

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES –MAY 7, 2014

The Dorchester County Planning Commission held their regular meeting on May 7, 2014 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Laura Layton, Robbie Hanson, Bill Giese, Ralph Lewis, David Andrews, and Jerry Burroughs. Also present were Rodney Banks, Deputy Director, and Merris Hurley, recording. Absent were Pam Jackson and Chad Malkus and Steve Dodd.

Mr. Hanson called the meeting to order at 12:00 p.m. A motion was made by Mr. Giese to approve the minutes of the April 2, 2014 meeting. Seconded by Mrs. Layton and carried.

Mr. Hanson informed the audience that public comment on the following text amendment was open until the end of April, 2014.

OLD BUSINESS:

A. Text Amendment “Produce Market” –Planning Commission review of revised text amendment # 328-01-2014. Mr. Banks explained to the Commission that the revisions they wanted had been made. Starting with the definition of “locally produced”, the amount of miles to be considered “locally produced” was changed from 250 to 400. The definition of “produce market” was revised so that at least 85% of the annual consumer agricultural products revenue shall be derived from locally produced consumer agricultural products. In 155-50MM(1)A, the acreage was changed from five (5) acres to three (3) and the amount of square footage for a principal structure was changed to 15,000 square feet and the amount of square footage for an accessory structure was changed to 12,000 square feet. In C., retail sales of merchandise other than consumer agricultural products shall not exceed 30%. In E., Mr. Banks told the Commission that the issue of produce markets that are within 100’ of an existing residential dwelling on an adjacent lot or parcel required screening which can be reduced or waived by the Planning Commission. In G., the revision was made to allow a sign that is non- illuminated and temporary on site signs for directions, wayfinding for parking, pedestrians, u-pick and seasonal activities. The Use Table was revised to allow produce markets as a permitted use.

Paul Jackson stated that the Jackson’s were happy with the revisions. Mr. Hanson asked whether or not any new comments had been made since the last meeting and Mr. Banks replied that he had received none.

Emmett Dunnock, 2025 Hudson Road, Cambridge, Maryland, thanked the Commission for making these changes. He also wanted to know if the definition of a produce stand can be revised, because he brings wagons in at certain times. There was some discussion of wagons and accessory structures. A motion was made by Mr. Burroughs to approve the text amendment with the revisions to produce stand and its accessory structures. Seconded by Mr. Giese and carried.

NEW BUSINESS

P&Z # 364D – Verizon Wireless Mount Holly – Site plan approval for communication facility (tower). Mr. Bernadzikowski was sworn in. Mr. Banks informed the Commission that Verizon is looking to erect a 90’ monopole communication tower on Mount Holly Road on property owned by American Mini Storage. The tower site will be located north of the B & B Auto Shop and the mini storage units. There will be a 50’ X 50’ compound with a 10’ wide access road to the site. A very small portion of the property is in the Critical Area but

the tower site is not in the Critical Area, nor is it in the flood plain. Harold Bernadzikowski of Network Building and Consulting, 7380 Coca Cola Drive, Suite 106, Hanover, Maryland, told the Commission that Verizon is looking to expand in this area because there is a need for more coverage. A motion was made by Mr. Lewis to approve the site plan. Seconded by Mrs. Layton and carried.

Critical Area Administrative Variance Request – Case # AV-8, Terence McArdle, requesting an administrative variance from the 100' Tidewater Buffer to replace an existing above ground pool and decking with new in-ground pool. Ms. Henderson and Mr. McArdle were sworn in. Ms. Henderson informed the Commission that Mr. McArdle wanted to replace an above ground pool with a new one. Mr. McArdle also explained that the pool was erected in 1979, at the same time as the house. Ms. Henderson explained that the replacement pool does not encroach any further than the existing structure into the buffer and the replacement pool will not enlarge the existing footprint of the structure by greater than 30%. The property will comply with the lot coverage restrictions. The Critical Area Commission received a copy of the application and had no objections. Since there is no new disturbance in the Buffer, there will be no need for mitigation. A motion was made by Mr. Andrews to recommend approval. Seconded by Mr. Giese and carried.

