The Mayor and Council is authorized to execute an Annexation Agreement, and agreement for the extension of the public services and facilities, and/or other agreements of a similar nature with regard to the property being annexed, provided that the terms of this Resolution shall prevail over any inconsistent term in any such agreement.

Section 5. That the inhabitants of the territory annexed to the Town of Galena by this Resolution and the owners of all property therein shall, in all respects and to all intents and purposes, be subject to the powers, jurisdiction and authority vested, or to be vested by law, in the Mayor and Council of the Town of Galena, so far as the same may be consistent with the provisions of this Resolution, and the territory so annexed shall, in all respects be taken and considered as part of the municipal corporation of the Town of Galena, expressly subject, however, to the terms and conditions of any Annexation Agreements between the Town and SIVAD, LLC. (“SIVAD”) A copy of the Annexation Agreement between the Town and SIVAD is attached hereto as “Exhibit C”. SIVAD is the sole owner of the land to be annexed and has consented to such annexation. A copy of the SIVAD’s written consent is attached hereto and incorporated herein as “Exhibit D”. A copy of the Annexation Plan is attached hereto and incorporated herein as “Exhibit E”.

Section 6. The Charter of the Town of Galena shall be amended to add “2024 Annexation” to read as follows: “The land described in the Resolution of The Mayor and Council of the Town of Galena, Maryland enlarging the corporate boundaries of the Town of Galena by annexing land contiguous and adjoining the existing corporate area of the Town consisting a parcel of land containing approximately 78.32 acres and located on the south side of Cross Street and the east side of Main Street, more commonly known as the SIVAD property, subject to the terms and conditions contained in those certain agreements for annexation by and between the Town and SIVAD be and is hereby added to, taken into and made part of the Town of Galena.

Section 7. In accordance with Section 4-406 of the Local Government Article of the Annotated Code of Maryland, the Mayor of Galena and the Town Clerk of Galena shall cause a public notice to be published not fewer than four (4) times at not less than weekly intervals in a newspaper having general circulation in the Town of Galena and in the area to be annexed which briefly and accurately describes the proposed change in the conditions and circumstances applicable thereto. The public notice shall further specify that a public hearing will be held on this Resolution by the Mayor and Council of the Town of Galena, Maryland at 7:00 p.m. in the Town Hall, 101 Main Street, Galena, MD 21635, on the 2nd day of December 2024. Immediately following the first publication of the public notice, a copy of the notice shall be provided to

County Commissioners of Kent County, the Kent County Planning Commission, the Maryland Department of Planning, and any regional or State planning agency having jurisdiction in Kent County;

Section 8. This Resolution shall become effective forty-five (45) days from January 6, 2025, provided it is adopted by the Mayor and Council of the Town of Galena, Maryland, on that date and, unless within forty-five (45) days the Town receives a Petition for Referendum filed in accordance with the provisions of Sections 4-408 to 4-413 of the Local Government Article of the Annotated Code of Maryland (2013 Rep. Vol.);

AND, BE IT FURTHER RESOLVED, by the Mayor and Council of the Town of Galena, Maryland, that the Mayor and Town Clerk shall, within ten (10) days, register both the original and new corporate boundaries of the Town of Galena with the Town Clerk, the Clerk of the Circuit Court for Kent County, the Kent County Planning Commission, and the Department of Legislative Reference for the State of Maryland, when this Resolution takes effect.

INTRODUCED, by the Mayor and Council of the Town of Galena, Maryland, at a regular legislative session on October 7, 2024.

PASSED, by the Mayor and Council of Galena, Maryland, at a legislative session on January 6, 2025.

WITNESS:

THE TOWN OF GALENA,
MARYLAND

Amber Englebach, Zoning Coordinator

By: _____
John T. Carroll, Jr., Mayor

APPROVED AS TO FORM:

Thomas N. Yeager, Town Attorney

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this “Agreement”) made this _____ day of _____, 2024, by THE MAYOR & COUNCIL of GALENA, a Maryland municipal corporation (hereinafter referred to as the “Town”); and SIVAD, LLC (the “Developer”)

