

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

July 21, 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
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio
C. Richard Weaver, Commissioner

Members Absent: Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Planning; Clay Black, Laura Matyas, Price Wagoner, and John Breeding, Bureau of Development Review; Jay Voight, Zoning Administrator; Patrick Varga, Bureau of Resource Management; Bryan Van Fossen and Scott Campbell, Department of Public Safety; James Marks, Carroll County Public Schools; Jeff Degitz, Department of Recreation and Parks; Jeff Castonguay, Bureau of Utilities; John Lemmerman; Fred Wine; Henry Ruhlman; Clark Shaffer; Robert Meekins; Kim Meekins; Chris Meekins; Diane DeLaet; Brice Foxwell; Alexandra Bull; Richard Dyer; and Marc Marzullo.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:04 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

Philip R. Hager, Secretary, thanked the Commission members for their service to Carroll County. He noted that staff had no changes to the agenda as distributed.

REVIEW AND APPROVAL OF AGENDA

Chairman Yeo noted that Mr. Zaleski, Department of Management and Budget, was unable to attend this morning's meeting, so Item 8.D. should be eliminated.

The agenda was approved with the deletion of Item 8.D. on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

- A. June 16, 2015
- B. July 1, 2015

The minutes of June 16 and July 1, 2015 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. Economic Development
- D. Recreation and Parks

A. PUBLIC SAFETY

Scott Campbell, Department of Public Safety, reported that on May 20 the County transitioned from the analog to the digital radio system. The Emergency Operations Center should be relocated to their new facility this week. The digital radio system also provides vehicle locator capability at the discretion of the user agency.

Commission members questioned the use of the vehicle locator.

Mr. Campbell explained that up to 16 different users can utilize the computer model based capability at one time.

B. BOARD OF EDUCATION

Jim Marks, Supervisor of Construction, Carroll County Public Schools, reported that the rainy weather is slowing down the progress on projects, particularly roofing and paving projects, but the projects remain on schedule and under budget.

C. ECONOMIC DEVELOPMENT

No report given; no representative present.

D. RECREATION AND PARKS

Jeff Degitz, Department of Recreation and Parks, reported that staff have been addressing Technical Review Committee comments for the Westminster Veterans Memorial Park located off of Hook Road in Westminster. The project should be coming to the Commission for concept review in the next several months. The Westminster Community Pond project is almost completed, but there is no grand reopening date yet. The City of Westminster established a task

force regarding the use of the Wakefield Valley Golf Course property. Mr. Degitz indicated he would be serving on that committee. Every July the County celebrates Recreation and Parks month. Staff constructed giant Adirondack chairs which will be moved around to different park facilities throughout the County. Residents are encouraged to submit their photographs in the chairs into the County's contest.

Eugene Canale, Commission member, asked what the new Veterans Memorial Park will have.

Mr. Degitz indicated there will be athletic fields, picnic areas, and a walking trail.

COMMISSION MEMBER REPORTS

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

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had approved a minor subdivision plan for Joyful Slopes over the last month.

B. EX-OFFICIO MEMBER

Commissioner Rothschild noted that the County has had several discussions with Secretary Mike Gill, Maryland Department of Business and Economic Development, regarding BAT systems for commercial properties. He indicated that a meeting will be held on this topic in the near future with multiple Secretaries. Commissioner Rothschild reported that he and Mr. Hager attended the Chesapeake Bay Checkpoint Symposium sponsored by the Maryland Association of Counties (MACo) which included a balanced forum of presenters. He suggested that 10,000 tons of nitrogen are coming through the Conowingo Dam during a tropical storm event and discussed the cost to dredge the dam versus the costs for requirements such as BAT septic systems that remove approximately 600 tons of nitrogen.

ADMINISTRATIVE REPORT

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

A. ADMINISTRATIVE MATTERS

Secretary Hager noted that staff have interviewed three candidates for the Transportation Planner position which has been vacant for some time.

