

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

**July 21, 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  
Michael D. Gosnell, Alternate  
Ed Rothstein, Ex-officio

Members Absent: None

Present with the Commission were the following persons: Lynda Eisenberg, Price Wagoner, Hannah Weber and Laura Bavetta, Department of Planning; Clay Black and Laura Matyas Development Review; Michelle Ostrander, Attorney.

**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 seven members of the Board were present, and a quorum was in attendance.

**REVIEW AND APPROVAL OF AGENDA**

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

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Chair Cheatwood stated she approved the following plans since the last meeting; Carroll County Career and Tech Center, Eldersburg Station, Tobacco Technologies and Dorsey's Crossing.

**B. EX-OFFICIO MEMBER**

Commissioner Rothstein promoted best practices regarding social distancing and wearing masks. Commissioner Rothstein also discussed Carroll Rebound and the effort to help small businesses.

**C. OTHER COMMISSION MEMBERS**

There were no other reports.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg outlined the process for today's meeting.

**B. EXTENSIONS**

Clay Black stated there have been two extensions since the last meeting, Lake Forest Estates and Living Waters Garden Center.

**C. BZA CASES**

Hannah Weber updated the Commission on a previous case, Case No. 6226 and presented Case No. 6236. Both cases will be heard in August.

**D. OTHER**

There were no other reports.

**WATER AND SEWER AMENDMENT**

Due to technical difficulties, this item was paused and was presented after the Concept Site Plan for The Winery and Farm at Cold Saturday.

**CONCEPT SITE PLAN**

SUBJECT: S-19-0004, Wakefield Solar Facility  
LOCATION: South side of New Windsor Road (MD Rt. 31), at Wakefield Valley Road, E.D. 11  
OWNER: Wakefield Valley Road, LLC, 923 Ruby Court, Westminster, MD 21158  
DEVELOPER: Wakefield SEC, LLC, 12921 Buckeye Drive, Gaithersburg, MD 20878  
ENGINEER: Booth&Associates, LLC, 5811 Glenwood Avenue, # 109, Raleigh, NC 27612  
ZONING: Restricted Industrial (I-R), (submitted before December 2019 code change)  
ACREAGE: 8.69 acres  
WATERSHED: Double Pipe Creek  
FIRE DISTRICT: New Windsor  
MASTER PLAN: Light Industrial – 2007 New Windsor Community Comprehensive Plan (as Amended)  
PRIORITY  
FUNDING AREA: New Windsor  
DESIGNATED  
GROWTH AREA: New Windsor

**❖ 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 and a determination regarding a request for setback modification.

The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The subject property is a vacant, level, 8.69-acre field on the south side of New Windsor Road (MD Route 31) at Wakefield Valley Road. There are no trees or streams on the property. Currently, there is no constructed access. All property road frontage lies within State Highway Administration right-of-way. While outside the limits of the Town of New Windsor, it is within New Windsor's Priority Funding Area and Growth Area. The property is zoned Industrial Restricted (submitted August 5, 2019, prior to the December 2019 code change).

The south border of the property is defined by the Wakefield Valley Railroad. Properties to the west and north, across New Windsor Road, share an industrial zoning designation. Adjoining to the west is the Babylon Vault Company. Properties to the south, across the railroad, are zoned Agricultural and host single-family residences on farms. The adjoining property to the south, 2030 Valley View Orchard Road, has a deeded right-of-way over the subject property.

❖ **Plan Review:**

The developer proposes the installation of a ground mounted photovoltaic facility over the entire subject area. It will cover 6.92 acres of the 8.69-acre property. In accordance with §158.153 of the Carroll County Code of Public Local Laws and Ordinances, solar energy conversion facilities are a permitted use in the Industrial Restricted zoning district.

