

# 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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July 14, 2021

## CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, July 14, 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, Dan Franklin, and Chuck Mosca. Also present were Leslie Grunden, Assistant Director of Planning; Stewart Barroll, Caroline County Attorney; and Beth Beales, Long Range and Agricultural Planner.

### Agenda:

- Approval of the June 9, 2021 Meeting Minutes
- Comprehensive Water and Sewer Plan Map Amendment
- MDP Clearinghouse Review Choptank Health Federalsburg
- Wood Farm Update
- BZA Report
- Department Update

Chairman Schmidt called the meeting to order at 7:32 p.m.

### APPROVAL OF MINUTES

Chairman Schmidt asked the members if they had reviewed the minutes from the June 9, 2021 Planning Commission meeting and if there were any proposed edits to the minutes. One minor spelling correction was noted.

**Motion:** Mr. Powell made a motion to approve the minutes with the correction.

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

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

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After the minutes were approved, Mr. Drummond, attorney for Wood Farm, asked to review the June minutes. Mr. Schmidt allowed that.

### **Comprehensive Water and Sewer Plan Map Amendment**

Ms. Grunden explained that the Town of Denton requests an update of its Water and Sewer Service Area maps to reflect changes in service timing categories for a portion of the Sharp Road service area. The Town is requesting that the water and sewer service timing categories for the area be changed from W4/S4 (service in 3-6 years) to W3/S3 (priority for connection) for extension of municipal water and sewer system service. This portion of the Sharp Road service area is adjacent to the Denton Elementary School complex and is comprised of 10 residential properties, 2 of which are unimproved. Existing water and sewer service on Sharp Road ends at the elementary school property. The Town requested the update to better reflect the area's priority for extension of water and sewer service. Currently there is no design or construction plan in place for extension of services.

The area is designated as residential land use on the Town of Denton Comprehensive Plan Land Use maps. The official zoning map for the Town indicates the area has a mix of suburban residential and town-scale residential zoned properties. The proposed update of the service timing categories is consistent with the County's plans, programs, and objectives, including the goals of the Comprehensive Water and Sewer Plan to protect the general health, safety, and welfare of the population through the provision of public facilities and services, and to provide for the stable and orderly extension of public facilities and services to serve the population efficiently and effectively. The connection of properties currently served by septic systems to Denton's ENR wastewater treatment system also will result in a lower annual nitrogen load to Choptank River, which supports the County's watershed and water quality goals.

Staff recommendation is that the Planning Commission recommend approval of the amendment to CWSP Denton Water and Sewer Service Area maps to change the W4/S4 timing categories on Sharp Road to W3/S3 timing categories and forward the recommendation to the County Commissioners.

Mr. Neal asked if the perimeter includes Suzanne Street and Martha Jane Lane. Ms. Grunden stated no, it does not include those areas because they are not in town limits.

**Motion:** Mr. Neal made a motion to recommend approval of the amendment to CWSP Denton Water and Sewer Service Area maps to change the W4/S4 timing categories on Sharp Road to W3/S3 timing categories and forward the recommendation to the County Commissioners.

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

**In Favor:** All Commission members present voted in favor of the motion (4-0), with the exception of Mr. Franklin, who abstained from the voting due to it coming to the County Commissioners.

## **MDP Clearinghouse Review Choptank Health Federalsburg**

Ms. Grunden stated that The Choptank Community Health System, Inc. ("CCHS") facility in Federalsburg, Maryland, has applied for federal funding to assist with the construction of a new 20,000 square foot health care facility to be located on a 10-acre lot on Hayman Drive in Federalsburg. The new facility will serve as a replacement of the CCHS facility currently housed on Bloomingdale Drive in Federalsburg. The total project cost is \$11,000,000. CCHS has applied for American Rescue Plan funding in the amount of \$829,065 to support the site work and project inspection costs. The balance of \$10,170,935 will be obtained through a variety of local and state funding sources. CCHS anticipates receiving a total of \$750,000 estimated funding support from Caroline County and continues to seek funding support from the Town of Federalsburg, the State of Maryland, and other federal resources. CCHS will secure a construction loan to support the remaining costs. The project is anticipated to begin in August 2022 with estimated project completion and building occupied by February 2024.

