

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

June 16, 2015

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Richard J. Soisson, Vice Chair
Eugene A. Canale
Matthew S. Helminiak
Jeffrey A. Wothers
Richard S. Rothschild, Ex-Officio
Daniel E. Hoff, Alternate
C. Richard Weaver, Commissioner

Members Absent: Cynthia L. Cheatwood

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Planning & Governmental Affairs; Gail Kessler, County Attorney's Office; Lynda Eisenberg, Scott Graf, and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, Price Wagoner, and John Breeding, Bureau of Development Review; Jay Voight, Zoning Administrator; Deborah Bowers and John Parker Smith, Jr., Agricultural Land Preservation Program; Maria Myers and Dusty Hilbert, Bureau of Solid Waste; Ed Singer, Carroll County Health Department; Jim Marks, Ray Prokop, and Bill Caine, Carroll County Public Schools; Marty Hackett; Michael Reeves; Mark Frizzera; Linda Alexander; and Walt Crognale.

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 seven members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, noted that the next Commission meeting is the regular evening work session scheduled for July 1. He indicated that staff had no changes to the agenda as distributed.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as distributed on motion of Mr. Wothers, seconded by Mr. Soisson, and carried.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

A. May 19, 2015

The minutes of May 19, 2015 were approved as written on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

REPORT OF AGENCY REPRESENTATIVES

- A. Public Safety
- B. Board of Education
- C. Economic Development
- D. Health Department

A. PUBLIC SAFETY

Scott Campbell, Department of Public Safety, had informed staff that no representative would be available to report at today's meeting.

(Commissioner Rothschild entered the meeting.)

B. BOARD OF EDUCATION

Jim Marks, Supervisor of Construction, Carroll County Public Schools, provided the Board of Education Construction Report as follows: 19 additional parking spaces are being added at West Middle; parking enhancements are being made at William Winchester Elementary, Francis Scott Key High, and Carroll Springs; partial window replacements are being completed at Sykesville Middle; roof replacements are being done at the Career and Technology Center and Mechanicsville Elementary; phase 2 HVAC project is being done at Manchester Elementary; light pole replacements are being done county-wide; tennis court repairs are being made at Liberty High and Francis Scott Key High; and seven portables are being removed from the system.

Chairman Yeo asked what is being done with regards to LED lighting.

Mr. Marks responded that last summer all of the exterior lighting at school facilities was changed to LED and occupancy sensors were placed in classrooms.

C. ECONOMIC DEVELOPMENT

No report given; no representative present.

D. HEALTH DEPARTMENT

Ed Singer, Health Department, reported that staff is working closely with the County to request modifications from the state for the Best Available Technology (BAT) requirements. These requirements are affecting the development of commercial properties in Carroll County on individual septic systems. As an example, he noted that the Dunkin Donuts project took 1.5 years to get through the review process and cost approximately \$85,000 as compared to the \$8,000-\$10,000 cost of the traditional system. Developers are walking away from projects. Mr. Singer also noted that there are many projects where minor changes are proposed but they are enough to trigger the BAT requirements for systems that are basically the same as household use.

Daniel E. Hoff, Commission member, suggested that Mr. Singer speak to the local Delegation and representatives from the Maryland Association of Realtors in Annapolis.

Mr. Singer suggested that the future of public health is changing as world travel brings different types of infectious diseases to the United States. He noted that staff are still waiting for the appointment of Larry Leitch's replacement.

COMMISSION MEMBER REPORTS

- A. Commission Chairman
- B. Ex-Officio Member

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had nothing to report.

B. EX-OFFICIO MEMBER

Commissioner Rothschild noted that the Clean Chesapeake Coalition has become aware that the Department of the Interior photo shopped imagery to remove a plume of pollution from a photo of the Conowingo Dam. There is a new report out that suggests forestry/trees/leaves/limbs may be increasing the amount of nutrients in the water courses, thus impacting the TMDL for the Bay. Commissioner Rothschild also spoke of a serious threat to rural counties coming from a regulation that is intended for navigable waters but that is being applied to all waters.

