

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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June 11, 2018

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, June 11, 2018 in Room 110 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: John Schmidt, Chairman; and members, Wilbur Levensgood, Keith Neal, Nancy Minahan, Chuck Mosca, Jeffrey Powell, and Dr. Derek Simmons. Also present were Matt Kaczynski, Development Review Coordinator; Alex Willis, Long Range and Agricultural Planner; and Melanie Smith, Administrative Assistant to the Boards.

AGENDA:

- Approval of the May 9, 2018 Meeting Minutes
- Review of State Clearinghouse Comments – Caroline County Detention Center Pump Station Repair
- Review of State Clearinghouse Comments – Delmarva Power Easement Purchase from DNR
- Review of State Clearinghouse Comments – Transfer of Inactive Railroad ROW to Dorchester County
- Department Update – Katheleen Freeman

Chairman Schmidt called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES

Chairman Schmidt asked for comments on or corrections to the minutes from the May 9, 2018 meeting. Ms. Minahan questioned the tillable land measurement recorded in the last paragraph on page three of the draft. Ms. Smith will listen to the May recording for clarification.

Motion: Ms. Minahan made a motion to approve the minutes with correction to the measurement on page three of the draft.

Second: Mr. Powell seconded the motion.

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

STATE CLEARINGHOUSE REVIEWS

Mr. Kaczynski introduced the projects to the members for any comments or concerns they may have regarding consistency with the Caroline County Comprehensive Plan.

Caroline County Detention Center Pump Station Repair

Mr. Kaczynski explained that Leslie Grunden, Environmental and Facilities Planner for Caroline County Planning and Codes applied for a grant on behalf of the County to repair the pump station at the County Detention Center. Although the project is within the Town of Denton, Mr. Kaczynski reviewed it as part of the process of requesting the grant. The only concern he addressed was that any electrical equipment that will be required is placed above grade within the facility. The Detention Center is on the Choptank River and there could be a risk of flooding. Mr. Kaczynski added that the projects planner had completed environmental reviews for the County and established trust with County staff. The Board reviewed the project and did not foresee any problems.

Delmarva Power Easement Purchase from DNR

Mr. Kaczynski explained that Delmarva Power had asked to purchase an easement from the Maryland Department of Natural Resources (DNR) to construct a stone path to access equipment on poles within their right of way on Bethlehem Road near Preston, Maryland. The parcel often has standing water and the elevated path will allow safe and reliable access to the equipment.

Mr. Kaczynski stated that the request responded to a public need and is located on Maryland State property. The project was reviewed by DNR and received a favorable response and Delmarva was given an approved permit pending with Maryland

Department of the Environment (MDE) that is contingent on the easement. The Board reviewed the project and did not foresee any problems.

Transfer of Inactive Railroad ROW to Dorchester County

The State Department of Planning has requested a Clearinghouse Review for the transfer of two segments of inactive railroad Right of Way (ROW) owned by MDOT to Dorchester County. Dorchester County expressed interest in the railroad ROW to either restore freight rail service to Cambridge or develop recreational trails. In conversations with Dorchester County, they do not have immediate development plans for the Caroline County portion, though they would consider that portion for a recreational trail project if Caroline County and the Town of Preston were in favor.

Staff recommends that the County respond with comment regarding the Caroline County portion of the project. The County would like to be consulted, and requested that the Town of Preston be consulted, should Dorchester County proceed with this project.

Mr. Kaczynski referred to page 176 of the Caroline County Comprehensive Plan that mentions a grant application by the Dorchester County Tourism Office in 2008 for a feasibility study of developing a passenger railroad from Hurlock to Preston. The paragraph ends by stating the major hurdle to the project is obtaining support from the Maryland Department of Transportation (MDOT)

According to a letter dated April 27, 2018, MDOT is now proposing to sell the ROW to Dorchester County. The letter stated that Dorchester County approached MDOT seeking to purchase the ROW to develop a hiker-biker trail on the property.

Dr. Simmons, a Preston resident, is certain that adjacent land owners would expect to be included in any development plans. For years they have suffered being burglarized by people accessing the railway.

