

# Caroline County Planning Commission



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

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August 9, 2023

## CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, August 9, 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; Matt Kaczynski, Development Review Coordinator; Stewart Barroll, Attorney and Beth Beales, Long Range and Agricultural Planner.

### Agenda:

- Approval of July 12, 2023, Meeting Minutes
- Avatar Self Storage Facility- Major Site Plan Application
- Danny's Grinding Service- Major Site Plan Application
- MDP Clearinghouse Review- Bay Restoration Fund Funding for AGgrow Alternative Crop environmental Practice, Twin Maples Farms

Chairman Cawley called the meeting to order at 6:01 p.m.

### APPROVAL OF MINUTES

Chairman Cawley asked the members if they had reviewed the minutes from the July 12, 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).

### **Avatar Self Storage Facility-Major Site Plan Application**

The applicant, Lane Engineering LLC, has requested a Major Site Plan Approval on behalf of the owner, Denton Storage LLC., for a Warehouse, Mini-storage Facility located on Shore Highway, just east of the intersection with Sennett Road. The applicant owns and operates Avatar Self Storage, formally known as Acorn Mini-Storage. The current facility has 4 storage buildings; two buildings that are 20'x150', a 40'x150' building and a 40'x140' building.

The proposed improvements include the construction of two additional storage buildings which are 40'x150'. The facility will also include the expansion of existing drive aisles and the replacement of the existing stormwater facility. The proposed stormwater facility has been designed to capture and treat stormwater from both the existing and proposed improvements and will be a major upgrade to the existing facility.

It should be noted that the proposed use of a Warehouse, Mini-storage Facility located within the C-2 General Commercial Zoning District is an approved use subject to a Site Plan Approval. Given that the application submitted for review is a Major Site Plan, the applicant must receive a Site Plan Approval from the Planning Commission. The Technical Advisory Committee and Staff have reviewed all application materials and supplied comments to the applicant. All comments to date have been addressed.

Staff suggests that the Planning Commission consider reviewing the preliminary and final site plan together, given that the applicant has addressed all staff comments and concerns regarding the proposed use.

Ms. Cawley wanted to clarify that the applicant is requesting both preliminary and final site plan approvals. Mr. Kaczynski confirmed that since the applicant has completed all the requirements the applicant may request both preliminary and final site plan approvals.

Mr. Breeding asked if there were any landscape or screening requirements for a project like this. Mr. Kaczynski stated that there were no screening requirements.

**Motion:** Mr. Bilbrough made a motion to approve the major site plan application for a preliminary and final site plan approval. ,.

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

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

### **Danny's Grinding Service-Major Site Plan Application**

The applicant, Daniel Hutchison, has requested a Major Site Plan Approval for a Natural Wood Waste Recycling Facility located on Oakland Road (Tax Map 13, Grid 5, Parcel 24 and Parcel 73). The applicant owns and operates Danny's Grinding Service, LLC. The operation receives natural wood wastes, such as wood chips, stumps, brush, tree limbs, etc. and processes the wastes into mulch, which is then sold to various wholesale customers.

The proposed use of a Natural Wood Waste Recycling Facility requires a Major Site Plan Approval from the Planning Commission and a Special Use Exception Approval from the Board of Zoning Appeals (BZA). The Planning Commission reviewed the Preliminary Major Site Plan March 8, 2023, and made a positive recommendation for the applicant to proceed to the Board of Zoning Appeals. The BZA held a public hearing for the Special Use Exception Application and Variance Application in conjunction with this project on April 18, 2023. The variance application which was submitted and approved was for encroachment of the required setbacks associated with Natural Wood Waste Recycling Facilities, which require a fifty-foot setback between the facility and any adjoining property lines. The BZA approved the Special Use Exception and Variance Applications. The applicant is now seeking a Final Site Plan Approval.

Ms. Cawley asked if fire suppression was required on the premises. Mr. Hutchison stated that it is a requirement by the State to have fire suppression. Mr. Breeding asked if the location is the same as his existing business location on Oakland Road. Mr. Hutchison confirmed that it is at the same location. Mr. Jackson asked if we have the SHA entrance approval in writing. It was confirmed that the applicant has the approval in writing.

**Motion:** Mr. Jackson made a motion to approval the final site plan.

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

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

### **Clearinghouse Project Review: AGrow- Alternative Crop Environmental Practice for Caroline and Dorchester Counties**

The Conservation Innovation Fund is applying for Bay Restoration Fund under the Maryland Clean Water Commerce Act from the Maryland Department of the Environment (MDE) for environmental practices to be conducted on farms in Caroline and Dorchester counties.

The project is to deliver quantified nitrogen reductions through alternative crop agricultural practice for two existing farms (i) Luthy Farms in Dorchester County, Maryland, and (ii) Twin Maples Farms in Caroline County. Both are transitioning from corn, winter wheat and soybeans to alternate crops. This project will reduce the nitrogen loading to local watersheds and ultimately to the Chesapeake Bay. Conservation Innovation Fund (CIF) will assist both farms including AGgrow Tech by providing support to maintain these alternate crops practice for the 10-year project period. The Maryland Department of the Environment will provide annual payments for the purchase of verified annual reductions of nitrogen based on the agreed-upon unit prices.

