

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

August 18, 2009

Location: Carroll County Office Building

Members Present: David L. Brauning, Chairman
Dennis Wertz, Vice Chair
Melvin E. Baile, Jr.
Wayne Schuster
Charles M. Chadwick
Alec Yeo
Julia Walsh Gouge, Ex Officio

Members Absent: Robert B. Slade, Alternate

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn, Kelly Martin, and Tom Devilbiss, Department of Planning; Terri Jones, Department of the County Attorney; Clay Black, Jeanne Joiner, Kim Brandt, Pat Varga, Ashley Wantz, and Kathryn Filemyr, Bureau of Development Review; Daphne Daly, Bureau of Comprehensive Planning; Ron Church, Bureau of Engineering; J. Gilbert; Art Thimsen; M. Farley; Steve Barnhart; Robert Hoy; Dan Schaller; Colleen Colvin; Louis Frizzell; Gary Nelson; Bill Knill; Bonnie Mann; Paul Washart; Robert Erb; Brian Chapline; Robert Peterson; Bill Boettner; Becca Sirinakis; Keren Kedzierski; Matt Kedzierski; Pauline Coker; Darlene Kegel; Stephen Hossler; Larry Schlude; Robin Liller; David Pyatt; Richard Arnold; Brett Boettner; Coleman Brown; Mary Jo Burkett; John Lopez; Raymond Green; Margaret Smith; Marsha Smith; Cynthia Baxter; John Mansfield; Clark Shaffer; Wilbur Wright; Jeff Kispert; Dan Staley; John Lemmerman; Linda Donoff; David Smith; Harry Sirinakis; Tom Green; Jay Weiss; and members of the press.

APPROVAL OF MINUTES

- a. July 14, 2009
- b. July 21, 2009
- c. July 28, 2009

Mr. Wertz requested several changes to the minutes of July 21, 2009 as follows:

- page 12 – the paragraph that reads: “Mr. Wertz provided several examples of service stations that he utilizes . . .”, should be rewritten to say: “Mr. Wertz provided two examples of service garages that he utilizes.”
- page 13 – paragraph 12 – add the word “could” in the second sentence after “Commission”.
- page 15 – paragraph 3 – the line that begins: “conformance of the Master Plan”, should be rewritten to say: “conformance with the Master Plan”; the line that begins: “on the proposed building”, should be rewritten to say: “of the proposed building”.

The minutes of July 14, 21, and 28 were approved as corrected, on motion of Mr. Chadwick, seconded by Mr. Wertz, and carried.

COMMISSION MEMBER REPORTS:

Commission Chairman – Mr. Brauning indicated he signed two minor subdivisions since the last meeting. He noted that the Planning Commission held the first work session on the Pathways Plan which was basically a planning session as to how the Commission would proceed with revisions to the Plan. Mr. Brauning explained that he did not expect staff from other departments and agencies to attend the planning session because he did not think it would be necessary. He noted that he had received several e-mails from citizens in that regard. Mr. Brauning explained that the Commission's deliberations are public and will be broadcast on cable television. He stated that this afternoon's work session had been scheduled at the same time the first two work sessions were scheduled.

Ex-Officio – Commissioner Gouge thanked the Commission on behalf of the Board of County Commissioners for all the time and energy put forth on the Pathways Plan.

Other Commission Members – Mr. Melvin Baile noted that some people may be wondering why Commissioner Gouge does not attend the Pathways meetings. He explained that Commissioner Gouge does not vote or participate in discussions at the Planning Commission level on issues that will be brought before the County Commissioners. Mr. Baile stated that Commissioner Gouge has followed this procedure for her entire tenure on the Commission.

DEPARTMENT OF PLANNING STAFF REPORT:

Director – Mr. Steve Horn noted that staff would be in attendance during the afternoon work session to make presentations about economic growth and development in Carroll County. He apologized for cancelling Tuesday's work session, noting he had a health issue that needed to be addressed. Mr. Horn indicated additional dates for work sessions would be scheduled during the afternoon work session.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:

- a. M-07-041, Melanie Acres, Section 2
- b. M-08-013, The Enclave at Morgan Run

A. M-07-041, MELANIE ACRES 2

LOCATION: North side of Dana Avenue and west of Highfield Drive, 8th Election District

OWNER: Edward Wilson and Penny R. Wilson, et al, 18603 Falls Road, Hampstead, MD 21074

DEVELOPER: Same as Owner

ENGINEER: DRS & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: R-10,000

ACREAGE: 2.56423 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 1 lot (existing residence)
MASTER PLAN: R-10,000

Ms. Jeanne Joiner presented the background.

Action Required:

Two actions are required:

1. Approval of the Preliminary 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 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is zoned R-10,000 and is improved with a house and a separate garage. The house is accessed from Highfield Drive and the detached garage is accessed from Dana Avenue. The house is served with public sewer and has a private well.

Plan Review:

The developer proposes to create a lot around the existing house. Lot 17A is 0.67507 acres in size. A 1.7881-acre Parcel B is being created for future development. To divide Parcel B into quarter-acre lots as permitted in the R-10,000 zoning district, the developer will have to seek annexation into the Town of Hampstead for public water.

Lot 17A will continue to be accessed from Highfield Drive. With this subdivision, right-of-way will be dedicated to the County for Dana Avenue.

The plan is exempt from the requirements of forest conservation and landscaping. As Lot 17A contains an existing residence, the plan is also exempt from the requirements of stormwater management.

The plan was subject to citizen involvement at the September 29, 2008 Technical Review Committee meeting. One citizen attended the meeting for this project. She did not offer any comments or suggestions. The Bureau of Development Review has not received any correspondence concerning this project.

The one lot being created is improved with an existing house and is therefore not subject to Concurrency Management.

Chapter 103 Recommendation:

The staff recommends approval of the preliminary plan and final plan subject to the following conditions:

1. That the area shown as Parcel A be conveyed to the Carroll County Commissioners by deed to be recorded simultaneously with recordation of the plat.
2. That a 10' sewer easement on Parcel B for the benefit of Lot 17A be created by deed to be recorded simultaneously with recordation of the plat.

Discussion:

Ms. Joiner noted that a letter was received from the Town of Hampstead and provided to the Commission.

Mr. Wertz indicated the existing parcel is irregular in shape, and the two proposed parcels are even more irregular in shape. He questioned whether staff had requested a sketch of potential further subdivision.

Ms. Joiner explained that when the plan was submitted, the applicant ghosted in the future lots.

Mr. Dan Staley, DRS & Associates, indicated staff had requested those lines be removed from the preliminary plan.

Mr. Wertz stated Parcel B is 7 ½ times the minimum lot size. He questioned how many lots are proposed for Parcel B.

Mr. Staley indicated there could be six lots.

Ms. Joiner noted that figure includes the lot the existing house is on.

Mr. Chadwick questioned whether it would be better for Hampstead to deal with the proposed subdivision.

Mr. Horn explained that the Commission cannot require a property owner to annex into the Town of Hampstead.

Mr. Baile noted that the applicant has met all the criteria for approval.

Mr. Schuster stated there is no guarantee of future subdivision unless the property is annexed.

Ms. Joiner explained that a note will be placed on the plat by the Health Department stating that the property will not be recognized as a developable lot until it receives public water and sewer.

Mr. Wertz questioned whether Lot 17A had public water and sewer.

Ms. Joiner indicated Lot 17A has public sewer and a private well.

Mr. Staley indicated the project was started when Hampstead was in a water moratorium. The owner's desire is to separate the house, so it can be sold and hold onto Parcel B until the Town's water issues have been resolved. At that time the property will be annexed into Hampstead and developed according to the Town's regulations.

Mr. Wertz requested information regarding the further subdivision of Parcel B.

Ms. Brandt presented the sketch plan from the file. She noted that staff requested the lot lines be removed from the preliminary plan so there was no implication in the future that the Commission had already approved the subdivision of those lots. Ms. Brandt explained that staff did not want the Town of Hampstead to feel like they were locked into a decision.

Mr. Baile suggested the perception would be that the County is dictating to the Town how the lot layout should be. He indicated the Commission should act on the lot with the existing residence and allow the Town to dictate further lot layout after annexation.

Mr. Wertz questioned whether there was anything in the Hampstead Comprehensive Plan that would provide guidance to the Commission.

Ms. Joiner indicated the area is shown on the Plan in the future annexation area.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Yeo, and carried (Commissioner Gouge, Mr. Baile, Mr. Schuster, Mr. Chadwick, and Mr. Yeo voted "Aye"; Mr. Wertz voted "No"), approved the preliminary and final subdivision plans subject to the two conditions in the staff report.

B. M-08-013, THE ENCLAVE AT MORGAN RUN

LOCATION: East side of Ben Rose Lane, 14th Election District

OWNER: Brian Chapline, 2995 Sams Creek Road, New Windsor, MD 21776

DEVELOPER: Same as Owner

ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 7.975 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 2

MASTER PLAN: Conservation

Ms. Jeanne Joiner presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary 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 Preliminary 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.
3. 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.
4. 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 zoned Conservation and is unimproved. The property is partially wooded and is crossed by a stream. It adjoins the Morgan Run Natural Environmental Area.

Plan Review:

The developer proposes to create two lots. Lot 1 is 3.00 acres in size and Lot 2 is 4.975 acres in size. The lots will be served by private wells and septic systems. The Health Department has approved the subdivision.

The lots will be accessed by a use-in-common driveway to Ben Rose Lane, which is maintained by the State Highway Administration. The use-in-common driveway will also serve the existing improved lot between Lots 1 and 2. A declaration of maintenance obligations will be recorded for the use-in-common driveway.

The requirements of forest conservation will be satisfied with on-site afforestation and retention. A 3.627-acre forest conservation easement will be deeded to the County. A 2.420-acre forested water resource protection easement covers much of the forest conservation easement on Lot 2 and will also be deeded to the County.

To satisfy the requirements of stormwater management, drywells will be installed on both lots.

Chapter 103 Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and 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 the subdivision plat.
3. That a forest conservation easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with the subdivision plat.
4. That a stormwater management easement and maintenance agreement shall be granted to the Carroll County Commissioners as an easement of access to the County Commissioners or authorized representatives by deed to be recorded simultaneously with the subdivision plat.
5. That a Declaration of Maintenance Obligations setting forth the responsibilities for maintenance of the use-in-common driveway be recorded simultaneously with the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: M-08-013, The Enclave at Morgan Run

Number of Lots: 2

Schools: Linton Springs Elementary
Sykesville Middle
Century High

Roads: Ben Rose Lane

Fire and EMS: Winfield

Police Services: Maryland State Police/Carroll County Sheriff's Dept.