**§ 158.153 SOLAR ENERGY CONVERSION FACILITIES.**

**(D) Solar energy conversion facilities, in industrial zones.**

- (1) Solar energy conversion facilities shall be permitted in the I-G and I-R Districts whether roof mounted or ground mounted.
- (2) Size limits:
  - (a) When roof mounted, the physical size of the system shall be limited to the size of the roof.
  - (b) There shall be no size limit for ground mounted systems.
- (3) Setbacks:
  - (a) Setbacks shall be 200 feet from the boundaries of all adjoining residentially zoned properties, and 100 feet from the boundary lines of adjoining nonresidentially zoned properties.
  - (b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.
- (4) Height limits: No portion of the system shall extend more than 25 feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground mounted system may not exceed a total height of 25 feet above existing grade.
- (5) Miscellaneous provisions:
  - (a) Electrical connections:
    1. Prior to interconnection with the local utility grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of permit application.
    2. All systems must meet all applicable construction and electrical codes.

3. All systems shall comply with all utility notification requirements.
  4. A copy of the signed certificate of completion from the utility company shall be provided prior to occupancy permit issuance.
  5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.
- (b) Appearance:
1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.
  2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than two manufacturers' signs may be on the system.
  3. Ground mounted systems may not be affixed to a block wall or a fence.
  4. Roof mounted systems shall be installed in such a manner that there is no change in relief or projection.

Access is proposed from Wakefield Valley Road. This access point is within the State Highway Administration's right-of-way and has received approval. The access road leads to a gated entry to the solar facility which is surrounded by a six-foot high chain link fence with an additional one foot of barbed wire at the top. The fence parallels the perimeter of the property with a 20-foot-wide landscape buffer at the exterior of the fence. Both fence and landscaping lie outside of the right-of-way to 2030 Valley View Orchard Road. The adjoining property right-of-way is unaffected by the proposed improvements.

While landscaping is not required, it is proposed in conjunction with a request from the developer for modification of the setbacks. In accordance with the Code, all setbacks are to be 100 feet. If supplemental landscaping is provided, the Planning and Zoning Commission may reduce the required setback by 50%, to 50 feet. The developer is requesting 50-foot setbacks with landscaping.

Although outside the limits of the Town of New Windsor, the plan was distributed to the Town for informational purposes. In a letter dated October 1, 2019, Gary Dye, Town Manager of New Windsor, stated that, "The...plan was reviewed and discussed by New Windsor Planning and Zoning Commission at the September 23, 2019 meeting. The Commission was very pleased and appreciative of the proposed landscape buffer surrounding the entire property and have no further comment."

On August 5, 2019, an initial site development plan package was submitted to Development Review and distributed to review agencies. The site plan was subject to citizen involvement on September 23, 2019 during the Technical Review Committee meeting. Four citizens signed in at the meeting. One spoke, voicing a concern about the line of sight from Wakefield Valley Road to New Windsor Road (MD Rt 30).

The State Highway Administration has reviewed sight distance at Wakefield Valley Road and New Windsor Road (MD Rt 30) with consideration of the proposed landscaping at maturity. They have approved the plan as proposed.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater management will be addressed with non-rooftop disconnects. Forest Conservation requirements will be met through off-site banking. The plan is exempt from the requirements of Landscaping, but the developer is proposing landscaping in conjunction with a setback modification request. The plan is exempt from Floodplain Management.

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:**

Laura Matyas presented the staff report.

Brian Quinlan, Engineer and Rian Brick, Engineer were in attendance.

Mr. Hoff asked how the setback is determined.

Mr. Brick stated the setback is meant to be for the solar panels, the landscaping is within fifty feet of the property line.

Mr. Hoff asked if the landscaping would impact the solar panels in the future as they grow.

Mr. Quinlan stated tree height and shading has been taken into consideration in the planning and will not inhibit the solar panels.

**Decision:**

On motion of Mr. Wothers seconded by Mr. Hoff and carried, the Commission voted that the setback modification is consistent provided that the supplemental landscaping will be provided.

On motion of Mr. Hoff, seconded by Mr. Soisson and carried, the Commission voted to delegate final approval to the Chair.