ADMINISTRATIVE REPORT

- A. Administrative Matters
- B. Extensions
- C. BZA Cases
- D. Staff Reports
- E. Other

A. ADMINISTRATIVE MATTERS

Secretary Hager asked Deborah Bowers, Manager, Agricultural Land Preservation Program, and Clayton Black, Chief, Bureau of Development Review, to introduce new staff to the Commission.

Ms. Bowers introduced J.P. Smith as the new Preservation Specialist. She noted that a new application period was recently opened and the deadline for applications is July 10. Ms. Bowers stated that several excellent farms have already submitted applications. Multiple settlements are scheduled this week from last year's cycle.

Mr. Smith noted that he comes to the County from an operating dairy and beef farm in New Windsor. He noted his interest in helping to move the program forward.

Mr. Black introduced Price Wagoner as the new Development Review Coordinator. Mr. Wagoner fills the position vacated by Pat Varga. Mr. Black noted that Mr. Wagoner comes from North Carolina, sat on the City Planning Commission, and served as Land Management Director of Spencer, North Carolina.

Mr. Wagoner indicated he was looking forward to this new opportunity and bringing his family to Carroll County.

B. EXTENSIONS

Secretary Hager noted that four development extensions had been granted since the previous month, including: a fifth one-year extension of the Minor Subdivision Plan of Stillwater, one lot and a remaining portion located in the Freedom area; a fifth one-year extension of the Minor Subdivision Plan of Zepp Acres, one lot and a remaining portion located on Tracey's Mill Road in the Manchester area; a fifth one-year extension of the Minor Subdivision Plan of Grace Acres, one lot and a remaining portion located on Tracey's Mill Road in the Manchester area; and a fourth one-year extension of the Major Subdivision Plan of Fern Hill, 16 lots located on Bollinger Mill Road in the Eldersburg area.

C. BZA CASES

Secretary Hager reported that staff had submitted comments on two Board of Zoning Appeals (BZA) cases since the last meeting, including: BZA Case No. 5856, Paradise Energy Solutions, LLC, request for a variance for a ground tracker mounted solar array on 3.81 acres at 1160 Sean Circle in Woodbine within the County's Agricultural District; and BZA Case No. 5857, Andrew Brooks, request for an expansion of a nonconforming use for a showroom, an office, and equipment storage on 1.30 acres at 1300 Washington Road in Westminster within the County's R-10,000 District. Mr. Hager noted that he had requested the opportunity to appear before the BZA and make testimony regarding mitigating circumstances related to the nonconforming use.

D. STAFF REPORTS

Secretary Hager noted that Commission members Canale and Soisson continue to serve on an ad hoc committee developed in cooperation with the Economic Development Commission to discuss the 2030 long range initiative.

E. OTHER

Secretary Hager reported that Mark Ripper, Department of Technology Services, is looking for a member of the Planning Commission to serve on a Fiber Advisory Panel. Meetings will most likely be held on a bi-monthly basis for the first year and less frequently thereafter.

**2015-2024 CARROLL COUNTY PUBLIC SCHOOLS EDUCATIONAL FACILITIES
MASTER PLAN – CERTIFY PLAN IS CONSISTENT WITH THE CARROLL COUNTY
MASTER PLAN**

Bill Caine, Carroll County Public Schools, explained that the state requires that the County Planning Commission certify that the Educational Facilities Master Plan is consistent with the County Master Plan. He provided an overview of the Educational Facilities Master Plan, including: assumptions, parameters, facility needs, modernization projects, instructional program needs, capital renewal needs, and the changes from the current plan. Mr. Caine noted that the Board of Education has approved the Plan, and it will be submitted to the state by July 1. The Plan is used as the basis for the 2017-2022 CIP Requests submitted to the County and state.

Secretary Hager referred to his letter of June 15 regarding the Commission's concerns over the last two years with the population forecasts utilized in the Plan. He noted that while the numbers are still somewhat overstated, they are much closer to the Department's forecasts and staff is comfortable with the numbers. Secretary Hager discussed two other issues addressed by his letter found on Pages 2-1 and 2-3.

Matthew Helminiak, Commission member, asked Mr. Caine if he had any comments regarding the changes being requested.

