

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

November 15, 2011

Location: Carroll County Office Building

Members Present: Dennis Wertz, Chairman
Charles M. Chadwick, Vice Chair
Melvin E. Baile, Jr.
Alec Yeo
R. Wayne Barnes
Richard J. Soisson
Richard S. Rothschild, Ex-Officio
Cynthia L. Cheatwood, Alternate

The meeting opened at approximately 9:00 a.m. Present with the Commission were the following persons: Commissioner Robin Frazier and Commissioner Doug Howard; Steve Powell, Chief of Staff; Tom Devilbiss, Brenda Dinne, and Kelly Martin, Department of Land Use, Planning, and Development; Gail Kessler, Department of the County Attorney; Clay Black, Kim Brandt, Patrick Varga, Jeanne Joiner, Kathryn Bolton, and Patti Schaeffer, Bureau of Development Review; Daphne Daly and Bobbi Moser, Bureau of Planning; Al Eilbacher, Carroll County Public Schools; Bryan Van Fossen, Office of Public Safety; Ted Zaleski, Department of Management and Budget; Denise Beaver and Paige Sunderland, Department of Economic Development; Christine Lothen-Kline, University of Maryland Extension; Bradley Plante, Town of Hampstead; Mathew Seeley; Donald Patton; Clark Shaffer; Christina Gennity; Julie Komiske; Mike VanSant; Greg Dods; Charles Wheatley; Thomas Beach; Neal Roop; and members of the press.

ELECTION OF COMMISSION CHAIRMAN, VICE CHAIR, AND SECRETARY

Mr. Wertz asked for nominations for the office of Chairman.

Mr. Barnes nominated Mr. Wertz for Chairman. The nomination was seconded by Mr. Yeo. Commissioner Rothschild indicated he would be abstaining from all votes taken during the election. The Commission elected Mr. Wertz Chairman.

Mr. Wertz asked for nominations for the office of Vice Chair.

Mr. Barnes nominated Mr. Chadwick for Vice Chair. The nomination was seconded by Mr. Yeo. The Commission elected Mr. Chadwick Vice Chair.

Mr. Soisson entered the meeting.

Mr. Wertz asked for nominations for the office of Secretary.

Mr. Baile nominated Mr. Tom Devilbiss as Secretary to the Commission. The nomination was seconded by Mr. Chadwick. The Commission elected Mr. Devilbiss Secretary.

REVIEW OF ADMINISTRATIVE RULES

Mr. Wertz asked if anyone had any suggested changes to the Administration Rules.

Mr. Baile questioned Mr. Devilbiss as to whether the staff felt changes were necessary to the Administrative Rules.

Mr. Devilbiss indicated he did not have any suggested changes.

No changes were made by the Commission.

APPROVAL OF MINUTES

- a. October 13, 2011
- b. October 18, 2011
- c. October 27, 2011
- d. November 3, 2011

The minutes of October 13, October 18, October 27, and November 3 were approved as written, on motion of Mr. Barnes, seconded by Mr. Chadwick, and carried.

REPORT OF AGENCY REPRESENTATIVES:

Public Safety – Mr. Bryan Van Fossen reported that the bids for the underground fire suppression tank project in Uniontown are due November 16. Once a selection is made, staff will go to the Board of County Commissioners for concurrence. The timeline for completion is March, 2012. Estimates for the dry hydrant project located on Harney Road between Harney and Taneytown were higher than expected. The project will be redesigned and sent back out for bid. RFP's were requested for the redevelopment/redesign of the Emergency Services Training Center Site; a selection should be made in December.

Board of Education – Mr. Albert Eilbacher reviewed the School Construction Report dated October 26, 2011 as follows: completed installation of boilers for the Hampstead Elementary HVAC Replacement project; ready for the heating season to begin; performing testing on HVAC system when students are not in the building. The cut/fill site operations continue for the Mount Airy Middle Replacement project; installation of building footings is underway; installation of underground utilities continues; the timing of this project has been affected by the inclement weather. The Full Day Kindergarten Classroom Addition at Robert Moton Elementary was completed in August; punch list items are being addressed by the contractor; contractor's request for reduction of retainage to 2.5 percent has been granted. Working on the final phase of the Westminster Elementary Open Space Enclosures project. Testing, balancing, and commissioning activities continue for the Westminster High HVAC Replacement project. The building warranty has expired for the William Winchester Elementary Kindergarten Addition, Winfield Elementary Kindergarten Addition, and the South Carroll Fine Arts Addition. Construction documents are complete and will be submitted to the Maryland Public School Construction Program for the Freedom Elementary Roof Replacement project. The architects for Westminster West Middle Roof Replacement and William Winchester Elementary Roof Replacement continue review of as-built drawings and recently collected field data and have started roof replacement design drawings. Approval to bid the Hampstead Elementary Roof