The proposed new 1-story Federalsburg Health Center building will provide examination rooms for family medicine, behavioral health, medication-assisted treatment, women's health, and dentistry. As well as a waiting area, the facility will include patient services, provider offices, a special purpose training room, restrooms, healthcare support function areas, communications, and mechanical spaces. The facility will also host training and classroom space for CCHS's Rural Residency Program and Teaching Health Center Development. The new building will result in a larger and better organized facility, well-suited to deliver services to the community of Federalsburg and surrounding areas.

The MIRC process helps assure that projects will be consistent with the plans, programs and objectives of State agencies and local governments. In addition to Caroline County, the Maryland Departments of Health, Environment, and Planning, including the Maryland Historical Trust, were all requested to review and provide comment.

The proposed new facility will be located on Hayman Drive with existing water, sewer, and transportation infrastructure sufficient to support its needs. According to the Town of Federalsburg Comprehensive Plan, the property is designated as commercial use and is in the Commercial zoning district. The site of the project has received approval from the Town of Federalsburg and Caroline County and is consistent with the County's plans, programs, and objectives.

Mr. Franklin stated that project is one that the County Commissioners are looking to give funding for. Choptank Community Health played a vital role during the pandemic. Mr. Powell stated that it is well needed in the community.

**Motion:** Mr. Neal made a motion to recommend 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).

## **Wood Farm Update**

Mr. Powell stated that he will recuse himself due to the working relationship he has with Mr. Schuster, the applicant. Mr. Schmidt stated that he can still participate in the discussion. Ms. Grunden stated that this is an update regarding a previously approved agenda item to the BZA. Ms. Freeman sent out a memo regarding the update. Ms. Anne Ogletree, attorney for the applicant, stated that whatever has been done was not done properly according to the Open Meetings Act, it was not properly advertised. Mr. Schmidt noted her concern.

Mr. Schmidt read Ms. Freeman's memo:

“Regarding the Wood Farm Project last reviewed by the Planning Commission at the June 9<sup>th</sup> meeting, newly discovered information has become available that may have impacted your decision, and/or the decision you will make when the Project is presented to you for final site plan approval. Normally “after the fact” information is not relevant; however, in this case information presented by the applicant now appears to have been incorrect.

There was much discussion between the Planning Commission members, the applicant, and members of the public regarding the best location for the entrance of the Project. Specifically, the residents requested that the entrance be located as close to Rte. 404 as possible rather than in front of residential homes or at any points further along Rte. 404. The reasons were for safety, peaceful enjoyment of property, and ability of farm equipment to continue to use Log Cabin Road.

The primary barrier to moving the entrance closer to Rte. 404 was a 700+ foot easement extending from Rte. 404 into Log Cabin Rd. At both the November 2020 & June 2021 Planning Commission meetings, agents for the applicant stated they had been “rejected repeatedly” and “denied access” when asked about the possibility of relocating the entrance closer to Rte. 404. This was in response to Planning Commission members asking repeatedly if this option had been explored. At the request of the community the applicant did willingly relocate the entrance as close to Rte. 404 as possible without encroaching into the easement thereby improving the situation for most of the residents along Log Cabin Rd.

At the June 2021 meeting, the applicant presented a site plan that showed the relocated entrance about 850' from Rte. 404 where 2-3 residences would be significantly impacted, but the remaining residences would be spared from truck traffic in front of their homes. At the same meeting, the applicant shared a site plan on which the bulk of the community signed off in agreement – this site plan was slightly different from the presented plan and showed the entrance at approximately 750' from Rte. 404.

In the past week, the Department has had requests from 3 citizens to see the proof of denied access. They have expressed their unhappiness over the impacts to the remaining homes and Log Cabin Rd. The Director of Public works has reached out to the State Highway Administration and has been advised that SHA has never received a request for an entrance permit in the easement area, and that they will consider an entrance provided the applicant stays at least 200' back from Rte. 404. I have reviewed the November 2020 & June 2021 PC

meeting videos to confirm the information provided to the Planning Commission did not reflect this fact, and I understand that this single point was significant in your deliberations and in your recommendation to the Board of Zoning Appeals.