B. EXTENSIONS

Clay Black, Bureau of Development Review, reported that five extensions had been granted since the last meeting, including: a first one-year extension for the subdivision plan of Castle Farms, 27 lots located in Election District 8; a first one-year extension for the subdivision plan of

Kristen's Landing, 1 lot located in Election District 9; a fourth one-year extension for the subdivision plan of Grateful Acres, 2 lots located in Election District 8; a seventh one-year extension for the subdivision plan of Lake Forest Estates 2, 28 lots located in Election District 4; and a sixth one-year extension for the site plan of Doroly Gardens, 28 units located in Election District 5.

C. BZA CASES

No report.

D. STAFF REPORTS

Secretary Hager noted that staff has been developing the Maryland Department of Transportation (MDOT) priorities letter which is sent from the Board of County Commissioners prior to the annual MDOT Pre-Tour and Tour meetings. He indicated that the MD 97 project was elevated in priority by the Board of Commissioners and staff will advise the Commission when the Pre-Tour and Tour meetings have been scheduled. Secretary Hager reported that he would be attending the Maryland Association of Counties (MACo) Summer Conference August 12-15 with several other County staff members. The Commission's next meeting is scheduled for July 29, but the August 5 meeting may be cancelled. He asked for volunteers to serve on the Fiber Advisory Committee that is being formed by the Department of Technology Services.

COMMERCIAL DISTRICT MODIFICATIONS – FOLLOW-UP DISCUSSION

Secretary Hager noted that during a previous work session, the Commission discussed how to address rezoning requests in the Freedom area while the Plan update is being completed. The Commission had suggested accepting applications for change/mistake rezonings for a brief period prior to a moratorium going into effect. The Commission had also discussed moving forward with the completion of the Code associated with the C-1, C-2, and C-3 districts. Staff had hoped to add a position to the department to assist with these efforts. The Board met last week, and no position was granted to the Department of Planning. Secretary Hager noted that representatives from the Department of Land and Resource Management will be working with Department of Planning staff to draft the necessary text for the new zoning categories.

UPDATE/DISCUSSION: NONCONFORMING USES LEGISLATION

Secretary Hager explained that the Commission had forwarded language to the Board of County Commissioners with a recommendation for adoption. A review committee comprised of Tom Devilbiss, Jay Voight, Clay Black, and Lynda Eisenberg had met several times to develop new language and to review draft versions of the proposed modifications. Following a thorough review, all members of the committee indicated their concurrence with the proposed language to be forwarded to the Board of Commissioners. Members of the drafting committee were present on May 7 when the Board of Commissioners were briefed and granted authority to proceed to public hearing. At the last minute before the public hearing, a matter was brought up by the Zoning Administrator. Staff made a decision to allow the legislative packet to move forward and to come back with a technical modification. Secretary Hager reviewed the proposed changes.

There was considerable discussion by the Commission with regard to providing clarity to the legislation so that a layperson would be able to understand its intent and find the section of Code related to this information when performing a search of section titles.

It was the consensus of the Commission to change the titles of § 158.002 and § 158.033; to replace “may” with “shall” in § 158.033(A)(8); and insert the word “solely” in the third line of that section before “on the basis”.

CONCEPT SITE PLAN REVIEW

- A. S-14-0025, Hampstead Waste Water Treatment Plant ENR Upgrade
- B. S-15-0009, Golden Crest Replacement Building

A. S-14-0025, HAMPSTEAD WASTE WATER TREATMENT PLANT (AMENDED SITE PLAN), ENR UPGRADE

LOCATION: East side of North Woods Trail, 8th ED

OWNER: Carroll County Commissioners, 225 N. Center Street, Westminster, MD 21157

DEVELOPER: Carroll County Commissioners c/o Bureau of Utilities, 225 N. Center Street, Westminster, MD 21157

ENGINEER: George, Miles & Buhr LLC, 120 Sparks Valley Road, Suite A, Sparks, MD 21152

ZONING: Conservation

ACREAGE: 28.75 acres

WATERSHED: Loch Raven Reservoir

MASTER PLAN: Resource Conservation

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: None

FIRE DISTRICT: Hampstead

Clayton R. Black presented the background.