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are distributed for comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of June 30, 2009 was 174,904. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period July 2008 through June 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of June was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.33 by the end of FY09 – adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next six years.

Schools:

The Carroll County Public Schools responded that Linton Springs and Century High are adequate for FY10 through FY15. Sykesville Middle is approaching inadequate for FY10 through FY15.

The enrollment projections indicate that Linton Springs Elementary will range between 92 and 97% of capacity during the current 6-year CIP cycle. In the Linton Springs attendance area 10 additional residential developments, comprised of approximately 111 lots, are currently in the review process. There are approximately 25 lots in the Linton Springs attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Sykesville Middle will range between 105 and 114% of functional rated capacity during the current 6-year CIP cycle. In the Sykesville Middle attendance area 13 additional residential developments, comprised of approximately 146 lots, are currently in the review process. There are approximately 155 lots in the Sykesville Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Century High will range from 90 to 102% of capacity during the current 6-year CIP cycle. In the Century attendance area 13 additional residential developments, comprised of approximately 146 residential lots, are currently in the review process. There are approximately 155 residential units in the Century area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Winfield emergency services district. The 2009 2nd quarter late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.0% were categorized as no responses, and 11.43% as late and no responses. Of the first due emergency medical service calls in the Winfield district, 0.0% were categorized as no responses and 0.0% as late and no responses. Winfield meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 7/1/07 to 6/30/09 Winfield had an average response time of 7 minutes and 52 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 7/1/07 to 6/30/09 Winfield had an average response time of 7 minutes and 39 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The State Highway Administration responded that Ben Rose Lane will operate at an adequate level of service.

Chapter 71 Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4)(b) states “If... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

Pursuant to Chapter 71, staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate; schools are considered approaching inadequate.
2. Tentative building permit reservations are for 2 lots in FY10, provided the plat is recorded prior to any permit being issued.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4)(b) states “If ... a public facility or service is approaching inadequate, 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.”

Chapter 71-6E(4)(d) states “For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission.”

Pursuant to Chapter 71, staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate; schools are considered approaching inadequate.
2. Building permit reservations are for 2 lots in FY10, provided that the plat is recorded prior to any permit being issued.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Schuster expressed concern about the growing number of small subdivisions in the Conservation district that the Commission has chosen to conditionally approve and not place in the queue.

Ms. Brandt indicated staff would soon be bringing the Concurrency Management Report to the Commission which would provide the number of lots approved, the number of permits rolled over because of the current economic situation, and the number of projects in the queue. She noted that if a project is placed in the queue, it comes back to the Commission to be removed from the queue.

Mr. Schuster noted that one of the lots is 2.99 acres, but the minimum requirement is 3.0 acres.

Mr. John Lemmerman, RTF Associates, Inc., indicated that was an error on the plan; the final acreage is 3.0 acres.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Yeo, and unanimously carried, approved the preliminary and final plans subject to the five 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, approved the preliminary plan subject to the four conditions stated in the staff report and, with respect to the final plan, conditionally approved the final plan with the four conditions stated in the staff report.

PRELIMINARY SUBDIVISION PLAN REVIEW:

- a. P-07-003, Stansfield Property
- b. P-06-007, Century Hollow

A. P-07-003, STANSFIELD PROPERTY

LOCATION: West side of London Bridge Road, East side of Klees Mill Road; E.D. 4

OWNER: EDS, LLC; 1030 Liberty Road, Suite 100; Eldersburg, MD 21784 (LLC: William Boettner, Douglas Milburn)

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157-5539

ZONING: R-40,000

ACREAGE: 32.54 acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Residential

NUMBER OF LOTS: 21

Ms. Kimberly Brandt presented the background.

Action Required:

Two action items are required:

1. Approval of the Preliminary 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 Preliminary 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 improved with a residence and outbuildings that are accessed from Klees Mill Road. There is a stream and an area of wetlands in the southwest corner of the property. Residences border the property to the north and east. A seven lot subdivision has been approved on the property to the south on Klees Mill Road, the McGrew property.

Subdivision Plan Review:

The developer proposes to create a 21-lot subdivision. The lots range in size from 0.93 acres to 3.28 acres, with most lots being just over an acre in size. The lots will have private wells and septic systems. The Health Department has approved the preliminary plan and has noted in their comments that a Groundwater Appropriation Permit from the Maryland Department of the Environment will be required. The proposed subdivision is consistent with the Master Plan designation of Residential.

Access to the subdivision will be from London Bridge Road, a local rural road. Lots 16-18 will be accessed from a use-in-common driveway shown as Drive A, which is approximately 80 feet

long. The other lots will be accessed from two new cul-de-sacs. During the concept review, incorporating landscape islands into the cul-de-sacs had been considered. As there will be no homeowners association to maintain the islands, they are no longer proposed. The subdivision streets will be open section with a paving width of 18 feet.

As requested by staff, opaque vegetative screening will be provided along Klees Mill Road to screen the rears of homes and rear yards from the road. A fence will also be provided by the developer and incorporated into the landscaping. A berm had been considered for this area; however, because of the close proximity of the septic systems on certain lots a berm is not possible. Street trees will be planted along the two subdivision streets. At the request of the County Bureau of Facilities, the number of trees proposed along the stormwater management parcel has been reduced. The street trees in this area are not as dense as they are elsewhere in the development.

To address the requirements of forest conservation, 1.29 acres of afforestation will be provided on-site and 5.22 acres of forest will be purchased in a forest bank. A forest conservation easement and a water resource protection easement in the area of the stream will be granted to the County.

Staff had recommended that the house on Lot 1 be setback from London Bridge Road the same distance as the existing homes on London Bridge. The house has been moved as far back as it can be given the location of the septic system. The houses on Lots 1 and 21 will face London Bridge Road.

Staff had also commented that the front yard of Lot 5, which was shown on the concept plan as a flag lot, was aligned with the rear yards of Lots 6 and 4. Reconfiguration or elimination of Lot 5 was recommended. The lots have been reconfigured; Lot 5 is no longer a flag lot.

As recommended by staff, the strip of land leading to Klees Mill Road has been removed from Lot 15 and is now shown as Parcel F. This parcel will be consolidated with one of the adjacent Stansfield properties prior to or simultaneously with recordation of the subdivision.

To address the requirements of stormwater management, drywells will be installed on the lots and a stormwater retention facility is proposed between Lots 20 and 21. A wide grass shoulder has been included in the design of the subdivision streets and the use-in-common driveway.

The concept plan was subject to Citizens' Involvement at the November 26, 2007 and the October 27, 2008 Technical Review Committee meetings. Several citizens expressed concern with ground water supplies and the impact of 21 new wells. Concern with increased traffic in the area was also expressed.

The plan was presented to the Planning Commission for a concept review at the December 18, 2007 meeting. The meeting minutes are attached to this report.

Chapter 103 Recommendation:

Staff recommends approval of the preliminary 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 the areas shown as Parcel A, Parcel B, and Parcel C be conveyed to the Carroll County Commissioners for Klees Mill Road right-of-way by deed to be recorded simultaneously with the plat.
3. That the area shown as Parcel D be conveyed to the Carroll County Commissioners for London Bridge Road right-of-way by deed to be recorded simultaneously with the plat.
4. That the area shown as Parcel E be conveyed to the Carroll County Commissioners upon acceptance of the Stormwater Management Facility.
5. That the area shown as Parcel F be consolidated with an adjoining property prior to or simultaneously with recordation of the 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 a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
8. That a water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
9. That a landscape maintenance agreement for the landscaping shown on the approved preliminary plan be recorded simultaneous with recordation of the plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: P-07-003, Stansfield Property

Number of Lots: 21

Schools: Mechanicsville Elementary
Westminster West Middle
Westminster High

Roads: London Bridge Road

Fire and EMS: Gamber

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

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are distributed for comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of May 31, 2009 was 174,868. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period June 2008 through May 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of May was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.33 by the end of FY09 – adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next six years.

Schools:

The Carroll County Public Schools responded that Mechanicsville Elementary, Westminster West Middle, and Westminster High are adequate for FY10 through FY15.

The enrollment projections indicate that Mechanicsville Elementary will range between 92 and 97% of capacity during the current 6-year CIP cycle. In the Mechanicsville attendance area 8 additional residential developments, comprised of approximately 78 lots, are currently in the review process. There are approximately 56 lots in the Mechanicsville attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster West Middle will range between 87 and 98% of functional rated capacity during the current 6-year CIP cycle. In the Westminster West attendance area 19 additional residential developments, comprised of approximately 276 lots, are currently in the review process. There are approximately 107 lots in the Westminster West Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster High will range from 84 to 96% of capacity during the current 6-year CIP cycle. In the Westminster attendance area 30 additional residential developments, comprised of approximately 435 residential lots, are currently in the review process. There are approximately 170 residential units in the Westminster area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Gamber emergency services district. The 2009 1st quarter late and no response statistical data indicates that of the first due total fire calls in the Gamber district, 0.0% were categorized as no responses, and 2.70% as late and no responses. Of the first due emergency medical service calls in the Gamber district, 0.0% were categorized as no responses and 0.0% as late and no responses. Gamber meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 6/1/07 to 5/31/09 Gamber had an average response time of 6 minutes and 18 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 6/1/07 to 5/31/09 Gamber had an average response time of 6 minutes and 31 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that London Bridge Road, a local rural road, will operate at a Level of Service “B” - adequate.

Staff Recommendation:

With regard to the preliminary plan, Chapter 71-6D(4) states “If all public facilities and services are adequate during the current CIP, the Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the Board of County Commissioners in effect at the time of application for building permits.”

There are no adopted building permits caps in geographic areas impacted by this development.

Therefore, staff recommends that the Planning Commission approve the preliminary plan with the following conditions:

1. Police, schools, fire and EMS, and roads and are considered adequate.
2. The tentative building permit reservations are for 21 lots in FY10, provided that the plat is recorded prior to any permits being issued.
3. The tentative recordation deadline is the date that the sunset provision on the preliminary plan approval takes affect.
4. The building permit reservations are allowed to roll over annually until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Wertz questioned whether the Commission had any adverse comments with regard to Lot 18 on the previous plan.

Ms. Brandt indicated there were no comments regarding Lot 18.

Mr. Wertz noted that he did not like Lot 5; it adversely impacts Lot 4 with regard to rear yard privacy. He indicated he was in favor of eliminating Lot 5. Mr. Wertz expressed his concern with the extreme deviation in the setbacks. He suggested that the setbacks from the road should generally be the same in a suburban zone.

