

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES –November 5, 2014

The Dorchester County Planning Commission held their regular meeting on November 5, 2014 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chairperson, David Andrews, Laura Layton, Bill Giese, Jerry Burroughs, and Ralph Lewis. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, Janice Henderson, Environmental Planner and attorney Christopher Drummond.

Mr. Hanson called the meeting to order at 12:00 p.m. A motion was made by Mr. Lewis to approve the minutes of October 1, 2014 meeting with an addition and correction. Seconded by Mrs. Layton and carried.

Mr. Hanson asked to go out of regular session and into public hearing. A motion was made by Mr. Giese and seconded by Mrs. Layton and carried.

NEW BUSINESS

A. PUBLIC HEARING.

Text Amendment #330-03-2014 – Young Life Inc. – The amendment will permit a Retreat Center or Camp as a Special Exception Use, add Supplementary Use Regulations and define Retreat Center or Camp. Mr. Banks stated that this public hearing has been advertised twice and met all the public notice requirements. Mr. Banks said that Young Life Inc., the applicant, has a committed real estate interest in the subject property; that interest is to acquire the Tudor Farm property located along Decorsey Bridge Road. The sections of the zoning ordinance that will change is 155-50, 155-13, and 155-attachment 1 (table of permitted uses). The purpose is to define what a retreat center or camp is as a new use in the County, to authorize retreat centers or camps by special exception in the RC, AC and AC-RCA zoning districts and to establish supplemental regulations on the location, design, development and operation of retreat centers and camps. The purpose of the proposed changes are to establish a new use, retreat center or camp, to permit the development and operation of such use on large tracts of land greater than 700 acres in the RC, AC and AC-RCA districts. These changes will permit the development of new retreat centers or camps as a special exception use which must be approved by the Board of Appeals. The number of overnight participants that may be accommodated per retreat center or camp shall be determined by the Board of Appeals, but shall not exceed 800 camp participants. Site plan approval from the Planning Commission is required for the establishment of any new retreat center or camp. It's important to remember although filed on behalf of Young Life will apply to all three zoning districts listed above.

Mr. Ryan Showalter addressed the Commission. He began by saying that the text amendment that the applicant applied for is because they have a proposed use under consideration and there is one other existing use, Camp Henson's Boy Scout camp. The amendment is drafted with the support of the Boy Scouts because this will accommodate the grandfathered non-conforming use. This is a text amendment that will apply County wide and is a special exception use, which means this amendment will only create the ability for an applicant to apply for new camp or an existing camp to become a permitted use. The applicant would need to come before the Board of Appeals and Planning Commission. We are here to talk about the definition of the use, there are also supplementary use regulations that go along with this definition.

Mr. Burroughs asked about paragraph D – shooting sports, what age is anticipated at the camp to participate in these sports. Mr. Showalter said there is not an age limit but this could be added. Mr. Hanson asked if we could add the seasonal guides for hunting. Mr. Showalter said that Young Life doesn't have any proposal for shooting sports, this is in there for the Boy Scouts. Mr. Burroughs requested a minimum age to be added. Mr. Burroughs stated that in part J – time period is 30 consecutive days for use and asked if there going to be a time period that they will be there, 30 days could be a retreat for young adults that are under alcohol and substance abuse care. I want that explained, so that it will not be considered or even thought of. Mr. Showalter said that he has revised section N to specifically provide that this use and substance abuse facilities are not allowed. Section J prohibits participants from being on property for more than 30 consecutive days. Most of programs at Henson are one week in general and Young Life are about 5-7 days. Both camps have volunteers that come for the summer and are trained at beginning and are there longer than 30 days because they provide the same programming throughout the 6-10 weeks, so camp staff and volunteers are excluded. Mr. Burroughs asked if security is provided and expressed concern over young adult participants wondering in the marsh. Mr. Showalter said that this could be a condition to site plan approval for Young Life or a recommendation to the special exception. In general, section J and L requires that property has 24 hour security during camp operation. Mr. Giese asked if definition could be included for security, Mr. Showalter said it could be added to section L.

