



**County Commissioners:**

James J. Moran, At Large  
Jack N. Wilson, Jr., District 1  
J. Patrick McLaughlin, District 2  
Philip L. Dumenil, District 3  
Christopher M. Corchiarino, District 4

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**MEMORANDUM**

DATE: MAY 8, 2025  
TO: QUEEN ANNE'S COUNTY PLANNING COMMISSION  
FROM: STEPHANIE JONES, PRINCIPAL PLANNER  
SUBJECT: CITIZEN SPONSORED TEXT AMENDMENT  
#25-07 – TRANSFER OF DEVELOPMENT RIGHTS - OPEN SPACE  
RECONFIGURATION/SUBDIVISION

Citizen sponsored text amendments can be submitted to the County Commissioners the first ten business days in February in accordance with Article XXIX of the Zoning and Subdivision Regulations. There were 4 citizen sponsored text amendments conveyed from the County Commissioners to the Planning Commission on February 25, 2025 for investigation and recommendation. The first 3 applications were reviewed by the Planning Commission at its April 17, 2026 meeting. This final application was delayed until the May agenda at the applicant's request.

**Background and Objective:**

The intent of Text Amendment/County Ordinance #25-07 is to amend the Transfer of Development Rights (TDR) standards to allow a transferor parcel to be subdivided or reconfigured to accommodate building pad sites, perc sites, and lot line adjustments, but not allow the creation of additional lots. The transferor parcel is the parcel of land in the Agricultural (AG) District or Countryside (CS) District from which development rights were previously transferred and designated as open space. This would allow for the reconfiguration of the open space and the change of ownership through an administrative subdivision of the parcel for which the open space had been placed. This would not allow for the creation of a new lot.

**Proposed Text Amendment/ County Ordinance #25-07 is to amend § 18:1-101.A Transfer of Development Rights Effect of Transfer**

See attachment for proposed ordinance.

**Comments:**

- The TDR program allows for development rights to be transferred from the AG and CS Districts and used to increase residential or nonresidential development on a receiving parcel in multiple other districts within the growth area. TDRs can be used for residential purposes to allow for the reduction of required open space, increase of net buildable area, and increase of density. For nonresidential developments, TDRs can be used for an increase in maximum floor area and maximum impervious surfaces.
- When the development rights are lifted from the transferor parcel, that specific acreage is then permanently designated open space. The result is that only those uses as specified in § 18:1-12 are

permitted (see both the definition of transferor parcel and Open Space uses in the Applicable Laws attachment).

- Open space is defined as lands specifically designated on a site plan or subdivision plat to be preserved in accordance with the provisions of Chapter 18, Chapter 18:1, Part 3, Article V, and upon which only those uses set forth in § 18:1-12 of this Chapter 18 will be allowed.
- The development rights are then purchased through a private transaction from one property owner to another in which the owner of the transferor parcel is compensated.
- The transferor parcel is specific to the area that is encumbered with open space, not the entirety of the parcel which might include unencumbered areas. It must be at least 24 acres or ½ of the size of the lot of record and meet soils criteria consistent with MALPF qualifications. The intent is to preserve high quality agricultural lands.
- According to § 18:1-101.A, once development rights have been transferred, the transferor parcel may not be subdivided or reconfigured. This specific standard has been long standing in the code since 1987. The longevity of this standard indicates that the intent is not to change the open space once the development rights are lifted.
- Building pad and perc site are not defined in the Code. Building pads were previously added to plats to indicate the site for a dwelling and accessory residential structures. A perc site is required for the creation of any new lot.
- § 18:1-106.C indicates that the land shall be permanently deed restricted, meaning that it shall not change.
  - Reconfiguration would not be consistent with the intent and purpose of TDRs because the development rights were lifted based on the specifics of that location, and that specific land permanently deed restricted as open space.
  - Only allowing an administrative subdivision would change the ownership and not the specific land that has had development rights lifted.
- According to § 18:1-104, the instrument of transfer (which documents the lifting of the development rights) shall contain a covenant that the transferor parcel may not be subdivided or reconfigured and that shall run with and bind the transferor parcel.
  - The proposed amendment does not include amending § 18:1-104 to remove this standard. Therefore, if § 18:1-104 is not addressed with this amendment, the standard would continue to be required in the instrument of transfer, prohibiting the subdivision or reconfiguration of that the transferor parcel.
  - In the case of existing instruments of transfer which already include this limitation, amendments to those legal documents would be required should a proposal be submitted.
- Noncontiguous development requires lands to be restricted as open space on a noncontiguous parcel when sending development rights to AG or CS zoned lands for development. If finally approved prior to July 25, 1999, the noncontiguous open space may be reconfigured or administratively subdivided. Those subdivisions approved after July 25, 1999 may not be subdivided or reconfigured.
  - The proposed amendment could set a precedent thus opening the door for a similar amendment proposal to the non-contiguous development provisions.
- As a result of the 2012 Sustainable Growth and Agricultural Preservation Act (known as the “Septic Bill”), the TDR program is no longer as valuable as it once was. The Septic Bill limited the installation of septic systems within a major subdivision to seven lots. This change has impacted the TDR program because, although development rights can be transferred, only a maximum of seven lots can be created if not on public sewer. As well, the density that is permitted to be transferred to the growth area is very minimal. Therefore, the program is not currently utilized to create new transfer development rights, resulting in no new TDR open space.