Ms. Linda Donoff, CLSI, indicated the houses depicted on the plan are not necessarily where the houses will be located. The house location will vary based on where the person buying the lot wants the house to be located. Ms. Donoff explained that the footprint for the houses on the plan is 80 feet wide, but considering the current economic conditions, the houses will probably be reduced to 60 feet wide. She noted that Lots 3 and 4 do not have much flexibility in house location, but the footprint shown is 80' x 50' and will more likely be 60' x 40'.

Mr. Wertz stated Lot 5 is very narrow.

Ms. Donoff indicated the house could come forward based on the footprint used.

Mr. Wertz questioned where the front yard setback is measured.

Ms. Brandt indicated the County measures front yard setbacks from the right-of-way line, with lot width being the midpoint of each side.

Mr. Schuster questioned whether garages are included in the footprints shown.

Ms. Donoff indicated they were included.

Mr. Yeo questioned the status of the berm.

Ms. Brandt indicated the berm cannot be installed because of the grading that would be required and the proximity to the septic systems. She noted landscaping will be installed along Klees Mill Road, with landscaping on both sides of the fence. These requirements will be outlined in the landscaping plan.

Public Comments:

Mr. David Smith, 3772 London Bridge Road, expressed his concerns regarding water capacity and the addition of 21 homes to the area.

Mr. Raymond Green, 3754 London Bridge Road, expressed concern with regard to the inconsistencies in the setbacks for the houses. He indicated two of the houses will have their backyards in his front yard. Mr. Green noted his displeasure with having to view all of the activities that occur in their backyards. He questioned whether there would be a buffer between

his house and the new houses. Mr. Green noted his concerns with regard to water and the use of cul-de-sacs instead of use-in-common driveways.

Ms. Donoff indicated the Health Department would not allow the property owners of the lots Mr. Green mentioned to put swimming pools, decks, etc., in their backyards because of the location of the septic areas.

Mr. John Mansfield, 4135 London Bridge Road, expressed his concerns with existing traffic, the increase in traffic generated by this development, roadway safety, and water. He indicated his concern that the development has no access to Klees Mill Road.

Ms. Donoff indicated access to Klees Mill Road would not be granted because it does not meet current County sight distance requirements.

Ms. Brandt indicated the entrance was discussed extensively. The proposed entrance is thought to be a better plan safety-wise than allowing an entrance onto Klees Mill Road.

Ms. Donoff explained that in order for the State to begin the process of groundwater appropriation permitting, the developer must submit an approved preliminary plan. After submittal, test wells will be drilled, etc.

Mr. Wertz indicated he was opposed to Lot 5, and in hindsight, Lots 16, 17, and 18. He stated panhandle lots should not be allowed. Mr. Wertz suggested the Commission needs more discretion with regard to panhandle lots; they should not be allowed in a suburban subdivision.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Baile, seconded by Mr. Schuster, and carried (Mr. Chadwick, Mr. Yeo, Commissioner Gouge, and Mr. Baile voted "Aye"; Mr. Wertz voted "No"; Mr. Schuster abstained), approved the plan with the nine conditions listed in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Baile, seconded by Mr. Chadwick, and carried (Mr. Chadwick, Mr. Yeo, Commissioner Gouge, Mr. Baile, and Mr. Schuster voted "Aye"; Mr. Wertz voted "No"), approved the preliminary plan with the four conditions listed in the staff report.

B. P-06-007, CENTURY HOLLOW

LOCATION: East side of Brown Road, south of Lawndale Road, 4th Election District

OWNER: Daniel & Bonnie Mann, 1925 Brown Road, Finksburg, MD 21048

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 25.92 acres

FIRE DISTRICT: Reese

WATERSHED: Liberty Reservoir

MASTER PLAN: Private Conservation

NUMBER OF LOTS: 7 (6 new, 1 existing)

Ms. Kimberly Brandt presented the background.

Action Required:

Two action items are required:

1. Approval of the Preliminary 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 Preliminary 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.

Review History:

The subject subdivision was first presented to the Planning Commission on June 20, 2006 for a concept review. At that meeting the Commission questioned the lot yield on the conventional plan, which establishes the yield for the cluster plan. The County Attorney's Office advised the Commission that requiring percolation testing to confirm the lot yield would require a code change. Accordingly, Chapter 103, Section 54.B. of the County Code was amended in November of 2006 to state that 'The Commission may require percolation tests to determine the total number of lots that may be clustered.'

As a result of the Code change, a special report was presented to the Planning Commission at the May 15, 2007 meeting. At that meeting, the Planning Commission directed the developer to percolation test the conventional plan to establish lot yield.

Rather than conducting additional percolation tests, the developer redesigned the conventional plan using the approved percolation tests. This revised conventional plan and the cluster plan were presented to the Planning Commission at the August 21, 2007 meeting. The Commission directed the developer to move forward with the cluster plan as shown.

The minutes of the three Planning Commission meetings are attached to this report.

Existing Conditions:

The subject property is improved with a single-family residence and farm buildings. In the southernmost area of the property, there are steep slopes and a stream. The River Downs development adjoins this property to the east and partially to the north and south.

Plan Review:

The developer proposes to create seven lots. Lots 1-3 will be accessed from Lineage Drive, a use-in-common driveway on Brown Road. Lots 4-6 will be accessed from Congo Drive, a use-in-common driveway on Turnberry Court. Lot 7 includes the existing house and farm buildings. Access to this lot will continue to be from a private driveway onto Brown Road.

The developer will be required to improve Brown Road. Beginning at the southernmost end of the site and extending to Lawndale Road, a distance of approximately 900 feet, Brown Road will be widened from approximately 14 feet to 20 feet. Right-of-way will be dedicated to the County for Brown Road and Turnberry Court.

The subdivision is a cluster design. The regulations for Conservation cluster subdivisions require that the land derived from the reduction in lot sizes, 5.89 acres in this case, be offered to the County. As the County has refused ownership of the open space, it has been combined with Lot 7. An open space easement over 5.89 acres of Lot 7 is shown on the plan. A note will be placed on the record plat prohibiting further subdivision of Lot 7 and the other lots in the subdivision.

The proposed use is consistent with the land use designation of Private Conservation on the approved Finksburg land use map.

To address the requirements of forest conservation, 2.72 acres of afforestation will be provided on-site and 2.46 acres of afforestation will be provided on an adjoining property owned by the developer. To satisfy the requirements of the landscaping ordinance, landscaping will be provided along Brown Road and along the Turnberry Court frontage. As requested by staff, extensive landscaping is also being provided along the back of Lot 6 to screen the rear yard from Turnberry Court.

To address the requirements of stormwater management, drywells will be installed on Lots 1-6 and a wide grass shoulder has been included in the design of each use-in-common driveway.

Each lot will have a private well and a septic system. The Health Department has approved the preliminary plan.

The plan was subject to citizen involvement at the May 22, 2006 and August 25, 2008 Technical Review Committee meetings. Residents of the neighboring community, particularly owners of property on Turnberry Court, attended both meetings and inquired about the size and appearance of the homes proposed for Lots 4-6. The Bureau of Development Review has not received any correspondence concerning this project.

Chapter 103 Recommendation:

The staff recommends approval of the preliminary plan subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County to guarantee completion of any required improvements.

2. That a Stormwater Management Easement and Maintenance Agreement be granted to the Carroll County Commissioners by a deed to be recorded simultaneously with recordation of the subdivision plat.
3. That a forest conservation easement be conveyed to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
4. That a water resource protection easement be conveyed to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat
5. That an open space easement be conveyed to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
6. That a landscape maintenance agreement be recorded simultaneously with recordation of the subdivision plat.
7. That the areas shown as Parcel A and Parcel B be conveyed to the Carroll County Commissioners by a deed to be recorded simultaneously with recordation of the plat.
8. That a Declaration of Maintenance Obligations for Lineage Drive be recorded simultaneously with recordation of the subdivision plat.
9. That a Declaration of Maintenance Obligations for Congo Drive be recorded simultaneously with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: P-06-007, Century Hollow

Number of Lots: 7 (6 new, 1 existing)

Schools: Sandymount Elementary
Shiloh Middle
Westminster High

Roads: Lawndale Road, Turnberry Court, Brown Road

Fire and EMS: Reese

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

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are distributed for comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of May 31, 2009 was 174,868. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period June 2008 through May 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of May was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.33 by the end of FY09 – adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next six years.

Schools:

The Carroll County Public Schools responded that Sandymount Elementary, Shiloh Middle, and Westminster High are adequate from FY10 through FY15.

The enrollment projections indicate that Sandymount Elementary will range between 84 and 86% of capacity during the current 6-year CIP cycle. In the Sandymount attendance area 13 additional residential developments, comprised of 139 lots, are in the review process. There are 82 lots in the Sandymount attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Shiloh Middle will range between 77 and 88% of functional rated capacity during the current 6-year CIP cycle. In the Shiloh attendance area 17 additional residential developments, comprised of approximately 205 lots, are in the review process. There are approximately 97 lots in the Shiloh attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster High will range between 84 and 92% of capacity of during the current 6-year CIP cycle. In the Westminster attendance area 29 additional residential developments, comprised of approximately 444 residential lots, are currently in the review process. There are approximately 186 residential units in the Westminster attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Reese emergency services district. The 2009 1st quarter late and no response statistical data indicates that of the first due total fire calls in the Reese district, 0.0% were categorized as no responses and 2.50% as late and no responses. Of the first due emergency medical service calls in the Reese district, 0.0% were categorized as no

responses and 0.0% as late and no responses. Reese meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 6/1/07 to 5/31/09 Reese had an average response time of 7 minutes and 59 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 6/1/07 to 5/31/09 Reese had an average response time of 7 minutes and 32 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Lawndale Road, a minor collector urban road, and Turnberry Court, a local urban road, are rated Level of Service “A” – adequate. Upon the completion of the required improvements to Brown Road, a local urban road, the Level of Service will also be Level of Service “A” - adequate.

Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states “If all public facilities and services are adequate during the current CIP, the Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the Board of County Commissioners in effect at the time of application for building permits.”

There are no adopted building permits caps in the geographic area impacted by this development.

Pursuant to Chapter 71 staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, fire and EMS, and roads are considered adequate.
2. Tentative building permit reservations are for 6 lots in FY10.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Ms. Brandt noted that she had received an e-mail this morning from a property owner on Brown Road that was opposed to the clustering of the lots, concerned about the lot sizes, traffic, noise, and light pollution.

