

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**June 11, 2020**

The Queen Anne's County Planning Commission met on Thursday, June 11, 2020, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, Tom Jackson, Sheila Tolliver and Teddy Baker.

Also present were Michael Wisnosky, Director Department of Planning and Zoning; Amy Moredock, Principal Planner; Rob Gunter, Development Review Principal Planner, Brennan Tarleton, Senior Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

Chairman Reiss requested a moment of silence in memory of Planning Commissioner Bob Priest who recently passed away.

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

**2. Meeting Minutes Review** – Upon motion made by Commissioner Tolliver, seconded by Commissioner Dobson and passed by voice vote, the May 14, 2020 Planning Commission Minutes were approved as presented.

**3. Extension Requests** –

**(A) Arcadia of Stevensville – Minor Site Plan #04-17-12-0001** – Mr. Tom Davis, DMS & Associates, presented the request by the applicant for a 1-year extension to the approved Minor Site Plan. Mr. Davis described the impact COVID 19 has had on the ability to move forward in recent months.

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

**RESOLVED**, that at the request of **Arcadia of Stevensville**, the conditionally approved Minor Site Plan, Department of Planning and Zoning **File #04-17-12-0001**, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **June 10, 2021**.

**(B) Meadows Edge – Phase II – Major Subdivision # 06-18-05-0011** – Mr. Jeffrey Thompson, Esq., on behalf of Meadows Edge said the applicant has submitted everything to the County and is awaiting final signatures.

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

**RESOLVED**, that at the request of **Meadows Edge**, the conditionally approved Major Subdivision, Department of Planning and Zoning **File #06-18-05-0011**, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **September 10, 2020**.

**4. UPDATES: Legislation and Legal Matters** – Ms. Amy Moredock, Community Planner, provided the following updates regarding Text Amendments.

- (a) **TACO #20-03 – Development Impact Fees (Imposition/Enforcement)** has been forwarded to the County Commissioners and a hearing has been set for June 23, 2020.
- (b) **TACO #20-04 William F. Reed: §14:1-39(2) Development standards in Resource Conservation Area** County Commissioners granted the requested 90-day extension for Planning Commission review.
- (c) **TACO #20-05 COHBROS Properties, LLC. c/o William Thomas Davis Jr.: §18:1-32.D(2)(b)[5][b] and §18:1-33.D(2)(b)[5][b] Grasonville Neighborhood Commercial (GNC) and Grasonville Village Commercial (GVC) Residential Development Standards, Dimensional and Bulk requirements, Minimum Lot Width, Multifamily** has been forwarded to the County Commissioners and a hearing has been set for June 23, 2020.
- (d) **TACO #20-06 Brandon A. Davis: §14:4-1. Stormwater Management. Definititon.** has been withdrawn.
- (e) **TACO #20-07 Chesapeake Bay Beach Club, LLC c/o William Thomas Davis, Jr.: §18App-1. Appendix a: Glossary. Definitions.** has been withdrawn.
- (f) **TACO #20-08 – Agritourism Provisions – Alcohol Production Uses** Staff is working to gather requested information and anticipates Planning Commission review at the July meeting.

**5. Public Hearing – Merrick Farms, LLC / Byler Materials, LLC – Concept Plan and Board of Appeals recommendation – SP#19-10-0041** – Mr. Christopher Drummond, Planning Commission Attorney informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning the conditional use application by Merrick Farms, LLC / Byler Materials, LLC, for (1) a proposed increase in materials stockpile and equipment height from 40' to 45' and (2) an expansion of operational hours for the existing sand and gravel major extraction operation.

Mr. Sean Callahan, Lane Engineering, described the landscaping plan and the area of the stockpile where the increased height is located. Additionally, he addressed the decibel levels on a variety of areas on site and described the area where the level exceeded the maximum by 1 decibel. He said landscaping berms could be increased or installed along Merrick Road, or the dredge operation could be restricted for that area at night.

Mr. Steven Meehan, Esq., on behalf of Merrick Farms, described the mineral extraction industry and why they are key to the economy, and the re-decking and construction of the Bay Bridge and the impact to trucks leaving Merrick.

Alan Scott, Plant Manager, described the current hours and operation, and the need for an increased supply of materials. He said the normal truck hours were not being changed, but they request to be permitted to start loading earlier when the Bay Bridge lanes shut down for construction. Mr. Scott added that the additional height requested for stockpiles allows flexibility in the event of equipment breakdown.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time no comments were received.