Replacement project was received from the Maryland Public School Construction Program. The kickoff meeting for the Charles Carroll Elementary Roof Replacement project was held; the design team conducted an on-site evaluation of existing conditions on October 3. The schematic design for the Freedom Elementary Heat Plant Conversion has been reviewed and discussed with Century; design development is occurring. The initial meeting of the Construction Planning Committee for the Robert Moton Elementary Open Space Enclosure project occurred on October 20; development of educational specifications has been initiated. Waiting for review comments from Maryland Department of the Environment for the water treatment and pumping station for the Manchester Valley High project. The bid documents have been released for the Taneytown Elementary Telephone and Data Infrastructure Upgrades. Mr. Eilbacher updated the Commission on the status of the following Aging School Projects: installation of the replacement interior fire rated doors is complete at Westminster West Middle and Westminster Elementary; the partial replacement of the exterior doors at Friendship Valley Elementary is complete; proposal for design services for the Chiller Replacement at South Carroll High have been received.

Management and Budget – Mr. Ted Zaleski indicated he had nothing new to report.

Mr. Baile questioned whether the County's bond ratings remained the same during the recent review.

Mr. Zaleski indicated that they did.

University of Maryland Extension – Ms. Christine Lothen-Kline reported that 5 of the 16 members on the Maryland State 4H Equestrian Team came from Carroll County; the team placed third overall in the Eastern Nationals. Mr. Bryan Butler has returned from his sabbatical and is continuing his work with stink bugs. He is also working on a new emerging pest in the mid-atlantic region—the spotted wing drosophila. Ms. Lothen-Kline indicated that they are in the final stages of filling the two 4H positions, with those persons starting the first of the year. She noted that she would be leaving her position at the end of the year.

The Commission members thanked Ms. Lothen-Kline for her service to the County.

COMMISSION MEMBERS REPORTS:

Chairman – Mr. Wertz indicated that since the last meeting he had approved two minor subdivisions: Dwyer Manor on Buckhorn Road, one 3.97 acre lot and Parcel A deeded to the County for road right-of-way; and Garland Estates on Bartholow Road, one 1.9 acre lot and remaining portion which has no further subdivision.

Ex-Officio – Commissioner Rothschild reported that the PlanMaryland Forum was held on October 31, and the video of the forum is available on the County's website. He noted that there had been some mischaracterization regarding the forum and reviewed some information that had been discussed.

Mr. Wertz asked about the status of PlanMaryland.

Commissioner Rothschild indicated that Maryland Department of Planning staff were compiling comments received and preparing another draft.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS:

Acting Director – Mr. Tom Devilbiss reported that he had approved five development extensions, including: a second one-year extension to November 28, 2012 for Bethania Home Care, an assisted living facility on Bell Road; a one-year extension to December 24, 2012 for Antlitz Estates, 21-age restricted units located in Eldersburg; a one-year extension to November 5, 2012 for Joycelyn, two residential lots and a remaining portion on Dave Rill Road; a one-year extension to December 23, 2012 for Crestview Meadows, Section 5, 20 lots located in the Hampstead area; and a second one-year extension to March 3, 2013 for Hewitt’s Landing, 15 lots located in the Finksburg area. Mr. Devilbiss indicated that comments were forwarded to the Maryland Department of Planning from the Planning Commission and staff regarding PlanMaryland.

Mr. Wertz asked for clarification regarding the 1:30 p.m. work session scheduled on the Commission’s agenda.

Mr. Devilbiss explained that the purpose of the work session would be a continuation of the Commission’s earlier discussion regarding commercial/industrial rezonings and the Master Plan update process. Staff has updated the information contained in the first five chapters of the 2007 Economic Development Land and Employment Needs Study. Mr. Devilbiss noted that staff from the Department of Economic Development, Steve Powell, and Commissioner Howard would be in attendance. Staff is looking for direction on how to proceed.

