

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – March 7, 2018

The Dorchester County Planning Commission held their regular meeting on March 7, 2018 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, Jerry Burroughs, Ralph Lewis, Mary Losty and Jeffrey King. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, Brian Soper, Critical Area Planner and Christopher Drummond, Attorney.

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

Mr. Hanson asked for a motion to approve the minutes of February 7, 2018. Mr. Lewis made a motion to approve the minutes with one correction and Ms. Losty seconded. The motion unanimously carried.

Mr. Dodd introduced Katy Maglio, a new Planning & Zoning staff member who took the GIS position.

OLD BUSINESS

A. None

NEW BUSINESS

A. Critical Area Administrative Variance Request – Case #AV-40, Christopher Dunmon, owner, for property located at 1826 Hoopersville Road, Hoopersville, Maryland. Requesting an administrative variance approval to allow the replacement and expansion of an existing dwelling and construction of a deck and driveway within the Chesapeake Bay Critical Area 100' Buffer.

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

Mr. Soper presented the request. Property is zoned V – Village, size of property is 98,314 sq. ft. and the Critical Area Overlay is LDA, Limited Development Area. The administrative variance is for the expansion and replacement of a dwelling, construction of a deck and driveway within the 100' buffer. Mr. Soper reviewed the Staff Report dated March 7, 2018. Charlotte Shearin, Critical Area Commission, stated in an email dated February 16, 2018 that they did not oppose the request provided mitigation is performed as required. A buffer management plan will be required at the time of permit application.

Mr. Whitten expanded on Mr. Soper's comments and, there was a discussion on the mitigation plan. Mr. Soper noted that very few shrubs/trees would survive on this property due to it being so wet. Mr. Soper advised that he has spoken with the owner and the property would be a good candidate to allow for regeneration. Mr. Whitten noted that there are several non-tidal wetland buffers that would be suitable for regeneration if left unmowed.

Mr. Burroughs made a motion to send a favorable recommendation to the Director. Ms. Losty seconded and the motion unanimously carried.

B. Sunset Cove Subdivision – Plat note discussion regarding driveway access to county road.

Mr. Banks reviewed the request. This subdivision was approved as Sunnyside Landing in 2006. He noted that at that time there were issues with Sunnyside Road being upgraded to County standards. The property has new owners and they have changed the name of the subdivision to Sunset Cove and the internal street to Blue Heron Drive. The revised plat was signed by the Planning Commission Chair on January 29, 2018.

Mr. Banks read note 11 on the original plat. The note states that no driveways for the proposed lots will be allowed access to Sunnyside Road. This note was carried over to the new plat for Sunset Cove. Mr. Banks advised that Valerie Powell Brown, representative for the new owner is requesting on their behalf, the Planning Commission consider removing this note from the plat. Mr. Banks noted that there are three lots (1, 18, & 4) in the new subdivision that could access Sunnyside Road through their driveway. Mr. Dodd advised they researched the original file and can find no reference as to why this note was placed on the original plat. Mr. Dodd advised that in 2006 there was opposition from residents on Sunnyside Road to the subdivision using this road because it is a substandard County road, not adequate to accommodate additional traffic. At that time, Planning Commission required the developer to do two separate road agreements, one for the new road within the subdivision and the other to upgrade Sunnyside Road. Mr. Dodd believes the reason the note was put on the plat was because of the neighbor opposition.

Ms. Brown stated that some work was done to Sunnyside Road, but the new purchaser was unaware of this note when they purchased the subdivision. They did check to see what the requirements were in order to sell lots in Sunset Cove. She advised they found that the interior road would need to be brought up to County standards, which the new owner has done.

There was a discussion as to what the new owner would need to do in the way of upgrading Sunnyside Road in order to sell lots and be in compliance with the Public Works agreement. Ms. Brown noted that the new Public Works agreement, drawn up by County Attorney, removes the original agreements. Mr. Dodd concurred with this.

Ms. Brown read into record a letter from Sheriff Phillips, dated March 7th, advising that he sees no public safety issues with allowing entrance of lots 1, 18 and 4 directly onto Sunnyside Road. She noted that her clients have advised her that lot 4 would probably be left in open space due to the odd configuration of the lot.

Ms. Losty made a motion that note 11, “no driveways for proposed lots will be allowed access to Sunnyside Road”, be removed from the plat. Mr. King seconded and the motion unanimously carried.

C. Board of Appeals Cases – Review and recommendation.

Mr. Dodd advised that there are no cases for March. The Richfield Solar project has been given a maximum postponement of six months to attempt to resolve an issue with open space associated with the Farm View subdivision.

D. Comprehensive Plan Update

Mr. Soper advised that there was an addendum to cover four items in the Transportation Utilities element approved by the County Council at their meeting on March 6, 2018. The contract has been reviewed by the County Attorney and AECOM's legal team. The contract should be finalized within the next two weeks.

INFORMATION

Ms. Losty gave an update on the Cambridge Marketplace.

Mr. Banks advised that they have received plans from Constellation Energy to re-buffer the Bucktown solar project. A contract has been awarded by Constellation Energy to have the landscaping done in early spring.

With no further business, Mr. Burroughs made a motion to adjourn and Mr. Giese seconded. The motion unanimously carried. The meeting was adjourned at 12:40 pm.

Respectfully submitted,

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