

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – January 8, 2020

The Dorchester County Planning Commission held their regular meeting on January 8, 2020 at 12:00 pm in the County Office Building, Room 110 in Cambridge, MD. Members present were Robert Hanson, Chair, Jerry Burroughs, Vice Chair, Bill Giese, Ralph Lewis, Laura Layton and William N. Windsor

Absent: Mary Losty

Also present were Steven Ball, Director of Planning & Zoning, Rodney Banks, Assistant Director of Planning & Zoning, Brian Soper, Planner, Carter Finney, Zoning Technician, and Christopher Drummond, Attorney.

OLD BUSINESS, None

I. **MINUTES:** Mr. Hanson asked for a motion to approve the minutes of December 4, 2019. Jerry Burroughs motioned to approve the minutes and Bill Giese seconded. The motion carried with Ralph Lewis abstaining.

II. **New Business**

At this time, Steve Ball introduced Carter Finney as the newly hired Zoning Technician and Keith Adkins, the County Manager, to the Planning Commission.

A. **Critical Area Administrative Variance Request – Case #AV-57, Christopher and Melinda Meyers, owners, for property located at 1327 Broadview Drive, Cambridge, MD. The request is to construct an addition to the single family dwelling and a deck within the Chesapeake Bay Critical Area 100’ and Expanded Buffers.**

The applicant, Steve Whitten, was sworn in as the representative for Christopher and Melinda Meyers. Brian Soper reviewed the staff report with the Planning Commission.

The expansion would be no closer than the existing 48.4’ to mean tidal water and wetlands. The proposed expansion is 571 sq/ft of the allowed 597 sq/ft which is 30% of the size of the structure. The location of the deck does not reduce the buffer to less than 50’ as its distance will be 50.2’. The proposed development will still be in compliance with the allowed lot coverage.

The Critical Area Commission received a copy of the application, and a Critical Area staff member, Charlotte Shearin, responded via email that the commission does not oppose the request provided that mitigation is performed in accordance with COMAR 27.01.09.01.

One neighbor called Brian Soper regarding her concern with anything possibly affecting her property, but after having been explained the extent of the proposed development, she did not have any concern.

Steve Whitten said that the dwelling was constructed in 1979 with some minor expansions currently proposed as part of a remodel of the house to make it flood safe and built to modern standards. All improvements are no closer to tidal wetlands than the existing dwelling currently is.

Laura Layton motioned to approve with a unanimous second with conditions to follow mitigation criteria.

B. P&Z #392B – Shared Driveway and Waiver Request – Constance and Franklin Wilson, Puckum Road, Rhodesdale, MD. For properties identified on Tax Map 24, Grid 19, Parcels 34 & 82 and Tax Map 35, Grid 1, Parcels 63 & 92, zoned AC-RCA, Agricultural Conservation – Resource Conservation Area.

The applicant's surveyor, Mr. Craig, was sworn in and represented the Wilson family. Mr. Brett Wilson also joined Mr. Craig before Brian Soper reviewed the request with the Planning Commission.

The request is for a shared driveway and a waiver to the Subdivision Ordinance, 140-26A(2) to allow a total of 5 properties to be served by a single shared driveway. A minor subdivision is being reviewed by staff to subdivide around the existing house on Parcel 34. This subdivision would essentially create the fifth parcel. The action requested was for the Planning Commission to render a decision to approve or deny the subdivision request.

Mr. Craig then introduced Frank and Connie Wilson along with Alicia Wilson who is the wife of Adam Wilson who will receive this lot. Another user of the road was also in attendance. Mr. Craig then stated that there will be no new users on the road and that it is well maintained. A shared maintenance agreement has been prepared for the parties in use of the driveway.

Brian Soper states that they have notified the only adjacent neighbor who is located to the northwest directly adjacent to the proposed driveway about the proposed subdivision as required, but they have not responded.

Brett Wilson spoke that he has prepared a shared road agreement. Mr. Drummond raised some concern regarding shared driveway agreements and suggested some modifications.

Ralph Lewis made a motion to approve the request and William Windsor seconded.

