

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – SEPTEMBER 4, 2013

The Dorchester County Planning Commission held their regular meeting on September 4, 2013 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robbie Hanson, Bill Giese, David Andrews, Laura Layton, and Ralph Lewis and Jerry Burroughs. Also present were Chad Malkus, Attorney, Steve Dodd, Director of Planning, Rodney Banks, Deputy Director, and Merris Hurley, recording. Absent was Pam Jackson.

Mr. Hanson welcomed Jerry Burroughs as the new member of the Commission.

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 July 3, 2013 meeting. Seconded by Mrs. Layton and carried.

Mr. Hanson decided to skip over Holland Point at this time until Mr. Malkus arrives.

Mr. Hanson called for nominations for Chairman of the Planning Commission. Mr. Giese nominated Mr. Hanson for Chairman. Seconded by Mrs. Layton and carried. Mr. Andrews then nominated Mrs. Layton as Vice Chairperson. Seconded by Mr. Giese and carried.

B. Critical Area Administrative Variance Request – Case # AV-5, Phillip and Nancy Hesser, Requesting a variance to rebuild and relocate an existing shed in the 100' Tidewater Buffer. Mr. Banks explained to the Commission that the applicant is requesting an administrative variance from the 100' tidewater buffer to rebuild and relocate an existing shed. The rebuilt shed will be larger in size than the existing shed and will be outside of the 6' side yard setback. Existing shed is 20' X 26' (520 square feet), rebuilt shed will measure 24' X 24' (576 square feet) resulting in an additional 56 square feet of lot coverage. The replacement or expansion does not encroach any further than the existing structure into the 100' tidewater buffer and the proposed expansion will not enlarge the existing footprint of the structure by greater than 30%. The property will comply with the lot coverage restrictions of 15%. A motion was made by Mr. Andrews to give a favorable recommendation. Seconded by Mr. Burroughs and carried.

C. Solis Energy Solutions – Site Plan Review, P & Z # 1274, Solar Energy Systems, Utility Scale - Dolan Site. Mr. Shearon, Mr. Brunsvold, Mr. Hutzell, Mr. Greenwood and Mr. Banks were sworn in. Mr. Banks gave a short summary of the project to the Commission. The project has already been to the Board of Appeals and approved. The property is in agricultural use and has 14 acres of forest land.

Kevin Shearon, of Davis, Moore, Shearon and Associates, explained to the Commission that the property belongs to Gloria Dolan and they have a Letter of Intent to lease the property for 30 years.

Jim Dolan, property owner, told the Commission that they live across the road and would like the screening to be waived so that he can keep an eye on the panels.

Mr. Shearon said that they were planning a 30' screening buffer of Eastern white pines and red cedar. Mr. Burroughs asked if they could possibly plant shrubs instead of trees on Mount Zion Road. Mr. Hutzell asked if it was possible to reach a compromise. Mr. Dodd told

the Commission that the minimum height requirement for screening was 8'. A motion was made by Mr. Andrews to approve the site plan with a 30' buffer of 8' in height on Williamsburg Road. Seconded by Mrs. Layton and carried.

A. Holland Point Preserve – Discussion regarding Planting Plan Maintenance and Management Agreement with Surety (Performance Bond), Sanitary District Agreement, and Record Plat. Mr. Dodd explained to the Commission that this subdivision was recorded in December of 2009 and the planting agreement, letter of credit, shared facility and shared driveway are all in default. Mr. Dodd would like the Commission to suspend final subdivision approval until these performance standards are met.

Ryan Showalter, Miles and Stockbridge, attorney for the owner, Donald Eckrod, explained to the Commission that the owner wishes to use the property for recreational purposes and does not want the subdivision. His plans are to donate a portion to the Maryland Environmental Trust and keep lots 6 and 8. Once the MET donation is approved, they plan to submit a lot line revision to that effect.

Robert Tieder from the Sanitary Commission was sworn in and told the Commission about the letter he sent to the owner regarding the lack of activity. He said that if the Planning staff is okay with the owner's plans, that he would also be okay with the plans.

A motion made by Mrs. Layton to authorize a letter drafted by Mr. Malkus to applicant with a deadline of January 1, 2014 for submittal of revised plat. Seconded by Mr. Andrews and carried.

D. Standard Solar – Site Plan Review, P & Z # 1273, Solar Energy Systems, Utility Scale - Dorchester County Site. Mr. Banks, Ms. McCrossin and Mr. Busler were sworn in. Mr. Banks gave a brief summary of this project to the Commission. He told the Commission that the energy is not going to be sold back to the grid, it is going to several of the County's meters instead. The applicant is asking that the screening requirement be waived. Robert Busler of Solar Energy Systems, submitted some photographs of the site for the Commission to see. He also submitted a package including a synopsis of the BZA hearing and an explanation of how this project is different from the case that was heard earlier in the meeting. Also included with the photographs is a brochure of their Kent County sites in which no buffer was required. They are moving the site 10' to the west so that the farmer who farms the property can maneuver around the fence line. Mr. Busler pointed out in one of the pictures that there is a row of mature trees across the road buffering the site from the property owners. He also told the Commission that the residents immediate adjacent would like the screening waived also. A motion was made by Mr. Burroughs to approve the site plan with a 30' buffer 8' in height as presented. Seconded by Mr. Lewis and carried.

E. Planning Commission Annual Report – Review and Approval. A motion was made by Mr. Andrews to give a favorable recommendation on the annual report and forward it to the County Council. Seconded by Mr. Giese and unanimously carried.

F. Appointment of County Representative to the City of Cambridge Planning Commission. A motion was made by Mr. Giese to appoint Jerry Burroughs to serve as a member of the City Council. Seconded Mr. Lewis and carried.

Board of Appeal Cases - The following cases were presented to the Planning Commission for review/comment:

Case #2438 - Eric Ploegh, Applicant
Jones Implement Company, Owner

To request a variance to exceed the maximum permitted square footage for an off-premise free-standing sign advertising the "Hot Spot - Cool Eats" restaurant. Property located at 3440 Ocean Gateway and contains 1.01 acres. B-2, General Business District. The Planning Commission, based on the information presented to them, had no recommendation.

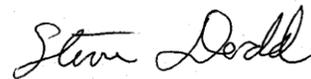
Case #2444 - Steven and Pamela Gray

To request, as a special exception, an accessory structure(s) larger than the principal structure. Property located at 6479 Wheatley Road and contains 7 acres. AC, Agricultural Conservation Zoning District. The Planning Commission, based on the information presented to them, gave a favorable recommendation.

A motion was made by Mr. Giese to approve the PC schedule for next year. Seconded by Mr. Andrews and carried.

With no further items or information, Mr. Burroughs made a motion to adjourn the meeting. Mr. Giese seconded the motion and it was carried unanimously. The meeting was adjourned at 1:30 PM.

Respectfully submitted,

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

Steve Dodd