

Caroline County Planning Commission



Hannah Cawley, Chairman
Jeff Jackson, Vice-Chairman
J. Travis Breeding, Commissioner Member
Keith Bilbrough, Member

Health & Public Services Bldg.
403 South 7th Street, Suite 210
Denton, Maryland 21629-1335
Telephone: 410-479-8100
Facsimile: 410-479-4187

July 12, 2023

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, July 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, Travis Breeding, Keith Bilbrough, and Jeff Jackson. 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 June 14, 2023, Meeting Minutes
- Cannabis Draft Zoning Regulations
- Setback Requirements – Proposed Zoning Text Amendment
- Stream Buffer Requirements – Proposed Zoning Text Amendment
- Clearinghouse Review- Henderson CDBG Street Upgrades Project

Chairman Cawley called the meeting to order at 6:02 p.m.

APPROVAL OF MINUTES

Chairman Cawley asked the members if they had reviewed the minutes from the June 14, 2023, Planning Commission meeting. No changes were noted.

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

Second: Mr. Bilbrough seconded the motion.

In Favor: All members voted in favor of the motion (4-0).

Elections for Vice Chairman

Due to Vice Chairman, Chuck Mosca's term ending in May 2023, the members must elect a new Vice Chairman. Mr. Billbrough nominated Mr. Jackson to be Vice Chairman and Mr. Breeding seconded the nomination. The members voted unanimously to elect Mr. Jackson Vice Chairman.

Cannabis Draft Zoning Regulations

Ms. Dadds presented the proposed zoning regulations for Cannabis facilities. The proposed regulations are modeled after the adult-oriented business ("AOB") regulations. This would restrict cannabis facilities to the I-2 zoning district subject to special use exception approval from the Board of Zoning Appeals, and follow the same setback requirements. The AOB regulations do not allow any type of on-premises signage as she was not sure how the Planning Commission felt about signage so that portion of the AOB regulations was not included in the draft. Currently any permitted business would be allowed a total of 400 square feet of combined signage on premise. They would be permitted to have 2 signs off-premise, no larger than 32 square feet each. In addition, any off-premise sign located in the R, R-1 or R-2 zoning district would require a special use exception from the Board of Zoning Appeals.

The State may not issue more than the following number of licenses per type:

- Standard licenses (75 grower, 100 processor and 300 dispensary)
- Micro licenses (100 grower, 100 processor and 10 dispensary)
- Incubator Space licenses (10)
- On-site Consumption licenses (50)

The State may not award licenses for on-site consumption establishments prior to May 1, 2024.

A standard grower license could have a 300,000 square foot maximum area which is about 7 acres. All types of cannabis facilities, including growers, would be permitted in the I-2 zoning district. Ms. Freeman presented a map showing where the I-2 zoning districts are located in the County.

Ms. Cawley asked how the towns are handling cannabis regulations. Ms. Dadds stated that some have proposed moratoriums. Ms. Freeman stated that under these proposed regulations, cannabis facilities would only be allowed in the I-2 zoning district. It would also require a public hearing before the Board of Zoning Appeals. This would also come to the Planning Commission for a major site plan approval. In order for a facility to be denied it would have to be proven that it would be a detriment to public health, safety or welfare, or diminish property values.

Mr. Bilbrough stated that he is not a proponent of cannabis but feels that the County needs regulations for it. Mr. Jackson stated that this is a business, and they will need somewhere to go in the County. Mr. Bilbrough asked if the County had any inquiries about bringing a cannabis business to the County. Ms. Dadds stated that one person has inquired about a dispensary. Mr. Jackson stated that the security and transport that these businesses have is impressive and they take security very seriously. Mr. Breeding stated that he is concerned about the smell.

Ms. Cawley allowed Ms. Pierce, an attendee online to speak. Ms. Pierce shared that she thought this was an excellent draft for cannabis regulations. Also, that some retail stores have a clause in their leases that cannabis facilities cannot be near the stores.

Mr. Breeding feels that this draft regulation is a great start. Ms. Cawley also agreed and said that something needs to be in place instead of putting a moratorium in place.