- Md. Land Use Code Ann. § 7-201 gives authority to the counties to establish transfer of development rights programs to encourage the preservation of natural resources and to facilitate orderly growth and preservation of open space and agricultural lands.
- TDR open space is counted as a method of conservation in the County. Within the Comprehensive Plan, the acres of open space are included in the total acres of preservation within the County.
- The TDR program and the creation of deed restricted open space is consistent with the Comprehensive Plan (see Applicable Laws attachment). The Comprehensive Plan does not address the specifics of allowing reconfiguration or administrative subdivisions to open space but specifically lists TDR as a method of preservation.

**Considerations and concerns that should be addressed by the Planning Commission and applicant:**

- The difference between reconfiguration and an administrative subdivision of the transferor parcel and if both or one or the other are appropriate.
  - Reconfiguration: To alter the shape and configuration of the open space.
    - Although consistent with other code provisions noted below, reconfiguration is not consistent with the intent of development rights that have been removed and specifically those soils have been permanently deed restricted.
  - Administrative subdivision: To change the lot lines of the property resulting in a change of ownership of the restricted open space.
    - The same lands would continue to be deed restricted as they had been since the rights were lifted.
  - Allowing a reconfiguration and administrative subdivision could result in open space being relocated off of the parent parcel on which the development rights were lifted and reconfigured for perc sites and building pads. It would not need to remain in the same configuration or continue to be located on the soils that were preserved with the covenants; therefore, the protection would no longer be permanent.
- Although the proposed amendment indicates that no new lots could be created, by using the term *subdivided [subdivision]*, it is not clear as to what type of subdivision would be permitted to occur by definition. It would be consistent with the code to use existing terms such as *administratively subdivide [administrative subdivision]*. As well note the similarities and differences outlined below
  - Cluster subdivisions: Open space is required to be created with cluster subdivisions.
    - § 18:1-12.D The open space may be administratively reconfigured to accommodate changes for building pad sites, perc sites, and lot lines, but may not be used to create additional lots.
    - Note, cluster subdivisions do not require the same preservation of high quality soils as do TDRs. There is no specific criteria as there is for TDRs.
  - Noncontiguous Development: Open space is required to send development rights to a development parcel.
    - § 18:1-7.H(2): Any open space on a noncontiguous parcel included in a noncontiguous development subdivision, finally approved before July 25, 1999, may be reconfigured or administratively subdivided to adjust lot lines and may be further subdivided to create no more than one additional lot of record subject to the restrictions of § 18:1-13K and further provided that open space use restrictions shall not be affected.
    - This would not be permitted if the noncontiguous parcel was created after July 25, 1999. § 18:1-98.F(4)(a) indicates that the noncontiguous parcel may not be subdivided or reconfigured. Noncontiguous development requires soil and natural resources qualifications for the restriction of open space and allows development rights to be moved to another parcel.
- If the TDR open space is reconfigured, it would be expected that the amended area meet all standards as required in Article XX, including the soil and acreage standards. If administratively subdivided, it would

be expected that the amended area meet all standards as required in Article XX, included acreage standards. The lands on which the soils are preserved would not be changing, only the ownership would change.

