

Caroline County Planning Commission



Hannah Cawley, Chairman
Charles Mosca, Vice Chairman
Travis Breeding, Commissioner Member
Jeff Jackson, Member
Keith Bilbrough, Member

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March 8, 2023

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, March 8, 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: Chuck Mosca, Vice-Chairman serving as Acting Chairman; and members, Hannah Cawley, Jeff Jackson, Keith Bilbrough and Frank Bartz. Also present were Katheleen Freeman, Director of Planning and Codes; Leslie Grunden, Assistant Director of Planning; Matt Kaczynski, Development Review Coordinator; Stewart Barroll, Attorney and Beth Beales, Long Range and Agricultural Planner.

Agenda:

- Introduction of new Planning Commission Member
- Approval of February 8, 2023, Meeting Minutes
- Danny's Grinding Service, LLC- Wood Waste Recycling Facility
- Election for Chairman

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

Mr. Mosca introduced Keith Bilbrough as the new member of the Planning Commission. Mr. Bilbrough stated that he has been in Caroline County for many years and has a contracting business.

APPROVAL OF MINUTES

Vice Chairman Mosca asked the members if they had reviewed the minutes from the February 8, 2022, Planning Commission meeting. No changes were noted.

Motion: Mr. Jackson 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 (5-0).

Danny's Grinding Service, LLC- 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 11, Parcel 26, Tax Map 13, Grid 5, Parcel 24 and Parcel 73, 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 proposed use of a Natural Wood Waste Recycling Facility requires a Major Site Plan Approval from the Planning Commission and a Special Use Exception Approval from the Board of Zoning Appeals. The applicant has submitted a Special Use Exception Application to the Board of Zoning Appeals (BZA). This application is scheduled for the April 18th BZA Hearing.

It should be noted that Natural Wood Waste Recycling Facilities require a fifty-foot setback between the facility and any adjoining property lines. The current facility does not comply with the setback requirements as it is located across property lines. The current configuration of the facility would require a variance approval from the Board of Zoning Appeals for encroachment of the required setbacks. The applicant has also submitted a Variance Application to the Board of Zoning Appeals.

Staff has reviewed the application and supporting documents for conformance with the requirements in the County Code and has found that the applicant will need to address the following before Final Approval of this Major Site Plan Application:

- A Special Use Exception Application and a Variance Application must be approved by the Board of Zoning Appeals
- Fence details must be provided.
- Access roads should be a minimum of 20-feet in width. Current access roads within the facility do not meet the 20-foot minimum width.
- A Forest Conservation Plan is required. This item will not be required for the Board of Zoning Appeals hearing; however, if the Special Use Exception and Variance is approved by the Board of Zoning Appeals it will be required before proceeding with Final Site Plan approval by the Planning Commission.
- Proposed disconnect areas used for the treatment of stormwater are located across property lines. If a stormwater management plan involves direction of some or all runoff off of the site, a stormwater management easement must be established over the areas used for the treatment of stormwater.
- The limit of disturbance must be updated to include the removal and relocation of the existing fencing. The site plan does not indicate whether the landscaped area will be relocated; if proposed to remain, the applicant must provide written confirmation from

the Maryland Agricultural Land Preservation Foundation (MALPF) that this will be allowed.

Mr. Garrett Fitzgerald, Mr. Hutchison's attorney was present. Mr. Fitzgerald wanted to be clear that Mr. Hutchison has not been operating the wood waste business. Mr. Fitzgerald and Mr. Hutchison stated that the fencing has been removed from the adjoining MALPF easement property. Mr. Fitzgerald stated that he will contact MALPF regarding the stormwater management plan that will involve the adjoining MALPF easement property. Mr. Hutchison stated that he does not understand the reasoning for the stormwater management easement. Mr. Kaczynski stated that due to the stormwater management crossing property lines an easement is needed. Mr. Barroll stated that it's possible that instead of an easement a covenant could be recorded

Motion: Ms. Cawley made the motion to approve the preliminary site plan application with conditions noted in the staff report and to recommend the applicant proceed to the Board of Zoning Appeal for review of their Special Use Exception and Variance applications.