Mr. Wertz questioned whether it was staff’s intent to review Chapter 7 at this time.

Mr. Devilbiss indicated it was not.

HAMPSTEAD ANNEXATION NO. 37 – JOSEPH A. BANK PROPERTY

Ms. Bobbi Moser, Comprehensive Planner, introduced Mr. Bradley Plante, Town Manager, Town of Hampstead, and Mr. Clark Shaffer, attorney representing Joseph A. Bank. She noted that the Town’s public hearing on the annexation petition is scheduled for December 14. The property consists of 38.5 acres located on the west side of MD 30. The northern boundary of the property adjoins the current corporate limits for the Town. Ms. Moser reviewed the location on an aerial photograph. The property is currently zoned Restricted Industrial “IR”. The Town has indicated its intent to place the annexation area in the “IR” zoning district. Given the close similarity between the Town and County “IR” districts, staff believes a waiver of zoning is unnecessary for the zoning being proposed. Ms. Moser reported that the annexation area is located within the Municipal Growth Boundary and the County Priority Funding Area for the Hampstead community. The proposed annexation creates a near-enclave of unincorporated land. Joseph A Bank Manufacturing Company has made an attempt to include other properties in the annexation proposal to facilitate a “normalized” corporate boundary; however, the property owners were not interested in annexing their properties. Ms. Moser reviewed two recommended actions contained in the 2010 Hampstead Community Comprehensive Plan, including: prioritize annexation of developed areas within the Growth Area Boundary where such annexation would result in a greater efficiency in providing public services; and, create an incentive program to allow annexed existing county residences to delay or phase in the payment of town taxes. Ms. Moser reviewed comments received from agency referrals. She noted that the annexation area is designated in the “Existing/Final Planning” water and sewer service categories.

Commissioner Rothschild noted that the petitioner currently provides its own private well and septic. By being annexed, the property would be eligible for public water and sewer. He questioned whether the petitioner would stop using their private septic.

Mr. Shaffer explained that the primary reason for the annexation is to enable the plant to hook up to public water and sewer. The company plans an expansion which would eliminate the area required for large private systems.

Mr. Wertz questioned whether the on-site well would become part of the Town's system.

Mr. Plante indicated the Town had not had any discussions in this regard with the petitioner.

Ms. Moser reviewed the staff proposed recommendations for inclusion in the Commissioner's letter to the Town, including: 1) a waiver of zoning is deemed unnecessary if the Town proceeds to annex the subject area and classifies it in the Residential Industrial "IR" zoning district; 2) Town and County staff will work with the Maryland Department of Planning to ensure that the Hampstead Municipal Priority Funding Area is extended to include the annexation area; and 3) Town and County staff will investigate the possibility of providing incentives to the property owners of the "near-enclave" area to facilitate the future annexation of this area as initiated by the Town, the County, or the property owners.

Commissioner Rothschild questioned whether it would make sense, in light of the Maryland Department of the Environment war on septic systems, to form the argument to get credit for this system reverting to a public system.

Mr. Devilbiss indicated that at such time as the Hampstead Sewer Treatment Plant becomes an enhanced nutrient reduction plan, then this can be submitted as a reduction.

Ms. Moser explained that following approval of the recommendations by the Commission, staff will meet with the Commissioners to review the comment letter and forward the letter to the Town prior to the public hearing.

Mr. Wertz questioned whether a recommendation can be added for the Town to investigate the possibility of adding the existing well to the Town's water supply.

Mr. Shaffer indicated he was not sure how that would affect the expansion project. He did not think it would be a problem to look into the possibility as long as the Town remains sensitive to the Joseph A. Bank private property rights.

Mr. Devilbiss noted that this area has extensive groundwater contamination with a remediation system in place. He suggested that the possibility of extracting groundwater from this site would be very limited because of contamination and expansion needs. Mr. Devilbiss also noted that it may not be a very high yielding well.

The Commission, on motion of Mr. Chadwick, seconded by Mr. Barnes, and unanimously carried, supported the annexation petition and recommended that the Board of County Commissioners support the annexation of the property subject to the three recommendations listed in the staff report.