The alternative crop is a sterile triploid hybrid called Giant Miscanthus, used exclusively for poultry bedding. Giant Miscanthus will be grown on all submitted parcels. However, CIF initially submitted 2,669 but, due to reduced funding, will officially submit between 300 and 350 acres depending on the EoT score. CIF will send the finalized acres in the near future. The projected annual nitrogen reduction is 7,096.24 lbs. Reductions =  $\$137,525.10 / \$19.38 = 7,096.24$  required N lbs. per year.

The reduction will be verified using the Chesapeake Bay Program's quantification methodology. The CBP methodology includes a standard 24 lbs. reduction per acre for alternative crops in MD. Conservation Innovation Fund (CIF) will multiply the MD alternative crop standard by the ArcGis EoT factors found here.

Ms. Cawley asked if they are obligated to grow the same crop for all ten years. Ms. Grunden says that they do not have to replant the Miscanthus, once it is trimmed down it will grow back. For this project they will be using it for poultry bedding.

Mr. Breeding stated that this is the funding that is used for nitrogen reducing septic tanks and treatment facility upgrades. Ms. Grunden stated that when the Bay Restoration Fund was started back in the 1980's it was used for major treatment plant upgrades. Once those major treatment plants were updated more money became available to upgrade the smaller treatment plants. Ms. Cawley questioned if the nitrogen reduction will be monitored by soil testing. Ms. Grunden stated that yes, it will be monitored. Ms. Grunden stated the NCRS programs are complicated and do not have a lot of money. A benefit for farmers taking part in this program is that it's simple and if the nitrogen levels are reduced it could be a benefit. Mr. Barroll asked how the farms were selected for the program. Ms. Grunden replied that she assumes farmers apply for funding similar to other grant programs. Mr. Breeding stated that this is not what the Bay Restoration Fund is supposed to be used for and that other projects like the much-needed regional wastewater treatment facility in north Caroline County would provide a bigger benefit from the funding. Mr. Breeding also stated that he doesn't agree with those farms' acres being taken out of corn and soybean production.

**Motion:** Mr. Breeding made a motion to deny Clearinghouse Approval due to the project being inconsistent with County water quality goals for wastewater/septic systems. , which the Planning Commission feels are higher priorities for Bay Restoration Fund funding.

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

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

### **BZA Update**

There was no BZA update.

### **Comprehensive Plan Survey Results**

Ms. Freeman reviewed the Comprehensive Plan Survey responses that were submitted as of that afternoon. There were 111 responses, and the survey remains open. Affordable housing options and public transportation in the County seem to be a concern for many citizens. Citizens felt that more restaurants and entertainment options would be a positive impact for the County. Lack of available services for senior citizens, internet availability, and healthcare and medical services were found to be weaknesses. Comments were made regarding the lack of questions regarding the agricultural community. This was because there is no section in the land use element specifically for agricultural. The survey

will remain open and will be further advertised on the County's social media platforms as well as the Caroline Review.

### **Comprehensive Plan- Land Use Chapter**

The Land Use Chapter of the Comprehensive Plan is intended to outline the most appropriate and desirable patterns of growth and development. We have several areas that need to be discussed for our update: TDR Program, Zoning, and a review of the 2010 Plan goals and strategies. The result should be a Land Use Chapter that outlines our desired next steps as it will be our guide and task list for the next 10 years.

Our current TDR Program consists of a sending area and two receiving areas. The Program was designed to eliminate rural sprawl, preserve agriculture, and target residential development into defined areas. Major residential subdivisions are not currently permitted in the R-Rural zoning district except for in a TDR Receiving Area. However, to develop a major residential subdivision in a TDR Receiving Area, the developer must purchase development rights from property owners in the sending area. This is a private transaction, and the County maintains a list of interested buyers and sellers. In 2012, the State enacted legislation that prevented major subdivisions on septic systems with few exceptions, development in a TDR Receiving area being one exception. Therefore, our TDR Program is valuable to the County if we wish to permit any major subdivision activity in the R-Rural zone.

The members agreed that the TDR program should remain, but the receiving area needs to be changed. Having growth around municipalities and village centers seems like a good idea due to being close to emergency services. Mr. Breeding asked about not having a set receiving area. Ms. Freeman responded that density criteria would have to be considered for that to happen. Mr. Kaczynski also stated another thing to consider is the growth rate. The annual growth for the last few years has only been 1% to 1.5%.

Ms. Freeman asked the members how they feel about solar companies having to purchase TDRs. Mr. Breeding stated that he has concerns with the legality of being able to do that.

Ms. Freeman stated that she can bring some examples of other TDR programs at the next meeting.

The Comprehensive Plan will be followed by a Comprehensive Rezoning. Ms. Freeman proposes that the Board take a strong look at Performance Based Zoning for all or some of our R-Rural Zoning District. We currently use Euclidean Based Zoning; the difference is Euclidean Zoning is the separation of land uses by type—residential, commercial, retail, industrial, etc.—each into their own zones or areas. Performance Based Zoning is a method of regulating the design and location of a development based on factors that relate directly to the development's site and the specific effects of the development on its neighborhood. Performance based is more flexible but creates more work for the Planning Commission as well as the Board of Zoning Appeals.

Zoning will be discussed more at the next meeting.

**Department Update**

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

**Planning Commissioners Open Discussion**

There were no comments from the members.

**ADJOURNMENT**

**Motion:** Mr. Jackson made a motion to adjourn the meeting at 8:29 p.m.

**Second:** Mr. Breeding 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