

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

**October 20, 2020**

Location: Virtual

Members Present: 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: Cynthia L. Cheatwood, Chair

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Clare Stewart, Hannah Weber, Cody Spaid and Laura Bavetta, Department of Planning; Laura Matyas, David Becraft and Kiersten Eggerl, Development Review Michelle Ostrander, Attorney and Jim Almon, County Attorney's office.

**CALL TO ORDER/WELCOME**

Vice Chair Hoff called the meeting to order at approximately 9:30 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. Wothers seconded by Mr. Canale and carried, the Agenda was approved.

**REVIEW AND APPROVAL OF MINUTES**

On motion of Mr. Wothers seconded by Mr. Soisson and carried, the Minutes from the October 7, 2020 meeting were approved.

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Vice Chair Hoff did not have anything to report.

**B. EX-OFFICIO MEMBER**

Commissioner Rothstein acknowledged staff efforts for completing the Census.

**C. OTHER COMMISSION MEMBERS**

There were no other reports.

## **ADMINISTRATIVE REPORT**

### **A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg reviewed the county's Census efforts and reviewed the upcoming meetings with the Commissioners regarding the Comprehensive Rezoning By Request Phase for the Commercial/Industrial/Employment Campus districts.

### **B. EXTENSIONS**

Laura Matyas stated there has been one extension since the last meeting, Liberty Road Crossing.

### **C. BZA CASES**

Hannah Weber stated there are two BZA cases for October, Case No. 6219 and Case No. 6266.

### **D. OTHER**

There were no other reports.

## **CONCEPT SITE PLAN**

**SUBJECT:** S-18-0039, Four Seasons, 3<sup>rd</sup> Amended

**LOCATION:** 2710 Hampstead Mexico Road (MD Route 482), Hampstead, MD 21074, E.D. 08

**OWNER:** 4 Seasons Partners, LLC, 13100 Beaver Dam Road, Hunt Valley, MD 21031 (Members: Alex Jacobs and Carey Jacobs)

**DEVELOPER:** Four Seasons Sports Complex, 2710 Hampstead Mexico Road, Hampstead, MD 21074

**ENGINEER:** Triad Engineering, Inc., 1075-D Sherman Avenue, Hagerstown, MD 21740

**ZONING:** Agricultural

**ACREAGE:** 18.91 acres

**WATERSHED:** Liberty Reservoir

**FIRE DISTRICT:** Hampstead Volunteer Fire Company

**MASTER PLAN:** Agricultural - 2014 Carroll County Master Plan

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

❖ **Existing Conditions:**

The subject property at 2710 Hampstead Mexico Road is an 18.91-acre property which currently consist of a multi-sport recreation complex. The property lies in the Agricultural zoning district with established access onto Hampstead Mexico Road (MD Route 482).

Adjoining properties to the north, east, and west are currently zoned Agricultural and are undeveloped farmland. The adjoining properties to the south across Hampstead Mexico Road are also zoned Agricultural and host private residential dwellings. All adjoining lots are served by private well and septic.

Along with the sports complex, there are existing outdoor pools, a miniature golf course, and grass field. There are also existing signs at the entrance of the property and 240 parking spaces. The site is fairly level with an upward slope towards Hampstead Mexico Road. There is a stream located on the north-western portion of the property, but there is not a FEMA 100 Year Floodplains designation on site.

❖ **History:**

On June 24, 1975, in Board of Zoning Appeal (BZA) case 931, the Board of Zoning Appeals authorized a conditional use for the establishment of a commercial recreation area consisting of an indoor tennis building to house 3 courts with future courts proposed. The Board imposed a number of conditions in authorizing the request.

Since then, the property has undergone numerous BZA cases which have transformed the business into what is currently on the property. Along with the various BZA cases, the property also has three previous site plans. The most recent site plan was for the addition of a miniature golf course, batting cages, golf driving range, and an arcade center (attached).

❖ **Site Plan Review:**

Four Seasons, 3<sup>rd</sup> Amended is proposing to replace the existing outdoor grass sport field with an outdoor turf field with field lights. Seating for the proposed artificial turf field will be self-provided as no permanent seating is proposed.

The concept site plan was initially submitted February 1, 2019. The plan was subject to citizen involvement at the February 25, 2019 Technical Review Committee. There were two citizens who signed in during the meeting but did not speak. There have been no phone calls or letters received in reference to the proposed site plan.

