

Caroline County Planning Commission



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

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May 9, 2018

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, May 9, 2018 in Room 110 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: John Schmidt, Chairman; and members, Wilbur Levengood, Nancy Minahan, Jeffrey Powell, and Dr. Derek Simmons. Also present were Katheleen Freeman, Director of Planning & Codes; Heather Price, County Attorney; Alex Willis, Long Range and Agricultural Planner; Matt Kaczynski, Development Review Coordinator and Melanie Smith, Administrative Assistant to the Boards.

AGENDA:

- Approval of the April 9, 2018 Meeting Minutes
- Review of Proposed Major Site Plan – Forefront Power
- Review of Proposed Major Site Plan – Cherrywood Solar
- Review of CREP Wetland Restoration Application – 13460 River Road, Ridgely
- Department Update – Katheleen Freeman

Chairman Schmidt called the meeting to order at 7:34 p.m.

APPROVAL OF MINUTES

Chairman Schmidt asked for comments on or corrections to the minutes from the April 9, 2018 meeting. There being none a motion was made.

Motion: Chairman Schmidt made a motion to approve the minutes as written.

Second: Dr. Simmons seconded the motion.

In Favor: All Commission members voted in favor of the motion (4-0).

PUBLIC HEARING

REVIEW OF PRELIMINARY SITE PLAN – Forefront Power

Forefront Power has requested a Major Site Plan Approval for a Small Scale Commercial Solar Energy System located on Tax Map 59, Grid 9, Parcel 129, adjacent to the Town of Preston. The proposed 1.98-Megawatt system will encompass 13.26 acres in size. Construction of the solar energy system will also include an access road for maintenance.

Mr. Kaczynski, Development Review Coordinator, provided a bulleted list of needs the applicant would have to address before a final approval can be granted:

- Cover sheet of the site plan documents should reference all the sheets that were submitted. Sheet 102A is not referenced in the table
- Information about the property should be shown on the site plan, ie. Map Grid Parcel, Owner Information, Total Site Acreage, etc.
- The Limit of Disturbance (LOD) is not clearly depicted on the plans. The line symbol should be modified so this is easily identified as the LOD. LOD should include fencing as well as landscape buffers
- The Town of Preston boundary needs to be updated to reflect the current adopted boundary
- Perennial Streams and their associated 100' buffer shall be delineated on the plans
- Show all existing and proposed entrances on the site plan
- Solar Ordinance requires signage at all entrances, please refer to ordinance for requirements. We will need details of these signs shown on the site plan
- This project falls within the boundaries of the Town of Preston's "Greenbelt," therefore the applicant shall notify the Town of Preston about this project
- A decommissioning plan and cost estimate of decommissioning shall be provided. Plan should include a bond, letter of credit, or escrow agreement to secure the costs of decommissioning. Cost estimate must address inflation over the term of the lease agreement.
- A copy of the easement, lease or consent agreement between the applicant and property owner shall be provided
- Any utility easements for connections of the facility shall be provided

- Statement that identifies and addresses any known or suspected potential hazards that may be created by the project
- Must demonstrate compliance with federal aviation administration regulations pertaining to air navigation hazards
- Provide documentation on project rationale, including likely buyers or markets for the generated energy
- A copy of the interconnection agreement shall be provided
- Must provide State Highway Administration (SHA) Right of Way and plat reference on site plan. Also need to depict County Road Right of Way
- The size and the number of panels to be installed are required to be shown on the site plan
- All residences within a one-quarter mile radius shall be shown on the site plan. These also include residences and parcels that fall outside the jurisdictional boundaries of Caroline County
- Existing vegetation on the plan should include type and percentage of coverage; i.e. pasture, tillable acreage, wooded areas, etc.
- Explanation as to why screening is not provided along the north side of the facility
- An operation and maintenance plan shall be provided
- A landscape and landscape maintenance plan shall be provided
- This project must meet the requirements of the Forest Conservation Act. Forest Conservation documents shall be provided for review

Upon review of the proposed system, staff would recommend that the Planning Commission allow the applicant to proceed with the Special Use Exception (SUE) 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 SUE is approved.

Present were the farmer Mr. Tom Cheezum, Mr. Kaczynski, Development Review Coordinator for Caroline County Planning and Codes, and TRC Project Managers Alan Finio and Brian Maliszewski, Forefront Power. Everyone agreed that orienting the site into a diamond shape that fits the southernmost corner of the field would maximize the tillable land available.

Chairman Schmidt granted Dr. Eric Cheezum the floor. Dr. Cheezum is both the President of the Caroline County Ag. Preservation Board and son of the farmer who rents the ground where the site is proposed to be built. He explained that without approval from the Maryland Department of Transportation to access the entryway from Route 331 the project will require an additional 6 square yards of tillable land for access from Payne Road. He did not understand why MDOT would refuse to accommodate this request. He appealed to the Planning Commission and County Commissioners to apply pressure on MDOT to work in unison with them on this project.

Commissioner Levensgood entered the meeting at 8:10 p.m.

