

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

September 16, 2014

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Richard J. Soisson, Vice Chair
Eugene A. Canale
Matthew S. Helminiak
Jeffrey A. Wothers
Cynthia L. Cheatwood
Daniel E. Hoff, Alternate

Members Absent: Richard S. Rothschild, Ex-Officio

Present with the Commission were the following persons: Robin Frazier, County Commissioner; Philip R. Hager, Tom Devilbiss, Glenn Edwards, and Kelly Martin, Department of Land Use, Planning, and Development; Lynda Eisenberg, Bureau of Comprehensive Planning; Clay Black, Patrick Varga, Laura Matyas, and John Breeding, Bureau of Development Review; Gail Kessler, County Attorney's Office; Jay Voight, Zoning Administrator; Bryan Van Fossen, Office of Public Safety; James Marks, Carroll County Public Schools; Ted Zaleski, Department of Management and Budget; Ed Singer, Carroll County Health Department; Michael Stavlas; Michael Domeier; Blaine Harman; Andrew Stine; and Dan Staley.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:05 a.m.

ESTABLISHMENT OF QUORUM

Kelly Martin took the attendance of the Commission, noting that six members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, noted that there were no changes proposed to the agenda.

REVIEW AND APPROVAL OF AGENDA

Chairman Yeo reported that Jonathan Weetman, Economic Development, would not be available to provide a report to the Commission, so item 7.C. would need to be removed from the agenda. The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and unanimously carried, removed item 7.C. and approved the agenda.

REVIEW AND APPROVAL OF MINUTES

A. August 19, 2014

The minutes of August 19, 2014 were approved as written on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried.

REPORT OF AGENCY REPRESENTATIVES

- A. Public Safety
- B. Board of Education
- C. Management and Budget
- D. Health Department

A. PUBLIC SAFETY

Bryan Van Fossen, Office of Public Safety, reported that beginning August 1 he now performs construction plan review for the Life Safety Code. That function was previously performed by the State Fire Marshall's Office. The State is still performing education occupancy and health care reviews. Mr. Van Fossen explained that the change was made to allow for a more immediate response to applicants.

(Cynthia Cheatwood entered the meeting.)

B. BOARD OF EDUCATION

James Marks, Carroll County Public Schools, provided the Commission with a report of the summer projects as follows: Eldersburg Elementary Open Space Enclosures project continues with a completion date of November; three rooftop units were replaced as part of the Manchester Elementary HVAC replacement project; roof replacements were completed at Taneytown Elementary and Carroll Springs; traffic patterns were improved as part of the pavement replacements at West Middle and William Winchester Elementary; system wide, occupancy sensors were installed in classrooms as part of the Energy Efficiency Initiative; downward lit led lights were installed at Century High; new stage floor was installed at Westminster High School; stage curtains were replaced at North Carroll High School; Manchester Valley High School pump house is in service; and changes were made to the front door entry and check-in procedures of all schools as part of the Security Initiative. Mr. Marks noted that the Board of Education will hold a public hearing tomorrow night at 7:00 p.m. to discuss the CIP, which is available on-line. CIP projects include money for a new consolidated school to replace Charles Carroll and William Winchester. Mr. Marks noted that the redistricting discussion has been placed on hold until the Board of County Commissioners and Board of Education go through the CIP process.

C. MANAGEMENT AND BUDGET

Ted Zaleski, Department of Management and Budget, reported that the Budget Office is receiving capital requests from agencies. He noted that he will be attending the Board of Education public hearing tomorrow night. Mr. Zaleski explained that the big projects included in

the Board of Education's requests are not included in the out years of the recently adopted six-year CIP.

Chairman Yeo questioned the revenue picture.

Mr. Zaleski indicated that the revenue picture is better, with a very modest increase.

D. HEALTH DEPARTMENT

Ed Singer, Environmental Health Director, noted that the Maryland Department of the Environment (MDE) is modifying regulations that impact development. He explained one positive change is being made to the well regulations. Existing lots of record used to be allowed 75 feet between the well and septic areas. Current regulations require 100 feet with no variance unless there is an existing house on the property. The new regulations look at each lot specifically and allow for a variance to the distance between well and septic systems. This is a positive change for people with recorded lots with older systems. Mr. Singer reported that MDE is in the process of drafting new subdivision regulations in line with the Sustainable Growth and Agriculture Preservation Act of 2012 which required the County to be divided into tiers. He explained that MDE is considering the inclusion of off-conveyance lots and lots developed by metes and bounds descriptions to be included in their definition of "subdivision". No regulations are available for review at this time.

