

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – November 4, 2015

The Dorchester County Planning Commission held their regular meeting on November 4, 2015, at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chair, Laura Layton, Vice Chair, Bill Giese, Ralph Lewis and Jeffrey King. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, Brian Soper Critical Area Planner and Christopher Drummond, Attorney.

Mr. Hanson called the meeting to order at 12:00 p.m.

Mr. Hanson asked for a motion to approve the minutes of October 7, 2015. Mr. Giese made a motion to approve the minutes as submitted and Mrs. Layton seconded. The motion was unanimously approved.

OLD BUSINESS

None

NEW BUSINESS

A. P & Z #1042A – Mill Pond at Cabin Creek, Phase II Plat Revision. Owner, Cabin Creek, LLC – Applicant, Perry Otwell, Project Manager, Otwell Engineering.

Mr. Dodd reviewed the application. The applicant is requesting a revision to the original approved subdivision plat. The revision would change the layout of one of the platted roads that serves four lots in Phase II and lots 19 and 20 would be combined to create a revised lot 20. Based on comments from Mr. LaBlanc of DPW, a temporary cul-de-sac will be placed at the ends of Sandy Point Road and Oak Creek Landing. Mr. Otwell reviewed the revised plat. Mr. Otwell advised that he has entered into an agreement with Russell Stevens, who farms surrounding land, to purchase lots 18, revised lot 20 and 21.

Mr. LeBlanc, DPW, spoke about the revisions. Mr. Stevens will need to build the cul-de-sac before he will be allowed to pull building permits. The cul-de-sac will meet county requirements. Mr. LaBlanc recommended that when the subdivision has been finished, the cul-de-sac be removed and changed to a “90” or bend in road. Mr. Otwell agreed with this suggestion. Mr. Otwell suggested that Sandy Point Road name be changed to Oak Creek Landing. Since there are no houses on this road now, it was agreed that this change could be made. Mr. Otwell will revise the plat to reflect this change.

Mr. Dodd advised that Mr. Steven’s Attorney and County Attorney, Mr. Merryweather, are working on an amendment to the Road Construction Agreement. The language in the current Agreement states that Mr. Otwell cannot sell any of the lots until the road has been completed. The amendment would allow Mr. Otwell to sell the lots to Mr. Stevens before the road is completed. Mr. Dodd advised that the revised Road Construction Agreement must spell out that

Mr. Stevens is responsible for building the cul-de-sac before any building permits are issued. Mr. Dodd also advised that the County Council will need to approve the amended Road Construction Agreement.

Mr. Hanson asked for a motion to approve the revision to the original approved plat. Mrs. Layton made the motion and Mr. Giese seconded. The motion as unanimously approved.

B. Critical Area Administrative Variance – Case #AV-20, Howard K. Disharoon, owner – 1217 Flowers Road, Fishing Creek, MD – requesting a variance to construct an accessory structure (shed) in the 100’ Critical Area Tidewater Buffer.

Mr. Soper advised that this is an Administrative Variance to remove an existing illegal shed (no permit) and replace it with a new 12’ x 24’ shed in the 100’ buffer. The applicant is restricted by two buffers. Due to this, the proposed structure may not encroach any further than 50 ft. into any one buffer area. Mr. Soper stated that the new structure will be located about 40 ft. into the 100’ buffer. Mr. Soper reviewed a letter from Julie Roberts of the Critical Area Commission dated November 3, 2015. He noted that the mitigation of 2:1 in the letter is incorrect. Mitigation should be 3:1 or 72 sq. ft. Mr. Soper has spoken to Ms. Roberts about this correction and she was in agreement and will amend it.

Mr. Hanson made a motion to recommend to the Director, Mr. Dodd, that he approve the administrative variance. Mr. King made the motion and Mr. Giese seconded. The motion was unanimously approved.

Board of Appeals Cases – Review and recommendation

Case #2583 - Delmer & Gloria Willey

To request, a variance pursuant to Section 155-50(X).2.H. of the Dorchester County Zoning Code to permit the relocation of a manufactured home which legally existed elsewhere in Dorchester County as of January 1, 1999. Applicant proposes to relocate said manufactured home on property located at 1845 Brannock Neck Road. The manufactured home to be relocated must meet all of the standards set forth in Section 155-50(X) (1), with the exception of the roof pitch. Property is located at 1845 Brannock Neck Road Cambridge, MD 21613, Containing 18 acres. Zoned Agricultural Conservation/Resource Conservation.

Based on the information provided, the Planning Commission believes this is a unique situation and the Board of Appeals needs to examine the hardship closely.

Case #2584 - Thomas & Jennie Holmes

To request a variance from the front yard setback requirement of 40 ft. in the Rural Residential zone on a local road to permit the applicant to relocate their existing dwelling within 18 ft. of the front property line abutting Green Point Road, a variance requested of 22 ft. Property is located at 3518 Green Point Road East New Market, MD 21631, containing .126 acres.

Based on the information provided, the Planning Commission made a favorable recommendation,

Case #2585 - Dixon Enterprises Inc., LLC

To request an after-the-fact variance from the Dorchester County Floodplain Ordinance and map to allow an accessory structure converted to a residential structure (hunting lodge) to have its lowest floor below the required flood protection elevation of 8.0 ft. (NAVD in zone AE). Lowest floor of (converted) structure stands at 5.4 ft. NAVD. A variance of 2.6 ft. is requested. Property is located at 3452 Elliott Island Road Vienna, MD 21869 containing 1.64 acres, zoned Resource Conservation.

Based on the information provided, the Planning Commission supports the Planning Director's decision in the staff report.

II. INFORMATION

Mr. Hanson advised that Mary Losty a member of City Planning and Zoning has indicated that she would like to serve as the liaison on the County Planning Commission, replacing Mr. Burroughs. Mr. Hanson asked for a motion to nominate Mary Losty to the County Planning Commission as the liaison from the City Planning and Zoning. Mrs. Layton made the motion and Mr. Giese seconded. The motion was unanimously carried. Mr. Hanson will follow up with the City.

Mrs. Layton spoke about the Planning Commission Education course, offered by the Maryland Department of Planning, she recently attended. She advised the course was very informative and she highly recommends it.

Mr. Hanson advised that he recently attended a MML meeting. He spoke with representatives about several concerns on the Eastern Shore stemming from previous Administration.

Mr. Dodd advised that the Department of Planning Secretary toured Dorchester County recently and met with the County Council. The Comprehensive Plan was to be part of the Council's discussion with him. The County Council is interested in putting money in the budget for the Comprehensive Plan to be updated.

Mr. Drummond advised that the General Assembly passed House Bill 919 amending sections of the Land Use Article to allow elected officials to amend, modify, remand or disapprove Planning Commission recommendations for the Comprehensive Plan. This Bill applies to any jurisdiction with a Planning Commission. Mr. Drummond noted that a public hearing is still required at the Council or Planning Commission level should there be changes.

With no further business, Mr. Giese made a motion to adjourn and Mrs. Layton seconded. The motion was unanimously carried. The meeting was adjourned at 12:55 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "M. Giese", written over a horizontal line.