

MEETING SUMMARY
Carroll County Planning and Zoning Commission
January 19, 2021

Location: Virtual

Members Present: Cynthia L. Cheatwood, Chair
Daniel E. Hoff, Vice Chair (left at 10:44 a.m.)
Richard J. Soisson
Jeffrey A. Wothers
Eugene Canale
Janice R. Kirkner
C. Eric Bouchat, Ex-officio

Members Absent: Michael D. Gosnell, Alternate

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Clare Stewart, Hannah Weber and Laura Bavetta, Department of Planning; Laura Matyas, Kierstin Eggerl and David Becraft, 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 seven members of the Board were present, and a quorum was in attendance.

REVIEW AND APPROVAL OF AGENDA

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

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Hoff seconded by Mr. Canale and carried, the Minutes from the December 15, 2020 meeting were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Cheatwood did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Rothstein introduced Commissioner Bouchat as the new Ex-officio. Commissioner Bouchat recused himself from any and all discussions on the Planning Commission as Ex-officio.

C. OTHER COMMISSION MEMBERS

Mr. Soisson announced this is his last meeting.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg updated the Commission on the Comprehensive Rezoning Commercial/Industrial/Employment Campus By Request properties.

B. EXTENSIONS

Laura Matyas stated there has been one extension since the last meeting, Shipley's Choice 2.

C. BZA CASES

Hannah Weber stated there are three BZA cases for the month of January; Case No. 6287, Case No. 6292 and Case No. 6294.

D. OTHER

There were no other reports.

FY22 PRELIMINARY RECOMMENDED CIP & BOND AUTHORIZATION

Mr. Ted Zaleski introduced the CIP with the Commission. Secretary Eisenberg stated staff is reviewing the CIP and there will be further discussion at the February 16th meeting before drafting a Letter of Consistency with the Master Plan.

MANCHESTER ANNEXATION NO. 40 – PATRIOT'S OVERLOOK

Clare Stewart presented the Annexation to the Commission. Clark Shaffer, Attorney, Marty Hackett, CLSI, and Michelle Wilder, Town of Manchester, were present. The Commission, on motion of Mr. Hoff, seconded by Mr. Soisson and carried, voted to forward this request with a favorable recommendation.

RECESS

COMMUNITY SOLAR ZONING TEXT AMENDMENT- INTRODUCTION

Mr. Tom Devilbiss introduced the item and the process to the Commission. Brenda Dinne introduced the text amendment to the Commission. Mr. Hoff and Mr. Wothers expressed concerns about the loss of agricultural land to solar. Mr. Hoff asked if the Farm Bureau's perspective has been received. Ms. Dinne stated the Ag Commission and the Farm Bureau are opposed to any commercial uses of solar in the Ag district. There will be further discussion at the February 3rd meeting.

FINAL SITE PLAN

SUBJECT: S-16-0025, Hagan & Son Tree Service, Contractor Storage Yard
LOCATION: 900 Pleasant Valley Road, Westminster, MD 21158; E.D. 7
OWNER: Wallace L Hagan III, c/o David Bowersox, 24 North Court Street
Westminster MD, 21157
DEVELOPER: Same as owner
ENGINEER: RTF Associates, Inc., 142 East Main Street Westminster, MD 21157
ZONING: Agricultural

BZA CASE: 5810 – February 24, 2015
6267 – December 1, 2020

ACREAGE: 29.57 acres (Contractor’s Equipment Storage Yard = less than 1 acre)

WATERSHED: Double Pipe Creek

FIRE DISTRICT: Pleasant Valley Community Fire Company

MASTER PLAN: Agriculture – 2014 Carroll County Master Plan

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 and approval.

❖ **Existing Conditions:**

The subject property of 900 Pleasant Valley Road is a 29.57-acre property which host an existing tree service business and a residential dwelling. The business fronts Pleasant Valley Road with two points of access to the site. The easternmost entrance grants access to the overall property, including the project area of the site, while the westernmost entrance provides access to the tree service business only. There is an existing tree line on the western property line and along Pleasant Valley Road.

The subject property lies within the Agricultural zoning district. The site is flat with a steep upward slope along Pleasant Valley Road which is bordered by a guardrail. There are two streams on the property; one stream flows north/south along the eastern property line and the other stream flows east/west and separates the business from the rest of the property. There is a FEMA 100 Year Floodplain designation that encompasses the stream which travels east/west. All adjoining properties are currently zoned Agricultural, are served by private well and septic systems, and host either residential dwellings or farmland.

❖ **Background:**

In February of 2015, Board of Zoning Appeals, case number 5810, granted a conditional use permit to the owner for a contractor's storage facility less than one acre and variance for the setback requirement of 400 foot in the Agricultural zoning district (decision attached). The engineer submitted for review, by all applicable agencies, a simplified site plan. Upon review, staff informed the engineer that the area of disturbance on the simplified site plan was greater than 5,000 square feet; requiring a full site plan. Prior to submission of a full site plan, work and grading of the site for a contractor's storage facility began. A letter sent in October of 2016, from the Bureau of Resource Management identified multiple violations pertaining to Chapters 153: Floodplain Management and Chapter 154: Water Resource Management. The violations pertained to disturbance within the stream buffer, fill within the floodplain, and vehicular tracks across the stream crossing, as well as disturbed vegetation within the stream buffer and silt fencing not in place along the stream buffer.

