

Caroline County Planning Commission



John Schmidt, Chairman
Jim Lewis, Vice-Chair
Wilbur Levensgood, Jr., Commissioner member
Richard Edwards, Member
Robert Jester, Member
Ummu Bradley Thomas, Member
Chris Williams, Member

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September 14, 2011

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, September 14, 2011 at 7:30 p.m. in Room 111 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: John Schmidt, Chairman; Wilbur Levensgood, County Commissioner; Robert Jester, Ummu Thomas and Chris Williams, Members. Also present were Debbie Herr Cornwell, Assistant Director of Planning; Betsy Jackson, Planner and Recording Secretary; Leslie Grunden, Planner; and members of the public.

Agenda Included:

- Approval of minutes from the July 13, 2011 meeting
- Discussion – Water and Sewer Amendment - North County Sewer Service Area
- Workshop – PlanMaryland – Revised Draft – Extended Comment Period
- Update – Final HUC-12 Plan
- Update – WIP 2012-2013 Milestones
- BZA Report

Approval of Minutes

The meeting began with the approval of the minutes from the July 13, 2011 meeting.

Motion: Mr. Jester made a motion to approve the minutes from the July 13, 2011 meeting with the phrase “technical approach” being replaced with “regenerative stormwater conveyance” on page three.

Second: Mr. Williams seconded the motion.

In Favor: All members present voted in favor (5-0).

Discussion – Water and Sewer Amendment – North County Sewer Service Area

Ms. Grunden made a presentation (attached) proposing to amend the County Sewer Service Area to include properties in the vicinity of the Town of Goldsboro. The County Service Area proposed includes 32 properties, 17 of which are served by failing or non conforming systems and 8 are served by systems more than 30 years old. Mr. Wilson, Director of the Health Department Division of Environmental Health stated that a nonconforming system means that the system no longer meets the State regulatory standards developed in the 1980s; most of these properties have systems built prior to 1987. Ms. Grunden stated that she would like to schedule the formal public hearing before the Planning Commission next month.

Mr. Williams asked if any of the proposed North County Sewer Service Area included properties located in Delaware. Ms. Grunden said no and Mr. Crofoot added that Delaware was not interested in being a part of the project.

Ms. Jean Oliva of Denton asked if a town annexes land do they take the County allocation associated with that land. Mr. Crofoot stated that County allocation cannot be taken by annexation. Ms. Grunden added that the members of the North County Water and Sewer Authority can exchange allocations with other members if they choose.

Mr. Nick Carter of Greensboro asked if East Star was still expected to be a major financial contributor to the plant. Mr. Crofoot stated that East Star would be required to be a financial contributor as a developer. Mr. Carter asked if East Star did not build would that make construction of the plant cost prohibitive. Mr. Crofoot stated that it would not affect the cost of construction of the plant because it is funded by low interest loans and grants to provide wastewater treatment where it is currently needed. The East Star development is in the future, therefore when they begin construction they will need to pay for plant expansion.

Commissioner Levensgood asked if the pipe conveying the load from Greensboro to Goldsboro would be sized large enough to handle any anticipated plant expansions. Ms. Grunden stated that the engineers incorporate those details in the design plans. Mr. Crofoot added it is his understanding that because the cost to use a larger pipe is so minimal that the pipe used will be large enough.

Mr. Schmidt asked for a motion to schedule a hearing for an amendment to the North County Water and Sewer Service area in October.

Motion: Ms. Thomas made a motion to schedule a hearing for an amendment to the North County Water and Sewer Service Area in October.

Second: Mr. Jester seconded the motion.

In Favor: All members present voted in favor (5-0).

Workshop – PlanMaryland – Revised Draft – Extended Comment Period

Ms. Cornwell stated that the major change in the revision of the document is the formatting and the removal of all the pictures, figures and tables. She said that it did appear that they listened to all of the comments and this document does address some of our concerns. She stated that benchmarks have now been included with the three plan goals in Chapter 3 and reviewed those benchmarks with the Planning Commission. Ms. Cornwell stated that she thinks the County can

provide additional feedback on the benchmarks. She stated PlanMaryland no longer includes the section that states that the State would be designating place and special areas and all the maps pertaining to that section were also removed. Mr. Crofoot added that it was taken out of the plan but that based on a meeting where Secretary Hall spoke earlier today was that their plans to make the designations at the State level has not changed. Mr. Crofoot also stated that the State insisting that PlanMaryland is not a controlling document is not true. The State has said that there will likely be regulations proposed in future legislative sessions to implement this plan. Ms. Cornwell said that it is clearly stated in the plan that new or revised regulations could result. Mr. Crofoot stated that he believes that the purpose for PlanMaryland is actually to create a blueprint for regulation that would give the State more direct control over planning. Mr. Schmidt liked the map included on page 2-32 that shows which counties have the most protective zoning. Mr. Schmidt noted that the State left the discouragement of onsite septic systems out of the revised PlanMaryland and asked if the State was still pursuing the septic bills. Mr. Crofoot stated that the data behind the septic bills was discussed at the meeting earlier today and people are really questioning if the data justifies the bills. Mr. Schmidt stated that they do not have the data. Commissioner Levensgood added that it is also being questioned whether or not it is economically feasible.

Ms. Cornwell stated that we are on a 60-day comment period and that staff will continue to compile comments and come back to the Planning Commission in October for comment recommendation to the County Commissioners.