**CONCEPT SITE PLAN**

SUBJECT: S-19-0021, The Winery & Farm at Cold Saturday  
LOCATION: East side of Gamber Road (MD Rt. 91), north of Preserve Drive, E.D. 4.  
OWNER: Scarlett and Garnet Bean, 3251 Gamber Road, Finksburg, MD 21048  
DEVELOPER: same as owner  
ENGINEER: DDC, 192 East Main Street, Westminster, MD 21157  
ZONING: Conservation  
ACREAGE: 44.68 acres (entire property owned)  
WATERSHED: Liberty Reservoir  
FIRE DISTRICT: Gamber  
MASTER PLAN: Private Conservation  
PRIORITY  
FUNDING AREA: Outside  
COMMUNITY  
PLANNING 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 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 Lot 1A of Bean's Estate (Plat Book 38, Page 120) and other lands not shown as part of that development. The current record plat is attached. The subject property is improved with three houses, a log cabin, and several sheds, barns, and accessory structures. Per the National Register of Historic Places, the large stone house and several other structures were listed on the tax rolls by 1804, and many others were built over the course of the succeeding century. The documentation for this property describes its historical significance based on the federal architecture and an "extensive complement of outbuildings (that) spans 150 years of agricultural use and demonstrates the owner's evolving pursuits."

The property is comprised of rolling hills and a stream runs through the eastern portion. A road also runs from the northwest corner of the property by the houses on the site and crosses the stream and exits onto Cold Saturday Drive.

All surrounding properties are zoned Conservation. Single-family homes are located to the north in the Cold Saturday subdivision and single-family homes are located to the south in the Bean's Estate, The Preserve of Cold Saturday subdivision. The subject property and all adjoining properties are served by private wells and private septic systems.

❖ **Plan Review:**

The developer applied for a conditional use request for a winery and country inn in 2013. The Board of Zoning Appeals approved the use and the decision is attached. A concept site plan was subsequently submitted and reviewed by the Planning Commission on April 15, 2014 (minutes attached). Planning Commission discussion centered on parking requirements. No plans were submitted to address staff or the Planning Commission comments. On August 26, 2019 a revised concept plan was submitted. This revised plan does not include the Country Inn. The Zoning Administrator and Board of Zoning Appeals Chair have stated that "removing the Country Inn from the approval of the BZA will not affect the use of the winery and approval for the one day events open to the public."

The revised concept plan was subject to citizen comment at the September 23, 2019 Technical Review Committee meeting. A citizen spoke on the historic significance of the buildings. No written comments have been received. The Bureau of Comprehensive Planning, as part of the conditional use process, indicated that this use is compatible with the vision and goals for the area. The proposed development plan use is consistent with the designation of Private Conservation in the 2014 Carroll County Master Plan.

The owner proposes to develop the property using several of the existing structures on the site. Parking is provided to the west and northwest of the house and a drop-off area is located immediately west of the structure. The owner has indicated that they would like to highlight the rich history of the property through this business venture and have elected to develop the property in a manner that he believes limits the impact to the property and adjoining property owners.

The largest barn on the property will be used for wine tasting and events. A 550 square-foot addition will be constructed as the front entrance of the wine tasting and event building. Eleven parking spaces and two accessible spaces are located at the front of the structure. A sidewalk will be installed to provide an accessible route to the entrance.

Lot 1A will need to be amended as the stormwater management facility and parking area are shown on both properties.

Based on the building capacities, thirteen spaces are required for the winery, and ninety spaces are required for the events. Twenty-three standard spaces are shown which include two ADA accessible spaces. This plan shows a 30,000 square-foot area in a field to the east of the property to accommodate overflow parking. The overflow parking is shown as unpaved, which does not meet the Chapter 155 code requirement of a durable and dustless surface for parking areas. In accordance with the provisions of Chapter 155, the engineer, on behalf of the owner, submitted a waiver request to the Director of the Department of Land and Resource Management. The specific request was related to the standards for the surfacing of a parking facility. The waiver request was granted subject to the following conditions: 1) Event parking to be limited to 20 days per year, 2) The use of a gravel internal circulation route in an overflow area, 3) Visual guidance measures to clearly delineate the seasonal parking area, and 4) The turf in the seasonal parking area be maintained in a vigorous state.

