

# Caroline County Planning Commission



John Schmidt, Chairman  
Keith Neal, Vice Chairman  
Daniel Franklin, Commissioner Member  
Nancy Minahan, Member  
Charles Mosca, Member  
Jeffrey Powell, Member  
Dr. Derek Simmons, Member

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May 12, 2021

## CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, May 12, 2021, virtually through Microsoft Teams application. Members of the public were invited to attend the meeting virtually using a website link provided.

Attending the meeting were: John Schmidt, Chairman; and members, Keith Neal, Jeffery Powell, Nancy Minahan, and Chuck Mosca. Also present were Katheleen Freeman, Director of Planning & Codes; Leslie Grunden, Assistant Director of Planning; and Beth Beales, Long Range and Agricultural Planner.

### Agenda:

- Approval of the April 14, 2021 Meeting Minutes
- Major Site Plan Application for a Natural Wood Waste Recycling Facility
- Cannon House Solar- Amended Site Plan
- BZA Report
- Department Update

Chairman Schmidt called the meeting to order at 7:32 p.m.

### APPROVAL OF MINUTES

Chairman Schmidt asked the members if they had reviewed the minutes from the April 14, 2021 Planning Commission meeting and if there were any proposed edits to the minutes. No corrections were noted.

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

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

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

## **Major Site Plan Application for a Natural Wood Waste Recycling Facility**

The applicant, Daniel Hutchison., has requested a Major Site Plan Approval for a Natural Wood Waste Recycling Facility located on Tax Map 13, Grid 5, Parcel 24, on Oakland Road. The applicant owns and operates Danny's Grinding Service, LLC. The operation receives natural wood wastes, such as wood chips, stumps, brush, tree limbs, etc. and processes the wastes into mulch, which is then sold to various wholesale customers. The applicant has also submitted a Special Use Exception Application to the Board of Zoning Appeals (BZA). This application is scheduled for the June 15th BZA Hearing.

Staff has reviewed the application and supporting documents and has found that the proposed use of a Natural Wood Waste Recycling Facility conforms to the intent of the Zoning Chapter and should be permitted.

Listed below are site plan modifications that must be addressed before Final Approval of the Major Site Plan Application.

- Property lines and building restriction lines must be shown.
- Map and parcel information for adjacent properties must be shown; including zoning district.
- Road centerline and road right of way must be shown.
- The limit of disturbance and methods of stormwater conveyance must be shown.
- A signature line for Planning Director Approval must be added to the site plan.
- All activities shall be appropriately and effectively screened from public view.
- Every facility shall install a perimeter security fence that is at least six feet in height. Fence details must be included.
- Adequate low mast lighting shall be provided for each site for nighttime security. Lighting shall be shielded from adjoining properties.
- Access roads should be a minimum of 20 feet in width, with adequate drainage.
- The anticipated quantities of materials to be accepted must be provided.
- Existing and proposed topographic contours must be shown.
- The size and height of stockpiles must be shown.
- The major equipment list provided must also include noise levels and number of units.
- All roads and driveways must include dimensions.
- The location of any property containing a church, dwelling, residence, daycare, hospice or health care facility, library, park, golf course, active recreation complex or school that is within 1,500 feet of any boundary of the site must be shown.

Mr. Mosca asked where the road is on the site plan. Mr. Kaczynski stated it is on the right side. Mr. Schmidt asked if all the items listed would have to be addressed before the final site plan

can be approved. Mr. Kaczynski said yes, they have to be addressed before final approval. Mr. and Mrs. Hutchison were present at the meeting and had nothing to add.

**Motion:** Ms. Minahan made a motion for the applicant to proceed with the Special Use Exception Application to the BZA and resubmit the final site plan incorporating any additional conditions and safeguards.

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

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

### **Cannon House Solar – Amended Site Plan**

Ms. Freeman explained that the Planning Commission approved the final site plan for Cannon House Solar at the November 2019 meeting. There are some minor discrepancies between the as built and approved site plan. The applicant would like the final site plan approval on the amended site plan that reflects the on-the-ground conditions to close out the project.

Brendan Mullaney, representing Cannon House Solar presented the site plan. It was approved to be constructed on 8.16 acres but was on built on 5.4 acres within the same area. Some of the features have been shifted due to the final electrical design. The largest issue that the project ran into was the overhead Choptank Electric easement that runs along Reliance Rd. Due to this, some features were moved away from Reliance Rd. including panels, project equipment and the internal drive aisle. The minor changes resulted in fewer panels being installed, the buffer has remained the same and the fence was shifted.

Ms. Freeman stated the only potential issue may be the intermittent stream and the proposed wood bridge. The County does not regulate, or issue permits for a wooden bridge and it's possible that MDE may require a permit or statement from the County. Staff recommendation would be that the wood bridge would be contingent on an affirmation from MDE stating that the applicant has met any requirements necessary for the proposed wood bridge. Mr. Schmidt asked if the reason for the wood bridge was due to not being able to install a culvert. Mr. Mullaney was not certain, but it could be, so the intermittent stream was not disrupted. He will find out what the reason was.

**Motion:** Mr. Powell made a motion to approve the amended site plan contingent on the affirmation from MDE to construct the wooden bridge over the intermittent stream.

