

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES –December 3, 2014

The Dorchester County Planning Commission held their regular meeting on December 3, 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 to approve the minutes of November 5, 2014 meeting with an addition and correction. Seconded and carried.

NEW BUSINESS

A. Critical Area Administrative Variance – Case# AV-15 – Bruce J. Twilley Jr., owner – 3756 Sunnyside Rd – requesting an addition to the existing house that is partially within the 100’ Buffer. Ms.

Henderson was asked for the 1st article under new business. She proceeded with the case # Av-15 – Bruce Twilley requesting an administrative variance from the buffer for an addition to the existing house that is partially within the 100’ Buffer. Mr. Twilley has provided in depth answers to the administrative variances criteria and reasons for the location. The addition is not any closer than the existing structure. The lot fact coverage within of is in the 100 ft. buffer and will increase by 109 sq. ft. which still complies with the 15% maximum lot coverage. The Critical Care Staff was notified but no response at this time from them. If the variance is approved Mr. Twilley will mitigate 3:1 for disturbance in the buffer and 1:1 for outside because there is not an established buffer. Ms. Henderson announced that Mr. Twilley was in the audience for any questions. Mr. Hanson called Mr. Twilley to come forward and be seated. At that time Mr. Hanson asked Mr. Twilley if he was aware of the buffer mitigation and was he prepared to do so. Mr. Twilley answered yes. Mr. Hanson asked if the committee had any questions at this time. There were no further questions at this time. Mr. Andrews made the motion and Ms. Layton seconded the motion for the recommended approval for the variance.

OLD BUSINESS

TEXT AMENDMENT #330-03-2014 TO PERMIT RETREAT CENTERS- First Rodney Banks spoke stating that this is the 3rd meeting on this particular text amendment. Subject is for (3) zones, supplemental regulation, definition section, table of permitted uses. Applicant does have an interest in real property of Tudor Farm on

Decoursey Bridge Road. The retreat center or camp language proposed here would be for a special exception use and only for (3) zoning districts, the resource conservation, the Ag conservation, and the Ag conservation resource conservation area zoning districts. Mr. Banks then stated that there is a 700 acre minimum and will be a special exception use approved by the BOA. At that time Mr. Showalter spoke saying that he had a conference call with Young Life about the concerns and would address any questions that the Commission had at this time to shorten the meeting time. Mr. Burroughs had no questions to the subject matter. Mr. Showalter stated that the trapping program would be maintained and would notify anyone that had trapped the land before. Mr. Lewis asked the question that if anyone that had tilled the property before would they also be notified if they would still have the rights to till the land in the future. Also Mr. Lewis asked if the deer population would be maintained on the property. Mr. Showalter indicated that it was not the intention of Young Life to hunt on the property and the deer population would be maintained. Mrs. Layton had no questions at this time. Mr. Hanson spoke saying that the Commission does have control over the site plan. Mr. Showalter spoke saying the Text Amendment requires special exception approval from BOA.

Ms. Layton made a motion to accept the Text Amendment as amended, Mr. Andrews seconded the motion, (2) opposed.

Mr. Dodd suggested going back to new business.

NEW BUSINESS

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C. **Text Amendment # 331-04-2014** – Floodplain Management Ordinance. The Zoning Ordinance amendment is regarding State and Federal revisions to our Floodplain Ordinance including updated mapping. Mr. Dodd spoke to the Commission about how FEMA has presented the new floodplain changes and how the county will be affected. Trevor Bozarth was asked to give a presentation of how the county will be impacted and all the changes to take place. Trevor showed a new floodplain VE Zone where they would expect storm surge waves above 3 ft. There are construction requirements with that as well. Also anywhere there are expected wave heights of 1 ½ to 3 ft. is shown by the Limwa Line; the model was taken from FEMA's website. Trevor further explained that homes will have to be built on stilts and electrical boxes cannot be put on the first floor. Trevor also indicated that the floodplain map would be shrinking per FEMA. Mr. Dodd showed the existing floodplain map and then a current floodplain map and how the actual area would be shrinking per this new map. Mr. Dodd said that there is currently a freeboard requirement in which states that you have to build 2 ft. above the projected 100 year elevation. Mr. Hanson asked also about the electrical box. Steve indicated that the electrical box has to be built 3 ft. above the base flood elevation. The requirements come from FEMA. You cannot build in the critical area buffers so with these new requirements they would not cause a practical hardship on very many properties. Trevor indicated that 17,000 acres would be removed from the floodplain. FEMA send out our lower final termination on 9/16/2014 and the new ordinance must be adopted in 6 months which would be around March 16, 2016. Mr. Dodd stated that we do have areas now that if you are buffer exempt that you can build in tidewater buffer and those areas may be subject to these requirements. The new VE Zone would only affect about 20 homes in the county. Trevor indicated with the new floodplain map about 600 homes would be coming out of the floodplain zone. Steve stated to Mr. Hanson that this would have to go Council for public hearing. Mr. Dodd told the Commission that he had given the ordinance in the new language and in the back of the document with the new regulatory language. Primarily the new construction standards would be no crawl space or solid foundation walls and the house would have to be built on pilings. Mr. Dodd did notify the surveying community to review the documents. Mr. Dodd let the Commission know that we are now a CRS community rated system community and we have adopted higher standards then FEMA required and for doing that everyone in Dorchester that now has flood insurance will receive a 10% discount on their insurance. Mr. Burroughs made the motion for a favorable recommendation and it was seconded by Mr. Andrews to be sent to the County Council. Mr. Banks also noted that because of the efforts of Steve to be in the CRS Program that he had received an award from FEMA. County Council will have to approve the floodplain ordinance by January 16, 2015.

DISCUSSION:

Mr. Dodd spoke on the subject of subdivisions with no current road construction agreements or reforestation agreements, these sub-divisions are on paper only. These agreements have expired. Mr. Dodd asked the question to the Commission if we should ask for extensions or expunge these from Public Records. Tom Moore and Greg LaBlanc have been sent a letter with no response.

Ms. Layton suggested that these property owners should be sent a certified letter for a response. It was suggested to send a certified letter and copy Ricky Travers.

Election of Planning Commission Chairman and Vice Chairman – There was a motion by Mr. Andrews to stay as is, Mr. Hanson to remain Chairman and Mrs. Layton Vice Chairman and was seconded by Mr. Burroughs. Motion passed.

BOA Cases – Mr. Dodd

Case #2457A – Fred and Gail Hooper, owners

To request a variance from the side yard setback required (as it relates to “lots of record”) to allow for the construction of an addition to an existing dwelling located at 5148 Paw Paw Point Road. Property is zoned RR – Rural Residential Zoning District and contains .58 acres. It was the consensus of the Planning Commission that hardship from the owners must be proved.

Case #2569 – Douglas Scott, applicant

Yvonne Phillips et al., owner

To request a variance from the setback required to allow a manure storage building to be located within the required setback area. Property located at 4410 Drawbridge Road and contains 628 acres. AC – Agricultural Conservation Zoning District. The Planning Commission based on the information given recommended approval.

Case #2570 – Roberta Holt, (trustee, owner)

Ryan Showalter Esq., applicant

To request, as a special exception, a mineral extraction activity (surface mining) on property located north of Johnson Road and east of Marshyhope Creek (Tax Map 7, Parcel 5) Property contains 81.14 acres and is in the AC – Agricultural Conservation Zoning District and AC-RCA Zoning Districts. The Planning Commission based on the information given recommended approval.

With no further business, Mr. Lewis made a motion to adjourn. Seconded by Mr. Andrews and unanimously carried. The meeting was adjourned at 1:05 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