RECITALS

WHEREAS, the Developer is the owner of a tract of land in the First Election District of Kent County, Maryland containing 103.53 acres of land, more or less, of which 25.21 acres, more or less, lie within the corporate boundaries of the Town and 78.32 acres, more or less, are proposed for annexation into and lying contiguous to the southern corporate boundary to the Town of GALENA (the “Annexation Property”), and more particularly described on a plat entitled “SIVAD, LLC” as prepared by Becker Morgan, dated May 10, 2024, attached to the Petition for Annexation submitted by the Developer, and incorporated herein as part of Exhibit A; and

WHEREAS, the Town is concerned with the future use and development of land lying to the east of its boundaries and wishes to exercise control over such use and development through the means of annexing the same; and

WHEREAS, the Annexation Property consists of 78.32 of land, more or less, adjacent to and contiguous with the present boundary of the Town, and is the property proposed for annexation in the Petition for Annexation; and

WHEREAS, Annexation Resolution 1-2024-01 (the “Resolution”) proposing the annexation of the Annexation Property into the Town was introduced by the Mayor and Council on October 7, 2024, and a public hearing regarding said Resolution was held on December 2, 2024. The Resolution is attached hereto as Exhibit B; and

WHEREAS, the Developer is agreeable to and consents to the annexation by the Town of the Annexation Property, subject to the terms, circumstances and conditions set forth in this Agreement; and

WHEREAS, the Town believes the annexation of the Property into the Town is desirable so long as the terms and conditions of this Agreement are met.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the sufficiency of which is expressly acknowledged, Developer and the Town mutually agree as follows:

Section 1. Land Use and Zoning. Developer shall develop the Annexation Property in compliance with all zoning regulations and according to site plans approved by the Town Planning Commission. The zoning classification requested for the Annexed Property shall be R-1 C-2 Commercial District, conditioned upon the Town obtaining a waiver from the County Commissioners of Kent County of the requirements of Section 4-416(b) of the Local Government Article of the Annotated Code of Maryland. All statutory requirements for the zoning of the

Annexation Property shall be satisfied, including, but not necessarily limited to, the prior review and recommendations of the Town Planning Commission before a zoning classification can be adopted. Furthermore, the parties agree and understand that the Annexation Property shall be developed as a mostly residential development, with approximately 7 acres as commercial (the “Development”). The parties acknowledge that duplexes or multifamily housing units are not permitted under the current zoning regulations in the portion of the proposed development that is currently within the Town limits. A re-zoning or the enactment of a zoning text amendment would be required for such use.

Section 2. Conditions. This Agreement is contingent in its entirety upon successful and final annexation of the Property into the Town of GALENA in accordance with Section 4-401 *et seq.* of the Local Government Article of the Annotated Code of Maryland and the reclassification of the zoning for the Annexation Property in accordance with the provisions of Section 1 herein.

Section 3. Use Restrictions, Design Standards and Land Dedications. Developer agrees that once the Property is annexed and zoned in accordance with its Petition for Annexation (including the adoption of the Zoning Text Amendments, if necessary) that the use of the Annexation Property shall be limited to residential development, and shall be developed, used and maintained in general accordance with the “Area Diagram” and “Boundary and Topographical Survey” Exhibit Plat of the Lands of SIVID, LLC, prepared by Becker Morgan, dated May 10, 2024, and attached hereto as Exhibits C and D.

Section 4. Public Facilities, Infrastructure and Financial Contributions.

(a) Public Works Agreement(s). The Town and Developer shall enter into a Public Works Agreement (“PWA”) that provides for the design and construction of sewer and water system improvements to serve the Annexation Property. The sewer and water system improvements shall be designed and constructed according to specifications and standards established by the Town. Said PWA shall be in a form acceptable to the Town Attorney.

(b) Development Rights and Responsibilities Agreement. The Town intends to introduce legislation to enable the Mayor and Council to enter into Development Rights and Responsibilities Agreements (DRRAs). In the event such legislation results in the enactment of a code provision allowing the Mayor and Council to enter into such agreements, the parties anticipate that they will negotiate and execute a DRRA. If impacts to the Town regarding services such as public safety, fire protection, and rescue response are not addressed in a DRRA, such matters shall be addressed in a separate agreement between the Town and the Developer.

(c) Town services will be available upon annexation, subject to compliance with the conditions of the Annexation Resolution and this Agreement. Sanitary sewer and water service will be contingent upon (i) approval of an improvements construction plan, (ii) the payment to the Town by Developer of all required fees and charges, and (iii) the completion of the construction necessary to so serve the Annexation Property.

