

**DORCHESTER COUNTY**  
**DEPARTMENT OF PLANNING & ZONING**  
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**Planning Commission**  
**04-07-2021 Meeting Minutes**

The Dorchester County Planning Commission conducted a meeting on Wednesday April 7, 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, William Windsor and Laura Layton
- Attending by phone:  
Commissioners Mary Losty
- Absent: William Giese

**Also attending:**

Herve Hamon, Director of Planning & Zoning; Susan Webb, Assistant Director of Planning & Zoning; Christopher Drummond, Attorney (by phone); Brandon Vermillion, GIS Specialist; Tom Esham, Zoning Inspector; Jason Boothe, Environmental Planner

For cases presented: Mr. Chapman (in person)

- 1- Chairman Hanson called the meeting to order at 12:05pm, and proceeded with the approval of the modified agenda (go to other business first and hear the Brohawn Site Plan Discussion); Commissioner Layton made a motion to approve the modified agenda, Vice-Chair Burroughs seconded, all approved the agenda as revised.

**2- Other Business: Brohawn Site Plan**

Ms. Webb presented the case of Silvia Brohawn and her tenant Charles Rideout (aka Mr. Buttermilk) on Route 50 in Vienna (4077 and 4079 Ocean Gateway, Map 55 Parcels 90 and 32)

She explained how all reasonable means of communication and notification have been used with Ms. Brohawn without success, and how the property along Route 50 had come into a deplorable state.

She further stressed how the operation of Mr. Rideout (aka Buttermilk) were responsible for the pollution of a named stream at the rear of the parcel, and how the accumulated junk had spilled over to the next property.

Ms. Webb and the Department of Planning and Zoning are seeking revocation of the site plan in place in order to facilitate the enforcement actions.

Tom Esham, Zoning Inspector provided evidence of correspondence, and photos from site visits; as well as a timeline of notification and violation letters

Jason Boothe, Environmental Planner, talked about the various environmental issues and violations; he confirmed that the stream at the rear of the property was a named intermittent perennial blue stream appearing on State maps as Middletown Branch; he mentioned how the cutting up of cars and engines was creating severe pollution to the ground and water table.

Chairman Hanson asked for a motion to revoke the approved site plan (#1346 dated January 7, 2019), and support the remediation actions undertaken by the Department of Planning and Zoning to abate all violations. Commissioner Layton made the motion, it was seconded by Commissioner Windsor; the vote was 5-0 in favor, Commissioner Losty abstained.

**A- Planning and Zoning:**

- **Administrative Variance #69 – Chapman Residence: 2106 Wingate Bishops Head Road, Wingate, MD 21675**  
(Zoned, V-Village District, LDA Critical Area, Floodplain) Request to extend existing primary structure into the 100 ft buffer

o **Nature of request:**

- Proposal utilizes existing developed area.
- Request to approve construction of a 12 x 20' porch addition within the 100 foot buffer
- The porch addition will be for personal use only and not infringe on the enjoyment of surrounding properties.

o **Decision:**

After Ms. Webb 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). Commissioner Losty seconded that motion, all approved (vote was 6-0). The Administrative Variance was approved with the contingency above.

➤ **Administrative Variance #70 Poulson Property: 6119 Twin Point Cove, Cambridge, MD 21613 (Zoned, RR-Rural Residential District, LDA Critical Area, Floodplain) Request to construct a deck within the 100 foot buffer.**

o **Nature of request:**

- Proposal utilizes existing developed area.
- Request to approve construction of a 31' 5" x 12' deck and a 16' 2" x 12' porch addition within the 100 foot buffer
- The deck and porch addition will be for personal use only and not infringe on the enjoyment of surrounding properties.

Upon discussion of the flood plain requirements, Mr. Hamon specified that all flood plain management construction guidelines would be reviewed at the time of the building permit technical review.

o **Decision:**

Commissioner Windsor 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). Commissioner Layton seconded that motion, all approved (vote was 6-0). The Administrative Variance was approved with the contingency above.

