

**MEETING SUMMARY**  
**Carroll County Planning and Zoning Commission**

**June 16, 2020**

Location: Virtual

Members Present: Cynthia L. Cheatwood, Chair  
Daniel E. Hoff, Vice Chair  
Richard J. Soisson  
Jeffrey A. Wothers  
Eugene Canale  
Janice R. Kirkner

Members Absent: Michael D. Gosnell, Alternate  
Ed Rothstein, Ex-officio

Present with the Commission were the following persons: Lynda Eisenberg Hannah Weber and Laura Bavetta, Department of Planning; Clay Black, Kierstin Eggerl and David Becraft, Development Review

**CALL TO ORDER/WELCOME**

Chair Cheatwood called the meeting to order at approximately 9:00 a.m.

**ESTABLISHMENT OF QUORUM**

Laura Bavetta took attendance and noted that six members of the Board were present, and a quorum was in attendance.

**REVIEW AND APPROVAL OF AGENDA**

On motion of Mr. Wothers seconded by Mr. Canale and carried, the Agenda was approved.

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Chair Cheatwood did not have anything to report.

**B. EX-OFFICIO MEMBER**

Commissioner Rothstein was not in attendance.

**C. OTHER COMMISSION MEMBERS**

There were no other reports.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg reviewed guidelines for appointments and requirements in the County Office Building. Secretary Eisenberg mentioned the MACO Summer Series Virtual meetings and classes that board members may sign up for as well as the Maryland Planners information. Secretary Eisenberg also briefed the commission on the upcoming meetings and the status of the By Request phase of the Comprehensive Rezoning. Secretary Eisenberg also stated an additional area has been

added to the Water and Sewer Amendment for Taneytown to include the Taneytown Crossing project.

**B. EXTENSIONS**

Clay Black stated there have been two extensions since the last meeting, Hummingbird Hill and Fern Hill.

**C. BZA CASES**

Hannah Weber reviewed the status of two BZA cases for June, Case No. 6212 and Case No. 6222.

**D. OTHER**

There were no other reports.

**CARROLL COUNTY OFFICE RECYCLING PROGRAM – CONSISTENCY WITH THE MASTER PLAN**

Maria Myers and Cliff Engle reviewed the MDE requirement for recycling in an office building. On motion of Mr. Hoff, seconded by Ms. Kirkner and carried, the Commission voted to approve the Carroll County Office Recycling Program as consistent with the Master Plan and to give the Chair authority to sign the Letter of Consistency.

**CONCEPT/PRELIMINARY SUBDIVISION PLAN**

SUBJECT: P-19-0048, Braddock Estates, Section 4, Resubdivision of Lot 45  
LOCATION: 5159 Perry Road, Mount Airy, MD 21771; Election District 9  
OWNER: Herbert & Regina Meade, 5159 Perry Road, Mount Airy, MD 21771  
DEVELOPER: Same as Owner  
ENGINEER: CLSI, 439 E. Main Street, Westminster, MD, 21157  
ZONING: Residential 40,000 (R-40)  
ACREAGE: 3.05 acres  
WATERSHED: South Branch Patapsco  
NO. OF LOTS: 1  
FIRE DISTRICT: Winfield  
MASTER PLAN: Residential, Very Low Density - 2014 Carroll County Master Plan  
PRIORITY  
FUNDING AREA: Outside  
DESIGNATED  
GROWTH AREA: Outside

**PUBLIC FACILITIES IMPACTED**

SCHOOLS: Winfield Elementary  
Mount Airy Middle  
South Carroll High  
ROADS: Perry Road

FIRE & EMS: Winfield Community Volunteer Fire Department

POLICE: Maryland State Police/Carroll County Sheriff's Office

❖ **Action Requested:**

Review of the Concept Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

Approval of the Preliminary Plan of Subdivision pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions:**

The subject property is an existing lot, identified as Lot 45 of Braddock Estates, Section 4, recorded in Plat Book 17, Page 95 (attached). Lot 45 is 3.05 acres in size and contains a single-family residence which is accessed via a single use driveway from Perry Road. The residence and improvements are in the northern half of the property, and the southern portion of the property is currently a grass lawn. There are no streams or floodplain areas on the property. The current plat shows an existing Drainage and Utility easement that bisects the property, extending from Perry Road in the west to the rear of the property. The easement contains a swale but is not currently recorded by deed.

