

# Caroline County Planning Commission



John Schmidt, Chairman  
Keith Neal, Vice Chairman  
Daniel Franklin, Commissioner Member  
Nancy Minahan, Member  
Charles Mosca, Member  
Jeffrey Powell, Member

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June 9, 2021

## CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, June 9, 2021. Planning Commission members and staff attended in person. Members of the public were invited to attend the meeting virtually using a website link provided.

Attending the meeting were: John Schmidt, Chairman; and members, Keith Neal, Jeffery Powell, Nancy Minahan, and Chuck Mosca. Also present were Katheleen Freeman, Director of Planning & Codes; Leslie Grunden, Assistant Director of Planning; Matt Kaczynski, Development Review Coordinator; and Beth Beales, Long Range and Agricultural Planner.

### Agenda:

- Approval of the May 12, 2021 Meeting Minutes
- High Land Farms Amended Plat
- Wood Farm Revised Major Site Plan
- MDP Clearinghouse Review Denton SHA Property
- BZA Report
- Department Update

Chairman Schmidt called the meeting to order at 7:31 p.m.

### APPROVAL OF MINUTES

Chairman Schmidt asked the members if they had reviewed the minutes from the May 12, 2021 Planning Commission meeting and if there were any proposed edits to the minutes. No corrections were noted.

**Motion:** Ms. Minahan made a motion to approve the minutes as written.

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

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

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## High Land Farms Amended Plat

Mr. Kaczynski explained that the Code of Public Local Laws of Caroline County states that a Major Subdivision is any subdivision containing five or more lots, plats, sites, or other divisions of land. Whenever any resubdivision modification, division, alteration, deletion, or correction is proposed which involves a previously recorded lot, area reserved for public use, easement or right-of-way in a subdivision, the owner shall file an amended plat. The amended plat shall be subject to the chapter in effect at that time and shall be reviewed in the same manner as for new subdivisions. Major subdivisions are required to be reviewed and approved by the Planning Commission.

The proposed plat involves relocating Lot 7. The original Lot 7 will be added to Lot 8, and the revised Lot 7 will be created from a portion of Lot 10. The lots involved were created from the High Land Farm Subdivision. This subdivision was recorded into Land Records November 9, 1977.

Previously at the May workshop the point of contention was that the revised lot 7 would be considered a panhandle lot, which is not allowed in Major Subdivisions. To rectify this the road frontage was increased. All comments and size requirements have been addressed.

Planning Commission typically reviews both a preliminary plat and a final plat when it involves a Major Subdivision. The preliminary plat is submitted to the Planning Commission where they may either approve, approve with conditions, or disapprove the preliminary plat. Once the preliminary plat is approved the applicant would submit a final plat to the Planning Commission for approval, approval with conditions or disapprove the final plat. Since this process is mainly for a new Major Subdivision and doesn't particularly match the way an amended plat should be reviewed and approved, staff suggests that the Planning Commission review and approve the proposed plat as both a Preliminary and Final Plat if no additional information is necessary. Staff has reviewed the plat submittal and determined that the proposed subdivision meets the requirements of Chapter 162 of the Public Local Laws of Caroline County and should be approved as proposed.

Ms. Minahan asked what had changed from the original plat. Mr. Kaczynski stated the road frontage changed for the lot to not be considered a pan handle lot. Mr. Schmidt also stated that the nomenclature of the lots has been revised to reflect the revisions more accurately.

**Motion:** Ms. Minahan made a motion to approve the final plat as proposed with the condition that the Health Departments signs off as well.

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

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

## Wood Farm Revised Major Site Plan

Wood Farm LLC has requested a Major Site Plan Approval for a Mineral Extraction Facility near the intersection of Log Cabin Road and Maryland Route 404. The application was previously approved by the Planning Commission at the November 18, 2020 meeting; however, the Department never issued a final letter of approval because of the appeal that was pending in the Circuit Court regarding the Board of Zoning Appeals decision on the Special Use Exception.

