

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

**March 5, 2014**

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman  
Richard J. Soisson, Vice Chair  
Matthew S. Helminiak  
Richard S. Rothschild, Ex-Officio  
Daniel E. Hoff, Alternate

Members Absent: Eugene A. Canale  
Jeffrey A. Wothers  
Cynthia L. Cheatwood

Present with the Commission were the following persons: Philip R. Hager, Department of Land Use, Planning, and Development; Lynda Eisenberg, Bureau of Comprehensive Planning; Clay Black, Bureau of Development Review; Scott Campbell, Office of Public Safety; Greg Dods; Dennis Brothers; Michael Davis; Melvin Baile, Jr.; and Gary Kerns.

**CALL TO ORDER/WELCOME**

Chairman Yeo called the meeting to order at approximately 6:10 p.m.

**ESTABLISHMENT OF QUORUM**

Philip R. Hager, Secretary, took the attendance of the Commission, noting that four members were present, and there was a quorum.

**PLEDGE OF ALLEGIANCE**

**OPENING REMARKS/ADMINISTRATIVE MATTERS**

Philip R. Hager, Secretary, indicated he had no changes to the meeting agenda. He distributed copies of the Freedom Bicycle & Pedestrian Master Plan which was Certified by the Commission at the February 18 meeting.

**REVIEW AND APPROVAL OF AGENDA**

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

**REVIEW OF CCVESA ADEQUATE FACILITIES CRITERIA REPORT**

Chairman Yeo noted that by continuing to approve development projects, fire departments that are meeting concurrency management criteria, are being given a greater workload. He questioned whether there was a point in the future that a department may not be able to grow

enough to continue to meet increasing demands. Mr. Yeo questioned whether there is a system of checks and balances in place to keep this from occurring.

Dennis Brothers, President, Carroll County Volunteer Emergency Services Association (CCVESA), explained that with the recent inadequacies, a system is being developed. A committee with representatives from the 14 departments is meeting regularly to review monthly statistics and discuss where and why there are issues and how they can be addressed.

Chairman Yeo questioned whether any consideration had been given to creating a ratio per number of population similar to the police services criteria.

Greg Dods, Chairperson of the Fire and Rescue Operations Committee of the CCVESA, indicated there are no national standards to base the criteria upon.

Chairman Yeo questioned whether there were policies/guidelines that could be utilized by the Commission and provided to the developer when reviewing larger scale retirement or assisted living facilities to assist the local fire departments in meeting the higher demands of these facilities. He suggested that additional review and certain policies/guidelines be put into place for projects over a certain number of residents or patients. Mr. Yeo referenced page 20 of the CCVESA report which stated that "projects similar to these should not have the identical adequate facilities measurements or review as a development would have".

Mr. Dods noted that statement was made in the 2003 report, but has not been addressed.

Chairman Yeo indicated this issue needs to be addressed, and the Commission will need to work closely with CCVESA to develop the necessary criteria. He directed the Commission to page 7 of the report which suggests a change in response time adequacy with the adoption of the residential sprinkler standards.

Mr. Brothers indicated that all new construction is required to be sprinklered, so the standards can be revised to acknowledge the existence of sprinklers.

The Commission briefly discussed the time period for which late and no responses are compared, and what "stops the clock" on arrival to the scene.

(Commissioner Rothschild entered the meeting.)

Commissioner Rothschild noted that the type of call makes a difference as to how many volunteers respond. He suggested that the same "weight" should not be placed on a call that is nonemergency, like a cat in a tree, versus a life/safety incident. Commissioner Rothschild questioned whether nonemergency calls could be treated differently.

Scott Campbell, Office of Public Safety, reported that those nonemergency incidences are already excluded from the tabulations. He noted that the type of incidences included in the data is not part of the Code; it is an administrative function. Code changes would include modifications to time limits that are part of the criteria.

It was the consensus of the Commission that CCVESA move forward to address the internal changes proposed in the report.

Mr. Hager suggested staff work with CCVESA to prepare the necessary Code changes as proposed in the report.

Mr. Dods indicated continued interaction between CCVESA and the Commission would be helpful. He offered to report to the Commission on a quarterly basis.

Mr. Hager suggested that CCVESA be added to the list of rotating agencies that report to the Commission, possibly on a twice yearly basis.

