

# *Caroline County Planning Commission*



**John Schmidt, Chairman**  
**Keith Neal, Vice Chairman**  
**Wilbur Levensgood, Jr., Commissioner Member**  
**Nancy Minahan, Member**  
**Charles Mosca, Member**  
**Jeffrey Powell, Member**  
**Dr. Derek Simmons, Member**

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**April 9, 2018**

## **CAROLINE COUNTY PLANNING COMMISSION MINUTES**

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, April 9, 2018 in Room 110 of the Health and Public Services Building, 403 South 7<sup>th</sup> Street, Denton, Maryland.

Present were: John Schmidt, Chairman; Keith Neal, Vice-Chairman; and members, Wilbur Levensgood, Charles Mosca, Nancy Minahan, Jeffrey Powell, and Dr. Derek Simmons. Also present were Katheleen Freeman, Director of Planning & Codes; Alex Willis, Long Range and Agricultural Planner; Joe Miller, Development Review Coordinator and Melanie Smith, Administrative Assistant to the Boards.

### **AGENDA:**

- Approval of the March 14, 2018 Meeting Minutes
- Public Hearing - Adoption of Mineral Resources Element of Comprehensive Plan
- Review of Final Major Site Plan - Groundstar Solar
- Review of Proposed Major Site Plan – Cherrywood Solar
- Review of Text Amendment – Breweries/Distilleries
- Department Update – Katheleen Freeman

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

## **APPROVAL OF MINUTES**

Chairman Schmidt asked for comments on or corrections to the minutes from the March 14, 2018 meeting. There being none a motion was made.

**Motion:** Mr. Mosca made a motion to approve the minutes as written.

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

**In Favor:** All Commission members voted in favor of the motion (6-0).

Commissioner Levensgood arrived.

## **PUBLIC HEARING**

### **ADOPTION OF MINERAL RESOURCES ELEMENT IN COMPREHENSIVE PLAN**

Chairman Schmidt read the notice of public hearing into the record. He informed the audience that the Planning Commission has reviewed the amendment, it has been forwarded to the State Clearinghouse for their review and the Planning Commission has incorporated the pertinent updates suggested by the State. The County Commissioners have seen the amendment and Ms. Freeman explained that staff is requesting that the Planning Commission recommend to the County Commissioners that the amendment be adopted as presented.

Ms. Freeman added that the County Commissioners suggested removing the third and fourth line from the first paragraph below the heading "Reducing Impacts to County Infrastructure" regarding future funding for roadway maintenance.

Chairman Schmidt asked if anyone in the audience wished to speak. Several names were on the sign-up sheet but only three citizens asked to speak.

Anne Ogletree, 118 Market Street, Denton, MD  
David Blough, 8556 Andersontown Road, Denton, MD  
Richard Gorleski, 11108 Log Cabin Road, Denton, MD

Ms. Ogletree agreed with the County Commissioners suggestion to remove the third and fourth lines regarding funding for roadway maintenance. She testified in support of the amendment.

Mr. Blough was interested in the legislative ordinance that the County Commissioners have scheduled to be introduced at a public hearing. Chairman Schmidt directed staff to leave a copy of the ordinance at the Planning and Codes counter for Mr. Blough to pick up at his convenience.

Mr. Gorleski was also interested in the legislative ordinance rather than the amendment that was being discussed. The members entertained his questions until Mr. Gorleski was satisfied that he understood.

At 7:55 p.m., there being no additional comments, the following motion was made.

**Motion:** Chairman Schmidt made a motion to close the public hearing.  
**Second:** Mr. Mosca seconded the motion.  
**In Favor:** All Commission members voted in favor of the motion (7-0).

After a brief discussion about the suggested language, the following motion was made.