Mr. Lewis stated he has many questions and these will probably be asked by the public in the future. Mr. Lewis asked the following questions of Mr. Showalter. 1. Would you describe DeCoursey Bridge Road? Mr. Showalter said it was a County road, and asked if he was concerned about specific impacts for a proposal, I would be happy to address those but this is not for a specific use. This text amendment would apply to any property on a public or private road. 2. Has there been an environmental impact study done? No specific environmental studies or traffic studies have been done. 3. Subsection D. Bicycles, are you having biking on the public roads? Mr. Showalter said this

regulates the use on the camp and there is no zoning regulation that restricts biking on public roads but that is not part of this proposal, this is dealing with BMX or off –road biking as part of the camp.

4. The numbers, you keep having 800 participants and then you'll let the Board of Appeals set it. I don't think I'm prepared to give you 800, I'd rather have the Board set the number. If you have 800 participants how many staff members are needed? Mr. Showalter said that the number of camp participants is at a maximum of 800. Mr. Lewis said that when you go to the Board you will tell them that we approved 800. He also wanted a percentage of staff to participants. Mr. Showalter said that Young Life will probably have 100-130 staff/400 kids, 2.5/3 staff per participant. 5. Mr. Lewis said he has heard many concerns with traffic and it needs addressed. A big concern are the marsh lands, the Transquaking and Chicamacomico River is very fragile. I was born there and raised there, that 30% of that marsh is probably still not with us. You will be asked the conditions of the roads and the use of bicyclists. I am also concerned with shooting, are handguns, shotguns, automatic rifles, paint ball. How is this going to be secured on property? Also subsection 8, boating, are you going to have kayaks, sailboats, jet skis, motor boats, what are you going to have? What about management of wetlands, trapping, hunting, runoff and pollution. I've heard a cultural change to Dorchester County, don't want to see another Egypt Road case that saw neighbor against neighbor, family arguments, lawsuits and loss of revenue to taxpayers of 10 million dollars to purchase property. If this is to be done, I want it done right. Some people have been on the internet, and said this is tax free. If this is tax free then they will use Dorchester County fire, ALS, hospital, police and roads and not contribute. Section K – general stores and snack bars are they going to be required to have traders license?

Mrs. Layton said that she does appreciate Section N, a retreat center does not include any manner of detention center, detention facility or substance abuse rehabilitation facility. That is something that is essential for me to approve the amendment. Other issues that have been brought to my attention is that a shooting range could be problematic especially since the purpose is contemplation, spiritual renewal, I'm not sure how that is compatible with shooting. Some of the issues we brought up today will be addressed in site plan but the issue of dormitory and lodges put on Ag zone land is something we need to consider. At the current time there are no dormitories on property, there is a lodge and guest house, not a dormitory (larger number of people). Mr. Showalter said he will respond in a site specific manner even though this amendment applies County wide. There is a lot of less footprint impact if people can be housed in a compact structure and we are considering retrofitting barns as dormitories. Our intent is to minimize the footprint or impact as it comes before you. Mrs. Layton stated she is concerned that we keep agriculture as a viable profession in our County. Every time you take an acres out of production you hurt a farmer and I realize this is more of a site plan issue.

Mr. Hanson said he agrees with everything that has been said so far and asked that Mr. Showalter look at traffic and roads, especially the DeCoursey Bridge Road ability to handle increase in traffic. Mr. Lewis said that he has been asked to have structures hidden from site when you are on the River, he said one land owner said we do not need another light on River. Mr. Lewis said that Blackwater Refugee set a bad precedent, they had part of Blackwater River closed off and people are afraid that Bestpitch, Transquaken and Chicamacomico will also be shut off by bridges. Mr. Showalter said that there are no plans what so ever to shut down or limit access to the River. Young Life as far as I know at this point they have no plans for any boating on the River, and no plans to shut down navigation. Mr. Lewis asked about trapping, are they going to permit trapping to continue. Mr. Showalter said that is a management situation but can't think of any reason they would not. Mr. Lewis asked if Mr. Showalter could find out the answer to that question.

