

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – August 7, 2025**

Meeting Date: August 7, 2025

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair

Phyllis Wimbrow

Betty Smith

Marlene Ott

Kathy Drew

Mary Knight

Ken Church

Staff

Jennifer Keener, Director, DRP

Kristen Tremblay, Zoning Administrator, DRP

Ben Zito, DRP Specialist, DRP

Robert Mitchell, Director, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, July 3, 2025.

As the first item of business, the Planning Commission reviewed the minutes of the July 3, 2025, meeting.

Following the review, a motion was made by Ms. Drew to approve the minutes as written with an amendment, Ms. Knight seconded the motion, and the motion carried unanimously.

B. Review and Approval of minutes, July 10, 2025.

As the first item of business, the Planning Commission reviewed the minutes of the July 10, 2025, meeting.

Following the review, a motion was made by Mrs. Knight to approve the minutes as written, Ms. Drew seconded the motion, and the motion carried unanimously.

C. Board of Appeals Agenda, August 14, 2025.

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for August 14, 2025. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

Following the review, the following comments were provided to the Board:

- Case No. 25-43: Mr. Barbierri believed the 45' variance was excessive.
- Case No. 25-46: Ms. Drew believed the 132' variance was excessive.

D. Technical Review Committee Agenda, August 13, 2025.

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As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for August 14, 2025. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Committee.

III. Site Plan Review

A. Crepe Myrtle Court – RPC Step II Master Plan Approval

As the next item of business, the Planning Commission reviewed a Step II Master Plan for the Crepe Myrtle Court RPC.

Hugh Cropper, IV, Kathy Clark, and Keith Iott approached the table. Mr. Cropper provided an overview of the project and its history. Mr. Iott provided an overview of the site plan, parking layout, and entrance from Old Bridge Road. Mr. Cropper clarified that the proposed 4' wide do not meet the 5' standard that is required in the Design Guidelines, and this would need a waiver from the Planning Commission.

Following a review, a motion was made by Ms. Knight to grant the waiver from the Design Guidelines to allow for 4' sidewalks. Ms. Ott seconded the motion, and the motion carried unanimously.

Following a review, a motion was made by Ms. Knight to approve the Step II Master Plan as submitted. Ms. Smith seconded the motion, and the motion carried unanimously.

B. WO27 Solar – Major Site Plan Review and Landscaping Irrigation Waiver Request

As the next item of business, the Planning Commission reviewed a site plan and landscaping irrigation waiver request for WO27 Solar.

Nick Leffner of Kimley-Horn and Franny Yuhas of Turning Point Energy approached the table. Ms. Yuhas presented an overview of the project and the need for a landscaping irrigation waiver, and Mr. Leffner provided an overview of the site plan and future construction phasing.

Following a review, a motion was made by Ms. Knight to grant the landscaping waiver. Ms. Ott seconded the motion, and the motion carried unanimously.

Following a review, a motion was made by Ms. Wimbrow to approved the site plan as submitted. Ms. Ott seconded the motion, and the motion carried unanimously.

C. WO60 Solar – Major Site Plan Review and Landscaping Irrigation Waiver Request

As the next item of business, the Planning Commission reviewed a site plan and landscaping irrigation waiver request for WO60 Solar.

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Nick Leffner of Kimley-Horn and Franny Yuhas of Turning Point Energy remained at the table. Ms. Yuhas presented an overview of the project and the need for a landscaping irrigation waiver, and Mr. Leffner provided an overview of the site plan.

Following a review, a motion was made by Ms. Wimbrow to grant the landscaping waiver. Ms. Smith seconded the motion, and the motion carried unanimously.

Following a review, a motion was made by Ms. Ott to approved the site plan as submitted. Ms. Wimbrow seconded the motion, and the motion carried unanimously.

IV. Rezoning

A. Rezoning Case No. 451 - Request to rezone approximately 150 acres out of a 232.12-acre parcel from E-1 Estate District to A-1 Agricultural District, Tax Map 65, Parcel 48, Tax District 2, Richard and Elizabeth Smithson, property owners; Hugh Cropper, IV, attorney for the applicant.

Applicants: Hugh Cropper, IV, attorney; Doug Smithson, property owner; and Chris McCabe, environmental consultant.

