

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – August 5, 2015

The Dorchester County Planning Commission held their regular meeting on August 5, 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, Jr. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, Brian Soper, Critical Area Planner and Christopher Drummond, Attorney. Absent was Jerry Burroughs

Mr. Hanson called the meeting to order at 12:00 p.m. A motion was made by Mrs. Layton to approve the minutes of the May 6, 2015 meeting as submitted. The motion was seconded by Mr. Lewis, unanimously approved, with Mr. Hanson abstaining.

OLD BUSINESS

- A. **P & Z #1116A – Wayne Markey – Intrafamily Transfer Subdivision Request - final.** Mr. Hanson asked Mr. Markey and Mr. Craig to come forward. Mr. Dodd reviewed the staff report. He gave a brief review of what has occurred since Mr. Markey was before the Planning Commission in March. The issue of calculations for the buffer mitigation has been resolved. Mr. Craig has submitted a revised plat per agency review/comments (items 31-34). He advised that one more item will need to be added (item 35). Mr. Dodd has requested one final change in note 31. Mr. Hanson asked for a motion to accept the plat as submitted with the addition of item 35 which will be on the mylar to be signed. Mr. Lewis made the motion and Mrs. Layton seconded; motion was unanimously approved.

Mr. Hanson took a moment to thank the Planning and Zoning staff for the hard work they did to bring this case to a close after nine years.

NEW BUSINESS

- A. **Critical Area Administrative Variance – Case #AV-17, Kyle and Lynn Tanger, Owners – 5144 David Green Road** – requesting a variance for the expansion of an existing dwelling in the 100' tidewater buffer and expanded buffer. Mr. Dodd introduced the new Critical Area Planner, Brian Soper. Mr. Soper reviewed the staff report. The applicants would like to raise an existing dwelling and expand 16 sq. ft. of the footprint in the expanded buffer. Critical Area Commission had no objection to the request. Buffer management plan will be 3 to 1 mitigation. Applicants will need to provide a buffer management plan. The request adheres to rules of an administrative variance. Mr. Dodd advised the Planning Commission that they recommend administrative variances but Mr. Dodd must approve. Mr. Hanson made a motion to recommend, but have Mr. Dodd approve, the administrative variance contingent on submittal of the

outstanding buffer management plan. Mr. Giese made the motion and Mrs. Layton seconded. The motion was unanimous.

B. P & Z #1190A – Shared Driveway Request – Bruce Nossick – For property identified on Tax Map 14, Grid 5, Parcel 5, Lots A & B. After reviewing the plat, the Planning Commission discussed the need for a new drawing with a better description of what the applicant plans to do. Mr. Hanson stated that the Planning Commission does not have enough information before them to make a valid decision. Request to be postponed until more information is provided.

C. Referral to the Planning Commission from County Council for an investigation and recommendation regarding Residential Accessory Structure Size Limitations. Mr. Banks reviewed the present zoning law, which ties the size of an accessory structure to the footprint of the principal structure. This current law applies only to residential areas and does not include a height restriction specific to accessory structures. Ag buildings are not included. Mr. Banks has looked at Board of Appeals cases for the past four years. On average there are about 3 cases per year requesting an accessory structure larger than allowed under current law. Mr. Banks stated that all have been approved by the Board of Appeals. Mr. Banks has spoken with several Counties. Their laws range from size of rear yard, to area covered by the principal structure. Some included height restrictions. Mr. Banks checked with a couple of States, they tie the size of the accessory structure with the amount of land. Mr. Dodd asked the Planning Commission to think about whether they want to change this law, and if so, how it should be changed. Mr. Dodd also suggested the Planning Commission keep in mind the ease to administer the rule, keeping calculations to a minimum. The Planning Commission agreed to table this item until next month.

Board of Appeals Cases – Review and recommendation

Case #2579 – Melvin and Barbara Swann, owners

To request, as a special exception, an accessory structure measuring (10 x 10 ft.) to be build prior to the principal structure. Property located at 5006 Lucy Fish Road, Hurlock, MD and contains 1.51 acres. Zoned RR-MH, Rural Residential, Mobile Home Overlay District. Based on the information provided, the Planning Commission had no objection with the request.

II. INFORMATION

Mr. Hanson advised that there is a site in the town of Hurlock that is being considered for distribution of medical marijuana. He also advised that Senator Addie Eckardt has 2 license applications before her for distribution centers within her District. Mr. Hanson pointed out that there are three areas of licensing, growing the plant, manufacturing it and distribution. Mr. Dodd will be

speaking with Mr. Drummond as to whether state law would apply under current zoning or whether a text amendment will be needed to address this issue.

Mr. Lewis advised that he has had conversations with Maryland State Planning about updating rules and regulations. Mr. Lewis attended a meeting with Maryland Planning recently, and reviewed items that were discussed at this meeting. Also talked about were internet businesses such as Bed and Breakfast, taxi service and vacation rentals that are not licensed or regulated.

Mr. Drummond advised that airbnb's, and VRBO (vacation rentals by owners) are becoming a problem that the Counties will need to address in the future. Mr. Dodd stated the County Attorney has determined that anything rented out for less than four months in Dorchester County is subject to the hotel tax. The question remains as to how and who will enforce it.

With no further business, Mr. Giese made a motion to adjourn. The motion was unanimously carried. The meeting was adjourned at 12:50 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "A. Giese", written in a cursive style.