Matthew Helminiak, Commission member, questioned how the "Best Available Technologies" (BAT) septic system regulations are working and the cost.

Mr. Singer explained that the cost of the technologies is approximately \$10,000-\$12,000 above what a conventional systems would cost. He noted that approximately 850 people submitted applications prior to the change in regulations. Those people are struggling to meet the deadline before the permits expire at the end of the year. Mr. Singer explained the differences between the systems for the Commission's information.

COMMISSION MEMBER REPORTS

A. Commission Chairman

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had signed the final plan approval for Wilson Farms off of Bennett Road.

Chairman Yeo suggested that there is a procedural conflict when the Planning Commission is reviewing aspects of a site plan that are simultaneously being reviewed for a variance by the Zoning Administrator. He questioned the Commission's role in these instances and its ability to override a ruling by the Zoning Administrator.

Secretary Hager indicated staff would review the Code and come back to the Commission with a suggestion for improvement.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS

A. Director

A. DIRECTOR

Philip R. Hager, Director, reported that two development extensions had been granted since the last meeting: a third one-year extension for the minor subdivision plan of Christopher Place, three lots, located on the east side of Cranberry Road in the Westminster area; and a fourth one-year extension for the subdivision plan of Century Hollow, 7 total lots (6 new, 1 existing), located on the east side of Brown Road, south of Lawndale Road in the Finksburg area. Mr. Hager noted that the Board held a public hearing on the proposed legislation regarding the granting of extensions and will deliberate on those amendments on Thursday.

Staff commented on two Board of Zoning Appeals (BZA) cases since the last meeting: BZA Case No. 5754, Cellco Partnership d/b/a Verizon Wireless – request for a conditional use for the construction of a 195-foot monopole and associated equipment shelter/building on a 27.85-acre property located at 4318 Backwoods Road, Westminster, within the County’s Agricultural zone; and BZA Case No. 5769, James M. Sanders – request for a variance for the construction of a carport at a side yard setback variance on a 19,602 square foot property located at 5094 Hodges Road, Eldersburg, within the County’s Conservation zone. Mr. Hager noted that he did not provide comments, but was asked to testify regarding a non-conforming lot within the Conservation zoning district. His testimony was counter to that of the applicant. Mr. Hager indicated he felt the BZA was exceeding their role in this case. The BZA did not agree and ruled otherwise.

Lynda Eisenberg provided an update on the Carroll County Master Plan noting that three citizen outreach meetings were held last week with two more scheduled for September 17 and September 23. She noted that the 60-day review period ends on October 23. All the comments received will be provided to the Commission for their review at the October 29 meeting. On November 5, a public hearing on the Carroll County Master Plan is scheduled for 6:00 p.m. During the regular Commission meeting on November 18, staff will be requesting Approval of the Plan to be forwarded to the Board of County Commissioners.

After discussion about the proposed timeline, Chairman Yeo suggested that an additional meeting be added to the calendar between the November 5 hearing and the November 18 regular meeting. It was the consensus of the Commission to add an extra meeting for Monday, November 17 at 6:00 p.m. in Room 003.

Chairman Yeo requested that the public provide comments to the Commission as early as possible to allow for more time for review. He suggested that e-mails were the best method for providing comments. Chairman Yeo expressed his concern that the format for the public hearing is very frustrating because it does not allow for feedback from the Commission to comments or questions received.

CONCEPT SITE PLAN REVIEW

- A. S-13-018, Baltimore Gas & Electric, Raincliffe Sub-station
- B. S-14-012, Princess Shopping Center, 3rd Amended Site Plan

**A. S-13-018, BALTIMORE GAS & ELECTRIC COMPANY, RAINCLIFFE
SUB-STATION**

LOCATION: North side of Raincliffe Road, East of Maryland Rt. 32, 5th E.D.

