

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**April 12, 2018**

The Queen Anne's County Planning Commission met on Thursday, April 12, 2018, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, Robert Priest, 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; Rob Gunter, Senior Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

**1. Public Comment** – Mr. Jay Falstad, Queen Anne's Conservation Association, questioned whether the Casper Solar project was permitted to come back before the Planning Commission since the project was denied in January.

**2. Meeting Minutes Review** – Upon motion made by Commissioner Tolliver, seconded by Commissioner Leigh and passed by voice vote, the March 8, 2018 Planning Commission Minutes were approved with additions.

**3. UPDATES: Legislation and Legal Matters** – Mr. Michael Wisnosky, Planning & Zoning Director, provided the following updates and miscellaneous items;

- (A) Pending and Recently Approved Projects memo is in your packets and will continue to be a monthly insert,
- (B) HB 15-73 regarding Ownership of Commercial Solar Arrays passed with the only change being that notice of sale of ownership must be made no later than 30 days after the sale,
- (C) Cedar Lane - 90% of the missing buffer has been replanted,
- (D) Ms. Helen Spinelli recently presented a quarterly update video presentation to the County Commissioners which was then presented to the Planning Commission, and
- (E) Ms. Vivian Swinson was introduced and welcomed as the new Zoning Administrator.

**3. Extension Requests**

**(A) GSH Slippery Hill, LLC (Green Street Housing) Village at Slippery Hill - Major Site Plan #05-14-04-0001** - Mr. Thomas Ayd, Green Street Housing presented the request for a 6-month extension to the conditionally approved Major Site Plan for the construction of 108 apartments and 2 one-story commercial building on the South side of Nesbit Road between U.S. Route 50 and Main Street, in Grasonville. Mr. Ayd explained that in February 2018 the Planning Commission granted Concept Plan approval to revise the conditionally approved Major Site Plan with a phased mixed-use development for 151 residential units 34 commercial apartment units, and 16,344 square feet of commercial and amenity space. He said they are seeking an extension while they work on submitting an Amended Major Site Plan which will ultimately

supersede this conditionally approved Site Plan. Lastly, he added that the funding is in place and they are working on engineering and the Adequate Public Facility study.

Upon review and further consideration, the following motion was made by Commissioner Priest, seconded by Commissioner Dobson, and passed by voice vote with Commissioners Priest, Dobson, Jackson and Douglas in favor and Commissioners Tolliver, Reiss and Leigh opposed;

**RESOLVED**, that at the request of **GSH Slippery Hill, LLC (Green Street Housing)**, the conditionally approved Major Site Plan, for the construction of 108 apartments and 2 one-story commercial building on the South side of Nesbit Road between U.S. Route 50 and Main Street, in Grasonville and as more particularly described in Department of Planning and Zoning File #05-14-04-0001, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **October 11, 2016**, with the provision that this is the final extension.

**4. Map Amendment – Petition for Rezoning #18-03** – Mr. Christopher Drummond, Planning Commission Attorney, read the published public notice and informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning proposed amendment to Tax Map 56, Parcel 77 from Kent Island Suburban Commercial (KISC) to Suburban Industrial (SI).

Mr. Rob Gunter, Senior Planner, provided the history of zoning on the property and proposed rezoning a 14,000 square foot parcel on State Street, in Stevensville. Vivian Swinson, Zoning Administrator, said, regarding the boat storage issue, that a letter was sent to the owner giving them 10 days to remove the boats, and he still has time to comply with the request.

Mr. Michael Foster, Esq., on behalf of Annapolis Yacht Sales said there are two pieces of property in one deed and went on to describe these and the surrounding properties and the history of zoning and uses on them.

Mr. Chris Humphreys, COO Annapolis Yacht Sales, said he lives nearby on Web Foot Lane, and purchased the property to use to store and service boats including electronic installations, detailing, and engine repair. He said that boats will be on the property all year, with winter storage occurring from November to March.

The Planning Commission recessed for a short break at 10:15 A.M. and reconvened at 10:28 A.M.

