

**DORCHESTER COUNTY**  
**DEPARTMENT OF PLANNING & ZONING**  
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**Planning Commission**  
**03-03-2021 Meeting Minutes**

The Dorchester County Planning Commission conducted a meeting on Wednesday March 3, 2021 at 12pm. The meeting was held both in person and virtually.

**Planning Commission:**

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

**Also attending:**

Herve Hamon, Director of Planning & Zoning; Susan Webb, Assistant Director of Planning & Zoning; Christopher Drummond, Attorney (by phone); Brandon Vermillion, GIS Specialist  
Mr. Fleming (by phone); Mr. Brown (by phone); Steve Whitten, surveyor (by phone)

- 1- Chairman Hanson called the meeting to order at 12:05pm, and proceeded with the approval of the modified agenda (= to other business, addition of the Master Sign Text amendment relating to Preston Auto Group); Commissioner Lewis made a motion to approve the modified agenda, Comm. Losty seconded, all approved the agenda as revised.

**2- New Business:**

**A- Planning and Zoning:**

➤ **Administrative Variance #67 – 2408 Rippons Road, Fishing Creek, MD**

○ **Nature of request:**

Request to approve construction of a wooden deck on the rear of a single family home. The home was built in 1988 within the 100' buffer and will conform to the administrative variance guidelines.

○ **Background:**

- Critical Area classification: LDA (Limited Development Area)
- Zoning classification: V (Village District)
- The deck is constructed with decking material that has gaps to allow water to pass freely.
- Lot coverage cannot be located over and/or under the proposed deck.
- The deck will be no greater than 500 square feet.
- The location of the deck can not result in the 100 foot buffer being reduced to less than 50 feet.

○ **Decision:**

After Mr. Hamon's presentation, Commissioner Lewis made a motion to approve the application as submitted, contingent on the Department of Planning and Zoning receiving positive confirmation from the Critical Area Commission (not available at the time of this hearing). Vice Chair Burroughs seconded that motion, all approved. The Administrative Variance was approved with the contingency above.

➤ **Rezoning Case #340-01-2021, Fleming (off Route 50, Map #43, Grid #18, Parcel #80)**

○ **Nature of request:**

Request to rezone property from the zoning classification of RR – Rural Residential District to B 2, General Business District. This is a request asking Council to consider referring a rezoning application for a review by the Planning Commission, regarding the land of Mr. Edward Fleming, on Route 50 in Linkwood (Map #43, Parcel #80).

○ **Background:**

- Mr. Fleming has been operating a corn maze for the last 13 years and is looking to expand his activities with a country style wedding venue and a concert venue on the site.
- The parcel is currently zoned RR (Rural residential), which does not provide the opportunity to operate a restaurant, or concert venue (those 2 uses are not permitted in the RR zone, not even by special exception).
- By rezoning to B-2 (General Business), the proposed uses would be permitted as-of-right (with the appropriate Planning and Zoning Department conditions and regulations of course).
- Mr. Fleming's parcel is adjacent to a B-2 zoned parcel on its South side. Extending the existing General Business zoning along Route 50 is consistent with the economic objectives defined in the Dorchester County 2020 Comprehensive Plan.
- New construction of a country style Dutch barn for the proposed wedding venue is planned in the future.

Mr. Fleming expressed that he received support from both Tourism and Economic Development.

Attorney Chris Drummond stated that once re-zoned, the property would be compatible with ALL the uses permitted in the B-2 General Business District. He also explained that the rezoning typically taking place after the adoption of the 2020 Comprehensive Plan would be another avenue to obtain a change in zoning classification.

Mr. Drummond reminded the panel that rezoning should only be done when there is sufficient proof that a mistake in zoning was made, or that a neighborhood had substantial changes in character, warranting the adjustment in zoning classification.

Both Chairman Hanson and Commissioner Lewis went to visit the site in person, and found that the proximity of other commercial uses, as well as the nature of the business planned on the parcel were confounding evidence that the proposed rezoning was consistent with the commercial character of the site along Route 50, and the change of use was a reasonable reason to approve the request for rezoning.

Chairman Hanson asked if any comments were received; Mr. Hamon stated that the public was duly notified, but that the Department of Planning and Zoning did not receive any opposition or comments.

○ **Decision:**

Commissioner Losty made a motion to accept the re-zoning proposal from Mr. Fleming to B-2 General Business, to be heard at County Council for legislative action; Vice Chair Burroughs seconded that motion, Commissioner Layton abstained from voting for conflict, all others approved. The re-zoning was recommended to Council by 6 votes in favor, 1 abstention.

➤ **Rezoning Case # 341-02-2021, Brown (2110 Ocean Gateway – Route 50), Cambridge, MD**

○ **Nature of request:**

Request to rezone property from the zoning classification of RR – Rural Residential District to B 2, General Business District.

○ **Background:**

- The proposed use of the property will be general business and continued use to warehouse trucks and operate a tree business (business was founded 20 years ago).
- Mr. Brown's property is the location of both his residence and his business of tree trimming service.
- Currently, Mr. Brown is subject to the restriction of home-based contractors, which defines tree trimming as a permitted use in zone RR only allowed as accessory use or by special exception.
- By rezoning to B-2 General Business, Mr. Brown would make the current use of his property as-of-right and be consistent with the commercial zoning of surrounding properties along Ocean Gateway/Route 50.
- No new construction is proposed.

Mr. Drummond reminded the panel about the points he made on the previous case (rezoning best done during Comprehensive Plan update, as well as criteria to re-zone a property).

Chairman Hanson and Vice Chair Burroughs both visited the site and observed the existence of several other close-by commercial properties along Route 50, finding that the proposed rezoning of Mr. Brown's parcel to B-2 would indeed be in character with the neighborhood, as well as reflect the Circuit Court ruling to allow business use of the property.

