

## DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – June 1, 2016

The Dorchester County Planning Commission held their regular meeting on June 1, 2016, at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chair, Laura Layton, Vice Chair, Bill Giese, Ralph Lewis and Mary Losty. Also present were Rodney Banks, Deputy Director, Brian Soper Critical Area Planner and Christopher Drummond, Attorney. Absent were Steve Dodd, Director, and Jeffrey King.

Mr. Hanson called the meeting to order at 12:00 p.m.

Mr. Hanson asked for a motion to approve the minutes of May 4, 2016. Mr. Giese made a motion to approve the minutes with one correction and Ms. Losty seconded. The motion unanimously carried.

**OLD BUSINESS****A. POSTPONED P & Z #804E continued – One Energy Dorchester, LLC, applicant – Site Plan Approval.****NEW BUSINESS****A. P&Z #1103B – Shared Driveway Request – Cynthia Gerber – For property identified on Tax Map 43, Grid 20, Parcel 243, lots 1 & 2.**

Mr. Banks reviewed the request. This is a proposed two lot minor subdivision on Beaver Neck Village Road. Mr. Banks advised that the subdivision regulations permit this with Planning Commission approval. He also noted that a shared driveway maintenance agreement would be needed if this request is approved.

William Craig, Surveyor, also spoke about the request. Mr. Craig advised that there are two development rights in the critical area and two in the Agricultural Conservation zone. The shared driveway will go through the Resource Conservation area, this will be the only disturbance in that zone. Mr. Craig noted that Greg LaBlanc of DPW has requested that the shared driveway entrance be perpendicular to Beaver Neck Village Road. Mr. Craig has also received comments from the Health Department and Mr. Dodd. He stated that most of these items will be addressed on the site plan, if the shared driveway request is approved.

Mr. Hanson asked for a motion to accept with the following conditions and following the proper process. (1) Per DPW (Greg LeBlanc) – change shared driveway to intersect with Beaver Neck Village Road at a 90° angle. (2) Complete a Shared Driveway Agreement (3) Address Steve Dodd's comments. (4) Grading permit/stormwater management plan. Mr. Lewis made the motion and Ms. Losty seconded. The motion was unanimously carried.

**B. BEA Permit Application – Michael & Susan Sicuranza, owners  
1113 Keys Road, Fishing Creek, Maryland – requesting approval to  
demolish an old section of the existing dwelling and rebuild a smaller  
home with an in ground pool all within the 100 ft. Critical Area  
Tidewater Buffer.**

Mr. Soper reviewed the BEA application and the Buffer Exempt Area Staff Report. The property is .71 acres, zoning is Village, and the Critical Area Overlay is LDA. All proposed disturbance will be no closer to shoreline than existing dwelling. Current lot coverage is 5,108.1 sq. ft. Proposed development will decrease lot coverage by 306.1 sq. ft. for a total lot coverage of 4,802 sq. ft. Maximum allowed lot coverage is 5,445 sq. ft. Mitigation would be 2:1. Mr. Soper advised that he had received a letter from Julie Roberts, Critical Area Commission dated May 23, 2016 stating they had no objection to the request. Mr. Soper advised that mitigation for the 2014 BEA has not been done and will need to be completed along with mitigation for this BEA. Mr. Soper also reviewed the Application of Ordinance Language (1555-38.j.5.c.1-8) to Facts.

Mr. Hanson asked for a motion to approve the BEA application with 2:1 mitigation. Mr. Lewis made the motion and Mr. Giese seconded. The motion unanimously carried.

**Comprehensive Water and Sewer Plan Amendment application,  
Suicide Bridge Restaurant, Inc. – Finding of Consistency with the  
County Comprehensive Plan.**

Mr. Banks advised that this is a request to amend the County's Water and Sewer Plan, to include text changes to two charts in the Plan and a proposed sewer service area map showing a request for a denied sewer access line to run from Suicide Bridge Restaurant to the Hurlock sewer treatment plant. The purpose of the request today is to show that the amendment is consistent with the County's Comprehensive Plan. If the Planning Commission finds it consistent, a recommendation will be made to the County Council and a public hearing would be held.

Ryan Showalter, McAllister, DeTar, Showalter & Walker LLC, presented the request. Mr. Showalter advised that the owner of the restaurant is having a truck haul the waste water from the system to the Hurlock treatment station on a daily basis. Several other options were looked at but it has been determined that the denied sewer access line to the Hurlock treatment plant would be the most cost effective and efficient approach. Maryland Department of Planning and Maryland Department of the Environment are supportive of this plan.

