

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

**November 21, 2017**

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair  
Cynthia L. Cheatwood, Vice Chair  
Eugene A. Canale  
Alec Yeo  
Daniel E. Hoff  
Commissioner Dennis E. Frazier, Ex-officio (9:06 am)

Members Absent: Jeffrey A. Wothers

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Clare Stewart, Arco Sen and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, Price Wagoner, and John Breeding, Development Review; Gail Kessler, County Attorney's Office.

**CALL TO ORDER/WELCOME**

Chair Soisson called the meeting to order at approximately 9:02 a.m.

**ESTABLISHMENT OF QUORUM**

Laura Bavetta took attendance and noted that five members of the Board were present and a quorum was in attendance.

**PLEDGE OF ALLEGIANCE**

**OPENING REMARKS**

Secretary Eisenberg greeted the Commission and stated today's meeting will include our annual review of Administrative Rules and Election of Officers. Secretary Eisenberg thanked the Commission members for their continued hard work.

**REVIEW AND APPROVAL OF AGENDA**

The agenda was approved via a motion by Mr. Yeo, seconded by Mr. Hoff and carried.

**PUBLIC COMMENTS**

There were no public comments

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the October 4<sup>th</sup> and October 10th, 2017 meetings were approved on motion of Mr. Yeo, seconded by Mr. Canale and carried.

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Chair Soisson did not have anything to report.

**B. EX-OFFICIO MEMBER**

Commissioner Frazier was not present at this time.

**C. OTHER COMMISSION MEMBERS**

Mr. Hoff discussed meeting dates for 2018. He suggested that the November Business meeting be changed to November 13, 2018 due to its proximity to the Thanksgiving Holiday. Commission members agreed to the change. Ms. Bavetta will update the meeting schedule to reflect this change.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg reviewed the letter from the Board of Commissioners regarding the Freedom Community Comprehensive Plan. Ms. Kessler reiterated that the Plan is back with guidance and feedback. Secretary Eisenberg stated the Freedom Community Comprehensive Plan will be on the Agenda for the next meeting on November 29<sup>th</sup>.

**B. EXTENSIONS**

Clay Black, Bureau Chief Development Review, reported there were 3 extensions granted since the last meeting: Komiske property, Liberty Road Crossing and Crossroads Automotive.

**C. BZA CASES**

Arco Sen reported that staff provided comments to the BZA for one case that was held in October. Case No. 6031 was approved. There is one case staff provided comments for to be heard in November, Case No. 6034.

**D. OTHER**

There were no further items to report upon within the Administrative portfolio.

**ADMINISTRATIVE RULES – CONTINUED DISCUSSION**

Clay Black reviewed suggested changes to the Commission. The Commission decided to re-word the delegation of authority in 8.2 as it pertains to site plans. The Commission discussed if the delegation of authority needed to be unanimous. The Commission decided not to add that to the rules.

Lynda Eisenberg reviewed other changes to the rules. The Commission decided to change the language in 2.1 to state “consecutive full terms”.

Staff will complete the changes and present the final copy at the December business meeting for approval.

**ELECTION OF COMMISSION CHAIRMAN, VICE CHAIR AND SECRETARY**

Mr. Hoff nominated Lynda Eisenberg for the Board position of Secretary. The motion was seconded and approved.

Mr. Soisson passed the gavel to Secretary Eisenberg for the election of Chair. Secretary Eisenberg declared the nominations open for the office of Chair. Mr. Canale nominated Richard Soisson for the Board position of Chair. Mr. Yeo seconded the nomination. There were no other nominations. Mr. Soisson was voted in as Chair.

Chair Soisson declared the nominations open for the office of Vice Chair. Mr. Canale nominated Cynthia Cheatwood for the office of Vice Chair. Mr. Hoff seconded the nomination and Ms. Cheatwood was voted in as Vice Chair.

## **RECESS**

## **CONCEPT/FINAL SITE PLAN REVIEW**

SUBJECT: S-17-0028, Faith Lutheran Church Amended

LOCATION: 1700 Saint Andrews Way; South side of Liberty Road (MD Rt. 26) at Bonnie Brae Road, E.D. 5

OWNER: Faith Lutheran Church, Inc., 1700 Saint Andrews Way, Eldersburg, MD 21784

DEVELOPER: Same as owner

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

ZONING: R-20,000

ACREAGE: 4.19 acres

WATERSHED: South Branch Patapsco

FIRE DISTRICT: Sykesville

MASTER PLAN: Medium Density Residential – Boulevard District – 2001 Freedom Community Comprehensive Plan  
Commercial Medium – 2017 Approved Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

### **❖ Action Required:**

The site plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a site plan and request for approval.