Action Required:

This plan is before the Planning and Zoning Commission for concept review of an amended site development plan. Approval of consistency with Master Plan is requested.

Existing Conditions:

The property is located on the east side of North Woods Trail. The property contains numerous buildings; the Hampstead Waste Water Treatment Plant is located on site. A stream is on the southern portion of the property. The adjoining property to the south and west is the Roberts Field subdivision, located in the Town of Hampstead. Those lots are served by public water and public sewer system. The eastern property line is the Carroll County/Baltimore County boundary line. The property to the north is a 58 acre tract of ground zoned both R-10,000 and R-20,000; however, it is subject to a rural legacy easement.

The plant came online in 1971. In 1984 the plant underwent major upgrades and new equipment was added at that time. Additional filtration systems have been implemented over the years. Implementation of water reduction systems over the years has allowed the plant to remain well below the full capacity of the plant. A previous 1993 site plan was approved detailing wastewater treatment plant improvements. This plan is than amendment to the plan.

Site Plan Review:

A concept plan for the Enhanced Nutrient Removal (ENR) upgrade of the Hampstead Waste Water Treatment Plant was submitted to the Bureau of Development Review. The developer plans to remove existing paving and concrete sidewalks and to retrofit an existing non-active holding pond to a perimeter modified sand filter facility and to construct the corresponding accessory buildings. Work also includes repair of the existing ENR tanks, removal of an existing maintenance building, addition to the existing ultraviolet (UV) building and installation of new clarifier tank and generator pad. Elevations for the proposed accessory buildings are located on sheet SD-11 of the concept plans, with the buildings being either metal sided or brick with a height to be 22 feet.

Access to the site is thru a right-of-way onto North Woods Trail. The Town of Hampstead owns and maintains that road. The town has not submitted any comments in regards to accessing the site via town maintained roads.

The site is subject to the requirements of the Forest Conservation ordinance. The site will need to be landscaped in accordance to the Landscape Manual. Grading, in the North East corner of site, disturbance in this corner will create the need for a 10 foot wide Class A screen to be installed, for new asphalt drive around existing ENR tanks requires the removal of existing trees. Since trees are to be removed, staff is recommending that the screening along William McDaniel property line from bottom right of pasture to point perpendicular to generator, (North East corner of site) be of dense materials to restrict the view of the wastewater treatment plant.

The site is subject to the requirements of Storm Water Management, Grading and Sediment Control and to be in accordance with the Water Resource Management Manual.

In accordance with 158.049 of the Carroll County Code of Public Local Laws and Ordinances:

County Public Buildings, Structures, and Uses

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the County Commissioners, including the location,

erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses and exempt from all subdivision regulations and bulk requirements. However, no land, building, structure, or premises owned or leased by the County Commissioners may be used without the approval of the County Planning Commission pursuant to Md. Code, Land Use Article, § 3.205.

The Bureau of Comprehensive Planning reviewed the proposal for consistency with the policies and recommendations contained in the Carroll County Master Plan, the Carroll County Master Plan for Water and Sewer, and other functional plans, as applicable. The subject property has a land-use designation of Resource Conservation (the property is zoned Conservation). The development proposal is consistent with this designation. This plan is consistent with all applicable plans.

In accordance with the Annotated Code of Maryland, Land Use § 3-205 the following is required:

(b) A publicly or privately owned street, square, park or other public way, ground, or open space, a public building or structure, or a public utility may not be authorized or constructed in the local jurisdiction or in geographic section of the local jurisdiction until the planning commission has approved the location, character, and extent of the developments as consistent with the plan.