**Motion:** Mr. Neal made a motion to make a recommendation to the Commissioners to adopt the amendment as they requested, striking the third and fourth lines from the first paragraph below the heading "Reducing Impacts to County Infrastructure".  
**Second:** Ms. Minahan seconded the motion.  
**In Favor:** All Commission members voted in favor of the motion (7-0).

### **REVIEW OF FINAL MAJOR SITE PLAN - GROUNDSTAR SOLAR**

Ground Star, was before the Planning Commission in February for a major site plan approval of a small scale commercial solar energy system at 6435 Reliance Road in Federalsburg. Ground Star received approval with conditions for a Special Use Exception application for construction of the system on a rurally zoned parcel; and an Administrative Adjustment to allow them to erect a 7-foot-high fence within the front yard setback.

Ms. Freeman explained that the Administrative Adjustment was approved and the Board of Zoning Appeals granted approval of the Special Use Exception with the following conditions:

1. A Building Permit and/or Zoning Certificate will be required prior to any proposed development, and must be accompanied by all the necessary documentation and site plan requirements to conform to all State and local public laws.
2. The Applicant must obtain an administrative adjustment form the Department for a planned fence height of seven feet or such other adjustments as required by the Department.
3. A setback modification agreement shall be obtained for each property line abutting the proposed solar energy system structures for which a modification is required. If one or more setback modification agreements are not obtained, the Applicant shall be required to modify its current site plan to meet any required setback requirements so long as the total area disturbed remains at 5.581 acres or less and the total easement site area remains at 7.131 acres or less.

4. The Applicant must obtain final site plan approval from the Caroline County Planning Commission.
5. The Applicant must provide a copy of the interconnection agreement or a written explanation why an interconnection agreement is not necessary.

Finn McCabe and Robert Light from Ground Star were invited to present their request.

Mr. McCabe explained that they were unable to attain all three of the signatures that were required for the setback modification agreements as they had hoped. Therefore, they needed to modify their site plan to meet required setbacks and could do this without disturbing more than 5.581 acres of land and the total easement site area is less than 7.131 acres as proposed.

Chairman Schmidt asked if they could provide an interconnection agreement or a written explanation why an interconnection agreement is not necessary. Mr. McCabe mistakenly thought he had supplied the agreement in the Planning Commission package but was unable to locate it even in his paperwork. Mr. McCabe assured the members that they did have the agreement and will deliver a copy for the record before they apply for the permit.

**Motion:** Chairman Schmidt made a motion to approve the final site plan by incorporating the Board of Zoning Appeals conditions for Special Use Exception No. 201700015.

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

**In Favor:** All Commission members voted in favor of the motion (7-0).

#### **REVIEW OF PROPOSED MAJOR SITE PLAN REVIEW – CHERRYWOOD SOLAR**

Open Road Renewables has applied to construct a “Solar Energy System” located between Greensboro and Goldsboro. The project construction documents and “waters of the U.S. determination” maps have been reviewed by Planning & Codes Staff and the Technical Advisory Committee (TAC). The project was reviewed against the relevant sections of Caroline County Code and for construction document accuracy. Mr. Miller discussed the comments collected from TAC:

#### **Maryland State Highway Administration:**

- Access permits will be needed for all entrances onto State-owned roads;
- Three sets of plans should be submitted on flash drive or via Drop Box;
- Plans should include a commercial entrance detail, indicating:
  - Traffic control standards that will be used for traffic control during construction;
  - The HMA typical section showing two 6” courses of graded aggregate base, two 3” courses of HMA 19mm base and one 2” course of HMA 12.6mm surface;
  - Right-of-Way lines as they relate to construction entrances

Caroline County Department of Public Works

- Placement of transmission line within the County road right-of-way –greater precision is needed to determine where the lines are to be placed
- The placement of transmission line bores under County roads was not clearly depicted on the construction documents

