

Caroline County Planning Commission



Keith Neal, Chairman
Charles Mosca, Vice Chairman
Travis Breeding, Commissioner Member
Jeff Jackson, Member
Hannah Cawley, Member

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February 8, 2023

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, February 8, 2023. Planning Commission members and staff attended in person. Members of the public were invited to attend the meeting both in-person and/or virtually using a website link provided.

Attending the meeting were: Keith Neal, Chairman; and members, Chuck Mosca, Hannah Cawley, Jeff Jackson, and Travis Breeding. Also present were Katheleen Freeman, Director of Planning and Codes; Leslie Grunden, Assistant Director of Planning; Matt Kaczynski, Development Review Coordinator; Stewart Barroll, Attorney and Beth Beales, Long Range and Agricultural Planner.

Agenda:

- Approval of the January 11, 2022, Meeting Minutes
- Rural Legacy Area Prioritization

Chairman Neal called the meeting to order at 6:02 p.m.

APPROVAL OF MINUTES

Chairman Neal asked the members if they had reviewed the minutes from the January 11, 2022, Planning Commission meeting. No changes were noted.

Motion: Mr. Mosca made a motion to approve the minutes as written

Second: Mr. Jackson seconded the motion.

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

Rural Legacy Area Prioritization

Ms. Beales presented her staff report. Eastern Shore Land Conservancy (ESLC) manages the State's Rural Legacy Areas (RLA)/Agriculture Security Corridors in Caroline County. The program just received three grant awards from the FY23 Rural Legacy Allotment for conservation easements. The Eastern Shore Heartland, which includes Talbot, Caroline and Dorchester Counties was awarded \$1,634,912.00 and the Tuckahoe RLA, which includes Talbot and Caroline Counties was awarded \$183,845.00. The lower amount of Tuckahoe funds is due to a large amount of unobligated funds and a dwindling interest pool in the area.

The program requires that the County annually submit a letter of designation of a priority RLA for funding. Staff recommends designating the Eastern Shore Heartland RLA as a priority, to support and enhance the substantial existing agricultural preservation efforts in the area. Ms. Cawley asked how they decide on what areas are in the Rural Legacy Areas. Ms. Grunden stated that Eastern Shore Land Conservancy works with Rural Legacy and looks for prime farmland. Ms. Beales added that the Rural Legacy program has their own set of criteria that they rank each property on. Mr. Neal asked who they apply to. Ms. Beales stated that applications go to David Satterfield. Ms. Grunden stated that the Rural Legacy easements are managed through local land trusts and the County is not involved further than the annual prioritization. Mr. Breeding stated that he does not agree with the area around Federalsburg. He feels that they are taking a lot of the growth area and asked if we had any say in the receiving area. Ms. Grunden stated that when they proposed the expansion, she contacted the towns of Preston and Federalsburg, and Mr. Satterfield did work with them regarding the areas to make sure there were no conflicts. Mr. Neal was concerned about the Waypost Solar Project being affected since it is located in the Tuckahoe RLA. Ms. Grunden stated that it would not since the parcels included in the Waypost project do not have existing RLA easements. Properties located in designated RLAs are only affected by RLA restrictions if they choose to participate in the RLA easement program.

Motion: Mr. Breeding made the motion to recommend that the County Commissioners approve the letter of support and designation of the Heartland RLA as a priority with an additional comment urging funding of both proposed RLAs.

Second: Ms. Cawley seconded the motion.

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

Comprehensive Plan-Citizen Survey Update

Ms. Freeman stated the edits to the survey have been made. The County's Public Information Officer is developing the webpage and a postcard. The webpage should be ready this month. Mr. Mosca asked if there will be some type of provision internally to validate the survey. Ms. Freeman stated that they are not sure how much activity the survey will get. The survey is more to get an idea of what people are thinking. Ms. Grunden has been in contact with the towns letting them know we are starting to work on

the comprehensive plan. Ms. Grunden also stated that we are still waiting on the release of the full census data which is expected later this year. Ms. Freeman noted that the State has added a couple of new plan elements that will need to be added to the County's existing Comprehensive Plan.

Battery Energy Storage System (BESS) Update

Ms. Freeman reached out to Cyrus Tashakkori, with Open Road Renewables and Stephanie Johnson, Maryland State Representative for the Solar Energy Industry Association, to give us feedback on battery energy storage systems (BESS) and ordinances that other jurisdictions have. Both have offered to meet with the Planning Commission and County Commissioners. Mr. Tashakkori did mention adopting the NFPA 855, which our draft ordinance has many of the elements. He also recommended adding an onsite water source requirement to our ordinance.

NRPA 855 could be adopted in the State's current legislative session. Ms. Freeman has recommended to the Commissioners that if the State adopts NFPA 855 then the County can add anything above and beyond that bill rather than trying to recreate that bill. The members all agreed to wait to hear from industry experts before finalizing the BESS ordinance.

BZA Update

The Board of Zoning Appeals met on January 27, 2023, to hear the following applications that were initially heard by the Board on December 13, 2022 and continued:

Application No. 21-0033: A request by **Waypost Solar Project, LLC** for a **Special Use Exception** to construct a large-scale commercial solar energy system and a power substation and a **Variance** to construct a fence that exceeds the maximum height which may project into or enclose the required front yard. Proposed project is located on 20 properties in the area of Henderson and Maryland.

The special use exception and variance application was approved by the Board with the following conditions:

1. The Applicants must obtain major site plan approval from the Planning Commission prior to applying for any building permit and/or a zoning certificate associated with the project.
2. A building permit and/or zoning certificate will be required prior to any proposed development and must be accompanied by all necessary documentation and site plan requirements.
3. The approval was granted for three years until January 27, 2026, to obtain a building permit and/or zoning certificate; and
4. Additional landscape screening to be placed around the solar panels adjacent to the Larry Walls property.

Application No. 22-0051: A request by **Dufferin R. and Gina D. McConnell** for a **Variance** to construct a house addition which would exceed the allowable Chesapeake Bay Critical Area lot coverage limit. Said property is located at 22027 Gannon Drive, Preston, Maryland.

The variance application was approved by the Board with the following conditions:

1. A building permit and/or zoning certificate will be required prior to any proposed development and must be accompanied by all the necessary documentation and site plan requirements.
2. A total of 793 sq. ft. of lot coverage must be removed to include 341 sq. ft. of asphalt driveway and 452 sq. ft. of brick sidewalk as shown on the submitted site plan dated 5/20/22 identified as Exhibit 4.
3. The proposed 643 sq. ft addition to be reduced to 324 sq. ft. as shown on the proposed floor plan identified as Exhibit 14.
4. Any conditions set forth by the Board will be enforced during the building permit application process. Any building permit issues with the existing garage conversion will have to be addressed at that time.

DEPARTMENT UPDATE

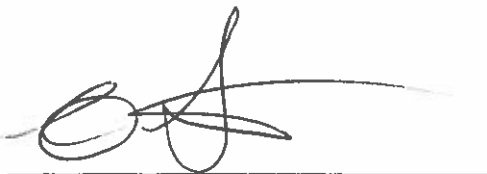
The Department will be starting to interview for the Board Administrator job vacancy next week.

ADJOURNMENT

Motion: Mr. Jackson made a motion to adjourn the meeting at 7:10 p.m.

Second: Mr. Mosca seconded the motion.

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



Katheleen Freeman, AICP
Director
Planning & Codes



Chuck Mosca, Vice Chairman



Prepared by Elizabeth A. Beales