

DORCHESTER COUNTY
DEPARTMENT OF PLANNING & ZONING
501 COURT LANE, PO BOX 107
CAMBRIDGE, MD 21613
410-228-3234



Planning & Zoning Commission
10-08-2020 Meeting Minutes

The Dorchester County Board Planning and Zoning Commission conducted a meeting on Wednesday October 7, 2020 at 12pm in County Office Building Room 110, at 501 Court Lane, Cambridge MD 21613.

Attendees were given the option to come in person or on call in:

Planning and Zoning Commission:

- Attending in person:
Robert Hanson, Chair; Jerry Burroughs, Vice-Chair; Commissioners Ralph Lewis, William Windsor, Laura Layton and Mary Losty (absent: Commissioner William Giese)

Also attending (in person):

Herve Hamon, Director of Planning & Zoning; Christopher Drummond, Attorney; Brandon Vermillion, GIS Specialist

- 1- Chairman Hanson called the meeting to order at 12pm, and proceeded with the approval of the agenda; all approved
- 2- Chairman Hanson asked for a motion to approve the September 2, 2020 P&Z Commission Meeting minutes; Vice Chair Burroughs made a motion to approve the minutes as submitted, Commissioner Layton seconded, all approved.
- 3- New Business:

A- Administrative Variance:

- ❖ **Marvel Residence** - 3510 Green Point road, East New Market, MD – **Administrative Variance Case # AV-62**
 - This was an application to add 2 covered porches and a deck within the 50 foot Modified Buffer Area
 - Background / Staff Report:
 - Applicant proposes to use already developed area of the lot
 - Lot is constrained by buffers on 2 sides
 - Existing dwelling is entirely within the 100 foot buffer
 - No vegetation will be removed as part of the proposal
 - New coverage and proposed extension into buffer (264 sf) will be mitigated at the required ratio
 - Commissioner Windsor asked if the existing walk was being preserved; Steve Whitten answered it would.

Commissioner Losty made a motion to approve the application as submitted, it was seconded by Vice-Chair Burroughs; all approved. The **variance was granted**.

B- Board of Zoning Appeal cases:

- ❖ **Segar Residence** – 4403 Egypt Road, Cambridge MD – **Front Yard Setback Variance – BOA Case #2662**
 - This was an application to modify the front yard setback, for the construction of an addition to the main structure.
 - Background / Staff Report:
 - Applicant proposes to extend the front of the house to create a better access and entryway
 - The expansion will be in character with the rest of the improvements

- The expansion will not hinder the view corridors for cars entering onto Egypt Road from the property's driveway
- Other portions of the dwelling are not suitable for this extension, or would compromise large mature trees
- Proposed location of enlarged entryway does not impact septic system

Based on the evidence and documents presented, the P&Z Commission made a **favorable recommendation** to the Board of Appeals for this application. Next BOA meeting is scheduled for October 22, 2020.

- ❖ **Little Residence** – 1725 Brannocks Neck Road, Cambridge, MD – Special Exception– **BOA Case #2663**
 - This was an application to request for the total amount of accessory structure footprints to exceed the footprint of principal residence (in addition to previous Special Exception BOA Case #2629, for the same purpose)
 - Background / Staff Report:
 - Applicant proposes to build an additional 1,800sf structure
 - The current amount of accessory structures built (to date) is 4,874 sf (see drawings: 2 structures at 2,420 + 2,454)
 - The previous Special Exception (Case #2629) approved a total of 6,054 sf, out of which 6,054-4,874=1,180 sf was not used (buildings were built smaller than anticipated)
 - With the proposed 1,800sf building, the applicant would be achieving a total of 2,420+2,454+1,800=6,674sf (a differential/additional surface of 6,674-6,054=620 sf)

Based on the evidence and documents presented, the P&Z Commission made a **favorable recommendation** to the Board of Appeals for this application. Next BOA meeting is scheduled for October 22, 2020.