Mr. Hansen commented on security and asked to that they contact the sheriff department during site plan review. He addressed Mr. Lewis's concerns about shutting down the river and to include it in the site plan review. We are conscious about marsh disturbance, during site plan review we want minimal disturbance of wetlands and rivers to be included in the notes on plan.

Mr. Andrews asked what type this camp will be. Mr. Showalter answered that Young Life is a religious based organization that provides programming for middle school and high school kids. These participants are intended to be here only one time, they don't want repeat participants. They want to introduce as many kids as possible to their programs. Churches in their hometowns have a Young Life program that operates throughout the year and provides social outings. That program wants attendance at a camp. Young Life has camps all over the world. They have unmet need in the mid-Atlantic area. Most of the staff that operate the camp on a weekly basis are adult volunteers that run the program in their local church. The groups of kids usually arrive in buses and not individual cars. Mr. Andrews voiced concerns for the deer population that needs managed through hunting.

Mr. Giese asked how this text amendment affects the existing Boy Scout camp. Mr. Showalter said that they would need to apply for the special exception and be recognized as a permitted use. Mr. Dodd said that if they do not modify or expand their use, they would be considered a non-conforming special exception without any action by the Board.

Mr. Drummond said that what you are hearing is tension between amendments that are intended to have a general application but are initiated for a particular use. An amendment that is motivated by a use that no one objects to may have unintended consequences. Assuming that the intent is to create retreat centers that do not necessarily spring from religious organizations or fraternal organizations. Mr. Drummond asked Mr. Showalter why does the definition in paragraph 2 have "primarily" in it. Can we take that

out? Mr. Showalter said that he could remove it. For example a gun club that has 700 acres and members would like to skeet shoot, it seems to fit. Mr. Drummond asked if this permits Young Life to raise revenue, for example to lease out the land to a gun club for a weekend or lease out for a political function. If that's not what's intended why don't we narrow the focus of the definition so that this springs from the "Young Life sort of thing"? Mr. Drummond point out the word "counseling" in the definition from paragraph 2 which would seem to be inconsistent with section N, unless it was modified. Mr. Showalter said we could delete it.

Mr. Hanson said that now the Commission will hear from the public.

Douglas Worrall, 1604 Town Point Rd – here on behalf of DCPG and himself. He said he had no problem with retreat centers or camps. Mr. Worrall said that he has a problem with the same issues that Mr. Lewis spoke about. Mr. Worrall said that he practiced law for 45 years and the purpose of my practice was to, "tell me the rules" and I will win. These rules would permit Six Flags to put a facility on this property. What is a non-profit organization, there is no legal definition. There is no limitation on a non-profit from leasing 700 acres and hiring a promoter and pay the money to the promoter, it happens all the time. Who are we really talking about? Another issue is that every person is entitled to a unit with a kitchen. Also the amendment is permitting participants a limit of 30 days, visitors to Six Flags may stay only one day. In one year there could be 12 groups at 30 days with 800 people each, each with their own unit, plus a 3:1 ration for help, then housing for the help is added. What is the impact to the environment? Mr. Worrall made a suggestion that 700 acres is baloney and it should go away. He suggested that a sketch plan be developed so you know what you talking about and see it on paper. With that in your hands you can come up with a good idea. My recommendation is to develop the sketch plan include the Boy Scouts camp and then draft a text amendment. If you go with it in the current form, you have opened the door to some rather amazing situations.

Libby Nagel – discussed the low lying are, water retains the area and phragmites have become over-grown without being managed. Can Young Life take care of this problem? There are 5 or 6 entrances to the farm, is there going to be security at all entrances? How many people are going to be in this gunning club? Ms. Nagel said that there are existing structures that could be used by participants, she didn't understand why all the cottages are needed and suggested that the Commission tour the property.

Mr. Hanson said that we will keep the record open until next meeting. We would like Mr. Showalter and Mr. Banks to address our concerns and the public concerns. For the record anyone pro or con can submit letters, information, emails and memos to the Office of Dorchester Planning and Zoning.

