

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**January 11, 2018**

The Queen Anne's County Planning Commission met on Thursday, January 11, 2018, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, David Douglas, Tom Jackson, and Sheila Tolliver

Also present were Michael Wisnosky, Director Department of Planning and Zoning; Holly Tompkins, Development Review Principal Planner; Helen Spinelli, Principal Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

**1. Election of Officers**

Upon motion made by Commissioner Jackson, seconded by Commissioner Leigh, and passed by unanimous voice vote, officers were elected as follows:

Chairman – Commissioner Reiss  
Vice Chairman – Commissioner Dobson  
Secretary – Commissioner Leigh  
Clerk – Mr. John Shelton.

**2. Public Comment** – No comments received.

**3. Meeting Minutes Review** – Upon motion made by Commissioner Leigh, seconded by Commissioner Dobson, and passed by voice vote with Commissioner Tolliver abstaining, the November 16, 2017 Special Planning Commission Meeting Minutes were approved as presented and the December 14, 2017 Planning Commission Meeting Minutes were approved with additions.

**4. Introduction of newly appointed Planning Commission member** – Chairman Reiss introduced and welcomed Commissioner Tolliver to the Planning Commission.

**5. Extension Requests** – None.

**6. UPDATES: Legislation and Legal Matters**

(A) Mr. Michael Wisnosky, Department of Planning & Zoning Director, informed the Planning Commission that meetings with the Maryland Department of Planning regarding the new plan entitled "A Better Maryland" are set for February 13, 2018. He said they will be meeting with the County Commissioners and various County Departments throughout the day, and a Public Meeting will be held at 6:00 P.M. Mr. Wisnosky added that the venue for the Public Meeting has not yet been determined, but he will notify the Planning Commissioners once it is determined.

(B) Mr. Christopher Drummond, Planning Commission Attorney, described difficulties in determining current owner(s) of small solar project on Ceder Lane. He said that upon inspection, the landscape screening is not what was required upon their original approval, and the County filed a Complaint in Circuit Court in December 2017 against Church Hill Solar Farms, LLC. Mr. Drummond said since the filing, it was discovered that the solar array has been assigned by Church Hill Solar Farms to Marina Energy, LLC., and the lawsuit has been amended to include Marina Energy, LLC.

Mr. Drummond went on to say that in light of the difficulty in determining the owner of the solar array, he has asked Delegate Arentz and Senator Hershey to introduce legislation requiring notice to the Public Service Commission upon sale of solar and/or energy projects.

**7. Text Amendment / County Ordinance #17-17 Amendment #2** – to repeal and re-enact current Conditional Use Section 18:1-95.S Sorlar Arrays, amend the Open Space Sectionn 18:1-12.A to remove NCD and TDR open space for solar arrays, amend Article VI Accessory Uses to add a new Solar Array Standards section, and any amendments that may be introduced by the County Commissioners prior to the meeting.

Ms. Holly Tompkins, Principal Planner, stated that last Tuesday the County Commissioners introduced a Second Amendment which was provided to the Planning Commission. She said the proposed Amendment 2 is very short and straightforward revision to setbacks consisting of the following; (1) Section 18:1-95.S(3)(d)(3) by increasing setbacks from 150 feet to 300 feet and removing “any residential use or zoning district” to be replaced with “the nearest lot line of a single-family, cluster, or sliding scale lot” and (2) provide more specific details for measuring setback distances.

Mr. Michael Wisnosky, Director, stated that the 300-foot distance was chosen with thought and consideration, based on advanced setback requirements already in existence for mega-farms.

Commissioner Tolliver proposed additional amendments which were considered and discussed by Planning Commission and staff. Upon review and consideration, Commissioner Tolliver made a motion to adopt her proposed “Amendment 1” which was seconed by Commissioner Douglas.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time the following comments were received;  
(A) Mr. Jay Falstad, Queen Anne’s Conservation Association, said that based on discussions he has heard, he believes the intent all along was to make it a 300-foot setback everywhere.

(B) Ms. Erin Wachowiak, Urban Grid, thanked staff and the Planning Commission for including developers in discussions so she can be clear on how to proceed under the Code moving forward.

(C) Ms. Courtney Brooks, Church Hill, said that if poultry houses are required to have a 300-foot setback, solar arrays should as well.

Mr. Drummond described the fine line the County must walk in getting what we want and not having the Public Service Commission ignore our requests. He said the Public Service Commission is only obligated to give us "due consideration."

Chairman Reiss called for a vote of the motion proposed by Commission Tolliver which passed by unanimous voice vote.

Upon further review and consideration, the following motion was made by Commissioner Tolliver, seconded by Commissioner Dobson, and passed by unanimous voice vote:


**RESOLVED**, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Commissioners for adoption of **Text Amendment / County Ordinance #17-17 Amendment 2** to amend Section 18:1-95.S.(3)(d) as presented, amended, and attached hereto as "Exhibit A".

**8. Miscellaneous Staff Items** – None.

**9. Public Comment** – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:07 A.M.

RESPECTFULLY SUBMITTED,

  
Tom Leigh, Secretary

2/8/18