The concept site plan was subject to citizen involvement at the Technical Review Committee meeting. No citizens were in attendance at that meeting. No written comments have been received.

The Planning Commission may authorize the Chair to act on its behalf for approval of the final amended site plan.

Action Requested:

Staff recommends that the Planning Commission approve the site plan as consistent with the plan.

Discussion:

Mr. Black noted that there will be no changes in capacity due to the upgrade; the upgrade is related to the process. He indicated that Pat Varga, Bureau of Resource Management, was present to answer any questions with regard to the location of one of the buildings in the floodplain area. Mr. Black explained that staff is requesting the engineer to make a review and determination of the dam breach situation in this location. Based on that review, a waiver may be granted.

Chairman Yeo asked whether the floodplain issue is something that can be worked through or whether it will create a problem moving forward.

Mr. Varga explained that there is a variance process in the Code for technical requirements, and a variance request will be reviewed by Tom Devilbiss. He suggested that the worst case scenario

will be construction of a seawall to divert flow away from the structures. Mr. Varga indicated this issue can be addressed, and the project can move forward.

Jeff Castonguay, Bureau of Utilities, explained that staff is looking to adjust the level of disturbance and to install a retaining wall to reduce the number of trees to be removed. He noted that many of the existing structures will be reused.

Decision:

The Commission, on motion of Mr. Soisson, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), found the site plan to be consistent with the Carroll County Master Plan. The Commission recommended additional screening where the trees were removed, and the Chairman was delegated authority to approve the final amended site plan on behalf of the full Commission.

B. S-15-0009, GOLDEN CREST REPLACEMENT BUILDING

LOCATION: East side of Albert Rill Road, North side of Snydersburg Road, 6th ED

OWNER: Meekins Enterprises, LLC, 3703 Wine Road, Westminster, MD 21158

DEVELOPER: Meekins Enterprises, LLC, 3703 Wine Road, Westminster, MD 21158

ENGINEER: RTF Associates, Inc., 142 East Main Street Westminster, MD 21157

ZONING: Agricultural

ACREAGE: 3.01 acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Agricultural

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: None

FIRE DISTRICT: Hampstead

Clayton R. Black presented the background.

Action Required:

This plan is before the Planning and Zoning Commission for concept review of a site development plan. No action is required.

Existing Conditions:

The property is located on the East side of Albert Rill Road, North of the intersection with Snydersburg Road and contains an existing 16 bed assisted living facility. The property is comprised of parcel 396, containing 2.31 acres, and parcel 494 containing .70 acres. The adjoining properties are all zoned Agricultural. The properties to the north, south, east and west are residential use. All properties in this area are served by private well and septic systems. Building permits were issued in 1985 and 1986 for an assisted living facility as a principal permitted use. Meekins Enterprises, LLC purchased the property in March 2003, from 1811 Albert Rill Road, LLC.

Site Plan Review:

A concept plan for the demolition of the existing 16 bed assisted living facility and proposed construction of a new 16 bed assisted living facility was submitted to the Bureau of Development Review on June 18, 2015. County agencies presented plan review comments to the owner/developer at the June 22, 2015 Technical Review Committee (TRC) meeting.

Access to the site is an existing 10 foot wide private driveway, no improvements are proposed.

An existing private well and septic system will serve the site and is subject to the approval requirements of the Carroll County Health Department.

The minimum parking requirements are 1 for every 4 bed, plus 1 for every 2 employees on the maximum shift per section 155.077 of the Code of Ordinances. The total number of spaces required is six (6) the plan shows seven (7).

The current building is comprised of 2,967 square feet. The replacement building will be approximately 7,000 square feet. The building has the appearance of a colonial style home with panel vinyl shutters, vinyl board siding, columns, colonial vinyl railings and vinyl moldings over the windows. Proposed colors include tan siding, a copper metal roof and a gray / brown asphalt shingle roof, black shutters, and white trim, posts, and railings.

