

Caroline County Planning Commission



Hannah Cawley, Chairman
Charles Mosca, Vice Chairman
Travis Breeding, Commissioner Member
Jeff Jackson, Member
Keith Billbrough, Member

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April 12, 2023

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, April 12, 2023. 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: Hannah Cawley, Chairman; and members, Chuck Mosca, Jeff Jackson, Keith Billbrough, and Travis Breeding. Also present were Katheleen Freeman, Director of Planning and Codes; Leslie Grunden, Assistant Director of Planning; Stewart Barroll, Attorney and Beth Beales, Long Range and Agricultural Planner.

Agenda:

- Approval of March 8, 2023, Meeting Minutes
- Zach Blough-Major Site Plan Approval
- Bridgetown Mine-Phase VIII
- Comprehensive Water and Sewerage Plan Amendment-Town of Ridgely Water System Upgrades
- Text Amendment Change-Energy Storage System and Solar Energy Storage System

Chairman Cawley called the meeting to order at 6:01 p.m.

APPROVAL OF MINUTES

Chairman Cawley asked the members if they had reviewed the minutes from the March 8, 2022, Planning Commission meeting. No changes were noted.

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

Second: Mr. Mosca seconded the motion.

In Favor: All members voted in favor of the motion (5-0).

Zach Blough- Major Site Plan Approval

The applicant, Zach Blough, has requested a Major Site Plan Approval for a Farmers Market and Outdoor Commercial Amusements located at 6526 Dion Road, on Tax Map 43, Grid 21, Parcel 108. The application involves the construction of a pole building to be used as a farmers' market and the establishment of agricultural related entertainment and game areas in support of their existing agricultural tourism activities. A portion of the farmers market building will be used to host agricultural related classes and support retail sales associated with the farm, which includes food concessions. The applicant's farm is under a Maryland Agricultural Land Preservation Foundation (MALPF) Easement. MALPF has been in communications with the applicant and the Planning and Codes Department regarding the uses which could be approved on a property that has a MALPF Easement.

The proposed uses are subject to different review and approval processes. The Farmers Market and the Outdoor Commercial Amusements are allowable uses subject to a Special Use Exception and a Site Plan Approval. The Planning Commission reviewed the Preliminary Major Site Plan July 20, 2022 and made a positive recommendation for the applicant to proceed to the Board of Zoning Appeals for their Special Use Exception. The Board of Zoning Appeals (BZA) held a public hearing for the Special Use Exception Application in conjunction with this project on August 16, 2022. The BZA unanimously approved the Special Use Exception. The applicant is now seeking a Final Site Plan Approval. Staff has reviewed the application and supporting documents and has found that the proposed use of a Farmers Market and Outdoor Commercial Amusements conforms to the intent of the Zoning Chapter. It is the staff's opinion the proposed site plan follows the design standards associated with Major Site Plan Applications and should be permitted as proposed.

Zach Blough was present to explain the overview of the operation at JZ Farms. They hold fall festivals with a corn maze. The building will be used for concessions, to sell goods that are grown on the farm, and as a classroom.

Motion: Mr. Breeding made a motion to approve the final site plan.

Second: Mr. Jackson seconded the motion.

In Favor: All members voted in favor of the motion (5-0).

Bridgetown Mine- Phase VIII

The applicant, Southstar Limited Partnership, has requested a Major Site Plan Approval for a Mineral Extraction Facility located at 15890 Oakland Road (Maryland Route 312) on Tax Map 6, Grid 24, Parcel 103, Lot 1 and Tax Map 9, Grid 5, Parcel 4; between Bridgetown and Baltimore Corner. The application involves an expansion of an existing sand, gravel and mineral extraction facility known as Bridgetown Mine. This application is for a proposed expansion of 26.75 acres, bringing the operation to a total of 358.83 acres. The development of this facility will include an additional wash plant and material stockpile areas north of the existing wash plant.

The current facility has been in operation since the Board of Zoning Appeals issued a Special Use Exception (SUE) Approval in 1994. Since that time, the facility has had multiple SUE Applications approved for expansions. The expansions were approved by the BZA in 1996, 1998, 1999, 2002, 2008 and 2014. The Applicant has outlined the BZA Approvals on Sheet G-102 of the plan set. The proposed wash plant shown on the site plan was originally proposed as part of the Phase VI expansion, approved by the BZA in December of 2008; however, this wash plant has not yet been constructed.

The proposed plans submitted for this application include five separate areas of expansion, labelled as Areas A-E. Area D does not conform to the 200-foot setback requirements found in § 175-27.5 of the Public Local Laws of Caroline County. Setbacks established in this section of Code may be modified on a case-by-case basis based on the facts and circumstances of the proposed extraction facility. These setback modifications must be reviewed by the Zoning Administrator and/or Planning Commission and a recommendation made to the Board of Zoning Appeals as part of the Special Use Exception process. Staff would like the Planning Commission to review the proposed facility expansion and make a recommendation regarding this setback modification to the Board of Zoning Appeals. It should be noted that the applicant has submitted a Noise Impact & Mitigation Analysis regarding the proposed expansion given the proximity to adjacent residential structures.