The proposed artificial turf field will be 350' by 230' and will reside where the existing grass field is currently located. An additional 2 handicapped parking spaces near the field along with a concrete walkway which will extend from the parking area to the field are also proposed. There are four athletic field lights proposed, one at each corner of the proposed

field. The lights will have a height of 70 feet. There are no height restrictions for pole lights as they are not considered structures. However, Chapter 155.059(B)(4) states the following:

 **§ 155.059 SITE PLAN REQUIREMENTS.**

(B) **Site development plans.** In approving site development plans, the Planning Commission shall have the authority to:

- (4) Require a plan which shows the location, design, and effect of any outside lights to be used on the property and the effect of any inside lights to be used if their use would affect adjacent, neighboring, or contiguous properties. The Planning Commission may approve, reject, or modify the plan where appropriate to prevent visual interference to the traveling public on adjacent roadways, or glare or reflections on adjacent buildings or neighboring properties;

A photometric plan and light details can be found on sheet 13 of the plan set. No landscape is proposed nor required, but the field lighting is to be off by 10:30 PM Monday through Thursday, and by 11:00 PM Friday through Sunday.

On February 12, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. Provide a photometric plan which shows lighting levels outside of the playing field, at least to the nearest property line
2. Lighting may impact residences nearby. Are any timing restrictions or screenings proposed?

This plan is exempt from the Code requirements of Floodplain Management and has received approval from Water Resource Management. The requirements of the Forest Conservation Ordinance were partially addressed during the previous site plan and will be further addressed with the purchase of a forest bank. The Bureau of Engineering Review and State Highway Administration have granted approval. Site Compliance has stated that the site plan complies with the requirements of Maryland Accessibility Code.

Stormwater Management will be addressed via an underdrain system below the turf field that will discharge into a sediment trap. Concept Stormwater approval was granted.

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

Brendan Bishop, Engineer, was present.

Vice Chair Hoff asked for clarification regarding the septic system.

Mr. Bishop stated the design for the septic was cleared by the Health Department and will not cause any adverse effects.

There was no public comment.

**Decision:**

The Commission, on motion of Mr. Wothers, seconded by Mr. Gosnell and carried, voted to delegate final approval of the plan to the Chair.

**CONCEPT SITE PLAN**

**SUBJECT:** S-18-0024, Triple M Amended

**LOCATION:** 4195 Saint Paul Road; south side of Saint Paul Road, at the Carroll County / Baltimore County line, E.D. 8

**OWNER:** Triple M Associates LP, c/o Matthew Shorb, 4195 Saint Paul Road, Hampstead, MD 21074  
(Members: Matthew R. Shorb, Basil A. Shorb III, Constance H. Shorb, Mark A. Shorb)

**DEVELOPER:** Same as owner

**ENGINEER:** BPR Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157

**ZONING:** Agricultural

**ZONING CASES:** BZA Case #2937, June 24, 1988, conditional use for a contractor's equipment storage yard and variances to distance requirements  
BZA Case #6037, August 30, 2017, removal of three of the six conditions in Case #2937  
BZA Case #6059, January 12, 2018, expansion of the contractor's equipment storage yard from 1 acre to 4 acres

**ACREAGE:** 7.56 acres

**FIRE DISTRICT:** Hampstead

**WATERSHED:** Liberty Reservoir

**MASTER PLAN:** Agricultural

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

❖ **History:**

Situated on the south side of Saint Paul Road in the Agricultural zoning district, the subject property is a 7.56-acre site with an existing contractor's equipment storage yard business (CESY). CESY's are a conditional use in the Agricultural zoning district. In accordance with the Code of Public Local Laws and Ordinances of Carroll County, a contractor's equipment storage yard is restricted by area and distance requirements. Board of Zoning Appeals Case #2937 in 1988 granted the use for the allowable 43,560 square feet (1 acre) of land and a variance to distance requirements (decision attached). A site plan for the business, Outside Unlimited, Inc., was processed in and approved in 1990 (attached).

**§ 158.070 "A" AGRICULTURAL DISTRICT.**

**(E) Conditional uses requiring BZA authorization**

(1) Conditional uses requiring BZA authorization shall be as follows:

(c) Contractor's equipment storage located in an area of the property comprising no more than 43,560 square feet and which shall comply with at least twice the distance requirements of § [158.040](#);

In 2017, the BZA heard Case #6037 requesting the removal of three of the six conditions outlined in Case #2937. The request was granted, removing conditions related to signage, fencing, and types of equipment permitted in the CESY (decision attached).