Caroline County Department of Environmental Health

- No comments

Caroline County Soil Conservation District

- Access to PDA ditches that traverse several parcels would be impaired thus increasing the cost of ditch maintenance – extra driving to reach the entire length of the ditch
  - Identify areas where this may be an issue and recommend a solution
- Avoidance of agricultural drain tile lines: work closely with Paul Biddle of the Soil Conservation District to identify, as much as possible, where drain tile lines are located so that they can be avoided during construction.
- Coordinate Erosion and Sediment Control with Trista North at Caroline Soil Conservation District
- The official Limit of Disturbance is all that area of land within the proposed fencing on each parcel, as well as any area of landscaping which falls outside of the fence.
- Follow-up meetings should be scheduled with the Soil Conservation District to review any issues that might arise

Caroline County Department of Planning & Codes

<b>Relevant Code</b>	<b>Review Comment</b>
Table of Uses (§175 Attachment 3)	All properties are zoned R-Rural – Solar Power Plants are permitted subject to Special Use Exception
Index of Supplementary Regulations (Article V, §175-21 through §175-46)	Project complies
Yard and Area Regulations (Article X, §175-91_96)	Project conforms to required front, side, and rear setbacks within the R-Rural zoning district
Height regulations – (§175 Attachment 4)	Solar arrays are well below the required height limits at listed in the ‘Table of General Design Regulations’ for R-Rural zoned properties
Parking and Loading requirements (Article XII, §175-106_109)	Not applicable

Sign Regulations (Article XIII, §175-111_118)	Not applicable – no sign being proposed.
Forest conservation (Ch. 109-3)	Project is being granted a waiver.
Commercial and Industrial uses (Article III §175-12J)	Landscape screening must be provided around the transfer stations

**Article IX Accessory Structures and Uses:  
175-85 Solar Energy Systems**

Relevant Code	Review Comment
A. Siting:	<ul style="list-style-type: none"> <li>(1) Combined aggregate acreage does NOT exceed 2000 acres</li> <li>(2) Project I is not located within the TDR receiving area</li> <li>(3) Parcels involved are NOT under land preservation easements</li> <li>(4) Parcels are located within designated growth or green belt areas – Municipalities must be notified.</li> </ul>
B. Design Standards	<ul style="list-style-type: none"> <li>(1) Screening – screen as proposed is suitable with some minor adjustments in plant selection</li> <li>(2) Tree removal – no proposed tree removal</li> <li>(3) Setbacks – project is sited 200 ft. from all residences, and adheres to R-Rural setbacks</li> <li>(4) Height – solar panel assemblies do not exceed 15 ft. in height</li> <li>(5) Utility connections – all utility connections are designed for placement underground – utility easements will be required for road crossings; more detail needs to be provided for placement adjacent to County roads</li> <li>(6) Visibility – project as designed appears to be adequately screened from public view</li> <li>(7) Glare – no glare will occur since this system does not use reflective materials</li> <li>(8) Lighting – lighting will only be provided for transfer station locations and details will be provided for non-spillover fixtures</li> <li>(9) Fencing – 8 ft. fences are being proposed within the front yard setbacks within the R-Rural zone. An administrative adjustment will be required to allow this placement or the fence must be placed behind the setback.</li> <li>(10) State regulations – documentation must be provided which proves that the system has been approved and licensed by the relevant State agencies</li> </ul>