OWNER: Baltimore Gas & Electric Company, Attn: Jim Burkman, 1699 Leadenhall Street, Baltimore, Maryland, 21230

DEVELOPER: Baltimore Gas & Electric Company, Attn: Regina Hillman, 2900 Lord Baltimore Drive, 1st Floor, Baltimore, Maryland, 21244

SURVEYOR: DeMario Design Consultants, Inc., 66 East Main Street, Westminster, Maryland 21157

ZONING: IG – Industrial General

ACREAGE: 1.245 acres

WATERSHED: Patapsco River – South Branch

NO. OF LOTS: 1 Lot

FIRE DISTRICT: Sykesville/Freedom

MASTER PLAN: Freedom

PRIORITY
FUNDING AREA: Freedom

DESIGNATED
GROWTH AREA: Freedom

John Breeding presented the background.

Action Required:

The plan is before the Planning and Zoning Commission for review of the Concept Site Plan per Section 155.055 of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The property was purchased by Baltimore Gas & Electric Company (BGE) on March 29, 2013 for the purpose of building a BGE sub-station. Hearings were held with the Board of Zoning Appeals on December 27, 2012, January 30, 2013 and January 31, 2013. Attached is a copy of the decision (Case #5676) granting the conditional use on the Industrial General zoned property. The Board of Zoning Appeals granted the conditional use subject to the following conditions: “BGE will provide screening and fencing on its property and if acceptable to the county and/or Home Owners Association or Raincliffe Community Association. BGE will be required to

provide additional screening on those properties. BGE is required to maintain the screening placed on neighboring properties in perpetuity.”

The adjoining property to the west is an approved subdivision of Raincliffe properties which is in the town limits of Sykesville, Maryland. The properties to the north, Northrop Grumman and State of Maryland Correctional Institution, are zoned Industrial General. The property to the east is the parent track of Buttercup Roads LLC. The property to the south is owned by the State of Maryland Department of Natural Resources.

Site Plan Review:

The BGE Raincliffe sub-station concept site plan was received on July 31, 2013 and was distributed to all reviewing agencies.

The site is unmanned and will be infrequently visited for routine maintenance and inspection. Access to the site will be on a variable width access easement across the Buttercup Road LLC. The commercial entrance will be connected to the existing curbing system along Raincliffe Road. The access drive will be 12'-0" wide with 2'-0" wide stone shoulders on both sides. This width does not meet the 18'-0" minimum width for a commercial drive. The engineer stated that the owner will be requesting a variance from the Zoning Administrator for a reduction of the width requirements.

Stormwater is being addressed by the installation of wide shoulders along the driveway and a 250'-0" long stone stormwater management trench at the southwest and southeast corners to accommodate the run off from the site.

This plan shows the proposed plant screening required by the Board of Zoning Appeals. The screening will need to meet the approval of the County and/or Home Owners Association or Raincliffe Community Association. The total planting units (P.U.'s) required by chapter §157, Landscape Enhancement of Development minimum are 29.3 P.U.'s. The plan proposes a total of 57.0 P.U.'s being a mix of ornamental, shade and evergreen trees totaling 110 trees. Forest Conservation is being addressed by offsite forest conservation banking.

The access drive will be crossing a stream which may require that appropriate permits be received prior to a grading permit being issued. There are no FEMA floodplains on this site. The stream on the Buttercup Roads LLC property will require a variable width stream buffer.

Signage for the BGE Raincliffe substation site will be a wooden sign approximately 3'-0" wide x 2'-0" high x 1" thick located at the right side entrance of the property. This sign will not be illuminated.

A new lockable gate will be installed into the existing chain link fence at the entrance. The portion of the existing fencing on the BGE property will be removed to allow for the new tree screening to be installed onsite and on the adjacent Raincliffe properties. A new opaque fence, height to be determined, will be installed along the west side of the property to provide partial screening of the substation from the adjoining Raincliffe property. The entire substation will be enclosed by a 7'-0" high chain-link fence with 3 strains of razor wire, for an 8'-0" total height.

The proposed site plan was subject to citizen's involvement during the October 23, 2013 Technical Review Committee meeting. No citizens spoke at this meeting regarding the proposed concept site plan. The Bureau of Development Review has not received any written correspondence about this project.