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

**RESOLVED**, that the Planning Commission, regarding the request by **Merrick Farms, LLC / Byler Materials** for Queen Anne's County Board of Appeals recommendation, to expand an existing sand and gravel mining operation, on 150.28 acres of land on East side of MD Route 313, along Merrick Corner Road and Ingleside Road, near Ingleside, and as more particularly described in **Department of Planning & Zoning file SP#19-10-0041 and Board of Appeals file #19-10-0049**, hereby finds; (1) use proposes an expansion to Phase III of a mining operation an that is consistent with Agricultural Zoning District in which it is located, (2) the expansion of the height proposed for the stockpile and equipment complies with the maximum height restriction in the zoning district and (3) the proposed expansion of operations into the nighttime hours on days of lane closure on the Bay Bridge would conflict with the noise limitations in State regulation, and hereby forward a favorable recommendation to the Board of Appeals with amendment to exclude the additional hours of operation under §18:1-14.C(7) and §18:1-95.E with the following conditions; (1) conditions 1-27 contained within the Board of Appeals decision for Case No. CU-17070010 remain in effect, (2) the proposed height of material stockpiles and equipment shall not exceed 45 feet, (3) the applicant enters into a Host Community Agreement with the County prior to receiving final approval, (4) the applicant pays the full amount of the invoice issued by the Queen Anne's County Public Works Roads Division on 1/10/20 prior to receiving

final approval, and (5) any outstanding documentation or comments stemming from agency reviews are addressed prior to the Board of Appeals hearing.

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

**RESOLVED**, that the Planning Commission, regarding the request by **Merrick Farms, LLC / Byler Materials** for Concept Plan approval to expand an existing sand and gravel mining operation, on 150.28 acres of land on East side of MD Route 313, along Merrick Corner Road and Ingleside Road, near Ingleside, and as more particularly described in **Department of Planning & Zoning file SP#19-10-0041 and Board of Appeals file #19-10-0049**, hereby finds; (1) the proposed use for an expansion to Phase III of a mining operation is consistent with Agricultural Zoning District in which it is located , and (2) the expansion of the height proposed for the stockpile and equipment complies with the height restriction for the zone, and hereby grants approval.

The Planning Commission recessed for a short break at 9:58 A.M. and reconvened at 10:06 A.M.

**6. Baynard Estates and Baynard's Relief – Preliminary and Final Major Subdivision SUB #19-09-0148** – Mr. Brennan Tarleton, Senior Planner, provided the highlights of the applicant's request for Preliminary and Final Major Subdivision approval to administratively combine two (2) existing large lots and utilize Cluster Subdivision technique, resulting in three (3) cluster lots and one (1) remaining large lot, on 42 acres of land on Shawn Road, outside of Centreville.

Mr. Jeffrey Thompson, Esq, on behalf of Dorsey Patchett, said the staff report was very complete, and we are requesting approval to waive the buffer requirement under §18:1-76(D) as Mr. Patchett owns the remaining lands surrounding the parcel and the purpose of the section is not relevant in this case.

Mr. Jack Kirby, Kirby & Associates, said there are no issues that would require additional Planning Commission review, only minor edits that can be staff approved.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time the following comments were received.  
(A) Misty and Jory Bever, 325 Shawn Road, expressed concern regarding the value of their property, view of the homes from their property, and the safety of children playing and riding bikes in the shared driveway.

(B) Steve and Coby Pryor, Lot 7, said they respectfully oppose the project as the existing homes are all on large lots and this will decrease property values.

(C) Kayla Rexroth, Parcel 37 / Lot 11, said she and Austin Pryor are very unhappy that there will be 2 more houses in front of their house and said it will have a negative impact on the neighborhood and decrease property values.

