

# *Caroline County Planning Commission*



**John Schmidt, Chairman**  
**Keith Neal, Vice Chairman**  
**Wilbur Levensgood, Jr., Commissioner Member**  
**Nancy Minahan, Member**  
**Charles Mosca, Member**  
**Jeffrey Powell, Member**  
**Dr. Derek Simmons, Member**

Health & Public Services Bldg.  
403 South 7<sup>th</sup> Street, Suite 210  
Denton, Maryland 21629-1335  
Telephone: 410-479-8100  
Facsimile: 410-479-4187

**February 14, 2018**

## **CAROLINE COUNTY PLANNING COMMISSION MINUTES**

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, February 14, 2018 in Room 110 of the Health and Public Services Building, 403 South 7<sup>th</sup> Street, Denton, Maryland.

Present were: John Schmidt, Chairman; Keith Neal, Vice-Chairman; and members, Wilbur Levensgood, Charles Mosca, Nancy Minahan, and Jeffrey Powell. Also present were Katheleen Freeman, Director of Planning & Codes; Alex Willis, Long Range and Agricultural Planner; Matt Kaczynski, Development Review Coordinator; and Melanie Smith, Administrative Assistant to the Boards.

### **AGENDA:**

- Approval of the January 24, 2018 Meeting Minutes
- Vote for the Positions of Chairman and Vice-Chairman
- Review of Comments on Mineral Resources Element from State Clearinghouse Review – Recommendation to the Commissioners
- Review of Proposed Major Site Plan - Groundstar
- Department Update – Katheleen Freeman
- Request for Text Amendment – Mt. Zion Orchard

Chairman Schmidt called the meeting to order at 7:36 PM. He announced there will be (2) two additional items on the agenda. The first is a review of the draft legislation for Chapter 175 – Zoning - Administration and Enforcement – Zoning Administrator and a discussion item about an additional County Solar application.

## **APPROVAL OF MINUTES**

Chairman Schmidt asked for comments on or corrections to the minutes from the January 24, 2018 meeting. There being none a motion was made.

**Motion:** Mr. Powell made a motion to approve the minutes as written.  
**Second:** Ms. Minahan seconded the motion.  
**In Favor:** All Commission members voted in favor of the motion (6-0).

## **VOTE FOR THE POSITION OF CHAIRMAN AND VICE-CHAIRMAN**

Chairman Schmidt opened the floor to nominations for the 2018 Chairman of the Planning Commission. Mr. Mosca nominated Mr. Schmidt. No other nominations were put forth.

Chairman Schmidt then opened the floor to nominations for the 2018 Vice-Chairman of the Planning Commission. Mr. Mosca nominated Mr. Neal. No other nominations were put forth.

**Motion:** Mr. Powell made a motion to close the nominations for Planning Commission Chairman and Vice-Chairman and adopt the slate as proposed.  
**Second:** Mr. Mosca seconded the motion.  
**In Favor:** All Commission members voted in favor of the motion (6-0).

## **REVIEW OF COMMENTS ON MINERAL RESOURCES ELEMENT FROM STATE CLEARINGHOUSE REVIEW**

Ms. Freeman handed out a draft of the Mineral Resource Element with comments from the Maryland Department of the Environment (MDE). A paragraph was added to the end of the section entitled Protection of the Natural Environment that recognizes MDE's concerns regarding Tier II anti-degradation policies. Ms. Minahan asked for a map of the Tier II waters in Caroline County. Chairman Schmidt noted that it included Choptank River UT, Faulkner Branch, Forge Branch, Herring Run, Hog Creek, Hunting Creek, Marsh Creek, Robins Creek, Sullivan Branch, Tuckahoe River 1 & 2, Tull Branch and Watts Creek.

Tier II is a higher quality of water than the water it drains into. The Board agreed the link included in the paragraph is sufficient for possible State updates.

**Motion:** Chairman Schmidt made a motion to have a public hearing on March 14, 2018 to introduce the amendment.  
**Second:** Mr. Mosca seconded the motion.  
**In Favor:** All Commission members voted in favor of the motion (6-0).

## **REVIEW OF PROPOSED MAJOR SITE PLAN- GROUNDSTAR**

Mr. Kaczynski, Development Review Coordinator, read the staff report summarizing a request for a major site plan approval for a small scale commercial solar energy system at 6435 Reliance Road in Federalsburg. The proposed 1.3-megawatt system will encompass 7.13 acres in size. Construction will include an access road for maintenance.

He outlined conditions that still need to be met by the applicants before final approval of the major site plan. Upon review staff recommends the Planning Commission approve a motion to recommend that the applicant proceed with the Special Use Exception Application to the Board of Zoning Appeals and resubmit the final site plan incorporating any additional conditions and safeguards specified by the Board of Zoning Appeals, if the Special Use Exception is approved.

TAC has already reviewed the application. They must have agreements recorded to confirm approval of the project not meeting the setback requirements. This area will be deducted from the County's maximum area allowed for solar arrays. Life expectancy of equipment is 30 years.

**Motion:** Mr. Mosca made a motion to recommend that the applicant proceed with the Special Use Exception Application to the Board of Zoning Appeals and resubmit the final site plan incorporating any additional condition and safeguards.

**Second:** Ms. Minahan seconded the motion.

**In Favor:** All members voted in favor of the motion (6-0).

Later in the meeting, Ms. Anne Ogletree, informed the Board that she remembers the Planning Commission agreeing that land combined for mining into one lot would no longer require a setback from the property line that was removed but she doesn't see it addressed in the document to the County Commissioners. She also asked that offsite crushing be addressed in the recommendation. Ms. Freeman will consider the wording and will address this further at the March hearing.