Next week, on July 20, 2021, the Board of Zoning Appeals will meet to hear the Special Use Exception and review the site plan for which you granted preliminary approval. With this new information, I recommend that the Planning Commission discuss whether this new & correct information would have impacted your preliminary approval. If so, I recommend you forward this memo, the SHA email (attached), and essentially an addendum to your Board of Zoning Appeals recommendation for their consideration next week. I believe the BZA can approve the SUE with a condition that the applicant make application to the State Highway Administration for an entrance permit as close to Rte. 404 as possible to further minimize impacts to the residential community on Log Cabin Rd.

At this time, it is not the Departments suggestion or intention to hold the applicant up as they continue acquiring the necessary approvals and permits. I believe that making this change can be accomplished concurrently as they move forward."

Mr. Schmidt stated that he is very familiar with the situation and recalls Mr. Mosca and himself asking questions regarding the entrance to the haul road. Mr. Schmidt recalled that there was great concern from Mr. Gorleski and one other resident about where it would be. He also recalled that the specific question was about how close to the SHA easement could the entrance be. Mr. Schmidt also recalled that Mr. Saathoff attended the meeting virtually and stated that he had an email from Mr. Baker with the SHA saying that the entrance could be put in the easement. The Board did not pursue getting a copy of the email because they did not feel it necessary considering the applicant's stated denied access. The subject has come up again due to residents asking specially for proof in writing about the easement. Mr. Schmidt felt that if the Board knew that a permit could have been applied for to allow the haul road entrance closer the SHA easement, they would have asked for that.

Mr. Drummond and Ms. Ogletree, attorneys for the applicant, stated that according to the minutes from the November Planning Commission meeting, Mr. White, Caroline County Department of Public Works Director, said that SHA would not approve any haul trucks to go into the easement. Ms. Ogletree stated that the traffic engineer for the applicant was verbally told by Mr. Baker that they could not allow haul trucks in the easement. Ms. Ogletree stated that an application was not completed because they were told that it would not be approved. Mr. Drummond wanted to be clear that they never said an application was submitted. Ms. Ogletree stated that they currently have an approved entrance for 1500 feet from Rt. 404. Mr. Neal stated that all they are trying to accomplish is that all the residents have all the information. Mr. Franklin explained that SHA will accept an application for the entrance to be no closer than 200 feet from Rt. 404. Mr. Mosca was unclear as to what the Board needed to do. Mr. Franklin explained that they had made their decision on omitted or incorrect information on both sides.

Ms. Ogletree stated that her client would like to proceed with the previously proposed access which is located approximately 750 feet from Route 404. She added that all the neighbors, except for two, agreed. They will consider applying for a permit for an entrance within the SHA easement if the

County writes a letter asking for the SHA to approve or deny the application within 90 days. Mr. Franklin wanted to make clear that he is not comfortable with the current approval since the new information has been made available. He added that the County does not have the authority to put a time limit on the SHA with their decision. Mr. Drummond stated that he feels like this is an effort to stall the project. Mr. Franklin responded that he feels that deciding without all the information is not right and that he does not want the project to be delayed.

Ms. Ogletree stated that if the board decides to agree with submitting the new information from SHA as an addendum to the BZA, she asks that the County also include a recommendation to SHA for the approval of an entrance permit in the SHA easement and a request that SHA expedite their decision. Mr. Schmidt and Mr. Franklin stated they did not see a problem with that. Mr. Drummond did not agree to this.

Mr. Mosca stated he would like to hear from the community. Mr. Tyler Harper, a resident in the community, wanted to be clear that when the residents spoke with Mr. Schuster, they were under the assumption that the entrance could not be located in the easement. Mr. Mosca asked where the community would like the entrance. Mr. Harper stated he is only the spokesperson and would have to discuss the question with the community. Mr. Mosca asked if they have an objection to the current proposed location at approximately 750 feet from Route 404. Mr. Harper stated that there could be objections due to the safety concerns of the community and the farm equipment that uses Log Cabin Road. Mr. Franklin stated that he wanted to clarify that Mr. Harper was saying he would like to meet with the community, but he knows they would like the entrance to be as close to Rt. 404 as possible. Mr. Harper agreed.