Following a hearing, the Court issued an Opinion and Order which affirmed the BZA decision to grant the Special Use Exception but remanded the case back to the BZA to amend its written decision to include the agreed upon conditions. The BZA held a public hearing on April 20, 2021 to review and approve the amended conditions based on the Court Opinion and Order.

The applicant has been working with the neighboring owners to modify the location of the previously approved entrance. The revised plans show the entrance closer to Maryland Route 404, making the interior haul road much longer than previously approved. The applicant is requesting a setback modification along Log Cabin Road. The setback modification would reduce the required 200' setback to 150'. The applicant would like to include the previously approved setback modification along the eastern most property line as well.

Mr. Schmidt asked if item #4, a signed copy of the site plan by the neighbors stating that they agree, was submitted for their review. Mr. Kaczynski stated that Lane Engineering did not submit the signed site plan. Mr. Schmidt asked if a Developer Rights and Responsibilities Agreement (DRRA) had been submitted for review. Mr. Kaczynski stated that it has not been submitted.

Mr. Schmidt also stated that according to the site plan the haul road will be approximately 100' on the County road and the rest will be maintained by the State. He is concerned that there may be a conflict. If it is so close why not have the State maintain the road. Mr. Drummond stated that the State Highway Administration rejected moving the haul road into the state right of way because it would be too close to Route 404. Mr. Drummond stated that Mr. Schuster has an obligation to improve Log Cabin Road and DPW has sent out a text to what needs to be completed. The new location of the haul road has been vetted by 14 of the neighbors and 12 neighbors have signed the site plan. Mr. Callahan stated the new haul road enters approximately 100' from the state highway easement buffer at Log Cabin road from the farmland. The entire overlay is about 850' from the new haul road entrance to Route 404. They did not receive specific comment from State Highway, but the revised length is the same that was originally proposed. Mr. Callahan stated that the site plan is the same site plan that the Planning Commission has previously approved, the only change is the new location of the haul road. Mr. Mosca requested to see the site plan that was signed by the neighbors. Ms. Ogletree was present

when the plan was signed and put a red mark where the neighbors agreed. She stated that they are aware that Mr. Gorleski has not been in favor of this and they did try to not affect his property. If they moved the location anymore it would have been right in front of his property.

Mr. Schmidt wanted to clarify that they are responsible for the final overlay on the haul road and to Route 404. Mr. Callahan confirmed that and stated they are working on a Public Works agreement to present to DPW that defines the specific scope of work to be done. Mr. White, Director of Public Works stated that he sees no concerns with working with the developer. He asked what the haul road will be made with. Mr. Schuster stated it will be 12" of crushed rock and 8" of reinforced concrete.

Ms. Minahan is concerned if there will be any outfall. Mr. Kaczynski stated that MDE had made comments from the first submittal and the issues were addressed. Mr. Callahan stated that they have been working on this project since 2016 and they made an initial submittal to MDE Mining and did not receive any significant comments back. This project does have to go through state mining permit review. They do not intend to have an outfall. The first 60-acre phase will not create any outfall.

Ms. Freeman asked Chairman Schmidt if he wanted to accept any comments from the public, and she opened the floor to comments. There were none.

**Motion:** Mr. Neal made a motion to recommend to the Board of Zoning Appeals in regard to the proposed setback modifications, as well as a recommendation that the applicant proceed with the Special Use Exception Application and if approved, resubmit the final site plan incorporating any additional conditions and safeguards specified by the Board of Zoning Appeal.

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

**In Favor:** All Commission members present voted in favor of the motion (4-0). Mr. Powell recused himself from the voting.

### **MDP Clearinghouse Review Denton SHA Property**

Ms. Grunden explained that the Maryland Department of Transportation Secretary's Office anticipates the sale of MC #20-1102, identified as the former J. Claude Wheatley property, in the Town of Denton, Maryland. The property is located North of MD 313 (Denton Bypass) at Gay Street in Denton, MD, and consists of 6.312 acres of wooded, unimproved land accessible via Gay Street. In 1969 MDOT SHA acquired the property, Parcel 0856 on Tax Map 0106, for the Eastern extension of the Denton one-way street system. The property is no longer needed by MDOT SHA, and a public auction will be held soon in accordance with State Clearinghouse procedures.