III. Board of Appeals Cases – Review and recommendation

A. Leonard Stern & Laura Murray, Residential Setback Variance.

Rodney Banks introduced case #2652 to the Planning Commission. The applicants are requesting a variance to the setback requirements in order to possibly accommodate a manufactured home. A setback variance of 40' from the required 100' to the front of the property is requested which would allow the manufactured home to be 60' from the front property line. The requirement for side property setbacks is 20', but they are requesting to be allowed 15'8" from the side property line. There used to be a home on the property in the past.

Jerry Burroughs spoke that he thinks they should recommend that the variance is accepted and passed along to the Board of Appeals. After brief discussion, Robert Hanson stated that the Planning Commission is making a favorable recommendation to the Board of Appeals based on the information that was presented.

B. George & Rosemarie Harper, Special Exception to allow accessory uses larger than allowed by the code.

Rodney Banks introduced case #2653 to the Planning Commission. The applicant is requesting a special exception to allow a subdivision because in order to allow the subdivision the property needs to be in compliance with the Zoning Ordinance. The Zoning Ordinance limits the square footage of accessory buildings to 1600 sq/ft or the footprint of the home (whichever is more). The special exception would allow them to continue using the existing buildings. The proposed purchaser wants to keep the existing buildings and potentially rehabilitate a house on the property.

Christopher Drummond asked about the existing drive and if they will abandon the use or if there would be an easement. Brian Soper stated that if they were to abandon the use of the existing drive to use the easement presented, they would need the appropriate permits from the State Highway Administration. It will be stated on the plat that at any time there may not be two egress/ingress points from Route 50 on the property. Robert Hanson stated that the Planning Commission does not have an issue with the proposed special exception based on the information provided. The recommendation to the Board of Appeals is to render a favorable recommendation.

IV. Information

A. Comprehensive Plan Update – Historic & Cultural Resources Chapter (Review by Chris Rogers, AECOM Consultants).

Chris Rogers introduced himself the consulting firm of AECOM to discuss current issues and status of their work on the update to the County Comprehensive Plan.

Chris Rogers gave some summary of the Comprehensive Plan Chapter X: Historic and Cultural Preservation. The principles of this chapter are to identify the historic and cultural resources within the county, set goals to ensure their preservation, identify issues associated with these goals, identify all of the nationally registered historic properties, identify historic parks, and identify each historic and cultural site in the county including any property with a Maryland Historic Trust easement on it. Heritage tourism and preservation programs are discussed along with the entities associated with the programs. The County's existing historic preservation district overlay zone from the Zoning Ordinance was discussed as well as other strategies to protect historic properties. Chris Rogers continued with a brief summary by section of the chapter.

Robert Hanson and Jerry Burroughs had questions regarding Bethel AME Church and Waugh United Methodist.

Christopher Drummond recommended strengthening the section regarding the Heritage Area Master Plan Update (2018) on page 9 due to possible renewable energy projects such as wind or solar. Christopher Drummond said that the preservation of historic landscapes is also important and that there should be more added to this section regarding preserving the historic landscapes. There was long discussion regarding renewable projects and historic sites in the County.

At this time, Mr. Giese exited the meeting.

Chris Rogers then expanded on the ability for the County to establish an overlay zone for a specific historic district that is desired to be preserved and the strategies that are outlined at the end of the chapter. Chris Rogers also expanded on some implementation strategies.

Steve Ball said that there is about 2 months of work left then the formal review of the Comprehensive Plan with the Planning Commission could begin.

B. Discussion of including a Tier Map for the Comprehensive Plan and criteria established in the Sustainable Growth and Agricultural Preservation Act (SGAP).

Steve Ball introduced the idea of adding tier mapping to the Comprehensive Plan. The SGAP Act requires counties to adopt a tier map in their Comprehensive Plan if they are interested in having major subdivisions on septic systems within the County area. In past years, the County opted to not do this. Steve Ball then gave insight regarding tier maps and the possibility of adding a tier map.

The staff are in support of including tier maps. Rodney Banks gave some clarification that the Planning Commission historically has been in support of adopting a tier map. Christopher Drummond gave some possible issues with the use of the tier map regarding State Planning and the different tiers.

Robert Hanson suggested to wait to make a decision until next meeting because there were two members absent at this time. William Windsor requested that there be a more clear description of each tier.

Jerry Burroughs made a motion to adjourn, and Robert Hanson seconded.

With no further business, the meeting was adjourned at approximately 1:20PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carter Finney", written in a cursive style.

Carter Finney,
Planning & Zoning- Zoning Technician