A level spreader will convey stormwater to the stream on the property. The project will be exempt from the requirements of Forest Conservation upon confirmation from the applicant that the disturbance is under the minimum threshold of 40,000 square feet. The plan will need to address the requirements of floodplain and water resources. Buffer easements will need to be shown.

As the property utilizes a private well and septic system, approval from the Carroll County Health Department will be needed prior to final approval. Since the property accesses MD Route 91, approval from the MD State Highway Administration will need to occur prior to final approval. Concept plan comments stated that an approval is needed from the Maryland Historical Trust and outlined requirements for widening the entrance to the site.

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.

John Maguire, Attorney; Garnet Bean, Owner; and James Mathias, DDC were present.

Mr. Black read an email comment in support of the project.

The Commission discussed tasting room events, parking conditions and the location of the vineyard.

**Decision:**

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission voted to delegate final approval to the Chair.

**RECESS**

**WATER AND SEWER AMENDMENT**

Price Wagoner reviewed the amendment with the Commission. Andrea Gerhard discussed the Westminster City amendment. On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission voted to certify that the amendments are consistent with the 2014 Carroll County

Master Plan, Amended 2019 and the 2018 Freedom Plan. The Commission authorized the Chair to sign the Letter of Certification.

**CONCEPT SUBDIVISION PLAN**

SUBJECT: P-18-0084– Shamrock Estates  
LOCATION: Old Gamber Road, between Deer Park Road and Hughes Road, E.D. 4  
OWNER: Patapsco91 LLC, 2021-A Liberty Road, Sykesville, MD 21784  
DEVELOPER: Same as owner  
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: R-40,000  
ACREAGE: 10.44 Acres  
WATERSHED: Liberty Reservoir  
NO. OF LOTS: 6 lots  
FIRE DISTRICT: Gamber  
SCHOOLS: Mechanicsville Elementary, West Middle, Westminster High  
MASTER PLAN: Residential-Low Density  
PRIORITY  
FUNDING AREA: N/A  
DESIGNATED  
GROWTH AREA: N/A

❖ **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 Major Subdivision Plan. No action is required.

❖ **Existing Conditions:**

The property contained a residential structure on 10 acres of open land that accessed Old Gamber Road. The structure has since been removed. The property that lies directly to the southwest and is contiguous has an approved site plan (Crossroads Automotive Center). That property is zoned C2. Other properties that are either adjacent or contiguous are zoned R-40,000 or Conservation. These properties contain single-family dwellings. This entire area utilizes private well and septic systems.

❖ **Plan Review:**

The property is comprised of 10 acres with the owner/developer proposing to create six residential subdivision lots ranging in size from 1.40 acres to 1.96 acres. Access to all lots will occur through construction of two use-in-common driveways utilizing Old Gamber Road (MD Route 849). Although the property has frontage on Gamber Road (MD Route 91), access will be restricted to the use-in-common driveways with Gamber Road access prohibited. Appropriate notes will be placed on the final plats.

The plan was submitted on April 22, 2019 and distributed to review agencies. The plan was subject to citizen involvement during a regularly held meeting of the May 24, 2019 Technical Review Committee. No citizens spoke at the meeting nor have any written comments been received.

A 450 feet use-in-common driveway provides access for lots 3, 4, and 5. A 266 feet use-in-common driveway provides access for lots 1, 2, and 6. These driveways will be named and 12 feet wide. Access for the lots will be restricted to the use-in-common driveways and a Declaration of Maintenance Obligations for each drive will be recorded. The Maryland State Highway Administration has approved the entrance locations with specific details to be included on future submittals.

All lots will be served by a private well and septic system requiring Carroll County Health Department preliminary and final plan approval. All lots are in compliance with the Zoning Ordinance. Based on the current zoning, the lots are not large enough to be further divided.

The development is exempt from the requirements of Chapter 153 (Floodplain Management) and Chapter 154 (Water Resource Management). The plan complies with the concept plan requirements for Chapter 157 (Landscape Enhancement of Development) and Forest Conservation (Chapter 150). Variances for removal of three specimen trees will need to be submitted.