Mr. Barroll suggested changing the Terms defined to state, "As used in this chapter, the following terms shall have the meanings set forth in §36-101, Alcoholic Beverages and Cannabis, Annotated Code of Maryland.

Mr. Bilbrough abstained from voting.

Motion: Mr. Breeding made a motion to remove line B (3) and B(4) from the cannabis draft regulations and to change the definition per Mr. Barroll's suggestion, and forward a recommendation to the County Commissioners for their review.

Second: Ms. Cawley seconded the motion.

In Favor: Mr. Breeding and Ms. Cawley were in favor (2-0).

Not in Favor: Mr. Jackson was not in favor.

Setback Requirements – Proposed Zoning Text Amendment

At the June 14th meeting, the Planning Commission discussed a potential Zoning text amendment to reduce side and rear setbacks in certain zoning districts to ten feet. By reducing the setbacks this will reduce the need for property owners to apply for variances. At the conclusion of that discussion the members requested that Ms. Freeman present a draft zoning text amendment with the proposed reduced setbacks at the July Planning Commission meeting.

Ms. Freeman presented the draft text amendment to the members for review and approval. The members approved the proposed 10' side and rear setbacks for all Residential and Rural Zoning Districts.

Motion: Mr. Jackson made a motion to recommend the proposed text amendment to the County Commissioners for their consideration.

Second: Mr. Breeding seconded the motion.

In Favor: All members voted in favor of the motion (4-0).

Stream Buffer Requirements – Proposed Zoning Text Amendment

At the June 14th Planning Commission meeting the members discussed a potential Zoning text amendment regarding stream buffer regulations. The current stream buffer regulations are in two separate chapters of the County Code, Chapter 175-40 Streams and Stream Buffers and Chapter 109 Forest Conservation.

The 1992 Maryland Planning Act required the County to adopt measures to protect environmentally sensitive areas, which included streams and stream buffers. The Planning Department at that time drafted a Sensitive Areas Element to be included with the County's Comprehensive Plan, which led to the passing of Ordinance #98-008. Ordinance #98-008 was enacted on June 30, 1998, for the purpose of establishing stream buffer regulations for perennial and intermittent streams. This ordinance is now reflected in Chapter 175-40, which requires a 100-foot buffer for perennial streams and 25-foot buffer for intermittent streams. State regulations at the time of passage required a minimum 25-foot buffer from non-tidal streams.

In 2000, the State changed the regulations regarding stream setbacks to 50-feet for both perennial and intermittent streams; this is the minimum stream buffer as defined in Annotated Code of Maryland and the Code of Maryland Regulations (COMAR). The County updated Chapter 109 Forest Conservation on October 10, 2000, to reflect the minimum intermittent stream setback of 50-feet but did not update Chapter 175-40 to meet the minimum requirement.

The proposed text amendments will modify the conflicting language in the County code and set the minimum stream buffers as required in Annotated Code and COMAR; which is 50-feet for both perennial and intermittent streams. It should be noted that these proposed stream buffer regulation changes are only for streams which are located outside of the Chesapeake Bay Critical Area.

Motion: Mr. Breeding made a motion to recommend the proposed text amendment to the County Commissioners for their consideration.

Second: Mr. Bilbrough seconded the motion.

In Favor: All members voted in favor of the motion (4-0).

Clearinghouse Project Review: Henderson CDBG Street Upgrades Project

Ms. Grunden presented the Maryland Department of Planning Clearinghouse Review to the members. The Town of Henderson is upgrading its small network of Town streets and implementing roadside stormwater management practices to reduce impacts from flooding and runoff.

The Town is seeking funding from the MD Department of Housing and Community Development's Community Development Block Grant (CDBG) program for road improvements and stormwater management upgrades to its street network – Cook Street, Mill Street and Bell Street – a total of .26

miles (1374 feet). The streets are becoming unsafe due to poor road surfaces and underbed conditions and inadequate drainage that causes flooding, making safe passage extremely difficult during storms and causing stormwater intrusion onto properties and into a local business. Henderson is a small, low income, rural community and needs professional assistance to do the necessary repairs of improving the streets and upgrading the stormwater management system to abate the issues, prevent further property damage and provide safe passage for its citizens. The Town is seeking CDBG funding to perform the work needed to abate the issues in the most cost-effective way possible. The Town has obtained a cost estimate from the engineering firm that completed the design phase of the project, which was funded by CDBG in 2019.