Adjoining properties on both sides of Perry Road as well as Gilbert Road are all zoned R-40 and are improved with single-family residences. Properties in this area, including the subject property, utilize private water and sewer and are not within a Priority Funding Area.

❖ **History:**

This property was previously in review with the County under the file number P-17-0074, which was presented to the Planning and Zoning Commission on May 15, 2018 for concept review and a determination regarding applicability of Note 11 on the previous plat which states, "No further subdivision of the lots or tracts shown hereon shall be permitted for the purpose of creating additional lots or tracts. Any modification or plat reassembly shall be subject to approval by the Carroll County Planning and Zoning Commission"

The property owner proposed to subdivide, creating one new lot within the Braddock Estates subdivision, which would be Lot 81 in Braddock Estates.

The Planning and Zoning Commission acknowledged that the note was added at a time when the property was zoned Agricultural, and the development's zoning had since been changed to Residential-40. A vote was carried to override General Note #11 and allow the resubdivision of Lot 45. (minutes attached)

The project was thereafter permitted to proceed to the preliminary stage of plan review, but preliminary plans were not received by staff in the year following the Planning and Zoning Commission meeting and the project subsequently expired, per section 155.055(F) of the Code which reads as follows:

Sunset provision: a concept plan of subdivision shall become void 12 months after the concept plan is reviewed by the Planning Commission unless a preliminary plan has been submitted and accepted for review.

In June of 2019, a representative of the developer contacted the County regarding the project. Staff determined that the previous plan had expired and that the review process would need to begin again, but the previous determination from the May 15, 2018 Planning and Zoning Commission meeting regarding the applicability of General Note #11 was determined to remain valid.

❖ **Plan Review:**

The new submittal of the plan was received by the Bureau of Development Review on June 26, 2019. The plan was subject to citizen involvement in the August 26, 2019 Technical Review Committee meeting, and no citizens signed in or spoke regarding this project.

As was proposed in the P-17-0074 plans, the owner/developer proposes to divide the existing Lot 45 in order to create one new residential lot, Lot 81. Lot 81 is proposed to be 1.53 acres in size and located on the southern portion of the property, resulting in Lot 45A being 1.52 acres in size. The existing drainage and utility easement, which contains a swale, is proposed to remain and be recorded by deed.

Engineering Review identified that the proposed single use driveway for Lot 81 did not meet minimum sight distance requirements. The developer determined that they were unable to improve sight distance to reach adequacy, and a sight distance waiver request was submitted to the Department of Public Works on February 20, 2020. The Department of Public Works processed and granted the request to waive the driveway sight distance requirements.

Comprehensive Planning issued a memo stating that the plan is consistent with all applicable polices and recommendations. The property is outside of water and sewer service areas and the plan has been approved by the Health Department with a private well and septic system. Floodplain and Forest Conservation requirements are exempt, and Water Resource Management has no comments. Landscaping is not applicable to this project.

Stormwater Management requirements are achieved by three drywells serving the proposed Lot 81 and approval has been granted. Grading will require that a pipe be used under the apron of the proposed private driveway in place of the currently detailed swale, to be shown on the final plans.

With regards to a preliminary plan, Chapter 155.057(D)(2) states, "Final plans need not be brought before the Planning Commission for review of compliance with the approved preliminary plan and all other applicable regulations at its regular meeting, unless specifically requested by the Planning Commission. If final plan review is not requested by the Planning Commission, in accordance with this chapter, the Chairperson or the Secretary of the Planning Commission shall be empowered to approve and sign the final plan upon confirmation from the Bureau that the plan meets all requirements of this chapter and all conditions for approval of such plat have been met, or shall disapprove the final subdivision plan or may approve it with conditions with respect to the timing of recordation or building permits."

❖ **Recommendations:**

Pursuant to Chapter 155, Staff recommends approval of the preliminary plan subject to the following conditions:

1. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with recordation of the subdivision plat.

2. That a Drainage and Utility Easement be granted to the Carroll County Commissioners simultaneously with the recordation of the subdivision plat.
3. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

### **CONCURRENCY MANAGEMENT REPORT**

#### **❖ Background:**

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

#### **❖ Agency Responses:**

##### **Police Services:**

The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

The estimated Carroll County population as of April 30, 2020 was 168,050. There are currently 240 sworn law officers with 16 positions currently in training; an additional 14 positions are funded. Based on a total of 260 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of April 2020 was 1.61. Based on a total of 256 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of April 2020 was 1.52. Including the development projects in the pipeline along with the funded positions, the ratio will remain over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000.

