

**DORCHESTER COUNTY  
DEPARTMENT OF PLANNING & ZONING  
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**Planning Commission  
11-03-2021 Meeting Minutes**

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

**Planning Commission:**

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

**Also attending:**

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

Chairman Hanson called the meeting to order at 12:03pm.

Chairman Hanson asked for a motion to modify the agenda, and discuss the solar systems landscaping requirements as 3<sup>rd</sup> item; Commissioner Losty made a motion, it was seconded by Commissioner Giese, all approved.

**A. Planning and Zoning:**

- ❖ **Administrative Variance #87 – Anderson Property: N/S Taylors Island Road, Taylors Island, MD (Zoned, V – Village District, LDA Critical Area, and Floodplain)**

**Nature of request:**

Variance to construct an accessory structure less than 300 square feet for personal storage beyond the 50 foot required setback. Similar variances have been granted in the past for the same type of construction.

**Decision:**

After Ms. Webb's presentation, a short discussion ensued regarding the case. Critical Area had no restricting comments for this case. Hearing no opposition, Chairman Hanson asked for a motion to approve AV 87) Administrative Variance #87 – Anderson property; Commissioner Lewis made a motion, it was seconded by Comm. Windsor. All approved (vote was 7-0). The Administrative Variance (AV-87) was approved.

**B. Board of Appeals:**

- ❖ **BOA Case #2715 Duerling Property: Variance, 204 Johnson St., Cambridge, MD (Zoned SR – Suburban Residential District)**

**Nature of request:**

Referral to Board of Appeal to request a variance of 6' from the 35' front yard setback required from the paper road (Willow Street) to construct a detached garage.

**Discussion:**

Mr. Duerling testified that the paper road is unused and unusable, full of mature trees, and that the only 2 properties landlocked if that road was to disappear are in his ownership.

Attorney Drummond and Director Hamon reminded the panel that even though Willow Street is unimproved, it still warrants front yard setbacks by code.

Chairman Hanson recommended to Mr. Duerling to approach his immediate neighbors to inform them.

**Decision:**

Hearing no issue with the application, 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** (in the interest of participation from Chairman Hanson, obligated to leave by 1pm):

o **Solar Energy Systems - Public Service Commission**

Mr. Hamon reminds the commission members that New Market Solar is making its way through the Public Service Commission, with a public hearing scheduled on November 30, 2021, during which, Dorchester County will be asked to represent its position regarding landscaping requirements and site plan approval conditions.

Attorney Drummond reminds the panel that the Public Service Commission looks to local jurisdictions to impose requirements and regulations in that regard.

Mr. Hamon then presents a draft of landscape requirements that would apply to all solar energy systems.

Commissioner Lewis stated that Council as well as members of the public, in the public meetings held up till recently, indicated that the buffer and setbacks should be constant at 200 feet.

He and the rest of the Commission also confirmed they wished to see a 500-foot setback/distance from any residence to the closest solar panel.

Commissioner Windsor expressed that some flexibility should be provided when the solar field is proposed to be immediately adjacent to an established forested area, and provide relief on the 200 foot buffer/setback by requesting proof of forest conservation (and ownership connected to the solar development).

Commissioner Losty agreed that some planning flexibility should be provided when the solar projects are adjacent to major traffic thoroughfare, or industrial lots or commercially developed parcels.

Mr. Hamon will develop further a draft of regulations that includes neighboring context in the definition of setbacks and buffers.

However, consensus is reached that in general the 200-foot buffer needs to stay, as well as the 500-foot from residences.

(Chairman Hanson leaves the meeting at 1pm; Vice Chair Burroughs assumes leadership of the meeting)

- ❖ **BOA Case #2712 Wingate Methodist Church Property: Special Exception, 2035 Crab House Road, Wingate, MD (Zoned V – Village District, LDA Critical Area)**

**Nature of request:**

Referral to Board of Appeal to request **special exception** to expand an existing structure by 372 square feet. Structure already exceeds minimum lot coverage.

**Decision:**

After Ms. Webb's presentation, a short discussion ensued regarding the case. Critical Area had no restricting comments for this case. Vice-Chair Burroughs 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 #2714 Turner Property: Variance, 5518 Bonnie Brook Rd, Cambridge, MD (Zoned SR Suburban Residential District, LDA Critical Area)**

**Nature of request:**

Referral to Board of Appeal to request a variance to permit reduced lot coverage for an accessory apartment.

**Discussion:**

Mr. Hamon explained that this case has some complexity. The SR Suburban Residential zone where the property is located defines the minimum lot size in relation to 2 factors: water service, and sewer. The property is currently served by water from the city of Cambridge, but not by sewer (it has its own septic system sized for the amount of bedrooms of the house AND the proposed accessory apartment).

Accessory apartment zoning requirements, under the Table of Permitted uses, chapter 155, Attachment I, state that the minimum lot area required when seeking to have an accessory apartment shall be 150% of the min. lot size in that district.

In SR, with one of the 2 services (in this case sewer), a min. lot size is 15,000sf. making the lot size WITH accessory apartment  $15,000 \times 1.5 = 22,500$ sf. Argument is made by Mr. Turner who possesses one municipal service (in this case water, although not listed in the table of Density and Bulk), that this would make 22,500sf the minimum lot size required in his case.

Attorney Drummond and Director Hamon concur that a column in the table of bulk is missing, defining the minimum lot size when water is present but not sewer, and they tend to agree with the general idea that 15,000sf should be the number to apply for min. lot size; again making the lot with accessory apartment a minimum of 22,500sf.

Mr. Turner's Lot is only 21,344sf. Mr. Turner is seeking variance to allow for an accessory apartment.

Commissioner Windsor brought up the notion that the lots of the Bonnie Brooks' subdivision were designed prior to the application of the current zoning ordinance, questioning if these minimum lot sizes would apply or be grandfathered.

**Decision:**

After Mr. Hamon's presentation and overall discussion, Chairman Hanson expressed that the opinion of the Commission was in general favorable to the request, based on the information and evidence presented, but certainly needed a Board of Appeal determination. The case is forwarded to the Board of Appeal for further discussion, presentation and decision.

Vice-Chair Burroughs clarified with Ms. Webb that if there was no meeting in December, the elections would take place at the January Planning Commission meeting.

Vice-Chair Burroughs asked for a motion to adjourn the meeting. Commissioner Losty made a motion; it was seconded by Commissioner Giese, all approved.

The meeting adjourned at 1:30 pm.

Respectfully submitted:

Herve O. Hamon  
Director of Planning and Zoning

Reviewed: 

Date: 12/1/21

