

January 9, 2008
CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, January 8, 2008 at 7:30 p.m. in Room 110 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: John Schmidt; Ann Collier, Robert Jester, Chris Williams, Roger Layton, Jim Lewis and Richard Edwards, Members. Also present were Stacey Weisner, Director; Tammy Buckle, Deputy Director; Frank Hall, Planner; Betsy Walk, Planner, and members of the public.

Agenda included:

7:30 p.m. - Approval of Minutes of the November Meeting

- Transfer of 2 Development Rights – Tammy Buckle
Current Owner, Jim Lewis - George Nier, Attorney
representing H & W Properties, LLC
- House Bill 1141 – Water Resource Element Presentation– Frank Hall
- State vs. County Agricultural Land Preservation District Program – Tammy Buckle
- Election of Officers for 2008

Approval of the Minutes from the November 14, 2007 Meeting.

John Schmidt asked if there were any additions or corrections to last month's meeting minutes. Ann Collier pointed out one typographical error for correction

Motion: Robert Jester made a motion to approve the minutes as corrected.
Second: Ann Collier seconded the motion.
In Favor: All members voted in favor.

Transfer of 2 Development Rights – Current Owner, Jim Lewis - George Nier, Attorney representing H & W Properties, LLC

Before the presentation began, Jim Lewis and Chris Williams left the meeting room, due to a conflict of interest in this TDR transfer request. Tammy Buckle stated that the request is to lift 2 development rights from property owned by Jim and Wanda Lewis. The sending parcel is located off of Harrington Road and is presently in an agricultural land preservation district. The property is located in an R-Rural zone and the soils review is acceptable. One development right will come from Map 18, Parcel 269, containing 99.21 acres; with 4 development rights to remain on the property and one from Map 18, Parcel 285, containing 36.10 acres; with 1 development right remaining on the property. This is a multi-application owned by the same landowners and farmed as one farming operation. Both development rights will be used in the Maplewood II Subdivision located off Holsinger Lane. George Nier, attorney representing H&W Properties, LLC, the party purchasing the development rights, was present and available for any questions of the board and staff. The TDR application and supporting documentation is attached.

Motion: Ann Collier made a motion to approve the TDR transfer as requested.
Second: Robert Jester seconded the motion.
In Favor: All members voted in favor.

State vs. County Agricultural Land Preservation District Program

Tammy Buckle stated that the board members were provided with a copy of House Bill 1331 that was approved by the Legislature last year to allow removal of districts from the Maryland Agricultural Land Preservation Program. As of June 30, 2008 the State will no longer accept Districts. Each County will have to decide whether they wish to continue with the District program or not. Ms. Buckle reviewed the following list of pros and cons:

- Retain short term preservation – 5 year commitment to farming
- County approves District Applications vs. State approves or disapproves easement sale
- County approves withheld acreage from a district vs. State disapproves withheld acreage on easement application.
- County program may require additional staff.
- County program will require attorney services.
- County TDR Program vs. County District Program – Do we need both?
What is the benefit of both?
- County District program vs. No District Program in other counties –
Fairness of Easement Sale?
- State District vs. No County District – State District applicants should receive more points on County Ranking System since they are restricted by the District Agreement.

Motion: After some discussion, Jim Lewis made a motion not to continue with a County District program after June 30, 2008 and to encourage the Ag. Advisory Board to allow additional points on the easement priority ranking formula for District easement applicants, since they have made a 5 year commitment to farming.

Second: Richard Edwards seconded the motion.

In Favor: All members voted in favor.

House Bill 1141 – Water Resource Element Presentation

Frank Hall reviewed with commission members HB1141 – Water Resource Element. He stated that there are 4 components required for Comprehensive Planning; Water Resource Element, Municipal Growth Element, Priority Preservation Element and Natural Resources Element to include ag. lands and forest lands or sensitive areas.

The Water Resource Element will be under the review authority of the Maryland Department of the Environment. It must be adopted by October 1, 2009. The consequences for not meeting the deadline would be that rezonings of property could not occur. On the negative side this is another State mandate to local governments with no money. MDE is available to help and assist us, however may not be available as time goes on due to budget constraints causing a hiring freeze. The first draft will be done by in-house staff. This element mandates inter-jurisdictional cooperation with the towns and also Delaware and other counties; watersheds do not stop at our boundaries. The purpose of this element is to ensure a safe and ample supply of water, proper wastewater disposal and to minimize runoff to our waters. Frank then discussed the data input and collection necessary to prepare this element of the Comp. Plan in a timely manner.

Election of Officers for 2008

At the beginning of each year a new Chair and Vice-Chair are chosen to serve for the upcoming calendar year. John Schmidt then opened the floor for nominations.

Motion: Jim Lewis nominated John Schmidt as Chairman.
Second: Ann Collier seconded the motion.
In Favor: All members voted in favor.

Motion: Robert Jester nominated Ann Collier as Vice- Chair.
Second: Chris Williams seconded the motion.
In Favor: All members voted in favor.

There being no further business the meeting was adjourned at 9:05 p.m.

Stacey Weisner
Executive Secretary/Director

John Schmidt, Chairman

/TMB