

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

August 7, 2013

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Matthew S. Helminiak
Jeffrey A. Wothers
Richard S. Rothschild, Ex-Officio
Cynthia L. Cheatwood, Alternate

Members Absent: Charles M. Chadwick, Vice Chair
Richard J. Soisson
Eugene A. Canale

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Land Use, Planning, and Development; Lynda Eisenberg, Bureau of Comprehensive Planning; Clay Black, Bureau of Development Review; Kurt Deery; Kent Martin; Dennis Wanner; Dan Strickler; Brooks Leahy; Barb Kearney; Peter Pearre; and Douglas Kearney.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 6:05 p.m.

ESTABLISHMENT OF QUORUM

Kelly Martin took the attendance of the Commission, noting that five members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager welcomed the Commission. He noted that he was looking for direction from the Commission regarding an item that the Commissioners had removed from Economic Relief Package 1. The item relates to providing authority to staff to grant waivers within certain parameters. Mr. Hager distributed a report to the Commission summarizing investigations and site visits made by Chris Heyn, Bureau of Development Review, for a particular project. The report describes the problems associated with the lack of ability to grant waivers or variances to provide relief. Mr. Hager suggested that the item be added to the Commission's regular meeting agenda on August 20.

REVIEW AND APPROVAL OF AGENDA

The Commission approved the agenda as written on motion of Mr. Wothers, seconded by Mr. Helminiak and carried.

PROPOSED AMENDMENT TO THE TRANSPORTATION ELEMENT OF THE WESTMINSTER ENVIRONS COMMUNITY COMPREHENSIVE PLAN – UPDATE

Philip R. Hager, Secretary, informed the Commission that the proposed amendment is currently under 60-day review and a public hearing would be scheduled during the Commission's regular meeting in September.

INTRODUCTION OF ITEM FOR FUTURE WORK SESSION TOPIC: DESIGN AND ARCHITECTURAL REVIEW COMMITTEE, FUNCTION AND COMPOSITION

Clay Black, Bureau of Development Review, indicated the Design and Architectural Review Committee (DARC) was formed by County Planning staff in October 2007 to assist staff in submitting recommendations on design elements for commercial and industrial site plans. These design elements include: architecture, lighting, landscaping, materials, etc. Mr. Black noted that DARC is comprised of County staff from the Bureau of Comprehensive Planning, the Bureau of Development Review, Economic Development, and four citizen members that were initially selected in 2007. The group meets on an as-needed basis. Mr. Black explained that one of the members recently resigned from DARC. This is the Committee's first resignation, so the Commission needs to discuss how it would like to handle future appointments, organizational structure, roles and responsibilities, etc. Mr. Black distributed a handout providing additional information regarding DARC. A work session on this topic will be scheduled for the August 20 meeting.

OVERVIEW FOR LONG REACH FARMS, INC. (ROBERT CLARKE) REZONING

Lynda Eisenberg, Bureau of Comprehensive Planning, indicated that staff is in the process of developing a report for presentation to the Commission at a future meeting regarding a rezoning application received from Long Reach Farms, Inc. The application requests rezoning of a 6.59 acre portion of Lot 19 of the Long Reach Farms subdivision located on MD 26 on the north side of Rhonda Road from Conservation to "BG". Ms. Eisenberg reviewed the neighborhood developed with regard to the rezoning.

The Commission briefly discussed how the neighborhood is identified and whether that process should be different according to the type of zoning that is being requested. For example, a change such as this request would have additional traffic impacts associated with it.

Mr. Hager noted that the neighborhood is designated in cooperation with the applicant.

Chairman Yeo requested that a more regional location prospective be provided when the staff report is presented.

INCLEMENT WEATHER POLICY

Philip R. Hager, Secretary, noted that the Commission does not have a formal inclement weather policy. He explained that many jurisdictions cancel meetings if public schools are closed, close early, or cancel after school activities. Mr. Hager suggested that the Commission develop a policy which could be added to the Administrative Rules. He indicated that a policy would provide transparency and less question for members and the public.

Chairman Yeo noted that a back-up policy would also be necessary for those days when schools are closed for other reasons besides the weather and for instances when the weather deteriorates later in the day.

Mr. Hager indicated he would develop a policy for discussion at a future meeting.

PROPOSED LEHIGH QUARRY EXPANSION – BRIEFING

Philip R. Hager, Secretary, noted that Lehigh's proposed conveyor system and quarry expansion are both projects that will be coming before the Commission for action.

Kent Martin, Lehigh Plant Manager, introduced Lehigh staff in attendance, indicating they would be providing a status update on the two projects. Mr. Martin noted that there are no changes proposed to the projects, but some Code interpretations could push Lehigh into a different direction. Following the status update, proposed Code changes will be presented.

Lehigh staff provided a history of the quarry, noting the number of years of limestone reserves projected. Aerial photographs were reviewed as well as renderings of the quarry expansion. Lehigh staff reviewed the various permits they are working to achieve. Examples of free fall waste piles versus concurrent reclamation were displayed. Lehigh staff provided a presentation regarding the proposed conveyor system, reviewing the length, cover, portions that would be underground, approvals received, etc.

Brooks Leahy, attorney representing Lehigh, indicated that three issues with the Code were discovered that require additional text amendments. He explained that the original ordinance was drafted in 1992. This is the first plan that is being reviewed under those regulations. Mr. Leahy distributed a handout detailing the proposed text amendments. He reviewed proposed amendments to §223-143.C.(9) Mineral Resource Overlay, §223-2.D. Definitions Extractive Operations and Definitions Conveyor System, §223-143.D.(3) and (4) Mineral Resource Overlay, and §223-144.A. General regulations for the Mineral Resource Recovery Area.

Commissioner Rothschild expressed concern regarding the language in §223-144.A. allowing excavated materials to be part of a berm.

Mr. Leahy explained that a berm is required for the entire perimeter of the excavation operation.

Mr. Yeo expressed concern regarding the "temporary" nature of the stockpile which will exist for several decades. The code amendment is requesting for the stockpile to be exempt from being regulated and that it not comply with the same standards as the permanent storage.

Mr. Leahy indicated that it is Lehigh's intention that the temporary storage be in the MRN zone in order for the operations to continue.

After discussion, it was the consensus of the Commission that staff work with Lehigh representatives to revise the proposed amendments for review at the August 20 meeting.

(Commissioner Rothschild left the meeting.)

The Commission discussed the visual buffer, questioning what happens when trees die off over the course of the 80-year life of the quarry.

PUBLIC COMMENTS

Peter Pearre indicated that he lives near the Union Bridge Quarry. He noted that half of the deciduous trees planted during the recent expansion have died, and they have not been replaced. Mr. Pearre strongly recommended language be added to require maintenance of plantings. The plantings provide a physical protection for the neighbors and long-term follow-up needs to be required. Mr. Pearre expressed concern regarding hearing in the presentation that the Lehigh Quarry will remain in operation after the nine-year period which will stall reclamation efforts.

Kent Martin, Plant Manager, indicated he would investigate the allegations regarding the dead deciduous trees, guaranteeing that 50 percent were not dead. He noted that Lehigh is very proud of the expansion project and the berming that has been done.

There being no further business, the Commission adjourned at approximately 8:05 p.m.

Secretary

Approved