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

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

### **BZA Update**

The Board of Zoning Appeals met April 20, 2021 to hold a Public Hearing to sign the remanded decision below:

**Decision No. 201700009:** A request by **Wood Farm, LLC** to establish a sand, gravel and mineral extraction facility located on the southeast side of Log Cabin Road, in Denton.

The hearing is being held pursuant to an Opinion of the **Circuit Court for Caroline County, In the Matter of Lacey Lord, Case No. C-05-CV-20-000004**, remanding the matter back to the Board:

Solely for the Board to amend its written decision to include the agreed upon conditions listed in this opinion.

The Decision was amended to add the following conditions:

#### **Proposed Consolidated Conditions**

1. 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 to conform to all State and local laws.
2. The Applicant must obtain a final site plan approval from the Caroline County Planning Commission.
3. The Applicant must have the plat signed and recorded in the Land Records prior to applying for any Building Permit and/or Zoning Certificate, which includes a detailed exhibit of the grave locations.
4. The Applicant may only run his mining operation from 5:30 a.m. until the earlier of 5:30 p.m. or dusk, Monday through Friday, and from 6:30 a.m. until noon on Saturdays. The gates may be open at other times but no active mining operations or loading of trucks may take place before or after the stated hours of operation. (Court Opinion – Item #6, Item #7).
5. The Applicant shall be limited to the removal of one hundred (100) truckloads of material per day. The number of trucks shall not exceed 100 trucks per day. (Court Opinion – Item #8).
6. The use of Jake brakes and/or exhaust brakes shall be prohibited on Log Cabin Road and in the facility by trucks entering, exiting or utilizing the facility. (Court Opinion - Item #1).
7. Trucks entering or exiting the facility shall be limited to operating on Log Cabin Road between Route 404 and Fleming Road. Trucks entering or exiting the facility shall not use Thawley Road and/or Tuckahoe Road as a through road to other areas. Trucks exiting the facility are not to turn left onto Log Cabin Road when leaving the facility except to go no further south on Log Cabin Road then Fleming Road. Any trucks exiting Wood Farm and using Fleming Road shall not use Tuckahoe Road. (Court Opinion - Item #2).
8. The Applicant shall designate an employee that shall be readily available during the mining operation's regular operational hours to meet with and discuss with one individual designated by the nearby neighborhoods (the "Community Representative") to act as a liaison for the nearby neighborhoods regarding any complaints, problems, or concerns regarding the operations of the mining operation. The neighbors of Wood Farm are to designate a neighborhood point person, the Community Representative, who will meet with the plant manager

- to discuss and attempt to resolve any community issues raised. (Court Opinion – Item #4).
9. Once the mining operation is up and running, the Applicant shall be limited to fifteen (15) employees on site (excluding truck drivers and any of their helpers). (Court Opinion – Item #9).
  10. The Applicant shall be limited to on site storage of Ten Thousand (10,000) gallons of diesel fuel. The diesel fuel tank shall be in a diked enclosure. (Court Opinion – Item #10).
  11. The centerline of the southerly berm of the proposed site shall be moved to 125 feet from the southern boundary line of the Applicant’s property at the request of the adjacent landowner to the south and shall be depicted on the final site plan, so as to not shade the crops of Jim Saathoff, or his successors and assigns, to the south. (Court Opinion – Item #11).
  12. Trucks shall not slam their tailgates on the facility or on Log Cabin Road. (Court Opinion – Item #3).
  13. No dump truck is to leave the facility as long as there is a school bus in sight on Log Cabin Road. (Court Opinion – Item #5).
  14. Option B as depicted on Sheet C-101B (Board Exhibit 7 – Board Hearing of 11/13/18) is approved. The setback of 200 feet on the east side of the property adjoining the old golf course property also owned by Wood Farm will be reduced from 200 feet to 100 feet preserving the stream buffer of 100 feet for the perennial stream. (Court Opinion – Item #12).
  15. Wood Farm will enclose the relocated cemetery with a fence. (Court Opinion – Item #13)

## **DEPARTMENT UPDATE**

Ms. Freeman stated that according to MDP, the County’s Comprehensive Plan update deadline has been extended from 2023 to 2024. Ms. Grunden stated that the extension was similar for other jurisdictions and is likely due to a combination of delays due to the COVID-19 pandemic and the delayed release of 2020 Census information, now scheduled for sometime in 2022. Staff will continue to work on the Comprehensive Plan update public surveys. Ms. Freeman announced that Dr. Derek Simmons has resigned from the Planning Commission due to his appointment as Interim Superintendent for Caroline County Public Schools. Also, the COVID-19 call center that is using the first floor public meeting room will be relocating. Hopefully by June, the Planning Commission will be able to meet in person although public participation will still be virtual.

## **ADJOURNMENT**

- Motion:** Mr. Mosca made a motion to adjourn the meeting at 8:09 p.m.  
**Second:** Ms. Minahan seconded the motion.  
**In Favor:** All members voted in favor of the motion (5-0).



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Katheleen Freeman  
Director, Planning & Codes



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John Schmidt, Commission Chairman



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Prepared by: Elizabeth A. Beales