Commissioner Levensgood is aware that in the 1800's, when the railroad was being proposed, the property was donated by the citizen landowners on the condition that the property reverts back to them when the project was decommissioned. Mr. Neal was aware that property owners in Denton sought such rights but were refused. Mr. Levensgood knows of properties in South County that did obtain those rights.

The members agreed that it did not make sense for Caroline County to concede this property to Dorchester County. The Planning Commission requested that staff respond with an emailed letter stating that Caroline County is interested in having the right to the Caroline County portion of the railway to re-establish the land as they wish.

DISCUSSION

Mr. Neal noted that Chairman Schmidt's appointment is scheduled to expire in September. According to Ordinance #2016-1, a member cannot serve more than two five-year terms consecutively and must wait two years before being reappointed.

Chairman Schmidt has been a member on the Planning Commission for 25 years. Mr. Neal has served the next longest term of the group since being appointed in 2012. He attested that Chairman Schmidt's skill at conducting meetings and knowledge and research far exceeds what little he has been able to absorb since becoming a member. He added that Chairman Schmidt has not missed a meeting, always comes prepared and has a collaborative demeanor that is respected and appreciated by all.

All members agreed with Mr. Neal's evaluation and added that Mr. Schmidt's input and insight has been extremely valuable and beneficial to the County. Members have asked and Mr. Schmidt agreed that he would be willing to continue sitting on the Board if it were made possible. Ms. Freeman, Director of Planning & Codes was asked if she would be in favor of keeping Mr. Schmidt as a member and she responded that she would.

Mr. Neal suggested that before they approach the Commissioners with this request it would be wise to conduct a discussion for public record and vote to show they are united in this request. They hope that the Commissioners will approve their request if they show unity among the members.

There are a few ways that this could be achieved. Mr. Neal drafted an amendment to Ordinance #2016-1, page 8, line 7 for consideration. Continuing after "for two years" he suggested adding –

"Unless", a Planning Commission member, whose 2nd term is about to expire, petitions the Director of Planning and Codes to extend the term without interruption for an additional term(s). If the Director approves, the Planning Commission members should consider the request. If the members also approve the request then the final consideration of the petition shall be made by the County Commissioners.

Another possibility would be to request a waiver to the rule because of extenuating circumstances, in this case, their petition. It is also possible that the terms started to be counted against them at the point the amendment was made which would allow Mr. Schmidt to be reappointed another term. There is nothing in the amendment to say the rule was retroactive.

Commissioner Levengood stated that he discussed this with the other County Commissioners at today's meeting and told them that Mr. Schmidt had put a tremendous amount of time and provided a tremendous amount of experience to the Planning Commission and continues to do so every month.

Commissioner Levengood stated that if this is what they agree they wanted he will fight, if necessary, for this request to be approved. Mr. Neal noted how difficult it is to replace a person of value to work as hard and selflessly as Mr. Schmidt does for free.

Mr. Powell agreed that they all desired to do what is good for the County and that is why they are requesting Mr. Schmidt remain on the Board. Ms. Minahan agreed. She understood the wisdom of limiting terms on boards to allow for fresh and new perspectives when it is needed, but believes in this case it would be a detriment to the County. She pointed out that Mr. Neal's wording to deviate from the rule would require a seriously high level of approval from 7 diverse Planning Commission members, the Zoning Administrator and three County Commissioners before it could be finally approved. This reveals the sincerity and desire they have, to keep Mr. Schmidt as a member. This is also a good rule to keep for perpetuity.


Motion: Dr. Simmons made a motion to propose a text amendment to allow
Second: Mr. Mosca seconded the motion.
In Favor: All Commission members voted in favor of the motion (7-0).

DEPARTMENT UPDATE

Mr. Kaczynski informed the members that Joe Miller left the department for a job elsewhere and Planning and Codes will soon be advertising for his position.

ADJOURNMENT

Motion: Mr. Mosca made a motion to adjourn the meeting at 8:23 p.m.
Second: Ms. Minahan seconded the motion.
In Favor: All members voted in favor of the motion (7-0).



Katheleen Freeman
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by: Melanie L. Smith