In keeping with the residential intent, no commercial lighting is proposed for the site; only building-mounted lighting. A 2.5-foot by 2-foot unlit directional sign affixed to a 6-foot high post is the only one proposed.

The limit of disturbance is less than 40,000 square feet therefore the property is exempt from the requirements of the forest conservation ordinance. The site will need to be landscaped in accordance to the Landscape Manual. A 10 foot wide class (A) screen is required between the building and adjacent residential zones or uses and screening of the dumpster needs to be provided.

The site is not in a flood zone therefore the property is exempt from the requirements of the floodplain management ordinance. Storm water management will be addressed with three (3) drywells.

With no increase in living units, the project is not subject to the Concurrency Management ordinance.

All adjoining property owners have been contacted as of the date of this report and there are no telephone inquiries nor any written comments received.

Discussion:

Eugene Canale, Commission member, asked why the size of the building increased if the number of rooms remained the same.

Robert Meekins, developer, explained that the buildings had very small bedrooms, so the rooms were increased in size and provided private bathrooms.

Kim Meekins, developer, explained that assisted living facilities are changing, and the timeframe for people to stay in these facilities is increasing. She noted that she currently has a waiting list of 30 people, and there is a need for this type of facility in the community.

John Lemmerman, RTF Associates, noted that the parcels have been consolidated and the paperwork should be recorded this week if it has not been already. He noted that they are waiting on soil tests to finalize the stormwater management requirements.

Mr. Black suggested four conditions of approval if the Commission wished to move forward with conditional approval of the final site development plan, as follows:

1. That the Developer enter into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneously with the Public Works Agreement.
3. That all review agencies grant final approval.
4. That a Landscaping Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneously with the Public Works Agreement, if required.

There were no public comments.

Decision:

The Commission, on motion of Mr. Soisson, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), conditionally approved the final site plan with the four conditions discussed earlier.

FINAL SITE PLAN REVIEW

- A. S-13-023, Verizon Wireless – Arbuthnot
- B. S-14-006, Verizon Wireless – Addison Farm

A. S-13-023, VERIZON WIRELESS – ARBUTHNOT

LOCATION: South side of Coon Club Road at Duane Drive, 8th Election District

OWNER: Duane & Janis Elaine Arbuthnot, 2427 Coon Club Road, Westminster, MD 21157

DEVELOPER: Verizon Wireless, c/o NB+C, c/o Alexandra Bull, 6095 Marshalee Drive, Suite 300, Elkridge, MD 21075

ENGINEER: Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505, Towson, MD 21286

ZONING: Agricultural

BZA CASE: 5747, September 30, 2014

ACREAGE: 51.5014 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Hampstead

MASTER PLAN: Agriculture

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Laura Matyas presented the background.

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 and approval of a site plan.

Existing Conditions:

The subject property is Lot 4A of Arbuthnot Estates. Over time, the Arbuthnot property has been subdivided into 9 lots and a Remaining Portion and has no further lot yield. Built with a single-family residence, the lot hosts open agricultural fields over gently rolling lands. A swath of trees and the private driveway separates the curtilage area and the northern croplands from the southern portion of the property. On the southern portion are relatively equal parts cropland and forest as well as a stream. A 100-year Floodplain Easement exists on-site, established with Arbuthnot Estates Section Two in 1991.

Access is from Coon Club Road on Duane Drive, a private drive utilized by five properties. In the Agricultural Zoning District, seven users are permitted on a use-in-common drive.

The property is outside of Priority Funding Areas, Designated Growth Areas, and public water and sewer service areas.