Sean Callahan, with Lane Engineering was present to explain the project. A sound study completed for Phase VIII of the project indicated that mining equipment in Areas A, B, and C of Phase VIII will not impact any residential properties with noise levels greater than 65 dBA. These areas are nearest to wooded land surrounding the site and are not near any residential buildings. Mitigation for these areas is not necessary to comply with COMAR noise regulations, however the study results showed that the noise levels for Area D exceed the COMAR maximum allowable noise levels at surrounding residential lots. An eight-foot-tall noise barrier on top of a four-foot-tall earth berm (12 feet in combined height) will be erected along the northeastern and southeastern borders of Area D to comply with the COMAR maximum allowable residential noise level. Mr. Breeding asked how many cubic yards are being mined from this area. Mr. Kyle Murray, manager of the mine stated they mine about 200,000 cubic yards. Ms. Cawley asked if the current screening will be disturbed. Mr. Callahan stated that it will not be disturbed.

Mr. Breeding asked what method they use in this area of the mine. Mr. Murray stated that they use a dry mine. The wash plant has been there for a very long time, their intent is to finish mining the area of Phase VIII, deconstruct the wash plant and find a small area to move it to. Mr. Murray stated that everything will stay the same to include the driveway or hours of operation.

Mr. Mosca asked how long they have been in operation and how many more years do they plan to be in operation. Mr. Murray stated that they have been running the mine for 29 years and will be maxed out in about 5 more years. Mr. Mosca asked where does the sand go. Mr. Murray stated that most of it goes to the Western Shore. Mr. Breeding

asked what phases of the mine are still considered active. Mr. Murray stated that from a permit standpoint all phases are active, but Phase VII is complete. Mr. Breeding asked if they have a discharge permit through MDE. Mr. Murray stated that they do have one and they only discharge on occasion. Their goal is to not discharge.

Motion: Mr. Mosca made a motion to approve the preliminary site plan application and to recommend the applicant proceed to the Board of Zoning Appeals for review of their Special Use Exception Application. If the Special Use Exception Application is granted, the applicant shall resubmit the final site plan incorporating any additional conditions and safeguards specified by the Board of Zoning Appeals.

Second: Mr. Billbrough seconded the motion.

In Favor: All members voted in favor of the motion (5-0).

Comprehensive Water and Sewerage Plan Amendment-Town of Ridgely Water System Upgrades

The Town of Ridgely requests an amendment to the CWSP to add proposed improvements to its municipal water system. The Town has submitted an application for funding to Maryland Department of Environment (MDE) and the projects must be included in the CWSP to be eligible for funding.

The Town of Ridgely's existing water tower has a capacity of 200,000 gallons per day (gpd). The system's current daily flow average of 106,000 gpd which, coupled with committed water allocations totaling 54,000 gpd, represents an 80% withdrawal of the water tower's capacity. An additional 120,000 gpd is needed for the Town's fire reserve flow needs, which indicates a water tower storage deficit. The Town is planning to construct an additional water tower with a capacity of 300,000 gpd to ensure sufficient water storage volume for fire protection, adequate back-up and emergency shut down reserve and equalization by well pumps. An additional well and new treatment facility are also planned as part of the Town's water system improvements. The addition of one new well will serve the planned new water tower and as a back-up for the current wells and help meet the overtaxed current system demand.

The new treatment plant will be constructed with communication controls, provide higher treatment capacity and a higher treatment quality, and tie-in to the newly proposed well. The project supports the goals of the 1992 Caroline County Comprehensive Water and Sewerage Plan to "protect the general health, safety and welfare of the people of Caroline County through the provision of adequate water and sewerage facilities" and to "ensure that all municipal, industrial and individual water supply and wastewater systems are designed and constructed to acceptable standards".

Motion: Mr. Mosca made a motion to approve the Comprehensive Water and Sewerage Plan amendment to add the proposed improvements to the Town Ridgely Water System to the Water Chapter and Priorities for Water Development inventory and forward the amendment to the County Commissioners for review, Public Hearing, and approval.

Second: Mr. Billbrough seconded the motion.
In Favor: All members voted in favor of the motion (5-0).