Stormwater Management has granted concept approval. Drywells and a wide shoulder are being shown to address those requirements. Two publicly owned stormwater management quantity control facilities will be created. Grading and Sediment Control has granted approval of the preliminary plan in accordance with Chapter 152 (Grading and Sediment Control).

The Department of Planning has stated that this plan is consistent with all applicable plan policies and recommendations and requires no further modifications at this time for approval from the Department of Planning.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the preliminary plan to the Planning Commission.

**Discussion:**

Clay Black presented the staff report.

Linda Alexander, CLSI was present.

Mr. Hoff asked about the provisions for emergency turn around.

Mr. Black stated the requirements for turn around/pullover do not apply since it is under 500 feet.

Mr. Hoff asked for the landscaping along the southern property line to screen between the two different uses be addressed more thoroughly in

the preliminary plan

**Decision:**

No action required.

**RECESS**

**COMPREHENSIVE REZONING BY REQUEST – STAFF REPORTS** (I1-04-2020-0008, EC-04-2020-0009, C3-04-2020-0012, I2-04-2020-0013, EC-14-2020-0001, EC-14-2020-0025)

Secretary Eisenberg explained the process for these items.

Clare Stewart introduced her cases.

Request No. 0008 – The Commission, on motion of Mr. Hoff seconded by Mr. Wothers and carried, voted for provisional approval.

Request No. 0009 - The Commission, on motion of Mr. Hoff seconded by Mr. Wothers and carried, voted for provisional approval.

Request No. 0012 – The Commission, on motion of Mr. Wothers seconded by Mr. Canale and carried, voted for provisional approval.

Request No. 0013 – The Commission, on motion of Mr. Wothers seconded by Mr. Canale and carried, voted for provisional approval.

Secretary Eisenberg introduced her cases.

Request No. 0001 – Janice Kirkner recused herself from this property discussion. The Commission, on motion of Mr. Wothers seconded by Mr. Soisson and carried, voted for provisional approval. Ms. Kirkner did not vote.

Request No. 0025 - The Commission, on motion of Mr. Wothers seconded by Ms. Kirkner and carried, voted for provisional approval.

**PUBLIC COMMENT – CALL IN FOR BY REQUEST PROPERTIES** (I1-04-2020-0008, EC-04-2020-0009, C3-04-2020-0012, I2-04-2020-0013, EC-14-2020-0001, EC-14-2020-0025)

There was no public comment.

**RECESS**

**COMPREHENSIVE REZONING BY REQUEST – STAFF REPORTS**

(C2-05-2020-0028, C2-14-2020-0004, C2-05-2020-0031, C2-05-2020-0032, ~~EC-13-2020-0030~~)

Secretary Eisenberg introduced her cases.

Request No. 0028 – J. Brooks Leahy, Attorney and Heidi Condon, applicant were present. Secretary Eisenberg asked for clarification of the 20 acres. Mr. Hoff asked for an image of how the applicant would like the 20 acres identified. Mr. Leahy stated they would follow up with the design. Mr. Hoff asked for clarification of the choice for C2 rather than C3. Mr. Leahy stated C2 has more flexibility. Commissioner Rothstein asked how much residential would be allowed. Secretary Eisenberg will find out and follow up.

The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted for provisional approval and request for more information regarding configuration of the 20 acres.

Request No. 0004 – Ms. Kirkner recused herself from this property discussion. The Commission, on motion of Mr. Wothers seconded by Mr. Hoff and carried, voted for provisional approval. Ms. Kirkner did not vote.

Request No. 0031 – The Commission, on motion of Mr. Wothers seconded by Mr. Hoff and carried, voted for provisional approval

Request No. 0032 – The Commission, on motion of Mr. Hoff seconded by Ms. Kirkner and carried, voted for provisional approval.

**PUBLIC COMMENT – CALL IN FOR BY REQUEST PROPERTIES**

(C2-05-2020-0028, C2-14-2020-0004, C2-05-2020-0031, C2-05-2020-0032, ~~EC-13-2020-0030~~)  
There was no public comment.

**ADJOURNMENT**

On motion of Mr. Soisson, and carried, the Commission adjourned at approximately 12:52 p.m.

\_\_\_\_\_  
Secretary

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Approved