

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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July 11, 2018

CAROLINE COUNTY PLANNING COMMISSION MINUTES

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

Present were: John Schmidt, Chairman; Dan Franklin, County Commissioner of Caroline County; and members, Keith Neal, Nancy Minahan, Chuck Mosca, and Dr. Derek Simmons. Also present were Katheleen Freeman, Director of Planning and Codes; Matt Kaczynski, Development Review Coordinator; Alex Willis, Long Range and Agricultural Planner; and Melanie Smith, Administrative Assistant to the Boards.

AGENDA:

- Approval of the June 11, 2018 Meeting Minutes
- Public Meeting – Rural Revitalization Application – 16450 Henderson Road, Henderson
- Review of Proposed Final Major Site Plan – ForeFront Solar
- Review of Proposed Major Site Plan – Old Town Materials
- Water and Sewer Amendment – Caroline County Detention Center Pump Repair
- Department Update
- BZA Report

Chairman Schmidt called the meeting to order at 7:35 p.m.

APPROVAL OF MINUTES

Chairman Schmidt asked for comments on or corrections to the minutes from the June 11, 2018 meeting.

- Motion:** Ms. Minahan made a motion to approve the minutes as written.
Second: Chairman Schmidt seconded the motion.
In Favor: All Commission members voted in favor of the motion (5-0).

PUBLIC HEARING

RURAL REVITALIZATION APPLICATION – 16450 HENDERSON ROAD, HENDERSON

Chairman Schmidt read the notice of public hearing into the record.

Mr. Willis explained that Kenneth & Barbara Harrington have submitted a Rural Revitalization Application for the property formerly known as Whiskey Barrel Saloon. This is the first application the Planning Commission has had since the code was adopted. According to State Taxation records, the tavern was built in 1930 and has continuously been used as a commercial building since that time. During comprehensive rezoning, the Rural Revitalization overlay was created to allow for historic structures to continue operating as they have in the past. Therefore, this application is consistent with the Comprehensive Plan's goal of incorporating appropriate zoning districts. The surrounding area is primarily agricultural land with some residential properties and has not substantially changed since October 1, 1967, apart from the Magnolia Hills subdivision. There will be no adverse impact to Magnolia Hills or other surrounding properties by granting Rural Revitalization to this property. The property is currently vacant and for sale, therefore there is no application for a specific Adaptive Reuse. It is the staff's opinion that designating this property as Rural Revitalization conforms to the intent of the Zoning Chapter.

Anita Delp, 16470 Henderson Road, a neighbor to the property stated that it has been nice since the bar closed and she would hate to see it open as a bar again. The Board explained that it is an application for zoning only. The owners are interested in selling the property and, because it is a non-conforming use, having it approved for rural revitalization will allow a buyer the opportunity to use the property commercially. Understanding her concern, the Board explained that the meeting she will want to attend is the adaptive reuse of the property should the new owners apply to open a business. Ms. Freeman added that any business that is approved for an adaptive reuse will be required to close prior to 9 p.m. This would deter someone who is interested in opening a bar again. Ms. Delp understood and thanked the Board for the explanation.

- Motion:** Chairman Schmidt made a motion to close the public portion of the meeting at 7:48 p.m.
- Second:** Ms. Minahan seconded the motion.
- In Favor:** All Commission members voted in favor of the motion (5-0).

The Board agreed that the application conforms to the requirements set forth for a Rural Revitalization District as defined in Article VI §175-51. E. of the County Code. The request is for the designation of the property only and will require an application for a specific proposed adaptive reuse at a future time.

- Motion:** Dr. Simmons made a motion to approve the Rural Revitalization Zoning request for 16450 Henderson Road.
- Second:** Mr. Mosca seconded the motion.
- In Favor:** All Commission members voted in favor of the motion (5-0).

FOREFRONT SOLAR - FINAL MAJOR SITE PLAN

Mr. Kaczynski explained that ForeFront Power had been before the Planning Commission already for a preliminary site plan approval for a small scale 1.98-megawatt commercial solar energy system adjacent to the Town of Preston. The Board of Zoning Appeals (BZA) held a public hearing for a Special Use Exception application in conjunction with this project on June 12, 2018. The BZA unanimously approved the Special Use Exception on the condition that the landscaping will be higher than the fence at final height, that the project follows all other State regulatory agency requirements and that they receive a building permit and zoning certificate.

Forefront Power had addressed three of the four conditions the Planning Commission requested at the preliminary review. They are currently working with Forest Conservation to resolve the fourth condition. The decommissioning plan and cost estimate was submitted, as well as the lease agreement and the Federal Aviation Administration (FAA) review.

