

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

September 15, 2015

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Richard J. Soisson, Vice Chair
Eugene A. Canale
Jeffrey A. Wothers
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio
C. Richard Weaver, Commissioner

Members Absent: Matthew S. Helminiak
Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager, Mary Lane, and Kelly Martin, Department of Planning; Lynda Eisenberg and Nokomis Ford, Bureau of Comprehensive Planning; Tom Devilbiss, Department of Land and Resource Management; Clay Black, Bureau of Development Review; Jay Voight, Zoning Administrator; Scott Campbell and Bryan Van Fossen, Department of Public Safety; Ted Zaleski, Department of Management and Budget; Gail Kessler, County Attorney's Office; Ed Singer, Health Department; Martin Rickell; Clark Shaffer; Marc Kapastin; Wiley Hayes; Neal Roop; Christy Spencer; Bert Wilson; George Brown; Ron Nichols; and R. Daniel Wallace.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:10 a.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Philip R. Hager, Secretary, noted that a revised agenda was distributed to the Commission last week to add an item regarding the feasibility of solar facilities throughout the County. The Department of Public Works was directed to work on this endeavor by the Board of County Commissioners. The Commission is charged with making a determination as to each project's consistency with the Master Plan.

(Cynthia Cheatwood entered the meeting.)

REVIEW AND APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

- A. August 18, 2015
- B. September 2, 2015

The minutes of August 18 and September 2, 2015 were approved as written on motion of Mr. Wothers, seconded by Mr. Soisson, and carried.

REPORT OF AGENCY REPRESENTATIVES

- A. Public Safety
- B. Management and Budget
- C. Health Department

A. PUBLIC SAFETY

Bryan Van Fossen, Department of Public Safety, indicated he had nothing to report, but staff would be present for the concurrency discussion later in the agenda.

B. MANAGEMENT AND BUDGET

Ted Zaleski, Department of Management and Budget, reported that the last income tax distribution for FY15 was \$5 million above the budgeted amount. The Capital Budget process is underway with staff gathering requests and beginning the process of working through them.

Chairman Yeo noted that the Commission was beginning its review of the first three chapters of the Freedom Plan. He asked whether Mr. Zaleski had reviewed the percentage of revenue reported as coming from property and income taxes.

Mr. Zaleski indicated the number would change slightly each year, but he would check the current numbers and report back to staff.

C. HEALTH DEPARTMENT

Ed Singer, Health Department, reported that he was appointed as the County Health Officer approximately two months ago. He is in the process of selecting an Environmental Health Director as his replacement. Maryland Department of the Environment is looking at a change to subdivision regulations to close the loop hole on metes and bounds described lots. Mr. Singer indicated that he had suggested to Jay Prager that meetings should be held with local planning officials and Clerks of Court before any changes are made. He explained that the new

regulations would require the Health Department to sign off on an approval before a metes and bounds description could be recorded. This would affect off-conveyance lots. Mr. Singer encouraged everyone regardless of age to get a flu shot to protect themselves and those they might come into contact with that have weakened immune systems.

COMMISSION MEMBER REPORTS

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

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had approved the final subdivision plan of Morgan Creek containing 33 residential lots located off Bennett Road. He also approved the minor subdivision plan of the Alan Parsons Project, a one-lot subdivision in the Conservation District.

B. EX-OFFICIO MEMBER

Commissioner Rothschild reported that the Board of Education has received a report recommending the decommissioning of five schools in the County. He noted that he was not pleased that two of the schools were within his district, but he indicated he would support the recommendation because it is something that needs to be done.

Commissioner Rothschild reported that the Board had reviewed several issues for consideration as proposed legislation. Two issues approved to move forward were Climate Change/Global Warming Regulation Verification and Efficacy Requirements and Allowing Alternatives to Best Available Technology Septic Systems – Practical Difficulty Rural Relief.

Chairman Yeo noted that another option presented to the Board of Education was the closing of one school and redistricting. The Board requested the Committee to reconsider its recommendations to limit the number of students that would be affected.

ADMINISTRATIVE REPORT

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

A. ADMINISTRATIVE MATTERS

Secretary Hager reported that two members of the Commission have terms expiring in October: Mr. Hoff and Mr. Soisson, both of whom are eligible for reappointment. The Board of County Commissioners has been made aware of the expiration of those terms. Secretary Hager reminded the Commission that November is the time for the annual review of the Administrative Rules.

B. EXTENSIONS

Clay Black, Bureau of Development Review, reported that three extensions had been granted since the last meeting, including: a fourth one-year extension for the minor subdivision plan of Rosie Acres, Section 3, three lots located in Election District 4; a fourth one-year extension for the minor subdivision plan of Christopher Place, one lot located in Election District 7; and a fourth one-year extension for the major subdivision plan of Rustic Rising, 35 lots located in Election District 5.