All adjoining properties lie in the Agricultural Zoning District except those to the east which have an R-40,000 zoning designation and are built with single-family residences. Adjoining to the north are seven properties along Coon Club Road, six of which were subdivided from the Arbuthnot parent parcel. All are built with residences and the lots range in size from 1.05 acres to 1.45 acres. Finlandia Subdivision adjoins to the south with residential lots approximately 5-6 acres in size. Also to the south, parcel 433 (Hare property) and parcel 229 (Schmidt property), are built with single-family houses. The two lots encompassed by the Arbuthnot property, Lot 5A and Lot 9A, were subdivided from the Arbuthnot parent parcel. Both are built with single-family houses. Lot 9A also maintains a landscape services business with a conditional use; BZA Case #3805, October 27, 1992. The extreme southern adjoining property, Lot 10 of Arbuthnot Estates subdivision, is split-zoned Agricultural and Conservation and built with a single-family house. Adjoining to the west and southwest are expansive farmlands.

Plan Review:

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

§ 158.039 UTILITY EQUIPMENT AND TOWERS.

(C) Communications towers.

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

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

On September 30, 2014 in Case #5747, the Board of Zoning Appeals (BZA) approved a 199-foot-tall monopole tower and accompanying compound at the location shown on the site development plan. Also approved was a reduction in the required driveway width from 18 feet to 12 feet.

The developer proposes to construct a 199-foot-tall cellular communications monopole tower inside a 50' x 50' compound. All setback requirements for a communications tower are met.

The site will be unmanned and infrequently visited for routine maintenance. Located within the northeast croplands of the site, Verizon Wireless will lease an 80' x 80' area around the compound. Twelve antennae for Verizon Wireless will be mounted at 195 feet above grade. The 199-foot tower height allows two additional future carriers to be mounted on the tower, maximizing the use of the new tower. The proposed use is consistent with the designation of Agriculture on the 2014 Carroll County Master Plan Future Land Use Map.

Access to the compound is a proposed 12-foot wide gravel access drive from Duane Drive. Duane Drive is a paved use-in-common driveway from Coon Club Road and is shared by five users: Lot 4A, Lot 5A, Lot 9A, parcel 433 (Hare property), and parcel 229 (Schmidt property). A Declaration of Maintenance Obligations (DMO) is recorded in liber 1338, folio 539. As a lessee, Verizon Wireless will not be party to the DMO.

The existing Duane Drive entrance onto Coon Club Road does not meet County sight distance requirements. The facility will receive routine maintenance visits approximately once a month, with access and parking for one vehicle proposed. With consideration of the limited number of trips generated, a variance request to reduce the sight distance requirement from 500' to 413' to the east and from 500' to 319' to the west was submitted on April 6, 2015 and granted by the Department of Public Works.

The plan is exempt from the requirements of the Forest Conservation Ordinance. Landscaping is provided around the entire compound to comply with screening requirements. The developer proposes additional landscaping along a portion of Duane Drive, exceeding landscape code requirements. Plantings around the compound are proposed at six feet high and those along Duane Drive are ten feet high. Stormwater management will be addressed through grading at the access drive and stone trenching within the compound area. An eight-foot-high chain-link fence will be constructed to enclose the compound area. Barbed wire will be placed at the top one foot of the fence. Sheet 3 shows the details for the fence.

The proposed site plan was subject to Citizen's Involvement during the January 26, 2015 Technical Review Committee meeting. On May 19, 2015, the concept plan was presented to the Planning and Zoning Commission (see minutes, attached). There were no citizens who spoke at either meeting and no written comments were forwarded to the Bureau of Development Review.

Recommendations:

Staff recommends approval of the site plan subject to the following condition:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. 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 herewith.
3. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.

4. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

There were no public comments.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the final site plan subject to the four conditions in the staff report.

B. S-14-006, VERIZON WIRELESS – ADDISON PROPERTY

LOCATION: On the west side of Back Woods Road, south of East Deep Run Road, 6th Election District

OWNER: Harry T. Addison, 4318 Back Woods Road, P.O. Box 375, Manchester, MD 21102-0375

DEVELOPER: Verizon Wireless/Harry Addison c/o SCE, LLC, c/o Shari Saslaw, 8532 Mountainholly Drive, Pikesville, MD 21208

ENGINEER: Entrex Communication Services, Inc., 6600 Rockledge Drive, Suite 550, Bethesda, MD 20817

ZONING: A – Agriculture

ACREAGE: 27.856 Acres

FIRE DISTRICT: Manchester

WATERSHED: Double Pipe Creek

MASTER PLAN: Agriculture

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Clayton R. Black presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 155-059 of the Code of Public Local Laws and Ordinances of Carroll County for approval of a final site plan.