FIRE & EMS WORK GROUP REPORT

Ms. Kimberly Brandt, Bureau of Development Review, noted that the Commission had recommended as part of the FY 11 Concurrency Management Report that staff convene a work group for Fire and EMS. She reviewed proposed changes to Chapter 71 recommended by the work group. Ms. Brandt noted that the work group will meet again at the end of the month to discuss average response times, and staff may come back to the Commission with additional recommendations. She explained that staff would like to move forward with the proposed changes to Chapter 71 at this time, presenting them to the Commissioners and holding a public hearing, so these changes can be implemented. The Commission had no problem with staff's request.

FINAL SUBDIVISION PLAN REVIEW:

- a. F-10-030, Komiske Property
- b. F-10-036, Crestview Meadows, Section 5

A. F-10-030, KOMISKE PROPERTY

LOCATION: North side of Gillis Falls Road, opposite John Pickett Road, 14th Election District

OWNER: Andrew & Julie Komiske, 2050 Gillis Falls Road, Woodbine, Maryland 21797

DEVELOPER: Same as Owner

SURVEYOR: VanMar Associates, 310 South Main Street, Mount Airy, Maryland 21771

ZONING: Conservation

ACREAGE: 12.99 acres

WATERSHED: South Branch Patapsco

NO. OF LOTS: 4

MASTER PLAN: Conservation

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Ms. Kimberly Brandt presented the background.

Actions Required:

Two action items are required:

1. Approval of the Final Plan of Subdivision pursuant to Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County, Development and Subdivision of Land.
2. Conditional approval of the of the Final Plan of Subdivision pursuant to Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County, Adequate Public Facilities and Concurrency Management, and placement of the subdivision in the queue for Mount Airy Middle School to be retested annually.

Existing Conditions:

The subject property is improved with a residence that was built in 2008 and several outbuildings, including a springhouse. The farmhouse that had been on the property has been demolished, but is shown on the orthophoto provided with this report.

A pond and a stream are located in the eastern area of the site. A portion of the stream buffer is wooded. The westernmost area of the property is farmed. A farm and several residences adjoin the property. The property that the County has acquired for the Gillis Falls Reservoir is west of this property.

Plan Review:

The developer has proposed the creation of four residential lots. The proposed use is consistent with the designation of Conservation in the Master Plan.

Lots 1-3 are clustered in the western area of the property and are 1.27, 1.49, and 1.84 acres in size. Lot 4 is 7.81 acres in size and includes the existing residence, the outbuildings, and the pond.

A conventional subdivision plan depicting four 3-acre lots was submitted with the concept cluster plan. Staff confirmed that the conventional lots meet the County requirements for conventional Conservation lots.

The regulations for Conservation cluster subdivisions require that the land derived from the reduction in lot sizes, 4.4 acres in this case, be offered to the County. The County has refused ownership of the open space associated with the cluster; thus, it has been combined with Lot 4. An open space easement area on the land derived from the reduction in lot sizes is shown on the plan.

Access to Lots 1-3 will be from a new use-in-common driveway, Komiske Drive. As requested by the Commission during the concept review, the use-in-common will be 22 feet wide where it connects with Gillis Falls Road and then taper to 12 feet wide as it extends north. Lot 4 will be accessed from the existing driveway on Gillis Falls Road. Right-of-way for Gillis Falls Road will be conveyed to the County. A new shoulder and ditch grading along the property frontage are required of the developer.

To satisfy the requirements of stormwater management dry wells will be installed on Lots 1-3 and a wide grass shoulder will run along the use-in-common driveway.

The requirements of forest conservation will be satisfied with on-site afforestation and retention. A forest conservation easement will be granted to the County, as well as floodplain and forested water resource protection easements.

The preliminary plan approved by the Planning Commission at the June 15, 2010 meeting. The meeting minutes are attached to this report.