(d) The cost of the utility improvements necessary to accommodate development of the Annexation Property and the extension of the Town sewer lines to the

Annexation Property as well as the construction of any necessary lift station thereon, and any necessary upgrade to the downstream sewer lift/pumping stations as required to service the development of the Annexation Property shall be paid by the Developer. The installation of water lines, hydrants, meters, taps and laterals and sewer lines within the Annexation Property shall be paid for by Developer. Once the utility lines and related appurtenant items are constructed to the Town's requirements, Developer shall give, convey and dedicate same to Town. The specific improvements shall be set forth in the PWA and in any Development Rights and Responsibilities Agreements (DRRA) that may be entered between the Developer and the Town.

(e) Residential Water Hookups. The Town agrees to approve water utility hookup connections to the Town's municipal water system for each dwelling unit in the Development. Developer shall pay to the Town water utility connection fee in accordance with the Town's rate schedule that is in effect at the time the allocation is granted.

(f) Residential Sewer Hookups. The Town agrees to approve sewer utility hookup connections to the Town's municipal sewer system for each dwelling unit in the Development. Developer shall pay to the Town sewer utility connection fee in accordance with the Town's rate schedule that is in effect at the time the allocation is granted.

(g) In addition to the connection fees specified in Section 4(d) and (e) above, Developer will contribute an amount to be determined and set forth in the PWA and/or DRRA to the Town for public infrastructure improvements deemed necessary and appropriate by the Town.

(h) Impact Contribution. Developer agrees to pay to the Town for each residential lot created by the Developer \$2,000 per such lot, and for each commercial lot created by the Developer and for any pre-existing commercial lots, \$5,000 per such lot. This payment shall be for all lots created for the development regardless of whether such lot is located in land already within the Town's municipal boundaries or in the land that is being annexed. The proceeds from such payments may be used by the Town as the Town shall determine. Such per lot fees are in addition to any permit, connection, or similar fees. In lieu of a homeowners association, it is anticipated that a special tax district shall be formed to fund the long-term maintenance of any common elements such as storm water management ponds and special landscaping areas.

(i) Stormwater Management. The stormwater management system will meet all applicable Town, Kent County and State of Maryland standards. The maintenance of the stormwater management facility to be located in the proposed development and upon the deeded open space area will be the responsibility of the Town. The Developer shall dedicate the land upon which all such facilities are located via a deed that shall be in a form acceptable to the Town.

(j) Public Streets, Lighting and Pedestrian Walkways.

(i) The development shall include a walking trail for accessibility and connectivity to existing and future Town parks.

(ii) At the Town's request, the Developer may be required to re-route the drainpipe that currently runs under East Cross Street (MD Route 290).

(iii) The specifics of the aforementioned walking trail and of streets and lighting shall be addressed in a DRRA, PWA, and/or similar agreements entered into between the Town and the Developer.

Section 6. Open Space. The Developer shall provide for approximately twenty-two (22) acres of Open Space in the proposed development. The existing pond and the proposed 3.7-acre park may be included in this open space. Upon the effective date of the Annexation Resolution or as soon as practicable thereafter, the Developer shall dedicate such land to the Town and shall present the Town with a Deed in a form acceptable to the Town.

Section 7. Town Hall Expansion and Access Lands.

(a) At such time that the Developer has completed its preliminary engineering, the Developer shall convey to the Town a parcel or tract of land sufficient to provide vehicular access to the Town Hall from the proposed expansion of Phelps Avenue and such land sufficient for parking and reasonable expansion of the Town's existing buildings located at 101 South Main Street.

(b) At such time that the Developer has completed its preliminary engineering, the Developer shall convey to the Town, a parcel or tract of land which encompasses an existing 50' Right of Way or access way to South Main Street, along with the land inside a line extending from the eastern boundary of the Town Hall property to the southern boundary of the aforementioned 50' Right of Way.

Section 8. Easement and Rights-of-Ways. Developer and Town agree to grant to the other upon request, at **no cost**, rights-of-way or easements over their respective property in the event that such rights-of-way or easements shall be necessary for the installation, maintenance, replacement and/or removal of infrastructure related to the Development, including without limitation, roads, utility lines, and drainage improvements. If the Developer is unable to obtain off-site easements and rights-of-way as may be necessary for the development of the Annexation Property, the Town agrees to assist Developer, solely at the expense of Developer, in obtaining such easements and rights-of-way.