- ❖ **Waters Chapel** – 4561 Fork Neck Road, Vienna MD – **Special Exception – BOA Case # 2664**
 - This was an application to expand an existing church
 - Background / Staff Report:
 - Applicant proposes to build a total of 614 sf addition (557 sf enclosed-conditioned area + 57 sf entry porch) to an existing church
 - Churches are allowed in the AC zone with Special Exception
 - The extension will be in character with the rest of the existing structure
 - Impact on neighboring properties of church addition is visually minimal: new volume is located in the inner corner of the existing building

Based on the evidence and documents presented, the P&Z Commission made a **favorable recommendation** to the Board of Appeals for this application. Next BOA meeting is scheduled for October 22, 2020.

- ❖ **AquaCon Maryland LLC** – 5650 Country Club Road, Cambridge MD – **Special Exception BOA Case # 2665**
 - This was an application to allow special exception approval for aquaculture use, hatchery and utility structures in the RR-RRCA Rural Residential Conservation Area zone
 - Background / Staff report:
 - Applicant proposes to build a 1.2 million square feet building on the 133.78 acre - former site of the Cambridge Country Club
 - The proposed building will house an Atlantic salmon aquaculture facility, with tanks in a climate controlled environment providing strict biosecurity protections
 - Salmon will be distributed head on, gutted, and packed on ice, but will not be processed, smoked or packaged on site
 - The proposed operation will use state-of-the-art recirculating filtration systems and aquaculture methods to minimize impacts to the land and water around the facility
 - The facility will be staffed by about 120 employees during peak shift: 30 to 35 trucks are anticipated per week
 - A stormwater plan is in place, collecting roof and parking areas accumulation into a "rainwater harvesting" system, retrofitting the golf club irrigation system and watering the vegetation maintained on the remaining portion of the site
 - The electric load will be offset by the installation of solar array panels on the roof
 - Solid waste produced by the salmon will be collected and processed by anaerobic digesters on site to produce bio-gas that will fuel generators (all in compliance with MDE standards)

Discussion:

- Mr. Showalter provided a detailed presentation of the functioning, environmental impact and overall considerations for the project (all factors will be presented in further details at the Board of Appeal special meeting of November 5, 2020)
- He stressed out the benefits of the project to the community and County in terms of employment and economic development (120 new jobs, tax revenue ...)
- He also explained how the project was designed to be sustainable, taking advantage of water re-circulation and minimizing wherever possible the impact on the surrounding environment
- Mr. Hamon read into the record the comments received from the Critical area Commission on October 5, 2020
- Commissioner Windsor asked a few questions regarding the recycling of water, the intake and discharge in the Choptank River, and the overall functioning of the bio-gas generators
- Mr. Hamon suggested that the exterior envelope of the building be covered by a "green wall" (instead of the metal panels presented) when visible from Horn Point Road, using some of the recycled water from the roof rain water harvesting to provide plant irrigation

Based on the evidence and documents presented, the P&Z Commission agreed to the significant economic benefits of the project, and made a **favorable recommendation** to the Board of Appeals for this application. The next BOA meeting is scheduled for November 5, 2020 (special meeting for this application).

❖ **New Market Solar – South of Rhodesdale Road, East New Market, MD – Special Exception & Variance BOA Case # 2666**

▪ Nature of request:

Request to allow special exception approval for

- the installation of a utility scale solar energy system in an Agricultural Conservation zone,
- the installation of a substation on Parcel 196

Request to allow variances for:

- an up to 8 foot tall security perimeter fence
- project components within otherwise prescribed setbacks, internal to the project site

▪ Background / Staff Report:

- Applicant proposes to establish a 50 Mega Watts utility scale solar energy system on 4 different but adjacent parcels totaling 624.32 acres
- All solar array panels and equipment will be located within a fenced secure area (up to 7 foot chain link, with an additional 1 foot of barbed wire on top)
- Maintenance roads shall be 16 foot wide gravel; a 30 foot wide gravel road will serve the proposed substation
- The project is designed to minimize impact on non-tidal wetlands and wetland buffers
- The project will be accessed via private lanes from Thompsontown Road, East New Market Rhodesdale Road and Richardson Road.

