

# DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – JUNE 1, 2011

The Dorchester County Planning Commission held their regular meeting on June 1, 2011 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Joy Loeffler, Chairperson, Robert Hanson, Vice Chair, Ralph Lewis, Laura Layton, and William Giese. Also present were Chad Malkus, Attorney, Steve Dodd, Director, Rodney Banks, Deputy Director of Planning, Michael Bonsteel, Environmental Planner and Merris Hurley, recording. Absent were Pam Jackson and Leolin Dockins.

Chairperson Joy Loeffler called the meeting to order at 12:00 p.m. Mrs. Loeffler asked for a motion to approve the May meeting minutes. Mr. Hanson made a motion. Seconded by Mr. Giese and unanimously carried.

**Election of Officers** – A motion was made by Mr. Hanson to open nominations for officers. Seconded by Mr. Lewis. A motion was made by Mr. Hanson to nominate Mrs. Loeffler to continue on as Chair. Seconded by Mr. Giese and unanimously carried. Mrs. Loeffler made a motion to nominate Mr. Hanson to continue on as Vice-Chair. Seconded by Mr. Giese and unanimously carried. Mr. Hanson made a motion to close nominations; it was seconded and unanimously carried.

**P & Z # 1065A – Pine Top Village Phase II Sketch Plan Approval.** Tade Gerischer and Steve Dodd were sworn in. Mr. Gerischer explained to the Commission that this subdivision has been scaled down, from 32 lots to 24 lots, as a result of perc approvals. There was an early subdivision in 2007, #1065 and the developer was Thomas Mitchell. Mr. Lowry owns the property between the original subdivision and the road. There are no Critical Area or Floodplain issues. A road has been built in the original subdivision, but has not yet been adopted into the county road systems. Mr. Dodd read a comment letter from DPW concerning the proposed road designs. He does not have any comments from the Health Department at this time. Don Baumgartner entered the meeting at this time and was sworn in. Mr. Baumgartner said that he had obtained verbal approval from the Health Department for the lots on the right side of Village Way, with approval pending for the lots on the left side of Village Way, lots 102-105. He told the Commission that the existing mitigation site was done originally some years ago for another project but was not needed. It is not suitable for lots, but is not tied to any project open now and it will not be tied to the subdivision or used as open space. Mr. Dodd informed Mr. Baumgartner that if it was needed later for open space, deed covenants or home owners association language will be needed. A motion was made by Mr. Hanson to approve the sketch map, with a note that lots 3 and 4 should have access on Village Way. Seconded by Mr. Lewis and unanimously carried.

**Comprehensive Water & Sewer Plan Map Amendment – Bryan Property, Secretary, Maryland.** Mr. Dodd gave the Commission a summary of the property and explained some of the process for a Water and Sewer Plan Map Amendment. Mr. Dodd also told the Commission that he received comments from agencies. The Department of Public Works had no comments. The Critical Area Commission had no comment, but noted that all Critical Area restrictions associated with the RCA must be adhered to including density requirements. Mr. Dodd told the Commission that a portion of these properties are in the RCA, and those portions would require growth allocation. The Maryland Department of Planning has suggested that the Planning Department is going about this process in the wrong order. They believe that the annexation should take place first, then ask for a water and sewer plan amendment. Mr. Dodd told the Commission that they have followed this order of procedure in previous cases and he believes this is the proper way to handle this case. Mr. Dodd said that this application is

consistent with the County Comprehensive Plan and is in the County's growth area. It is adjacent to the town, and it is zoned SR, Suburban Residential.

Perry Otwell told the Commission that he has done previous water and sewer plan amendments, before, during and after annexation. This case is being done during annexation. The Town of Secretary submitted a letter stating that they were in favor of the annexation. He believes this amendment is consistent with other subdivisions and amendments that have been previously approved.

Mrs. Loeffler called for a motion regarding this request. Mr. Lewis made a motion "to grant a favorable recommendation, to change the mapping for the water and sewer plan, based on its consistency with the County Comprehensive Plan." Seconded by Mr. Giese and unanimously carried.

**Critical Area Buffer Exemption Area (BEA) Request – Weatherford.** Mike Bonsteel and Victor Weatherford were sworn in. Mr. Bonsteel gave a brief history of this property and the project that Mr. Weatherford wishes to construct. Mr. Weatherford wishes to construct a garage addition, porch, walkway and deck in the 100' buffer. There will be 1,211 square feet of disturbance to the buffer, 859 square feet of which constitutes lot coverage. The deck will be no closer to the water than the existing patio which lies 26' from the water. Current lot coverage of 3,712 square feet will be increased to approximately 3,824 square feet, within the limit of 31.25%. If approved, 2:1 mitigation for new lot coverage will be required.

Mrs. Loeffler called for a motion regarding this request. Mr. Giese made a motion "to approve the request with the condition that mitigation should be done for disturbance, not lot coverage; and the mitigation should take place as close to the water as possible." Seconded by Mr. Hanson and unanimously carried.

**Presentation Regarding Renewable Energy Uses – Utility Scale Solar – Element Power.** Mr. Banks told the Commission about his progress in drafting text for utility scale solar energy uses for our zoning ordinance.

Bob Dyer from Atwell Consulting, and Scott Hawkin from Element Power presented to the Commission a basic lesson in solar energy.

**Critical Area Program Refinements – Review of Legislation.** Mr. Bonsteel and Mr. Banks informed the Commission that they are still working on language for the legislation, but are making very little headway with the Critical Area Commission.

At this time, Mr. Hanson made a motion "to direct Planning & Zoning to work on text amendment for renewable energy uses." Seconded by Mr. Giese and unanimously carried.

With no further items or information, Chairperson Loeffler asked for a motion to adjourn the meeting. Mr. Hanson made the motion and Mr. Giese seconded the motion. The motion carried unanimously. The meeting was adjourned at 2:15 pm.

Respectfully submitted,



Steve Dodd