Mr. Showalter wanted to address a few points specific to Tudor Farms. Mr. Drummond discussed the example of a gun club; I want to make it absolutely clear, Tudor Farms, I think, has had more shooting on that property in the last 10 years than what you will see there in the future. We do expect hunting to control the deer population. The Youth camp has no proposal what so ever to have a gun club unless there is recreational hunting like every other farm in South Dorchester, and the Youth camp as proposed does not have any shooting sports or archery as part of their programming.

Mr. Drummond stated that another example of text amendments is the one that was proposed in Talbot and if Mr. Showalter remembered this proposal? Mr. Drummond asked why this property wouldn't be available to non-profit equestrian groups. Mr. Showalter said that this could be addressed. Mr. Drummond wanted to stress the problems with general applications.

Mr. Burroughs asked if neighboring properties were notified of this proposal. Mr. Dodd said that this is a text amendment and neighboring properties are not notified.

At this time, Mr. Hanson made a motion to close the public hearing and go back into regular session. Motion seconded and unanimously carried. The revised text amendment will be scheduled on the next Planning & Zoning Commission meeting.

- B. BEA application – Michael & Susan Sicuranza, Atelier 11 Architecture, applicant – 1113 Keys Road, requesting a two story addition with breezeway partially within the 100' Tidewater Buffer.** Janice Henderson, Environmental Planner, explained to the Commission that the applicants are proposing a two story addition with breezeway, two sets of steps off of breezeway and wood deck off of addition plus a second story deck off of the proposed addition. All proposed changes will be no closer to the shoreline than existing structure. The footprint of new development that is within the 100' Buffer is approximately 476 square feet. Current lot coverage is 2,210 square feet, the new additions and expanded driveway will increase lot coverage to 5,169 which is below the maximum allowed coverage of 5,445 square feet. The property will comply with the lot coverage restrictions in §155-38(O).

Critical Area Staff submitted comments and did not oppose the application.

The applicants from Atelier present were Liz Connolly and Lauren Dianich was on speaker phone and would be available to answer any questions concerning the application.

Mr. Hanson stated that the Commission has read written responses and staff report and asked if applicant is aware of 2:1 mitigation. Ms. Dianich responded that they are aware and have already began plans for the Buffer Management Plan.

Mr. Lewis made a motion to approve application with required mitigation. Seconded by Mrs. Layton and unanimously carried.

Critical Area Administrative Variance – Case AV#12 – Barry & Donna Listopad, owners; Whitten & Associates, applicants - 3510 Green Point Road, request replacement of existing single family dwelling, with new 1 ½ story dwelling with a larger footprint within the 100’ Tidewater Buffer. Janice Henderson, Environmental Planner, explained to the Commission that the applicants are proposing the new 1 ½ story dwelling that will have a slightly larger footprint than existing house. This property is in a Buffer Exempt Area but because the structure will be closer to the shoreline than the current structure the proposal will need administrative variance approval. The property is restricted by two Buffers one at the rear of the house along the shoreline and also a 100’ Buffer comes across Green Point Road and restricts the front the house. The proposed footprint of the new house will be a 235 square foot increase. The driveway will be reconfigured, total coverage will be reduced by 980 square feet.

Critical Area Staff submitted comments and did not oppose the application.

Surrounding property owners were notified of request.

The applicant Steve Whitten was present and answered questions from the Commission.

Mr. Hanson asked what mitigation would be need, Mr. Whitten stated that lot coverage within the Buffer would be reduced by 980 square feet so no mitigation would be required at time of permit application.

Mr. Giese made a motion to recommend approval of the application. Seconded by Mr. Andrews and unanimously carried.

Critical Area Administrative Variance – Case AV#13 – Keith Malkus, owners; Whitten & Associates, applicants - 4371 Egypt Road, requesting to replace and enlarge an existing accessory structure within the 100’ Tidewater Buffer. Janice Henderson, Environmental Planner, explained to the Commission that the applicants are proposing a new 20’ x 32’ accessory structure at the same location of an existing 161 square foot shed. New disturbance in the 100’ Buffer will be approximately 63 square feet, the remainder of the structure will be outside of the Buffer.