Chapter 103 Recommendation:

Staff recommends approval of the final plan subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forest conservation easement be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
3. That a floodplain easement be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
4. That a non-forested water resource protection easement be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
5. That an open space easement be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
6. 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 simultaneous with recordation of the plat.
7. That Parcel A and the associated temporary grading easements be conveyed to the Carroll County Commissioners for Gillis Falls Road.
8. That a Declaration of Maintenance Obligations to address maintenance responsibilities associated with the use-in-common driveway identified as Komiske Drive be recorded simultaneous with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: F-10-030, Komiske Property

Number of Lots: 4 lots

Schools: Parr's Ridge Elementary
Mount Airy Elementary
Mount Airy Middle
South Carroll High

Roads: Gillis Falls Road

Fire and EMS: Mount Airy

Police Services: Carroll County Sheriff's Office/Maryland State Police/Municipal Police

Background:

When staff determined that the preliminary plan could be presented to the Planning Commission, Available Threshold Capacity forms were distributed for completion. The project was tested for schools, police, fire and EMS, and roads. Schools were found inadequate; the other facilities and services were found adequate. The Planning Commission granted conditional approval of the preliminary plan under Chapter 71 at the June 15, 2010 meeting. The final plan has been retested for schools.

Schools:

On March 5, 2009, the Board of County Commissioners adopted Resolution No. 740-09 maintaining the cap of zero building permits in the Mount Airy Middle School attendance area through FY14. The CIP includes a replacement project for Mount Airy Middle School. Construction is underway.

The Carroll County Public Schools responded that Parr's Ridge Elementary, Mount Airy Elementary, and South Carroll High are adequate for FY12 through FY17. Mount Airy Middle School is inadequate for FY12 through FY14 and in FY 16. In FY 15 and FY17, Mount Airy Middle School is projected to be approaching inadequate. The projections do not yet reflect construction of the replacement school.

The projections indicate that enrollment at Parr's Ridge Elementary (Grades K-2) will range between 74 and 80% of capacity during the current 6-year CIP cycle. The projections indicate that enrollment at Mount Airy Elementary (Grades 3-5) will range between 80 and 85% of capacity during the current 6-year CIP cycle. In the Parr's Ridge Elementary/Mount Airy Elementary attendance area 2 additional residential developments, comprised of 91 lots, are currently in the review process. Of the 91 lots, 88 are associated with a project within the Town of Mount Airy. There are approximately 135 lots in the Parr's Ridge Elementary/Mount Airy Elementary attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) and have not been issued a building permit.

The projections indicate that Mount Airy Middle School will range between 116 and 124% of functional capacity during the current 6-year CIP. This does not take into account the replacement school that is currently under construction. In the Mount Airy Middle School attendance area 6 additional residential developments, comprised of 100 lots, are currently in the review process. There are approximately 160 lots in the Mount Airy Middle School enrollment

area that have been recorded since the adoption of Concurrency Management (3/5/98) and have not been issued a building permit.

The projections indicate that South Carroll High enrollment will range between 75 and 79% of capacity during the current 6-year CIP. In the South Carroll High attendance area 10 additional residential developments, comprised of 116 dwelling units, are currently in the review process. There are approximately 187 residential lots in the South Carroll High enrollment area that have been recorded since the adoption of Concurrency Management (3/5/98) and have not been issued a building permit.

Chapter 71 Recommendation:

With regard to the final plan, Chapter 71-6E(4)(b) states “If a public facility or service is inadequate and a relief facility is planned in the 6-year CIP to address the inadequacy..., the Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.”

As there is a building permit cap of zero housing allocations in effect in the Mount Airy Middle School attendance area, staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, fire and EMS, and roads were found adequate at the preliminary plan stage; schools are considered inadequate.
2. Place the plan in the queue for Mount Airy Middle School to be retested annually.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Yeo, and unanimously carried, approved the final plan of subdivision subject to the eight conditions stated in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Yeo, and unanimously carried, conditionally approved the final plan subject to the two conditions stated in the staff report.

B. F-10-036, CRESTVIEW MEADOWS, SECTION 5

LOCATION: Terminus of Quiet Meadow Way, E. D. 8.
OWNER: Patton Homes, Inc, 10 Venture Way, Sykesville, MD 21784
DEVELOPER: Same as owner
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Conservation
ACREAGE: 33.7 acres

WATERSHED: Prettyboy Reservoir

NO. OF LOTS: 8

MASTERPLAN: Residential

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Mr. Patrick Varga presented the background.

