

**DORCHESTER COUNTY
DEPARTMENT OF PLANNING & ZONING
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**Planning Commission
06-02-2021 Meeting Minutes**

The Dorchester County Planning Commission conducted a meeting on Wednesday, June 2nd, 2021 at 12:30pm. The meeting was held both in person and virtually.

Planning Commission:

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

Also attending:

Christopher Drummond, Attorney; Herve Hamon, Director of Planning & Zoning; Susan Webb, Assistant Director of Planning & Zoning; Brandon Vermillion, GIS Specialist; Jason Boothe, Environmental Specialist; Ryan Showalter, Attorney; Christopher Rogers, AECOM Consultant for the Comprehensive Plan

Chairman Hanson called the meeting to order at 12:30pm.

Chairman Hanson asked for a motion to approve the agenda as proposed; Vice-Chair Burroughs made a motion, it was seconded by Commissioner Layton, all approved.

Chairman Hanson asked for a motion to approve the Minutes of the May 20th Planning Commission Special meeting as submitted; Comm. Lewis made a motion, it was seconded by Comm. Windsor; Chairman Hanson and Comm. Giese abstained since they were absent; all approved.

A- Planning and Zoning:

Board of Appeal Case:

BOA Case #2695 Bumgarner Property: Special Exception, 6933 Williamsburg Church Road, Hurlock, MD (Zoned RR – Rural Residential District) Request special exception to operate a firearms business out of an accessory building.

○ **Background:**

- The size of the subject accessory structure is a total of 576 square feet. The total acreage of the lot is 4.99 acres.
- The proposed use is consistent with the Dorchester County Comprehensive Plan to promote revenue and continue a long standing service.
- All business will be conducted inside the accessory structure. (no business outside nor discharge of firearms)

○ **Recommendation:**

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.

Chairman Hanson asked for a motion to close the regular session meeting; Vice Chair Burroughs made a motion, it was seconded by Comm. Giese; all approved.

Chairman Hanson opened the special meeting about the Solar Chapter of the Comprehensive Plan.

In attendance:

Chairman Lin Spicer and Vice Chair Beth Hill from the Board of Appeals; attorney Walter Gunby; East New Market Mayor Caroline Cline; Donald Cheeseman (farmer); John Forgash (solar systems developer).

After Mr. Hamon gave a brief recapitulation of the number of work sessions completed with Council (2) specific to this topic, and prior public meetings having taken place, he introduced Christopher Rogers, Planner for AECOM, and the author of the Comprehensive Plan.

Mr. Rogers outlined the sections of the solar chapter, which will find their place in the Land Use Chapter of the Comprehensive Plan. They are:

- Land-Based Solar Installations
- Maryland renewable Energy Portfolio Standards
- Role of the Public service Commission
- Impacts of Land-Based Solar Installations on Dorchester County, with notes on Table 3.4, Map 3.5 and 3.6. Chapter 6 (Historic and Cultural preservation) and Chapter 10, Economic Development
- Land Based Solar Policies and Strategies

Mr. Rogers stressed out some of the principal goals expressed, such as the preservation of agricultural land, and protection of cultural heritage and resources.

He explained that the Comprehensive Plan represents the foundation to the update of land use regulations, capital investment and policies/operating procedures.

The comprehensive Plan defines overall strategies for the County, and will lead to a rezoning effort and zoning regulations amendments when appropriate.

In complement to the draft of the Solar Chapter, Mr. Hamon presented the **preliminary** directions heard throughout the preceding work sessions and public meetings; such as (only to name a few):

- Overall cap for total amount of solar installations in the County set at **1,200 acres**
- Maximum size of solar installations to be **35 acres**, including the vegetation buffer
- Limitation of production capacity to **2 Mega Watts** (i.e. no Utility Scale Solar)
- Vegetation buffer and setback to be **200 feet**
- Minimum distance to any residence to be **500 feet**
- Top of trees to reach **8 foot** at time of installation; option to create a berm to increase height and visual screening
- No solar energy project to be located closer than **1 mile away** from town boundaries, historic byways, natural preserves or tourist attractions
- **No toxic chemicals**, heavy metals etc. allowed in the composition of the solar panels
- **AND all** regulations a) through n) from the current Dorchester County Zoning Ordinance (Chapter 155) to **still apply**

Once the Solar Chapter is approved as part of the Comprehensive Plan, and the whole Plan adopted, the topics above will be **subject to discussion, public hearings and review** by Council and the Planning Commission, prior to being finalized and entered as new legislation.

o **Public Comments:**

- Mayor Cline expressed that she was relieved since her concerns were addressed
- Chairman Lin Spicer asked that section e) and l) be revised and adjusted: landowner to share responsibility with solar developer
- Vice-Chair Beth Hill asked that section o) specifies that the Board of Appeals still reviews all applications as special exceptions, even if the project is imposed by the Public Service Commission; that would guarantee control over the landscape and site plan requirements. She also asked that a definition of "natural preserves" be introduced.
- John Forgash, from Sol Harvest Energy, explained that the distribution lines available in the County were near capacity and saturation
- Donald Cheeseman expressed his concerns about the lack of visual screening along Osbourne Road, and wishes the issue to be addressed with a better planting plan; he also explained that irrigation should be defined more clearly to avoid insufficient methods
- Commissioner Windsor explained that yearling trees planted next to 5-year old 8-foot pine would grow faster since their

roots did not have to adapt to a new environment after being cut into a ball for planting

- Lin Spicer re-iterated that the term "Prime Farm Land" should be carefully defined (note: it is qualified on Map 3.6 by the USDA Definition)

Chris Rogers expressed that all prior MD Dept. of Planning, public comments and other public inputs to date would be included as record in the presentation to Council of the Final Draft of the Comprehensive Plan for resolution and adoption.

Chairman Hanson asked for a motion to adjourn the meeting. Commissioner Lewis made a motion; it was seconded by Commissioner Windsor, all approved.

The meeting adjourned at 2pm.

Respectfully submitted:

Herve O. Hamon
Director of Planning and Zoning

Reviewed: 

Date: 7/7/21