C. BZA CASES

Secretary Hager reported that staff provided comments to the Board of Zoning Appeals (BZA) on four cases as follows: BZA Case No. 5873, TowerCom VI, LLC and Michael Stout, request for a conditional use and variance for a telecommunications facility on 23.5 acres of property at 1850 Gablehammer Road in Westminster in the County's Agricultural District; BZA Case No. 5875, Brittany Stoddard, request for a conditional use for the service, repair and sale of farm machinery and equipment on 23.50 acres at 5641 Ridge Road in Mount Airy within the County's Agricultural District; BZA Case No. 5877, Robert E., III and Christina K. Dougherty, request for a conditional use and variance for a contractor's equipment storage building on 31.72 acres of property at 2664 Baumgardner Road in Westminster in the County's Agricultural District; and BZA Case No. 5884, Gary Floto, request for a conditional use for a country inn on 54.23 acres of property on Falls Road in Millers within the County's Agricultural District.

D. OTHER

Secretary Hager reported that a work session has been scheduled with the Town of Sykesville for Wednesday, November 4 during the Planning Commission's regular evening meeting. The Commission discussed whether to hold their own meeting prior to the joint meeting with the Town. The consensus was to hold a brief meeting at 6:00 p.m. prior to the 6:45 p.m. or 7:00 p.m. start of the joint meeting.

REZONING CASE NO. 223 – 1320 LIBERTY ROAD

Lynda Eisenberg, Bureau of Comprehensive Planning, reviewed the staff report for Rezoning Case No. 223, 1320 Liberty Road. She showed the outline of the surrounding neighborhood, including an aerial view. Ms. Eisenberg reviewed agency comments of support from the Department of Economic Development. She provided information regarding the petitioner's allegations of mistake in current zoning and change in the character of the neighborhood. Ms. Eisenberg reviewed the staff's recommendation of support for the change in zoning to General Business based on "mistake" of the original zoning.

Clark Shaffer, attorney for the petitioner, indicated that he agreed with the staff report. He added that he felt the recommendation could be based on change or mistake or both.

Public Comments:

Ron Nichols indicated that he owns a property along MD 32 that is zoned Residential, but has never been used in that manner. It was previously a church for the Jehovah's Witness. Mr.

Nichols stated that he had provided staff with a request for rezoning of his property as part of the Freedom Plan update.

The Commission, on motion of Mr. Wothers, seconded by Ms. Cheatwood, and carried (Commissioner Rothschild abstained), endorsed the staff report and the petition for rezoning and directed staff to forward a favorable recommendation based on “mistake” to the Board of County Commissioners.

FY15 ANNUAL CONCURRENCY MANAGEMENT REPORT – COMMENTS AND RECOMMENDATIONS

Clay Black, Bureau of Development Review, distributed revised copies of the FY15 Concurrency Management Report which included changes that had been discussed with the Commission at the August 18 and September 2 meetings. Mr. Black reviewed those changes.

There were no public comments.

The Commission, on motion of Mr. Wothers, seconded by Mr. Canale, and carried (Commissioner Rothschild abstained), approved the Concurrency Management Report for FY15.

CONCURRENCY MANAGEMENT CODE MODIFICATIONS – THRESHOLD CHANGES TO FIRE AND EMERGENCY MEDICAL SERVICES

Clay Black, Bureau of Development Review, noted that staff from the Bureau of Development Review and Department of Public Safety had previously presented proposed revisions to the Fire and Emergency Medical Services adequate public facilities criteria that had been developed by a workgroup. The Planning & Zoning Commission was supportive of moving forward with the proposed changes. At the September 2 meeting, the Commission was presented with a red-lined version of the Code which implemented these changes.

After a brief discussion, the Commission asked that the language of § 156.05 (D)(1)(c)3: “All bridges and roads for the primary route of travel or acceptable secondary route to the project site are adequate to support fire and emergency response apparatus as determined by the local Fire Chief.” be rewritten to clarify that the Fire Chief chooses the route, but the Bureau of Engineering certifies the adequacy of the road or bridge. With the inclusion of this adjustment, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), directed the Secretary to forward the proposed changes to the Board of County Commissioners with a recommendation for adoption.

BRIEFING AND POSSIBLE DETERMINATION RELATIVE TO CONSISTENCY OF A PROPOSED COUNTY FACILITY

Nokomis Ford, Department of Planning, and Scott Moser, Department of Public Works, reviewed four County-owned sites for potential solar farm development. The sites included: Carroll Community College, Hampstead Wastewater Treatment Plant, Hoods Mill Landfill, and Gillis Falls Reservoir. Ms. Ford reviewed information related to each site, including staff findings, comments, analyses, and conclusions. Since the Master Plan is largely silent with regard to the proposed use, staff found it difficult to generate a finding of “consistency”. The proposed projects were found by staff to be “not inconsistent”.

Commissioner Rothschild discussed a Code change that was made approximately seven years ago which allows the County to exempt itself from following the Code. In this way, these uses would be permitted on County-owned property even though there are limits placed on the private sector.

Eugene Canale, Commission member, asked whether an analysis had been prepared of these locations versus others that were not chosen and also the use of roof-mounted versus ground-mounted panels.