## **B- Board of Appeal Cases**

- **BOA Case #2682 Gorogias Property: Variance, 3858 Punch Island Road, Taylors Island, MD (Zoned, RC – Resource Conservation District, RCA Critical Area) Request variance for a modification of the RC Zone setback.**
- **BOA Case #2683 Holotik Property: Special Exception, 5002 Bucktown Road, Cambridge, MD (Zoned, AC – Agricultural Conservation District) Request special exception to allow accessory structure greater than primary structure.**
- **BOA Case #2684 Krebs Property: Special Exception, Hooper Neck Rd, Hoopers Island, MD (Zoned, RCA – Resource Conservation District), RCA Critical Area Request special exception to construct an accessory structure without a primary structure.**
- **BOA Case #2685 Howard Property: Special Exception, 5824 Hudson Wharf Rd, Cambridge, MD (Zoned, V – Village District, LDA Critical Area) Request special exception to construct an accessory structure without a primary structure.**

❖ Discussion Points and Comments:

- On Case #2682, Gorogias Property, Chairman Hanson remarked that the favorable recommendation was designed to help with a bad situation
- On Case #2684, Krebs Property, Mr. Hamon explained that the proposed amendment to the Ordinance text would eliminate the need for such small sheds (less than 300sf) to go in front of the Board of Appeals, and be only looked at for a Zoning Permit
- On Case #2685, Howard Property, Mr. Hamon expressed that he directs applicants in similar cases (a large accessory structure on a relatively small lot (less than 5 acres) to respect the required setbacks of a main structure (per the zoning table) rather than the accessory structure setbacks of 6 feet from the sides and rear yards. Chairman Hanson expressed that the Commission was supportive of this guidance to modify setbacks when such cases occur.

o **Decision:**

Chairman Hanson expressed that the opinion of the Commission was favorable to all the requests listed above, based on the information and evidence presented. The cases are forwarded to the Board of Appeal for further discussion, presentation and decision.

**C- Other Business:**

Text Amendment – Accessory Structure

Mr. Hamon asked the Planning Commission to review the text below, as submitted to and reviewed by Council on March 16, 2021. This would allow to forego the review by both Planning Commission AND Board of Appeal for the construction of small sheds (less than 300 square feet) on lots that do not have a primary structure (providing residents the opportunity to have small storage sheds for the maintenance or enjoyment of parcels throughout the County).

**PROPOSED MODIFIED TEXT**

(2) Except as provided herein, accessory uses and structures are prohibited prior to the completion of the principal uses or structures. Accessory uses or structures shall be permitted on a lot upon issuance of a zoning permit if:

- (a) Construction has begun on the principal structure to the point of putting in place footings and foundation members, provided that construction of the principal structure is diligently pursued;
- (b) The accessory structure is a shore protection device, pier, jetty or boat ramp or fence;
- (c) The accessory structure is 300 square feet or less in area and is used for storage of equipment related to the maintenance or use of the parcel; (d) The Board of Appeals finds, upon application, that the accessory use or structure meets the general, and specific standards if applicable, for granting a special exception.

Vice-Chair Burroughs made a motion to approve the text amendment as presented and refer it back to Council for a public Hearing and later on a legislative modification of the Zoning Ordinance. Commissioner Lewis seconded that motion; all approved (6-0 vote in favor)

**Post-meeting Discussion:**

Mr. Hamon gave a quick update on the most recent issues being handled in the Department of Planning and Zoning:

- o Burmed Infiltration Ponds (McKeil Point status) and Amendment to the Water Sewer Plan
- o Resiliency Study Committees (Cambridge, Hoopersville, Twin Point Cove)
- o Solar installation code revisions (once all public comments are received, input period open until April 19, 2021)

Chairman Hanson asked for a motion to approve a special meeting of the Planning Commission to be conducted on April 21, 2021 at noon, to address the backlog and sheer number of applications; Commissioner Losty made a motion, it was seconded by Commissioner Windsor; all approved.

Chairman Hanson asked for a motion to adjourn the meeting. Vice Chair Burroughs made a motion, it was seconded by Commissioner Losty, all approved. The meeting adjourned at 1:45pm.

Respectfully submitted:

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

Reviewed:  Chairman R. Hanson

Date: 4/14/21