Mr. Carter explained that the idea of PFAs is not such a bad idea because at least you would know in advance that the State would not provide funding. Mr. Crofoot stated that the problem comes in when the State decides not to fund a project based on the lack of funds to do it, not necessarily because the project is bad. Mr. Carter said that he thinks that anything that helps local government think through their development plans more thoroughly is good. Mr. Crofoot stated that he thinks PlanMaryland is a disincentive to local planning.

Ms. Cornwell stated that she needs comments by September 28, 2011 to be able to incorporate them in the document that goes out with the Planning Commission packages.

Update – Final HUC-12 Plan

Ms. Cornwell stated that the document is almost complete. Within the next month some minor changes will be made and it will be submitted. She stated that staff wanted the Planning Commission to have copies of the plan and have an opportunity to submit comments.

Update – WIP 2012-2013 Milestones

Ms. Grunden presented the 2012-2013 Watershed Implementation Plan Milestones (presentation attached). These milestones are due within the next couple of months. The WIP is required to include 2-year milestones from 2012 to 2020. She stated that the milestones are broad statements that are achieved through specific strategies and reviewed the proposed milestones for urban nonpoint sources and septic. Ms. Grunden stated that Mr. Wilson has made a request for Bay Restoration Fund (BRF) funding to help meet the County's septic reduction goals through BAT (Best Available Technology) septic upgrades. Mr. Wilson explained that BAT upgrades using BRF funds are prioritized in the following order: 1) failing septic systems in the Critical Area; 2)

failing septic systems not in the Critical Area; 3) upgrades in the Critical Area; and 4) all other BAT upgrades. Upgrades to failing systems in the Critical Area are funded 100 percent; all other upgrades are funded using an income-based sliding scale. Ms. Grunden explained the chart showing a sample of the revised nutrient loading allocations and stated that while she expected the urban nutrient loading to increase because the County's low density residential allocation was moved from the agriculture load to the urban load in the Bay model, she was not expecting the agricultural allocation to increase. She stated that she is waiting for an explanation why the agricultural allocation increased and by such a large amount. Mr. Schmidt asked how agriculture is going to reduce. Ms. Grunden stated that through the Water Resources Element we found that agriculture could reduce nitrogen by 500,000 pounds without much additional effort, so she stated she would not be concerned about the nitrogen reduction on agricultural land until it exceeds 600,000 pounds. Mr. Carter asked how the 500,000 pound reduction was calculated. Ms. Grunden stated that it was calculated by the County using estimated reduction per best management practice.

The phase II of the WIP deadline has been pushed back from October 2011 to June 2012. The State- created WIP will be submitted to the EPA March 30, 2012 and then once the local WIP strategies have been submitted they will be incorporated into the State's plan as revisions.

BZA Report

Ms. Herr Cornwell provided a BZA report (attached).

DISCUSSION ITEMS:

Department Update

Ms. Cornwell said that the prioritization formula that the Planning Commission reviewed earlier this summer has been approved by the County Commissioners and is scheduled to go before the MALPF Board of Trustees September 29, 2011. She said that Ms. Jackson wanted to let the Planning Commission know that the Agricultural Advisory Board did consider the comments of the Planning Commission but opted to keep the formula the same. She stated that there was one clarification made at the recommendation of MALPF staff and that was to include managed forest land as an agricultural use. MALPF counts managed forest land as an agricultural use and the Agricultural Advisory Board did not think that the intent of the criterion at the time the formula was created was to exclude any MALPF approved agricultural use.

Ms. Cornwell stated that there will be recognition for Ann Collier's service to the Planning Commission at the County Commissioner's meeting September 20, 2011 at 9 a.m. and anyone who can make it is encouraged to attend. She said that there are still seats open at the Fall 2011 Phase II WIP workshop being held at the Milestone in Easton, MD.

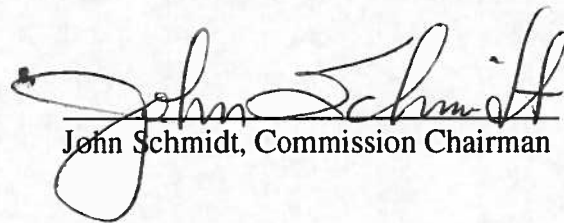
Ms. Cornwell said that staff has met with critical area staff a week ago regarding the new maps. The maps are in the ground truthing phase. The digital maps have been prepared and have been reviewed by Critical Area Commission staff and by the Salisbury University GIS group. Now the maps are being reviewed in house to determine if there are areas that need further ground truthing and we will be sending comments back to the Critical Area Commission by the end of October.


Ms. Cornwell stated that the Stormwater Management, Residential Trucking and the Forest Conservation Ordinances were enacted at the County Commissioners meeting Tuesday, September 13, 2011 and will be effective September 24, 2011. Mr. Crofoot stated that the public hearings for the school board election districts will be held October 12 and 13, 2011. He said he thinks the districts being proposed make sense and that only one election district was split by school board election district. The school board election districts indicate where the school board members represent.

Mr. Schmidt asked Mr. Williams and Ms. Thomas to report on the septic workshop. Mr. Williams stated that the comment that stood out to him the most was that a graph was shown that showed septic systems only account for 4% of nutrient loading, so it did not make sense to him that there was so much focus on such a small percentage of the problem. Ms. Thomas stated that there was a woman there who worked for a septic installation company for the past 50 years and that her biggest concern was that people with BAT systems are not maintaining the systems every five years as required. Mr. Wilson agreed that ensuring maintenance of BAT systems is a big problem.

There being no further business, the meeting was adjourned at 9:45 p.m.

Not present
Katheleen Freeman, Director


John Schmidt, Commission Chairman




Betsy Jackson, Recording Secretary