A site plan review was initiated in September 2016 to bring the site into compliance. During the site plan review, the Zoning Administrator challenged the firewood processing operation

within the contractor's equipment storage yard. Firewood processing is not a principle permitted use within the Agricultural zoning district (letter attached).

On December 1, 2020, Board of Zoning Appeals, case number 6267, convened to hear a request by the owner for an appeal of the Zoning Administrator's aforementioned determination (decision attached). The Board found that Mr. Hagan's tree business was lawful when it was approved in 2015 and continued to be lawful. The Board found the operation had not changed since the conditional approval of the use in 2015 and that the processing of firewood is an accessory use to the tree business.

❖ **Plan Review:**

The final site plan proposes a contractor's equipment storage yard with an area of 35,831 square feet (0.82 acres) and a 50-foot by 100-foot pole building. This plan is to bring the contractor storage yard into compliance with Chapter 155.059, Site Plan Requirements, of the Carroll County Code of Public Laws and Ordinance. A dense graded aggregate stone area is proposed west of the building for wood and material storage. The proposed pole building will be used to house company equipment and will be fully enclosed with overhead doors on the east and west elevations. There are no pole-mounted lights or free-standing business signs proposed.

The concept site plan was initially submitted September 13, 2016. The plan was subject to citizen involvement at the October 24, 2016 Technical Review Committee meeting. One citizen, an owner of an adjoining property, raised concerns pertaining to screening from Pleasant Valley Road and current security lights.

The concept site plan for the subject property was reviewed by the Planning and Zoning Commission on August 22, 2017 (minutes attached). During this meeting, the applicant-petitioned sight distance waiver for the western entrance was a topic of discussion. The Planning and Zoning Commission deferred to the Department of Public Works, the approval authority for sight distance waiver requests.

A sight distance waiver for both entrances was received by The Department of Public Works. On September 11, 2017 the Department of Public Works granted a waiver for the eastern entrance. Due to sight distance intrusions from the existing guardrail, landscape, and curvature of the roadway for the western entrance, the access was restricted to an entrance-only by the owner.

Landscaping is addressed via the existing vegetation between the site and Pleasant Valley Road, as well as along the western property line. A landscape variance was approved on December 23, 2019 to remove the requirement of landscape screening along Pleasant Valley Road for the existing stone drive from the eastern entrance.

The Floodplain ordinance will be addressed via a floodplain easement. A floodplain variance was approved on April 5, 2017 to modify the maximum floodplain setback as required in the Code. The requirements of the Forest Conservation Ordinance will be addressed by onsite forest retention. To comply with the Water Resources Code, the final site plan shows a variable-width stream buffer. Approval was granted by the Bureau of Utilities and the Carroll County Health Department. The Office of Public Safety has granted approval and stated a sprinkler system is not required.

Stormwater management has granted final approval. Stormwater management will be addressed via the construction of level spreaders and an onsite permanent sediment trap/stormwater management facility.

In accordance with a site development plan memorandum from the Department of Planning, the proposed land use is consistent with the 2014 Carroll County Master Plan land use designation of Agriculture. All review agencies have provided final approval of the plans.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the site development plan subject to the following conditions:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Stormwater Management Conservation Easement be granted to the County Commissioners of Carroll County simultaneously with the Public Works Agreement.
3. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with the Public Works Agreement.
4. That a Forested Water Resource Protection Easement be granted to the County Commissioners of Carroll County simultaneously with the Public Works Agreement.
5. That a Landscape Maintenance Agreement be granted to the County Commissioners of Carroll County simultaneously with the Public Works Agreement.
6. That a Floodplain Easement be granted to the County Commissioners of Carroll County simultaneously with the Public Works Agreement.
7. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County simultaneously with the Public Works Agreement.
8. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

David Becraft presented the staff report.

John Lemmerman, RTF Associates, and David Bowersox, Attorney, were present.

Mr. Wothers asked for clarification regarding landscaping. Mr. Becraft stated the applicant voluntarily added landscaping that complies with the landscape code.

Mr. Bowersox stated the adjoining property owners, Mr. and Mrs. Judge, are in support of the project.

Mr. Lemmerman stated the goal is to have the equipment inside of the new building and improve the conditions of the property.

Mr. Becraft stated post cards were mailed to adjoining property owners and staff did not receive any comments or phone calls.

Decision:

The Commission, on motion of Mr. Soisson, seconded by Mr. Wothers and carried, voted to approve the final site plan in accordance with Chapter 155 and subject to the eight conditions outlined in the staff report.

PUBLIC COMMENT

Harry Sellers, President of the Carroll County Farm Bureau, expressed concerns regarding the solar text amendment on agricultural land. Mr. Sellers stated the Farm Bureau's stance is to not have solar on agricultural land.

Wayne Barnes, citizen, is not in favor of solar on agricultural land.

ADJOURNMENT

On motion of Chair Cheatwood, the Commission adjourned at approximately 11:20 a.m.

Secretary

Approved