### **❖ Existing Conditions:**

The subject property lies on the south side of Liberty Road (MD Route 26) at Bonnie Brae Road with access off of Saint Andrews Way. It hosts Faith Lutheran Church which has an approved 1989 site development plan (see attached). At the south side of the property, adjacent to Saint Andrews Way, lie the church and the associated parking lot. The remainder of the lot is comprised of level grassed open space, a playground, and trees lining the property at Bonnie Brae Road. Zoning is R-20,000. Religious establishments are a principal permitted use in the R-20,000 District.

Adjoining properties to the south and southwest are zoned R-20,000 and built with single-

family residences. The property across Bonnie Brae Road is zoned B-NR and built with an Advance Auto that was approved by the Planning and Zoning Commission on March 17, 2015. The eastern adjoining property is vacant, owned by the County Commissioners of Carroll County, and zoned Conservation.

The subject property is in the Freedom Designated Growth Area and Priority Funding Area.

❖ **Site Plan Review:**

Currently, the church property does not have any freestanding lights. The developer proposes to add seven pole lights at the existing parking lot. Lights will be located 3 feet from the edge of paving. The previous site plan depicts the edge of paving as 20 feet off the southern property line and 10 feet off the eastern property line. These property lines adjoin Saint Andrews Way and the vacant County Commissioners of Carroll County property. There will be no loss of parking spaces.

Light poles are proposed at 18 feet high. A photometric plan is included on sheet 2 and indicates that lighting levels at the property lines will be zero.

Agencies have reviewed and approved the amended site development plan.

**Recommendations:**

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

1. 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:**

Laura Matyas presented the report to the Commission.

Martin Rickell, CLSI and John Knight, Faith Lutheran Church were present.

There were no public comments.

**Decision:**

On motion of Mr. Yeo, seconded by Mr. Hoff and carried, the Commission approved the Concept and Final site plan with the one condition outlined in the staff report.

**CONCEPT SUBDIVISION PLAN REVIEW**

SUBJECT:	P-16-0061 – Mamawnanna Manor, Lots 4 & 5, Section 3
LOCATION:	West side of Fringer Road, north of Francis Scott Key Road, E.D. 1
OWNER:	Joseph C. and Dianna L. Kirby, 3490 Kirby Kountry Drive, Taneytown, MD 21787
DEVELOPER:	Same as owner
SURVEYOR:	RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157
ZONING:	Agricultural

ACREAGE: 72.65 acres  
WATERSHED: Upper Monocacy River  
NO. OF LOTS: Two  
FIRE DISTRICT: Taneytown  
MASTER PLAN: Agricultural  
PRIORITY  
FUNDING AREA: Outside  
DESIGNATED  
GROWTH AREA: Inside

❖ **Action Requested:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a Concept Major Subdivision Plan. **No action is required.**

❖ **Existing Conditions:**

The property originally comprised 80.4 acres, two Off-Conveyances were approved and recorded in 2007. In October of 2008, the Planning Commission Chair granted approval of a preliminary plan and record plat for Mamawnanna Manor (M-07-025), (see attached). Lot yield tabulation shown on the preliminary plan, calculated from the overall parcel of 80.4 acres, entitled the property to five new lots plus the remaining portion. Recordation of the plat of Mamawnanna Manor, in Plat Book 51, Page 150, occurred in April of 2009 creating 2 lots, Lot 1, a 1.556-acre parcel and Lot 2, a 1.781-acre parcel. In August of 2009, the Planning Commission Chair granted approval of Section Two of Mamawnanna Manor (M-08-020), (see attached). Recordation of the plat of Section Two, in Plat Book 51, Page 231, occurred in December of 2009 creating Lot 3, a 2.126 -acre parcel. The subject lots, 4 and 5, are vacant and zoned Agricultural, and will have private well and septic systems. A majority of the 72.65 acres is currently vacant pasture. Access is via Fringer Road.

The surrounding properties, improved with single-family residences, are zoned Agricultural and are served by private well and septic.

