

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – July 5, 2017

The Dorchester County Planning Commission held their regular meeting on July 5, 2017 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chair, Laura Layton, Bill Giese, Ralph Lewis, Mary Losty and Jerry Burroughs. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, and Christopher Drummond, Attorney. Absent: Jeffrey King and Brian Soper, Critical Area Planner.

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

Mr. Hanson asked for a motion to approve the minutes of June 7, 2017. Mrs. Layton made a motion to approve the minutes and Mr. Giese seconded. The motion carried with Mr. Burroughs abstaining.

Mr. Hanson welcomed Mr. Burroughs to the Planning Commission.

OLD BUSINESS

- A. Subdivision Waiver Request for a Shared Driveway to permit 3 lots to be served by a shared driveway – Brendan M. Keegan, Sr. owner, Ryan Showalter, applicant - For property identified on Tax Map 40, Grid 8, Parcel 72, and located at 1713 Town Point Road.**

Mr. Showalter, applicant, McAllister, DeTar, Showalter and Walker, advised that Mr. Dixon has signed the shared driveway agreement that was presented at the June Planning Commission meeting. As discussed at the June meeting, there will be one by-pass area in the middle of the driveway. Each property owner will share 1/3 of the cost for any maintenance to the driveway. Mr. Keegan owns two lots now, so he will pay 2/3 of the cost until the lot is sold. The agreement runs with the land. Mr. Drummond reviewed and approved the agreement. Mr. Showalter advised that he will revise the plat with a new note referencing the waiver and the recording reference for the shared driveway agreement.

Mr. Giese made a motion to approve the waiver request and Ms. Losty seconded. The motion carried with Mr. Burroughs and Mr. Lewis abstaining.

NEW BUSINESS

- A. Town of Vienna Annexation, Zoning Waiver Request – Approval of proposed municipal zoning for the Larmore-Maryland Route 331 property (Tax Map 56, Grid 22, Parcel 162).**

Mr. Banks reviewed the zoning waiver request. He advised that Mr. Larmore, owner, has requested the property be re-zoned B-1, General Business when it is annexed, it is now zoned Residential. Mr. Banks stated that through State law, a property being annexed must be similar in zoning with its current county zoning; noting that B-1 is very different from Residential zoning. Mr. Banks advised that State annexation law provides that the Planning Commission, by

recommendation to the County Council, and then the County Council by authorization, can grant a waiver from the 5-year zoning requirement to allow the zoning to be changed to B-1.

Mr. Larmore, owner, Russell Brinsfield, Mayor of the Town of Vienna and any other person who would be testifying in this case, were sworn in.

Mr. Larmore explained that there was a warehouse on the property at one time and because of that, he believes the residential zoning was in error. Mr. Larmore reviewed what is on the surrounding properties. Mr. Larmore stated that he would like to put some type of business on this property that would draw traffic to Vienna, but is unsure at this time what it would be. He noted that it would be allowable in the B-1 zoning. Mr. Brinsfield stated that the town fully supports the annexation and change in zoning.

Mr. Drummond asked if the owner of parcel 110 had been contacted about annexing their property at the same time. Mary Jane Marine, Codes Officer for the Town of Vienna advised that they had not been contacted about annexation. Mr. Drummond advised that annexation is supposed to be contiguous to the corporate boundaries. Questions have been raised as to whether annexation of parcel 162 is contiguous because of the road. It was also noted that Parcel 162 is served by town water and sewer. Mr. Drummond advised that when parcel 162 is annexed, parcel 110 could demand to be hooked up to the town water and sewer. This could set a precedence for parcels outside the town demanding town water and sewer service.

Mr. Hanson asked for a motion. Mrs. Layton made a motion to recommend that the County Council waive the 5-year statutory hold the Council can put on substantially dissimilar zoning of annexed property. Ms. Losty seconded and the motion unanimously passed.

Critical Area Administrative Variance Case #AV-31, Stephen Heyneman, owner, Steve Whitten, applicant, for property located at 1737 Hudson Road, Cambridge, Maryland. Requesting an administrative variance to allow for the expansion of the existing dwelling with an addition and a chimney/fireplace within the Chesapeake Bay Critical Area 100' Buffer.

Steve Whitten, applicant, 108 Dorchester Avenue, Cambridge, MD and any other person who would be testifying in this case, were sworn in.

Mr. Banks reviewed the case. Property is 1.68 acres, zoned RC, critical area overlay is RCA. Applicant is requesting an administrative variance for an addition of approximately 52 sq. ft. to an existing dwelling within the 100' buffer. Lot was developed prior to the Critical Area Law. The request meets all the requirements for an administrative variance. Mr. Banks reviewed a letter dated June 16, 2017 from Tay Harris of the Critical Area Commission stating they are not opposed to the variance. Mitigation will be required at a 3 to 1 ratio.

