

MEETING SUMMARY
Carroll County Planning and Zoning Commission
February 16, 2021

Location: Virtual

Members Present: Cynthia L. Cheatwood, Chair (left at 11:25 am)
Daniel E. Hoff, Vice Chair
Janice R. Kirkner
Peter Lester
Stephen A. Wantz, Ex-officio

Members Absent: Jeffrey A. Wothers
Eugene Canale
Michael D. Gosnell, Alternate

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Hannah Weber and Laura Bavetta, Department of Planning; Laura Matyas, Kierstin Eggerl, David Becraft and Amy Bancroft, Development Review and Jim Almon, County Attorney's office.

CALL TO ORDER/WELCOME

Chair Cheatwood called the meeting to order at approximately 9:04 a.m.

ESTABLISHMENT OF QUORUM

Laura Bavetta took attendance and noted that five members of the Board were present, and a quorum was in attendance.

REVIEW AND APPROVAL OF AGENDA

On motion of Mr. Hoff seconded by Ms. Kirkner and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Hoff seconded by Ms. Kirkner and carried, the Minutes from the January 19th and February 3rd meetings were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Cheatwood did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Wantz addressed vaccine rollout, Covid best practices and upcoming Budget sessions.

C. OTHER COMMISSION MEMBERS

Vice Chair Hoff mentioned the Department of Housing and Community Development report and the importance of reviewing it and how it relates to Carroll County.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg confirmed Vice Chair Hoff's mention of the housing report and addressed adding a more robust housing element during the next Plan cycle

B. EXTENSIONS

Laura Matyas introduced Amy Barcroft, new staff member in Development Review. Ms. Matyas stated there has been one extension since the last meeting for the Heard Property in Election District 8.

C. BZA CASES

Hannah Weber stated there are two BZA cases for the month of January; Case No. 6299 and Case No. 6301.

D. OTHER

There were no other reports.

FY22 PRELIMINARY RECOMMENDED CIP & BOND AUTHORIZATION

Deborah Effingham was present for questions and discussion. Secretary Eisenberg reviewed the revised Letter of Consistency on behalf of the Planning Commission. On motion of Mr. Lester, seconded by Mr. Hoff and carried, the Commission approved the Letter of Consistency.

CONCEPT SITE PLAN

SUBJECT: S-17-0043, Westminster Lawn Service

LOCATION: 1129 Sullivan Road; east side of Sullivan Road, south of Ships Quarters Court, E.D. 6

OWNER: Dale R. Bowman, Dirk R. Bowman, & Dawn B. Devivo, 2188 Mayberry Road, Westminster, MD 21158

DEVELOPER: Westminster Lawn, Inc., 113 John Street, Westminster, MD 21157

ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157

ZONING: Agricultural

ZONING CASES: BZA Case #6025, June 29, 2017, conditional use for mulch manufacturing on the property and variances to distance requirements

ACREAGE: 7.711 acres

FIRE DISTRICT: Westminster

WATERSHED: Liberty Reservoir

MASTER PLAN: Agricultural

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.** The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **History:**

Situated on the east side of Sullivan Road in the Agricultural zoning district, the subject property is a 7.71-acre parcel with an existing mulch manufacturing business for Westminster Lawn Service. The parcel was created in 1980 with the Shafer Farm Amended Plat, recorded in Plat Book 22, Page 22 (see attached). As stated on the plat, the parcel is not for residential use. Manufacturing of mulch is a conditional use in the Agricultural zoning district and restricted by distance requirements.

Board of Zoning Appeals Case #6025 in 2017 granted the use and variances to distance requirements (decision attached). A condition of the approval from the BZA was that the “business could only be transferred to either Laurie or David Bullock in the future.”

Following approval from the BZA, a site plan was submitted on December 27, 2017 to bring the site into compliance with all applicable codes and regulations.

§ 158.070 “A” AGRICULTURAL DISTRICT.

(E) Conditional uses requiring BZA authorization

(1) Conditional uses requiring BZA authorization shall be as follows:

(w) Manufacture of mulch, including processing, storage, and sale at retail and wholesale, provided that a site development plan shall be approved by the Commission, and subject to the following conditions:

1. The use shall not be located within 600 feet from any property line;
2. The use shall be shown by the owner not to adversely affect the quantity or quality of groundwater or surface waters, or be otherwise detrimental to neighboring properties;

❖ **Existing Conditions:**

The subject property is a 7.71-acre Agricultural-zoned parcel located within and central to an agricultural property from which it was created. Lot 5-A sits approximately 820 feet from Sullivan Road. The subject property has no road frontage but does have a 50-foot right-of-way, recorded by deed, over an existing drive on Lot 1-A to Sullivan Road.

On the site, existing structures include a topsoil storage building, shed, concrete storage bins. Areas dedicated to mulch manufacturing are depicted on the plan. An existing 8-foot high sign for the business is located at the drive entrance at Sullivan Road.

Adjoining properties are all within the Agricultural zoning district and restricted as well to agricultural uses per the record plat. The property is outside of Priority Funding Areas and Designated Growth Areas. It lies outside of the public water and sewer service areas.

❖ **Site Plan Review:**

The plan proposes to keep all existing structures and mulch operations on site and address the technical codes in respect to the approved conditional use. The site plan was subject to citizen

involvement on January 22, 2018 during the Technical Review Committee meeting. One citizen signed in regarding Westminster Lawn Service; Mr. Garnett Clark, adjacent property owner, also appeared at the BZA hearing in support of the application.

There is no retail operation from the property, employees are based in an office at an off-site location. Trips to the site include drop-off and pick-up of materials. Two 18-foot high pole lights exist on the property. One business sign is located at Sullivan Road. There are no existing or proposed dumpsters.

Stormwater Management will be addressed with grass channels, sheet flow, and drywells. A Stormwater Conservation Area Easement will be granted to the County. The site is within a Surface Water and Aquifer Protection Area. A note on the plan indicates that no regulated substances will be stored on site. Forest Conservation will be addressed with off-site banking. The plan is exempt from Landscaping requirements and the Floodplain code.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Discussion:

Laura Matyas presented the staff report.

John Lemmerman, RTF Associates, Inc. and Gavin Bullock, owner were present.

Vice Chair Hoff mentioned an inconsistency in names on the BZA letter.

Commissioner Wantz stated this was a well-run, top notch business.

Mr. Lemmerman asked if the Commission would delegate the final approval to the Chair.

Decision:

The Commission, on motion of Vice Chair Hoff, seconded by Mr. Lester and carried, voted to delegate final approval to the Chair.

RECESS

The Commission decided to have the Recess after Item #11.

COMPREHENSIVE REZONING – RESIDENTIAL TEXT – DISCUSSION

Mary Lane reviewed the updated Definitions in the Residential Text. There will be further discussion at the March 16th meeting.

COMMUNITY SOLAR ZONING TEXT AMENDMENT- DISCUSSION

Tom Devilbiss and Brenda Dinne reviewed the proposed text. The Commission discussed hearing from the ag community regarding the proposed text.

PUBLIC COMMENT

Michael Borkowski, Community Power Group, is willing to participate in providing feedback regarding community solar.

John Forgash, is a proponent of community solar.

ADJOURNMENT

On motion of Mr. Lester, seconded by Ms. Kirkner and carried, the Commission adjourned at approximately 11:40 a.m.

Secretary

Approved