Existing Conditions:

The subject property contains an existing residence and several outbuildings. Of the 28 acres, approximately 23 acres is open field; the remainder in woods. All adjoining properties are zoned agricultural. Several properties with residential structures adjoin the subject property. All adjoining properties are served by private wells and private septic systems.

Site Plan Review:

In accordance with § 158-039 of the Carroll County Code of Public Local Laws and Ordinances, communications towers are permitted as a conditional use in the A District subject to the following:

- (a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;
- (b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the "H" District, and the "MHP" District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district.
- (c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and
- (d) Subject to site plan approval by the Planning and Zoning Commission pursuant to [§ 155-059](#).

The Board of Zoning Appeals approved (Case #5754) a 195-foot-high tower at the location as shown on the site development plan. The concept site plan was reviewed by the Planning Commission on March 17, 2015 (minutes attached) with limited discussion and no public comments.

The developer proposes to construct a 195-foot-high cellular communications monopole tower inside a 50' x 50' fenced compound. The site will be unmanned and will be infrequently visited for routine maintenance. The compound location is in the wooded portion of the site to reduce visibility to the compound itself. This area will be leased by Verizon Wireless. Antennas for Verizon Wireless will be mounted at the top of the tower and will extend up to a height of 199 feet above grade. The 195' tower height allows future carriers to be mounted on the tower. This will allow for the collocation of communication equipment as required by the County Code. The proposed use is consistent with the designation of Agriculture in the 2014 Carroll County Master Plan.

Access to the compound is shown partially over the existing eight to ten foot driveway that provides access for the residential structure with construction of a new drive providing the remaining access. In accordance with § 155-078 of the Code of Public Local Laws and Ordinances, access drives which connect to roads shall be a minimum of 18 feet wide. The applicant requested a variance to permit a 12 feet wide driveway. The Board of Zoning Appeals approved the request.

The site is approximately 1600 feet from Back Woods Road. For the first 500 feet, access to the tower will occur over an existing asphalt driveway that will be widened to 12 feet. A 12 foot

gravel driveway will then be constructed for the remaining distance. Grass shoulders constructed along the driveway will provide for Stormwater Management. The existing entrance onto Back Woods Road will need to be improved and does not meet County sight distance requirements; however, removal of brush by the developer, will achieve the distance requirements.

The plan is exempt from the requirements of the Forest Conservation, Water Resources, Landscaping, and Floodplain Ordinances.

An eight-foot-high chain-link fence will be constructed to enclose the compound area. Barbed wire will be placed at a height of one foot above the top of the fence. Sheet 5 of 11 shows the details for the fence.

The proposed site plan was subject to Citizen's Involvement during the January 26, 2015 Technical Review Committee meeting. Two citizens spoke at the meeting regarding assistance in locating the tower to their specific properties. No phone calls have been received regarding this site plan.

Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the Developer enter into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
3. That the brush along Back Woods Road be removed. This work to be included as part of the Public Works Agreement.

Discussion:

There were no public comments.

Chairman Yeo asked why the tower height was proposed at 195 feet versus the 199 feet in the previous project request.

Marc Marzullo, Entrex Communication Services, explained that lighting requirements are triggered at 199 feet which makes it more obvious to surrounding landowners.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), approved the final site plan subject to the three conditions in the staff report.

