

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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June 12, 2019

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, June 12, 2019 in Room 110 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: John Schmidt, Chairman; and members, Dan Franklin, Nancy Minahan, Jeffrey Powell, Keith Neal and Dr. Derek Simmons. Also present were Katheleen Freeman, Director of Planning & Codes; Heather Price, County Attorney; and Beth Beales, Long Range and Agricultural Planner.

Agenda:

- Approval of the May 8, 2019 Meeting Minutes
- MDP Clearinghouse Review- Choptank Marina Boating Access Facility Renovation
 - Maryland Water Quality Revolving Loan Fund and FFY19 IUP
 - FFY19 State Drinking Water Revolving Loan Fund Intended Use Plan
- Oldtown Materials, LLC- request for modification to the specification of the Caroline County Road Design manual
- Allen Chorman and Son, Inc- Private Airstrip
- Approval of Annual Report for the Reporting year 2018
- Department Update- Katheleen Freeman

Chairman Schmidt called the meeting to order at 7:35 p.m.

APPROVAL OF MINUTES

Chairman Schmidt asked the members if they have reviewed the minutes from the May 8, 2019 meeting.

- 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).

MDP Clearinghouse Review Choptank Marina Boating Access Facility Renovation

The Caroline County Department of Recreation and Parks has applied for a U.S. Fish and Wildlife Service Sport Fish Restoration Grant to renovate and improve the public boat landing at the village of Choptank, on the Choptank River.

Choptank Marina is one of three public boat launch facilities along the Choptank River in Caroline County and is owned and operated by Caroline County Commissioners through the Caroline County Recreation and Parks Department. The boat launch ramp is located in the rural village of Choptank (pop. 100), about 3 miles southwest of the Town of Preston.

It is anticipated that these improvements will result in increased visitation and usage of the facility, better/safer access to the Choptank River, and increased access for people with disabilities.

The only permit required to complete the project – a State Wetlands Administration permit – has been obtained. Construction of the project is scheduled to begin in late 2019 and be complete by summer of 2020. The estimated cost is \$273,612.30.

Recommended Action:

Pending Planning Commission questions or issues, staff recommends Clearinghouse Approval Code 'C1': *"It is Consistent with our plans, programs, and objectives"*.

- Motion:** Dr. Simmons made a motion to recommend the Clearinghouse approval of the Choptank Marina Boating Access Renovation
Second: Mr. Powell seconded the motion.
In Favor: All Commission members voted in favor of the motion (6-0).

MDP Clearinghouse Review of Maryland Water Quality Revolving Loan Fund and FFY19 IUP

The State Water Quality Revolving Loan Fund FY19 Intended Use Plan (IUP) is comprised of county and municipal government public sewer system capital projects for being considered for State loan and grant (loan forgiveness) funding. State funding is made possible through EPA Water Quality programs. Each of the projects in the IUP has undergone or will undergo an individual State Clearinghouse Review process. The IUP is presented annually in June to the State Board of Public Works for approval.

The WQRLF IUP is prepared each year and presented to the State Board of Public Works for approval in late June. The FY19 Plan includes 52 projects with a total of \$296,810,917.00 in requested funding. The Plan provides basic details about each project including the applicant jurisdiction, project title and cost, intended loan and loan forgiveness amounts, and program funding sources.

Motion: Mr. Schmidt made a motion to approve and that it is consistent with Caroline County's comprehensive plan.

Second: Mr. Franklin seconded the motion.

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

MDP Clearinghouse Review of FFY19 State Drinking Water Revolving Loan Fund IUP

The State Drinking Water Revolving Loan Fund FY19 Intended Use Plan (IUP) is comprised of county and municipal government public water system capital projects for being considered for State loan and grant (loan forgiveness) funding. State funding is made possible through EPA Drinking Water programs. Each of the projects in the IUP has undergone or will undergo an individual State Clearinghouse Review process. The IUP is presented annually in June to the State Board of Public Works for approval.

The only Caroline County jurisdiction with a project in the FY19 Plan is the Town of Federalsburg. The Federalsburg water main replacement project on Old Denton Road is ranked 15th out of 29 in the Plan. The project went through the County Water and Sewer Plan amendment process in 2018; the Commissioners approved the amendment in June 2018. The Town applied for \$555,500 in funding for the project and is being considered for a 50-50 grant-loan funding package.

Motion: Mr. Neal made a motion to approve and that it is consistent with Caroline County's plans, programs and objectives.

Second: Ms. Minahan seconded the motion.

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

Mr. Schmidt inquired why we are getting Clearinghouse Reviews on such short notice. Ms. Freeman asked the question but did not receive an answer. Ms. Freeman stated that typically they should get thirty days' notice.

Oldtown Material's LLC- Request for Modification to the Specifications of the Caroline County Road Design Manual

The County Commissioners recently passed Legislative Bill #2019-2, also known as **Chapter 152 – Roads, Bridges, and Rights-of-Way – Modification from Specification and Design Standards for County Roads**. This bill grants the ability to modify provisions of the specifications found in the Road Design Manual. Such modifications may be granted by the Planning Commission as part of the Site Plan Approval Process.

On July 11, 2018, Planning Commission made a motion to approve Oldtown Materials site plan application with conditions. One of the conditions outlined was that the applicant needed to proceed with a Development Rights and Responsibilities Agreement (DRRA). Staff and the Technical Advisory Committee, along with the County's Engineering Consultant GMB, has reviewed the proposed road improvement plans and has found that the engineer has provided the most feasible and practicable design for making improvements to Bridgetown Road. The plans are the minimum necessary to accommodate the practical difficulty in achieving compliance with the Caroline County Road Design Manual.