Mr. Baile stated an e-mail had been received from a gentleman that was confused about the zoning on the property. He explained that the use of the land is currently agricultural, but the zoning of the land is conservation.

Mr. Schuster noted that the e-mail states clustering is not preferred but that is the intent of the conservation zone—to cluster the lots.

Ms. Linda Donoff, CLSI, explained that the Health Department will require a couple of wells to be drilled, a water appropriation permit, etc., because of the size of the property. These tests will be completed prior to the final recordation of the plat.

Public Comments:

Margaret Smith, 1952 Turnberry Court, questioned whether the landscaping plan will be approved and in place before construction starts. She noted that the construction will be occurring in her front yard.

Ms. Donoff explained that normally landscaping occurs once construction is completed to allow trees, etc., to survive.

Decision:

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

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

CONCEPT SUBDIVISION PLAN REVIEW:

- a. P-06-012, Jacob's Ridge 2
- b. P-07-016, Johnsons Ridge
- c. P-09-008, Chadwick Court, Resubdivision of Lot 1A
- d. P-09-004, Vista Green
- e. P-09-007, Mt. Lofty Homestead
- f. P-09-001, Nadine's Overlook

A. P-06-012, JACOBS RIDGE 2

LOCATION: West side of Meadow Branch Road, opposite Kriders Church Road, 7th Election District

OWNER: Charles J. Miller, Jr., 3514 Basler Road, Hampstead, MD 21074

DEVELOPER: Same as Owner

ENGINEER: DRS & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural, Conservation
ACREAGE: 12.58 acres (Agricultural - 1.15650, Conservation - 10.98333)
WATERSHED: Double Pipe Creek
MASTER PLAN: Residential, Conservation
NUMBER OF LOTS: 4 (1 Agricultural, 3 Conservation)

Ms. Kimberly Brandt presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a Concept Major Subdivision Plan. No action is required.

Review History:

In November of 1995, the Planning Commission approved a preliminary plan of Jacobs Ridge showing 14 lots. Twelve of the lots were in the area zoned Agricultural; two lots were in the area zoned Conservation.

In September of 2002, 11 lots were recorded as Jacobs Ridge. A copy of the record plat is attached to this report. All of the lots recorded are in the area zoned Agricultural and have been improved with single-family homes.

There are two existing off-conveyances, one on each side of Mel Court, that the developer intends to subdivide in the future. Both are currently unimproved.

Plan Review:

The developer proposes to create four lots, which will be Lots 12-15 of the development. Each lot will have a private well and a septic system. The proposed subdivision is consistent with the Master Plan designations of Residential and Conservation.

Lot 12 will be accessed from Flo Drive, an existing use-in-common driveway. The driveway currently serves only Lot 11. Lot 15 will be accessed from Mel Court, the existing subdivision street. Lots 13 and 14 will be accessed from Meadow Branch Road. The road will be relocated with the development of the Bolton Hill subdivision and Meadow Branch Industrial Park, Section Two. Both of these developments are in the City of Westminster; the municipal boundary in this area is Meadow Branch Road. With the relocation of the road, a segment of the existing road will remain and become a use-in-common driveway for Lots 13 and 14. The use-in-common driveway is shown on Parcel M, which is part of the Bolton Hill development. County staff recently met with the developer and City of Westminster staff to discuss coordination issues, including possibly incorporating Parcel M into Jacobs Ridge.

A lot yield tabulation is included on Sheet 1 of the plan. Staff has commented that the total number of lots and remaining portions should be 19, rather than 20. The parcel identified as First Tract, Third Parcel is 4.486 acres in size and is split zoned. There are 2.24790 acres in the Agricultural District and 2.23857 acres in the Conservation District. The lot yield tabulation shows one lot being derived from each of these areas. Staff has not agreed that the developer is entitled to two lots from this parcel. Staff continues to research this issue; discussions with the developer's surveyor are ongoing.

Staff has requested that the house on Lot 15 be angled so it faces both Mel Court and Meadow Brach Road. This lot has two front yards and is located at the entrance to the development.

To address the requirements of stormwater management, drywells will be installed on the lots. For floodplain management, it will be necessary for the developer to obtain a Letter of Map Revision – Based on Fill (LOMR-F) from FEMA before the preliminary plan can be approved. When Mel Court was constructed, the Big Pipe Creek floodway and floodplain were impacted.

For forest conservation, the developer had indicated that 2.1 acres of credit would be purchased in a forest bank. Staff has commented, however, that priority on-site areas must be used for afforestation before other options are pursued. Staff has also advised the developer that a landscape plan must be provided.

The plan was subject to citizen involvement at the July 27, 2009 Technical Review Committee meeting. No citizens commented on this subdivision. The Bureau of Development Review has not received any correspondence concerning this project.

Discussion:

Mr. Schuster questioned whether the 110-acre remaining portion was developable.

Ms. Brandt indicated most of the yield is being pulled off for this development and yield was pulled off for another subdivision.

Mr. Schuster questioned the original intent of off-conveyances.

Mr. Baile explained that the original intent of off-conveyances was to give landowners an abbreviated subdivision process so a lot could be sold quicker or used for children. Commissioner Dick Joy then created an amendment whereby properties between 6 and 20 acres were allowed to be further subdivided.

Mr. Horn further explained that the County created a 1:20 zoning district in 1978 that was never really 1:20. He noted that several proposals before the Commission today are good examples of why Pathways has raised these issues.

Mr. Chadwick indicated he would like to see the entire parcel, with future subdivision ghosted in to get a better idea of what is ultimately proposed.

Mr. Schuster noted the project appears to meet current regulations.

B. P-07-016, JOHNSONS RIDGE

LOCATION: South side Ruggles Road, west of MD 194 (Francis Scott Key Highway),
1st Election District

OWNER: Peterson Family Partnership c/o Robert B. Peterson, 5592 Sedwick Court,
Frederick, MD 21702

DEVELOPER: Same as Owner

ENGINEER: DRS & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: 30.3640 acres

WATERSHED: Upper Monocacy River

NO. OF LOTS: 6 lots (5 and remaining portion)

FIRE DISTRICT: Taneytown

MASTER PLAN: Agriculture

Ms. Jeanne Joiner presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan. No action is required.

Existing Conditions:

The subject property is two parcels. The first parcel consists of 14.706 acres and is located at the intersection of Ruggles Road and Francis Scott Key Highway. Two off-conveyances and a remainder have been approved for this property, though not recorded. One off-conveyance and the remainder are each 6.1 acres. Further subdivision of the off-conveyance and the remainder yields 5 lots (4 lots and a remaining portion).

The second parcel consists of 15.4603 acres and adjoins the first parcel to the west. This property is not eligible for off-conveyances and is entitled to 1 lot and a remaining portion. One lot is included in the proposed subdivision. If the remaining portions associated with both parcels are consolidated, one additional lot could be created under the current regulations. This lot would use the yield associated with one of the remaining portions.

The entire property is zoned Agricultural. There are no improvements and a stream crosses the western side of the property.

Plan Review:

The developer proposes to create 6 lots (5 lots and a Remaining Portion). Lots 2-6 will be accessed from a proposed use-in-common driveway. There is a question as to whether Lot 1 will utilize the use-in-common driveway or have a single access to Ruggles Road. The plan and stormwater management narrative indicates a single access point, but a note on the final plat suggests that Lot 1 might use the use-in-common driveway.

The lots will be served with private wells and septic systems. The Health Department will require further wet weather percolation testing.

Development Review commented that the shape of some of the lots is unusual and that Lots 2 and 3 are particularly awkward. The location of successful percolation tests for sand mounds is driving these shapes.

The requirements of stormwater management will be addressed through grading and the use of a grass shoulder alongside the use-in-common driveway. For forest conservation, there will be 6.16112 acres of retention and afforestation on the west side of the property.

A 0.42450-acre parcel will be deeded to the County for right-of-way on Ruggles Road.

The plan was subject to citizen involvement at the July 27, 2009 Technical Review Committee meeting. One citizen spoke on this project at the meeting. Comments concerned drainage issues. The Bureau of Development Review has received no correspondence concerning this project.

This subdivision is subject to the Concurrency Management Ordinance and will be tested when all reviewing agency approvals of the preliminary plan have been received.

Discussion:

Mr. Schuster questioned whether staff had confirmed the lot yield.

Ms. Joiner indicated the lot yield has been determined as 5 lots plus a remainder.

Mr. Wertz indicated he would like to see the setback along Francis Scott Key Highway increased to at least 50 feet.

Mr. Yeo questioned the overlap of wells on Lots 2 and 3.

Mr. Staley, DRS & Associates, explained that the only setbacks for wells are from property lines or buildings, not well to well.

Mr. Baile indicated there is a 100' circle around the well to keep the septic outside of that area.

Mr. Yeo questioned whether the wells would be tested individually or concurrently.

Mr. Staley explained that sometimes when there is a cluster of wells, the Health Department will drill each well and do concurrent testing.

Mr. Yeo stated concurrent testing is needed for those two wells.

Mr. Chadwick requested that the members of the Peterson Family Partnership be disclosed at the next submittal.

Mr. Schuster questioned whether the lots meet the setback requirements for the Agricultural district.

Ms. Joiner indicated they did.

Mr. Chadwick questioned why the ultimate subdivision potential for this property was not shown on the plan.

Mr. Staley explained that the project had been through two wet weather perc test sessions and remains one or two counts short of the seventh lot. The developer cannot afford to wait another year so that land density will go with the remaining portion.

Mr. Schuster questioned the access for Lot 1.

Mr. Staley explained that the developer would like to allow Lot 1 the ability to use the use-in-common driveway for access if/when they come in for additional development of the remaining portion.

Public Comments:

Mr. Robert Allen Erb, Parcel 77, expressed concern about drainage from this property running into his agricultural land; his property is much lower ground than the Johnson property. He noted the land has highly erodible soil types. Mr. Erb questioned how electric utilities would serve this development. He expressed concern about the loss of trees in order to upgrade the electric service.

Mr. Schuster requested that the developer work with Mr. Erb to address his concerns.

Mr. Staley indicated he could provide an overall drainage map that will show that the water runoff that Mr. Erb is describing is not coming from this property.

Mr. Chadwick requested consideration for reasonable landscaping on Lots 5 and 6 between MD 194 and the houses to protect them from the noise.

Mr. Staley indicated there are requirements in the Landscape Manual to provide screening of the backyard from a State highway. He noted that phone, cable, and electric service is designed by those utility companies.

C. M-09-008, CHADWICK COURT, RESUBDIVISION OF LOT 1A

Mr. Chadwick noted for the record that he had nothing to do with this development project.