Discussion:

Richard Soisson, Commission member, questioned whether any attempt had been made to share the existing entrance road.

Andrew Stine, DeMario Design Consultants, noted that there is a stream and existing wetlands area between the existing building and proposed substation site. The proposed substation road will have to cross the stream, but at a spot that is most advantageous for the site without further impact to the environmental area.

Daniel E. Hoff, Commission member, questioned whether there was any discussion about moving the substation 50 feet or more to the east.

Mr. Stine stated that the land for the substation has been conveyed and recorded with the owner agreeing to give up to two acres for the site. He explained that the substation equipment is laid out in a particular template to meet specific needs/requirements. It cannot be relocated within the two-acre site.

Chairman Yeo noted that there were a significant number of public comments made at the hearing before the Board of Zoning Appeals (BZA); those comments are included in the Commission's packet.

Matthew Helminiak, Commission member, questioned the height of the proposed screening and what would be visible from a three-story townhouse that backs up to the substation.

Mr. Stine noted that there would be taller trees planted further away from the site, but they must be mindful of topple height into the substation. He indicated that 6-foot evergreens would be planted along with 14, 16, or 18-foot shade trees. Mr. Stine explained that BGE is working to get the plants developed now before the substation is built a few years from now.

Mr. Helminiak questioned whether there would be any other screening, like a concrete wall.

Mr. Stine explained that there is a chain-link fence separating the industrial property from Raincliffe. BGE has offered to provide a solid privacy fence and move it further on the property behind the landscaping.

Chairman Yeo questioned the Commission's role in reviewing the project since the BZA has already weighed in.

Clay Black, Bureau of Development Review, explained that the BZA approved the conditional use which establishes the use on the property. The Commission is reviewing the site plan which could entail requests for additional landscaping, relocation of the driveway, an increase in driveway width from 12 feet to 18 feet, etc.

Chairman Yeo questioned whether there was a way to move the substation physical building farther away from the homes.

Mr. Stine indicated there was not. He noted that the issue is tying off the grading within the site. All of the equipment must move as a unit based on the way it is designed by BGE.

Commissioner Frazier noted that residents received notice of the Technical Review Committee Meeting held in July 2013 to review the aspects of the plan and no residents attended the meeting.

Chairman Yeo noted that according to Google Maps, no houses were built in that area at that time.

B. S-14-012, PRINCESS SHOPPING CENTER, 3RD AMENDED SITE PLAN

LOCATION: South side of Liberty Road (MD Route 26) and west of the intersection with Sykesville Road (MD Route 32), 5th Election District

OWNER: Stavlaou, LLC, 11310 Juday Way, Marriottsville, MD 21104
(LLC Members: Michael Stavlas, John Laou)

DEVELOPER: Same as Owner

DESIGNER: W. J. Strikler Signs, c/o Mike Domeier, 3999 Carlisle Pike, New Oxford, PA 17350

ENGINEER: KCE Engineering, Inc., 3300 North Ridge Road, Suite 315, Ellicott City, MD 21043

ZONING: Business General (BG)

ACREAGE: 9.31 Acres

FIRE DISTRICT: Sykesville

WATERSHED: South Branch Patapsco River

MASTER PLAN: Business General

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Patrick Varga presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 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 planned business center is currently improved with four commercial buildings on two lots. Lot 1 contains three multi-tenant buildings while Lot 2 contains a Bob Evans Restaurant. Both Lot 1 and Lot 2 are part of the Princess Shopping Center Planned Business Center as approved by the Commission on March 19, 2002 (County File S-00-036). There is an existing full access intersection on MD Rt. 26 for this development, as well as a right-in, right-out on southbound MD Rt. 32.

An amended site plan (County File S-06-025) was approved by the Planning and Zoning Commission in April of 2009 in which the developer submitted a plan reducing the size of the fourth building in the business center. A 2nd amended site plan (County File Number S-12-013) was approved by the Commission in March of 2013, which reduced the size and changed the orientation of the fourth building and added apartments on the second floor of that structure.

The property is surrounded by BG zoned land to the north and east and R-10,000 zoned land to the south and west. Businesses are located to the north and east while residences exist to the south and west. The existing development is served by Freedom public water and sewer.

