

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
February 15, 2017

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Bill Hopwood, Chair; Anthony Bruscia, Vice-Chair; William Hall; Carole Sepe, Samuel Tressler

Staff Present: Steve Horn, Planning and Permitting Division Director; Wendy Kearney, Assistant County Attorney; Jim Gugel, Planning Director; Kathy Mitchell, Assistant County Attorney

The meeting was called to order at 7:03 pm

**1. PLEDGE OF ALLEGIANCE**

**2. PLANNING COMMISSION COMMENTS**

None

**3. AGENCY COMMENTS / AGENDA BRIEFING**

Mr. Gugel reminded the Commission of the upcoming Livable Frederick workshop on Wednesday, February 22, 2017. He added that the meeting will be held in the basement meeting room of 30 North Market. Mr. Hopwood also noted that this workshop is an open meeting and the public is invited to attend.

**4. TEXT AMENDMENT REVIEW**

- a) *Bill 17-01 Solar Collection Systems* – to consider an Act to delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which Zoning districts the solar energy systems may be located, and establishing certain other criteria.

**Staff Presentation:**

Steven Horn, Division Director

Wendy Kearney, Assistant County Attorney

**Public Comment:**

Noel Manalo, Esq., Miles and Stockbridge - on behalf of OneEnergy Baker Point, LLC, the developer of Baker Point solar project, a solar panel project in the Agricultural zone in Creagerstown. He requested a 'grandfather' provision be added to the bill that affects the existing Baker Point project.

Discussion followed. Mr. Tressler felt that there should be consideration for a 'grandfather' clause included in this bill. Mr. Hall agreed that a grandfather clause is fair to be included for projects that have already gone through the approval process, as did Mr. Hopwood and Mr. Bruscia. Ms. Sepe also expressed concerns regarding the language in the preservation area. Solar panels are more profitable than preservation easements.

**Decision:** Ms. Sepe made a motion to recommend denial of the bill as written. Mr. Bruscia 2<sup>nd</sup>.

VOTE 5-0-0-2  
FOR: 5 – Hall, Hopwood, Bruscia, Sepe, Tressler  
AGAINST: 0  
ABSTAIN: 0  
ABSENT: 2 – White, Suarez

**Recommendations to the Council:**

#1 - Mr. Hall made a motion to recommend

- Reducing the US 15 buffer from 5-miles to 1-mile with view shed consideration
- Include 'grandfather clause' for any entity approved up to this hearing

Mr. Tressler 2<sup>nd</sup>.

VOTE 5-0-0-2  
FOR: 5 – Hall, Hopwood, Bruscia, Sepe, Tressler  
AGAINST: 0  
ABSTAIN: 0  
ABSENT: 2 – White, Suarez

#2 – Ms. Sepe made a motion to recommend in paragraph (d) of 1.19-8.335 to increase the 10% acreage. Mr. Bruscia 2<sup>nd</sup>.

VOTE 5-0-0-2  
FOR: 5 – Hall, Hopwood, Bruscia, Sepe, Tressler  
AGAINST: 0  
ABSTAIN: 0  
ABSENT: 2 – White, Suarez

#3 – Ms. Sepe made a motion to recommend in paragraph (i) of 1.19-8.335 to extend the 90 days to 180 days or add language to allow negotiations to be completed before removal and determining how staff will follow through. No 2<sup>nd</sup>. Motion died.

#4 – Ms. Sepe made a motion to recommend in paragraph (c) of 1.19-8.335 to allow 10% of preservation easement to have commercial array. No 2<sup>nd</sup>. Motion died.

Meeting adjourned at 8:24 pm  
Respectfully Submitted,

  
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Bill Hopwood, Chair

4-12-17  
Date