Anne Olgetree stated that Bridgetown Road is one of the county's original roads. They could not meet the requirements to have 20' on each side of the road due to wetlands. They are trying to make it safe and usable. Mr. Mike Davidson, representing Oldtown Materials ensured that everyone is on the same page with making the road safe.

Heather Price, County Attorney stated that she is still working on the DRRA. She was waiting to see how the Planning Commission meeting went to proceed. Ms. Price stated that she is working with the state with regards to bonding requirements.

Motion: Mr. Powell made a motion to approve the Modification from the Specification and Design Standards for County Roads, incorporating any conditions and safeguards specified by the Planning Commission.

Second: Dr. Simmons seconded the motion.

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

Allen Chorman and Son, Inc- Private Airstrip

Mr. Chorman has requested a Site Plan Approval for an Airport or landing field. This proposed use includes a grass airstrip for aircraft conducting agricultural spraying operations. There is also a proposed staging area for fueling and loading of aircraft.

The applicant has also submitted a Special Use Exception (SUE) Application. The BZA granted the SUE Application on Tuesday, May 21, 2019. The Ag Advisory Board also recommend approval due to the land being in MALPF easement.

Staff has reviewed the application and supporting documents and has found that the proposed use of an Airport or landing field conforms to the intent of the Zoning Chapter and should be permitted.

Ms. Ogletree is representing Mr. Chorman and states that the LLC that the crop dusting will be operating under is Del Ag Arrow. Mr. Kalmbacher is the Civil Engineer that made the site plan. Only access will be on Oakland Rd. It will only be a grass airstrip, no lights and no chemicals stored on site. Mr. Schmidt confirmed that there will only be light grading and seeding. Mr. Schmidt asked Ms. Freeman if all requirements from TAC have been met and they have. Ms. Minahan asked if they have heard from the Benedictine School. Ms. Ogletree stated that they have a letter from them stating they have no objections with the airstrip.

Mr. Schmidt stated that he will open the meeting up to comments but only regarding the site plan meeting the necessary requirements. Mr. Schmidt went on record to say that he is a farmer and his farm is under a MALPF easement. He also stated that he has an airstrip and rents to Mr. Chorman. Mr. Schmidt stated that he feels he can be impartial in the matter. Ms. Jarrell objected to Mr. Schmidt being a part of the voting process. Mr. Schmidt is willing to recuse himself from the decision process.

Mr. Ross Harper living at 14001 Clarks Lane came forward to speak. He has the adjoining parcel to Mr. Carroll's. Mr. Harper stated that he felt that the BZA hearing was not conducted in the proper manner and it will be appealed in circuit court. Mr. Schmidt asked Ms. Price if the appeal will affect the Planning Commission's decision.

- Motion:** Ms. Minahan made a motion to only approve the preliminary site plans.
Second: Mr. Powell seconded the motion.
In Favor: Commission members voted in favor of the motion (4-1) with 1 abstention- Mr. Schmidt.
Opposed: Mr. Franklin opposed.

Approval of Annual Report for the Reporting 2018

Mrs. Beales explained the annual report that will be turned into MDP. The number of building permits issued were 60. Report is due on July 1st. Every 5 years Development Capacity is due.

- Motion:** Ms. Minahan made a motion to approve the Annual Report for submission.
Second: Mr. Neal seconded the motion
In Favor: All Commission members voted in favor of the motion (6-0).

BZA Report

Application No. 201900004: A request by **Charity Peris** for a **Variance** in accordance with Article XVII, and §175-14 of the Caroline County Zoning Ordinance to permit the replacement of an existing dwelling which would be located closer to the front and rear property lines than the minimum required setbacks. Said property is located at 15764 Meeks Road, Goldsboro, Maryland and is further described as Tax Map 11, Grid 1, Parcel 119.

The Board approved this application. The current home is on a non-conforming lot and needed to be replaced. The proposed house would be built closer to the property lines than the setbacks, but much further away from both roads it now sits directly up to.

Application No. 201900005: A request by **Allen Chorman & Sons, Inc.** for a **Special Use Exception** in accordance with Article XVI and §175-13 of the Caroline County Zoning Ordinance to build a grass airstrip for agricultural use. Said property is located at 14105 Clarks Lane and 14022 Oakland Road, Ridgely, Maryland and is further described as Tax Map 13, Grid 15, Parcel 11 and Tax Map 16, Parcel

The application was approved with the following conditions:

A site plan application is filed with the Planning and Codes Department;

A written letter of approval from the Maryland Agricultural Land Preservation Foundation (MALPF) is submitted before the issuance of a Building Permit and/or Zoning Certificate; A building permit and/or zoning certificate is acquired prior to any proposed development and be accompanied by all the documentation and site plan requirements.

Trucks only access the site from Oakland Road; There will be no overnight storage of chemicals at the site; There will be no more that 20 flights on a given day.

This application was controversial and may be appealed.

DEPARTMENT UPDATE

Ms. Freeman informed the members that there are a couple of Planning Commission training conferences coming up, one in Ocean City, MD and one in Annapolis if anyone is interested.

Also, the software is almost complete and should be live in August. The software company will be here in July for training.

ADJOURNMENT

Motion: Ms. Minahan made a motion to adjourn the meeting at 8:35 p.m.

Second: Dr. Derek Simmons 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: Elizabeth A. Beales