LOCATION: West side of Bell Road, 7th Election District

OWNER: Pauline M. Coker, 1210 Chadwick Drive, Westminster, MD 21158

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: R-20,000

ACREAGE: 4.88 acres

WATERSHED: Double Pipe Creek

NO. OF LOTS: 2 lots (1 new lot)

FIRE DISTRICT: Westminster

MASTER PLAN: Medium Density Residential

Ms. Jeanne Joiner presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan. No action is required.

Existing Conditions:

The plan is a resubdivision of Lot 1A of Chadwick Court previously recorded in Plat Book 30 Page 191. The subject property is zoned R-20,000 and is improved with a house and shed. The property is accessed from Chadwick Drive, a use-in-common driveway, and is served by a private well and a septic system.

Plan Review:

The developer proposes to create two lots. Lot 1A, with the existing house, is 2.66 acres. Lot 3 is 2.22 acres. The proposed subdivision is consistent with the Master Plan designation of Medium Density Residential.

Lot 1A will continue to be accessed from Chadwick Drive. Lot 3 is proposed to use a private single-use driveway from Bell Road. The Bureau of Engineering noted that the driveway apron as proposed does not appear to meet minimum sight distance requirements on Bell Road. Engineering also questioned why Lot 3 was not also using Chadwick Drive for access to Bell Road. Chapter 103-11C. of the Code of Public Local Laws and Ordinances of Carroll County sets a limit of 5 users on use-in-common driveways in the residential districts. The Board of Zoning Appeals would have to grant a variance from this requirement in order to add Lot 3 to the use-in-common driveway as a user.

The plan is exempt from the requirements of forest conservation and landscaping. Lot 1A is exempt from the requirements of stormwater management. Stormwater management on Lot 3 will be addressed with the installation of a drywell.

Development Review has commented that the plan should show the relocation of the outfall from the existing downspouts on Lot 1A.

The Health Department is requiring that the existing well on Lot 1A be properly abandoned.

The plan was subject to citizen involvement at the July 27, 2009 Technical Review Committee meeting. Several citizens spoke on this project at the meeting. Comments concerned drainage issues to the rear of the property, sight distance on Bell Road, and access to the proposed lot. A neighboring property owner noted that the proposed lot is located in the center of the development. She stated that the lot should be accessed from Chadwick Drive and included in the declaration of maintenance obligations. She noted that in addition to sharing costs associated with the private road, the property owners in the development also share costs associated with landscaping at the entrance.

As has been noted, the Board of Zoning Appeals could grant a variance to add Lot 3, the sixth user, to the use-in-common driveway. In the interest of incorporating the proposed lot into the existing development to the maximum extent possible, the Bureau of Development Review would support a variance request. The Bureau of Engineering also supports use of Chadwick Drive for the proposed lot, rather than the creation of a new driveway entrance onto Bell Road.

This subdivision is subject to the Concurrency Management Ordinance and will be tested when all reviewing agency approvals of the preliminary plan have been received.

Discussion:

Mr. Chadwick questioned the minimum sight distance for a driveway on a road like Bell Road.

Mr. Ron Church, Bureau of Engineering, stated he did not have that information with him, but the driveway meets requirements.

Ms. Joiner noted that the County had recently received a letter signed by several adjoining property owners.

Ms. Cynthia Baxter, CLSI, noted that the new driveway meets sight distance criteria, while Chadwick Drive does not meet current criteria.

Mr. Yeo indicated he was opposed to this design. He suggested Lot 3 have access to Chadwick Drive.

Ms. Baxter explained that there are time constraints due to the proposed changes to the property's zoning in the Pathways Plan.

Mr. Chadwick questioned how much time would be added to the process in order to allow the developer to go before the Board of Zoning Appeals (BZA).

Ms. Jones indicated it would take approximately 3-4 months to get before the BZA if the application is submitted in the next week.

Mr. Chadwick indicated his preference was for the driveway for the proposed lot on Chadwick Drive.

Ms. Baxter questioned whether the plan could be approved the way it is giving the developer the option to go to the BZA for a variance if the developer wishes.

Ms. Jones explained that the Commission could not approve the lot having access to Chadwick Drive. The Commission could condition its approval upon the BZA or Zoning Administrator granting a variance. If the Commission approves the plan, there is no need to get access to Chadwick Drive. She indicated she was not sure whether moving the access to Chadwick Drive after Commission approval would generate a big enough change to have the plan come back before the Commission again.

Mr. Yeo indicated he preferred the access on Chadwick Drive and suggested the developer begin the process to request a variance in order to have a better chance of receiving approval from the Commission.

Public Comments:

Ms. Darlene Kegel, 1220 Chadwick Drive, stated that all of the neighbors are present. She indicated they are all trying to figure out why Ms. Coker would want to take the driveway for the proposed lot and run it along the side of her house. Ms. Kegel suggested that the perc test may not have been approved for a big enough house to allow it to have access from Chadwick Drive or comply with the rules and regulations that the developer established in developing the original subdivision. She noted that the neighbors do not have a problem with the additional house if it is built according to the rules and regulations of the subdivision and receives access from Chadwick Drive.

Dr. Sirinakis, 1216 Chadwick Drive, stated that it is important to the positioning of the house for it to have access from Chadwick Drive. She noted that there is an outstanding drainage issue. Dr. Sirinakis explained that drainage from the Coker residence goes down to the proposed lot and then to her lot. She noted the neighbors are concerned that the new residence is built to the same standards and requirements as the existing houses.

Mr. Stephen Hossler, 1220 Chadwick Drive, explained that if a smaller residence is built on this lot than the other lots in the subdivision then the other homes will be devalued. He noted that the rear of the proposed home will face the other residences. Mr. Hossler indicated Bell Road has become the community road for jogging, walking, and biking. He suggested it didn't make sense to put another access onto Bell Road near a curve. Mr. Hossler explained that he did not have a problem with another home being built in this location, but the home should be the same as the other homes in the subdivision.

Mr. Matt Kedzierski, 1215 Chadwick Drive, expressed his concern that the new residence be included in the homeowner's association since it will be located in their backyards.

Ms. Keren Kedzierski, 1215 Chadwick Drive, discussed the proposed location of the driveway and setback requirements.

It was the consensus of the Commission that the preferred access was on Chadwick Drive.

Ms. Kedzierski indicated her preference that the proposed residence access Chadwick Drive and be part of the subdivision and included in the homeowners association so that the same issues that the current residents have to abide by apply to the new residence. She suggested it was an unnecessary burden for the new homeowner to maintain the entire length of the proposed driveway when a use-in-common driveway is already in existence. Ms. Kedzierski explained that access from Chadwick Drive allows for the proper orientation of the proposed home.

Mr. Chadwick questioned the developer as to whether the new lot will be subject to the same restrictions as the rest of the subdivision.

Ms. Baxter stated it will be subject to the requirements of the existing subdivision.

Mr. Wertz questioned whether the new residence would be included in the homeowners association.

Ms. Baxter indicated it would.

Ms. Kedzierski noted that the law does not allow for an additional user on the use-in-common driveway, but the neighbors and the Bureau of Development Review support the variance.

Mr. Yeo explained that the Commission does not have the authority to approve the sixth user and the request will have to go before the BZA.

Ms. Kedzierski indicated she supported the development of the lot and bringing the neighbor into the community, but she was opposed to the concept as submitted.

Mr. Harry Sirinakis questioned whether the BZA would control where the driveway is on the new lot if the variance is granted.

Mr. Chadwick indicated the Commission would control the location of the driveway.

Mr. Sirinakis noted that the orientation and size of the proposed residence is very important to the neighbors.

D. P-09-004, VISTA GREEN

LOCATION: The terminus of Bluebird Drive, 9th ED

OWNER: Cary Cumberland, Curtis Cumberland, Daniel Ricker, 815 Windriver Drive, Sykesville, MD 21784

DEVELOPER: CDC Land Development, LLC, 815 Windriver Drive, Sykesville, MD 21784 (LLC members: Cary Cumberland, Curtis Cumberland, Daniel Ricker)

ENGINEER: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agriculture

ACREAGE: 74.26 Acres

FIRE DISTRICT: New Windsor

WATERSHED: Double Pipe Creek

MASTER PLAN: Agriculture

Mr. Patrick Varga presented the background.

Action Required:

The plan is before the Commission for review of the concept plan of subdivision. No action is required.

Existing Conditions:

The subject property is currently unimproved. The lot yield is based on five parcels and four off-conveyances. Three of the four off-conveyances have subdivision potential which is used towards the overall lot yield. Seven lots are derived from the three off-conveyances. The total lot yield from the multi-parcel deed is 14 lots and a remainder. A parcel of record and one off-conveyance are not shown and are not factored in to the yield used for this plan. These two home sites have been submitted separately and are accessed from Cardinal Drive.

The adjoining properties to the north and west are zoned Agriculture while the properties to the east are zoned R-40,000. Properties to the south along Cardinal Drive are zoned Conservation.

Concept Plan Review:

The developer proposes to create 12 new residential lots and a 49.9 acre remaining portion. The lots are clustered along the eastern portion of the property at the end of Bluebird Drive. The lots range in size from 1.1 acres to 2.3 acres in size. Of the 12 lots, nine have direct access to Bluebird Drive. Bluebird Drive is proposed to be constructed with a paving width of 20' with a right-of-way of 50'. Three lots and the remaining portion are accessed by use-in-common driveway, Sunny Days Drive. The plan does not yet indicate trip generation for the development, and this information will be required on the preliminary plan. The development is consistent with the Master Plan designation of Agriculture.

The lots will be served by private wells. The types of septic systems for the lots are split between deep trenches, standard trenches, and sand mounds. All lots will be served by downspout drywells. Stormwater Management is not yet addressed as it pertains to Blue Bird Drive or Sunny Days Drive. The plan does not yet address the Forest Conservation Ordinance. The requirements of Water Resource Protection will be met by the recordation of easements on lots 9, 10, and 11. The plan does not yet address the Floodplain Management Ordinance.

The concept plan was subject to Citizen's Involvement on July 27, 2009 during the Technical Review Committee meeting. At that time, one citizen spoke with regard to this project. Several emails and letters have been received by the Bureau of Development Review and are included with this report. One citizen spoke at the meeting and expressed concern regarding the number of houses that are proposed, runoff from the property, and pollutants entering the streams in the area.

This project is subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County, and will be tested prior to the presentation of the preliminary plan to the Commission for approval.

Discussion:

Mr. Varga made a correction to the staff report, noting that no e-mails or letters had been received.

Mr. Schuster asked for clarification that the remainder had no further subdivision rights.

