

# 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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September 8, 2021

## CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, September 8, 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, Dan Franklin (virtually), 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 July 14, 2021 Meeting Minutes
- Closed Session- To consult with counsel to obtain legal advice
- Possible Code Change for Agricultural Composting
- BZA Report
- Department Update

Chairman Schmidt called the meeting to order at 7:33 p.m.

### APPROVAL OF MINUTES

Chairman Schmidt asked the members if they had reviewed the minutes from the July 14, 2021 Planning Commission meeting and if there were any proposed edits to the minutes.

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

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

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

## **Closed Session**

Mr. Schmidt stated that pursuant to 2009 Annotated Code of Maryland Government, Article 10-508 (a)(7), we move to a closed session to obtain legal advice.

**Motion:** Mr. Mosca made a motion to move to a closed session at 7:36 p.m.

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

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

At 8:28 p.m., the Planning Commission reconvened in open session after meeting in closed session with Counsel to obtain legal advice.

## **Possible Code Change for Agricultural Composting-Discussion Item**

The County Commissioners have requested consideration for a zoning text amendment to permit solid waste composting facilities under certain conditions in the R-Rural zoning district. Their intent is to allow solid waste composting facilities permitted by the State in support of agriculture where they may be appropriately sited.

Ms. Freeman explained that the specific request stemmed from a permit application to expand Twin Maples beyond their current permit. Ms. Freeman stated that the compost facility was initially approved for composting waste generated predominantly from Mr. Tribbett's own farm, and most of the compost had to be used on the same farm. The composting business has been very successful and has grown beyond their initial permit approvals. They are now using 5%-25% of waste from their farm and using 75%-95% waste from off-site and distributing the bulk of the compost offsite. The project is good for value-added agriculture in Caroline County, and prevents the solid waste from going to the landfill.

The text amendment would add the word "solid" to the Composting Facility, under the words defined section. The proposed text amendment is not intended to open the door to other processes such as liquid slurry, unprocessed solid waste brokering, etc. Planning Commission members and staff discussed whether the public road entrance should require a paved road and to limit the number of trucks that would enter the site. Mr. Franklin stated that due to the agricultural business there will be more trucks at certain times of the year and no limits should be set. The last change would be that a Special Use Exception to the R-Rural Zoning District for "solid" material Composting Facilities would be required.

Staff recommends a limited code change at this time to address the immediate concerns but proposes to more thoroughly investigate the adoption of an agricultural enterprise floating zoning district during the development of the comprehensive plan. The Chairman directed staff to prepare an updated version of the proposed text amendment for the October Planning Commission for a recommendation consideration.

## **BZA Update**

The Board of Zoning Appeals met on August 17, 2021 to hear the following applications:

**1- Application No. 21-0028:** A request by **Brigid E. Atwater and Clarence and Angela Nichols** for a **Variance** in accordance with Zoning Chapter 175, Article 17 and Article 9, §175-81(C) of the Code of Public Local Laws of Caroline County, Maryland for a Variance to reduce the rear yard setback on two adjoining properties to zero feet (0') to permit the existing 600 square foot detached garage to remain according to the Easement Agreement recorded in Caroline County Land Records at Liber 565, Folio 0205. Said properties are located at 5484 and 5490 American Corner Road, Federalsburg, Maryland and are further described as Tax Map 48, Grid 22, Parcels 13 & 15.

**This application was approved with no conditions.**

2- A request by the Breeding family for an interpretation and revision of Condition No. 21 contained in the Written Decision of the Board dated February 15, 2005 on the then Application of **Ottis E. Breeding, Sr., Ottis E. Breeding, Jr., J. Richard Breeding and Terry L. Breeding.**

Said condition is as follows:

“One of the factors that influenced the Board of Zoning Appeals to grant this Special Use Exception is that the Breedings are a Caroline County family that, given their ties to the Denton community, should be motivated to fulfill the obligations and requirements of this Special Use Exception. This Special Use Exception is non-transferable as long as that one (1) or all of the applicants remain majority owners.”

The Board found that Condition No. 21, as drafted in the 2005 Decision is not what the Board intended, and the proposed Condition No. 21 should be adopted. The Board also found that the proposed Condition No. 21 allows for future succession for the Breeding family, which was the intent of the Board in the first place.

**The Board’s decision was to delete Condition No. 21 in its entirety and replace it with the following:**

“One of the factors that influenced the Board of Zoning Appeals to grant this Special Use Exception is that the Breedings are a Caroline County family that, given their ties to the Denton community, should be motivated to fulfill the obligations and requirements of this Special Use Exception. This Special Use Exception is transferable as long as one or more of the applicants or their successor family members remain as majority owners in the business and the property for which this Special Use Exception has been granted. The Breedings may transfer the business and the subject property to a corporation, limited liability company or such other entity or entities so long as the applicants or their successor family members maintain majority control of any such entities. (The Board finds that the transfer of the subject property to Caroline Materials, LLC by

deed dated December 11, 2020 and recorded among the Land Records for Caroline County at Liber 1461, folio 347 meets this condition as restated above.)”

**DEPARTMENT UPDATE**

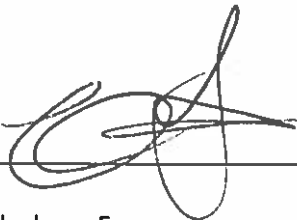
Mr. Mosca will be attending the Maryland Planning Commission Conference in October. We will also be embarking on redistricting soon now that the 2020 Census data is available. According to the first release of 2020 Census data, between 2010 and 2020 the total population growth in Caroline County was less than 300 people. Some areas of the County have decreased in population while others have grown, so there has been a shift in population despite the limited growth.

**ADJOURNMENT**

**Motion:** Mr. Mosca made a motion to adjourn the meeting at 9:03 p.m.

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

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



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Katheleen Freeman  
Director, Planning & Codes



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John Schmidt, Commission Chairman



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Prepared by Elizabeth A. Beales