Section 9. Exhibits Incorporated by Reference.

Exhibit A - Petition for Annexation and Plat

Exhibit B - Annexation Resolution No. 1-2024

Exhibit C - Exhibit Plat – Area Diagram

Exhibit D - Exhibit Plat – Boundary and Topographic Survey

Section 10. Other Provisions.

(a) Applicable Law. It is the intention of the parties that all questions with respect to the construction of this Agreement and rights and liabilities of the parties hereunder shall be determined in accordance with the laws of the State of Maryland.

(b) Entire Agreement. This Agreement embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement.

(c) Scope of Agreement. This Agreement is not intended to limit the exercise of police powers of the Town, to limit the operation of the Town government, or to guarantee the outcome of any administrative process. Unless otherwise specifically provided in writing, this Agreement shall be subject to all properly enacted laws, and properly adopted governmental regulations, now or hereafter existing and applicable. This Agreement shall not be rendered invalid by reason of the enactment or amendment of any law or the adoption or amendment of any regulation, which law or regulation is either (1) enacted or adopted in the exercise of a governmental power for a valid governmental purpose; or (2) enacted or adopted by the Town as the result of a mandate by the State of Maryland or the U.S. Government. This Agreement is not contingent upon, the Town has not offered or promised to take or refrain from taking, and the Developer has not requested or paid any consideration for, any legislative, administrative or other action by the Town to limit, deny or discourage development on the property of any person who is not a party to this Agreement. Modification. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

(d) Modification. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

(e) Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

(f) Binding Effect. The terms of this Agreement shall be binding upon and shall inure to the benefits of the parties, any successor municipal authorities of the Town, successor owners of record of the Annexation Property and the successors and assigns of Developer, it being expressly understood and agreed that Developer may assign their benefits, rights, duties and obligations hereunder either as part of the conveyance of the Annexation Property as an entirety or severally as part of the conveyances of portions of the Annexation Property.

(g) Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

(h) Enforceability. This Agreement shall be specifically enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action or suit at law or in equity to secure the performance of the covenants herein contained.

(i) Survival. The terms and conditions of this Agreement shall survive the effective date of the Annexation Resolution.

(j) Notices. Any notice to be given or served hereunder or under any documents or instrument executed pursuant hereto shall be in writing and shall be: (a) delivered personally, with a receipt requested therefore; or (b) sent by telecopy facsimile; or (c) sent by a recognized overnight courier service; or (d) delivered by United States registered or certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the parties at their respective addresses set forth below, and the same shall be effective: (a) upon receipt or refusal if delivered personally or by telecopy facsimile; (b) one (1) business day after depositing with such an overnight courier service; or (c) two (2) business days after deposit in the mails, if mailed. A party may change its address for receipt of notices by service of a notice of such change in accordance herewith. All notices by telecopy facsimile shall be subsequently confirmed by United States, certified or registered mail.

If to Town: Mayor & Council
Town of Galena
101 S. Main Street
Galena, Maryland 21635

With a copy to: Thomas N. Yeager, Esquire
Attorney for Town of Galena
203 Maple Avenue
Chestertown, Maryland 21620

If to Developer: SIVAD, LLC
996 Melvin Road
Annapolis, Maryland 21403

With a copy to:

(k) Time. Time is of the essence of this Agreement and of each and every provision thereof.

(l) Mutual Assistance. The parties shall do all things reasonably necessary or appropriate to carry out and to expedite the terms and provisions of this Agreement and to aid and assist each other in carrying out the terms and provisions of this Agreement and the intentions of the parties as reflected by said terms including, without limitation, the giving of such notices, the holding of such public hearings, the enactment by the Town of such resolutions and ordinances and the taking of such other actions as may be necessary to enable the parties' compliance with

the terms and provisions of this Agreement and as may be necessary to give effect to the terms and objectives of this Agreement and the intentions of the parties as reflected by said terms. The Developer and the Town agree to promptly execute all permit applications needed by Developer for permits or approvals from various agencies and departments or any other public or private agencies from whom a permit is required to develop the Annexation Property, provided that such permit applications are prepared in accordance with applicable laws, ordinances, rules, regulations. The parties each further agree to cooperate in the securing of such permits or approvals from such agencies