##### **Schools:**

The proposed subdivision is located in the Winfield Elementary, Mount Airy Middle, and South Carroll High attendance areas. In accordance with the criteria established in Chapter 156, Winfield Elementary, Mount Airy Middle and South Carroll High are rated adequate for Fiscal Years 2020-2025.

The January 2020 enrollment projections, prepared by Carroll County Public Schools, indicate that Winfield Elementary had an actual enrollment of 88.6% of state-rated capacity. The projections indicate that enrollment capacity percentages will rise to 101.0% at the end of the 6-year CIP cycle. There are approximately 34 subdivision lots in the Winfield Elementary attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. In this attendance area there are six additional residential developments, comprised of 34 lots, currently in the review process. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The January 2020 enrollment projections indicate that Mount Airy Middle had an actual enrollment of 92.7% of functional capacity. The projections indicate that enrollment rises to 101.9% by the end of the 6-year CIP cycle. In this attendance area there are four additional residential developments, comprised of 18 lots, currently in the review process. There are approximately 108 lots in the Mount Airy Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The January 2020 enrollment projections indicate that South Carroll High had an actual enrollment of 75.5% of state-rated capacity. The projections indicate that enrollment will decrease to 71.0% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are four additional residential developments, comprised of 18 lots, currently in the review process. There are approximately 108 residential subdivision lots in the South Carroll attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

**Fire and Emergency Medical Services:**

The proposed subdivision is located in the Winfield fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of May 2018- April 2020, late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 1.44% were categorized as no responses, and 12.94% as late and no responses. Of the first due emergency medical service calls, 0.51% were categorized as no responses and 0.06% as late and no responses. Winfield is rated adequate for late and no response criteria for both fire and emergency medical services.

With regard to fire call average response time, for the same two-year period, Winfield had an average response time of 7 minutes and 39 seconds – adequate. With regard to emergency medical call average response time, Winfield had an average response time of 7 minutes and 20 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

**Roads:**

Perry Road is rated adequate.

**Sewer and Water:**

The subdivision is outside of both existing and planned water and sewer connection areas.

❖ **Chapter 156 Recommendation:**

With regard to a preliminary plan, Chapter 156-6D(4)(c) states “If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building

permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.”

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 1 lot in FY21, subject to modification at the final plat stage;
3. the recordation schedule requires the plat to be recorded within 24 months of preliminary approval;
4. the building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

**Discussion:**

Kierstin Eggerl presented the staff report.

Jeff Ziegler, CLSI and Herbert and Regina Meade, Owners/Developers were in attendance.

Mr. Hoff asked about the notes on Lot 45 A and asked that clarification be given regarding the septic area.

**Decision:**

The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to approve the preliminary plan in accordance with Chapter 155 with the three conditions outlined in the staff report.

The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to approve the preliminary plan in accordance with Chapter 156 with the four conditions outlined in the staff report.

**CONCEPT SUBDIVISION PLAN**

SUBJECT: P-19-0089 – The Ridge at Falling Green  
LOCATION: Falling Green Way, south side of MD 27 (Ridge Road), E.D. 13  
OWNER: Falling Green Way LLC., 6565 Jasana Court, Sykesville, MD 21784  
DEVELOPER: Same as Owner  
SURVEYOR: VanMar Associates, Inc., 310 South Main Street, Mount Airy, Maryland 21771  
ZONING: Conservation  
ACREAGE: 34.8 acres  
WATERSHED: South Branch Patapsco  
NO. OF LOTS: 7  
FIRE DISTRICT: Mount Airy Volunteer Fire Department  
MASTER PLAN: Conservation  
PRIORITY  
FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for Concept plan review, and a determination regarding a cluster plan of subdivision.

❖ **Existing Conditions:**

The vacant subject property is 34.8 acres in size, zoned Conservation, and located in the south-western portion of the County, on the east side of MD Route 27 at the end of Falling Green Way. It has road frontage at Falling Green Way's current terminus on the western side of the property. The end of Falling Green Way is a temporary cul-de-sac, which is shown on the plat for the adjoining subdivision from 1995, Falling Green (Plat book 41, Page 113-119, attached). The end of Falling Green Way was created as a temporary cul-de-sac in order to enable expansion of the roadway if the adjacent property was developed in the future.

