

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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January 12, 2023

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, January 12, 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; Matt Kaczynski, Development Review Coordinator; Stewart Barroll, Attorney and Beth Beales, Long Range and Agricultural Planner.

Agenda:

- Approval of the December 14, 2022, Meeting Minutes
- Elections for Chairman and Vice Chairman
- Ridgely Cow Barn Solar-Major Site Plan Application
- Scarlette Ridge Stables-Major Site Plan Application
- BESS Draft Model Ordinance
- Comprehensive Plan- Citizen Survey

Chairman Neal called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES

Chairman Neal asked the members if they had reviewed the minutes from the December 14, 2022, Planning Commission meeting. No changes were noted.

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

Second: Ms. Cawley seconded the motion.

In Favor: All members voted in favor of the motion (4-0).

Elections for Planning Commission Chairman and Vice Chairman

The positions of Chairman and Vice Chairman are voted on every year. Mr. Neal opened the floor to nominations for Chairman and Vice Chairman. Mr. Neal, who's term expired December 31, 2022, was asked by Ms. Freeman and Commissioner Breeding to remain on the Board until the Commissioners appoint a new Planning Commission member. Mr. Neal agreed to stay for the next two months. Mr. Mosca made a motion that the members currently holding the positions of Chairman and Vice Chairman remain the same until new members are appointed. Mr. Jackson seconded the motion, all members agreed.

Ridgely Cow Barn Solar-Major Site Plan Application

Mr. Kaczynski presented his staff report. Soltage MD DevCo, LLC submitted a Major Site Plan Application for a Small-Scale Commercial Solar Energy System, known as Ridgely Cow Barn Solar. The project consists of a two-Megawatt community-scale solar energy system that will encompass approximately 14.19 acres. The acreage from this solar project will be deducted from the County's 2,000 acre cap for commercial solar energy projects.

Brendan Mullaney, attorney representing the applicant, presented the revised site plan that addresses all of staff's comments to the Board. Ms. Cawley asked about the 200' residential setback not being consistent around the project. Mr. Kaczynski stated that the setback depends on the type of zoning and the proposed setbacks are consistent with the zoning of the property.

The Board asked Mr. Mullaney to explain what community solar is. He stated that it is a solar project that is below 5 megawatts. Community solar allows residents and small businesses to subscribe to the community solar and have a reduction in their utility bills. Community solar projects between 2-5 megawatts need state approval called CPCN spell out what this is. This project is below 2 megawatts, so it will not require CPCN approval.

The proposed project is approximately 78.19 acres on non-prime agricultural land. Screening is proposed on all sides of the project except on the forested land side. There are significant setbacks of at least 200', the closest panels are located at least 325' from the nearest resident. There will be a 7' chain-link and barbed wire fence around the perimeter of the project. The inverter will be located within the center of the project and will produce a low hum. The screening buffers will be 25' wide and will include conifers, deciduous and shrubs.

Mr. Neal asked how large of a geographical area will the solar project benefit? Mr. Mullaney stated that it will benefit all Delmarva Power and Light customers, but they will send out flyers for residents to subscribe first. Mr. Mosca asked what the average savings

will be for customers? Mr. Meyers, who is representing Soltage, stated that customers will see approximately a 5%-10% savings which will be a fixed percentage. Mr. Breeding asked why the project is only 2 megawatts considering there is more acreage. Mr. Myers stated that it was because the state just recently changed the limit size of community solar from 2 megawatts to 5 megawatts and the project was already planned for 2 megawatts. Mr. Myers also stated they may apply to expand in the future, but right now they are only planning for a 2 megawatt facility.

Ms. Cawley stated that she would like to see the landscape buffer be increased from 25' to 50' on all sides of the project except on the forested side to protect the view of the neighbors. Mr. Mullaney proposed that the extra 25' be done in seedlings. The Board agreed that the landscape buffer should be increased by adding another line of conifers, and that native species be planted.

Motion: Mr. Mosca made a motion that they approve the preliminary site plan with the corrections requested by the Board and recommend that the applicant proceed to the Board of Zoning Appeals for the Special Use Exception.

Second: Ms. Cawley seconded the motion.

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

Scarlette Ridge Stables-Major Stie Plan Application

Mr. Kaczynski presented his staff report for Scarlette Ridge Stables. On August 4, 2022 the Planning and Codes Department received an anonymous letter regarding activities associated with a commercial stable operation located at 24082 Carrlyn Drive, Ridgely. The Code Enforcement Officer conducted a site inspection and found the property to be in violation as the owners are operating a commercial stable without prior approval of a zoning certificate and/or building permit for this use. A Commercial or Club Stable is a permitted use subject to a Site Plan Approval within the R Rural Zoning District. In order to remedy the violation, the owner has submitted a Site Plan Application in hopes to bring the operation into compliance with the County Code.

The applicants and property owners, Chris and Laura Fox, purchased the property in 2019. The existing horse stable and barn shown on the site plan were properly permitted structures in 2002 and 2008. Both structures were permitted as horse barns for private use by previous property owners. Mr. and Mrs. Fox currently lease their property to Megan Dixon, a local instructor who teaches proper care for horses, tack and grooming procedures, as well as riding lessons. Currently, Megan teaches English riding techniques, hunter/jumper courses and prepares riders for off-site horse shows.

It should be noted that the applicant has also filed a variance application with the Board of Zoning Appeals as the existing stable does not meet the commercial stable setback of 200'. The Site Plan Application and the Variance Application must be reviewed simultaneously, as the Department cannot approve a variance for a setback in conjunction with a use which has not yet been approved.