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

**RESOLVED**, that the Planning Commission, regarding the request by **Dorsey Patchett, III (Baynard Estates and Baynard's Relief)** for Preliminary and Final Major Subdivision approval to administratively combine two (2) existing large lots and utilize Cluster Subdivision technique, resulting in three (3) cluster lots and one (1) remaining large lot, on 42 acres of land on Shawn Road, outside of Centreville, and as more particularly described in **Department of Planning & Zoning file SUB #19-09-0148**, hereby finds; (1) the Cluster Subdivision technique is permitted in the Agriculture District outside of the growth area provided that 85% or more of the land is preserved as open space, (2) the plan provides for an adequate access for ingress and egress, (3) the vegetative buffer may be waived as the adjoining agricultural property owner also owns the land to be subdivided, and (4) in compliance with section 7(d) of the Planning Commission Rules for granting both approval we find (a) it is in the public interest as it saves the County from additional unnecessary review and processing time, (b) all outstanding issues have been addressed, (c) there has been no inaction or delay on the part of the applicant, (d) the request for Preliminary and Final approvals was made at the 25-day submittal and there have been no substantial changes to the plats, and the public has had adequate time to review the project, and (e) the Department of Planning & Zoning has deemed the project complete, and hereby grants approval with the following conditions; (1) all legal documents must be approved and recorded, (2) all required sureties, review and inspection fees must be submitted to the Department of Public Works, (3) and remaining edits and/or documents required by the Departments of Public Works and/or Planning & Zoning must be reviewed and approved, and (4) all required signatures must be obtained.

**7. Kent Narrows Marine, LLC. – Major Subdivision SP #19-06-0026-** Mr. Rob Gunter, Development Review Principal Planner, described the highlights of the applicant's request for Major Site Plan and Bonus Height (under §18:1-26.N(1)(c) approval for Phase 2 of the Kent Narrows Marine Boatel with docking, commercial/retail space, as well as separate office and restaurant pad sites to be constructed in the future. Phase 1 received a height bonus of up to 55 feet: Phase 2 is seeking to amend that approval for a bonus height of up to 60 feet, on 7.92 acres of land on Piney Narrows Road, in Chester.

Mr. Tom Davis, DMS & Associates, described the stormwater management, submerged wetlands, roof ventilation, and the public and private piers.

Mr. Jody Schulz, Kent Narrows Marine, said the public dock/pier will be floating and removed in the winter to prevent damage, and they will maintain both docks/piers. Additionally, he described the need for additional ventilation and the recommendation by engineers, the flushing trench for the powerwash area, and compliance with the Maryland Clean Water Program.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time no comments were received.

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

**RESOLVED**, that the Planning Commission, regarding the request by **Kent Narrows Marine, LLC** for approval of a Bonus Height under §18:1-26.N(1)(c)[2] and as more particularly described in **Department of Planning & Zoning file SP #19-06-0026**, hereby finds per §18:1-26.N.(2)(c)[1],[2], and [3] that; (1) the proposed development is consistent with the overall development scheme of the Kent Narrows Community Plan, (2) that the proposed development will not overburden existing public services, including parking, water, sanitary sewer, public roads, storm drainage, and other public improvements, and hereby grants approval for the Bonus Height up to 60' subject to the following conditions; (1) the applicant shall provide all public amenities established as conditions of approval in the June 9, 2016 Planning Commission Minutes as well as those proffered in the September 16, 2016 amenity package submitted by the applicant, (2) the monetary contribution of \$30,000.00 is to be paid to Queen Anne's County and used by the Kent Narrows Development Foundation for capital public improvements such as pedestrian and bicycle

pathways systems, landscaping, signs, lighting and any other improvements needed to enhance pedestrian access and safety throughout the Kent Narrows with payments being made as follows; (a) Payment 1 - \$7,500 – installment has been paid, (b) Payment 2 - \$7,500 paid upon Planning Commission approval, (c) Payment 3 - \$7,500 paid upon issuance of building permit, and (d) Payment 4 - \$7,500 paid upon issuance of Certificate of Occupancy, and (3) prior to issuance of the Certificate of Occupancy all amenities must be provided and the applicant shall provide a written update regarding their status.

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

**RESOLVED**, that the Planning Commission, regarding the request **by Kent Narrows Marine, LLC** for Major Site Plan approval to develop a high and dry storage facility or rackominium with docking, commercial/retail space as well as separate office and restaurant pad site and as more particularly described in **Department of Planning & Zoning file SP #19-06-026**, hereby finds this Plan to be consistent with the goals and objectives of the Queen Anne's County Zoning and Subdivision Regulations, the 2010 Queen Anne's County Comprehensive Plan, and the 2006 Kent Narrows Community Plan, and hereby grants approval subject to the following conditions; (1) the building constructed must be substantially consistent with the architectural drawing and elevations provided for approval, (2) the applicant shall not conduct boat launching prior to 7:00 A.M. per the Board of Appeals condition, (3) any remaining edits and/or documents required by a reviewing agency, the Departments of Public Works or Planning & Zoning be reviewed and approved, (4) any required legal documents including maintenance agreements and pedestrian access easements must be approved, signed and recorded, (5) all required bonds, sureties, review and inspection fees must be submitted to the Departments of Public Works and Planning & Zoning as appropriate, and (6) all required signatures must be obtained.