As part of the Maryland Intergovernmental Review and Coordination (MIRC) process, Caroline County has been invited to provide comments on the project and/or express interest in acquiring the property. The County has no interest in purchasing the land, but Mr. Mulrine, Denton Town Manager says they may be interested depending on price.

- Motion:** Mr. Mosca made a motion to approve the Clearinghouse Approval Code C1 – consistent with County plans, programs, and objectives.
- Second:** Mr. Powell seconded the motion.
- In Favor:** All Commission members present voted in favor of the motion (5-0).

### **BZA Update**

The Board of Zoning Appeals met May 18, 2021 to hear the following applications:

**Application No. 21-0007:** A request by **Jamie Hetrick** for a **Special Use Exception** in accordance with Zoning Chapter 175, Article XVI and §175-13 (Attachment 3:2) of the Code of Public Local Laws of Caroline County, Maryland to establish a retail farmers market. Said property is located at 6635 Statum Rd, Preston, Maryland and is further described as Tax Map 42, Grid 20, Parcel 77.

The SUE was approved subject to the following conditions:

- *A Final Site Plan must be submitted and approved by the Planning Director.*
- *A Building Permit and/or Zoning Certificate will be required prior to any proposed development and must be accompanied by all necessary documentation and site plan requirements.*
- *The Applicant's Sales Tax License and Trader's License must be submitted to the Planning Director prior to the issuance of a Zoning Certificate.*
- *The Applicant's Food Service Permit and/or On Farm Processing License shall be submitted to the Planning Director once obtained but is not a requirement for the issuance of a Zoning Certificate.*

**Application No. 21-0008:** A request by **Lori Bishop** for a **Variance** in accordance with Zoning Chapter 175, Article XVII and §175-15 of the Code of Public Local Laws of Caroline County, Maryland to construct a 90' x 3' elevated walkway to access an existing pier which would be located within the 100-foot Chesapeake Bay Critical Area Buffer. Said property is located at 920 Sunday Dr., Denton, Maryland and is further described as Tax Map 105, Grid 19, Parcel 93.

The Variance was approved subject to the following conditions:


- *A Building Permit and/or Zoning Certificate will be required prior to any proposed development and must be accompanied by all necessary documentation and site plan requirements.*
- *A buffer mitigation plan must be submitted as part of the Zoning Certificate and/or Building Permit process and approved prior to the issuance of a Building Permit and/or Zoning Certificate.*
- *Any conditions set forth by the Board will be enforced during the Building Permit and/or Zoning Certificate application process.*

**DEPARTMENT UPDATE**

Ms. Freeman stated that the County has hired a new County Attorney, Stewart Barroll who is coming from a private law firm. Mr. Barroll will be present at the next Planning Commission meeting. Maryland Planning Commission will be having a virtual workshop Friday, July 16, 2021 from 10:00-11:30 am, called "Mastering the Master Plan". If anyone is interested, please sign up. Also, the Maryland Planning Commissioner Annual Conference is coming up October 26-27 in Solomons, Calvert County. If anyone would like to attend, please let Ms. Beales know. The Census data is projected to be released in between August and September for legislative and school redistricting. The Land Preservation Parks & Recreation Plan (LPPRP) is currently being updated and the Planning Commission should see that in early 2022. The Department of Recreation and Parks has an online survey that they are asking to be filled out for as much feedback as possible from the community.

**ADJOURNMENT**

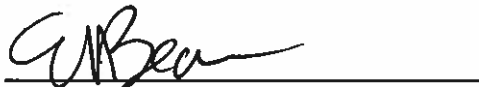
- Motion:** Mr. Mosca made a motion to adjourn the meeting at 8:30 p.m.  
**Second:** Ms. Minihan seconded the motion.  
**In Favor:** All members voted in favor of the motion (5-0).



Katheleen Freeman  
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by Elizabeth A. Beales