Mr. Caine noted that the Board of Education has already approved the Educational Facilities Master Plan. He indicated he would share Secretary Hager's letter with Superintendent Guthrie, but it would be Mr. Guthrie's decision whether the Plan is brought back to the Board for additional review. Mr. Caine suggested that he work with staff in the Planning Department next year to review the language prior to its presentation to the Board of Education. He noted that when he was the County's demographer, he wrote the language that was included in the Plan.

It was the consensus of the Commission (with Commissioner Rothschild abstaining) to direct the Secretary to draft a new letter to the Board of Education supporting all the numbers, removing the language on Page 2-1, and finding the Educational Facilities Master Plan to be consistent with the Carroll County Master Plan.

After a brief recess, Chairman Yeo moved item 16, Preliminary Subdivision Plan Review, forward in the agenda.

PRELIMINARY SUBDIVISION PLAN REVIEW

A. P-14-003, The Offutt Place

A. P-14-003 – THE OFFUTT PLACE, MAJOR SUBDIVISION

LOCATION: East side of Freedom Avenue, South of Johnsville Road, E.D. 5

OWNER: Johnsville Freedom, LLC, 1935 Babbs Court, Marriottsville, MD 21104
(LLC member: Mark S. Frizzera)

DEVELOPER: Same as owner

SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: R-10,000

ACREAGE: 4.8732 acres

WATERSHED: South Branch Patapsco

NO. OF LOTS: 9 lots

MASTER PLAN: High Density Residential – 2001 Freedom Community Comprehensive Plan

PRIORITY
FUNDING AREA: Freedom

DESIGNATED
GROWTH AREA: Freedom

Laura Matyas presented the background.

Action Requested:

Two actions are required:

1. 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.
2. 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 developed with a single-family residence and multiple outbuildings, zoned R-10,000, and located within the Freedom water and sewer service area. There is an existing springhead, spring house, streams, and 100-year FEMA floodplain on-site. With the Maryland Department of the Environment's determination that there are no regulated nontidal wetlands and / or regulated wetland buffers adjacent to the pond on-site, it was drained. Additional site features include a debris dump, a fuel pump, and five specimen trees. Current access is via a private drive from Freedom Avenue.

The subject property and adjoining properties are zoned R-10,000, excepting the Piney Ridge Elementary School property to the south which is split-zoned Conservation and R-10,000. The adjoining property to the north owned by the Offutts is undeveloped. The adjoining property to the south and all properties across Freedom Avenue are developed with single-family residences. Also adjoining to the north, at the corner of Johnsville Road and Piney Ridge Parkway, is a stormwater management parcel for Piney Ridge Village. The property across Johnsville Road to the north is split-zoned R-10,000 and Neighborhood Business Retail.

Sidewalk currently exists on the west side of Freedom Avenue across from the subject property and no sidewalk exists on Johnsville Road between Freedom Avenue and Piney Ridge Parkway.

The subject property is in a designated growth area, an existing water service area, and an existing sewer service area.

Project History:

A concept plan of subdivision for this property was presented to the Planning and Zoning Commission on July 15, 2014. On July 1, 2014, prior to concept review, an intersection spacing variance was granted by the Director of Public Works for the spacing of Kayley Drive from Freedom Avenue from 215 feet to 175 feet. In conjunction with the concept review, a request for modification to the maximum users for a use-in-common driveway was reviewed and a determination made to allow the increase from five to six on Percy Drive.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on April 28, 2014. No citizens spoke regarding this project at the meeting. The Bureau of Development Review has received two correspondences concerning this project. The first was a phone call from Rachel Fetterman, adjoiner, requesting a concept plan. The second was an email from Julie Lucas, 6214 Freedom Avenue, also requesting a concept plan.

Subsequent to the concept plan review, and as intended, a division of the property was created via the off-conveyance process. This is the second, and final, off-conveyance available to the property. The off-conveyance is located at the corner of Freedom Avenue and Johnsville Road.