From the Falling Green Way frontage, the property slopes slightly upward to the east to a central high point. From this high point, the land slopes downhill to the north, east, and south. The northern side of the property is bordered by woods that run along an existing private driveway in the adjacent Falling Green subdivision, Klein Hill Drive. The southern side of the property is also wooded, containing a portion of a pond and a stream which runs along the southern property line. There are no FEMA floodplains on site. There are no dwellings on site, however there are four areas with building remnants on the southern side of the property.

Adjacent properties are zoned Conservation. Many are developed with single-family homes and some are undeveloped, wooded, or farmland. To the west and north, the Falling Green cluster subdivision contains 44 residential lots that average 2.3 acres in size, with multiple open space parcels totaling a cumulative 40.86 acres in open space. The property is bordered on the south by a 102 acre property that is largely wooded and contains a dwelling.

The property is outside of priority funding areas, designated growth areas, and water and sewer service areas.

❖ **Plan Review:**

The developer proposes to create 7 new, clustered lots of subdivision on the property. Clustering is permitted in the Conservation zoning district in accordance with Chapter 155.095 of the Code of Public Local Laws and Ordinances of Carroll County:

**§ 155.095 CLUSTER SUBDIVISIONS.**

(...)

- (B) **Conditions requisite to approval in C District.** In the C District, the Planning Commission may approve a residential cluster subdivision, which includes the division of land into lots which may be smaller than otherwise required in this district, subject to the following conditions:



- (1) Individual lots shall be a minimum of one acre in size, a minimum of 150 feet in width. The front yard shall be 40 feet, the side yard shall be 20 feet, and the rear yard shall be 50 feet;
- (2) The total number of lots and dwelling units shall not exceed the number that would be permitted if the area would be developed in conformance with its topographic characteristics and normal minimum lot size requirements. The Planning Commission may require percolation tests to determine the total number of lots that may be clustered;
- (3) All individual lots shall be designed and located to minimize potential environmental degradation of the natural resources;
- (4) The land derived from reduction of lot sizes shall be provided and maintained as open space or recreational areas;
- (5) The open space shall be offered to the county and conveyed in fee simple if accepted by the county. If the county rejects the offer, the open space may be owned in common by the residents, conveyed to the Carroll County Land Trust or a similar organization, or recombined with one buildable lot in the subdivision and owned privately;
- (6) Access arrangements to open space shall be carefully designed and located to enable perpetual maintenance and accessibility;
- (7) Lots may not be further subdivided, and the record plat shall so indicate;
- (8) In addition to easements required by any chapter of the County Code, all land lying within 300 feet as measured horizontally of the 100-year planned reservoir flood pool shall be designated as open space. All land lying within 100 feet of the thread (or centerline) of any tributary of a public water supply, whether now used or planned to be used for such a purpose as reflected by the Master Plan, shall be designated as open space or for use as agricultural land;
- (9) Any private open space created shall be subject to a conservation easement, which shall be in a legal form satisfactory to the County Attorney and provide for such restrictions in accordance with any chapter of the County Code;
- (10) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan. No piecemeal clustering plans may be approved by the Planning Commission; and
- (11) No application for further subdivision of a property or any lots created through the minor subdivision process may be filed or approved prior to five years from the date of final plan approval of a minor subdivision of the property.

On January 29, 2020, both a conventional plan and a cluster plan were submitted to the Bureau of Development Review and distributed for review. As stated in the Code, "The total number of lots and dwelling units shall not exceed the number that would be permitted if the area would be developed in conformance with its topographic characteristics and normal minimum lot size requirements. The Planning Commission may require percolation tests to determine the total number of lots that may be clustered." All lots shown on both plans will utilize private well and septic systems as the area is outside of existing and planned water and sewer service areas. Percolation tests have been performed.

The conventional plan depicts 7 lots divided from the subject property, which range in size from 3 acres to 3.11 acres. The proposed lots meet the standard minimum size of three acres, lot width of 300', and setback requirements of 50' from all property lines as applicable to the Conservation zoning district, outlined in Chapter 158.071. Required setbacks of 50' from all property lines are depicted.

Access to the subdivision is proposed from Falling Green Way, a County roadway, via a 600' extension of the road. An easement is proposed from the end of Falling Green Way to provide access to the adjoining parcel to the east. A 485' long use-in-common drive is

proposed on the northern side of the Falling Green Way extension. Three of the subdivision lots will utilize the shared drive. The use-in-common drive will necessitate a name in accordance with Chapter 155.025(D) of the Code of Public Local Laws and Ordinances of Carroll County. A Declaration of Maintenance Obligations for the shared drive will need to be recorded.