It is the staff's opinion that the location of the commercial solar energy system conforms to the intent of the Zoning Chapter as proposed. The Board referred to Article IX §175-85 regulations for the conditions of approval for a solar energy system.

Ms. Crane from Forefront provided overhead visuals of the proposed site plans for the members review. The Board praised Ms. Crane for the work they did to move the site to the remotest corner of the property and providing for a direct entranceway as opposed to the original entrance from the County Road. Mr. Kaczynski agreed that they did well responding to the concerns expressed at the preliminary site plan review. He added that what he received from State Highway Administration (SHA) was a letter stating that if there was an existing culvert they should receive approval with possible minor upgrades.

Chairman Schmidt noted that removal of the landscaping was not included in the decommissioning plan although it did provide a \$5,000 cost analysis to remove the landscaping.

Motion: Ms. Minahan made a motion to approve the Forefront Solar site plan with the remaining conditions met and adding a stipulation in the decommissioning plan that the landscaping will be removed and the cost to do so is appropriate.

Second: Mr. Mosca seconded the motion.

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

OLD TOWN MATERIALS – PRELIMINARY MAJOR SITE PLAN

Mr. Kaczynski explained that the Planning Commission has been asked to review a final site plan for a Special Use Exception application that was approved prior to the sand and gravel moratorium. Prior to the code update they were not required to be approved for a preliminary site plan by the Planning Commission. Mr. Kaczynski suggested that if the conditions they propose tonight are met, that they will be approved for a final site plan.

Oldtown Materials, has requested a major site plan approval for a sand, gravel and mineral extraction facility located off Bridgetown Road in Goldsboro. The application involves 81.57 acres of surface mining broken into two phases, 60 acres for the first phase and 21.57 acres for the second phase. The proposed facility will include a wash plant and a weigh station trailer.

The Board of Zoning Appeals (BZA) held a public hearing for a Special Use Exception Application in conjunction with this project on January 17, 2017. The Board of Zoning Appeals (BZA) unanimously approved the Special Use Exception subject to 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 necessary documentation and site plan requirements;
- (2) The Applicant is required to submit and have approved by the Zoning Administrator, after review and comment by the appropriate members of the development review committee final site plans prior to commencing any mining operations at the site. The site plans may be broken down into separate site plans for Phase 1 and Phase 2 as per the Applicant's Application. Such final site plans, among other things required by the Zoning Administrator, shall depict the following:
 - (a) The location of the access and service roads providing ingress and egress, access to the scale/weigh facilities, access to material stockpiles, and the movement of dump trucks and other pick-up vehicles within the mining site;

- (b) The location of the entrance to the surface mining operation onto Bridgetown Road, which shall be moved as far east as reasonably feasible on Bridgetown Road;
 - (c) All planted buffers and screening that will be planted and/or maintained with a depiction of the types and species of plantings that will be placed and maintained in specific areas denoted on the plans;
 - (d) All storm water management facilities;
 - (e) Any ponds or water storage facilities, including a description of any systems to be used to keep such areas from becoming a breeding ground for mosquitoes or other vectors;
 - (f) A depiction of the areas to be mined and a description of the sequencing of the mining of each area;
 - (g) Any berms, banks, and/or slopes that will be required in conjunction with mining operations and the topography thereof;
 - (h) The closure plan including the location of any ponds, any storm water management facilities, the final grades of the site and the plantings to be made in conjunction with closure.
- (3) Must obtain approval from Department of Public Works regarding the proposed entrance and satisfy all their requirements up to and including a maintenance bond if required for as long as the mine is active;
 - (4) A Landscaping Plan will be required prior to any proposed development and must be accompanied by all necessary documentation;
 - (5) The Applicant must comply with all requirements of the Caroline County Soil Conservation District Board of Supervisors;
 - (6) A water truck must be used to wet worked and traveled areas of the site when necessary to prevent the emission of dust to neighboring properties.
 - (7) The hours of operation may be from 6:00 a.m. until 6:00 p.m. on Mondays through Fridays. The hours of operation on Saturday may be from 6:00 a.m. until 2:00 p.m. The site shall be closed on Sundays.

- (8) The Applicant shall not commence any mining related activities on the site without a County approved storm water management plan.
- (9) This approved special use exception shall become void twenty-four (24) months from the date of approval unless a zoning certificate and/or building permit is issued and the use is established and/or construction has begun in accordance with the terms of this decision. (See Section 175-144.A and Section 175-145 and the explanation for the extension of the usual time requirement as set forth below.) Alternatively, if the Applicant has an approved landscape plan and begins construction of a berm and/or planting of a landscape buffer in accordance with the landscape plan within 12 months of the issuance of this special use exception, such actions shall constitute commencement of the approved special use exception sufficient to preserve this special exception.