Ms. Ogletree proposed that the Board send a copy of the email as written to the BZA stating that this is new information for their consideration. Mr. Barroll stated that the new information was not part of the record. It guarantees that the BZA has all the information needed to make their decision. Mr. Barroll believes that if they put a time limit on their decision, they will most likely ask for a traffic study to be done. Mr. Drummond stated that he will advise Mr. Schuster to withdraw the current application to move the entrance and go back the original plan with an entrance at 1500 feet from Route 404 if a traffic study is requested.

- Motion:** Mr. Schmidt made a motion to recommend to the BZA to consider the addendum based on the new information.
- Second:** Mr. Neal 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 June 15, 2021 to hear the following applications:

**Application No. 21-0009:** A request by Daniel Hutchison for a Special Use Exception in accordance with Zoning Chapter 175, Article XVI and §175-28 of the Code of Public Local Laws of Caroline County, Maryland to establish a wood waste recycling facility. Said

property is located on Oakland Road in Ridgely, Maryland and is further described as Tax Map 13, Grid 5, Parcel 24.

*The SUE was tabled until a better plan is submitted to support the request.*

- *the Water & Sewer Verification must be updated*
- *A letter from Emergency Services approval*
- *Property lines and building restriction lines must be shown.*
- *Map and parcel information for adjacent properties must be shown, including zoning district.*
- *Road centerline and road right of way must be shown.*
- *The limit of disturbance and methods of stormwater conveyance must be shown.*
- *A signature line for Planning Director Approval must be added to the site plan.*
- *All activities shall be appropriately and effectively screened from public view.*
- *Every facility shall install a perimeter security fence that is at least six feet in height.*

*Fence*

*details must be included.*

- *Adequate low mast lighting shall be provided for each site for nighttime security.*

*Lighting*

*shall be shielded from adjoining properties.*

- *Access roads should be a minimum of 20 feet in width, with adequate drainage.*
- *The anticipated quantities of materials to be accepted must be provided.*
- *Existing and proposed topographic contours must be shown.*
- *The size and height of stockpiles must be shown.*
- *The major equipment list provided must also include noise levels and number of units.*
- *All roads and driveways must include dimensions.*
- *The location of any property containing a church, dwelling, residence, daycare, hospice or health care facility, library, park, golf course, active recreation complex or school that is within 1,500 feet of any boundary of the site must be shown.*

**Application No. 21-0010:** A request by **George and Barbara Short** for a **Variance** in accordance with Zoning Chapter 175, Article 17 and §175-14 of the Code of Public Local Laws of Caroline County, Maryland to the yard and area setback requirements to construct a 40' x 40' pole building with surrounding concrete pad. Said property is located at 104 Fisher Ave, Federalsburg, Maryland and is further described as Tax Map 61, Grid 20, Parcel 617.

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 the necessary documentation and site plan requirements.*
- *A revised site plan is submitted showing the approved 25' x 42' pole building to be built on the existing concrete pad.*

**DEPARTMENT UPDATE**

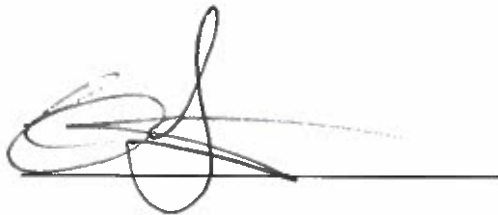
Ms. Grunden introduced the new County Attorney, Mr. Stewart Barroll. She reminded the members that the Maryland Planning Commission is holding a virtual workshop "Mastering the Master Plan" on Friday July 16<sup>th</sup> if anyone is interested. She also reminded the members that if anyone is interested in attending the Maryland Planning Commissioner Annual Conference, October 26-27 in Solomons, please let Beth know.

**ADJOURNMENT**

**Motion:** Mr. Mosca made a motion to adjourn the meeting at 9:00 p.m.

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

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



Kathleen Freeman  
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by Elizabeth A. Beales