**§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.**

- (C) **Maximum number of users.** The maximum number of users for a UIC driveway, including subdivision lots, remaining portions, remainders, and off conveyances, if applicable, is seven in the “A” and “C” Districts and five in the Residential Districts.
- (D) **Names.** All UIC driveways serving three or more lots shall be named. Names shall be approved by the Bureau. Street signs shall be installed in accordance with the Department of Public Works, or its successor agency, requirements.
- (G) **Maintenance.** The developer shall make adequate provisions for UIC driveways and the methods of maintenance, including a Declaration of Maintenance Obligations, shall be recorded with the plat. A note to this effect shall appear on the subdivision plat.

The cluster plan depicts 7 lots, ranging in size from 1.36 acres to 2.02 acres with a 22.4 acre resulting lands. Proposed setbacks depicted on the plan are 40’ from the front property line, 20’ along the sides, and 50’ from the rear, as applicable for cluster subdivisions in the Conservation district. Minimum lot width of 150’ has been met for each lot. Access is proposed from Falling Green Way, a County roadway, via an extension of the road. An easement is proposed from the end of Falling Green Way to provide access to the adjoining parcel to the east. The cluster plan shows a 760’ long extension of Falling Green Way and no use-in-common driveways are proposed to serve the subdivision lots.

As required by the cluster provisions, an area of open space equaling, at minimum, the difference between the three-acre minimum lot size and the proposed lot sizes is necessary. The developer proposes an Open Space Easement with 9.35 acres of open space along the southern portion of the property, equaling the minimum size requirement. The proposed open space area encompasses wooded, sloped terrain with a stream. The western edge of the open space would be adjacent to the existing Open Space Parcel B within the Falling Green subdivision (shown in Platbook 41, page 115, previously noted as being attached).

In accordance with the Code, “The open space shall be offered to the county and conveyed in fee simple if accepted by the county. If the county rejects the offer, the open space may be owned in common by the residents, conveyed to the Carroll County Land Trust or a similar organization, or recombined with one buildable lot in the subdivision and owned privately; The Open Space is currently shown as a portion of the resulting lands, as permitted by Chapter 155.095(B)(5), In accordance with the Code, “Any private open space created shall be subject to a conservation easement, which shall be in a legal form satisfactory to the County Attorney and provide for such restrictions in accordance with any chapter of the County Code.”

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on February 24, 2020. Five people signed in for the meeting, all of which were neighbors from the adjacent Falling Green subdivision to the northwest. Four of the neighbors spoke and asked questions during the meeting. Questions addressed included how the lots were to be accessed, and if the current school bus stop could be relocated to the proposed new end of the Falling Green Way cul-de-sac.

The developer and their surveyor responded that that Falling Green Way would be the sole means of access to the subdivision and the adjoining parcel to the east., A neighbor also stated that they thought there were graves on the site, the developer responded that they were unaware of any graves and asked the surveyor to investigate that matter.

Emails have also been received by the Bureau of Development Review regarding this project (attached). Many of the emails were requests to see the plans, and a neighbor whose property is located along the current cul-de-sac also reached out to ask questions about the proposed development. In particular, the email raised questions about the relocation of existing features in the area surrounding the cul-de-sac such as the mailboxes, fences, trees, swales, and the access point to the adjacent Klein Hill Drive. The questions were brought to the developer's attention during the Technical Review Committee Meeting for consideration as the project proceeds through the approval process.

Planning noted in a comment letter from February 24, 2020, that the plan is consistent with all applicable polices and recommendations.

Engineering Review issued a comment that the paving within the existing temporary cul-de-sac showed signs of failure and would need to be completely replaced when Falling Green Way is extended, which has now been specified on the plans.

Stormwater Management has issued concept approval for the plan, which utilizes drywells and grading to meet requirements. Grading and Forest Conservation have approved the concept plan, landscaping is not applicable, floodplain is exempt, and Water Resource Management has noted that a Water Resource Protection Easement would be necessary for both the conventional and cluster plans. Fire Protection and Emergency Services had no comments.

The plan will be reviewed for Chapter 156, Adequate Public Facilities and Concurrency Management, during preliminary review.

Staff and the Developer are requesting a determination from the Commission regarding the proposed cluster plan.

**Discussion:**

Kierstin Eggerl presented the staff report.

Lou Toth, owner and Ron Thompson, VanMar Associates, Inc. were in attendance.

Mr. Hoff asked how people access the open space.

