

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – JULY 13, 2011

The Dorchester County Planning Commission held their regular meeting on July 13, 2011 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Joy Loeffler, Chairperson, Robert Hanson, Vice Chair, Ralph Lewis, and Laura Layton. Also present were Chad Malkus, Attorney, Steve Dodd, Director, Rodney Banks, Deputy Director of Planning, Michael Bonsteel, Environmental Planner and Merris Hurley, recording. Absent were Pam Jackson and Bill Giese.

Chairperson Joy Loeffler called the meeting to order at 12:00 p.m. Mrs. Loeffler asked for a moment of silence due to the passing of Mr. Leolin Dockins.

Solar Energy Systems, Utility Scale – Review Possible Legislation. Mr. Banks and the Commission reviewed the draft legislation. Bob Dyer of Atwell Consulting was present to answer any questions. Mr. Banks explained the definitions and the Use Table, showing where the use would be a special exception in several zoning districts. In reviewing the Supplemental Use Regulations, the Commission discussed several points: 1. the limiting of the use to 100 acres or more per parcel; 2. the combining of adjacent parcels for this use to equal 100 acres; 3. the setbacks and buffer requirements; and 4. the need for structural engineering analysis and who would be conducting this analysis. Craig Linthicum and Steve Whitten also joined the discussion. Mr. Banks told the Commission that he would make further revisions and bring them back for further review.

P & Z # 1251, Mary Luke, Road Waiver Request. Tim Marshall, David Smith and Steve Dodd were sworn in. Mr. Marshall explained to the Commission that Mr. Smith was buying one residential lot from Mrs. Luke. This lot would be situated in a wooded portion of the property adjacent to MD Route 307. The lot has already been perc tested. Mrs. Luke did not want to place this lot anywhere else so as not to disturb the farming operation and she did not want the lot on Whiteley Road. She also did not want a road constructed that would bisect the farming operation. Mr. Smith informed the Commission that the State Highway Administration did not have a problem with this access point.

Shirley Truitt, 11517 Dale Road, Whaleyville, Maryland, came forward with questions. If this is just one residential lot, she does not have a problem with the approval of this request.

Mrs. Loeffler called for a motion regarding this request. Mr. Hanson made a motion “to approve this request, based on the testimony provided and the information given in the Finding of Fact.” Seconded by Mr. Lewis and unanimously carried. Mr. Dodd asked Mr. Malkus to draft a Finding of Fact for this approval.

P & Z #307A, Victoria Dukes, Road Waiver/Shared Driveway Request. Steve Whitten and Steve Dodd were sworn in. Mr. Whitten explained to the Commission that Ms. Dukes wishes to convert an agricultural lot into a building lot for her parents. She also owns the adjacent parcel. Ms. Dukes plans to use the existing right-of-way. A Shared Driveway Maintenance Agreement has been drafted and reviewed by Mike Moulds of the Department of Public Works, who has no problem with this request being approved, with the condition that the landowner of the right-of-way also be a party to the driveway maintenance agreement. Mr. Whitten told the Commission that if they had to build another driveway, it would be right next to the existing right-of-way.

Mr. Hanson made a motion “to approve the road waiver request and the shared driveway request, based on the testimony presented, the information given in the Finding of Fact and the letter from Mike Moulds. Seconded by Mrs. Layton and unanimously carried. Mrs. Loeffler asked Mr. Malkus to prepare a Findings of Fact for this approval.

Critical Area Buffer Exemption Area (BEA) Request – McQuitty. Mike Bonsteel and Mr. and Mrs. McQuitty were sworn in. Mr. Bonsteel told the Commission that the applicant wishes to keep a 16’ X 56’ deck which was recently constructed without a permit and a 12’ X 22’ shed which was constructed by a previous property owner without a permit. The applicant has already been through the violation process for the deck; fines have been paid and mitigation completed. There was 1,160 square feet of disturbance to the buffer as a result of the two unpermitted structures. The deck is 57’ from the waters of Muddy Hook Cove and the shed is 56’ away. Mr. Bonsteel informed the Commission that the lot is constrained by the buffer; no other Habitat Protection Area will be impacted; no natural vegetation was removed for the construction of the deck; lot coverage is within limits; mitigation plantings must be installed in the buffer, shoreward of structures to the extent possible; no variance has been requested; and a Buffer Management Plan must be completed to ensure mitigation.

Mr. McQuitty told the Commission that he had no problem with more plantings. He told the Commission that he started to fix the existing, smaller deck and it just evolved into rebuilding it and making it larger. Mrs. Layton had a problem with the deck being built without a permit. Mr. McQuitty said that the plantings that he has already placed have cost him approximately \$25,000 and he was sure he won’t ever build anything again without a permit.

Mrs. Loeffler called for a motion regarding this case. Mr. Lewis made a motion “to approve both requests, provided the applicant complies with the Critical Area requirements”. Seconded by Mr. Hanson and unanimously carried.

Board of Appeals Cases - #2398 – J. Tyler & Lisa Blue. To request a variance to the tidewater buffer setback to allow an expansion of an existing dwelling to be located within the tidewater buffer. Property located at 5565 Morris Neck Road and contains 11.93 acres. RC, Resource Conservation Zoning District. Mr. Dodd told the Commission that the applicant wished to replace two stairways and a mudroom/bathroom addition. He also said that staff would support the landings and stairways, but not the mudroom/bathroom. Mr. Hanson made a motion “to support the Director’s position.” Seconded by Mrs. Layton and unanimously carried.

At this time, Mr. Hanson excused himself from the meeting.

Comprehensive Plan Map Amendment – Review City and Town Growth Maps. Mr. Banks explained to the Commission that these maps show the towns and the planned growth area around each of the towns. These new maps show more detail and information than the original map (Figure 2.1). The maps do not amend, but rather are supportive of Figure 2.1 which is the Dorchester County Comprehensive Plan Land Use Concept Plan. These maps will later be a part of a public hearing before the Planning Commission and then the County Council as a Comprehensive Plan Map Amendment.

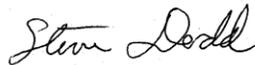
Update of Critical Area Program Refinements Legislation. Mr. Bonsteel told the Commission that he and Mr. Banks had gone up to the Critical Area Commission to present their refinements to the CAC. They were not informed of any format to these presentations, and after another county showed their presentation, they realized that they were at a distinct disadvantage. Other counties had used Power Point presentations and handouts, etc. and the other counties CAC representatives were very helpful. Dorchester County’s representative in the CAC had problems explaining the refinements to the CAC.

It was suggested that Mr. Bonsteel and Mr. Banks go back to the CAC with a visual presentation, which should include how much property in Dorchester County is not developable without these refinements. Mr. Bonsteel said that they would be more than happy to do so, and would have previously, if he had known that was going to be the format for the meeting.

Mr. Malkus informed the Commission that he had a conversation with Wayne Markey concerning his court case. Mr. Markey conceded that staff was not trying to delay his application, that all staff wanted was clarification that the transcript was done by someone that was qualified. Mr. Malkus said that if Mr. Markey were to provide that information, then staff would not have any problems processing the application.

With no further items or information, Chairperson Loeffler asked for a motion to adjourn the meeting. Mr. Lewis made the motion and Mrs. Layton seconded the motion. The motion carried unanimously. The meeting was adjourned at 2:25 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Dodd".

Steve Dodd