

# *Caroline County Planning Commission*



Keith Neal, Chairman  
Daniel J. Franklin, Commissioner Member  
Jeff Jackson, Member  
Charles Mosca, Vice Chairman

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**February 9, 2022**

## **CAROLINE COUNTY PLANNING COMMISSION MINUTES**

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, February 9, 2022. Planning Commission members and staff attended in person. Members of the public were invited to attend the meeting both in-person and/or virtually using a website link provided.

Attending the meeting were: Keith Neal, Chairman; and members, Jeff Jackson, Dan Franklin, Chuck Mosca, and Wilbur Levengood as an alternate member for a portion of the meeting. Also present were Kathleen Freeman, Director of Planning and Codes, Leslie Grunden, Assistant Director of Planning; Matt Kaczynski, Development Review Coordinator; Stewart Barroll, Attorney, and Beth Beales, Long Range and Agricultural Planner.

### **Agenda:**

- Approval of the December 15, 2021, Meeting Minutes
- Elections- Planning Commission Chairman and Vice Chairman
- Proposed Rezoning- Marshy Hope Properties
- Benedictine School- Final Site Plan
- Rural Legacy Priority Recommendation
- Closed Session- To consult with counsel to obtain legal advice
- BZA Report
- Department Update

Chairman Neal called the meeting to order at 7:34 p.m.

### **APPROVAL OF MINUTES**

Chairman Neal asked the members if they had reviewed the minutes from the December 15, 2021, Planning Commission meeting and if there were any proposed edits to the minutes.

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- Motion:** Mr. Mosca made a motion to approve the minutes as written.  
**Second:** Mr. Jackson seconded the motion.  
**In Favor:** All Commission members present voted in favor of the motion (4-0).

### **Elections for Planning Commission Chairman and Vice Chairman**

The positions of Chairman and Vice Chairman are voted on every year. Mr. Neal opened the floor to nominations for Chairman and Vice Chairman. Mr. Mosca nominated Mr. Neal to remain as Chairman, Mr. Jackson seconded the nomination. Mr. Jackson nominated Mr. Mosca for Vice Chairman; Mr. Franklin seconded the nomination.

### **Proposed Rezoning -Marshy Hope Properties- Public Hearing**

Mr. Neal read the Public Hearing notice into the record. Ms. Freeman presented her staff report for the proposed rezoning for Marshy Hope Properties, LLC from a C-2 zoning district to an I-2 zoning district. Currently, Tri-Gas & Oil used the property as a "Bulk Plant", which is currently permitted by Special Use Exception in the I-2 Industrial zoning district. The applicant would like to expand on the property, but the use is not permitted in the C-2 zoning district.

The property has changed hands and uses several times. In many cases during the comprehensive rezoning process, nonconforming uses were noted, and the zoning was either changed or the nonconforming uses were left as nonconforming. During the comprehensive rezoning, the nonconforming use of the property was not noted. This could have been an oversight and/or a mistake. Since zoning began in Caroline County, the uses on this property have always been consistent with the C-2 and/or I-2 zoning districts. For these reasons, the staff recommendation is for the rezoning to change to I-2 due to a mistake.

Mr. Showalter, attorney for the applicant and Mr. McMahan representing Tri Gas & Oil were present at the hearing. Marshy Hope Properties has owned the property for approximately 20 years. The Bulk Plant has existed for about 27 years. Tri Gas & Oil uses the facility to distribute gas across Caroline County. The neighborhood has not changed in decades, so the rezoning request is not to establish anything new, it is to render it as a conforming use.

- Motion:** Mr. Mosca made the motion to change the current zoning from a C-2 zoning district to a I-2 zoning district.  
**Second:** Mr. Jackson seconded the motion.  
**In Favor:** 4 members voted in favor of the motion (4-0).

## **Benedictine School- Final Site Plan**

Mr. Franklin recused himself citing that his wife is an employee at the Benedictine School. Mr. Levengood participated for this agenda item in his capacity as the alternate member in Mr. Franklin's place.

Mr. Kaczynski presented his staff report for the major site plan approval for the Benedictine School. The applicant has requested a Major Site Plan Approval for a Domiciliary Care Facility. The project involves removal of existing portions of the structure to include new additions that will be used as dormitory space, removal and reconfiguration of an existing parking lot and the creation of a campus drive and pedestrian walking path. Although the building reconfiguration and additions could potentially increase the student and staff populations, the applicant does not anticipate an increase in wastewater flows beyond the total daily allowable capacity. Stormwater management and forest conservation will still need to be addressed but has no affect on the proposed design or layout.

Mr. Kaczynski stated that he did have some concerns with the soil boring sample test from the previous location and the water table elevation with the different locations. Mr. Kaczynski would like more soil boring samples. Mr. Glass from Lane Engineering stated that the soil consistency is uniform throughout the facility. If a new soil boring sample is needed by the submerged gravel wetland, they can explore doing that. Mr. Glass did not have any additional information to add.