Mr. Varga indicated that was correct.

Mr. Wertz questioned whether there had been any discussion about extending Bluebird Drive all the way into the subdivision.

Mr. Varga indicated one of the goals of the Builders for the Bay was to reduce impervious surface which is why staff recommended a use-in-common driveway.

Mr. Schuster noted that the subdivision appears to meet current regulations.

Mr. Chadwick questioned whether one house could be built on the remaining portion.

Mr. Dan Staley, DRS & Associates, indicated that was correct.

E. P-09-007, MT. LOFTY HOMESTEAD

LOCATION: North side of Jasontown Road, west of Springdale Road, 2nd ED

OWNER: Virginia and Joseph Myers, 309 Jasontown Road, Westminster, MD 21158

DEVELOPER: Joseph Myers, 7403 Mt. Vista Road, Kingsville, MD 21087

ENGINEER: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agriculture

ACREAGE: 84.05 Acres

FIRE DISTRICT: New Windsor

WATERSHED: Double Pipe Creek

MASTER PLAN: Agriculture

Mr. Patrick Varga presented the background.

Action Required:

The plan is before the Commission for review of the concept plan of subdivision. No action is required.

Existing Conditions:

The subject property is currently improved with a farmhouse and several outbuildings. The lot yield is based on four parcels and two off-conveyances. The multi-parcel deed dates to 1881, when all four parcels were first described in one deed. The parcels are 24.30 acres, 8.52 acres, 13.46 acres, and 36.32 acres in size. A 1.45 acre hangover parcel also exists which is split by Jasontown Road. The total lot yield, based on the four parcels, two off-conveyances, and a hangover parcel would be 15, which includes 14 new lots and a remaining portion. The developer has indicated that the hangover parcel will likely be deeded as an add-on to the adjoining property. Negotiations with the owner of that property are underway.

All adjoining properties are zoned Agriculture and the property to the south is under a Maryland Agricultural Land Preservation Foundation easement. The property to the north is actively pursuing an Agricultural Preservation designation.

Concept Plan Review:

The developer proposes to create 14 new residential lots. The lots are clustered in the eastern portion of the property along Jasontown Road. The lots range in size from 1.00 acres to 2.11 acres. A remaining portion of 62.9 acres in size will contain the original home on the property. Of the 14 lots, six have direct access on to Jasontown Road, and eight lots are accessed by use-in-common driveways. All lots will be served by private wells and private septic systems. The development is consistent with the Master Plan designation of Agriculture.

Jasontown Road is a stone road along the frontage of the subject property. Jasontown Road is paved beyond the subject property to the west. As the development is in the Agricultural zoning district, the Bureau of Engineering cannot require road improvements along the frontage. The Bureau of Engineering requests that the Planning and Zoning Commission, as a condition of approval, require Jasontown Road to be improved along the frontage of the new lots. The Bureau of Development Review and the Office of Public Safety recommend paving along the entire frontage of the property, but cannot require the paving and other associated improvements. The Planning and Zoning Commission can require the developer to improve Jasontown Road along the entire property frontage from the existing pavement at Springdale Road to the existing pavement on Jasontown Road, approximately 4500 feet west.

To meet the requirements of the landscape ordinance, street trees are proposed along Jasontown Road. Stormwater Management will be addressed by downspout drywells and by grading. The plan does not yet indicate if wide shoulders will be used along the use-in-common driveways.

There are no areas of floodplain or water resources on the property. The developer has not yet indicated how forest conservation will be addressed.

The concept plan was subject to Citizen's Involvement on July 27, 2009 during the Technical Review Committee meeting. At that time, three citizens spoke with regard to this project. Several emails and letters have been received by the Bureau of Development Review and are included with this report. The major public concerns for this project is the number of lots being created in this area. As shown by the lot yield tabulation, the yield is correct and the number of houses shown is allowed based on the current regulations. The public has also expressed concerns about the condition of Jasontown Road, wells in the area being impacted by this development, erosion and sediment control along Jasontown Road, and additional traffic in the area.

This project is subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County, and will be tested prior to the presentation of the preliminary plan to the Commission for approval.

Discussion:

In his review of the staff report, Mr. Varga noted that the Bureau of Engineering cannot require road improvements along the frontage of the property because it is in the Agricultural zoning district.

Ms. Jones stated that if there is an inadequacy with the road, then road improvements can be required by the Commission.

Mr. Varga indicated that the road will be found inadequate when it is tested for Concurrency Management. The Bureau of Engineering is requesting that the Commission require paving along the frontage of the lots to Springdale Road. The Bureau of Development Review and the Office of Public Safety are requesting that the Commission require that the entire frontage of the property be paved from Springdale to the existing pavement on Jasontown Road.

Mr. Schuster noted that he was not in support of the layout of the subdivision, and he did not like the number of access points.

Mr. Chadwick questioned whether a circular road, public or private, was discussed to reduce the number of access points on Jasontown Road.

Mr. Varga indicated that had not been discussed.

Mr. Yeo asked whether there were any other design possibilities for the property.

Mr. Dan Staley, DRS & Associates, noted that use-in-common driveways were utilized to reduce the number of access points onto Jasontown Road. He explained that the access points could be further reduced from eight to six with use-in-common driveways. He indicated the idea was to cluster the lots and protect the remainder of the farm. Perc tests drove the location of some of the lots.

Mr. Schuster suggested an access point with a cul-de-sac between Lots 3 and 6. He stated he felt this was an R-40,000 subdivision, not an agricultural subdivision. Mr. Schuster indicated he did not support the number of access points. He further suggested that Jasontown Road should be paved to suburban residential standards since that is the type of development that is occurring.

Mr. Chadwick indicated he concurred with Mr. Schuster's comments.

Public Comments:

Mr. Wilbur Wright, 614 Jasontown Road, expressed his concern with the traffic safety issues on Jasontown Road. He noted this is an agricultural area and under the Pathways concept, this development would not be allowed. Mr. Wright suggested that those residents on Jasontown Road on fixed incomes will see their property values increase which will increase their tax bills due to this development.

It was the consensus of the Commission that all of the unpaved portion of Jasontown Road should be paved as a requirement of this subdivision.

Mr. Horn reminded the developer that further consolidation of the access points was recommended by the Commission, along with consideration of a residential cul-de-sac or horseshoe roadway.

Mr. Chadwick noted his preference that this property be placed under the agricultural preservation program.

F. P-09-001, NADINE'S OVERLOOK

LOCATION: North and South side of Kate Wagner Road; 500 feet east of MD Route 27
E.D. 7

OWNER: Thomas H. & Nadine Green, 1255 Baugher Road, Westminster, MD
21158

DEVELOPER: Green Development, 1255 Baugher Road, Westminster, MD 21158

ENGINEER: RTF Associates, 142 East Main Street, Westminster, MD 21157

ZONING: Conservation/Agricultural

AREA: 52 acres

NO. OF LOTS: 13 lots

FIRE DISTRICT: Westminster

WATERSHED: Double Pipe Creek

MASTERPLAN: Conservation

Mr. Clay Black presented the background.

Action Requested:

The plan is before the Commission for review of the concept plan of subdivision.

Existing Conditions:

The subject property is zoned both Conservation and Agricultural and currently contains two houses (one currently under construction), a barn and other out buildings. The property is divided by Kate Wagner Road with the north side portion comprising approximately 12.5 acres and is all zoned Conservation. The 39.5 acre portion that lies on the south side has some agricultural zoned property and contains the existing structures with a small stream traversing the property.

Concept Plan Review:

The developer is proposing to create 13 residential building lots as part of a conservation cluster development proposal. Although a portion of the property is zoned Agricultural, all lot yield is being derived from the Conservation portion of the property. In accordance with §103-54 of the Carroll County Code of Public Local Laws and Ordinances, the Planning Commission may approve a residential cluster subdivision subject to several conditions. The number of lots that may be permitted is determined by the submission and review of a conventional layout. A conventional plan of 13 lots was submitted to determine the number of lots that would be permitted if the area would be developed in conformance with its topographic characteristics and normal minimum lot size requirements. Staff has reviewed the conventional plan and supports that number of dwelling units.

Lot sizes in conservation zoned cluster developments are allowed to be reduced to a minimum size of 1 acre with the land derived from reduction of lot sizes provided and maintained as open space or recreational areas. Lots 1-11 have lot sizes that range from 1.27 acres to 3.65 acres. The reduction of lot size has resulted in 11.127 acres of open space which is shown to be part of lot 12. The open space shall be offered to the County and conveyed in fee simple if accepted by the County. If the County rejects the offer, the open space may be owned in common by the residents, conveyed to the Carroll County Land Trust or a similar organization, or re-combined with one buildable lot in the subdivision and owned privately. Staff has reviewed the open space area and is currently not proposing that the County consider owning the area identified as open space. An easement will be recorded that establishes that 11.127 area as open space.

Water Resource Protection Easements are being shown on lots 5, 10, 11, and 12. The open space area on lot 12 will contain a water resource protection easement, forest conservation and flood plain easement. Lot 5 will also include floodplain easements. A Forest Conservation Easement will be on lot 13.

Several use-in-common driveways will be constructed to provide access for the lots. These driveways will be paved and constructed to use-in-common criteria. Lot access to Kate Wagner Road will be restricted to the locations as shown on the plans.

The proposed lots will be served by private well and septic systems and will need to meet the requirements of the Carroll County Health Department.

The original farm house is listed on the Maryland Inventory of Historic Properties (CARR-669, the Thomas Stevenson Farm) and is eligible for National Register of Historic Places. Lot 12 is being configured to contain the existing residence.

The Concept Plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on June 22, 2009. Several citizens were present and expressed opposition about any possible connection to Lone Tree Road. At the pre-submittal conference, access to Lone Tree Road was initially discussed; however, upon review of the contours as shown on the plan and performing site visits the extension of the road involves steep terrain that would require a great amount of disturbance to areas that are being preserved by both Water Resource Protection and Forest Conservation Easements. Staff was not supportive of extending this street into the property.

This project is subject to the provisions of Concurrency Management, Chapter 71 of the Code, and will be tested prior to presentation of the plan to the Commission for approval of the Preliminary Plan.

Discussion:

Mr. Baile questioned why Emmanuel Drive did not come out directly across from the use-in-common drive on the other side of Kate Wagner Road.

Mr. Lemmerman, RTF Associates, indicated he would take another look at the entrances. He noted that both of those use-in-common driveway entrances are located at existing entrances provided by the County for the former location of Old Kate Wagner Road.