Section 11. Costs of Proceedings. Developer agrees that it shall reimburse the Town for all reasonable costs it incurs as a result of the review and proceedings associated with the Petition for Annexation including, but not limited to, advertising costs, professional consultants and reasonable attorney's fees. Such costs may extend beyond the time of adoption of an annexation resolution. In this regard, it is anticipated and understood that the Town will obtain the services of a Planning Consultant for review of and management of the project through completion. Developer shall be responsible for such related costs whether or not said annexation is approved by the Town at large; it being understood by Developer that the Town does not in any way guarantee said annexation. Furthermore, Developer understands and agrees that should it abandon its Petition for Annexation for any reason Developer shall nevertheless be responsible for all costs, expenses and miscellaneous charges related to said annexation incurred by the Town up to the point of abandonment by Developer and a reasonable time thereafter as needed to terminate and close out the matter.

IN WITNESS WHEREOF, the parties have executed and sealed this Annexation Agreement as of the day and year first above written, provided, however, that for the purposes of determining the date hereof, as used in this Agreement, such date shall be the last date any of the parties hereto executes this Agreement.

THE MAYOR & COUNCIL OF THE
TOWN OF GALENA, MARYLAND

John T. Carroll, Jr., Mayor

WITNESS:

Amber E. Englebach, Zoning Coordinator

APPROVED AS TO FORM:

Thomas N. Yeager, Attorney

Date: _____

SIVAD, LLC

Authorized Member

Authorized Member

Date: _____



309 South Governors Avenue
Dover, DE 19904
302.734.7950

The Tower at STAR Campus
100 Discovery Boulevard, Suite 1
Newark, DE 19713
302.369.3700

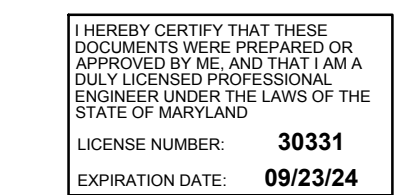
Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina

3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com



PROJECT TITLE

LANDS O

SIVAD, LLC

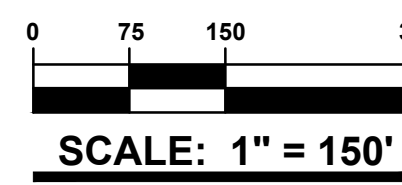
GALENA-SASSAFRAS RD

GALENA

KENT COUNTY, MD

SHEET TITLE

ANNEXATION PLAT



ISSUE BLOCK

[illegible]

MARK	DATE
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PROJECT NO.:		2024070.0
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DATE: 08/16/2024

SCALE: 1" = 15'

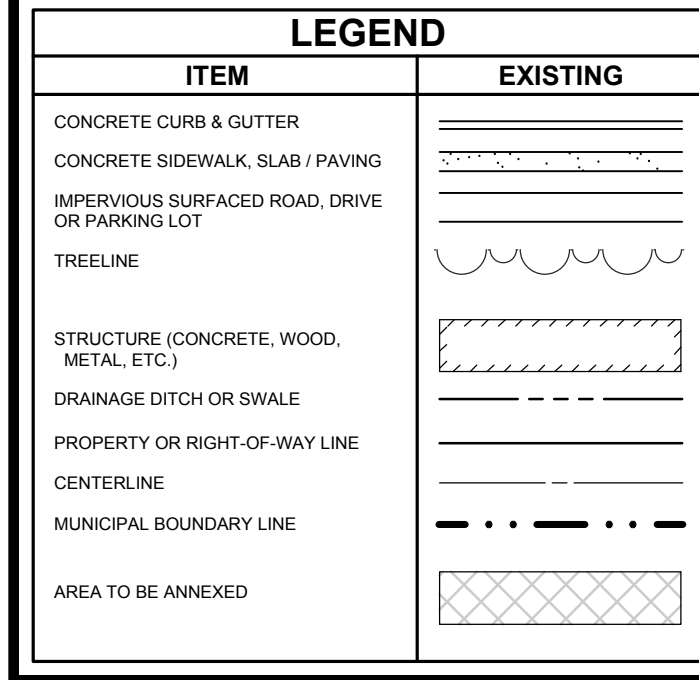
DRAWN BY: MRS	PROJ MGR: C.G.
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SHEET