Mr. Hanson advised Mr. Whitten that a buffer management plan will be required at the time of permit application.

Mr. Whitten reviewed the proposed additions, a screened porch, fireplace/chimney, landings and steps.

Mr. Hanson asked for a motion. Mr. Lewis made a motion to approve the administrative variance with the stipulation that they comply with the mitigation requirements. Mr. Giese seconded and the motion unanimously carried.

B. Critical Area Administrative Variance Case #AV-32, Kevin McConville and Bernadette Murphy, owners, Steve Whitten, applicant, for property located at 840 Hills Point Road, Cambridge, Maryland. Requesting an administrative variance to allow for the replacement of an existing porch and construction of a new landing and steps within the Chesapeake Bay Critical Area 100' Buffer.

Mr. Banks reviewed the request. Property is 2.4 acres. The zoning is RR, and critical area overlay is LDA. Owners would like to replace an existing porch, landing and steps in a new location within the 100' buffer. Total disturbance will be 270 sq. ft. Lot was developed prior to the adoption of the Critical Area Law.

Mr. Hanson reviewed a letter from Tay Harris, Critical Area Commission dated June 15, 2017. He noted that mitigation will be required at a 3 to 1 ratio and a buffer management plan will be required at the time of permit application.

Mr. Whitten reviewed the variance. He noted that this is a historic house, constructed in the 1800's. He advised the owners plan to keep the original portion of the house. The porch will be on the back side of the house. A landing and steps will be added to the front doorway. The owners plan to use this as an accessory guest bedroom. The primary residence will be built at a later date. An existing accessory structure will also be removed. Mr. Whitten advised the owners intend to make the existing structure compliant with the floodplain ordinance.

Mr. Hanson asked for a motion. Mr. Giese made a motion to approve the administrative variance with the stipulation that a buffer management plan will be required at the time of permit application. Mr. Lewis seconded and the motion unanimously carried.

C. Critical Area Administrative Variance Case #AV-33, Mark and Juanita Rilling, owners, Steve Whitten, applicant, for property located at 5408 Cassons Neck Road, Cambridge, Maryland. Requesting an administrative variance to allow for the construction of a deck within the Chesapeake Bay Critical Area 100' Buffer.

Mr. Banks reviewed the request. The parcel is 2.98 acres, zoning is RC, and the critical area overlay is RCA. The lot was developed prior to adoption of the Critical Area Law. Request adheres to the rules of an administrative variance in the critical area.

Mr. Hanson reviewed a letter from Tay Harris of the Critical Area Commission dated June 15, 2017. He noted that a buffer management plan will be required at the time of permit application. Mitigation is at a 3 to 1 ratio.

Mr. Whitten advised the owners would like to elevate the house to meet the flood protection elevation. Mr. Whitten stated that sliding glass doors were installed on every side of the house, there are no windows. The owners want to construct a wrap-around deck for a more uniform look. He noted that they are allowed to be closer than the existing because there is a buffer on more than one side. The expansion cannot encroach any further than 50 ft. into any of the buffers. Buffer will be reduced to 60.8 ft.

Mr. Hanson asked for a motion. Mr. Giese made a motion to approve the administrative variance with the stipulation that a buffer management plan will be required at the time of permit application. Ms. Losty seconded and the motion unanimously carried.

D. Comprehensive Plan Update - Discussion

Mr. Dodd reviewed the "Talking Points for Comprehensive Plan Update" that was part of the agenda packet. Mr. Burroughs and Ms. Losty spoke about how the City of Cambridge had updated their Plan. There was a lengthy discussion on the advisory panels and sub committees.

E. Board of Appeals Cases – Review and recommendation.

Case # 2614 Lowin Farms LLC

Steve Whitten- Applicant

To request, as a special exception, a sum total area of accessory structures greater than the building footprint of the principal residential structure, or as allowed by Code. Sum total of accessory building request is 6,039 Sq. ft. Property is located at 6420 Cabin Creek Road Hurlock, MD 21643. Containing 139.4 acres. Zoned AC- Agricultural Conservation.

Based on the information provided, the Planning Commission had no objection to this request.

Case # 2615 Frosty Freezer LLC- Harry Phillips- Owner

Steve Whitten- Applicant

To amend previously approved special exception to allow Seafood Processing in the Village Zone by revising building size from 3,400 sq. ft. to 3,500 sq. ft. Property located 2810 Hoopers Island Road Fishing Creek, MD 21634. Containing 1.74 acres.

Based on the information provided, the Planning Commission had no objection to this request.

INFORMATION

With no further business, Mr. Giese made a motion to adjourn and Ms. Losty seconded. The motion unanimously carried. The meeting was adjourned at 1:05 pm.

Respectfully submitted,