Action Required:

Two actions are required:

1. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is an unimproved field. All properties to the north, east, and southeast are zoned Conservation. The property immediately to the southwest is zoned R-40,000. The properties on the north side of Upper Beckleysville Road are zoned R-20,000, as are the properties to the southwest and west. The adjoining property to the northeast is Crestview Meadows, Section 6 and was approved by the Planning and Zoning Commission in September of 2009. Quiet Meadow Way was built as the access road for Crestview Meadows, Section 6. The preliminary plan for Crestview Meadows, Section 5 originally showed 20 lots; however, the developer wishes to phase the project and record the first eight lots in this phase. Crestview Meadows, Section 7 will contain the remaining 12 subdivision lots. These lots are located immediately to the west of the lots shown on the record plats for this section of Crestview Meadows.

Plan Review:

The developer proposes to create eight residential lots. The clustered lots range in size from 1.68 acres to 17.40 acres. The proposed use is consistent with the land use designation of Residential in the 2000 Carroll County Master Plan. The development is accessed from Quiet Meadow Way, a subdivision street constructed as part of Crestview Meadows, Section 6. A temporary cul-de-sac was built on this property as part of the Crestview Meadows, Section 6 subdivision. The existing easement for the construction and maintenance of the temporary cul-de-sac for

Quiet Meadow Way will be extinguished as part of this subdivision. All lots will be served by private wells and septic systems.

Based on the cluster subdivision requirements in the Conservation district, 6.62 acres of open space are required for this section of Crestview Meadows. The open space will be recombined with Lot 14 and an Open Space Easement will be placed over 14.68 acres. The entire open space requirement for Crestview Meadows, Section 5 and future Section 7 will be addressed by placing an easement over the 14.68 acres on Lot 14.

An area of wetlands and the stream buffer are included in a forested water resource protection easement. Stormwater management will be addressed with the use of a drywell on each lot and a stormwater parcel with an infiltration facility to address runoff from the roads. Forest conservation is addressed with areas of retention and afforestation under an easement. An area of 3.12 acres will be reforested and an area of 9.44 acres will be retained. There is no floodplain on the property. Landscaping will be provided along the new county roads that will be built.

The preliminary plan was approved by the Planning and Zoning Commission on December 15, 2009. The meeting minutes are attached.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the final plan subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forested water resource protection easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with recordation of the plat.
3. That a forest conservation easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with recordation of the plat.
4. That a stormwater management easement and maintenance agreement be granted to the Carroll County Commissioners as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with recordation of the plat.
5. That a landscape maintenance agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
6. That any area labeled as a slope easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with recordation of the plat.
7. That any area labeled as a drainage easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with recordation of the plat.
8. That the area shown as Parcel A be conveyed to the Carroll County Commissioners upon acceptance of the stormwater management facility.

9. That an open space easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with the recordation of the plat.
10. That the 140-foot wide easement for construction and maintenance of the temporary cul-de-sac for Carroll County be extinguished by a deed to be recorded simultaneously with recordation of the plat.
11. That Luetta Court and Quiet Meadow Way Extended be conveyed to the Carroll County Commissioners upon acceptance by the County.

Discussion:

Mr. Varga asked that the Commission add another condition which would allow the Chairman or Secretary to approve the plan, administratively, for Section 7 rather than coming before the full Commission. The Commission has already reviewed these lots in their approval of the preliminary plan on December 15, 2009.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: F-10-036, Crestview Meadows, Section 5

Number of Lots: 8 lots

Schools: Spring Garden Elementary
Shiloh Middle
North Carroll High

Roads: Upper Beckleysville Road

Fire and EMS: Hampstead

Police Services: Maryland State Police/Carroll County Sheriff's Department/Municipal Police Departments

Background:

When staff determined that the preliminary plan could be presented to the Planning Commission, Available Threshold Capacity forms were distributed for completion. The project was tested for schools, police, fire and EMS, and roads. All facilities and services were found to be adequate. Accordingly, the Planning Commission granted approval of the preliminary plan under Chapter 71 at the December 15, 2009 meeting.

Chapter 71 Recommendation:

With regard to the final plan, Chapter 71-6E(4)(e) states "For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Commission shall

inform the developer whether any existing or proposed building permit cap would be applicable to the project.”

There is no existing or proposed building permit cap that would be applicable to this project.