❖ **Plan Review:**

The developer proposes two new lots; this will exhaust all lot yields, plus the remaining portion. The remaining portion will consist of 69.074-acres; the regulations for the Agricultural District prohibit further subdivision of the area designated on the final plat as the Remaining Portion and the lots shown for the purpose of creating additional lots for residential use.

Access to lots 4 and 5 will be from separate drives from Fringer Road. Existing clear sight distances measured along Fringer Road is 690 feet to the south and 485 feet to the north. Conveyance of parcel "A", 0.123 acres, to the Carroll County Commissioners will occur by deed.

Water Resource Management reviewed the plan for impacts to water resources per Chapter 154. The classification of 'Remaining Portion' qualifies the area impacted by water resources for exemption from Chapter 154 Water Resource Management in

accordance with §154.16(C). Water Resource Management recommends approval of the proposed. The development is exempt from the requirements of Chapter 153, Floodplain Management; however, a note is needed stating that, "Although no floodplain easement is depicted, a floodplain does exist on the remaining portion".

A Forest Conservation plan is required. An updated forest stand delineation including wetland delineation is required as well. The plan is exempt from Landscaping requirements.

Grading and sediment control have reviewed the plan and require a grading plan for each building lot, as well as a wetland analysis for lots 4 and 5.

Stormwater Management grants concept approval of the plan as, achievement of stormwater management for Lot 4 is via the utilization of a level spreader discharging into a conservation area. Achievement of stormwater management for Lot 5 is through non-rooftop disconnects and rooftop areas through sheet flow into an existing storm drain ditch.

Both Lots 4 and 5 are utilizing private well and septic; the Health Department approves the preliminary plan subject to the following conditions:

1. Prior to final plan approval, test wells will be required for all lots. Test wells must test for turbidity and drilled to a minimum depth of 106 feet with a minimum 50 feet of casing and a 3-gallon per minute yield. The basis of this requirement comes from previous concerns of groundwater drawdown issues discovered during testing of Taneytown municipal wells.
2. Design for Lot 4's lower two sand mounds to be the same size as the upper most sand mound.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on March 27, 2017. Two citizens spoke at the meeting regarding this project. Both citizens spoke with concerns to the minimal drainage and standing water in the area proposed as Lot 5. Repairs to the broken drain tile and reconstruction of damaged storm drainage ditch to alleviate the drainage and standing water issues has been completed by the developer. The Bureau of Development Review received a phone call from the owner of Lot 3 inquiring about the location of the new lots, he had no objection to the project. Two adjacent property owners came in and requested copies of the plans.

The proposed plan is consistent with all applicable plan policies and recommendations contained in the Carroll County Master Plan, the Carroll County Master Plan for Water and Sewerage (W-6, S-6), and other functional plans as applicable, per the Bureau of Comprehensive Planning review.

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

❖ **Action Required:**

No action is required.

**Discussion:**

Price Wagoner presented the report to the Commission.

Mr. J. C. Kirby, owner and Laura Overholtzer, RTF, Inc. were present.

Mr. Hoff asked why the lots were scattered.

Ms. Overholtzer stated the cause was due to difficulty finding percs.

There were no public comments.

Mr. Yeo asked if there was any concern with the flood plain on the last lot.

Mr. Wagoner stated they are waiting on wetland analysis and the under drain has been repaired.

Ms. Overholtzer stated the water problem was cleared up when the drainage pipe was repaired so she doesn't think it will be considered a wetland.

**Decision:**

No action required.

**PROPOSED ZONING CODE AMENDMENT CHAPTER 158: FARM ALCOHOL PRODUCERS AND ASSOCIATED EVENTS**

Tom Devilbiss presented the proposed changes to Chapter 158: Farm Alcohol Producers and Associated Events.

Mr. Devilbiss stated that the Producers Special Event can be addressed by an amended site plan or they must apply for a temporary zoning certificate each year.

Mr. Yeo asked if there was a limit to the number of events that are allowed.

Mr. Devilbiss stated there are no limits attached to the permit but the license issued by the State of Maryland limits the number of events.

Mr. Hoff stated he feels there needs to be a limit because some of these locations are not equipped to adequately handle the amount of people that attend these events.

Commissioner Frazier asked for clarification on the term "temporary".

Mr. Devilbiss stated the permit has to be applied for each year and can be revoked at any time.

Mr. Yeo questioned the advantages of the temporary permit versus submitting an amended site plan and which is more advantageous for the County versus the Producer.