Ms. Cawley asked what the difference between a commercial operation and a private operation is. Mr. Kaczynski stated that it's a combination of things, to include giving lessons and boarding horses. Mr. Breeding asked what the distance is from the building to the neighboring property line. Mr. Kaczynski stated that he does not have the dimension of the building but would estimate it to be about 250'.

Laura Fox, the owner of the property, and Megan Dixon, the trainer, were present to explain the operation. They stated that Megan has been training her children for over 10 years at different locations. When Ms. Fox bought the farm, Ms. Dixon continued to train her children and brought a few more children with her. Ms. Fox stated that Ms. Dixon has approximately 10-15 children that train for about an hour 2-3 times a week depending on the weather. Ms. Dixon stated that her operation is very small and family-oriented. They have about 6 horses on approximately 5.9 acres. Mr. Mosca asked if they knew the nature of the complaint. Ms. Fox stated that they believe it was traffic due to a one-day summer camp that they held. Children were dropped off in the morning then picked up in the afternoon. Mr. Barroll, the County Attorney, asked if their insurance company understands that they have a horse operation on the property. Ms. Dixon stated that she holds her own insurance that travels with her. Mr. Barroll stated that if someone is injured on their property the attorney will ask about insurance. Ms. Fox stated that she will investigate additional insurance.

Motion: Mr. Mosca made a motion to approve the preliminary site plan application and to recommend the applicant proceed to the Board of Zoning Appeals for review of their Variance application. If the Variance Application is granted, the applicant shall resubmit the final site plan incorporating any additional conditions and safeguards specified by the Board of Zoning Appeals

Second: Mr. Jackson seconded the motion.

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

BESS DRAFT Model Ordinance

This is Draft 2 of the Battery Energy Storage Systems (BESS) ordinance. Recommendations from the December Planning Commission were incorporated, as well as more robust language in several sections. No other County in Maryland has an ordinance like this. Ms. Freeman stated that this ordinance is not ready to be forwarded to the County Commissioners as more research needs to be done. Mr. Breeding stated since this is brand new technology, no one has a good handle on it. The Board directed Ms. Freeman to find a subject matter expert to look over the draft ordinance before moving forward.

Comprehensive Plan-Citizen Survey

Ms. Freeman stated that the Department has started working on the update of the Comprehensive Plan. In an effort to collect data and engage citizens in Caroline County, a

draft web survey has been prepared. The survey should take 15 minutes or less to complete and can be completed on a computer, tablet, and smartphone.

Ms. Cawley suggested that the answers should be a scale from 1-5. The Board suggested adding more options or list the different types of housing options available. Mr. Barroll also suggested to state that this will pertain to only the unincorporated parts of the County. The Board also recommended that questions about Ag Land Preservation be included in the survey. The Board directed staff to send out the survey with the proposed changes.

BZA Update

The Board of Zoning Appeals met on December 13, 2022, to hear the following:

Application No. 21-0033: A request by **Waypost Solar Project, LLC** for a **Special Use Exception** in accordance with Zoning Chapter 175, Article XVI, §175-46 of the Code of Public Local Laws of Caroline County, Maryland to construct a large scale commercial solar energy system and a power substation. Applicant has also requested a **Variance** in accordance with Zoning Chapter 175, Article XVII and §175-82 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 parcels in Henderson and Marydel area.

The applications were initially heard by the Board on December 13, 2022 and will be continued by the Board on January 17, 2023. The testimony portions of the applications concluded during the December 13, 2022 public hearing, and the Board will not receive further public testimony regarding the application.

Application No. 22-0051: A request by **Dufferin R. & Gina D. McConnell** for a **Variance** in accordance with Zoning Chapter 175, Article XVII §175-153.A(3)(g) of the Code of Public Local Laws of Caroline County, Maryland and COMAR Title 27 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 and is further described as Tax Map 63, Grid 6, Parcel 77, Lot 20.

The applications were initially heard by the Board on December 13, 2022 and will be continued by the Board on January 17, 2023 pending submittal of additional documents. The testimony portion of the application concluded during the December 13, 2022 public hearing, and the Board will not receive further public testimony regarding the application.

DEPARTMENT UPDATE

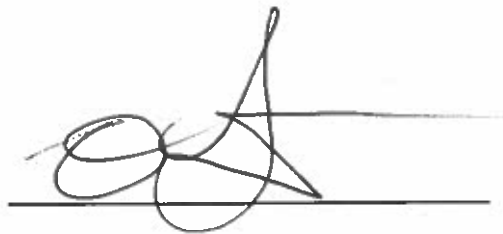
The Department is still searching to fill the vacancy for Administrator to the Boards position.

ADJOURNMENT

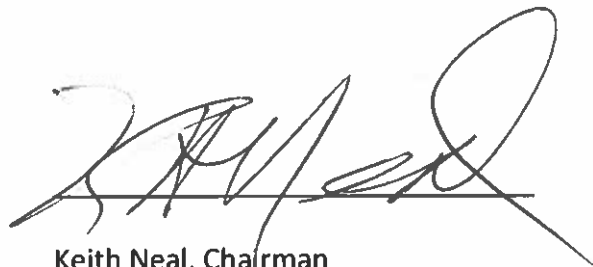
Motion: Mr. Jackson made a motion to adjourn the meeting at 8:30 p.m.

Second: Mr. Mosca seconded the motion.

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



Katheleen Freeman, AICP
Director
Planning & Codes



Keith Neal, Chairman


Prepared by Elizabeth A. Beales