Ms. Eggerl stated access will be provided.

Mr. Hoff asked for clarification regarding Lot 14 and the temporary cul-de-sac.

Ms. Eggerl stated the land will be returned to approved conditions after the temporary cul-de-sac is removed.

Ms. Eggerl reviewed comments that have been received regarding this project.

Mr. Hoff asked for clarification regarding Falling Green Way and maintenance of the road.

Ms. Eggerl reviewed expectations for road maintenance during construction.

Mr. Wothers asked why one plan would be better than the other.

Mr. Hoff stated he feels the cluster plan is better for the land and is a more appealing plan.

**Decision:**

The Commission, on motion of Mr. Hoff, unanimously voted to approve the cluster plan.

**RECESS**

**CONCEPT SITE PLAN**

SUBJECT: S-20-0002, 44 Liberty Road, Retirement Community  
LOCATION: North side of MD Route 26, east of Klees Mill Road; E.D.14  
OWNER: 44 Liberty LLC, c/o Nick Pirone, 3201 Rogers Avenue, Suite 302, Ellicott City, MD 21043  
DEVELOPER: same as owner  
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: C-2 Commercial Medium Intensity  
ACREAGE: 3.81 acres  
WATERSHED: South Branch Patapsco  
NO. OF UNITS: 55 Retirement home/age-restricted (Independent Living)  
FIRE DISTRICT: Winfield  
MASTER PLAN: Commercial Medium – 2018 Freedom Community Comprehensive Plan  
PRIORITY  
FUNDING AREA: Freedom  
COMMUNITY  
PLANNING AREA: Freedom  
SEWER/ WATER  
DISTRICT: Existing Water/Sewer (Freedom)

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for review of a concept site plan. **No action is required.** In accordance with the Planning Commission administrative rules, the Commission may delegate final approval authority to the Commission Chair.

❖ **Existing Conditions:**

The subject property is comprised of 3.81 acres (165,964 square feet) and hosts an existing residence. Dense scrub brush, trees, and the residence are present on the parcel. There are no streams or floodplain on site. The topography slopes downward from the west to the east.

The property to the west is zoned C-2 and contains a Planned Business Center. The property to the east is zoned Agricultural and hosts a residential structure. To the rear of the property, zoned Agricultural, is Century High School. A row of dense evergreen and hardwood trees are located on the property line perimeter. The athletic fields are 100 feet from the property line and Century High is 800 feet from the property line.

On July 3, 2013, the Planning Commission approved a site development plan, S-07-019 (44 Liberty Road), for a Planned Business Center. Since plan approval, several extensions have been granted as the property owner has not completed the legal document portion.

❖ **Plan Review:**

The owner of the property has proposed a 55-unit age-restricted retirement community which, if approved, will replace the previously approved site plan. Upon approval of this plan, the previous approved site plan will become void.

The initial plan proposal was discussed with staff in 2018 when the property was zoned B-G. Staff indicated that variances to the rear yard and height would be required. Prior to the variance hearing, a special report was presented in January 2019 to the Planning Commission (minutes attached) for the Commission to provide feedback on the variance request. In March of 2019, the variance was granted by the Zoning Administrator with concept development plans submitted in May of 2019. The plan was presented at the June 24, 2019 Technical Review Committee. No citizen comments have been received.

In December of 2019, the property was designated as C-2, Commercial Medium Intensity zoning, through the Countywide Comprehensive Rezoning Resolution No. 1050-2019. Some of the approved code changes included new bulk requirements and removal of the 10,000 square foot building size limitation. Based on the review of the C-2 zoning regulations, the developer resubmitted the plan (receiving a new County file number) for compliance with the C-2 regulations instead of the B-G zoning designation. The previous approved variance is not needed as this plan complies with the setback and height requirements.

**158.084 COMMERCIAL AND INDUSTRIAL DISTRICTS: BULK REQUIREMENTS.**

**(A) Bulk requirements in the Commercial Districts.**

- (1) The following requirements shall be observed for nonresidential and group living uses in the commercial districts, subject to the provisions of § [158.130](#):
  - (a) Front yard: minimum 10 feet.
  - (b) Side yard: minimum 10 feet.
  - (c) Rear yard: minimum 15 feet.
  - (d) Height: maximum 50 feet.
- (5) The bulk requirements for age-restricted housing shall be the same as for nonresidential uses.