Text Amendment Change- Energy Storage System and Solar Energy Storage System

Battery Energy Storage Systems - Due to recent applications and discussion with both the Planning Commission and County Commissioners, we have determined that we need to update our County Code to address Battery Energy Storage Systems (BESS) and certain sections of the County Code related to Solar Energy Systems. Ms. Freeman stated she just recently received the updated National Fire Protection Association (NFPA) recommendations for BESS. All the concerns that Caroline County had are included in the national standards. Ms. Freeman recommends that the County adopts the most recent NFPA with some specific additional standards recommended during the County's BESS discussions. The NFPA 855 does not include adequate screening and setback information, so Ms. Freeman has added language to include added setback and screening requirements. Mr. Bilbrough asked if the County would specify voltage capacity. Ms. Freeman stated the NFPA 855 specifies the size and capacity. An onsite water supply will also be required. Mr. Barroll stated that section one on the Energy Storage Systems section needs more text explaining minimum sizes. Mr. Breeding asked if this would only apply to unincorporated areas of Caroline County and will not include municipalities. Ms. Freeman stated that it will only apply to unincorporated areas. Mr. Barroll suggested that the municipalities should be contacted for consistency in the County.

Motion: Mr. Mosca made a motion to accept the NFPA 855 with additions and forward it to the County Commissioners for their review and public hearing.
Second: Mr. Jackson seconded the motion.
In Favor: All members voted in favor of the motion (5-0).

Solar Energy Systems- Ms. Freeman stated that there has been concern regarding screening for solar energy systems. A proposed change would state that visual screening shall be required and review by a licensed landscape architect that will be selected by the County at the applicant's expense. A required setback change will change from a minimum of 25' to at least 200 'from all adjoining property lines. This is only for commercial projects. Mr. Barroll stated that language should be added that states the County should obtain an estimate of bill and money should be posted to protect the landscape architect if the project is not completed.

Motion: Mr. Jackson made a motion to accept changes to the Solar Energy Systems text and forward to the County Commissioners for their review and public hearing.
Second: Mr. Mosca seconded the motion.
In Favor: All members voted in favor of the motion (5-0).

BZA Update

The Board of Zoning Appeals met on February 21, 2023, to hear the following applications:

Application No. 22-0040: A request by **Christopher and Laura Fox** for a **Variance** in accordance with Zoning Chapter 175, Article XVII and §175 Attachment 3:1 of the Code of Public Local Laws of Caroline County, Maryland to operate a commercial stable within an existing barn which is located closer to the property lines than the minimum required setback of 200 feet. Said property is located at 24082 Carrlyn Dr, Ridgely, Maryland.

The variance application was approved by the Board with the following conditions:

1. The side yard setback within the R Rural zoning district is 25'. The site plan must be updated to reflect this requirement prior to submitting the final site plan to the Planning Commission.
2. The Applicant must receive Final Site Plan Approval from the Planning Commission prior to the issuance of any Building Permit and/or Zoning Certificate associated with the project.
3. 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; and
4. Hours of operation for all outdoor activities shall be between 9:00 AM – 8:30 PM.

Application No. 22-0011: A request by **Soltage MD DevCo, LLC** for a **Special Use Exception** in accordance with Zoning Chapter 175, Article XVI and Section 175-46 of the Code of Public Local Laws of Caroline County, Maryland to construct a commercial small-scale two-megawatt (2MW) community solar energy system. Said property is located at 12810 Cow Barn Rd, Ridgely, Maryland.

The special use exception application was approved by the Board with the following conditions:

- The Applicant must receive Final Site Plan Approval from the Caroline County Planning Commission prior to applying for any Building Permit and/or Zoning Certificate associated with the project.
- 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; and
- The time limit for completing the project shall be extended until two (2) years after the date of this decision.

Gray's Gas- Text Amendment Change- Discussion

Gray's Gas would like to relocate its commercial sales to their building in West Denton that is currently zoned I-2 Light Industrial. Commercial sales are not permitted in the I-2 zoning district. Mr. Gray would like to have a small showroom, with sales and repairs and some offices. Ms. Freeman stated that this would require a text amendment to amend

the definition of the trucking or service business to allow incidental sales being 3,000 sq feet or less. All board members agreed. Ms. Freeman will prepare a text amendment and return to the board for approval.

DEPARTMENT UPDATE

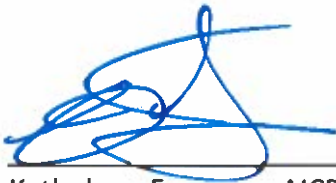
Ms. Freeman reminded the Commission members of the upcoming scheduled dinner to thank Mr. Mosca and Mr. Neal for their 10-year service on the Planning Commission.

ADJOURNMENT

Motion: Mr. Jackson made a motion to adjourn the meeting at 8:14 p.m.

Second: Mr. Bilbrough seconded the motion.

In Favor: All members voted in favor of the motion (5-0).



Katheleen Freeman, AICP
Director
Planning & Codes



Hannah Cawley, Chairman



Prepared by Elizabeth A. Beales