Critical Area Administrative Variance Request – Case # AV-9, William Jr. and Debbie Outten, requesting an administrative variance from the 100' Tidewater Buffer to expand and replace an existing garage. Ms. Henderson and Mr. Outten were sworn in. Ms. Henderson said that the applicant wanted to replace an existing garage and make it somewhat larger. The existing garage is 24' X 24' and the new one will be 28' X 30'. The replacement garage does not encroach any further than the existing structure into the buffer and the replacement garage will not enlarge the existing footprint of the structure by greater than 30%. The property will comply with the lot coverage restrictions. The Critical Area Commission received a copy of the application and had no objections. The applicant will be mitigating at a ratio of 3:1. A motion was made by Mr. Giese to recommend approval. Seconded by Mr. Andrews and carried.

Critical Area Administrative Variance Request – Case # AV-10, Milton M. Malkus, III, requesting an administrative variance from the 100' Tidewater Buffer to expand existing house with a deck. Ms. Henderson, Mr. Whitten and Mr. Malkus were sworn in. Ms. Henderson told the Commission that the applicant wished to construct a deck onto the existing house. She also said that the proposed deck does not encroach any further than the existing structure into the buffer and the proposed deck will not enlarge the existing footprint of the structure by greater than 30%. The property will comply with the lot coverage restrictions. The Critical Area Commission received a copy of the application and had no objections. The applicant will be mitigating at a ratio of 3:1. Steve Whitten explained that the house was built in 1976, well before the Critical Area laws. A motion was made by Mr. Andrews to recommend approval. Seconded by Mr. Lewis and carried.

Buffer Exempt Area Application, John & Elizabeth Drumgoole, requesting to replace an existing shed in the same footprint as shed and concrete pad within the 100' Tidewater Buffer. Ms. Henderson and Mr. Drumgoole were sworn in. Ms. Henderson informed the Commission that the applicant wished to replace a shed in its same location. The new shed will be 10' X 16' and no closer to the water than the existing shed. The lot coverage will not be increased. The applicant will mitigate at ratio of 2:1. Mr. Drumgoole explained that the existing shed was poorly constructed and is falling apart now. He wants to replace it and raise it approximately 6" so that the water can't get to the bottom of the shed. A motion was made by Mr. Giese to approve this request. Seconded by Mr. Burroughs.

Board of Appeals Cases – Review and recommendation.

Case #2452 - Robert Kramer, Jr., Owner
Michael Dodd, Esq., Applicant

To request, as a special exception, (after the fact), an addition to an accessory structure which will exceed the maximum allowed. Property located at 4379 Cabin Creek Hurlock Road and contains 1.085 acres. RR, Rural Residential Zoning District. The Planning Commission, based on the information provided to them, made a favorable recommendation if the applicant meets the criteria.

Case #2453 - ACG Maryland, LLC, Owner
Robert Burgin, Applicant

To request to allow the construction of a wastewater treatment plant to be located within the required setback. Property located on Karen Circle in the Beaver Neck Village Mobile Home Park and contains 20.6 acres. RR-MH, Rural Residential-Manufactured Home Overlay District. The Planning Commission, based on the information provided to them, made a favorable recommendation.

Case #2454 - Valley Proteins, Owner
Tom Himmler, Applicant

To request, as a special exception, an expansion of a rendering plant to include: a vehicle maintenance facility, truck wash, truck scale, fuel station, drain pad, main office, dissolved air filtration system with sand filter, reverse osmosis building, flow equalization basin tank, fat tanks, boiler room/maintenance shop, load out building, and expansion of the meal silo. Property located at 5420 Linkwood Road and contains 88.31 acres. I-2, Heavy Industrial Zoning District. The Planning Commission, based on the information provided to them, made a favorable recommendation.

With no further business, Mr. Burroughs made a motion to adjourn. Seconded by Mr. Giese and unanimously carried. The meeting was adjourned at 12:45 PM.

Respectfully submitted,



Rodney Banks