Three separate 3-story buildings of 48 feet in height are proposed on the site. Building A (10,127 square feet per floor) will contain 18 units. Building B (10,127 square feet per floor) will contain 18 units. Building C (10,929 square feet per floor) will contain 19 units. There is no density calculation for retirement home/age-restricted adult housing units in the C-2 zoning district. Based on the trip generation numbers, a traffic study was not required.

A single entrance onto MD Route 26 (Liberty Road) will provide access to the facility. The existing paving along the frontage of the road, located in SHA right-of-way, will be removed as part of the access improvements. Improvements consist of a deceleration right-in turn lane, an acceleration lane, a dedicated left turn lane (for Route 26 eastbound traffic), and a designated bicycle lane. A stop sign will be placed for vehicular traffic exiting the retirement community. The Maryland State Highway Administration has provided comments on the plan.

Chapter 155 parking requirements for retirement home/age-restricted adult housing-multi-family are 1.5 for each dwelling unit. Based on that use, 83 parking spaces are required with 95 spaces provided. Between buildings B and C, a recreational area and seating is identified. A three-foot walking trail with gazebos extends along the frontage of the property. A photometric plan is included on sheet 12 and a detail showing 18-foot-high light poles with shield lighting.

Connection to the public water and sewer is occurring through the school property. These easements were previously obtained with the approval of the site plan for the Planned Business Center, S-07-019. The Bureau of Utilities has approved the concept plan. The buildings will be sprinklered with a fire hydrant to be located on-site.

The Department of Planning has commented that the developer should contact Carroll Transit to discuss the option of adding a transit stop. Planning has recommended that sidewalk and bicycle infrastructure be included along Route 26 for the frontage of the property. The access improvements will include the bicycle lane.

Stormwater management has received concept plan approval. Microbio facilities and a retention facility will be constructed to address the requirements of stormwater. These facilities will be privately maintained. This proposal is exempt from the requirements of the Floodplain Code. Water Resources and the grading office have approved the concept plan.

A 260-foot-long retaining wall (6feet in height) will be constructed on the western end of the property. Specific details will need to be included in the final site plan. Landscape screening is being provided on the western property and along the property frontage. Off-site-banking will address the Forest Conservation requirements.

Prior to final approval, the site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

**Discussion:**

Clay Black presented the staff report.

Louis Toth and Nick Pirone, Owner/Developer and Jeff Ziegler, CLSI were present

Mr. Hoff asked for clarification of the location of the power lines.

Mr. Black stated there were no plans to change the location of the power lines.

Ms. Kirkner suggested the three-foot walking path may be too narrow.

Mr. Wothers asked for clarification regarding connectivity to the area stores, school and industrial site.

Mr. Ziegler stated the sidewalks could possibly be extended and widened.

Mr. Ziegler will also look into screening and landscaping concerns.

**Decision:**

The Commission would like to see the final plan at a future meeting.

**CONCEPT SITE PLAN**

SUBJECT: S-19-0041, Westminster 11 at Myers Property – Cell Tower  
LOCATION: 150 Rockland Road, Westminster, MD 21158; E.D. 2  
OWNER: John & Ginger Myers, 150 Rockland Road, Westminster, MD 21158  
DEVELOPER: SBA Towers, Inc., 8051 Congress Avenue, Boca Raton, FL 33487  
ENGINEER: The Crossroads Group, LLC, 1174 SR 487, Paxinos, PA 17860  
ZONING: Agricultural  
BZA CASE: 6152 – August 27, 2019  
ACREAGE: 20.65 acres  
WATERSHED: Little Pipe Creek  
FIRE DISTRICT: Westminster  
MASTER PLAN: Agriculture - 2014 Carroll County Master Plan - 2019 Amendment  
PRIORITY  
FUNDING AREA: Outside  
DESIGNATED  
GROWTH AREA: Outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.**

❖ **Existing Conditions:**

The subject property is a 20.65-acre agricultural-zoned property which lies approximately 3,000 feet west of Rockland Road. Access to the site is by way of an easement over an existing use-in-common driveway from Rockland Road which is shared by one other user.

The site currently hosts an existing farmhouse residence, various outbuildings, farm animals, and an on-farm market. Also located on the site are two intact headstones and two broken headstones at the edge of the open grassy field. The headstones were discussed during the Board of Zoning Appeals (BZA) case in which the board determined the cell tower use and location would create no adverse effect.

