

DORCHESTER COUNTY
DEPARTMENT OF PLANNING & ZONING
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Planning Commission
05-20-2021 Meeting Minutes

The Dorchester County Planning Commission conducted a special meeting on Thursday, May 20, 2021 at 12pm. The meeting was held both in person and virtually.

Planning Commission:

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

Also attending:

Herve Hamon, Director of Planning & Zoning; Susan Webb, Assistant Director of Planning & Zoning; Brandon Vermillion, GIS Specialist; Jason Boothe, Environmental Specialist; Ryan Showalter, Attorney

In The absence of Chairman Hanson, Vice-Chair Burroughs took the role of Acting Chairman; he called the meeting to order at 12:05pm. He asked for a moment of silence and prayers for Bill Giese, hospitalized.

A- Planning and Zoning:

- **Administrative Variance #76 – Holland Residence: 770 Hills Point Road, Cambridge, MD 21613**
(Zoned, RR – Rural Residential District, RCA Critical Area) Request to construct new porch into the 100 ft buffer.
Note: this case was postponed from the Planning Commission meeting of May 5th for lack of information on the site plan

○ **Nature of request:**

- Request to approve a new porch construction (168 sq ft) addition attached to the main house, within the 100 foot buffer
- The proposed construction will have little to no impact on the existing buffer.
- Similar variances have been granted in the past for the same type of construction

○ **Decision:**

After Ms. Webb's presentation, Jason Boothe (Environmental Specialist) recommended approving this application, having received no negative comments from the Critical Area Commission, and considering that the applicant came into compliance with all requests.

Commissioner Windsor made a motion to approve the application as submitted. Commissioner Lewis seconded that motion, all approved (vote was 5-0). The Administrative Variance (AV-76) was approved.

B-Text Amendment:

Mr. Hamon introduced the background regarding this case:

- Suicide Bridge Restaurant built and used a deck over water during the period of Covid -19 emergency relief to restaurants, allowing additional outdoor dining to compensate for the loss of business with indoor dining being closed.

- In the process, Suicide Bridge Restaurant did not follow the proper permitting procedure for waterfront and over-water construction, and proceeded immediately with the installation of the deck for outdoor dining
- The deck boards that were used during the Summer of 2020, allowing the restaurant to remain operational, have been removed upon notification of the violation by the Maryland Department of the Environment (MDE)
- The pilings and stringers remain, awaiting an official decision

Ryan Showalter presented the case for the Text Amendment of sections 68-1 and 68-25 of the Dorchester County Code, proposing to **adopt** the definition and language contained in section 8-1808.4 and 8-1808.4(a)(2) of the Natural Resources Article of the Maryland Annotated Code.

Note: Mr. Showalter's proposal originally included the amendment of Section 68-12 (Growth Allocation) of the Dorchester County Code, but a research by the Department of Planning and Zoning concluded, shortly prior to this meeting, that the State map did not reflect a change approved by Council in June 1993, declaring the parcel onto which Suicide Bridge Restaurant is located **LDA** (Limited Development Area) versus **RCA** (Resource Conservation Area) as still shown on the Merlin MD State Map. The RCA zoning would not permit the proposed deck installation without obtaining growth allocation and a zoning classification change.

Due to the documentation presented at the meeting, and with Mr. Showalter confident that the changes from 1993 approved by Council would stand, Section 2 of the Text Amendment regarding the Growth Allocation was dropped.

Acting Chairman Burroughs led the discussion on the content of the definitions:

- **68-1 – NONWATER-DEPENDENT PROJECT** as per the Natural Resources Article of the Maryland Annotated Code was endorsed without changes by the whole Commission and legal Counsel Drummond
- **68-25- 100 FOOT AND EXPANDED BUFFERS (Definition for Nonwater-dependent projects located on state or private wetlands within the Critical Area)** was subject to discussion:
 - 68-25.N(1)(a) mentions "commercial activity permitted as a secondary or accessory use to a permitted principal commercial use"
 - An argument was made by both Attorney Drummond and Director Hamon that the outdoor dining of an existing restaurant use did not constitute a secondary use, but was merely the extension of the primary use
 - Mr. Drummond and Showalter will work together to fine-tune the text, which will introduce the term "expansion of the principal use" in the paragraph aforementioned

Commissioner Windsor made a motion to

- approve the amendments of Sections 68-1 and 68-25 as described above, including the adjustment of 68-25.N(1)(a)
- use the County maps reflecting the parcel as zoned LDA,
- present a favorable recommendation to Council for adoption

Commissioner Lewis seconded that motion, all approved (5-0).

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

The meeting adjourned at 1:15pm.

Respectfully submitted:

Herve O. Hamon
Director of Planning and Zoning

Reviewed: 

Date: _____