- This could result in the original open space ending up on multiple parcels.
- The proposed language allows for the subdivision (no additional lots) or reconfiguration to accommodate building pads, perc sites, and lot line adjustments. It is not clear if this is for an existing building pad or proposed building pad. This should be clarified. As well, it should be clarified that this would be for a residential building pad, as historically this is why building pads were created. Agricultural uses also are permitted in the open space through § 18:1-12, so they would not be prohibited or require open space to be moved.

**Recommendation:**

Planning Staff recommends that the Planning Commission review the considerations as outlined above in contemplation with the historical purpose of TDRs, open space, consistency with other forms of development such as noncontiguous, and the intention of preservation within the County before sending a recommendation to the Board of County Commissioners for the proposed amendment. If the Commission is inclined to send a favorable recommendation, staff further suggests that TDR open space be restricted to administrative subdivision with an adjacent property owner and strictly prohibit reconfiguration.

The Planning Commission recommendation should include any edits, as deemed necessary, and consistency with §18:1-221 and § 4-204 of the Land Use Article of the Annotated Code of Maryland (see attached applicable laws).

- See above or include discussion points to provide consistency findings regarding the zoning and subdivision regulations and comprehensive plan.

**Resolution:**

RESOLVED, that the Planning Commission makes a **FAVORABLE/UNFAVORABLE** recommendation to the Board of County Commissioners regarding Citizen Sponsored Text Amendment #25-07 to amend the Transfer of Development Rights (TDR) standards to allow a transferor parcel to be subdivided or reconfigured to accommodate building pad sites, perc sites, and lot line adjustments, but not allow the creation of additional lots. The Planning Commission provides the following findings:

***(\*PROVIDE FINDINGS FROM THE STAFF REPORT OR DISCUSSION RELATIVE TO CONSISTENCY/INCONSISTENCY WITH:***

- ***THE ZONING AND SUBDIVISION REGULATIONS,***
- ***ANNOTATED CODE OF MARYLAND (LAND USE ARTICLE)***
- ***THE COMPREHENSIVE PLAN \*)***

Attachments: Application with attached amendment, Applicable Laws, Conservation Lands Map (as of July 2024), Recommendation from Economic Development Commission

**TEXT/CODE AMENDMENT APPLICATION  
QUEEN ANNE'S COUNTY CODE – LOCAL REGULATIONS  
CHAPTER 18:1 ZONING AND SUBDIVISION REGULATIONS**



*The County Commissioners for Queen Anne's County*

C/O Stephanie I. Jones  
107 N. Liberty Street, Centreville, MD 21617

Pursuant to Part 7, "Administration, Enforcement, and Special Procedures", Article XXIX, § 18:1-218 "Proposal of amendment", of the Queen Anne's County Code – Local Regulations, I/We \_\_\_\_\_

Thompson Farms, LLC, c/o Jeffrey E. Thompson, Managing Member and Shirley F. Sheaffer

**Applicant's Name**

of 124 N. Commerce Street, Centreville, Maryland 21617

410-310-3632

**Address**

**Telephone Number**

hereby petition the County Commissioners of Queen Anne's County to amend Chapter 18, Zoning and Subdivision Regulations of Queen Anne's County, Maryland. I/We propose to amend Article XX Chapter 18:1-101 A (1) as follows:

\* *Blue*, [Brackets] and ~~strikethrough~~ indicates language to be deleted  
\*\* *Yellow*, *Italicized* and underlined indicates language to be added

18:1-101 A (1) May ~~not~~ *only* be subdivided or reconfigured *to accommodate building pad sites, perc sites and lot line adjustments, but may not be used to create additional lots*

The purpose of the proposed amendment is to permit: The subdivision or reconfiguration of a TDR *Transferor Parcel* so long as no additional lots are created \_\_\_\_\_

Thompson Farms, LLC

By: \_\_\_\_\_

*Shirley Sheaffer*

Applicant's Signature

*2-13-25*

Date

**Please Note:** The application for an amendment to the text of this Code shall, at a minimum state in particular, the Article, Section, and paragraph sought to be amended (noted above). The application shall contain the language of the proposed amendment and all supplemental and supporting documentation must be included (add additional sheets as necessary).