1051

1 OF 1

COPYRIGHT 2024



SURVEY LEGEND	
ITEM	EXISTING
UNMARKED POINT	○
CONCRETE MONUMENT	◻ FCM
IRON PIPE	⊗ FIP
IRON ROD	⊗ FIR
IRON ROD W/ CAP	⊗ FIRC

Curve Table					
CURVE	LENGTH	RADIUS	CHD. BEARING	CHD. LENGTH	TANGENT
C1	39.27'	25.01'	S25° 56' 39"W	35.36'	25.00'
C2	39.27'	25.01'	S64° 04' 27"E	35.36'	25.00'
C3	413.52'	3944.72'	N78° 38' 33"E	412.33'	206.95'
C4	102.51'	550.15'	N81° 14' 31"E	103.36'	51.40'
C5	146.01'	650.94'	S60° 09' 12"E	145.70'	73.31'
C6	132.04'	863.21'	S58° 06' 36"E	131.91'	66.15'
C7	142.81'	389.09'	S51° 58' 39"E	142.01'	72.22'
C8	151.10'	496.30'	S50° 11' 07"E	150.52'	76.14'
C9	101.12'	496.34'	S64° 44' 39"E	100.95'	50.74'
C10	76.78'	309.92'	S80° 57' 54"W	86.50'	43.68'
C11	12.00'	25.00'	N87° 44' 10"E	11.89'	6.12'

Parcel Line Table			
LINE	LENGTH	CHD. BEARING	
L1	232.06'	S70° 56' 40"V	
L2	1.24'	N70° 55' 56"V	
L3	99.98'	N19° 04' 04"V	
L4	1.50'	N70° 55' 56"V	
L5	103.50'	N70° 55' 32"E	
L6	200.99'	N19° 04' 28"V	
L7	38.01'	N70° 07' 51"E	
L8	74.99'	N19° 02' 24"V	
L9	147.30'	N76° 14' 31"E	
L10	63.48'	N19° 19' 29"V	
L11	521.01'	N87° 01' 58"E	
L12	303.95'	N86° 57' 54"E	
L13	40.43'	N75° 02' 55"E	
L14	40.44'	N74° 51' 19"E	
L15	40.44'	N74° 39' 19"E	
L16	40.44'	N74° 27' 19"E	
L17	40.43'	N74° 15' 19"E	
L18	53.65'	N74° 09' 20"E	
L19	54.70'	S75° 03' 23"E	
L20	99.12'	S76° 38' 55"E	

Parcel Line Table			
LINE	LENGTH	CHD.	BEARING
L21	97.66'	S56° 43' 25"E	
L22	44.32'	S60° 30' 40"E	
L23	35.49'	N29° 29' 20"E	
L24	70.97'	S55° 54' 15"E	
L25	99.57'	S66° 34' 46"E	
L26	36.47'	S53° 43' 43"E	
L27	76.08'	S62° 29' 33"E	
L28	71.10'	S41° 27' 48"E	
L29	1.3'	S70° 34' 51"E	
L30	158.62'	S17° 34' 53"W	
L31	142.43'	S58° 49' 09"E	
L32	190.57'	S14° 39' 47"E	
L33	379.09'	S75° 04' 38"E	
L34	463.37'	S19° 17' 16"W	
L35	839.03'	N86° 37' 58"W	
L36	213.57'	S31° 16' 25"W	
L37	119.80'	S73° 14' 37"W	
L38	565.39'	S73° 15' 06"W	
L39	577.84'	S72° 56' 36"W	
L40	88.05'	S73° 05' 13"W	

Parcel Line Table		
LINE	LENGTH	CHD. BEARING
L41	25.00'	N16° 54' 47"W
L42	173.83'	S73° 05' 13"W
L43	83.71'	N65° 49' 29"W
L44	788.56'	N23° 53' 28"W
L45	223.74'	N73° 59' 06"E
L46	229.34'	N19° 43' 54"W
L47	406.85'	N19° 41' 12"W
L48	244.29'	N19° 03' 21"W