Critical Area Staff submitted comments and stated that the structure should be located outside of the Buffer and if not, the County must determine if the disturbance is the minimum necessary to satisfy the condition of unwarranted hardship. The information given to the Staff stated that the structure will be used as storage and parking of cars. There is a 40' front yard setback that limits the location of the garage out of the Buffer. Placing the garage on the existing driveway would involve reconfiguring the driveway to provide access to the garage. More impervious surface would be needed to provide reasonable use of the garage. After analyzing other possible locations, the submitted proposal is minimizing disturbance within the Buffer to the least extent possible.

The applicant Steve Whitten was present and answered questions from the Commission. Mr. Hanson asked Mr. Whitten to also state the reasons for the proposed location.

Surrounding property owners were notified of request.

Mr. Hanson asked Mr. Malkus if he understood that 3:1 mitigation would be required for new lot coverage within the 100' Buffer, Mr. Malkus said he did understand.

Mr. Lewis made a motion for a favorable recommendation. Seconded by Mr. Giese and unanimously carried.

Critical Area Administrative Variance – Case AV#14 – Michael & Kathleen Schenking, owners; Jeff Hubbard/ Lane Engineering, applicant – 5724 Ross Neck Road, requesting to replace existing dwelling with new single family dwelling that is partially within the 100' Tidewater Buffer. Janice Henderson, Environmental Planner, explained to the Commission that the applicants are proposing to replace existing house with new house that will lie partially within the 100' Buffer. The property is restricted by two 100' Buffers, one on the west and south side of the property. The proposed house footprint will be pushed farther out of the west side 100' Buffer but will still encroach in the south side Buffer. The reconfiguration of the house footprint will decrease lot coverage in the Buffer.

Critical Area Staff submitted comments and stated that they did not oppose the request.

Surrounding property owners were notified of request.

The applicant Jeff Hubbard was present and answered questions from the Commission.

Mr. Hanson asked Mr. Hubbard if he understood that 3:1 mitigation would be required for new lot coverage within the 100' Buffer, Mr. Hubbard said he did understand.

Mr. Burroughs made a motion for a favorable recommendation. Seconded by Mr. Giese and unanimously carried.

Board of Appeals Cases – Review and recommendation.

Case #2567 – Diane Blunt Knodle, owner
Tim Marshall, applicant

To request the following variances; 1) a variance from the minimum front footage requirement for a proposed building lot, and 2) variances to the roof pitch and foundation requirements for a manufactured home (existing). Property located at 5001 and 5003 River Road and contains 5.03 acres. AC – Agricultural Conservation Zoning District. The Planning Commission, based on the information presented, recommended denial for both variance requests.

Case #2568 – Roland W. & Lois Webster, owner
Gia Clark of One Energy Dorchester, LLC, applicant

To request, as a special exception, a solar energy system utility scale project. Also, to request a variance to construct attachment facilities within the required front yard setback area. Property located at 3714 Linkwood Road and contains 107 acres. AC – Agricultural Conservation Zoning District. The Planning Commission, based on the information presented, gave a favorable recommendation with the condition that vegetative buffer requirements are met.

The Planning Commission 2015 schedule was submitted to the Commission for review and was accepted with a motion by Mr. Burroughs, seconded by Mr. Giese and carried.

Mr. Hansen asked Mr. Banks that in light of the Public Hearing, could we add generally for all text amendments, that in the event a facility abuts a waterway or tidal marsh, could we ask that phragmites be controlled. Mrs. Layton concurred and asked that replace the term phragmites be replaced with “noxious weeds”. Mr. Hansen and the Commission concurred.

With no further business, Mr. Lewis made a motion to adjourn. Seconded by Mr. Andrews and unanimously carried. The meeting was adjourned at 1:47 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", with a large, sweeping flourish extending to the left.

Rodney Banks