

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – March 6, 2019

The Dorchester County Planning Commission held their regular meeting on March 6, 2019 at 12:00 pm in the County Office Building, Room 110 in Cambridge, MD. Members present were, Jerry Burroughs, Vice Chair, Laura Layton, Bill Giese and Ralph Lewis. Also present were, Rodney Banks, Deputy Director, Brian Soper, Planner and Christopher Drummond, Attorney. Absent: Robert Hanson, Mary Losty and Jeffrey King.

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

Mr. Burroughs asked for a motion to approve the minutes of February 6, 2019. Mr. Giese made a motion to approve the minutes and Mrs. Layton seconded. The motion unanimously carried.

OLD BUSINESS

- A. Mr. Giese advised he has spoken with Caroline Cline, Mayor, East New Market concerning the new Dollar General proposed for just outside the town limits. He advised her of the Planning Commission's concern for the appearance of the building.

Mr. Burroughs advised that he met with Mr. Banks today to show him several designs used for other Dollar General stores. Mr. Burroughs suggested that design standards be included in the new Comprehensive Plan.

NEW BUSINESS

- A. **Text Amendment #336-02-2018 – Communication Towers, Neck District Volunteer Fire Company, applicant. The purpose of the amendment is to permit communication towers as a Special Exception use in the V, Village Zoning District.**

Mr. Banks reviewed the amendment and advised the Planning Commission that they would be making a recommendation to the County Council.

Mike McKinley, President, Neck District Volunteer Fire Company and, any other person who would be testifying in this case, were sworn in.

Mr. McKinley reviewed the text amendment noting the primary reason for the amendment is to provide better communications for emergency services such as volunteer fire companies, police and EMS within the Neck District. He cited several emergency situations where there was a lack of communication that hindered response time.

Mr. McKinley added that if the cell tower was located on the Neck District Fire Department's property, it would be a source of needed revenue, 15 to 20 percent of the annual operating budget.

Mr. Drummond advised that changes to the Use Table, whether permitted or by special exception, must be uniform across the district. The Supplemental Regulations can give the Board of Appeals some direction when considering a special exception for a communication tower, if the applicant is a volunteer fire company/first responder.

Mr. Banks referenced §155-33 of the Zoning Ordinance, "Purpose and intent of zoning districts". He read the definition of Village Zoning District, and noted that a communications tower is not a compatible use. He advised that through GIS, he looked at all the zoned acreage within the County, approximately 349,000 acres. There are six zoning districts within the County that are allowed cell towers, either as a permitted use or by special exception, totaling 314,000 acres, or 90% of the lands within the County.

Mr. Banks advised that Charles Fields, owner of property on Hudson Road and AT&T, have applied for a special exception for a communications tower that would be located approximately 3,000 ft. from the Neck District Fire Department. The proposed tower would be 170 ft. in height and will have room for additional carriers.

Mr. Drummond noted this text amendment would afford every property owner within a Village zoned district the same opportunity. Mr. Banks stated that would be 856 parcels (approximately 2,000 acres) zoned Village. Mr. Banks advised there are 73 parcels within the Neck District.

There was a discussion on how this issue could be resolved without violating the uniformity code. Mr. Banks suggested the text amendment could be tied to a land area five acres and more within a Village District. Mr. Banks noted that of the 73 parcels in the Neck District, only 5 parcels would meet this requirement. Mr. Soper suggested not only limiting the acreage but limiting the distance of the tower from surrounding structures. Mr. Banks noted the setbacks for a tower are limited to the height of the tower plus 20 ft. from the property line, structures and buildings on the property. He also noted the Use Table states that the Board of Appeals may grant a variance from the required setback between the tower and any occupied buildings on the same parcel.

Mr. Giese asked if placing the tower on the fire department's property would solve the communication problems the Neck District has now. Mr. McKinley was not sure about this.

Mr. Drummond suggested if the Planning Commission is agreeable to a text amendment requiring a minimum lot size, a recommendation could be sent to

the County Council recommending the text amendment be amended to require a minimum lot size of 5 acres.

Mr. Lewis made a motion to send a favorable recommendation to the County Council, amending the text amendment by requiring a minimum lot size of five (5) acres. Mr. Giese seconded and, the motion unanimously carried.

Board of Appeals Cases – Review and recommendation

Based on the information provided, the Planning Commission suggests the Board consider (1) existing landing areas for emergency services and, the impact if any this may have on those areas. (2) Whether this location makes the most sense to fill in coverage gaps within the Neck District.

INFORMATION

Mr. Banks advised that the Board of Appeals has two new members, filling all vacancies.

Mr. Soper advised that representatives from AECOM will be at the April Planning Commission meeting to review the next two chapters of the Comprehensive Plan, Community Facilities and Water Resources. The Land Use element has been sent to the business community for comment.

With no further business, Mr. Giese made a motion to adjourn and, Mrs. Layton seconded. The motion unanimously carried. The meeting was adjourned at 1:00 pm.

Respectfully submitted,

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