Chairman Hanson asked if any comments were received; Mr. Hamon stated that the public was duly notified, but that the

Department of Planning and Zoning did not receive any opposition or comments.

o **Decision:**

Vice Chair Burroughs made a motion to recommend favorably the re-zoning of Mr. Brown's parcel to B-2 General Business to Council for legislative action. Commissioner Lewis seconded that motion, all approved unanimously.

**B- Board of Appeal Cases**

▪ **BOA Case #2680, Carroll Residence: Variance, 1240 Horse Point Road, Fishing Creek, MD**

o **Nature of request:**

Request of a **VARIANCE** to the required front yard and rear yard setback. Variance requested: Front Yard – 20' from the 35 feet required for a resultant setback of 15'; Rear Yard – 10' from the 25 feet required for a resultant setback of 15'. Proposal is to create a 15' setback for the buildable area all around the parcel

o **Background:**

- o Zoning Classification is V (Village District)
- o Parcel of record is only 60' deep yielding no building envelope.
- o Parcel was previously improved with a dwelling in a similar location to what proposed building envelope would allow.
- o Similar variances have been granted when parcels present this type of condition.

o **Decision:**

Chairman Hanson expressed that the opinion of the Commission was favorable to the request, based on the information and evidence presented. The case is forwarded to the Board of Appeal for further discussion, presentation and decision.

▪ **BOA Case #2681, Shorter Residence: Special Exception, 2111 Hudson Road, Cambridge, MD**

- Request Special Exception approval to construct a 40x50 accessory structure, making the total amount of floor area of accessory structures on the site 670 square feet **more than allowed by Code.**

o **Background:**

o **Calculations:**

- Total proposed accessory structure: 2,000 square feet
- Total existing accessory structure: 270 square feet
- Total existing primary structure: 1,450 square feet
- Maximum allowed by code: 1,600 square feet  
(From Zoning Ordinance Chapter 150.50.A - Accessory Uses)
- Grand total of accessory structures = 2,000+270=2,270 square feet
- Amount requested by Special Exception: = 670 square feet (2,270-1,600)

o **Decision:**

Chairman Hanson expressed that the opinion of the Commission was favorable to the request, based on the information and evidence presented. The case is forwarded to the Board of Appeal for further discussion, presentation and decision.

**C- Other Business:**

**Master Sign Text Amendment – Preston Auto Group**

Mr. Hamon was asked at the previous Planning Commission meeting to examine in more detail the language to be adopted. Zach Smith, representative of Preston Auto, met with Mr. Hamon on February 24, and during a collaborative work session, they fine-tuned the proposed text amendment (referred to as Version 4).

The main elements discussed, and now presented to the Planning Commission are:

(1) **Primary Façade** (facing the primary right of way):

The total amount of building mounted signage on the primary facade shall not exceed two (2) square feet of sign area per linear foot of facade

(2) **Secondary Facades:**

- On all other façades, an additional one (1) square foot of wall mounted signage per total combined linear of façades is allowed, not to exceed 2 square foot per linear foot of any given elevation.

-Additional building mounted signage on secondary facades may be permitted provided that the total area of all building mounted signage on secondary facades does not exceed one (1) square foot of sign area per linear foot of secondary façade, and further provided that the amount of signage on any secondary facades does not exceed 2 square feet of that particular façade.

(3) Free-standing signs:

- Shall: (i) be setback at least ten (10') from all property lines, (ii) not exceed twenty (20) feet in height above finished grade, and (iii) not exceed eighty (80) square feet in area; and (iiii) shall be located no less than (hundred) 100 feet away from any other free standing sign
- Free standing signs may only be permitted in the area defined by the perpendicular projection of the primary building facades onto the main right of way  
No more than one (1) free-standing sign per vehicle brand sold on the site may be permitted.

Attorney Chris Drummond opined that the revised text addressed all his concerns. Chairman Hanson thanked Mr. Smith for his work and collaboration with Mr. Hamon and the Planning and Zoning Department.

o **Decision:**

Chairman Hanson asked for a motion to recommend forwarding the Master Sign (Version 4) Text Amendment as submitted to County Council for legislative action.

Commissioner Losty made a motion to recommend accordingly, Commissioner Windsor seconded that motion; all approved.

The text amendment is forwarded to the County Council for legislative action, with a unanimous favorable recommendation from the Planning Commission.

**Post-meeting Discussion:**

- Attorney Chris Drummond provided an update on the Administrative Session of March 3, 2021 from the Public Service Commission (PSC), which reviewed the Richfield Solar Decommissioning Plan. The Decommissioning Plan was adopted by the PSC as presented.
- He expressed how the discussion boiled down to the value of recycling the solar panels at the end of their life expectancy, and confirming who were the companies willing to salvage solar fields, as well as monitoring every 5 years the progression of the salvage value of the panels (since it ultimately establishes the amount of the Decommissioning Bond (-> value of Decommissioning Bond = value of new installation - salvage value of panels)
- Mr. Drummond also stated that since there was no formal or informal moratorium from Council on solar installations, and since the Comprehensive Plan chapter is not in place (nor new zoning regulations adopted), the solar projects currently in process are obligated to follow the normal review procedure
- Finally, Mr. Drummond highlighted the fact that this Commission would have superior control of project approval if the requirements were part of Site Plan Approval, the most executive tool provided at the level of local jurisdictions.

Chairman Hanson asked for a motion to adjourn the meeting. Commissioner Losty made a motion, it was seconded by Commissioner Layton, all approved. The meeting adjourned at 2pm.

Respectfully submitted:

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

Reviewed:  Chairman R. Hanson

Date: 3/17/21