**Motion:** Mr. Mosca made the motion to approve the final site plan with the conditions that the stormwater management and forest conservation plan be addressed, and new soil boring samples be obtained per staff recommendations.

**Second:** Mr. Jackson seconded the motion.

**In Favor:** 4 members voted in favor of the motion (4-0).

Mr. Franklin resumed his role as a Planning Commission member for the remainder of the meeting.

## **Rural Legacy Prioritization**

Ms. Beales presented her staff report for the Rural Legacy Prioritization. Eastern Shore Land Conservancy (ESLC) manages the State's Rural Legacy Areas (RLA)/Agriculture Security Corridors in Caroline County (pls see attached Comprehensive Plan map). The program was just awarded a grant from the State of Maryland's Rural Legacy Program totaling nearly \$4 million for conservation easements. The Eastern Shore Heartland, which includes Talbot, Caroline and Dorchester Counties was awarded \$750,056 and the Tuckahoe RLA, which includes Talbot and Caroline Counties was awarded \$1,316,321. Staff recommends designating the Tuckahoe RLA as a priority, to support and enhance the substantial existing agricultural preservation efforts in the area.

Mr. Neal asked how the easement funds will be allocated to certain properties? Ms. Beales replied that The Rural Legacy Program invites landowners within Rural Legacy Areas to apply and be ranked with certain criteria.

**Motion:** Mr. Mosca made the motion to recommend that the County Commissioners approve the letter of support and designation of the Tuckahoe RLA as a priority with an additional comment urging funding of both proposed RLAs.

**Second:** Mr. Jackson seconded the motion.

**In Favor:** 4 members voted in favor of the motion (4-0).

### **BZA Update**

The Board of Zoning Appeals met on January 18, 2022, to hear the following applications:

**Application No. 21-0045:** A request by **Thomas R Cheezum** for a **Variance** in accordance with Zoning Chapter 175, Article XVII, §175-14 and §175-15 of the Code of Public Local Laws of Caroline County, Maryland to construct a 28x36 attached garage which would be located within the 100-foot Chesapeake Bay Critical Area Buffer and closer to the side property line than the minimum required setback. Said property is located at 7812 Shore Dr, Preston, Maryland and is further described as Tax Map 37, Grid 19, Parcel 202, Lot 8D.

**The variance application was tabled by the Board until such time a revised site plan is submitted.**

### **DEPARTMENT UPDATE**

Ms. Freeman reported that the new Permit Technician, Janet Barry, started two weeks ago. The Department is conducting interviews for the GIS position and are hoping to hire someone soon. A new Planning Commission member will be starting soon. Department staff will be starting training for Planning Commission members on rules and regulations. There will be a Critical Area training session during the March BZA meeting. Planning Commission members were invited to attend either in person or virtually. The County Commissioners would like to change the composition of the board from 7 to 5 members, so the Rules and Procedures will need to be updated. Ms. Freeman proposed to change the starting time of the meeting from 7:30 pm to 6:00 pm.

**Motion:** Mr. Jackson made a motion to change the starting time of the Planning Commission meetings from 7:30 pm to 6:00pm starting at the March 2022 meeting.

**Second:** Mr. Mosca seconded the motion.

**In Favor:** All members voted in favor of the motion (4-0).

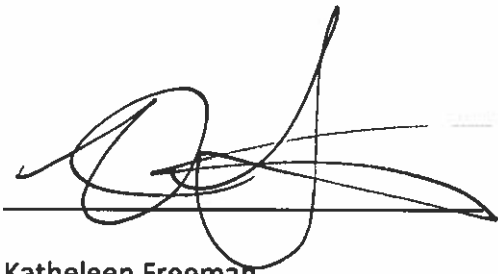
**Closed Session**

- Motion:** Mr. Mosca made a motion to move to closed session at 8:39 pm to consult with Counsel to obtain legal advice under the authority of the Open Meetings Act General Provisional Article § 3-305 (b) (7).
- Second:** Mr. Jackson seconded the motion.
- In Favor:** All members voted in favor of the motion (4-0).

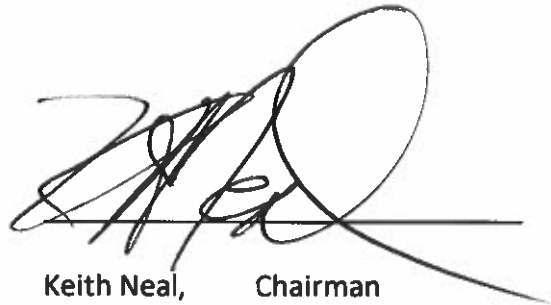
At 9:03 pm, the Planning Commission reconvened in open session after meeting in closed session with counsel to obtain legal advice.

**ADJOURNMENT**

- Motion:** Mr. Mosca made a motion to adjourn the meeting at 9:04 p.m.
- Second:** Mr. Franklin seconded the motion.
- In Favor:** All members voted in favor of the motion (4-0).



Kathleen Freeman  
Director, Planning & Codes



Keith Neal, Chairman

  
Prepared by Elizabeth A. Beales