**Instructions:** § 18:1-218 specifies that applications for text amendments be filed with the Office of the Clerk to the County Commissioners for consideration by the County Commissioners only during the first 10 business days in the month of February of each calendar year.

**RECEIVED**

FEB 14 2025

QUEEN ANNE'S COUNTY  
PLANNING & ZONING

Enacted 9 January 2020

**For Office Use Only:**

File Number County Ord. #25-06  
Date Filed February 14, 2025  
Date Referred to Planning Commission February 25, 2025  
Date Recommend. Rec'd from Plan. Comm. \_\_\_\_\_  
County Comm. Public Hearing Date \_\_\_\_\_  
County Commissioners Action \_\_\_\_\_  
Date of Action \_\_\_\_\_

## Addendum to Text Amendment

Application by Thompson Farms, LLC, c/o Jeffrey Thompson, Managing Member  
and Shirley E. Sheaffer

\* *Blue*, [Brackets] and ~~strikethrough~~ indicates language to be deleted  
\*\* *Yellow*, *Italicized* and underlined indicates language to be added

### §18:1-101. Effect of transfer.

- A. After *development* rights have been transferred by an *original instrument of transfer*, the *transferor parcel*;
- (1) May ~~not~~ *only* be subdivided or reconfigured *to accommodate building pad sites, perc sites and lot line adjustments, but may not be used to create additional lots*;
  - (2) Shall be deemed *open space* and shall be limited to only those uses allowed pursuant to Column A of the *open space* table in § 18:1-12 of this Chapter 18:1;
  - (3) May not be used in connection with any determination of *site area* or *site capacity*, except as may be necessary in determining the number of *development* rights involved in the *transfer*; and
  - (4) A *transferor parcel* must be at least 24 *acres* or ½ of the size of the *lot of record*, whichever is less, and meet the following soils criteria as per the 1996 Soils Survey of Queen Anne's County: [**Amended 9-7-2004 by Ord. No. 04-29**]
    - (a) At least 50% of the land shall classify as Class I, II or III soils; or
    - (b) If the land is wooded, 50% of the land is classified as *woodland* Group 1 or 2; or
    - (c) If there is an insufficient percentage of Class I, II or III soils alone and there is an insufficient percentage of *woodland* Group 1 or 2 soils alone, the land must have a combination of the classifications that meets or exceeds 60%.
    - (d) Plats of TDR parcels must provide the location of all existing *buildings*.

**APPLICABLE LAWS**

*Annotated Code of Maryland/Land Use Article*

§ 1-101. Definitions

(f) Development means an activity that materially affects the existing condition or use of any land or structure. “Development” does not include a normal agricultural activity.

§ 4-204. Zoning regulations -- Amendment, repeal, and reclassification

(a) Authority. -- Zoning regulations and boundaries may be amended or repealed.

§ 7-201 Transfer of Development Rights, Local Authority

*Chapter 18:1*

Article IV Zoning Maps

§18:1-12. Permitted uses in open space.

A. The following are permitted or conditional uses allowed in open space areas required by this Chapter 18:1. Any use not specifically listed below is not permitted in required open space areas.

[Amended 6-12-2007 by Ord. No. 06-22; 8-19-2008 by Ord. No. 08-15; 12-13-2011 by Ord. No. 11-07; 8-13-2013 by Ord. No. 13-15; 1-23-2018 by Ord. No. 17-17]