Plan Review:

The developer proposes to demolish the existing structures and create nine new residential lots that will be served by public water and sewer systems. The on-site pond that was drained provided some volume for stormwater management. With the removal of that pond, the size of the stormwater management facility grew from 22,903 square feet at concept review to 62,372 square feet in the preliminary plan. This increase decreased the total number of lots proposed from ten to nine.

Proposed access will be from two separate use-in-common (UIC) drives from Freedom Avenue, a County road. Kayley Drive, the 217-foot UIC drive nearest the Johnsville Road intersection, will serve four lots of subdivision and the off-conveyance lot. Percy Drive, at 590 feet in length with a pull over and a cul-de-sac, is proposed to serve five lots of subdivision as well as provide access to the stormwater management facility. With five lots now proposed for Percy Drive, the Planning Commission-approved modification for six users on the use-in-common is no longer applicable. Percy Drive is proposed at the approximate location of the existing driveway. To

achieve sight distance to the south, the developer proposes replacing the adjoining property's fence with a wrought iron fence. This will need to be completed prior to final approval.

Additionally, the developer voluntarily proposes extending the sidewalk south along Freedom Avenue across the adjoining property to Piney Ridge Elementary School. The adjoining, the Fettermans, have agreed to the proposed scope of work on their property (see letter, attached). Development Review is in communication with Carroll County Public Schools facilities personnel to coordinate a desired terminus for the proposed sidewalk.

With Lots 2, 3, and 4 being located in the area of the previously existing pond, the extents of which are depicted on sheet 2, a geotechnical certification report of the area will be submitted to Permits and Inspections with the building permit applications. This requirement will be included in the Public Works Agreement and is a condition of approval.

Lots range in size from 10,991 square feet to 27,558 square feet. While code requires 10,000 square foot minimum lots sizes and 4.8732 acres would potentially yield more lots, environmental challenges, site configuration, and an on-site stormwater management facility diminish the actual lot yield. Environmental constraints considered, the proposed plan is consistent with the 2001 Freedom Community Comprehensive Plan designation of High Density Residential.

Approved in 2014 by the Planning and Zoning Commission, the Freedom Bicycle & Pedestrian Master Plan identifies proposed connections and ranks them. Project #6 is "Sidewalk Connection on Freedom Avenue from SW of Johnsville Road to MD 32." Project #8 is "Sidewalk Linkage on Johnsville Road with MD 26." The Offutt Place concept plan indicated sidewalk on Freedom Avenue and as requested, the preliminary plan extends sidewalk along the property on Johnsville Road, voluntarily including the off-conveyance frontage. The addition of sidewalk along both roads supports the connection objectives of the Freedom Plan.

A Forested Water Resources Protection Easement, 100-Year Floodplain Easement, and Forest Conservation Easement will cover the northern-most portion of the site. Forest Conservation will be addressed with retention, on-site planting, and off-site banking. A variance was requested for the removal of specimen trees 1, 2, and 3 and disturbance of tree 5. This request was approved by the Deputy Director, Department of Planning, on May 28, 2015. To satisfy the requirements of Stormwater Management, drywells are proposed for lots 1, 2, 7, 8, and 9 and a stormwater management facility is proposed on Parcel 'B'. Lots 1 and 2, with rear and side lot lines abutting public rights-of-way, are screened in accordance with the Landscape Manual.

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 sidewalk is provided along the east side of Freedom Avenue and the south side of Johnsville Road along the entire frontage of the property at The Offutt Place.
2. That a Declaration of Maintenance Obligations for the use-in-common driveway, Kayley Drive, serving Lots 1, 2, 3, 4, and Off-Conveyance No.2 be recorded simultaneously with recordation of the subdivision plat.
3. That a Declaration of Maintenance Obligations for the use-in-common driveway, Percy Drive, serving Lots 5, 6, 7, 8, and 9 be recorded simultaneously with recordation of the subdivision plat.
4. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
5. That the Public Works Agreement includes a requirement to submit a geotechnical certification report for the area of the previously existing pond to Permits & Inspections.
6. That a forested water resource protection easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
7. That a floodplain easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
8. That a forest conservation easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
9. That a landscape maintenance agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
10. 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.
11. That the area shown as Parcel B be conveyed to the County Commissioners of Carroll County upon acceptance of the facilities by the County.
12. That the area shown as Parcel A along Freedom Avenue be conveyed to the County Commissioners of Carroll County for right-of-way simultaneously with recordation of the subdivision plat.

