

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – December 5, 2018

The Dorchester County Planning Commission held their regular meeting on December 5, 2018 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, Mary Losty, Ralph Lewis, Jerry Burroughs and Jeffrey King. Also present were, Steve Dodd, Director, Brian Soper, Planner and Christopher Drummond, Attorney. Absent: Rodney Banks, Deputy Director

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

Mr. Hanson asked for a motion to approve the minutes of November 7, 2018. Mr. Burroughs made a motion to approve the minutes and Mr. Giese seconded. The motion carried with Mrs. Layton abstaining.

OLD BUSINESS

A. P&Z #1345 – Site Plan Approval, Richfield Solar, c/o Ryan D. Showalter, applicant, Richfield Farms, LLC, Greenfield Farms, LLC, Adam & Kimberly Kral, owners. The applicant is requesting site plan approval for a utility scale solar energy project. The site is located on Osborne Road and is shown on Tax Map 22, Parcels 23, 24, 258 & 259. Property is zoned AC, Agricultural Conservation.

Mr. Dodd summarized the Planning Commission's findings for this project from last month's meeting, noting the fifteen conditions that needed to be addressed before final approval could be granted.

Mr. Dodd referenced the cemetery on site drawing C217, advising the applicant has submitted the verbiage for the sign. Mr. Showalter advised that the signs will be placed on the gate. He also noted on C217, the location of the access for the cemetery.

Mr. Hanson asked if the conditions would convey with the transfer of the property. Mr. Showalter advised they will transfer. He also advised the Planting Plan Agreement is separate and transfers as well.

With no further questions, Mr. Hanson asked for a motion. Mr. Burroughs made a motion to approve the final site plan. Ms. Losty seconded and the motion unanimously carried.

Mr. Drummond advised that Washington County has filed a writ of certiorari with the Court of Appeals opposing the Special Appeals Court decision that state law administered by the Public Service Commission pre-empts local zoning regulations with reference to utility scale solar projects. He noted that this is a precedence setting decision. Mr. Drummond stated that he has filed a motion to act as an amicus on behalf of Kent and Queen Anne's counties in

support of the certiorari. Mr. Drummond noted he has spoken with Mr. Goldman, County Manager for Dorchester County, about joining these counties, but no decision has been made. Mr. Drummond spoke about the challenges of the decision. He advised that initiatives have been made by Queen Anne's County to modify the Public Utilities article to undo the decision made by the Special Appeals Court.

NEW BUSINESS

- A. Critical Area Administrative Variance Request – Case #AV-48, Kyle & Lynn Tanger, owners, for property located at 5144 David Greene Road, Cambridge, Maryland. Requesting an administrative variance approval to allow the construction of a deck, and the replacement and expansion of a primary dwelling and accessory building within the Critical Area expanded buffer.**

Steve Whitten, Agent, Fink, Whitten & Associates, 504 Maryland Ave., Cambridge, MD and any other person who would be testifying, were sworn in.

Mr. Soper advised that the application appears to meet the criteria listed in the Administrative Variance language of the Critical Area Code. Mr. Dodd noted that the Board members have a copy of the Staff Report and the responses to the criteria are highlighted in red.

Mr. Hanson referenced an email dated November 26, 2018, from Alexandra DeWeese, Critical Area Commission, advising that the request appears to meet the criteria of the Administrative Variance process. Mitigation is required at a 3:1 ratio for Buffer disturbance.

Mr. Whitten gave a brief overview of the property, noting there is a buffer on two sides of the parcel. The owners are redeveloping the footprint of the original dwelling and accessory structure; net increase of coverage will be 361 sq. ft. Mr. Whitten also noted that both structures will be in compliance with floodplain requirements.

Mr. Giese made a motion to send a favorable recommendation to the Director. Ms. Losty seconded and the motion unanimously carried.

- B. P&Z #1346 – Site Plan Approval, Mrs. & Mr. Buttermilk, c/o Charles Rideout, applicant, Jambro, LLC, landowner, Sylvia Brohawn, member. The applicant is requesting site plan approval for the storage and refurbishing of wood pallets. The site is located on Ocean Gateway (Rt. 50) and is shown on Tax Map 55, Grid 1, Parcels 32 and 90. Property is zoned B-2, General Business.**

Charles Rideout, 202 Killarney Rd., Cambridge, MD, Applicant, Larry Dennis, 2456 Cambridge Beltway, Cambridge, MD, Sylvia Brohawn, 3403 Wrights

Creek Rd., East New Market, MD, and any other person who would be testifying were sworn in.

Mr. Soper reviewed the Staff Report. He reviewed agency comments from the Health Department and State Highway Administration. Mr. Soper noted the State Highway Administration has spoken with Mr. Rideout and Mr. Rideout has advised he will not be selling the pallets from this property. SHA will not require a commercial entrance license as the traffic in and out will be minimal.

Mr. Soper reviewed the site plan drawing provided by Mr. Dennis noting the area that will be used to refurbish the pallets. He noted that the Planning Commission was provided with an updated drawing that states the planned use as "The Storage and Refurbishing of Wood Pallets"; Mr. Soper advised that "sale of" has been removed from this title. Mr. Soper stated that a final plan will not be necessary if approved by the Planning Commission today.

Mr. Soper noted that Staff is recommending fencing or screening of some type be considered for the site basically to keep unauthorized persons off the site.

Mr. Soper also noted that Staff has concerns this property may become a junkyard and is not permitted on the site.