SITE DATA	
1. OWNER OF RECORD:	SIVAD, LLC 996 MELVIN RD. ANNAPOLIS, MD 21403-1316
2. ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 312 W. MAIN ST., SUITE 300 SALISBURY, MD 21801 410-546-9100
3. PROPERTY MAP NUMBER:	MAP 15; GRID 1D; PARCEL 3
4. DEED REFERENCE:	449-187
5. PLAT REFERENCE:	1-79
6. PRESENT USE:	AGRICULTURAL
7. PROPOSED USE:	COMMERCIAL STRIP & RESIDENTIAL SUBDIVISION
8. TOTAL SITE AREA:	4,509,897 SQ. FT. OR 103.53 ACRES ±
9. TOTAL AREA TO BE ANNEXED:	3,411,504 SQ. FT. OR 78.317 ACRES ±
10. ZONING CLASSIFICATION:	EXISTING: RC - RURAL CHARACTER (KENT COUNTY) C-2 COMMERCIAL (TOWN OF GALENA) R-1 SINGLE FAMILY RESIDENTIAL (TOWN OF GALENA)
11. SETBACKS:	RC- RURAL CHARACTER (KENT COUNTY) FRONT: 50 FT. SIDE: 15 FT. REAR: 30 FT. R1- SINGLE FAMILY RESIDENTIAL (TOWN OF GALENA) FRONT: 35 FT. SIDE: 10 FT. REAR: 30 FT. C-2 COMMERCIAL (TOWN OF GALENA) FRONT: 50 FT. SIDE: 10 FT. (25 FT. ADJOINING RESIDENTIAL PROPERTIES) REAR: 15 FT. (50 FT. ADJOINING RESIDENTIAL PROPERTIES)
12. BUILDING HEIGHT:	PERMITTED: 38 FT. (KENT COUNTY) PERMITTED: 35 FT. R-1 (TOWN OF GALENA) PERMITTED: 45 FT. C-2 (TOWN OF GALENA)
13. FLOOD ZONE:	SITE APPEARS TO BE LOCATED WITHIN FLOOD ZONE "X", AN AREA OF MINIMAL FLOOD HAZARD, PER FEMA FIRM PANELS 24029C0205D & 24029C0185D, WITH AN EFFECTIVE DATE OF 06/09/2014.
14. SURVEY BENCHMARK:	G 114 VERTICAL: NAVD 88 HORIZONTAL: NAD 83 (2011)



Department of Planning, Housing, and Zoning

December 5, 2024

Office of the Secretary
Maryland Department of Planning
Attn: David Dahlstrom, AICP
301 W. Preston St., Suite 1101
Baltimore, Maryland 21201-2305

Re: Annual Report Calendar Year 2023

Dear Mr. Dahlstrom:

The Kent County Planning Commission approved the following annual report for the reporting year 2023, as required under §1-207(b) and §1-208(c)(1)(i) and (c)(3)(ii) of the Land Use Article on December 5, 2024. In addition, the report has been filed with the local legislative body.

1. The County issued the following number of new residential permits inside and outside of the Priority Funding Area (PFA):

**Table 1: New Residential Permits Issued
Inside and Outside the Priority Funding Area (PFA)**

Residential – Calendar Year 2023	PFA	Non - PFA	Total
New Residential Permits Issued	9	26	35

2. The County preserved the following number of acres using local agricultural land preservation funds, (if applicable):

Kent County does not have a locally funded land preservation program.

3. The County is scheduled to complete and submit a five-year mid-cycle comprehensive plan implementation review report this year? Y ☒ N ☐

The report is attached.

4. Is the County is scheduled to update the Development Capacity Analysis this year? Y ☒ N ☐

If no, indicate when the next development capacity analysis will be completed.

Staff has contacted our regional planner for assistance; however, there have been no significant changes in zoning or land use patterns over the past 10 years.

5. Were there any growth-related changes, including land use, zoning, new schools or school capacity improvements, three-year County Master Water and Sewerage Plan updates or amendments, or annexations that changed the unincorporated boundaries? If yes, describe or attach a map of the changes, and describe how they are consistent with internal, state, or adjoining jurisdiction plans. Y ☒ N ☐

There were no annexations by the incorporated towns or other changes to the zoning maps or water/sewer service areas in 2023.