Since the approved 1990 site plan, the use on the property has expanded from 1 acre to 4 acres with stone parking and storage areas and additional disturbance. With intent to purchase the property, the current owner, Triple M Associates and the previous owner brought a request before the BZA to expand the allowable area for the CESY. BZA Case #6059 was approved on January 12, 2018.

Following the BZA hearing in January of 2018, Triple M Associates purchased the property in February 2018. On June 8, 2018, a pre-submittal conference was held to address the conditional use being subject to a site plan. At that meeting the owner / developer and the engineer were informed that the disturbance which had occurred since the 1990 site plan approval would need to be brought into compliance with all technical codes. It was also communicated that a floodplain analysis and dam breach analysis would be required. The site sits down-grade of an existing pond which lies to the east, in Baltimore County.

No plans were submitted. On March 4, 2019, the Zoning Administrator sent a letter to the owner / developer with a notification that, with no site plan in process, the BZA approval had expired. On April 3, 2019, the engineer, on behalf of the owner / developer, appealed to the BZA with a request for an extension of their approval. The extension was granted by the BZA on April 24, 2019. On June 21, 2019, an initial site development plan package was submitted to the Bureau of Development Review and distributed to review agencies.

❖ **Existing Conditions:**

The subject property is a 7.56-acre Agricultural-zoned property located on the south side of Saint Paul Road at the Carroll / Baltimore County line. On the site there is an existing two-story office building, a paved parking and storage area, a stone parking and storage area, and a 3'x3' sign at Saint Paul Road. A single access exists at Saint Paul Road. The subject property has no road frontage, but does have an existing drive with a Common Use Access and Declaration of Maintenance Obligations over the adjoining property, 4195 Saint Paul Road.

A stream and associated 100-year floodplain exist across the southern portion of the property. The expansion of the CESY from 1 acre to 4 acres included an encroachment by the stone parking and storage area into the floodplain and stream buffer. Along the eastern property line, an existing dirt road crosses the stream to connect the stone storage lot to the southern area of the property.

The property is outside of Priority Funding Areas and Designated Growth Areas. It lies outside of the public water and sewer service areas and is currently served by private well and septic systems.

❖ **Site Plan Review:**

The plan proposes to keep all existing structures and parking areas on site and address the technical codes in respect to the expanded CESY and additional disturbance since 1990. The site plan was subject to citizen involvement on July 22, 2019 during the Technical Review Committee meeting. No citizens spoke or signed in regarding Triple M Amended.

Based on a reduction in the number of employees from the 1990 plan and the trip generations provided, no traffic study is required. Engineering Review has commented that a sight distance deficiency at Saint Paul Road will need to be addressed.

Stormwater Management will be addressed with a bioretention swale and submerged gravel wetlands. A variance was granted to modify the delineated stream buffer and provide for an adjustment of the water resource protection easement due to existing conditions. A floodplain easement and water resource protection easement will be granted to the County. Forest Conservation Review has requested additional information on the plan. The plan is exempt from Landscaping requirements.

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.

Randy Bachtel, Brian Johnson and Randy Petkus, BPR Inc., were present.

Vice Chair Hoff asked the status of the owner's relationship with the neighbor.

Mr. Becthel stated they are working on an easement with the neighbor and will have any sight distance issues worked out for the final.

There was no public comment.

**Decision:**

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

**RECESS**

**CONCEPT SUBDIVISION PLAN**

SUBJECT: P-18-0063 – Bradleys Overlook  
LOCATION: West side of Cherry Tree Lane, north of Bartholow Road, E.D. 05  
OWNER: Cherrytree, LLC., 2003 Rudy Serra Drive, Unit 1-A, Sykesville, MD 21784  
(Members: John Glenn Santmyer, Jean Carr, John Bradley, Kenneth Keepers, and Fred Keepers)  
DEVELOPER: Same as Owner  
SURVEYOR: Vogel Engineering + Timmons Group, 3300 North Ridge Road, Suite 110, Ellicott City, MD 21043  
ZONING: Conservation  
ACREAGE: 29.63 acres  
WATERSHED: Liberty Reservoir  
NO. OF LOTS: 4 Lots and a Buildable Remainder  
FIRE DISTRICT: Gamber and Community Fire Company  
MASTER PLAN: Resource Conservation – Freedom Community Comprehensive Plan 2018  
PRIORITY  
FUNDING AREA: Outside  
DESIGNATED  
**GROWTH AREA: 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 consideration of a Concept Major Subdivision Plan. **No action is required.**