In October of 2002, the developer requested a variance from the allowable square footage for signage for this site. By code, the development was allowed 308 square-feet for signage, but the Zoning Administrator at the time allowed 2,800 square-feet to be used for this development. That decision is attached. An exhibit outlining the signage used to-date and the proposed signage as it relates to the variance is attached.

Site Plan Review:

The developer proposes to construct a new sign near the entrance to the site on MD Rt. 26. The proposed location is west of the existing access point and to the immediate north of the existing parking lot. This sign would be in addition to the existing sign at the MD Rt. 26 entrance. The sign is shown as 22'4" in height and 12' at the widest point. The sign details show space for ten tenants to be listed. A total of 22 tenants are listed on the existing sign.

Engineering review and the State Highway Administration have required confirmation that sight-distance is not impeded by the installation of the new sign. These reviewers are awaiting the applicant's response; however, the applicant has indicated sight-distance is not an issue based on the distance from MD Rt. 26 that the sign will be located.

The plan was presented to the Design and Architectural Review Committee (DARC) on August 6, 2014. Recommendations from that group are as follows:

1. In order of preference, the Committee recommends that the applicant:

- a. Demolish the existing sign and add low-profile, double width monument style signs on both sides of the MD Rt. 26 entrance listing the tenants. The sign would need to be located far enough from the road to not impede sight distance.
 - b. Demolish the existing sign and build a new double-width-sign in the location of the current sign.
 - c. Add on to the existing sign using the style of the original sign to maintain consistency.
 - d. Build what is proposed on this plan.
2. Renderings are requested showing the new sign, from a driver's perspective leaving the site and from approaches on MD Rt. 26.

The proposed site plan was subject to Citizen's Involvement. A public meeting was held on August 25, 2014 during a regularly scheduled meeting of the Technical Review Committee. No citizens were present for the review, and no written comments were forwarded to the Bureau of Development Review. This office did receive one phone call from an adjoining property owner who spoke in opposition of the proposed sign.

Discussion:

Mr. Varga noted that the developer followed up to DARC with renderings, but the renderings did not change the committee's recommendations. Staff is looking for guidance from the Commission as to what they want to see installed. Mr. Varga reminded the Commission that because this is an amended site plan, if the Commission reaches consensus, approval authority of the final plan can be delegated to the Chairman by the Commission.

Daniel Hoff, Commission member, noted that he owns and manages commercial properties. He questioned whether consideration had been given to removing the existing sign and providing one larger sign to cover both projects.

Mike Domeier, W. J. Strikler Signs, indicated that money has been spent for the first pylon sign and the tenants are happy with it.

Michael Stavlas, owner, stated that the existing tenants are very happy with the first sign. He indicated that they are trying to provide signage for new tenants coming in. There is not enough room to accommodate all the tenants on one sign.

There were no public comments.

Chairman Yeo questioned why the owner would not double the size of the existing sign.

Mr. Stavlas indicated that the proposed sign location is more visible.

Matthew Helminiak, Commission member, suggested that the existing sign be torn down and one double size sign closer to the road be built in its place.

Chairman Yeo discussed the idea of using internal directories to guide people once inside the shopping center.

Mr. Domeier indicated that internal signage currently exists. He noted that at least one parking space would need to be utilized to expand the existing sign, and there are only the required number of spaces provided.

Mr. Varga suggested that the Zoning Administrator could grant a parking variance.

After discussion, Chairman Yeo indicated it was the consensus of the Commission that the preference is for one sign that is twice the width of the existing sign and close to the current location.

Mr. Domeier indicated moving to one sign would also require a variance from the Zoning Administrator as it would exceed size limitations.

Chairman Yeo noted that the Zoning Administrator was present for the discussion and questioned whether the Commission was missing anything in their discussion.

Jay Voight, Zoning Administrator, indicated they were not.

It was the consensus of the Commission to delegate approval authority of the final site plan to the Chairman.

SPECIAL REPORT

A. M-14-006, Maidens Point 2

A. M-14-006, MAIDENS POINT 2

LOCATION: Northeast side of Roop Road, on the north side of Francis Scott Key Highway, E.D. 1

OWNER: Blaine A. Harman and Angela F. Harman, 1785 Stover Road, Taneytown, MD 21787

DEVELOPER: Same as Owner

SURVEYOR: D.R.S. and Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: Lot #2 -26.035 acres

WATERSHED: Piney Creek

FIRE DISTRICT: Taneytown

MASTER PLAN: Agricultural

PRIORITY

FUNDING AREA: N/A

DESIGNATED
GROWTH AREA: N/A

John Breeding presented the background.

