

## DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – JUNE 6, 2012

The Dorchester County Planning Commission held their regular meeting on June 6, 2012 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Joy Loeffler, Chairperson, Rob Hanson, Vice-Chair, Laura Layton, Bill Giese, and David Andrews. Also present were Chad Malkus, Attorney, Steve Dodd, Director of Planning, Rodney Banks, Deputy Director, and Merris Hurley, recording. Absent were Pam Jackson and Ralph Lewis.

Chairperson Loeffler called the meeting to order at 12:00 p.m. Mrs. Loeffler suggested that the Old Business be moved to the end of the agenda. A motion was made by Mr. Hanson as such. Seconded by Mr. Andrews and unanimously carried.

Mrs. Loeffler recommended some additions to the Board of Appeals recommendations. A motion was made by Mr. Hanson to approve the minutes of the May 2, 2012 meeting, as amended. Seconded by Mr. Andrews and unanimously carried.

**Town of East New Market Amendment to the Dorchester County Comprehensive Water and Sewer Plan.** Mr. Dodd explained to the Commission that the Town wished to reconstruct the pump station and add a new well for water service. This amendment does not involve any mapping or re-mapping of the service areas. Procedurally, these amendments come to the Planning Commission for a recommendation and then to the County Council for action. Mr. Dodd explained that in order for the Towns to get permits and possibly funding as well, MDE requires that the projects be a part of the County's Water and Sewer Plan. Bill Forlifer, Dorchester County Environmental Health, explained that this process needs to take place in order for these projects to be eligible for grant funding and/or loans. Mr. Hanson made a motion to forward to the County Council with a favorable recommendation. Seconded by Mr. Andrews and unanimously carried.

**Town of Secretary Amendment to the Dorchester County Comprehensive Water and Sewer Plan.** Mr. Dodd told the Commission that the Town wanted to put in a water well to supplement their existing water supply. Mr. Hanson made a motion to forward to the County Council with a favorable recommendation. Seconded by Mr. Andrews and unanimously carried.

**Critical Area Buffer Exemption (BEA) Request – Huber.** Mr. Banks and Mr. Whitten were sworn in. Mr. Whitten explained to the Commission that Mr. Huber was the recent purchaser of the property in question, which is a small, existing site in the Buffer Exempt Area. The existing porch is located 71.4 feet from the mean high water line. Mr. Huber is proposing a 15' X 15' addition that would be, at its closest point, 87.8 feet from the mean high water line. The house has served as a summer cottage and he would like to add a hot water heater, a washer and dryer and a furnace, so that he can have year round living. Mr. Huber is also elevating the house and bringing it into conformance with floodplain ordinance, even though it is not required of him. The proposed addition will not be going any closer to the shoreline than the existing portions of the house. Mr. Huber is aware of the mitigation that will be required. Mr. Whitten provided an aerial photograph for the Commission to see, depicting the property and its existing improvements.

Mr. Banks told the Commission that the Critical Area Commission had reviewed the project and did not oppose it, but recommended 2:1 mitigation. Mr. Banks and Ms. Henderson had reviewed ordinance language and the facts of the case, and they are consistent. Mrs. Loeffler stated that the information sheet that they received said that the addition was 12' X 12', but understood that this was a typographical error. Mr. Hanson made a motion to approve this request. Mrs. Layton seconded the motion and it was unanimously carried.

**Election of Officers.** Mr. Hanson made a motion to open nominations. Seconded by Mrs. Layton and unanimously carried. Mr. Hanson nominated Mrs. Loeffler for Chairperson. Seconded by Mr. Giese and unanimously carried. Mrs. Loeffler nominated Mr. Hanson for Vice-Chairman. Seconded by Mrs. Layton and unanimously carried. Mr. Hanson made a motion to close elections. Seconded by Mr. Andrews and unanimously carried.

**Board of Appeal Cases** - The following cases were presented to the Planning Commission for review/comment:

Case #2421 – Ronald Bryan, Jr.

To request, as a special exception, an accessory structure larger than the principal structure. Property located at 3507 Chateau Drive and contains 2 acres. AC, Agricultural-Conservation. The Planning Commission stated that they did not have enough information for a recommendation.

Case #2422 – Samuel and Tracy Maccherola, Owner  
William McAllister, Applicant

To request a variance to allow a fence to exceed the maximum permitted height in the front yard setback. Property located at 4901 Lee Terrace in Woolford and contains 1.11 acres. RR, Rural Residential Zoning District. The Planning Commission stated that they did not have enough information for a recommendation.

**Contract Release for Planning Commission Attorney.** Mr. Dodd explained to the Commission that Mr. Malkus is leaving his current law firm and is starting a new firm, so the Commission must execute this release which would authorize the current firm to release the files and records. Mr. Malkus told the Commission that the letter you received was sent without his knowledge. Mr. Malkus and Mr. Hodes left the larger firm of Hodes, Pessin and Katz and have formed a smaller practice. Mr. Hanson made a motion to approve the release and keep Mr. Malkus and his new firm (Michael Hodes, LLC) as the Planning Commission attorney. Seconded by Mrs. Layton and unanimously carried.

## **Information**

**Article 66B recodified as Chapter 426 of the Land Use Article.** Mr. Dodd explained that Article 66B, the enabling legislation that created the authority of local governments to plan and zone, has been recodified by the State into Chapter 426 of the Land Use Article.

**SB 236, Sustainable Growth and Agricultural Preservation Act of 2012 (Septic Bill).** Mr. Dodd informed the Commission that they had received a copy of a power point presentation that was made for the Planning Directors May 24, 2012 by the Maryland Department of Planning. SB 236 is legislation passed by the General Assembly required, if counties wish to, map their counties into what is called a tier map. The tier maps are one of four tier zones. If we

do not participate by December 31<sup>st</sup> of this year, the penalty is the Commission loses its authority to approve any major subdivision that is not on public sewer. In addition, the Health Department would no longer have the authority to sign the subdivision plats as well. The State of Maryland has found a way to basically go around the local zoning authority, by restricting the number of major subdivisions that will be allowed to be served by septic. Mr. Dodd has put together a brief summary of what he believes are some of the issues that need to be discussed. If the county is going to participate, our draft maps must be submitted to MDP by October 1, 2012. This issue will be on the June 19, 2012 agenda for the County Council. Mr. Dodd has also arranged for MDP staff to come and meet with Planning staff on June 28, 2012. At this time, Mr. Dodd and the Commission discussed some of the preliminary issues that he thinks need to be addressed.

With no further items or information, Mr. Hanson made a motion to adjourn the meeting. Mr. Giese seconded the motion and it was carried unanimously. The meeting was adjourned at 1:30 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Dodd".

Steve M. Dodd