From the discussion all were satisfied with the realignment of the array and placement in the third field and the following conditions for the access road and entrance:

- First: Appeal to MDOT for approval to access the entrance from the State Road and possibly using the existing culvert pipe.
- Second: Place an access road within the 25-foot setback along the State Road.
- Third: Use the entrance on the existing plan temporarily for the delivery and construction of the panels, if MDOT approval is not timely, and subsequently the state highway entrance for inspections and maintenance.

Motion: Chairman Schmidt made a motion to recommend the applicant proceed with the Special Use Exception process and resubmit the final site plan incorporating all conditions and safeguards specified by the Board of Zoning Appeals approval and Planning Commission.

Second: Ms. Minahan seconded the motion.

In Favor: All Commission members voted in favor of the motion (5-0).

REVIEW OF MAJOR SITE PLAN – CHERRYWOOD SOLAR

Mr. Kaczynski explained that Open Road Renewables was before the Planning Commission in April for approval of a preliminary site plan. The Commissioners asked them to return to the Planning Commission for a final site plan approval following the Public Service Commission meeting in Greensboro.

Chairman Schmidt asked how the Public Service Commission meeting was attended. Ms. Freeman responded that 50 people attended the meeting. Thirteen people spoke and twelve people supported the project.

Mr. Kaczynski added that there was a change to the approval process since the April meeting and Open Road Renewables will now be required to go before the Board of Zoning Appeals for a Special Use Exception before the Planning Commission can approve the final site plan. In their packages are the responses from the project managers to the needs that were listed at the previous meeting. They do not have a response from staff, but all should be resolved by the time the application goes before the Board of Zoning Appeals.

Upon review of the proposed system, staff would recommend that the Planning Commission allow the applicant to proceed with the Special Use Exception (SUE) 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 SUE is approved.

Cyrus Tashakkori, President, Open Road Renewables, asked the Chairman if he could respond to questions from the April Planning Commission meeting. Chairman Schmidt gave him the floor.

Mr. Tashakkori explained that the State had no position on what should happen to the buffer at the end of the life of the project. Therefore, they will restore the buffer to farmland unless the owner of the property prefers to keep the plantings.

Ms. Atwell, a citizen that spoke at the Public Meeting at the Greensboro Firehouse, had voiced some concerns that Mr. Tashakkori would like to address. She had heard that it would take ten years for land to be productive after the site is restored. Like a Conservation Reserve Program (CRP) the grasses that they use will suppress weeds, build productive soil, and help control pests and diseases. It will only require one or two years to restore the nutrient load for farming.

Ms. Atwell asked about the use of pesticides. He explained that what pesticides are required to maintain the site is far less than the quantity currently used for farming. She also asked about water usage. They would rarely, if ever, need to wash the panels. Any water use that might be used is considerably less than is now used to irrigate the fields. She asked about the economic impact of the project. He explained that the beginning of the program will provide the largest economic benefit with a long tail of residual benefit at the end.

Mr. Tashakkori added the benefits of a Solar Field outweigh those of a housing development in that area, particularly if it is the County's goal to return the site to farmland. They have been in meetings with the Town of Greensboro to address their concerns about using the towns "Growth Area". The owner of the property attended the meeting and assured them he would not allow his land to be used for a housing development. A housing development would require more revenue to support the schools and other public services.

Motion: Dr. Simmons made a motion to recommend the applicant proceed with the Special Use Exception process and resubmit the final site plan incorporating all conditions and safeguards specified by the Board of Zoning Appeals approval

Second: Mr. Powell seconded the motion.

In Favor: All members voted in favor of the motion (5-0).

REVIEW OF CREP WETLAND RESTORATION APPLICATION

The State Clearinghouse has requested comments from the Caroline County Planning Commission regarding a Conservation Reserve Enhancement Program (CREP) contract to restore and maintain a wetland located at 13460 River Road in Ridgely. Staff asks that the Planning Commission vote that the program is either consistent or inconsistent with the Caroline County Comprehensive Plan.

Motion: Chairman Schmidt made a motion to have staff reply with a letter that they have reviewed the project and found it consistent with the plans and the policies of Caroline County.

Second: Ms. Minahan seconded the motion.

In Favor: All members voted in favor of the motion (5-0).

DEPARTMENT UPDATE

Ms. Freeman informed the members that the position for Beth Keller’s position as Small-Town Planner Circuit Rider has been advertised.

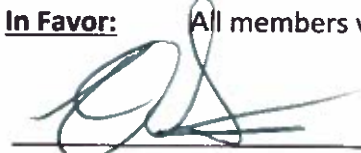
The first round of interviews was completed for the new Planning software. Three proposals were selected and they will be submitting complete packages for review. They will decide whether it will be more beneficial to go cloud based which will be regularly updated as opposed to server based. The IT Department prefers the cloud based package.

ADJOURNMENT

Motion: Ms. Minahan made a motion to adjourn the meeting at 8:39 p.m.

Second: Mr. Powell seconded the motion.

In Favor: All members voted in favor of the motion (5-0).



Katherine Freeman
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by: Melanie L. Smith