C. Decommissioning	<p>(1) A decommissioning plan is required before permits can be issues -<b>Not yet provided</b></p> <p>(2) Costs of decommissioning must be secured by appropriate bond, letter of credit, or an escrow agreement satisfactory to the county, and shall include a mechanism for calculating increased removal costs due to inflation. -<b>Not yet provided</b></p>
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D. Signs	<p>Signs not exceeding one square foot in area must be posted at each entrance to the solar energy system to identify the property owner, the solar energy system owner, and a 24-hour emergency contact phone number – this information must be kept current</p> <p><b>Sign Detail not provided</b></p>
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E. Agreements/Easements	<p>Documentation of ownership must be provided, and any easements, leases, or consent agreements must be recorded and provided to the county.</p> <p><b>Not yet provided</b></p>
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F. Public Safety	<p>Applicant must identify any known or suspected hazards to adjacent properties, public roads, communities, aviation etc. created by the project.</p> <p><b>Need a statement that they have done this.</b></p>
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G. Federal Aviation Administration	<p>Applicant must demonstrate compliance with FAA regulations</p> <p><b>Documentation not yet provided</b></p>
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H. Project Rationale	<p>Project rational, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy must be provided –</p> <p>Applicant has provided their application for a Certificate of Public Convenience and Necessity to the Maryland Public Service Commission</p> <p><b>CPCN application provided</b></p>
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I. Site and Development Plans i. Copy of interconnection application	<p><b>Yes</b></p>
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ii. Parcel lines, setbacks, physical features including access routes and proposed road improvements	<b>Yes</b>
iii. All existing and proposed structures including impervious surface calculations	<b>No – Transfer station locations and layout must be provided</b>
iv. Proposed changes to the site: grading, vegetation clearing and planting, exterior lighting, screen vegetation and structures	<b>Vegetation planting = yes Exterior lighting = no Screening vegetation = yes</b>
v. Any existing residential dwellings within one quarter mile of the solar energy system	<b>No</b>

vi. Existing utilities and transmission lines, proposed utility line, and utility and maintenance structures	<b>Yes, however utility easement locations must be shown for road crossings and more detail is needed for placement along road rights of way</b>
vii. Existing topography and soils	<b>Topography = yes Soils = no</b>
viii. Existing vegetation (list type and percent of coverage)	<b>No, need to provide type (pasture, woods, tillable field etc.) and percentage for each existing condition sheet (a table on each sheet)</b>
ix. Show revegetation areas and methods	<b>Yes</b>
x. Dust and sediment and erosion control	<b>No</b>
xi. Proposed stormwater management measures	<b>Yes</b>
xii. Any floodplains or wetlands	<b>Yes</b>
xiii. Fencing locations and details	<b>Yes</b>
xiv. Total site acreage	<b>Yes</b>
xv. Landscape and buffer areas	<b>Yes</b>

Additional review comments follow:



- **Project Phasing:**
  - Indicate project phasing, with the expected layout, scope of work, and timeframe for each phase
  
- **General Notes / Edits required on Construction Document sheets:**
  - Building restriction lines should be shown for all project parcels
  - Road centerlines must be shown on all sheets – these are used to determine sight triangles at site access locations
  - Verify that all existing adjacent residence are shown and provide dimensioning of distance to the project (some homes or adjacent properties have been shown with the appropriate information and we would like this to carry over to all the adjacent homes)
  - Stream channels must be labelled
  - Blue line streams as symbolized on the USGS 7.5-minute quadrangle require 100 ft. buffers per county code (§175-40). Any development within these buffers must be removed.
    - Stream designations have been verified by the Dept. of Planning & Codes and MDE – they appear to be accurately depicted on the ECS-Mid-Atlantic LLC’s ‘Waters of the U.S. Determination Map’
    - Verify that the blue line streams depicted on the ‘Waters of the U.S. Determination Map’ also appear on the construction documents
  - Indicate the location of all road rights-of-way, and should be labelled with deed or plat references
    - Map 11 Parcel 163 has an existing 30 ft. right-of-way for access to Sandtown Rd – this should be shown on the plans – Solar panels will need to meet the 25-ft. side yard setback from this right-of-way
    - Map 11 Parcel 25 has a 16-ft. wide right-of-way for access to Jackson Lane. This right-of-way traverses Map 11 Parcel 52. This right-of-way must be shown on the plans. Infrastructure associated with this project must meet the 25-ft. side yard setback from this right-of-way
  
- Provide a small-scale map or maps which depict all residential dwellings within ¼ mile of the proposed solar energy system project (§175-85. l. Site and development plans. (1 v.)
  