The total estimated cost of the project is 481,742.00, including clearing and demolition, permitting, construction and contingency costs. The Town is contributing a total of \$6,000.00 in cash and in-kind services for the project.

The staff supports the Town's primary transportation goal to provide for the safe and efficient movement of people and good on its streets. The project addresses transportation issues identified in the Henderson Comprehensive Plan including flooding problems and inadequate street stormwater drainage systems. Staff recommends Clearinghouse Approval Code C1- consistent with the County plans, programs, and objectives.

Motion: Mr. Bilbrough made a motion to recommend Clearinghouse Approval Code C1- consistent with County plans, programs, and objectives.

Second: Mr. Jackson seconded the motion.

In Favor: All members voted in favor of the motion (4-0).

BZA Update

The Board of Zoning Appeals met on June 20, 2023, to hear the following application:

Application No. 23-0032: A request by **Matthew Weeman** for a **Variance** and **Special Use Exception** in accordance with Zoning Chapter 175, Article XVI, Article XVII and Section 175-13 of the Code of Public Local Laws of Caroline County, Maryland to establish a Veterinary Hospital/Clinic within an existing building which is located closer to the property lines than the minimum required setbacks. Said property is located at 10092 New Bridge Road, Denton, Maryland and is further described as Tax Map 102, Grid 22, Parcel 332.

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

- No overnight stays for animals
- Hours of operation Monday through Saturday, 7 am – 7 pm
- The Applicant must receive Final Site Plan Approval from the Planning Director prior to the issuance of 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.

- The Board's decision shall be void one year from the date of approval unless a plat is recorded or a zoning certificate and/or building permit is issued and construction has begun in accordance with the terms of the decision.

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

- No kennels or overnight stays for animals
- Hours of operation Monday through Saturday, 7 am – 7 pm
- The Applicant must receive Final Site Plan Approval from the Planning Director prior to the issuance of 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.
- The Board's decision shall be void one year from the date of approval unless a plat is recorded or a zoning certificate and/or building permit is issued and construction has begun in accordance with the terms of the decision.

The Board also met to hear the following application:

Application No. 22-0017: A request by **Sustainable Land Use, LLC** for a **Special Use Exception** in accordance with Zoning Chapter 175, Article XVI, §175-26 and §175-27 of the Code of Public Local Laws of Caroline County, Maryland for the Phase 8 expansion of an existing mineral extraction facility (26.75 acres) and a reduction of the 200-foot setback in certain areas. Said property is located at 15890 Oakland Rd, Henderson, Maryland and is further described as Tax Map 9, Grid 5, Parcels 4 and 103 and is owned by Southstar Limited Partnership.

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

- in Area D, an 8-foot fence will be erected to control noise level
- continue all preexisting conditions imposed by previous Boards of Zoning Appeals as cited on Exhibit 6, page 2 of 17
- the Applicant must obtain a final site plan approval from the Caroline County Planning Commission.
- the Applicant's proposed lot line revision plat must be signed and recorded into land records prior to applying for any Building Permit and/or Zoning Certificate
- 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
- any conditions imposed by the Board will be enforced prior to the issuance of any Building Permit and/or Zoning Certificate associated with this application.

Department Update


Ms. Freeman stated that she did not have anything for the Department Update.

Planning Commissioners Open Discussion

Ms. Grunden stated that the MD Association of Counties summer conference will feature sessions about the regulation and management of cannabis in Maryland counties. Ms. Cawley inquired about the Maryland Planning Commission Conference. Ms. Freeman stated that it would be a good conference for members of the Board to attend. Ms. Beales will send information about the conference to members as soon as it is available.

ADJOURNMENT

- Motion:** Mr. Bilbrough made a motion to adjourn the meeting at 8:03 p.m.
- Second:** Mr. Jackson seconded the motion.
- In Favor:** All members voted in favor of the motion (4-0).



 Katheleen Freeman, AICP
 Director
 Department of Planning & Codes



 Hannah Cawley, Chairman



 Prepared by Elizabeth A. Beales