	A	B	C	
	Non-contiguous <i>Open Space/TDR</i>	<i>Multifamily/ Manufactured Home Community/ Master Planned Residential Development</i>	<i>Single-Family Cluster Development</i>	
<i>Allowable Uses</i>			NC	All Other
<i>Agricultural uses</i>	Y	N	Y	Y
Fields or pastures	Y	Y	Y	Y
<i>Accessory building</i>	Y	Y	Y	C
<i>Commercial forestry</i>	Y	N	C	C
<i>Noncommercial forestry</i>	Y	N	Y	Y
<i>Commercial stables</i>	Y	N	C	C
<i>Public recreation</i>	Y*	N	N	N
<i>Private stables</i>	Y	N	Y	Y
<i>Nurseries</i>	Y	C	C	Y
<i>Farm employee dwelling</i>	Y/N	N	N	Y
<i>Drainage structures</i>	Y	C	Y	Y
Minor extraction that does not require the issuance of a surface mining permit in accordance with COMAR 26.21.01.08 (C), (D), (E) and (F)	Y	N	C	Y

	A	B	C	
	Non-contiguous <i>Open Space/TDR</i>	<i>Multifamily/ Manufactured Home Community/ Master Planned Residential Development</i>	<i>Single-Family Cluster Development</i>	
<b>Allowable Uses</b>			NC	All Other
<i>Minor extraction and dredge disposal uses that require issuance of a surface mining permit on a transferor parcel, provided the parcel has not been subject to a cluster subdivision nor is the parcel a developed parcel for noncontiguous development</i>	Y	N	C	Y
<i>Minor extraction and dredge disposal uses that require issuance of a surface mining permit on a parcel that has been subject to a cluster subdivision or a parcel that is a developed parcel for noncontiguous development</i>	C	N	C	C
<i>Shooting clubs</i>	C	N	C	C
<i>Outdoor recreation</i>	C	Y**	C	C
<b>NOTES:</b>				
* Public recreational uses that include more than 10,000 square feet of enclosed floor area or are greater than one story in height shall be allowed only as a conditional use.				
** See §§ 18:1-26 to 18:1-33, district regulations, for additional open space requirements.				

*Article XX Transferable Development Rights*

*Article XXIX. Amendments*

§18:1-218.A.1 Proposal of Amendment

- A proposal for a text amendment, other than an amendment to the Subdivision Regulations, may be initiated by:
- (a) Resolution of the County Commissioners;
  - (b) Resolution of the Planning Commission; or

(c) Petition of a property owner or property owners acting as a private citizens' group filed with the County Commissioners.

§18:1-220 Action by Planning Commission

- A. Consideration. In considering any proposed amendment, the Planning Commission shall cause such investigation to be made as it deems necessary and for this purpose may require any person concerned to submit pertinent data and information.
- B. Hearing. Before making any recommendation with respect to an amendment involving comprehensive rezoning or an amendment of the Subdivision Regulations, the Planning Commission shall hold at least one public hearing.
- C. Report.
  - (1) The Commission shall submit its report and recommendation to the County Commissioners within 90 days from the date when it receives the proposal, unless an extension of time is granted by the County Commissioners.
  - (2) The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

§18:1-221 Consideration by County Commissioners

- C. Matters considered. In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:
  - (1) The purposes set forth in Article 66B of the Annotated Code of Maryland [Land Use Article], the Comprehensive Plan, and this Chapter 18:1;
  - (2) The recommendations of the Planning Commission; and
  - (3) The relation of the proposed amendment to the Comprehensive Plan.

*18:App-1 Definitions*

ADMINISTRATIVE SUBDIVISION

The adjustment, movement or elimination of a common property line between two or more existing lots of record as authorized by this Chapter 18.

DEVELOPMENT OR DEVELOPMENT ACTIVITY

- A. The division of a parcel of land into two or more parcels;
- B. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structures;
- C. Any use or change in use of any structures or land;
- D. Any extension of any use of land; or

E. Any clearing, grading or other movement of land for which permission may be required pursuant to this Chapter 18.

#### OPEN SPACE

Lands specifically designated on a site plan or subdivision plat to be preserved in accordance with the provisions of Chapter 18, Chapter 18:1, Part 3, Article V, and upon which only those uses set forth in § 18:1-12 of this Chapter 18 will be allowed.

#### SUBDIVISION

- A. Any division or redivision of a tract, parcel or lot of land into two or more parts by means of mapping, platting, conveyancing, change, or rearrangement of boundaries.
- B. All subdivisions are also developments.