Staff recommends that the Planning Commission approve the final plan with the following conditions:

1. The building permit reservations are for 8 lots in FY12, provided the plat is recorded prior to any permits being issued.
2. The recordation schedule requires the plat to be recorded within 24 months of preliminary plan approval. The preliminary plan approval letter was issued on December 23, 2009.
3. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Yeo, seconded by Mr. Soisson, and unanimously carried, approved Crestview Meadows, Section 5, with the 11 existing conditions outlined in the staff report and a twelfth condition allowing for Section 7 to be approved administratively by the Secretary or Chairman at such time as it is presented by the applicant.

In accordance with Chapter 71, the Commission, on motion of Mr. Yeo, seconded by Mr. Soisson, and unanimously carried, approved the final plan of Crestview Meadow, Section 5, with the three conditions outlined in the staff report.

PUBLIC COMMENTS/PETITIONS

There were no public comments/petitions.

WORK SESSION – 2012 CARROLL COUNTY MASTER PLAN UPDATE

Revisit Chapter 9: Facilities & Services

The Commission discussed proposed revisions to Chapter 9: Facilities & Services as prepared by staff. Ms. Daly noted that the numbers for the Schools section will not be updated until the new enrollment projection figures are released by Carroll County Public Schools.

Mr. Yeo suggested that the paragraph on roads should be more aggressive with regard to State roadways.

Mr. Devilbiss explained that the County meets annually with the Maryland Department of Transportation to evaluate and identify our transportation priorities. He indicated he would provide the Commission members with copies of the latest transportation priority letter. With limited State funding, public safety and economic development are the most compelling reasons

projects receive funding. Mr. Devilbiss suggested that the Commission identify needs from an economic development standpoint and match that with existing project priorities to help justify the need for a project.

Mr. Chadwick questioned whether there were any natural gas facilities available in Carroll County for industrial development.

Ms. Cheatwood indicated that Chapter 7 includes a discussion regarding broadband access. She suggested that issues like fiber optic, broadband internet access, natural gas, and the airport be included in Chapter 7.

Staff was directed to add the date of adoption for the Water and Sewer Master Plan on page 76 and to work with the Department of Public Works to refine the paragraphs regarding Solid Waste.

The Commission provided some direction regarding the structuring of the chapter, suggesting that those facilities required under Chapter 71 (Fire and EMS, police, schools) be listed separately from the other public facilities (Carroll Community College, libraries, airport, senior centers).

There was considerable discussion regarding Fire and EMS, its autonomy, the funding situation, the challenges in trying to maintain volunteer services, etc.

Mr. Yeo requested that a representative from the Carroll County Volunteer Emergency Services Association be present during the next discussion of these issues.

Commissioner Rothschild suggested a statement be added that the County continues to work with our volunteer EMS and fire departments and will meet with them on an annual basis to review the Emergency Services Master Plan to understand their challenges.

Employment/Economic Development Discussion

Mr. Steve Powell, Chief of Staff, gave a presentation to the Commission providing information, including: commercial/industrial land uses bases for adjacent counties; existing commercial/industrial inventory; inventory limitations; land by parcel size; developed, vacant, and partially developed land; regional growth, etc.

Mr. Baile questioned the biggest infrastructure setback for commercial/industrial development.

Ms. Paige Sunderland, Department of Economic Development, indicated it would be the availability of water and sewer.

Commissioner Howard suggested that issues like broadband access and fiber optic networks are important in today's industries.

Commissioner Rothschild mentioned the fact that the data and assumptions do not include agriculture which is the biggest industry in the County.

Commissioner Howard suggested developing economic strategies for each individual area of the County, noting that Carroll County is uniquely poised to house satellite offices for businesses and industries located outside of the County. He indicated the County needs to work on its business friendly attitude and predictability. Most people only develop one or two properties in their lifetime, so recent changes need to be promoted to make people aware.

Mr. Yeo questioned what is requested by developers that the County does not have.

Ms. Sunderland indicated the County needs land appropriately zoned in marketable areas. She noted that the most sought after areas in the County are the southern and eastern portions.

Mr. Yeo questioned the acreage that is requested.

Ms. Sunderland indicated developers are looking for 2-25 acres.

The Commission discussed examples of good projects, the possibility of aggregating smaller parcels similarly located to create enough land for a business park, the cost to provide water and sewer services to the Finksburg area, utilizing railroads for heavy industrial uses, providing necessary commercial areas to support employment areas, incentives for developers, etc.

Following their discussion, the Commission adjourned at 4:00 p.m.

Secretary

Approved