The Planning Commission recessed for a short break at 11:20 A.M. and reconvened at 11:25 A.M

**8. Citizen Sponsored Text Amendment TACO #20-04 – William F. Reed; §14:1-39(2). Development Standards in Resource Conservation (reserved).**

**Addition of Accessory Dwelling Unit in provisions in the Resource Conservation Area.** Ms. Amy Moredock, Community Planner, described the proposed amendment to incorporate provisions to permit an accessory dwelling unit within the Resource Conservation Area per the minimum standards established by Maryland Natural Resources Annotated Code Section 8-1808.1.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time no comments were received.

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

**RESOLVED**, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Commissioners regarding **TACO #20-04 – William F. Reed; §14:1-39(2). Development Standards in Resource Conservation (reserved)**., as attached hereto and labeled "Exhibit A".

**9. Miscellaneous Staff Items**

(A) Ms. Amy Moredock thanked Commissioner Dobson for agreeing to sit on the Housing Steering Committee which will be meeting on Tuesday June 16<sup>th</sup> from 3:00 to 4:00 P.M.

(B) Ms. Amy Moredock said the contract has been executed with Wallace Montgomery for the 2020 Comprehensive Plan Update. She said they have been given notice to proceed and are working on a schedule that complies with social distancing requirements.

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

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:00 P.M.

RESPECTFULLY SUBMITTED,

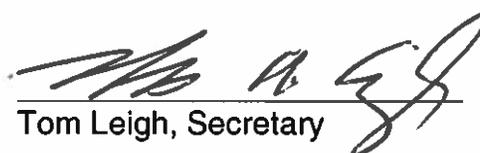
  
Tom Leigh, Secretary

Exhibit A

COUNTY ORDINANCE NO. 20-04

A BILL ENTITLED

AN ACT CONCERNING Accessory Dwelling Unit Provisions in the Resource Conservation Area.

FOR THE PURPOSE of making accessory dwelling unit provisions as outlined in both Maryland Natural Resources Annotated Code Section 8-1808.1 and COMAR 27.01.02.05. consistent with the development standards in resource conservation area and the dwelling unit definition found in the Code of Public Local Laws of Queen Anne's County, Maryland.

BY ADDING §14:1-39.B.(2). Development standards in resource conservation and AMENDING §18App. Definition of Dwelling Unit found in the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that §14:1-39.B.(2). Development standards in resource conservation be and is hereby ADDED to the Code of Public Local Laws and §18App.of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

Article IX. Use and Development Regulations in Development Areas

§ 14:1-39. Development standards in resource conservation.

...

B. Uses not permitted or strictly limited.

...

(2) The following shall apply to accessory dwelling units in the resource conservation area:

(A) One additional dwelling unit is permitted per lot or parcel as part of a primary dwelling unit for the purpose of the density calculation under this section if the additional dwelling unit:

[1] Is located within the primary dwelling unit or its entire perimeter

is within 100 feet of the primary dwelling unit;

a. Does not exceed 900 square feet in total enclosed area; and

b. Is served by the same sewage disposal system as the primary dwelling unit; or

[2] Is located within the primary dwelling unit;

a. By its construction, does not increase the amount of lot coverage already attributed to the primary dwelling unit; and

b. Is served by the same sewage disposal system as the primary dwelling unit.

(B) The provisions of this section must be consistent with COMAR 27.01.02.05 and may not be construed to require consideration of an additional dwelling unit as part of a primary dwelling unit for the purpose of the density calculation under this subsection.

(C) An additional dwelling unit meeting all the criteria under subsection (A) of this section that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit and must likewise be consistent with COMAR 27.01.02.05.

## § 18App. Definitions

### Dwelling Unit.

A principal building, room or group of rooms providing, or intended to provide, living quarters for not more than one family.

Within the Critical Area, a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an

in-law or accessory apartment, a guest house, or  
a caretaker residence.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its adoption.

INTRODUCED BY: Commissioner \_\_\_\_\_

DATE: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

VOTE: \_\_\_\_\_ Nay \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_