Note: - All final details of vegetation screening, setbacks and equipment location will be reviewed at time of Site Plan approval
- Please see Special Exception Criteria and Variance Criteria description for in-depth explanation of this project in the application materials

▪ Discussion:

- Mr. Drummond requested that the full Certificate of Public Convenience and Necessity (CPCN) be provided to the County for reference on this project; the documents provided so far being incomplete
- He also expressed that the design standards applied were minimum as illustrated by the 50 foot vegetation buffer proposed; for such a large project, application of minimum standards is not recommended
- Mr. Drummond requested that the applicant provide sight lines onto the project / proposed installation, from the nearby road intersections and neighboring homes
- Finally, Mr. Drummond asked that the applicant provide a copy of the ERD to the County for review
- Commissioner Windsor requested clarification about the location of the substation, and asked that it be placed more in the heart of the project to prevent noise nuisance onto the surrounding homes
- There was a conversation about the permanent ground cover (white clover) which would allow bees and apiculture.
- Mr. Showalter stated that as for other solar energy farms, the arrays and equipment would be removed at the end of the 25-30 year lease, and the grounds returned to traditional farming

Based on the evidence and documents presented, the P&Z Commission agreed with Mr. Drummond on the need to provide additional landscaping, buffer, and irrigation information. The BOA meeting scheduled to hear this case is Nov. 19, 2020.

C- Dorchester County 2020 Comprehensive Plan

- A meeting with AECOM, the Comprehensive Plan consultant, Chairman Hanson and Mr. Hamon took place on September 15, 2020.
- Mr. Rogers, from AECOM, reviewed the responses to the comments from the State clearinghouse, and identified 3 main areas of focus:
 - 1- Define an Official Priority Preservation Area, with certification of the County for agricultural preservation programs (in addition to the programs already existing). The additional program would signify more staff /time involvement. AECOM recommendation is to keep the agricultural preservation programs as they are existing
 - 2- Adopt a Tier Map for sewer distribution; which would require State approval and coordination; currently, the Comprehensive Plan provides a Draft Tier Map, where undefined zones are considered Tier IV by default (precluding the possibility of large subdivisions – i.e. more than 7 lots). AECOM recommendation is to keep the Draft Tier Map in the 2020 Comprehensive Plan, and develop an official map after the plan's adoption if deemed appropriate
 - 3- Delineation and zoning inclusions for the Village districts; currently the County's south village areas are different in nature with the Northeast corridor between Cambridge and Hurlock; the differences carry to the sewer service and the concern of suburban sprawl expressed by the State
- Ms. Beth Hill, on behalf of the Forestry Association, presented her comments on the Comprehensive Plan
 - She highlighted how forestry and its related resource based industries were critical to the economic health of Dorchester County (with a 3.5 billion dollar impact)
 - She expressed how the industry was being handicapped by the current Table of Use in the Dorchester County Zoning Ordinance, whereas production of local timber was not an allowable use in most agricultural zones (a Text Amendment would have to be initiated and reviewed/approved by Council)
 - Ms. Hill provided her comments to Mr. Rogers for implementation into the Comprehensive Plan
- The annotated Comprehensive Plan (including State clearinghouse and Forestry Association comments) will be subject of a public presentation on November 10 at 6pm, location to be determined.
- This public meeting will be advertised in the newspapers and on the County website
- All comments will be collected and presented subsequently to Council for one last review and adoption of the finalized content of the Comprehensive Plan

Chairman Hanson asked for a motion to adjourn the meeting. Vice Chair Burroughs made a motion, it was seconded by Commissioner Lewis, all approved. The meeting adjourned at 3:45pm.

Respectfully submitted:

Herve O. Hamon, AICP, RA, LEED AP
Director of Planning and Zoning

Reviewed:  Chairman R. Hanson

Date: 1/6/21