

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – October 4, 2017

The Dorchester County Planning Commission held their regular meeting on October 4, 2017 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chair, Bill Giese, Ralph Lewis, Mary Losty, Jeffrey King and Jerry Burroughs. Also present were Rodney Banks, Deputy Director, Brian Soper, Critical Area Planner and Christopher Drummond, Attorney. Absent: Laura Layton and Steve Dodd, Director.

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

Mr. Hanson asked for a motion to approve the minutes of September 6, 2017. Mr. Giese made a motion to approve the minutes and Mr. Burroughs seconded. The motion unanimously carried.

OLD BUSINESS

A. None

NEW BUSINESS

A. **P & Z #258G – Shared Driveway Request – Phyllis A. Burton. For property identified on Tax Map 31, Grid 6, Parcel 26, zoned RR-RCA, Rural Residential, Resource Conservation Area and containing 21.64 acres.**

Mr. Soper reviewed the shared driveway request. The owner has applied for an intrafamily subdivision and as part of the application, they will need to have an approved shared driveway agreement.

Tim Marshall, Surveyor, Tim Marshall & Associates, representing the owner, spoke about the request. He advised that the owner is dividing a parcel into two parcels. He noted that there is a 30 ft. wide right of way that serves the existing parcel. The two parcels would share this right of way.

Mr. Soper reviewed a memo dated June 27th, from Greg LeBlanc, Department of Public Works stating that he would like to see the right of way expanded from a width of 20 ft. to 30 ft. Mr. Marshall advised that the right of way is already 30 ft. wide. Mr. LeBlanc also requested that the recorded right of way information be added for Cedar Grove Road, liber 1197, folio 24.

Mr. Hanson asked for a motion. Mr. Lewis made a motion to approve the shared driveway request and Mr. King seconded. The motion unanimously carried.

B. Board of Appeals Cases – Review and recommendation.

**Case # 2619 - Douglas & Patti Scott - Owner
Steve Whitten- Applicant**

To request a variance to allow a pier to be located across lateral line dividing two riparian owners. Property is located at 5935 Castle Haven Road, Cambridge, MD 21613. Containing 9.5 acres. Zoned RC – Resource Conservation.

Based on the information provided, the Planning Commission gave a favorable recommendation for the variance.

**Case # 2620 – Phyllis A. Burton - Owner
Lee & Roslyn Tibbs - Applicants**

To request a Special Exception to (a) allow accessory structures prior to a principal due to proposed subdivision of property and (b) allow existing accessory structures of a total square footage which exceeds proposed footprint of home and/or 1,200 sq. ft. Current total square footage of building = 6,762 sq. ft. Property located at 5706 Cedar Grove Road, East New Market, MD 21613. Containing 23.9 acres. Zoned RR-RCA.

Based on the information provided, the Planning Commission gave a favorable recommendation for the special exception.

- C. Tracy Whitby Fairall, 5732 Linkwood Road, East New Market, MD, a citizen of North Dorchester and one of the founders of the North Dorchester Neighborhood Coalition spoke about some of the issues/concerns pertaining to utility scale solar projects within Dorchester County. She also asked about the input the Planning Commission has concerning these projects, particularly after the case has been heard by the Board of Appeals. Mr. Hanson reviewed the Planning Commission's role. The Planning Commission receives the site plan for consideration if the Board of Appeals grants the request. The site plan must be in agreement with the ordinance. The Planning Commission receives a staff report that has information pertaining to the Board of Appeals ruling, but not the transcript. Mr. Hanson also noted that several of the Planning Commission members have attended the citizen meetings concerning these projects.

Mr. Hanson pointed out that a real dilemma is that the owner of the farm land involved in these projects has a right to do what they want with the land. There was a discussion on farm land being taken out of production and impact to surrounding neighbors. Ms. Fairall stated that she contests these projects in North Dorchester since they are not consistent with the 1996 Comprehensive Plan that states the land will remain primarily agricultural.

There was a discussion on the Bucktown utility scale solar project and the mistakes that were made by the Planning Commission concerning the site plan. Mr. Hanson advised that the Planning Commission will require all new utility scale solar projects to be screened and bonded to protect the screening plants. They will also need to meet setback requirements.

Ms. Fairall asked what could be done to circumvent issues with the site plan. Mr. Drummond advised that the county can regulate land use, and where something can be placed on the ground. Noise, dust and glare would be issues for special exception. The Board of Appeals must take into consideration the impact to surrounding neighbors, however the impact must be unique and different to the individual project. There was also a discussion on the types of taxes the counties could impose on solar equipment to possibly deter developers of utility scale solar projects.

Mr. Drummond reviewed the appeal process if the Planning Commission were to deny a site plan for a utility scale solar project. He advised that the decision could be appealed at the Board of Appeals level. They would review the site plan criteria and decide if it does or does not meet all the criteria. If the Board rules with the Planning Commission it could go to the circuit court for a ruling.

There was a discussion as to who is responsible for inspection of these projects during construction. It was agreed that most of the time it will fall to the local agencies.

Ms. Fairall agreed to share the information she has obtained concerning utility scale solar projects with the Planning Commission.

There was a discussion on several projects pending in the North Dorchester area. Mr. Drummond advised Ms. Fairall to speak to the County Manager about getting the County Council involved through the County Attorney.

INFORMATION

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

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Lewis", written in a cursive style.