PROPOSED AMENDMENTS TO ALLOW LIMITED COMMERCIAL DEVELOPMENT IN THE AGRICULTURAL DISTRICT

Henry Ruhlman, Creeping Creek Farm, addressed the Commission regarding a proposed amendment to the Zoning Ordinance, as follows: “§ 158.070(D)(15) Open air pavilions no greater in size than 4,000 square feet, located on a tract or parcel at least 35 acres in size, to accommodate no more than fifteen (15) gatherings or events per year of no more than 200 persons, including the right to have entertainment, recreational activities, and to serve food and beverages at said events or gatherings.” Mr. Ruhlman provided some background information regarding his brewery and the use of the small family farm for agricultural tourism.

Chairman Yeo asked Mr. Ruhlman to discuss his recent involvement with the Board of Zoning Appeals (BZA).

Mr. Ruhlman explained that he had applied to the BZA for a country inn which would have allowed for a pavilion to hold reunions, weddings, and other events. Several neighbors expressed concern during the BZA hearing with regard to the loud music associated with the brewery and his ability to hold 12 special events which are open to the public. The BZA turned down the request and a subsequent request for a re-hearing. Mr. Ruhlman expressed how difficult it is becoming for small farm owners to make a living.

Chairman Yeo questioned whether the proposed text amendment would allow the ability for 15 events in addition to the 12 events the farm is allowed through the brewery.

Mr. Ruhlman indicated it could be 15 additional events, but the events are generally held on the weekends.

Commissioner Weaver addressed the Commission noting that the agricultural community is changing in Carroll County with smaller farms being unable to compete. He suggested that a committee be developed to look into agritourism in the County to make the smaller farms economically viable.

Chairman Yeo expressed concern that approving a text amendment will make every site eligible regardless of the specific nature of the site as opposed to the BZA reviewing the requests and holding a hearing on the case.

After considerable discussion, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), directed that staff not pursue the text amendment as written.

The Commission, on motion of Mr. Soisson, seconded by Mr. Helminiak, and carried, directed staff to look into what the County can do to eliminate some issues in this regard and help smaller farms to do more recreational activities. Staff was directed to work with whomever is necessary and come back to the Commission with recommendations.

**PROPOSED ZONING TEXT AMENDMENT: CONVERSION OF COMMERCIAL
CONDITIONAL USE WITHOUT NEW BOARD OF ZONING APPEALS HEARING**

Fred Wine, contract purchaser for the current Walmart building in Eldersburg that will be relocating, noted that he had hired Clark Shaffer to assist with his efforts to re-lease the building as soon as possible.

Clark Shaffer, attorney, explained that Economic Development staff had scheduled a meeting with most review agencies to discuss the review process for this type of project. The project involves façade improvements to the existing building and the leasing of the building to more than 3 retail tenants. There would be the necessary improvements to meet ADA and Health Department requirements, but no ground disturbance. Mr. Shaffer explained that the property is zoned IR, but Walmart was granted conditional use approval by the Board of Zoning Appeals (BZA). Staff has indicated that because of the multiple tenants, the site would now be considered a Planned Business Center which was not what was approved by the BZA. Since the Walmart was granted approval, the Code was amended to disallow this type of use on IR properties of more than 5 acres. This property is 15 acres in size. Mr. Shaffer indicated he developed the idea that if someone has already received BZA approval to use an IR property for a BG use and the use has opened up shop, that a person can convert that property to a Planned Business Center as long as they go through the site plan review process.

Mr. Wine noted that Walmart has sub-uses within their store, including Subway, a pretzel place, etc. The only difference in having multiple users in the new scenario will be that they will have separate entrances. He explained that Walmart is the most intensive use that could be placed on the property. The proposed uses would not generate as much traffic or be as intense on the property.

It was the consensus of the Commission that staff prepare some draft language in cooperation with Mr. Shaffer for review at the next meeting.

The next Commission meeting is scheduled for Wednesday, July 29 at 6:00 p.m. There being no further business, the Commission adjourned at approximately 12:55 p.m.

Secretary

Approved