13. 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

Laura Matyas presented the background.

Subdivision Plan: P-14-003, The Offutt Place

Number of Lots: 9 lots

Schools: Piney Ridge Elementary
Sykesville Middle
Century High

Roads: Freedom Avenue

Fire and EMS: Sykesville-Freedom

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

Water/Sewer: Freedom

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 estimated Carroll County population as of March 31, 2015 was 171,406. As of that date, among the police forces in the County with staffing levels established by an annual budget including the Carroll County Sheriff's Office and the municipal police departments, there were 195 funded officer positions and 41 Maryland State Police officers. Based on a total of 236 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of March 2015 was 1.38. Including the development projects in the pipeline, the ratio remains over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000. 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.

Schools:

The proposed subdivision is located in the Piney Ridge Elementary, Sykesville Middle, and Century High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2015-2020.

The December 2014 enrollment projections, prepared by Carroll County Public Schools, indicate that Piney Ridge Elementary had an actual enrollment of 104.7% of state-rated capacity. The projections indicate that enrollment will decline to 95.3% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there is one additional residential development, comprised of seven lots, currently in the review process. There are approximately 29 subdivision lots in the Piney Ridge attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 state-rated capacity.

The December 2014 enrollment projections indicate that Sykesville Middle had an actual enrollment of 109.44% of functional capacity. The projections indicate that enrollment decreases to 99.7% of functional capacity by the end of the 6-year CIP cycle. In this attendance area there are three additional residential developments, comprised of 26 lots, currently in the review process. There are approximately 112 lots in the Sykesville 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 December 2014 enrollment projections indicate that Century High had an actual enrollment of 86.7% of state-rated capacity. The projections indicate that enrollment will decrease to 84.3% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are three additional residential developments, comprised of 26 lots, currently in the review process. There are approximately 112 residential subdivision lots in the Century 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 Sykesville fire and emergency medical services district. The two-year period of April 2013-March 2015 late and no response statistical data indicates that of the first due total fire calls in the Sykesville district, 0.00% were categorized as no responses, and 0.00% as late and no responses. Of the first due emergency medical service calls, 0.00% were categorized as no responses and 0.00% as late and no responses. Sykesville is rated adequate for late and no response criteria for fire services and emergency medical services.

With regard to fire call average response time, for the same two-year period, Sykesville had an average response time of 7 minutes and 48 seconds – adequate. With regard to emergency medical call average response time, Sykesville had an average response time of 7 minutes and 13 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:

Freedom Avenue is rated adequate.

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 9 lots in FY16, 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:

Marty Hackett, CLSI, asked for relief from the requirement to provide sidewalk on the south side of Johnsville Road citing a significant grade differential, the existence of an acceptable elevation for a sidewalk across the street, and the availability of the County to provide the sidewalk within its right-of-way.

Clay Black, Bureau of Development Review, explained that sidewalks were placed on the plan per the Design Review Guidelines, which state that sidewalks are to be placed in front of subdivision lots in the R-20,000 District.

Daniel E. Hoff, Commissioner member, asked whether any consideration had been given to add landscaping to separate Percy Drive from the rear yards of Lots 2, 3, and 4.

Linda Alexander, CLSI, indicated there has been discussion about adding trees, but not as a requirement of the Public Works Agreement. There are a lot of utilities planned for the area, so

until the location of the trees is 100 percent identified, that landscaping has not been added to the plan. The location will be identified on the final plan.

Public Comments:

Walt Crognale asked whether a traffic study or assessment had been performed to determine the impact of these new access roads so close to the school.

Mr. Hackett responded that development of less than 25 lots does not require a traffic study. A traffic study may be required for a development between 25 and 50 lots; over 50 lots a study is required.

Mr. Crognale expressed concern with the location of the driveway entrances in close proximity to the school and the congestion that occurs during bus time and special events. He asked whether access to the community from Piney Ridge Parkway had been considered.