- **Landscape Buffer Notes and Details:**
  - Explicitly state the criteria used for the use of the different categories of landscape buffer
  - A ‘Landscape Maintenance Agreement’ will need to be executed and recorded (see enclosed maintenance agreement)
    - Plan sheet should reference the maintenance agreement
  - Plant selection

- Use native plants
  - Avoid species which are prone to desiccation and sensitive to road salt
- Fencing
  - §175-82 Fences and walls. C. A fence or wall not more than five feet in height may project into a or enclose any required front yard. A fence or wall not more than eight feet in height may project into or enclose any required side or rear yard.
  - If the applicant wishes the proposed 8 ft. fencing to be located within the front yards of each parcel, this will require Administrative Adjustments from the Department of Planning & Codes, otherwise the front yard fencing must be positioned behind the front yard setback.
- Stormwater Management
  - A 'Deed of Easement and Stormwater Management Facilities Maintenance and Inspection Agreement' must be executed and recorded prior to final approval of constructed solar fields (see enclosed easement document)
  - A performance bond in the amount of 115% of the estimated construction cost of all stormwater management 'facilities' – in this project this is the grading and seeding stabilization for the fields which supply non-rooftop disconnect stormwater management
- Town Growth Areas
  - A portion of this project falls within the Town of Greensboro's 'Growth Area / Greenbelt' and the Town of Goldsboro's 'Growth Area / Greenbelt'. Both municipalities must be notified by the applicant.
- Property Lines
  - There are multiple location where solar panels cross property lines – this is not allowed under current county code – solar facilities must meet property line setbacks.
- Burial Site
  - The 1964 USGS Soils Survey Map indicates a burial site on Map 11 Parcel 51 in the general vicinity of the center pivot irrigation system – this information must be field-verified
- Specific Sheet Edits:
  - Sheet K-1 (index): need to add reference to Sheet C-7 (it is missing)

- Sheet EX-3: Sandtown Road is labelled as 'Sandtown Rd' – please correct
- Sheet C-6: Parcel 52, existing driveway to remain. Please indicate current right-of-way width and location.
- Sheet T-1:
  - Map 11 Parcel 101 is listed as one of the project parcels – this parcel is not proposed to have solar arrays and should be removed from the list.
  - Acreages used for solar facilities should be added to Site Data table
  - Wording to use for the General Note #11: "Contact Caroline Soil Conservation District at 410-479-1202 Ext 3 at least 2 weeks in advance to schedule a pre-construction meeting to review and become familiar with the plans and the NPDES log book (to be completely week and after each ½" rain event)."
- Sheet ESC-1: There are multiple references to Queen Anne's County – these should be replaced with Caroline County
- Historic Houses – two possibly historic houses are labelled for removal. Please contact Maryland Historic Trust for review and comments, and provide copies to Planning & Codes
  - Map 15 Parcel 66 – T. Noble Jarrell House
  - Map 11 Parcel 7 – Sherman Councill House
- Non-Tidal Wetlands:
  - Note that any non-tidal wetland disturbance will require a permit from Maryland Department of the Environment. Please provide documentation to Dept. of Planning & Codes

Dr. Simmons announced that Caroline County Schools have established a partnership with Open Roads Renewables for a scholarship and he will be sitting on the Committee. He spoke with Heather Price, County Attorney, who advised him to ask if he should recuse himself from today's proceedings. Dr. Simmons did not feel that this would influence him in anyway but would respect anyone's wish that he should recuse himself. No one objected and the meeting continued.

Cyrus Tashakkori, President, Open Road Renewables, narrated a power point of the project. The report showed an aerial shot of the parcels that are included in the project and he pointed out the substation locations and the existing high voltage transmission corridor.

The solar racks will be pile driven 8-12 feet deep and they will typically be 8 – 10 feet high. They are on single-axis trackers rotating east to west.