6. Did your county identify and/or implement recommendations, related to the following general planning topics, to improve the local planning and/or development process? Please select all that apply. Y ☐ N ☒

<input type="checkbox"/> Green Infrastructure	<input type="checkbox"/> Revitalization and Infill
<input type="checkbox"/> Zoning Reform	<input type="checkbox"/> Bike/Ped Planning
<input type="checkbox"/> Climate Change	<input type="checkbox"/> Commercial Redevelopment
<input type="checkbox"/> Affordable/Workforce Housing	<input type="checkbox"/> Sustainable Growth
<input type="checkbox"/> Equity	<input type="checkbox"/> Placemaking
<input type="checkbox"/> Resilience	<input type="checkbox"/> Aging Population
<input type="checkbox"/> Water/Air Quality	<input type="checkbox"/> Sensitive Area Preservation
<input type="checkbox"/> Water/Sewer Capacity	<input type="checkbox"/> Expedited Review for Preferred Projects
<input type="checkbox"/> Brownfield Remediation	

The County continued working on a Comprehensive Rezoning Update. It is anticipated that changes will be made to the planning and development process to clarify procedures, timelines, and alter the process by which some uses and site plans are reviewed. Adoption of the new ordinance and maps is anticipated in 2024. The effective date will be dependent on review and approval by the Critical Area Commission.

7. Are there any issues that MDP can assist with in 2024? If yes, please describe. Y ☒ N ☐

As the County undertakes comprehensive rezoning, we greatly appreciate the continued assistance of our MDP liaison, who is always helpful and ready to assist the County.

8. Have all Planning Commission and Board of Appeals members completed a training course?

Y ☒ N ☐

Sincerely,



Francis J. Hickman
Chair, Kent County Planning Commission

5-Year Report Attachment

Plan Implementation and Development Process

(5-Year Mid-Cycle Report/5-Year Report)

Kent County, Maryland

2019-2023

Residential – Calendar Year	In PFA	%PFA	Not in PFA or PPA	In PPA	%PPA	Total
2023	9	25.7	19	7	20.0	35
2022	13	37.1	23	8	18.2	44
2021	15	42.9	13	7	20.0	35
2020	14	40.0	15	5	14.7	34
2019	6	17.1	13	5	20.8	24

Kent County continues to see low development pressure in the unincorporated parts of the County, and the majority of new houses are being constructed outside the Priority Preservation Area. The number of building permits for new houses continues to be fewer than 50 per year, and the vast majority of those houses are being constructed on existing lots. There is virtually no subdivision activity.

In 2020, the County began a comprehensive rezoning process. One of the first steps in the process was to analyze the existing Land Use Ordinance against the 2018 Comprehensive Plan. Much of the Comprehensive Plan and existing regulations were consistent, and the analysis showed areas where improvements could be made. The new Land Use Ordinance was finalized for consideration by the County Commissioners in December 2023. Adoption of the text and review of the maps is occurring in 2024. The new ordinance will update development regulations and streamline the process which are both identified in the Comprehensive Plan as important goals.

Kent County continues to be challenged by trying to balance agricultural preservation with the need for additional economic development. Most of the unincorporated land is in agricultural use with landowners who are committed to farming. Although the County has land zoned for development, there is little desire by landowners to convert their land. Utility-scale solar has become a greater challenge, especially over the past two years. There are at least seven utility-scale solar projects for which the County has been notified. Six of the seven are for smaller, community solar projects, but four of those are still large enough to require PSC approval. There are many more projects that are in the early development stages. Utility-scale solar may be an area for discussion in future comprehensive plans.

5-Year Report Attachment

The first, major project in the County's identified growth area bordering the intersection US 301 and Route 291 proposes over one-half million square feet of international-standard, Class A warehouse. The Everton Industrial warehouses are the largest known project under roof to ever be proposed within Kent County. Construction is expected to begin in 2026, after tenant mix is established and infrastructure is finalized.

Finally, two of the County's five municipalities – Rock Hall and Galena - completed new Comprehensive Plans and each have proposed significant expansions to their municipal growth areas. In conjunction with a spike in new housing starts in Chestertown, these changes may be an indication of future growth that could occur in Kent County. This is in sharp contrast to the 1,000-person population decline in Kent County reported by the 2020 Census. As legacy employers leave, as has occurred in recent years, whether new employers locate in Kent County will likely decide if optimism for future growth can be sustained for the remainder of the planning timeframe, over the next decade and a half, of the 2018 Comprehensive Plan.