#### TRANSFERABLE DEVELOPMENT RIGHT

A development right transferred to a receiving parcel, either by deed, easement, or other legal instrument, pursuant to Chapter 18:1, Part 6, Article XX, of this Chapter 18.

#### TRANSFEROR PARCEL

- A. A parcel of land in an Agricultural (AG) or Countryside (CS) District:
  - (1) From which development rights are transferred;
  - (2) Which is to be designated as open space, wherein only those uses as specified in Column A of the table in § 18:1-12 of this Chapter 18 are allowed; and
  - (3) Which may be less than all of a lot owned by an original transferor.
- B. A transferor parcel must meet the following soils criteria:
  - (1) At least 50% of the land shall classify as Class I, II or III soils; or
  - (2) If the land is wooded, 50% of the land is classified as Woodland Groups 1 or 2; or
  - (3) If there is an insufficient percentage of Class I, II or III soils alone and there is an insufficient percentage of Woodland Groups 1 or 2 soils alone, the land must have a combination of the classifications that meets or exceeds 60%.
- C. Plats of transferor parcels must provide the location of all existing buildings.

#### *2022 Queen Anne's County Comprehensive Plan*

##### Chapter 4: Land Use

- Map 4-5: Conservation Lands
- Goal 4-2, Strategy 1, Recommendation 5: Conduct analysis of benefits of TDRs to Growth Areas and evaluate the County's Noncontiguous Development Rights (NCD) Program. (Page 4-24)
- Preservation Program: Transfer of Development Rights (Page 4-10)

- Growth Management Strategy: Components of sustainable smart growth management:
  - Concentrating growth within Growth Areas while preserving land within rural agricultural areas using a variety of tools and techniques such as traditional zoning, TDRs, PDRs, and various other preservation incentives.

Chapter 5: Environmental Resources

- Goal 5-3, Strategy 3, Recommendation 7: Utilize open space and land preservation programs to provide water quality protection measures. (Page 5-27)





**MEMORANDUM**

**TO:** Queen Anne's County Planning Commission

**FROM:** Heather Bacher, Chair QAC Economic Development Commission

**CC:** Heather Tinelli, Director, Department of Economic & Tourism Dev.  
Todd Mohn, County Administrator  
Amy Moredock, Director, Department of Planning & Zoning

**DATE:** 3/28/25

**SUBJECT:** Text Amendments #25-03,#25-04,#25-05,#25-06

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At its March 26<sup>th</sup>, 2025 Board Meeting, the Queen Anne's County Economic Development Commission (EDC) reviewed Text Amendments 25-03, 25-04, 25-05 and 25-06 in order to provide comments and recommendations on the proposed amendments as it relates to economic growth.

After reviewing the documentation provided, and discussing the potential impact on economic development as well as opportunities for business and tourism in Queen Anne's County, the EDC voted as follows:

**#25-03 Support**

This amendment would increase the maximum height from 30' to 40' in the Suburban Commercial Zone providing for opportunity to attract specific industry uses that require building structures with additional height requirements.

**#25-04 Support**

The EDC supports the addition of day care centers as a permitted use in the Airport Protection and Kent Island Gateway zoning district.

**#25-05 Oppose**

By a majority vote, the EDC voted to Oppose Text Amendment #23-05 which would add indoor shooting ranges as a permitted use in the Town Center zoning district. It was determined that this use is permitted and

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**Commission Members**

Heather Bacher, Chair  
Shelly Gross-Wade, Vice Chair  
Lee Bridgman, Secretary  
Lara Wilson, Treasurer  
James P. Reilly  
Larissa Costello  
Deayna Ewell  
Patricia Fox  
Mason Popham  
John Anderes  
Shawna Payne  
Kenneth Knight  
Douglas Silber



**Queen  
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MARYLAND

best suited for industrial and high commercial districts. In addition, the TC zoning is pedestrian oriented and allows single family dwellings; therefore, the EDC concurred that this use does not align with the other permitted uses with this zoning district.

**#25-07 No Position**

The economic development commission did not take a position on TACO 25-06 as they determined that the proposed text amendment was not in the pervue of the commission and its mission to support economic development.

Respectfully,

Heather Bacher, Chair

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