❖ **Existing Conditions**

The subject property is undeveloped, zoned Conservation, and lies on the west side of Cherry Tree Lane. The property is mostly wooded, with the open areas previously being used as an equestrian center. There are streams and floodplains located on site. From the northern property line, the property slopes downhill to the south-east to a central low point which follows the stream. From this low point, the land slopes uphill to the south-east with approximately 130 vertical feet of elevation change. Adjacent properties are zoned Conservation and Agriculture. Many are developed with single-family homes along with farmland. The property lies outside of the water and sewer service area; thus, all properties are served by private well and septic systems.



❖ **Plan Review:**

On March 25, 2019 an off-conveyance plan and a concept subdivision plan for Bradleys Overlook were submitted to the Bureau of Development Review and distributed to technical review agencies.

Within the subdivision plan, the developer proposes to create four new lots of subdivision and a buildable remainder on the property. The four new lots will range in size from 3.08 acres to 3.72 acres, leaving the buildable remainder at 17.07 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. All lots shown on the plans will utilize private well and septic systems.

Access to the lots and the buildable remainder is proposed from a use-in-common drive (UIC) from Cherry Tree Lane. A bridge will be needed for the UIC driveway to access the proposed buildable remainder which is located on the opposite side of the stream on site. 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 and an access easement 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 proposed subdivision plan was subject to citizen involvement during the April 22, 2019 Technical Review Committee meeting. Four citizens expressed their concerns of stormwater runoff and soil erosion during the meeting. Three adjoining property owners, one of whom spoke at the meeting, also emailed/mailed their concerns in advance of the meeting (see attachment).

Stormwater Management has issued concept approval for the plan, which utilizes drywells and micro-bioreentions to meet requirements. Engineering Review and Grading and Sediment Control have approved the concept plan. Forest Conservation has granted approval and will require easements. Landscape is required along Cherry Tree Lane on Lots 1 and 4 and will be addressed with the existing hedgerow. Floodplain and Water Resource Management have provided approval of the plans and will require easements on the property.

In their review, the Department of Planning determined that the proposed plan is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Resource Conservation.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the plan to the Commission for approval of the Preliminary Plan.

**Discussion:**

David Becraft presented the staff report.

Rob Vogel and Eric Salmi, Engineers, were present.

Clark Shaffer, Attorney, and Fred Keepers, owner, were present.

Commissioner Rothstein asked which facilities were approaching inadequate in the report.

Mr. Becraft stated Gamber Fire Department and Oklahoma Road Middle School would be approaching inadequate.

There was no public comment.

**Decision:**

Concept plan, no action required.

**ANNUAL REPORT**

Cody Spaid was present to review the Annual Report and answer any questions.

The Commission, on motion of Mr. Soisson seconded by Ms. Kirkner and carried, voted to approve and certify the Annual Report.

**COMPREHENSIVE REZONING BY REQUEST RESIDENTIAL – INTRODUCTION – R20-05-2020-0040/R20-05-2020-0041 (ZABEL PROPERTY) AND R20-05-2020-0042 (BEATY PROPERTY)**

Secretary Eisenberg, Clare Stewart and Hannah Weber introduced the properties for the Residential By Request phase. Secretary Eisenberg stated there will be further discussion and public comment for these properties at the November 4<sup>th</sup> and 17<sup>th</sup> meetings.

**PUBLIC COMMENT**

J. Brooks Leahy, Attorney, was present to answer any questions the Commission had.

Kristen Moranelli, citizen, not in favor of the property requests stating safety and school overcrowding concerns.

Jeanne Barker, citizen, not in favor of the property requests stating safety concerns.

Patrick Morenelli, citizen, not in favor of the property requests stating safety and school overcrowding concerns.

Pete Dixon, citizen, not in favor of the property requests stating safety, traffic and school overcrowding concerns.

Katie Gehrety, citizen, not in favor of the property requests stating safety, traffic and school overcrowding concerns.

Kelly Robinson, citizen, not in favor of the property requests stating safety, traffic and school overcrowding concerns.

**ADJOURNMENT**

On motion of Mr. Canale, seconded by Mr. Soisson and carried, the Commission adjourned at approximately 11:25 a.m.

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Secretary

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Approved