### **MASTER PLAN: LAND USE DISCUSSION**

Lynda Eisenberg, Bureau of Comprehensive Planning, presented the proposed cover for the Carroll County Master Plan. She noted that the County's Graphic Designer, Tara Mayers, had developed a water color from a photograph of a Carroll County view.

Chairman Yeo asked that staff receive confirmation that the photograph is of a view in Carroll County and identify the location on the inside cover.

Staff reviewed the proposed land use categories with the Commission, clarifying that land use and zoning are two different things. Staff then reviewed the existing land use categories.

Chairman Yeo suggested that the naming of the categories should be self-explanatory so that the average citizen can understand what a category includes.

Matthew Helminiak, Commission member, questioned whether the land uses inside of the municipalities and the Freedom area could be identified to better illustrate the industrial uses in the County instead of being totally "grayed out".

Philip R. Hager, Secretary, explained that those areas are "grayed out" because they are not covered by this Master Plan.

Daniel Hoff, Commission member, questioned how the existing land uses were determined.

Staff reviewed a number of land use concept maps for Planning Commission comment.

### **PUBLIC COMMENTS**

Melvin E. Baile, Jr., former Planning Commission member, indicated there is a lot of history that has not been taken into consideration in developing this plan. He noted that the County Master Plan is to come from the Planning Commission. Mr. Baile suggested that this meeting was an unveiling of a master plan that was not developed with the cooperation of the Commission. He expressed concern about the new land use designations, suggesting they would become a license to further develop properties that have already been developed. It would be an up zoning of a number of properties. Mr. Baile expressed concerns as to how cluster subdivisions would be handled with the new land use designations. He suggested that landowners that have already utilized their lot yield, especially with clusters, would be provided a license to go to court and get their land rezoned based on the designation as opposed to the zoning. Mr. Baile expressed concern as to how the Plan would jeopardize the Agricultural Land Preservation Program. He

questioned whether Concept 5 would prevent future landowners not in the Priority Preservation Area from putting their property in ag preservation. Mr. Baile provided a history as to the creation of the Rural Villages. They were created because the state had indicated there may be funds in the future for sewer and water retrofits in the small communities. These were not meant to be infill development areas. Mr. Baile offered his support for the Rural Village designation, but he said he did not support additional development in these areas. Mr. Baile suggested that staff's proposals would more than double the number of lots available for development. He expressed concerns that the change in land use designations would be used by attorneys to say there was a change in the neighborhood.

Mr. Hager argued that the whole idea of making these land use designations is to have something that cannot be thwarted by a legal argument. He noted that zoning achieves authority only through the future land use layer. Mr. Hager explained that the existing land use map shows what is on the ground right now. The future land use maps reflect the policies of the County which protect the fabric of the neighborhood. The future land use maps become the legal basis by which zoning is enforced. Mr. Hager explained that all of the other chapters have been vetted by the Commission. This map is the last thing that is being discussed and is being presented as a draft for discussion.

Mike Davis, Finksburg, expressed concern regarding the land use designation and the lack of a comparison from what we have now to what is being proposed. Future land use will most likely become the zoning once the plan is approved and there is a rezoning process. He suggested it would be more helpful to see the current zoning and future land use designations. Mr. Davis indicated he did not agree with some of the land use designation levels. He suggested that the Commission needs to review individual areas and parcels, not a countywide map. Mr. Davis expressed concern regarding the Concept 6 map which shows commercial zoning in front of the Gerstell property. He noted that adjacent property owners have opposed development in this area in the past because of water, sewer, and traffic issues. Mr. Davis commented on his disapproval of the picture on the cover of the plan, suggesting it was disingenuous.

Chairman Yeo suggested a collage of four pictures on the cover, representing farms, towns, business areas, etc., to better showcase the County as a whole.

Gary Kerns expressed concern regarding the proposed employment campus areas, noting that they were very intensive in the Pathways Plan. He suggested that the Commission look at each parcel and make sure they can accommodate that intense development. Mr. Kerns noted the severe impacts on water, sewer, the environment, the community, traffic, etc. He suggested the need for a detailed impact analysis.

There being no further business, the Commission adjourned at approximately 10:00 p.m.

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Secretary

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Approved