Mr. Hanson asked Mr. Rideout if he understood the site could not be used to sell the pallets. Mr. Rideout stated the pallets are fixed on site, stored and then delivered as needed; he does not sell on site. Mr. Hanson advised Mr. Rideout that if he intends to sell from this property at any time, he must come back before the Planning Commission.

Mr. Hanson advised Mr. Rideout that the Health Department requires any scrap material be taken to the landfill. It can not be burned on the property. The Planning Commission agreed that Mr. Rideout could use scrap wood in the wood stove located on parcel 90.

Mr. Drummond clarified on the drawing that Mr. Rideout will be using parcel 32 as well as parcel 90 for his business. Mr. Rideout advised he will use both parcels but will not use the building on parcel 32.

There was a discussion on placing a fence around the property for security purposes. It was noted that the Planning Commission can recommend but can not enforce this. Mr. Rideout stated that at this time, he does not have the funds to fence the property. The Planning Commission expressed concern about the appearance of the property due to the nature of the business. Mr. Rideout stated that if there are complaints about the way the property looks to let him know and he will see that it is cleaned up.

Ms. Losty made a motion to entertain comments from the Planning staff about the need for screening as a future condition if warranted. Mr. Giese seconded, and the motion carried with Mr. Lewis abstaining.

C. P&Z #527A - Shared Driveway Request – Gypsy Hill Farms, Inc., 5095 Stone Boundary Road, Cambridge, Maryland. For property identified on Tax Map 42, Grid 14, Parcel 49, zoned AC-Agricultural Conservation, and containing 250.13 acres.

Postposed until January, 2019.

D. P&Z #1094A - Shared Driveway Request – Sandra Haddaway Dodson & Susan Haddaway Creighton. The property is located on Maryland Route 16, Mount Holly Rd, East New Market, Maryland. The site is identified on Tax Map 31, Grid 24, Parcel 55, zoned AC - Agricultural Conservation, and containing 14.00 acres.

Mr. Dodd reviewed the request. This is a proposed two lot subdivision with one lot having frontage at the State road and the second lot will be an interior lot served by a shared driveway. Mr. Dodd advised that along with the drawing, the applicant has submitted a Shared Driveway Maintenance Agreement.

Mr. Hanson asked if this was intra-family. Mr. Whitten stated it is. Mr. Whitten advised that approval was received from the Board of Appeals in November for the non-conforming road frontage. Mr. Whitten also advised that State Highway Administration has determined the existing entrance is suitable for the two lot subdivision.

Mr. Whitten passed out an aerial of the property, noting the small gray rectangles as areas for the proposed dwellings. He advised there are three development rights for the property. Mr. Whitten noted that two development rights have been placed on the rear lot and one on the front lot. Mr. Dodd also advised that a wavier would be required for a third lot to use the shared driveway.

Mr. Hanson raised the issue of the back lot being sold to other than family. Mr. Drummond advised that the Shared Driveway Agreement/easement runs with the land. Mr. Whitten stated that a note has been put on the plat about the Shared Driveway Agreement.

Mr. Hanson asked for a motion. Mr. Lewis made a motion to approve the shared driveway request. Mr. Burroughs seconded and, the motion unanimously carried.

E. Board of Appeals Cases – Review and recommendation.

Case #2640 –Whitney Grafton, et.al.

To request a variance to allow a primary dwelling within the required 40' front yard setback. Variance requested: 11.5'. Property located at 3429 Beaver Neck Road, Cambridge, MD 21613 containing 2.66 acres. Zoned AC - Agricultural Conservation District.

Based on the information provided, the Planning Commission suggests the Board of Appeals take into consideration the fact that the house was there before the subdivision that has created the hardship.

F. Election of Officers

Mr. Hanson opened the floor for nominations. Mr. Giese made a motion that the officers remain the same. Mr. Lewis made a motion that Mr. Burroughs be nominated for Vice Chair and Mr. Hanson remain as Chair. With no further nominations, Mr. Lewis's motion unanimously carried.

G. 2019 Meeting Dates Approval

Mr. Giese made a motion to approve the meeting dates for 2019 and Mr. Burroughs seconded. The motion unanimously carried.

H. Comprehensive Plan Update

Mr. Soper advised they are planning on AECOM being at the January Planning Commission meeting.

INFORMATION

Mr. Dodd advised that the County's CRS community rating, a program through the National Flood Insurance Protection, has been upgraded from a rating of 8 to 6, noting the lower the score, the better. Participation in this program discounts resident's flood insurance premiums. He noted that the discount has increased from 10% to 20% for Dorchester County residents because of the new score. This discount will become effective May 1, 2019.

Mr. Soper noted Dorchester is the first class 6 county on the Eastern Shore and the third class 6 or better in the State of Maryland. Mr. Soper noted that with this tied to the Comprehensive Plan, the County should be able to obtain a score of 5. Mr. Dodd noted that Brian Soper led the re-application process responsible for the upgraded score.

Mr. Hanson advised that this would be Mr. Dodd's last meeting, as he is retiring at the end of December. Mr. Hanson commended Mr. Dodd for his support of the County codes and laws over the years.

Mr. Burroughs, speaking as the Chair for the City of Cambridge Planning Commission stated that it has been a pleasure working with Mr. Dodd. He has shown great fortitude for the City of Cambridge and Dorchester County. All present wished Mr. Dodd the best in his retirement and future endeavors.

With no further business, Ms. Losty made a motion to adjourn and Mr. Giese seconded. The motion unanimously carried. The meeting was adjourned at 1:15 pm.

Respectfully submitted,

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