

## DORCHESTER COUNTY PLANNING COMMISSION

MINUTES –February 4, 2015

The Dorchester County Planning Commission held their regular meeting on February 4, 2015 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chairperson, Bill Giese, Jerry Burroughs, and Ralph Lewis. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director and attorney Christopher Drummond. Absent were Laura Layton, Vice Chair and David Andrews.

Mr. Hanson called the meeting to order at 12:00 p.m. A motion was made to approve the minutes of January 7, 2015 meeting by Mr. Lewis and was seconded by Mr. Geise.

### **OLD BUSINESS – No Old Business**

### **NEW BUSINESS**

#### **A. Shared Driveway Request – Stewart & Kimberly Cohee – Applicant Steve Whitten & Assoc.**

For Property identified on Tax Map 4, Grid 11, Parcel 6, Lots 1&2.

Mr. Dodd presented all pertinent information to the case.

Mr. Dodd asked to supplement the meeting with an aerial photo to help understand the situation that is presented. Mr. Dodd gave the location as Parcel 6, 3812, 3814, and 3816 Choptank Landing Road the subject of the Shared Driveway Request.

Mr. Dodd then asked Mr. Whitten to give the background information on the property. Mr. Whiten explained when this subdivision was originally platted into (3) different phases, the subdivision that completely surrounds the parcel that Mr. & Mrs. Cohee are subdividing the prior owner refused to give the right-of-away for the 20 ft. wide private right of way to Wrights Wharf Road. They platted an additional 50 ft. for the County Road, Chopank Landing Road adjacent to that. It appears that it had no frontage; Mr. Whitten met with Tom Moore and Mr. Merryweather about whether the County had 70 ft. wide responsibility, 50 ft. for County Road, 20 ft. underneath of the private rightaway. What was discovered was that the County had only accepted 50 ft. of maintenance responsibility, the ownership of the fee simple title underneath the 20 ft. rightaway may still rely on the original developer of the subdivision, but Lots 27 and 28 still have the right to cross perpendicular across that private right of way to Choptank Landing Road. Because the ownership under the 20 ft. ride is unclear and because the County is unwilling to accept that additional 20 ft., they recommend the clients

maintain that 20 ft. in front of Lot 1, 93.22 ft. course. So that there is not a question that they cannot get to their property Mr. & Mrs. Cohee are going to abandon the right of usage to go south to Wrights Wharf Road. Mr. Whitten stated that he had addressed concerns of DPM.

Mr. Dodd gave agency comments from DPW at this time.

Questions and concerns from the Commission were asked about if the property changed owners in years to come. Mr. Whitten then discussed answers to the questions from the Commission.

There was much discussion between the Commission and Mr. Whitten in reference to making sure that in the future that anyone purchasing property would be aware of similar situations in this case. Mr. Whitten asked Mr. Drummond for any recommendations for any language to be used because once the plat is recorded it is typically out of Mr. Whitten hands as far as the settlement attorney.

Mr. Drummond responded by saying that a separate document or instrument would avoid all concerns of this showing up in the title examination years from now.

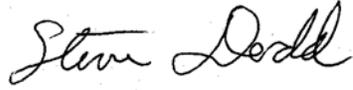
Mr. Burroughs then asked Mr. Drummond what would happen 10 to 15 years from now if the County wanted the property back or reclaim the property or found in research that they do own it. Mr. Drummond responded by stating the maintenance agreement would become void if the County takes it over. Also stating that typically people that buy subdivided land do not look at the plat, they look at the deed. Therefore to put a note on the plat would not be noticed by a home owner. The solution would be to draw up an "Abandonment of Easement" by the owner of Lot 1 and sign as a condition of approval.

A motion made by Mr. Burroughs to meet all conditions made by DPW and document drawn up by owner of Lot 1, Mr. Cohee to abandon his rights to the 20 ft. right of way as conditions for approval. Seconded by Mr. Giese and unanimously carried.

Mr. Hanson addressed Mr. Dodd at this time in reference to Item B – New Business - The Referral to the Planning Commission from County Council for an investigation and recommendation to amend Chapter 155, entitled "Zoning Ordinance", Section 155-50, LL Supplemental Use Regulations, and/or Section 144 Attachment 1 of the Dorchester County Code to require that utility scale solar energy systems only be allowed on commercial and industrial properties within the County to be put on next month's agenda for the Planning Commission due to the fact that (2) members of the Commission were not present. Also Mr. Lewis stated that the Farm Bureau should be present for their verbal opinion on this topic as well as cell towers. Mr. Dodd stated that he also thought the members from industry should be invited. There were other comments as well concerning solar array farms; there is no effect on residential solar use and that solar panels cannot be used in just anywhere. The Commission agreed that this case would be put on March's agenda.

With no further business, Mr. Burroughs made a motion to adjourn. Seconded by Mr. Geise and unanimously carried. The meeting was adjourned at 12:45 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Dodd". The signature is written in a cursive style with a large, prominent "S" and "D".

Steve Dodd