Mr. Cropper provided an overview of the property, which is a working farm consisting of 231 acres. They are seeking a rezoning of the approximately 150 acres that is zoned E-1 Estate District. The remaining lands would remain in the RP Resource Protection District. Submitted as Applicant's Exhibit No. 1 was a copy of the E-1 District regulations from the Zoning Code. Submitted as Applicant's Exhibit No. 2 was a Google Earth aerial photograph taken from the south. Mr. Cropper identified the property as the farm below Scarboro Creek. Mr. Cropper's argument for the rezoning is based on a mistake, albeit a good faith mistake, and that the property should have been zoned A-1 Agricultural District during the comprehensive rezoning process in 2009. At the time that the new maps went into effect on November 3, 2009, the property had already been subjected to a conservation easement, dated June 22, 2009. Page 1 of the recorded Deed of Conservation Easement was submitted as Applicant's Exhibit No. 3. Mr. Cropper stated that the easement precludes any subdivision activity for the property. Therefore, he said that it was a good faith mistake made during the time of the comprehensive rezoning process.

Mr. Chris McCabe testified that he was employed as the Natural Resources Administrator for Worcester County in 2009, and he is familiar with the terms of the easement. He concurred that the property was in an easement as of June 22, 2009, and subdivision activity is precluded. He said that Worcester County did not adopt the septic tier maps, therefore the petitioned area would not be eligible for a major subdivision (which is allowed in the E-1 District) on private septic. Mr. McCabe concurred that as the former Natural Resources Administrator, and now environmental consultant, it was and is a mistake for the property to be zoned E-1 District. The

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land is and has historically been used agriculturally, is designated as Agriculture on the Comprehensive Plan's Land Use Map and should be similarly zoned.

Mr. Cropper noted that his argument was based on a mistake, and therefore they have not defined the neighborhood. The zoning would be more conforming with its current use. The property has great soils and was originally approved for on-site septic systems as part of the former subdivision application. He stated that the A-1 Agricultural District allows many more agricultural uses than the E-1 Estate District.

Mrs. Drew asked what the goal was for the overall property. Mr. Smithson purchased the farm five years ago. They treat it as a family compound as they live full-time in Cape May, New Jersey. Mr. Cropper noted that Mr. Smithson purchased Grandview Farms, which is the property on the southerly side of Public Landing Road in late 2024. It is similarly zoned E-1 Estate District, with 100 tillable acres. The long-term plan is to rezone Grandview Farms based on a change in the character of the neighborhood, using this rezoning case as the justification for the change. Mrs. Wimbrow mentioned waiting until the next comprehensive rezoning, but that will be several years in the future. She also noted that it wouldn't be feasible to argue mistake on the Grandview Farms parcel, because the lots were platted and the roads installed at the time of the comprehensive rezoning in 2009 before its own conservation easement was recorded.

Circling back to the specific petitioned area, Mr. Cropper stated that they were not intending to buy out the easement. He then went through the findings of fact that the Planning Commission must make as outlined in his application.

The Planning Commission reviewed and commented upon each of the findings. **Following the discussion, a motion was made by Mr. Church, seconded by Mrs. Knight, and carried unanimously, to find the proposed amendment to rezone the petitioned area from E-1 Estate District to A-1 Agricultural District consistent with the Comprehensive Plan based on a mistake, and forward a favorable recommendation to the Worcester County Commissioners.**

V. Text Amendment
A. Solar Energy Systems

Mrs. Keener presented a proposed text amendment that was prepared at the request of the Worcester County Commissioners. While the request from the County Commissioners was specific to decommissioning, many of the definitions and review procedures are outdated and need to be amended. Broadly, the bill proposed to do the following:

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- Align the definitions.
- District regulations have been updated to reflect the new definition/title.
- Modifying the lot requirements for major and utility systems to be consistent with state law.
- Modifying the utility review process to be consistent with current practices and state law.
- Create local decommissioning and restoration plan requirements and local bonding.
- Adding a nuisance provision to the Public Health Article for abandoned projects.

In addition, the Planning Commission made the following amendments to the original draft bill:

- Enhanced the landscape buffer provisions for major systems between 200 kW and one MW.
- Require all major systems to provide for decommissioning plans and bonds (200 kW and greater) whether for on-site consumption or sale to the grid.
- Revise the district regulations for major and utility systems that are listed as special exceptions to be permitted uses. Currently, systems over one MW would not be subject to special exception provisions due to state law.

Following the discussion, a motion was made by Mrs. Wimbrow, seconded by Ms. Smith and carried unanimously to provide a favorable recommendation to the bill with amendments.

VI. Adjourn

On a motion made by Ms. Ott and seconded by Ms, Smith, the Planning Commission adjourned.



Mary Knight, Secretary



Ben Zito, DRP Specialist