Action Required:

This special report is before the Planning and Zoning Commission for the approval of a lot size not in compliance with the Carroll County Code of Public Local Laws and Ordinances §155.024, Rural Design Standards.

Existing Conditions:

Maidens Point, minor subdivision M-11-012, was approved by the Chairman of the Planning and Zoning Commission on November 22, 2011 and was recorded in the Carroll County Land Records in Plat Book 52, Page 213 (attached).

Preliminary Plan Proposal:

The proposal is for a lot size of 26.035 acres to be subdivided from the 65.566-acre remaining portion. The surveyor has stated that this large lot is to allow the existing homestead to be rejuvenated back to a working farm to support the raising of livestock in open pasture. The subdivision lot will not have any additional residential lot yield potential; however, the remaining portion is entitled to additional residential lot yield.

The Carroll County Code of Public Local Laws and Ordinances states the following.

📖 § 155.024 RURAL DESIGN STANDARDS FOR AGRICULTURAL AND CONSERVATION DISTRICTS.

(A) Unless otherwise determined by the Planning Commission, new residential building lots proposed to be created in the “A” and “C” Districts shall be:

- (1) Located in low priority woodlands or on pasture land rather than productive cropland;
- (2) Located to avoid prevailing winds from blowing odors toward homesites from existing or future barnyards, silos, and other similar farm buildings or related uses;
- (3) Designed at a minimum lot size of one acre and clustered to achieve the maximum possible amount of land remaining in cropland in the “A” District;
- (4) Designed at a minimum lot size as required by Chapter 158 in the “C” District, unless clustered in accordance with this chapter. This minimum lot size shall apply to the remainder and all proposed lots; and
- (5) Designed, whenever possible, to avoid the construction of new streets or additional entrances onto a public street.

(B) In the Agricultural District, agriculture is the preferred use and a notice to this effect shall be stated on a final plat creating residential building lots in the district:

“Agriculture is the preferred use in the agricultural district. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the district.”

Discussion:

Daniel E. Hoff, Commission member, explained that typically these types of lots are expanded from one acre to two or three acres to allow for septic areas, etc. He indicated he had trouble seeing a compelling reason to change the standards when this property had already taken two off-conveyances which can be any size you want them to be. Mr. Hoff explained that the purpose of the Rural Design Standards is to maintain a large remaining parcel in keeping with the intent of the agricultural zone.

Dan Staley, DRS & Associates, noted this was a 176-acre farm with a separate piece deeded off because of right-of-way for Roop Road. The Health Department has approved seven lots, but that piece will only support two lots. The owners desire to develop the wooded portion into 1-2 acre lots. Mr. Staley suggested that the lot he is requesting today is not a new residential lot—it contains existing farm buildings and the meadow. He explained that Mr. Harman is a grain farmer with five other farms and has no need for the existing buildings. Mr. Harman does have a buyer that would like to raise cattle and has need for the meadow which is not tillable ground.

Mr. Hoff expressed concern about the unusual request and the precedence that would be set if the Commission did not follow the established standards. He explained that lot yield and the use of off-conveyances based on established standards is what you consider before purchasing a property. Mr. Hoff questioned whether one of the property's off-conveyances could be utilized to configure the 26-acre lot.

Mr. Staley indicated that it could.

Mr. Hoff explained the difference between an off-conveyance lot and a minor subdivision lot for the Commission members.

Chairman Yeo questioned why the applicant felt the request should be granted.

Mr. Staley suggested that the request met the minimum lot size of one acre, preserved cropland, the tract being created is greater than 20 acres so it is viewed as a farm tract, and no new residence will be created.

Decision:

The Commission, on motion of Mr. Hoff, seconded by Mr. Soisson, and carried (Mr. Helminiak, Mr. Canale, Mr. Soisson, Mr. Wothers, and Mr. Hoff voted "Yes"; Ms. Cheatwood voted "No"), voted to deny the minor subdivision lot of 26.035 acres.

