

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – MAY 4, 2011

The Dorchester County Planning Commission held their regular meeting on May 4, 2011 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Joy Loeffler, Chairperson, Robert Hanson, Vice Chair, Ralph Lewis, Laura Layton, William Giese and Leolin Dockins. Also present were Chad Malkus, Attorney, Steve Dodd, Director, Rodney Banks, Deputy Director of Planning, Michael Bonsteel, Environmental Planner and Merris Hurley, recording. Absent was Pam Jackson.

Chairperson Joy Loeffler called the meeting to order at 12:00 p.m. Mrs. Loeffler asked for a motion to approve the April meeting minutes. Mr. Lewis made a motion. Seconded by Mr. Giese and unanimously carried.

Planning Commission's Legal Counsel – Information – Mr. Malkus explained to the Commission members that he drafted a standard answer to the complaint that Wayne Markey submitted to Circuit Court, a Writ of Administrative Mandamus for Judicial Review of an Administrative Agency Decision. Mr. Markey is basically trying to skip the Board of Zoning Appeals and go straight to Circuit Court. He feels that he is being stalled by the County. Mr. Malkus's answer explains that there is still an administrative remedy available for Mr. Markey. Also in his answer, Mr. Malkus denied any allegations against the Planning Department. Mr. Bonsteel told that Commission that he spoke to Mr. Markey recently and he (Mr. Markey) may still file a response with the court.

P & Z # 1173 – Wrights Creek Estates – Request for extension of Final Plat approval (recording). Perry Otwell, developer, was not present. Mr. Dodd explained that a subdivision mylar must be submitted for recordation six (6) months after final approval, which would have been August 4, 2010. Mr. Otwell requested an extension in September of 2010, but the request inadvertently never made it to the Commission. Mr. Dodd told the Commission that it would be appropriate to consider the request. A motion was made by Mr. Giese to approve an extension until August 4, 2011. Seconded by Mr. Dockins and unanimously carried.

P & Z #1247 – Joann R. Kuneman – Shared Driveway Request. Steve Whitten was sworn in. Mr. Whitten explained to the Commission that Ms. Kuneman owned 210 acres and was just planning to switch some lines on the property. She agreed to enter into a shared driveway agreement should she sell the lot and keep the residue. The driveway is currently serving parcels 11 and 30. Parcel 30 will be dissolved at the recording of this plat. The driveway would still only be serving two parcels, 11 and the residue. The driveway also accesses an old cemetery on the property. The Department of Public Works required only two minor revisions, that Mr. Whitten will take care of. A motion was made by Mr. Hanson, to approve with the condition that Mr. Whitten make the revisions that are required by DPW. Seconded by Mrs. Layton and unanimously carried.

Critical Area Program Refinements – Review of Legislation. Mr. Dodd explained that these refinements are the County's efforts to mitigate the new March 8, 2010 regulations. The Commission member's packets contained correspondence between the Critical Area Commission staff and Planning staff. Planning staff is trying, among other things, to address

the impact that the expanded buffer has on existing structures. Staff is trying to find a way for citizens to construct additions to existing homes within the expanded buffer without a variance. Analysis showed that over 2,000 structures have become non-conforming since these new regulations have taken effect. Mr. Bonsteel also explained to the Commission that there were other concerns including intra-family transfer issues and giving reasonable accommodations for emergency services with properties in the expanded buffer. Mr. Banks told the Commission that it seems the Critical Area Commission doesn't want to reach any sort of compromise with local jurisdictions. Another thing that needs to be considered is that Dorchester County is completely different in soil composition and quantity of wetlands than other counties in the State, which makes these overall laws for all counties extremely limiting to land owners in Dorchester County. It was suggested that a letter of support from the Commission members might be helpful.

Discussion Regarding Renewable Energy Uses – Commercial Scale Solar and Wind. Mr. Dodd informed the Commission that there has been multiple inquiries concerning renewable energy uses on a commercial scale, i.e. the use of multiple solar panels or wind turbines with the intent to sell energy. Mr. Banks explained that if you don't find reference to something in the Zoning Ordinance, it means that the use is not permitted. Staff needs to draft a text amendment to allow these uses. Discussion followed regarding different types of renewable energy sources, size of parcels needed for these uses and other counties regulations.

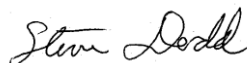
Review Planning Commissioner Letter Regarding Staffing. A letter had been drafted by Mrs. Loeffler to the County Council regarding the staff cuts to Planning and Zoning with the hopes of reversing the reduction in staff. Mr. Dodd informed the Commission that he believed this letter would be an exercise in futility because these measures taken by the Council are already in effect and cannot be reversed.

COMMISSION OF APPEAL CASES - The following cases were presented to the Planning Commission for review/comment.

Case # 2317A – Robert and Cheryl Harvey – To request a variance from the side yard setback requirement to allow an existing detached garage to be connected to a principal dwelling via a sunroom addition. Property located at 6304 Burford Lane and contains .75 acres. AC, Agricultural Conservation Zoning District. The Planning Commission, based on the information available to them at the time they reviewed the case, agreed with the Director's assessment that this is a self-created hardship.

With no further items or information, Chairperson Loeffler asked for a motion to adjourn the meeting. Mr. Hanson made the motion and Mr. Giese seconded the motion. The motion carried unanimously. The meeting was adjourned at 1:20 pm.

Respectfully submitted,



Steve Dodd