Chairman Reiss asked if there were members of the public who wished to comment, at which time the following comments were received;

(A) Mr. Mike Ranelli, 610 Love Point Road, opined that it is not a mistake as there were 2 Public Hearings in 2009 with lots of discussion and explanation for why (it was zoned) KISC. He submitted 2 letters from adjacent property owners who are opposed.

(B) Ms. Tina Schroyer, tenant at 608 Love Point Road, described drainage issues and changes to drainage since some recent grading. She said the current zoning matches what is going on in the neighborhood and the business activity of boat repair and storage is killing the grass with leakage. Lastly, she said she believed that industrial zoning is not in keeping with the surrounding neighborhood.

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

**RESOLVED**, that the Planning Commission, finding a mistake was made during the re-zoning in 1989, hereby makes a favorable recommendation to the Queen Anne's County Commissioners regarding **Map Amendment #18-03**, to amend Tax Map 56, Parcel 77 to rezone the 14,000 square foot parcel on State Street, in Stevensville, from Kent Island Suburban Commercial (KISC) to Suburban Industrial (SI), as presented and attached hereto as Exhibit A.

**5. Conditional Use – Casper Solar Center, LLC. (CU #170400010)** – Prior to consideration of the request, Chairman Reiss announced that he would be leaving prior to completion of this matter and yielded to Vice Chairman Dobson to oversee the remainder of the meeting. Ms. Holly Tompkins, Principal Planner, described the highlights of the applicant's request including how the applicant has addressed the concerns expressed by the Planning Commission at a previous meeting.

Mr. Jeffrey Thompson, Esq., on behalf of Casper Solar, said the law was in a state of flux when they were here before. He said the current proposal is one-third less coverage and includes a 300-foot setback.

Mr. Ben Combs, Coronal Energy, said the footprint is smaller and new technology allows for fewer panels to generate the same amount of energy. He provided a presentation of the following; (A) major modifications, (B) setbacks, (C) construction sequencing, and (D) landscape buffers. He said they are fully compliant with CO17-17 with 300-foot setbacks, 50-foot landscaping buffer, and green or black 8-foot fencing.

Mr. Ryan Gilcrest, Coronal Energy, described the decommissioning costs and said amendments were made to allow the County to call the bond.

Chairman Reiss left the meeting at 12:15 P.M.

Vice Chairman Dobson asked if there were members of the public who wished to be heard, at which time the following comments were received:

(A) Mr. Gordon Byorken, Granny Branch Road, said he and his wife have investing in preserving their historic farm known in the Historic Trust as the James Marshall Farm that was a dairy farm dating back to 1735. He said the proposed solar farm will create glare and visual pollution and should not be located near historic properties. He said to topography creates an issue, because they will see the solar panels despite any landscape buffering. Lastly, he said it creates a unique adverse burden as they will not be able to sell the property in the future with the solar array in view.

(B) Mr. George Weisman, 104 Layson Teal Court, Ashley Manor Homeowners Association representative, said they met with nearby neighborhoods of Eagle Manor and Church Hill Downs and all residents are opposed. He said they will lose property value due to curb/street appeal. Lastly, he noted the unfairness of the commercial entity reaping benefit while the residents receive negative impact.

(C) Mr. Jay Falstad, Queen Anne's Conservation Association, said there are still too many unanswered questions that the applicant says they will answer later. He said the large solar array is not compatible with nearby residences, and the developer is not prepared and is unable to answer questions.

(D) Dr. Sharla Rice- Moore, Mongoose Court, expressed concern regarding ray configuration and glare as they can see the current array that is further away, computer generated simulation is not accurate, two huge areas of fenced in land will divert wildlife to houses and roads, and said the equipment will quickly become obsolete and she questioned where it would go.

(E) Mr. Tim Cobel, 292 Granny Branch Road, said that due to the grade in the area the 10 to 15-foot difference with solar panels will show for many years. He also said that the farm currently drains onto his property causing flooding that will be worse with solar arrays.

(F) Mr. Branden Myer, 115 Granny Branch Road, expressed concern regarding his property value and stormwater drainage onto his property. He said they should have all their cards out on the table now.