BRIEFING ON THE STATUS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM

Tom Devilbiss, Department of Land Use, Planning, and Development, explained that the County's current 2005 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System permit expired in 2010. Individual permits are issued to each jurisdiction and can be modified to fit that jurisdiction, while the municipalities have general permits. For several years staff has been working with the state to try to massage the requirements of the new permit. The final determination to issue the permit was received in June

2014 with an initial period of comment to end in July. The County requested a public hearing and was granted an extension to the comment period until September 29. Staff will be offering comments to MDE. Mr. Devilbiss explained that one requirement of the permit is the Annual Report which is available on the County's website under the heading "Living Here", "Protecting Carroll County Waters". He indicated there are 15,442 acres of impervious surfaces—roads, rooftops, parking lots—in the County; 10,718 acres are under County control; 4,000 of those acres have modern stormwater standards in place. Of the remaining 6,715 acres, 10 percent was the requirement of the 2005 permit which equals 672 acres. The County actually achieved 1,537 acres. The new permit calls for 20 percent which makes 30 percent total. Staff has developed a plan that is moving forward in the CIP to address this goal. Approximately 22 people work at least in part on this permit, with two staff people devoted on a full-time basis. Mr. Devilbiss introduced Glenn Edwards, NPDES Compliance Specialist. He reviewed the total operating and capital expenditures. Mr. Devilbiss reported that Theresa Amoss, Watershed Grants Analyst, has been able to secure \$2 million worth of grants for these projects in a very competitive process. He highlighted other information within the Annual Report.

DISCUSSION: APPROVAL PROCESS FOR NEW SIGNAGE NOT SHOWN ON PREVIOUSLY APPROVED SITE PLANS

Clay Black, Bureau of Development Review, indicated that staff needs some direction from the Commission as to the County's policy/procedure for handling requests for signs that are not shown on the approved site plan. He explained that it has been staff's process to present the signs to the full Commission. Several weeks ago, two signs were approved by the Chairman after a series of e-mails between Commission members.

Richard Soisson, Commission member, suggested that if the Chairman was not comfortable in signing off on the site plan, information can be provided to all Commission members via e-mail for their deliberation. If there is no consensus, the issue can be brought before the full Commission.

Gail Kessler, Deputy County Attorney, cautioned the Commission regarding dealing with issues via e-mail as it may become an Open Meetings issue.

Secretary Hager suggested that signage issue items could be accepted by staff beyond the regular agenda deadlines and brought to the full Commission at day or evening meetings to enable action to be taken in a timely manner.

It was the consensus of the Commission that a new sign is not a minor change to a site plan and will come before the full Commission.

Commissioner Frazier questioned what the Commission discusses when a sign is brought before them. She noted that there are certain criteria that must be met, but the applicant decides the size and placement of the size, with the State Highway Administration's involvement, as necessary. Commissioner Frazier questioned what the Commission reviews when an applicant is allowed a certain square footage for their sign.

Daniel Hoff, Commission member, explained that there is a certain amount of discretion that the Planning Commission has in the site plan review process with regard to sign height, location, aesthetics, materials, etc.

Commissioner Frazier suggested the Commission add a height criteria, and questioned a 45-minute discussion on how a sign looks. She suggested that this review was not the role of the Commission.

PUBLIC COMMENTS

Blaine Harman, applicant for a request denied earlier in the agenda, argued that his request meets four of the five criteria listed in the guidelines to allow a 26 acre agricultural lot. He questioned why his request was denied.

Gail Kessler, Deputy County Attorney, stated that it was not appropriate for the Planning Commission to respond to Mr. Harman's inquiry as the Commission has already voted on the matter. She explained that the applicant has the right if he desires to appeal the Commission's decision to the Board of Zoning Appeals. Attorney Kessler read from the Code, noting that there are rules and procedures to address how to proceed with a denial. She stated that the applicant cannot come back under Public Comments to get further information or another hearing on their item. Attorney Kessler indicated this was an improper attempt to get the matter before the Commission.

There being no further business, the Commission, on motion of Mr. Wothers, seconded by Mr. Soisson, and carried, adjourned at approximately 1:20 p.m.

Secretary

Approved