## **DRAFT OF THE ADMINISTRATION AND ENFORCEMENT – ZONING ADMINISTRATOR**

The County Commissioners requested some changes to the wording of the draft that was introduced for Chapter 175 of the Zoning Ordinance regarding Administration and Enforcement – Zoning Administrator. The edits were minimal but necessary and should be incorporated before the second public hearing. Ms. Freeman read each of the corrections that were made. She explained that they have been reviewed by both the County Attorney and the Litigation Attorney.

- Motion:** Mr. Neal made a motion to recommend the edited version of the Administration and Enforcement – Zoning Administrator as proposed.
- Second:** Ms. Minahan seconded the motion.
- In Favor:** All members voted in favor of the motion (6-0).

### **REQUEST FOR TEXT AMENDMENT – MT. ZION ORCHARD**

Ms. Freeman explained that Mr. Godfrey, owner, of Mt. Zion Orchard is requesting a text amendment to the Zoning Ordinance. Mr. Godfrey's winery was established at the time the zoning for such a business was initially passed. He has received all the State and Federal approvals that are required. When he came into the Planning and Codes Office about applying to have a distillery it was discovered that Mr. Godfrey was not in compliance with the International Building Code's firewall protection in the garage he uses as a winery.

Ms. Linda Blades from Faulkner's Cidery was present to learn what is required for a similar application because she is also interested in expanding her business to include a distillery. A business must have a Federal License to distill alcohol at 24% and above. Ms. Freeman explained that we have not yet addressed distilleries or breweries in the Zoning Ordinance. Because of the interest that is being shown a section outlining conditions of a distillery and brewery should be added. Ms. Freeman would have staff write a draft text amendment for the Planning Commission's review at next month's meeting. If no corrections are needed she will ask the Planning Commission to send a letter of recommendation to the Commissioners.

Mr. Godfrey continued that he was still upset that he received a violation for not having the fire protection material on the walls and ceiling of his winery. Ms. Freeman explained that Mr. Godfrey still has several questions that she must research before she can address them accurately. Unfortunately, the Code he is objecting to is a section of the International Building Code that the County is required to adhere to.

Mr. Godfrey is further agitated that he remembers asking the Planning & Codes employee if anything more was needed because if they had told him then he could have made the required improvements before setting up his winery. Now, he stated, it will cost him approximately \$3,000 in labor and material to correct this. Ms. Freeman admitted that she can neither address nor remember a conversation so many years ago. While she empathizes with Mr. Godfrey, and agrees it is unfortunate, this requirement cannot be ignored. Mr. Powell explained that the Planning Commission has no power to circumvent the Building Code requirement. The Board discussed various possibilities and finished by suggesting Ms. Freeman continue her research for a viable solution to Mr. Godfrey's problem.

- Motion:** Mr. Mosca made a motion to approve the distillery and brewery definition text amendment and addition to uses in the Ordinance.
- Second:** Mr. Powell seconded the motion.
- In Favor:** All members voted in favor of the motion (6-0).

## **Major Solar Project**

Ms. Freeman announced that Ryan Showalter is representing Open Road Renewables in an application for two major solar projects in Caroline County. Mr. Showalter met with staff to discuss the most efficient way to approach the numerous public meetings that are mandatory prior to approval. She made the following points:

- Because it is a public service project Open Road Renewables is not required to go before the Board of Zoning Appeals for a special use exception.
- Planning Commission will review the preliminary site plan and make comments in accordance with our Code.
- Open Road Renewables will address the comments and the Planning Commission will review again.
- Open Road Renewable would hold a public meeting with the reviewed preliminary site plan. The County Commissioners and Planning Commission would attend and have an opportunity to listen to public comments and speak.
- The project would then go before a Public Service Commission (PSC) judge at a public hearing in Caroline County. The County Commissioner's may participate as a joint hearing.
- Upon final approval from the PSC, the Planning Commission and staff would have an opportunity to review the final plans and ensure they are compliant before any permits would be issued.

Then the Planning Commission can make comments to the PSC. This schedule was suggested by Open Road Renewables to streamline the process and they have offered to absorb the costs involved. The members noted that the project will leave only 200 acres for future solar projects in Caroline County.

## **DEPARTMENT UPDATE**

The Maryland Department of Planning will be coming to Caroline County to meet with municipalities, County Commissioners and Planning Commission. They would like to meet with the Commissioners and Planning Commission on February 15, 2018 5-6 pm. A public meeting will also take place from 7-8:30 that the Planning Commission was encouraged to attend. They will announce the proposed state development plan.

Ms. Freeman informed the Board that Beth Keller, the contractual Circuit Planner, on staff has resigned to work at the Dover Air Force Base with her husband. Staff will be advertising for her replacement.

**ADJOURNMENT**

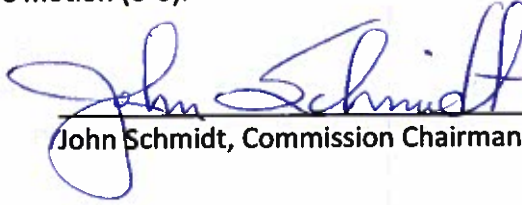
**Motion:** Ms. Minahan made a motion to adjourn the meeting at 9:16 p.m.

**Second:** Mr. Powell seconded the motion.

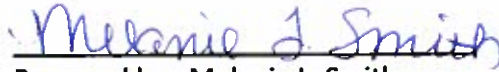
**In Favor:** All members voted in favor of the motion (6-0).



Katheleen Freeman  
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by: Melanie L. Smith