Mr. Chadwick indicated the same situation exists further down the road and requested that the developer review those entrances as well.

Mr. Lemmerman indicated the entrance on the west side is the existing entrance that goes to the two existing houses. He noted he would review the entrance on the east side.

Mr. Chadwick questioned whether the developer would be able to get driveways in that do not exceed 12 percent grade.

Mr. Black noted that the requirement is that driveways not exceed 17 percent grade.

Mr. Lemmerman indicated the driveways are proposed at considerably less than 17 percent grade.

Mr. Chadwick requested that the driveway grades be indicated on the plan in the next submittal.

Mr. Yeo questioned how the use-in-common driveway for Lots 10 and 11 was kept below 1,250 feet. He questioned whether the residential driveway for Lot 10 picks up at the end of the use-in-common driveway.

Mr. Lemmerman indicated that was correct and the length of the use-in-common driveway was below the 1,250 feet requirement.

Mr. Chadwick questioned whether consideration had been given to consolidating the driveways of Lots 9 and 13 as they run parallel to each other.

Mr. Lemmerman explained that the actual driveway for Lot 13 will not be as close to the property line as it appears on the drawing.

Mr. Chadwick questioned the agricultural use on Lot 13.

Mr. Tom Green, developer, indicated it will be a horse farm.

Mr. Schuster indicated his support for the cluster concept. He also noted that he would have preferred one access point on Kate Wagner Road to serve the five lots, but he understands the limitations of the site. Mr. Schuster agreed with the comments of his colleagues that the entrances be relocated across from each other. He asked that the developer revisit the geometry of the use-in-common driveways and that the access for Lots 9, 10, 11, and 13 be combined.

Mr. Baile questioned whether Ms. Winnie's heirs would be granted access to her lot.

Mr. Lemmerman indicated there is a deed of right-of-way to the lot. The use-in-common driveway and declaration of maintenance obligations will not affect their access.

Mr. Schuster questioned whether there were any issues with the Bureau of Engineering and the access points closest to the intersection of Kate Wagner Road and MD 27.

Mr. Ron Church, Bureau of Engineering, indicated there were no issues but he supported the idea of making the access points across from each other.

Mr. Chadwick questioned whether there was any possibility that Lot 1 could go down onto Emmanuel Drive.

Mr. Lemmerman suggested that would have detrimental affects on Lot 2.

Mr. Wertz questioned the classification of Kate Wagner Road.

Mr. Church indicated Kate Wagner Road is a collector road, and the Bureau is satisfied with 50 feet right-of-way.

Mr. Schuster offered his support for not connecting Lone Tree Road in response to citizen concerns.

Mr. Chadwick noted his concurrence.

Mr. Horn offered a summary of comments as follows:

- Commission support for cluster plan
- consolidation of access points

- alignment of use-in-common driveways across from each other
- driveway grades
- consolidation of driveways where they run parallel to each other
- clearer rendering of where use-in-common driveway on the west side of Kate Wagner Road will come out

FINAL SITE PLAN REVIEW:

a. S-06-016, Greenvale Mews

A. S-06-016, GREENVALE MEWS

LOCATION: West side of Gist Road, south of Winchester Drive, 7th E.D.

OWNER: Greenvale Mews, LLC, 606 Old Bachman Valley Road, Westminster, MD 21157 (LLC Members: Jay Weiss, Mike Hart)

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 E. Main Street, Westminster, MD 21157

ZONING: R-20,000

ACREAGE: 30.41 acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Medium Density Residential

Ms. Kimberly Golden Brandt presented the background.

Action Required:

Two action items are required:

1. Approval of the site plan 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 site plan 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 improved with a single-family residence that is accessed from Winchester Drive. There is also a barn on the property.

The site is within two designated Water Resource Management Areas, an Aquifer Protection Area and a Stream Buffer. There is a stream in the southernmost area of the property. An

unnamed tributary that flows into the stream and several areas of wetlands are located in the eastern area of the property. There is a large area of steep slopes near the western property boundary.

Review History:

Concept plan reviews were conducted at the November 21, 2006, February 20, 2007, and April 17, 2007 Planning Commission meetings. At the last meeting, the Planning Commission determined that the density, exterior design and site layout were acceptable. The minutes from the April 2007 meeting are attached to this report.

On July 18, 2007, the Board of Zoning Appeals approved the conditional use for an age-restricted housing development with 65 townhouse units. The approval is not subject to any conditions.

Site Plan Review:

As shown on the April 2007 concept plan, the developer has proposed a 65-unit 55-and-older community. The units are arranged in groups of two and three. The existing house on the property will be relocated and is identified on the concept plan as Unit 66. The proposed development is consistent with the Master Plan land use designation of medium density residential.

The development will be served by City of Westminster water and sewer. The City granted the developer a Good Cause Waiver (GCW 09-1) for water and sewer service on May 6, 2009. Accordingly, a Water Allocation (WA-100) was also approved. On this same day, the City and the developer entered into a well agreement. The agreement acknowledges that a well drilled on the property has yielded quantities of water that appear to be in excess of the amount of water needed for the Greenvale Mews project. Per the agreement, the well and a means of access will be deeded to the City. This area is identified as wellhead protection Parcel C on the site plan. It is south of Units 6-8.

As the proposed gravel access road to wellhead protection Parcel C passes through a water resource management area, it was necessary for the developer to apply for a variance. The variance was granted, subject to conditions including various measures to protect specimen trees in the vicinity. As there can be no grading in the wellhead protection area, a retaining wall will be constructed along the north side of Parcel C and a portion of the east side. A safety barrier will be required along the top of the retaining wall.

Access to the development is from an entrance on Gist Road, as shown on the layout plan approved by the Planning Commission. The required improvements to public roads are noted on Sheet 1 of the plan. They include addition of a right turn lane on Gist Road at Kate Wagner and the modification of the existing temporary cul-de-sac at the end of Greenvale Road in Friendship Overlook to a permanent cul-de-sac. Approach, departure, and by-pass lanes on Gist Road in the vicinity of the entrance to the development are also required by Engineering.

To construct the approach lane on Gist Road, it will be necessary for the developer to remove the existing segment of sidewalk along the two parcels to the north of the proposed entrance. This segment does not currently connect to sidewalk to the north, as installation of sidewalk along

Gist Road was not required when Winchester Park was developed. The developer will, however, be providing sidewalk along their frontage that the segment proposed for removal would connect to. There is sidewalk to the south of the site that was required when Friendship Overlook was developed.

The Department of Planning has concerns with the removal of the existing sidewalk, particularly considering the proximity of the site to Westminster. There is not space within the right-of-way for the sidewalk, the approach lane, the bypass lane, and the travel lanes. The staff is seeking direction from the Planning Commission on this issue.

An emergency access will be provided in the area of the existing driveway to Winchester Drive in the Winchester Park subdivision. To serve as an emergency access, a paved surface measuring twelve feet in width will be provided.

To address the requirements of forest conservation, 3.17 acres of forest in the southwest corner of the site and 0.59 acres of forest in the northeast corner of the site will be retained. Several acres of reforestation will also be provided adjacent to the retention areas and adjacent to the wellhead protection Parcel C.

Landscaping will be provided along the internal streets and throughout the development. As requested by the owner of the property closest to the entrance to the development, a row of evergreen trees will be planted for screening. The developer also enhanced the landscaping in the area where the entrance road meets the internal street to screen the rear yard of Unit 65. A 6' fence is required along the northern property boundary and a portion of the western property boundary, behind Units 17-41, because of the grade changes in this area. Landscaping will be provided on both sides of the fence.

As the subject property is four parcels, the property must be consolidated. While the parcels could be consolidated by deed, the developer has elected to consolidate by plat. All of the environmental easements, as well as the right-of-way parcel to be deeded to the County for Gist Road and the easements and well parcel to be deeded to the City of Westminster, are shown on the consolidation plat. The plat will be recorded prior to or simultaneously with the Public Works Agreement for the site plan.

In addition to the three Planning Commission concept review meetings, the concept site plan was subject to citizen involvement at the September 25, 2006 and March 31, 2008 Technical Review Committee (TRC) meetings. The concerns that were raised at the 2006 meeting, primarily objections to the extension of Greenvale Road from Friendship Overlook and Winchester Park to the proposed development, had been resolved by the 2008 TRC meeting. The final site plan reflects the means of access preferred by the adjoining neighborhoods.

Chapter 103 Recommendation:

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

1. That the developer enter into a Public Works Agreement with Carroll County that guarantees completion of all required improvements.

2. That a Landscape Maintenance Agreement be recorded simultaneous with the Public Works Agreement.
3. That the consolidation plat, depicting easements to be granted to the County for stormwater management, floodplain, forest conservation, and water resource protection, as well as right-of-way dedication for Gist Road, be recorded prior to or simultaneously with the Public Works Agreement.
4. That the developer adhere to the conditions of the variance granted for the disturbance in the water resource management area associated with the access road to the wellhead protection Parcel C.
5. That the improvements to Gist Road, as well as modifications to the Greenvale Road cul-de-sac, be completed before building permits are issued.
6. That the amended plat of Friendship Overlook showing conversion of the temporary cul-de-sac to a permanent cul-de-sac be recorded prior to or simultaneously with the Public Works Agreement.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: S-06-016, Greenvale Mews

Roads: Gist Road

Fire and EMS: Westminster

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

Water: City of Westminster

Sewer: City of Westminster

Background:

Pursuant to Section 71-6E of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the final site plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of June 30, 2009 was 174,904. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were

151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period July 2008 through June 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of June was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.33 by the end of FY09 – adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next six years.

Fire and Emergency Medical Services:

The proposed development is located in the Westminster emergency services district. The 2009 2nd quarter late and no response statistical data indicates that of the first due total fire calls in the Westminster district, 1.09% were categorized as no responses, and 2.72% as late and no responses. Of the first due emergency medical service calls in the Westminster district, 0.35% were categorized as no responses and 0.51% as late and no responses. Westminster meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 7/1/07 to 6/30/09 Westminster had an average response time of 5 minutes and 59 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 7/1/07 to 6/30/09 Westminster had an average response time of 6 minutes and 21 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Gist Road, an urban minor collector, will operate at a Level of Service “C” - adequate.

Water Service:

The City of Westminster responded that the threshold capacity requirements for water services are adequate.

Sewer Service:

The City of Westminster responded that the threshold capacity requirements for sewer services are adequate.

Chapter 71 Recommendation:

With regard to a final plan, Chapter 71-6E(4) states “If adequacy was not determined by the Commission at the preliminary plan stage and the Commission determines that all public facilities and services are adequate, the Commission may approve the plan and issue a recordation schedule and building permit reservations.”

