

## DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – AUGUST 1, 2012

The Dorchester County Planning Commission held their regular meeting on August 1, 2012 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Joy Loeffler, Chairperson, Bill Giese, David Andrews and Robbie Hanson. Also present were Chad Malkus, Attorney, Steve Dodd, Director of Planning, Rodney Banks, Deputy Director, and Merris Hurley, recording. Absent were Pam Jackson, Laura Layton and Ralph Lewis.

Chairperson Loeffler called the meeting to order at 12:00 p.m. A motion was made by Mr. Giese to approve the minutes of the July 11, 2012 meeting. Seconded by Mr. Andrews and unanimously carried. Mrs. Loeffler suggested that the Old Business be moved to the end of the agenda.

**New Business** – P&Z # 1008H – Jonathan Dodge Site plan approval. Mr. Dodge and Mr. Luongo were sworn in. Mr. Dodd explained to the Commission that the owner of the property, Jonathan Dodge, has submitted the site plan on behalf of Chris Luongo, who plans to lease the property. An 1,800 square foot building is to be constructed to house an auto repair facility. There will be security lights on the building, as well as a flat wall sign. There will be a well also. Mr. Luongo told the Commission that there will be no outside storage, and hours of operation will be 7:30 AM to 5:30 PM, Monday to Friday, 7:00 AM to 2:00 PM on Saturday, closed on Sunday. There will be no salvaging or scrap, no restoration, no washing, just general repairs and maintenance. He also said that he has licensed companies that come in and remove anti-freeze and oil.

The Health Department stated that the following addition and/or changes are required for final site plan approval: 1. Proposed well site must be 50' removed from any source of contamination (i.e. sewage grinder pump station). Also, 30' from any buildings. 2. If floor drains are installed for wash down, a grit chamber/oil/water separated must be installed prior to the grinder pump station. The Department of Public Works stated they had the following comments: 1. The use of the existing roadside grass swale for ESD design is not acceptable. The swale is off site and already allocated to water quality treatment of Beverly Lane. 2. As the Pe is greater than 1 inch, other ESD measures will need to be provided. 3. Due to the increased amount of impervious area in relation to the lot size, calculations for pre and post runoff will need to be provided for the Qp<sub>2</sub> and Qp<sub>10</sub> year storms. Any structural stormwater facilities will also need to be protected from a 100 year storm. We recommend that this be evaluated to determine the extent of any detention as it may influence your selection of ESD practices. The Dorchester County Sanitary District stated they had no objection to the site plan provided the following criteria are met: 1. The owner requests approval from the City of Cambridge to connect to Sanitary District Number 4 sewer system and pays all fees to the City of Cambridge associated with the request. 2. A duplex grinder pump systems will be required for the operation of the proposed facility. 3. The owner agrees to pay all costs in advance to the Sanitary District required for the purchase of the duplex E/one grinder pump station and tap in fee. 4. The owner agrees to follow all Rules, Regulations and Guidelines regarding the connection to and use of Sanitary

District facilities. 5. The owner agrees to sign the User and Easement Agreements required by the Sanitary District as prepared by Attorney E. Thomas Merryweather and pay all fees associated with the preparation of same. 6. The owner agrees to pay the rates and fees in effect associated with the use of the Sanitary District. 7. The owner agrees to meet all requirements of the Dorchester County Health Department and Dorchester County Planning and Zoning.

Mr. Dodd recommended that the Commission approve the site plan, but not have the plan signed until the applicant complies with Stormwater Management regulations.

A motion was made by Mr. Hanson “to approve the site plan with the condition that the applicant comply with Health Department and Department of Public Works regulations.” Seconded by Mr. Giese and unanimously carried.

**Board of Appeal Cases** - The following cases were presented to the Planning Commission for review/comment:

Case #2428 - Joseph H. Newcomb, Owner  
Marilyn Williams, Applicant

To request a lot area variance for a proposed two lot subdivision. Property located at 4946 Skinners Run Road and contains 2.80 acres. AC, Agricultural Conservation Zoning District. Based on the information presented, the Commission had no problem with the request.

Case #2429 – Lee and Barbara Karminski

To request a variance from the tidewater buffer setback to allow an addition to an existing dwelling to be constructed within the tidewater buffer. Property located at 1422 Bell Lane and contains .32 acres. RR, Rural Residential Zoning District. Based on the information presented, the Commission stated that the request is not unreasonable, but it is not a hardship.

**INFORMATION:** Mr. Dodd informed the Commission that the Critical Area refinement package is to be considered at the Critical Area Commission’s next meeting, September 5, 2012.

**OLD BUSINESS: SB 236, Sustainable Growth and Agricultural Preservation Act of 2012 (Septic Bill).** Mr. Dodd presented the first draft of tier maps and draft text for the Commission’s review. He explained that, following the bill’s criteria for how to map the tiers, Tier 1 would be any municipalities served by sewer; Tier 2 is planned to be served by sewer; Tier 3 would be the county’s growth areas that are not planned to be served by sewer, municipalities that are not served by sewer, and rural villages without public sewer; and Tier 4 would be areas where you would not be allowed to do a major residential subdivision. Kate Donovan calculated that 91.6% of the county would fall into Tier 4.

Mr. Banks showed the Commission a map that shows the Tier 3 areas and where they fell in terms of the existing agricultural easements and it appears that only four farms fall within the Tier 3.

Mr. Dodd and Mr. Banks showed the Commission the draft Tier Maps and pointed out the different tiers and the underlying land uses in the county. Mr. Dodd explained that it is extremely important to honor the underlying zoning and Comprehensive Plan.

Mr. Banks briefly went over the text amendments with the Commission. He noted the change in the definition of a major subdivision; a minor subdivision; the addition of language to the definition of a subdivision to include the conversion of an agricultural lot to a building lot; the definition of the different tiers; the addition of language concerning development rights in a Tier 4 area; the addition of language regarding future major subdivisions in the Tier 4 areas and the need for a public hearing; and additional language under General Requirements. There was some discussion about the cost of analysis to determine impact on services and Mr. Dodd recommended that this cost should be placed on the developer and the Commission agreed, and that should be added to that language as well. Mrs. Loeffler noted the absence of a definition of Tier 1 and Mr. Banks noted that all of Tier 1 would be inside the municipalities, but it was agreed that the definition should be included anyway.

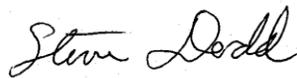
Mr. Dodd noted the need for additional modification to the definition of minor subdivision to include language concerning the need for construction of roads and if that was going to be treated as an administrative minor subdivision.

Mr. Dodd also stated that this bill needs to be made effective starting January 1<sup>st</sup>, 2013.

**INFORMATION:** Mr. Dodd explained to the Commission that the Holland Point Preserve subdivision had been sold in its entirety and the new owner was beginning to default on some of the agreements that were in place when the subdivision was approved. If this continues, the subdivision will have to be expunged.

With no further items or information, Mr. Hanson made a motion to adjourn the meeting. Mr. Giese seconded the motion and it was carried unanimously. The meeting was adjourned at 1:20 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve M. Dodd".

Steve M. Dodd