

Tax Map/Block/Parcel
No. 49-12-32
Case 5962

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Matthew M. & Debra L. Hoff
3901 B Hawks Hill Road
New Windsor, MD 21776

ATTORNEY: Stephanie R. Brophy, Esq.
Dulany, Leahy, Curtis & Beach, LLP
127 East Main Street
Westminster, MD 21157-5012

REQUEST: A request for a conditional use for a plant for processing of animal by-products and a variance from 600 feet to 327 feet.

LOCATION: The site is located at 3901 B Hawks Hill Road, New Windsor, Maryland on property zoned "A" Agricultural District, in Election District 11.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(1)(h) and 158.040.

HEARING HELD: July 26, 2016

FINDINGS AND CONCLUSION

On July 26, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a for a plant for processing of animal by-products and a variance from 600 feet to 327 feet. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jay Voight was called by the Board as a witness. He explained to the Board that following a meeting with the applicant, himself, Thomas Devilbiss, and Clay Black it was decided to treat the operation as a plant for processing animal by-products.

Mr. Matthew M. Hoff testified as the applicant. He is a dairy farmer. His dairy farm operation includes the milking of hundreds of cows on the 188 acre farm. The farm also makes a large amount of feed. He intends to put in an environmentally friendly manure system sold by PlanET Biogas Solutions in Canada. The new system would also provide electricity to his entire farm operations. There are only two or three such plants in the United States. His farming operation includes twenty-eight full time employees and six to eight part time employees. There is a barn on the property which is more than one hundred years old. The flow of gravity is a

major reason for the placement of some of the structures pertaining to manure. He stated that the lay of the land required the manure system to be placed where it was proposed to be located. The digester would cost \$2.7 million. He received a grant for \$1.2 million. He was still seeking other grant monies. The grants would require him to track the performance of the digester. He stated that the digester would reduce the amount of manure odors coming from the farm. It would also reduce green house gases.

Michael Boerman testified in favor of the application. He works on the farm as the manure manager. He has a Bachelor of Science in agricultural sciences from Cornell University. He was accepted by the Board as an expert in manure management. He explained the current process of how manure was managed at the farm. All of the manure produced on the farm flowed to one point. That one point relied on gravity to get the manure to the central point. He mentioned that the state of the farm's manure operations was more advanced than industry standards. He added that the digester was the best manure management system available. The new digester would track the manure being created by the cows on a daily basis.

Derek Hundert testified in favor of the application. He is the general manager of PlanET Biogas Solutions. He was accepted by the Board as an expert in anaerobic digestive technology. His resume is included in Exhibit 13. He stated that the digester made the manure practically odorless. He noted that the digester would reduce the amount of methane around and reduce the amount of fertilizer needed for the farm. It would also reduce green house gases. The summary of the plants created as shown in Exhibit 17 showed an average range of 250 to 500 kilowatts produced. The applicant wanted to produce 400 kilowatts, which was well within that average range. PlanET Biogas Solutions had created approximately 389 plants throughout the world. Most of the digesters are located in Europe. The transition time for PlanET Biogas Solutions to work with the Hoff farm personnel on site would be one month. There would not be extensive need for personnel to operate the system because Mr. Hundert recognized that Mr. Hoff's personnel already had enough work to perform on the farm.

Virginia M. Reinhardt testified at the hearing. She was concerned about additional noises that could be heard during the winter. She wanted a buffer zone for her property, which backed up to the Hoff farm.

Nokomis Ford with the Bureau of Comprehensive Planning wrote in a July 18, 2016 memorandum that the "staff finding is that this request is consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs." The property was near other historic properties such as the Yoste Greenwood Farm and the Greenwood Congregation Church.

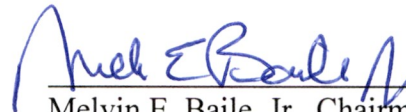
As to the requested variance, the Board found that the location of the digester was due to the flow of gravity for the manure. Basically, the manure needed to travel downhill. Therefore, the slope of the land determined where the digester would be placed. In order to place the digester in other locations, there would be increased costs due to the gravity issue. The two people that the Board accepted as experts agreed about the correct location for the digester. It would not be reasonable or practical to relocate the digester to a place where variances would not be needed when the infrastructure to the manure management had already been in place for years.

The Board was convinced that authorization of the request with regard to the request for a plant for processing of animal by-products was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of

those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant with regard to the plant for processing of animal by-products. The Board also approved the requested variance.

7-29-2016

Date



Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.