Therefore, staff recommends that the Planning Commission:

1. Find that police, fire and EMS, roads, water, and sewer are considered adequate.
2. Building permit reservations are for 50 units in FY10, 15 units in FY11.
3. The building permit reservations are allowed to roll over year after year, with no more than 50 building permits to be issued per year.

Discussion:

Ms. Brandt noted there is not enough room for the travel lanes, bypass lane, approach lane, and the sidewalk.

Mr. Wertz questioned whether the approach lane was necessary.

Ms. Linda Donoff, CLSI, stated that the traffic study suggested the bypass lane was not necessary, but the developer does not have a preference.

Mr. Ron Church, Bureau of Engineering, noted that as a collector road in an urban area with this number of lots, staff requests the auxiliary lanes. He explained that the traffic engineer is reviewing the roadway from an adequate/inadequate standard, but staff takes it a bit farther with design standards required for a level of safety.

Mr. Jay Weiss, owner, indicated the adjoining property owners were approached with regard to relocation of the sidewalks. Relocation would cause quite a disturbance to their properties and they will not allow us on the property.

Mr. Schuster indicated the current property owners do not wish to do something, but questioned if future property owners would allow it.

Public Comments:

Mr. Dan Schaller, 855 Gist Road, suggested the Commission go back to the original plan proposal with the entrance on the north side of the road. He noted traffic concerns. Mr. Schaller stated that not all citizen concerns have been mitigated. He expressed his opposition to the access located across from his house. Mr. Schaller requested details of the road widening planned in front of his property.

Ms. Brandt suggested Mr. Schaller stop by the Bureau of Development Review to review the proposed plan with staff.

Ms. Donoff explained that any construction would be handled within the existing right-of-way on Gist Road.

Mr. Schaller suggested the planned gravel road will have environmental impacts.

Mr. Weiss indicated the access road will be at the existing grade and will have no adverse impacts on the wetlands.

Mr. Larry Schlude, 844 Gist Road, explained the history of the existing sidewalk in front of his house, expressed concern about the project entrance and existing traffic issues, etc. He suggested the Commission made a mistake in relocating the entrance.

Mr. Art Thimsen, 765 Gist Road, indicated he received a letter that Gist Road was going to be widened and resurfaced. He suggested the developer and County work together now to make the roadway changes for the development.

Mr. Wertz noted that the project has been discussed at several meetings. He suggested that this iteration was by far the better layout for the project. He noted his only concern was whether the approach lane was necessary.

Decision:

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

In accordance with Chapter 71, the Commission, on motion of Mr. Wertz, seconded by Mr. Chadwick, and unanimously carried, approved the site plan subject to the three conditions in the staff report.

SPECIAL REPORTS:

- a. F-07-030, The Mill at Clearfield
- b. F-08-020, McGrew Property, Section 2

A. F-07-030, THE MILL AT CLEARFIELD

LOCATION: South side of Old Westminster Pike, 4th Election District

OWNER: Mill at Clearfield, LLC, c/o Mr. Cliff Dull, P.O. Box 369, Finksburg, MD 21048

DEVELOPER: Same

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157-5539

ZONING: R-40,000, Conservation

SITE AREA: 107.1 acres (Conservation: 27.3 acres, R-40,000: 79.8 acres)

NO. OF LOTS: 29

WATERSHED: Liberty Reservoir

PUBLIC FACILITIES IMPACTED

SCHOOLS: Cranberry Station Elementary
Westminster East Middle
Winters Mill High

ROADS: Old Westminster Pike

FIRE AND EMS: Reese

POLICE: Maryland State Police/Carroll County Sheriff's Dept.

Ms. Kimberly Golden Brandt presented the background.

Action Required:

In response to a request from the developer, the following action is required:

Extend the recordation deadline pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Findings:

The Mill at Clearfield is a 29-lot subdivision. The preliminary plan was approved on September 18, 2007 with written notification dated September 24, 2007. The final plan was approved on November 20, 2008.

The developer has submitted construction mylars, which have been circulated for signatures. A set of prints has been made for the developer, who is now obtaining estimates for the required improvements. The required bond amount will be established based on the estimates. This amount will be noted in the Public Works Agreement between the County and the developer. The subdivision cannot be recorded until the required legal documents, including the Public Works Agreement, have been executed. The recordation deadline of September 24, 2009 will most likely not be met. The developer is, therefore, requesting a one-year extension.

The purpose of the sunset provision is to ensure that subdivisions meet all current applicable regulatory requirements. After a review, it was determined that the plan still meets all the technical regulatory requirements.

Recordation deadlines are important for the Concurrency Management program because of the need to balance the number of lots being approved with the ability of the County to provide additional capacity in its public facilities and services. Lots on active subdivision plans hold allocations in the Concurrency model and are counted every time another project is tested for available capacity.

If the Planning Commission elects to extend the recordation deadline under Chapter 71 to September 24, 2010, the Director of Planning will extend the application of the Chapter 103 sunset provision to September 24, 2010 administratively.

Chapter 71 Recommendation:

Staff recommends extension of the recordation deadline that was a condition of final approval under Chapter 71 to September 24, 2010.

Discussion:

Mr. Schuster questioned why an extension of 12 months was being requested versus 6 months.

Ms. Brandt explained that the Planning Director is empowered to grant extensions under Chapter 103 in one-year increments, so staff requests extensions to Chapter 71 in the same increments.

Decision:

In accordance with Chapter 71, the Commission, on motion of Mr. Yeo, seconded by Mr. Schuster, and unanimously carried, extended the recordation deadline to September 24, 2010 as indicated in the staff report.

B. F-08-020, MCGREW PROPERTY, SECTION 2

LOCATION: Northern terminus of Orchard Dale Drive, south side of Klees Mill Road, 4th Election District

OWNER: William H. McGrew, Jr., Nora Andalora, and Mary Patricia Bernier, c/o HTI Contractors, 4539 Sykesville Road, Finksburg, MD 21048

DEVELOPER: Same as Owner

ENGINEER: BPR, Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157

ZONING: R-40,000

ACREAGE: 14.127 Acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Residential

NUMBER OF RESIDENTIAL UNITS: 7 (6 new, 1 existing)

Ms. Kimberly Brandt presented the background.

Action Required:

The developer has requested that the Planning Commission take the following action:

Remove Condition 8 of the Chapter 103 final plan approval, which requires recordation of an amended plat of Lynn Lee Park II, Section 3 and recordation of deeds of easement to convert the temporary easements for the Orchard Dale Drive cul-de-sac to permanent easements.

Review History:

The preliminary plan of the McGrew Property, Section 2 was approved by the Planning Commission at the April 15, 2008 meeting. The subdivision consists of seven residential lots. The final plan was approved by the Planning Commission at the April 21, 2009 meeting. The Chapter 103 approval is subject to 8 conditions, the last of which is:

That the temporary easements for the Orchard Dale Drive cul-de-sac be converted to permanent easements via recordation of an amended plat of Lynn Lee Park II, Section 3 and recordation of deeds of easement. Recordation of the amended plat and the deeds of easement must occur prior to or simultaneous with recordation of the plat of the McGrew Property, Section 2 subdivision.

When the subdivision to the south was developed, Orchard Dale Drive was established as a temporary cul-de-sac that would be extended when the McGrew property was developed. Due to environmental and citizen concerns, site access was shifted to Klees Mill Road rather than via the extension of Orchard Dale Drive; thus, Orchard Dale Drive will be a cul-de-sac permanently.

Findings:

In order to record an amend the plat of Lynn Lee Park II, Section 3 to convert the temporary cul-de-sac easements to permanent easements, the owners of the two impacted properties must sign the plat. These properties are Lot 20 and Lot 21.

In November of 2008, the developer's surveyor sent a certified letter to both property owners requesting that they provide written confirmation of their intent to participate as a signatory to the deed of easement and the plat. Both property owners responded in the affirmative. The same letter had been sent in July of 2008 and received no response. It was sent again at the request of the County staff.

Having received affirmative responses from the two property owners, the developer proceeded with submittal to the County of the amended plat of Lynn Lee Park II, Section 3. On March 31, 2009, the developer's surveyor contacted the property owners by mail to advise them that the amended plat had been approved by the County. The letter requested that the property owners contact the surveyor to arrange a date and time to sign the record plat mylars. The mylars were signed by the owner of Lot 21 on April 4, 2009.

The owner of Lot 20 has not responded to correspondence from the developer's surveyor. As the property owner's phone number is unlisted, Mrs. Debra Barnhart of BPR visited the residence on five occasions between Thursday, April 16 and Friday, June 12. Two visits occurred on Saturday. All five visits were unsuccessful.

The Bureau of Development Review sent a letter to the property owner on July 6, 2009 requesting that she contact our office. There has been no response.

Having spent the past four months seeking this property owner's signature on the plat with no success, the developer is requesting that the condition concerning the recordation of the amended plat be removed. The staff has been in contact with the developer's surveyor throughout this period and has been aware of the difficulty encountered. There is no question that the developer

has made a good faith effort to obtain the property owner's signature. Staff supports removal of the condition.

Recommendation:

Staff recommends removal of Condition 8 of the Chapter 103 final plan approval, which requires recordation of an amended plat of Lynn Lee Park II, Section 3 and recordation of deeds of easement to convert the temporary easements for the Orchard Dale Drive cul-de-sac to permanent easements.

Discussion:

Mr. Schuster questioned whether there would be any negative affect on the subdivision.

Ms. Brandt explained that the County still has a temporary easement and can continue to maintain the cul-de-sac.

Mr. Chadwick questioned whether half of the work could be completed since one signature has been obtained.

Mr. Steve Barnhart, BPR, indicated that is not feasible from a construction aspect. He explained that a good faith effort was made over the course of many months to obtain the necessary signature. Mr. Barnhart stated numerous letters were mailed, return receipt requested, visits were made to the property, including weekends, etc. He noted that the County had even tried to make contact unsuccessfully.

Mr. Yeo questioned the legal implications.

Ms. Terri Jones, County Attorney, explained that future property owners could petition to have it made into a permanent cul-de-sac or the Commissioners would have to obtain the property. She noted that if the condition is removed from the approval, there will be no way to get the developer to contribute to the construction in the future.

Decision:

The Commission, on motion of Mr. Schuster, seconded by Mr. Baile, and unanimously carried, removed Condition 8 of the Chapter 103 final plan approval.

PUBLIC COMMENTS/PETITIONS:

There were no public comments/petitions.

There being no further business, the Commission adjourned.

Secretary

Approved