Mr. Hackett explained that access from Piney Ridge Parkway would require going through a floodplain area.

Mark Frizzera, developer, noted that he is a local developer who is very familiar with that stretch of roadway. The timeframe for the possible congestion because of school traffic is a very limited period in the morning and afternoon. He noted that some clearing near the entrances will be done.

Ms. Alexander noted that the entrances for the use-in-common driveways will be doublewide.

Mr. Crognale expressed concern with regard to the safety of the children on the sidewalk with two additional access points onto Freedom Avenue.

Chairman Yeo suggested extra signage at Kayley Drive and Percy Drive to indicate to children the continuation of the sidewalk.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the preliminary plan subject to the 13 conditions in the staff report with a change to the first condition to read: "That sidewalk is provided along the east side of Freedom Avenue from the elementary school to the intersection of Johnsville Road."

Pursuant to Chapter 156, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the preliminary plan subject to the four conditions in the staff report.

It was the consensus of the Commission to allow the Chairman to sign off on the final plat.

AMEND THE TEN YEAR SOLID WASTE MANAGEMENT PLAN IN ACCORDANCE WITH ENVIRONMENT ARTICLE §9-1712, ANNOTATED CODE OF MARYLAND FOR SPECIAL EVENTS – CERTIFY AMENDMENT IS CONSISTENT WITH THE CARROLL COUNTY MASTER PLAN

Dusty Hilbert, Chief, Bureau of Solid Waste, reviewed the proposed amendment to the Ten Year Solid Waste Management Plan to require organizers of special events meeting certain criteria to provide a recycling receptacle adjacent to each trash receptacle (except where already existing on site), ensure recycling receptacles are clearly distinguished from trash receptacles, and ensure that recyclable materials are collected for recycling. He requested that the Commission certify that the draft amendment is consistent with the Carroll County Master Plan.

Secretary Hager cited several recommendations in the Master Plan and noted that staff has reviewed the amendment and found it to be consistent with the Carroll County Master Plan.

The Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), certified that the proposed amendment is consistent with the Carroll County Master Plan.

2014 PLANNING ANNUAL REPORT – CERTIFICATION

Scott Graf, Bureau of Comprehensive Planning, noted that he had previously reviewed the Annual Report with the Commission. He reported that approval had been received from all eight municipalities.

The Commission, on motion of Mr. Helminiak, seconded by Mr. Soisson, and carried (Mr. Hoff and Commissioner Rothschild abstained), voted to certify that the 2014 Planning Annual Report is consistent with the Carroll County Master Plan.

WESTMINSTER ANNEXATION NO. 61 – K & G PROPERTIES, LLC

Andrea Gerhard, Bureau of Comprehensive Planning, noted that the staff report had been distributed to the Commission at the beginning of the meeting and the timeline for review was compressed because of the City of Westminster's schedule for the public hearing. She reported that the property is located within the City's Municipal Growth Area, and that the City intends to put this property into their business zoning category making a Waiver of Zoning unnecessary. Ms. Gerhard indicated that the property is 8.46 acres and identified the location on several maps. She reviewed comments received from the County Health Department and State Highway Administration. Ms. Gerhard asked that the Commission forward the annexation to the Board of County Commissioners with a positive recommendation. The next step in the process will be a presentation of the staff report and the County comment letter at the June 25 meeting. The signed letter will be forwarded to the City for inclusion in the hearing record. The City's public hearing is scheduled for July 13.

Matthew Helminiak, Commission member, asked why this annexation was a good idea.

Scott Graf, Bureau of Comprehensive Planning, explained that Westminster is the only municipality that provides water and sewer service to properties outside of its boundaries. The

City is requiring this annexation and could initiate annexation proceedings for other surrounding properties.

The Commission, on motion of Mr. Hoff, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), directed staff to forward the annexation to the Board of County Commissioners with a favorable recommendation.

The next Commission meeting is scheduled for Wednesday, July 1 at 6:00 p.m. There being no further business, the Commission adjourned at approximately 12:20 p.m.

Secretary

Approved