(G) Ms. Victoria Myer, 520 Price Station Road, said she owns a horse farm adjacent to the property and the noise of pile driving and solar panel glare with negatively impact horses and potentially put her out of business.

(H) Mr. Chris Blamphin, 242 Laysen Teal Court, said there are 71 signatures of residents in Eagle Manor and Ashleigh Manor who are opposed. He said the language should be to "screen so it can't be seen". Lastly, he said the company will be in and out of our County to make money and don't care about residents.

(I) Mr. Brian Hession, 316 Granny Branch Road, said he is not opposed to solar power, he just doesn't want the panels in his front yard and there is no way to avoid seeing them from his house. He expressed concern for the watershed, nearby wells, and horse farms

(J) Jonathan Jones, 219 Hawk Circle Drive, said solar power is great and I have panels on my roof, but out of respect for neighbors they are only on the back. He expressed

concern for wildlife in the area and said this would sully the view on the approach to historic Church Hill and Chestertown.

(K) Mr. Clay Campbell, 278 Granny Branch Road, expressed opposition for the following reasons; decreased property values, eyesore, no energy benefits to locals, deface historic farms, road safety, health risks to living near solar exposure, and danger of glass solar panels flying during extreme weather.

(L) Mr. Daniel Hathaway, 405 Price Station Road, said he has been a County resident for 30 years and wanted to live in an Agriculture district. He said he would support any Ag farming use or chicken houses on the property. He added that he will see every bit of the proposed panels and they should not be permitted for a company with no roots here.

(M) Ms. Heather Mowell, 112 Dabbling Court, said there are unique adverse conditions with rolling topography, stormwater management, nearby 2-story houses, and road safety concerns.

(N) Mr. Bobby Mowell, 112 Dabbling Court, opined that this was an absurd industrial use for this Ag property and that is why solar arrays are a Conditional Use. He said traffic / safety and runoff are major issues and the totality of circumstances should prevent the granting of the Conditional Use.

(O) Mr. Patrick Rockwell, 118 Dabbling Court, questioned how the southern lot would be irrigated without a farm sprinkler that is located on the northern lot.

Mr. Jeff Thompson said regardless of what is put on the property they have to comply with all regulations regarding stormwater management. He said we are asking for approval for the use and will be prepared with full blown engineering and show compliance with other regulations at the next stage.

Upon review and consideration, the following motion was made by Commissioner Douglas, seconded by Commissioner Tolliver, and then withdrawn:

**RESOLVED**, that the Planning Commission, regarding the request by **Casper Solar Center, LLC** for Concept Plan approval and a favorable recommendation to the Board of Appeals for the construction of a 248 acre solar array operation with 150 acres on Lot 1 (271.35 acres) and 97 acres on Lot 2 (159.81 acres), on Granny Branch Road and Price Station Road at Price Station Road and Cedar Lane, in Church Hill, and as more particularly described in **Department of Planning & Zoning file CU#17040010**, hereby tables consideration to next month to allow opportunity for those not able to stay to testify and allow applicant to achieve goal of screening the panels/collectors to be invisible to the public and provide more details regarding decommissioning.

Upon further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Jackson, and passed by voice vote with Commissioners Leigh, Jackson, Dobson, Priest, and Tolliver in favor and Commissioner Douglas abstaining:

**RESOLVED**, that the Planning Commission, regarding the request by **Casper Solar Center, LLC** for Concept Plan approval and a favorable recommendation to the Board of Appeals for the construction of a 248 acre solar array operation with 150 acres on Lot 1 (271.35 acres) and 97 acres on Lot 2 (159.81 acres), on Granny Branch Road and Price Station Road at Price Station Road and Cedar Lane, in Church Hill, and as more particularly described in **Department of Planning & Zoning file CU#17040010**, hereby makes an unfavorable recommendation to the Board of Appeal for Conditional Use approval for the following reasons; (1) strong and significant public comments and concerns by surrounding landowners, (2) historic nature of surrounding properties, (3) negative impact on animal welfare to surrounding horse farms, and (4) negative impact to surrounding businesses.

**6. Public Comment** – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 2:21 P.M.

RESPECTFULLY SUBMITTED,

  
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Tom Leigh, Secretary

5/10/18