Mr. Moser indicated that all of the sites would utilize ground-mounted panels as the County would not allow roof-mounted panels which would interfere with the roof warranties. He also noted that the roof space would not be large enough to accommodate the number of panels needed. Mr. Moser explained that every piece of property that the County owns was reviewed, and these four properties were selected as most viable.

Mr. Canale asked how the projects would be funded.

Mr. Moser explained that no County money would be expended to fund the projects.

Jay Voight, Zoning Administrator, read the section of the Code that authorizes County-owned land exemption from the Code requirements as long as it is approved by the Planning and Zoning Commission pursuant to § 3-205 of the Land Use Article.

Secretary Hager read § 3-205 which places conditions for the Commission's review.

Chairman Yeo noted that recent studies being performed for the Board of Education could lead to five schools in the County being decommissioned, providing substantial land for installation of solar panels. He cautioned that the County should be careful as to what is allowed to occur on these properties.

Daniel Wallace, solar engineer/potential vendor, explained that locations for solar panels are limited by the grid, especially in places as rural as Carroll County. He indicated all sites would be surrounded by a 6-foot chain link fence topped with barbed wire and include an evergreen buffer.

Richard Soisson, Commission member, expressed concern that recreational facilities might be planned for the area designated for the solar panel farm at the Gillis Falls Reservoir.

The Commission, on motion of Mr. Soisson, seconded by Mr. Canale, and unanimously carried, found the Carroll Community College, Hampstead Wastewater Treatment Plant, and Hoods Mill Landfill sites not inconsistent with the Carroll County Master Plan, but the Gillis Falls Reservoir site was found not consistent with the Master Plan.

The Commission members suggested additional information be presented at their September 30 meeting for reconsideration of the Gillis Falls site. This additional information might include: viewscape impact, topography, recreation plans for the area, etc.

It was the consensus of the Commission that Secretary Hager transmit the Commission's findings in this matter to the Board of County Commissioners.

(Mr. Canale left the meeting.)

FREEDOM PLAN WORK SESSION

Secretary Hager noted that this was a scheduled checkpoint for the Commission with regard to Chapters 1-3; the work session for these chapters is scheduled for October 7. Any changes discussed will be made and returned for endorsement at the October 20 meeting.

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that Tay Harris was the primary person working on this project, but she would do her best to answer the Commission's questions.

The following issues were brought to staff's attention and will be addressed before the next work session:

- Page 1 – reference to households earning \$100,000 will be removed
- Page 1 – reference to “valued public servants” will be removed
- Page 1 – reference to “Carrolltown Mall” will be removed
- Page 9 – graphs will be made easier to read if printed in black and white
- Page 10 – the MD 26 corridor will be defined
- Page 11 – increase in design capacity of the treatment plant will be verified
- Page 11 – anticipated completion date for construction of sewer mains will be verified
- Page 12 – reference to new Sheriff's Office location will be made
- Page 12 – reference to countywide installation of the CCPN will be revised
- Page 14 – reference to revenue sources will be changed to 85.7 percent per Ted Zaleski
- Page 18 – a link to the state's “Live Near Your Work Program” will be added
- Page 20 – a new bullet to explain the 2015 state legislation regarding Master Plan approval will be added
- Page 26 – the word “to” will be added before the word “residences” in the third bullet from the bottom of the page
- Page 27 – “crossroads” will be capitalized in the reference to “Eldersburg Crossroads”
- Page 28 – the reference to the “chicken and egg” will be reworded
- Page 33 – the word “update” in the first paragraph will be deleted

UPDATE ON DIGITAL CASE FILES AND RECORDKEEPING

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that prior to Nokomis Ford's recent efforts, all of the Bureau's records retention was paper copies. Ms. Ford managed a project to scan all 222 rezoning case files, working with a consultant to code the information to provide easily searchable electronic data.

Ms. Ford reported that the rezoning case files have been successfully scanned, as well as the annexation files. Text amendment and historic property files will be next. The technology allows for searches within the document text, the scanning of larger sized maps/plats, and creation of pdf documents that can be emailed.

Ms. Eisenberg explained that the ultimate goal is to make this information available to the public and Planning Commission.

Secretary Hager reviewed the dates for upcoming meetings, including: Wednesday, September 30, 6:00 p.m. work session; Wednesday, October 7, 6:00 p.m. work session; Thursday, October 14, 6:00 p.m. joint meeting with the Town of Mount Airy; Tuesday, October 20, 9:00 a.m. regular business meeting; Wednesday, November 4, 6:00 p.m. work session and joint meeting with the Town of Sykesville; Tuesday, November 17, 9:00 a.m. regular business meeting; Wednesday, December 2, 6:00 p.m. work session; and Tuesday, December 15, 9:00 a.m. regular business meeting. There being no further business, the Commission adjourned at approximately 12:45 p.m. on motion of Mr. Wothers, seconded by Mr. Soisson, and carried.

Secretary

Approved