Mr. Devilbiss stated they are trying to be as flexible as possible with the Producers.

Mr. Hoff stated it is a fine line between the business being about agriculture and the business being about social events.

Commissioner Frazier would like "temporary" spelled out more specifically.

Mr. Yeo asked how many years a Producer would be able to apply for temporary permits. He suggested putting a limit on temporary permits, give the Producer 3 years to amend the site plan and turn the site into the venue it is being used as.

Chair Soisson asked for clarification on the criteria Zoning would require for the temporary permit.

Mr. Devilbiss reviewed Page 3, Section F where the requirements are noted.

Secretary Eisenberg asked what happens with a revoked permit and what the process is for re-applying.

Mr. Devilbiss stated the revocation can be appealed but the Farm Producer can continue their events unless the County files for a Stay.

Mr. Yeo expressed concern about not having a limit to the number of events allowed with the temporary permit.

Mr. Devilbiss expressed his concern about the feasibility of monitoring the number of special events and the number of people attending the events.

The Commission discussed current Code language and the reason why the Code needs to be updated.

Mr. Black stated that the State does not limit the amount of events a Producer can have.

After much discussion, the members of the Planning and Zoning Commission expressed concerns over the cumulative damage to the property if there are no limits to the number of events permitted each year and whether there should be a limit to the number of years the Producers may apply for temporary permits before they amend their site plan.

Ms. Cheatwood asked how the Producers are currently holding their events.

Mr. Devilbiss stated events are currently occurring without any oversight.

Drew Baker, Old Westminster Winery, stated the core business is farming and they are diligent in marketing their events as such. Mr. Baker stated that their facility has already been through the County processes. Mr. Baker stated that value added farming such as farm alcohol producers and cheese makers is a better solution for sustaining farm land than commodity farming.

Mr. Hoff asked how many events are held at Old Westminster Winery.

Mr. Baker stated he would answer “none” since the events are accessory to the core purpose of farming.

Mr. Hoff and Mr. Yeo disagreed and stated the music and food trucks constitute an event.

Mr. Baker stated they have a food truck 25 times per year.

Mr. Soisson asked if they have birthday parties and other events.

Mr. Baker stated they also have private events.

Mr. Canale asked how often they have music.

Mr. Baker stated the music and food truck occur in tandem, 25 times per year.

David Bowersox, Attorney, addressed concerns raised by Commission members. Mr. Bowersox stated a Producer is a conditional use that needs to be approved by the BZA which is a layer of protection for the County. He stated Accessory uses are addressed during site plan approval. Mr. Bowersox stated the definition of a special event may need clarification. He also stated that expecting producers to make permanent facilities to accommodate a temporary use may not be a beneficial idea.

## **RECESS**

## **MANCHESTER MUNICIPAL GROWTH AREA – STAFF REPORT**

Bobbi Moser presented the staff report to the Commission. Steve Miller, Town Administrator, Michelle Wilder, Town Zoning Administrator and Jim Shumaker, Consultant were present.

Ms. Moser stated the Town is updating their 2008 Comprehensive Plan.

The Town is proposing expanding their Municipal Growth Area.



Mr. Schumacher stated they were happy to include most of the comments and recommendations from County staff into the Plan.

Mr. Hoff asked why Parcel I was reduced in zoning to a less intensive use.

Mr. Shumaker stated it goes back to small town standards, and adding clustering reduces construction costs and provides more open space.

Mr. Yeo asked what the rationale was for reducing the business uses.

Ms. Wilder stated the two homes in area C are residential on the ground.

Mr. Yeo asked about Manchester Valley and water.

Mr. Miller stated the amount of water and the cost to supply water to Manchester Valley to water athletic fields impacts the possibility of development. He stated the Town has made recommendations to the Board of Education to look at innovative methods to come off of the Town Water supply.

The Town will make two of the recommended changes; they would like to forward the rest

On motion of Mr. Yeo seconded by Ms. Cheatwood and carried, the Commission voted to forward to the Board of Carroll County Commissioners the Draft Municipal Growth Element with a favorable recommendation and including changes to area C and G that are outlined in the report.

#### **PUBLIC COMMENT**

There was no public comment.

#### **ADJOURNMENT**

On motion of Mr. Yeo, by the Commission adjourned at approximately 12:05 p.m

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Secretary

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Approved