Mr. Showalter gave an overview of how the system would work. The existing septic system will stay in place but will be disconnected from the drain fields. A pump at the tanks will pump only the effluent, solids will settle and be managed in the septic tank. The line will be installed by the restaurant owner and will be inspected by the town of Hurlock during construction. The line will be dedicated to the town after construction is completed. Hurlock will own and maintain

everything from the pump station to the manhole, at the restaurant owner's expense.

William Forelifer, Dorchester County Health Department spoke about the request and reviewed his comments. There have been numerous repairs to the drain fields over the years and the amount of wastewater has continually increased. He noted that nitrogen will be removed from the wastewater at the treatment plant. With the present system this is not possible.

Mr. Drummond advised that there have been issues with denied access sewer systems. Questions have been raised as to whether properties within the vicinity of a line have the right to hook into the system. Mr. Showalter stated that it is his understanding that if the town extends a line outside of its boundaries, without significant justification or unique circumstance, they put themselves in the position of being a public utility and can't deny similar properties. The service agreement that was drawn up by the Hurlock Attorney includes language covering these points. Mr. Showalter also noted that the majority of the sewer line will not be in a public right of way.

Ms. Losty made a motion to send a favorable recommendation to the County Council concerning the Water & Sewer amendment application for Suicide Bridge Restaurant finding consistency with the County Comprehensive Plan. Mr. Giese seconded and the motion carried unanimously.

**C. Text Amendment #331-01-2016 – Greenlawn Cemetery of Cambridge Maryland, LLC, owners, the purpose of the amendment is to revise the Table of Permitted Uses to include commercial cemeteries and crematoriums as a Special Exception use in the RR-RCA zoning district.**

Mr. Banks reviewed the request. The applicant has an existing cemetery and crematorium. The applicant would like to expand the crematory. Property is in the critical area, zoned RR-RCA. The crematorium is a nonconforming use in this zoning district. Since the Board of Appeals is limited in the amount of square footage they can approve in a nonconforming situation, the applicant is requesting a text amendment that would permit cemeteries and crematoriums within the RR-RCA zoning district by special exception. Mr. Banks explained that the Planning Commission's role is to make a recommendation to the County Council. If the County Council approves the amendment, the applicant would need to go before the Board of Appeals for approval of a special exception. Since there will be 6,000 sq. ft. of disturbance with the new building, the applicant would need to come before the Planning Commission for site plan approval. Mr. Soper noted that if approved by the County Council, the motion would need to state "pending Critical Area approval".

Ryan Showalter, McAllister, DeTar, Showalter & Walker LLC, spoke about the amendment and noted that because the crematorium is a significant part of the business, the owner would prefer it not be considered a non-conforming use should the structure somehow be destroyed.

Mr. Giese made a motion to make a favorable recommendation to the County Council to revise the "Table of Permitted Uses" to include commercial cemeteries and crematoriums as a special exception to the RR-RCA zoning district only. Mrs. Layton seconded and the motion was unanimously carried.

**D. Board of Appeals Case – Review and recommendation**

**Case # 2593- Kevin & Susan Bradley**

**To request, a variance from the required setback to a property line for a poultry manure storage shed and composter. Applicant seeks a variance of 90 feet from the required 200 feet setback.**

Based on the information provided, the Planning Commission had no objection to this request as long as the neighbors have no objection.

**INFORMATION**

Mr. Hanson asked about the status of the plans for the solar panel project on Linkwood Road (Webster property). Mr. Banks advised that they are still working on the forest conservation plan and might come back before the Planning Commission in July or August.

Mr. Banks advised that they are meeting with OneEnergy today concerning another project outside of the town of East New Market on Linkwood Road. This project would be the largest in Dorchester County to date.

Mr. Drummond advised that more problems have surfaced concerning the solar projects on the Eastern Shore since he spoke about them last month. MACO may take up legislation to assist the counties that are having problems moving forward with these projects, to include several on the western shore.

With no further business, Mr. Giese made a motion to adjourn and Mrs. Layton seconded. The motion was unanimously carried. The meeting was adjourned at 1:15 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a cursive name, possibly "Kevin & Susan Bradley" or similar, written over a horizontal line.