Second: Mr. Bartz seconded the motion.

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

Elections

Ms. Freeman stated that due to Chairman Keith Neal's term ending, the members must elect a new Chairman. She added that Mr. Mosca is currently the Vice Chairman; his term expires in May 2023. Ms. Freeman reviewed the duties of Chairman and Vice Chairman.

Mr. Jackson nominated Ms. Cawley to be Chairman, all members agreed. Mr. Mosca will remain as Vice Chairman through the end of his term in May 2023.

BZA Update

The Board of Zoning Appeals met on February 21, 2023, to hear the following applications:

Application No. 22-0040: A request by **Christopher and Laura Fox** for a **Variance** in accordance with Zoning Chapter 175, Article XVII and §175 Attachment 3:1 of the Code of Public Local Laws of Caroline County, Maryland to operate a commercial stable within an existing barn which is located closer to the property lines than the minimum required setback of 200 feet. Said property is located at 24082 Carrlyn Dr, Ridgely, Maryland.

The variance application was approved by the Board with the following conditions:

1. The side yard setback within the R Rural zoning district is 25'. The site plan must be updated to reflect this requirement prior to submitting the final site plan to the Planning Commission.

2. The Applicant must receive Final Site Plan Approval from the Planning Commission prior to the issuance of any Building Permit and/or Zoning Certificate associated with the project.
3. A Building Permit and/or Zoning Certificate will be required prior to any proposed development and must be accompanied by all the necessary documentation and site plan requirements; and
4. Hours of operation for all outdoor activities shall be between 9:00 AM – 8:30 PM.

Application No. 22-0011: A request by **Soltage MD DevCo, LLC** for a **Special Use Exception** in accordance with Zoning Chapter 175, Article XVI and Section 175-46 of the Code of Public Local Laws of Caroline County, Maryland to construct a commercial small-scale two-megawatt (2MW) community solar energy system. Said property is located at 12810 Cow Barn Rd, Ridgely, Maryland.

The special use exception application was approved by the Board with the following conditions:

- The Applicant must receive Final Site Plan Approval from the Caroline County Planning Commission prior to applying for any Building Permit and/or Zoning Certificate associated with the project.
- A Building Permit and/or Zoning Certificate will be required prior to any proposed development and must be accompanied by all the necessary documentation and site plan requirements; and
- The time limit for completing the project shall be extended until two (2) years after the date of this decision.

DEPARTMENT UPDATE


Ms. Freeman stated that every department in the County now submits bi-weekly department updates to the County Commissioners. She will be using those updates for the department update moving forward.

Regarding adoption of an ordinance for Battery Energy Storage Systems (BESS), the County has been waiting to review any potential BESS legislation drafted by the State Legislature. It appears that the State will be implementing the NFP 855 Code which covers most of the relevant details for BESS, however it does not include regulations for setbacks or on-site water sources, which are priority issues for the County. Ms. Freeman stated that she would propose that the County adopt the NFP 855 Code and add our own additional specific zoning requirements. The County Commissioners will review the draft ordinance at their March 21, 2023, meeting. It will then come back to the Planning Commission for approval.

Also, regarding the solar projects, Ms. Cawley and Mr. Breeding suggested that a landscape architect review all solar projects going forward. Ms. Freeman responded that the County does have a landscape architect on contract who will be involved in the solar project currently undergoing development review.

ADJOURNMENT

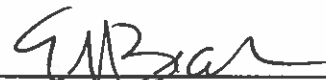
- Motion:** Ms. Cawley made a motion to adjourn the meeting at 7:04 p.m.
Second: Mr. Bilbrough seconded the motion.
In Favor: All members voted in favor of the motion (5-0).



Katheleen Freeman, AICP
Director
Planning & Codes



Hannah Cawley, Chairman



Prepared by Elizabeth A. Beales