Grassed farmland and cropland comprise the remainder of the site. Two headstreams reside on the south end of the property, but no floodplains exist on site. Trees line the eastern and western property lines, with some scattered along the north and south. All adjoining properties lie in the Agricultural zoning district and are served by private well and septic systems. The land to the east is currently hosted by a private residence and farm, while the land to the north, south, and west are currently pastureland or wooded.

❖ **Plan Review:**

The developer proposes the installation of a 195-foot cellular communications tower inside an 80' x 80' compound. The compound will lie within the 100' x 100' area leased by T-

Mobile at the north-west quadrant of the property. An eight-foot chain link fence with one foot of barbed wire at the top will enclose the compound.

To access the proposed cell tower compound, the developer proposes utilizing the existing access from Rockland Road via the existing use-in-common driveway. As the existing U-I-C driveway does not reach the proposed compound, the developer proposes an extension by way of a 12-foot-wide gravel drive on the subject property up to the compound. The tower will be unoccupied and will be visited on average once or twice a month for routine maintenance.

All setback requirements for a communications tower are met. Antennae for T-Mobile will be mounted at 195 feet above grade with a four-foot lightning rod sitting above the antennae. Space is available for four additional future carriers to be mounted on the tower, maximizing the use of the new tower. There are no lights required or proposed on the tower.

In accordance with §158.039 of the Carroll County Code of Public Local Laws and Ordinances, communications towers are permitted as a conditional use in the Agriculture District:

 **§ 158.039 UTILITY EQUIPMENT AND TOWERS.**

**(C) Communications towers.**

(2) Communications towers are permitted as a conditional use in the “A” District and in the “C” District subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division (C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

- (a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;
- (b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the “H” District, and the “MHP” District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;
- (c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and
- (d) Subject to site plan approval by the Planning Commission pursuant to § [155.059](#).

On August 27, 2019 in Case #6152, the BZA approved a 195-foot communications tower and accompanying compound at the location shown on the site development plan. Also approved was a reduction in the required driveway width from 18 feet to 12 feet (see decision, attached).

On December 24, 2019, an initial site development plan package was submitted to Development Review and distributed to the review agencies. The site plan was subject to citizen involvement on January 27, 2020 during the Technical Review Committee meeting in which three citizens signed in. Paul Virts, adjoining property to the east and other user of the U-I-C driveway, requested the developer install a commercial apron for the shared U-I-C driveway. Bill Swartz spoke about concerns with radio frequency interference.

The Bureau of Engineering Review and the Bureau of Road Operations have granted approval of the concept plan. The plan is exempt from the requirements of the Forest Conservation Ordinance and Floodplain Management. Landscaping is proposed around the compound for screening and meets the Landscape Ordinance.

The Bureau of Resource Management has granted concept Stormwater Management approval. The site will utilize permeable paving and a non-rooftop disconnection along a



portion of the gravel access road. A Stormwater Management Maintenance and Access Easement will be granted to the County.

In accordance with a site development plan memorandum from the Department of Planning, proposed land use is consistent with the 2014 Carroll County Master Plan, 2019 Amended land use designation of Agriculture.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

**Discussion:**

David Becraft presented the staff report.

John Myers, Owner, Ryan Rzucidlo, Engineer and Glen Gutierrez, SBA Towers were present.

Mr. Hoff stated the Board of Zoning Appeals has already made a decision regarding this project however the gravesites require some consideration. Mr. Hoff suggested the developer investigate grave locations and ensure the cell tower and any improvements related to the cell tower, will not be on top of any graves.

Mr. Soisson agreed with Mr. Hoff's statement and would also like additional investigation taken regarding the gravesites.

Ms. Kirkner agreed to additional investigation as well.

Mr. Wothers agreed to additional investigation as well.

The Commission discussed maintenance of the access road.

Mr. Rzucidlo stated that any damage to the road would be repaired however, the road is already being heavily used by large trucks.

Mr. Rzucidlo stated they located two headstones and two footstones. He also stated they would review costs for investigating the location of other gravesites.

Mr. Canale also agreed with the discussion regarding further investigation into existing and potential gravesites.

Ms. Ostrander stated there is an obligation to report if and when remains are unearthed in any event.

**Decision:**

Concept site plan, no action is required.

**PUBLIC COMMENT**

**Public Comment – In accordance with County COVID – 19 Protocol, written comments will be accepted, and the record will remain open for 10 days. Please email comments to the Planning Commission at [plancomm@carrollcountymd.gov](mailto:plancomm@carrollcountymd.gov).**

**ADJOURNMENT**

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 11:42 a.m.

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Secretary

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Approved