One slide showed the project permitting timeline for both the state and county review process. Mr. Tashakkori discussed the wetlands and drainage on site. The fields will be

seeded with cover crop to stabilize the soil prior to construction. Gravel will be used at the entrances and as the foundation for the transformers. To keep disturbance at a minimum the access roads will be grass covered.

Mr. Tashakkori showed four types of screening that will be used to cover fencing, areas along public access roads and homes on adjoining properties. They have walked the fields with a Soil Conservation representative to find drainage tiles and list those that need repair or replacement.

Salisbury University did an Economic Impact study for the project. The project will generate \$2.6 million in annual personal property taxes, decreasing 33.3% per year vs, \$0 personal property taxes currently paid on the same property today. Approximately \$120 thousand in annual real property tax vs. \$5 thousand paid on the same property today.

The project will create 250-300 jobs over one year, per phase, of the project and 8-12 permanent jobs over the 30-40-year life of the project.

Mr. Levengood asked what the plans said about controlling noxious weeds. Mr. Tashakkori replied that they will use whatever means are necessary to control them. They will be reviewing access to ditch maintenance and will submit a plan.

Chairman Schmidt asked what the plan was for the buffers during decommissioning. Mr. Tashakkori stated that the buffers will remain. Some of the buffer counts toward their mitigation requirements. Commissioner Levengood was not happy that the land would not be completely returned to tillable land. Mr. Tashakkori explained that they will do whatever is desired after they first do what is required. He suggested Ms. Freeman speak to the Department of Natural Resources about the wishes that Commissioner Levengood expressed to ask what the definitive line is between what is required by DNR and what is requested by Commissioner Levengood.

Construction is expected to begin at the end of 2019. Ms. Minahan asked staff to provide a hard number of the acreage that will count against the 2,000-acre saturation limit.

Marlene Kincaid sent testimony via a letter opposing certain aspects of the project. She explained that the buffer is proposed to bow out and turn back in across the street from her. Because it is only 200 feet from her trailer she asked if the buffer could be at a consistent distance along her road. She was also concerned that the buffer is on both sides of her driveway and will encumber equipment traveling along her driveway. Mr. Tashakkori responded that he will ensure there is 66 feet clearance from one side to the next. Ms. Kincaid was pleased with his response.

Mr. Miller was seeking the members comments on the Cherrywood Solar Project and their direction on how to proceed.

**Motion:** Mr. Neal made a motion to have staff proceed with gathering the required information and to have Cherrywood Solar scheduled to be on the May agenda for approval.

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

**In Favor:** All members voted in favor of the motion (7-0).

### **REVIEW OF TEXT AMENDMENT – BREWERIES/DISTILLERIES**

Ms. Freeman introduced an ordinance for adding breweries and distilleries as permissible land uses; by amending §175-8 and 175 Attachment 3 Table of Use Regulations of the Code of Public Locals Laws of Caroline County.

**Motion:** Mr. Mosca made a motion for the Board to accept the text amendments and make a recommendation to the County Commissioners to adopt the ordinance as corrected.

**Second:** Ms. Minahan seconded the motion.

**In Favor:** All members voted in favor of the motion (7-0).

### **DEPARTMENT UPDATE**

Ms. Freeman reminded the members that Planning and Codes advertised for qualifications for permitting software. The County Commissioners allocated \$250,000 for an upgrade in the budget. Four proposals were received by the deadline. Staff is discussing whether it would be best to store information on a cloud based or office based platform.

### **ADJOURNMENT**

**Motion:** Mr. Powell made a motion to adjourn the meeting at 9:45 p.m.

**Second:** Ms. Minahan seconded the motion.

**In Favor:** All members voted in favor of the motion (7-0).

  
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Katheleen Freeman  
Director, Planning & Codes

  
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John Schmidt, Commission Chairman

  
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Prepared by: Melanie L. Smith