Additionally, Planning and Codes staff recommended a list of conditions for a major site plan approval. It is the staff's opinion that the location of the sand, gravel and mineral extraction facility conforms to the intent of the Zoning Chapter and should be permitted with conditions.

Staff suggested the applicant address the following before final approval of the Major Site Plan is granted:

- Proposed signs must be setback from the property line at least 10 feet.
- A detailed landscaping plan must be provided. The landscaping plan shall include a planting schedule showing the type, size and number of species to be planted, as well as clearly depicted locations of such plants.
- Existing road right of ways must be shown on the plans.
- All existing and proposed pedestrian entrances and exits must be shown on the plans.
- All projects proposed in Phases must provide each phase's projected scope and time to the extent possible.
- Must provide a signature line on the plans for Planning Director Approval.
- The number of employees must be shown on the site plan.
- Type of power used in conjunction with proposed uses must be shown on the site plan.
- Types of wastes or by-products produced by any process and the proposed method of disposal of such wastes or by-products must be shown on the site plan.
- The Caroline County Public Works department has classified Bridgetown Road as a "haul road." The proposed road improvements must meet the "haul road" design standards found in the Caroline County Road Design Manual.
- The applicant must meet all Maryland State Highway Administration requirements regarding the intersection of Bridgetown Road and MD Route 313.

Commissioner Franklin asked if this was a typical sand and gravel application apart from the haul road. Mr. Kaczynski confirmed that it was. Mr. Mosca asked what recourse the neighbors have if the 75-100 haul trucks become a nuisance due to speeding or jake breaking. Ms. Anne Ogletree, representing Oldtown Material stated that one of the conditions of the BZA was that

they could not use Worton Road and if such issues occur a complaint can be made to the BZA that the conditions they set forth were not adhered to.

Ms. Price informed the members that there were a lot of nuances regarding the haul road. She proposed the Developer and County enter into a Development Rights and Responsibilities Agreement (DRRA) to flush out what is needed for each section of the proposed haul road.

Ms. Minahan disclosed that she is a customer of Patuxent Companies, the trucking company that will be used for the project and would recuse herself if necessary. Ms. Price asked her if she felt she could not remain impartial during deliberations. Ms. Minahan replied that she did not. Chairman Schmidt asked if anyone objected to Ms. Minahan being included in the deliberations. No one objected.

Ms. Ogletree explained that this is one of two applications that were caught up in the moratorium after being approved by the BZA. They are requesting final site plan approval with the conditions outlined and the DRRA between the County and the Developer to address the haul road conditions. She confirmed that they understand that they require a bond of 125% of the cost to improve the road to the County Road Design Manual.

Motion: Mr. Neal made a motion to approve the Old Town Material site plan with the conditions outlined and the applicant will proceed with a DRRA between the County and the Developer.

Second: Ms. Minahan seconded the motion.

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

WATER AND SEWER AMENDMENT – C.C. DETENTION CENTER PUMP REPAIR

The County Detention Center's wastewater system design is antiquated and includes a holding tank located within the flood plain. The aging alarm system is inadequate to signal failures in a timely manner, which adds a potential risk of health and environmental hazards. It is necessary to upgrade the Center's wastewater treatment system to modern standards and provide redundant protections to avoid the discharge of contaminants and/or nutrients that pose health or environmental threats.

The Maryland Department of Environment (MDE) is providing 50-50 grant-loan funding for the project and requires that the Comprehensive Plan be amended to include the project in the Table of Priorities.

Motion: Chairman Schmidt made a motion to make a recommendation to the Commissioners of Caroline County that the Comprehensive Water and Sewer Plan (CWSP) be amended to include the Caroline County Detention Center Pump Station Upgrade project.

Second: Dr. Simmons seconded the motion.

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

DEPARTMENT UPDATE

Ms. Freeman informed the members that they have completed the interviews for a new Town Planner and made an unofficial offer to one of the candidates.

Human Resources will be putting an ad out soon for a new Development Review Coordinator. Mr. Kaczynski will have oversight of this position in the future.

Staff has interviewed the first software company and will interview two more this week. They have determined that they will go with a cloud-based system.

BOARD OF ZONING APPEALS UPDATE


Ms. Smith provided an update of the Forefront Special Use Exception hearing at the June Board of Zoning Appeals meeting.

ADJOURNMENT

Motion: Mr. Mosca made a motion to adjourn the meeting at 8:50 p.m.

Second: Ms. Minahan 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: Melanie L. Smith