

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – March 1, 2017

The Dorchester County Planning Commission held their regular meeting on March 1, 2017 at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chair, Laura Layton, Bill Giese, Ralph Lewis and Mary Losty. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, Brian Soper Critical Area Planner and Christopher Drummond, Attorney. Absent: Jeffrey King

Mr. Hanson called the meeting to order at 12:00 p.m.

Mr. Hanson asked for a motion to approve the minutes of February 1, 2017. Mr. Lewis made a motion to approve the minutes and Mr. Giese seconded. The motion unanimously carried.

OLD BUSINESS

A. None

NEW BUSINESS

A. P&Z #1307 – Greenlawn Cemetery of Cambridge, LLC, Owner, Site Plan Approval. The applicant is requesting site plan approval to construct a crematorium, located at 2272 Hudson Road, Cambridge, Maryland. The property is zoned RR-RCA Rural Residential, Resource Conservation Area, (Tax Map 30, Grid 14, Parcel 86) and contains 11.10 acres.

Steve Whitten, Surveyor, Fink, Whitten & Associates, 108 Dorchester Ave., Cambridge, MD, Roman Coale, Owner, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd advised that the applicant is before the Planning Commission for site plan approval to construct a new 6,000 sq. ft. crematorium. The existing smaller crematorium will remain and be used for storage only. The new crematorium will be in front of the existing structure. There is an existing entrance from Rt. 343 that will not change.

Mr. Dodd read agency comments into record. Greg LaBlanc, Department of Public Works, stated that the submitted stormwater management plan and computations look good. He will move forward with processing the building and grading permit for this project. The Health Department advised that the proposed site plan is approvable as submitted. Julie Roberts, Critical Area Commission stated in a letter dated January 25, 2017, that a text amendment was recently approved allowing this activity by special exception. The application indicates there will be a net increase of lot coverage in the amount of 5,842 sq. ft. associated with this request. The proposal is within the lot coverage limits. It is their understanding that the 100 ft. buffer is entirely established and no further establishment will be required. Based on the referenced information, she has no comments on this site plan.

Mr. Dodd advised that there is no septic system on site and associated with approval of the site plan is a proposed septic system. Mr. Whitten stated that Mr. Forlifer of the Health Department did not specifically require a septic system for site plan approval. He also noted that the site plan does show a sewage reserve area and Mr. Coale plans on installing a septic system in the future. Mr. Whitten stated that Mr. Forlifer approved the site plan as submitted but has never given them the perc test results. Mr. Dodd asked Mr. Whitten for the record, if Mr. Coale does not intend to install a septic system now. Mr. Whitten stated that Mr. Coale is planning to install a septic system but is asking that it not be part of the requirement for site plan approval today. Mr. Dodd suggested that this may be an issue that will be addressed by the building inspector, whereby the Health Department approves the septic system and the building inspector determines if a bathroom is required. Mr. Whitten noted that there is an existing bathroom with a holding tank that is in compliance with Health Department requirements. Mr. Coale noted that when he purchased the crematorium there was no bathroom or holding tank, he had both installed.

Mr. Hanson asked if there would be shrubbery to screen the new building. Mr. Whitten advised they will follow the guidelines of the design manual.

Mr. Hanson asked for a motion. Mrs. Layton made a motion to approve the site plan as submitted and Mr. Giese seconded. The motion unanimously carried.

B. BEA Permit Application – Mark & Donna Louzon, owners 4916 David Green Road, Cambridge, Maryland – requesting approval to expand an existing deck and construct a roof over the new deck all within the 100’ Critical Area Tidewater Buffer.

Mr. Soper, Critical Area Planner reviewed the Facts from the Buffer Exempt Area Staff Report. The proposed new construction will not be closer to the shoreline than the existing closest point of the house. The new deck and roof will increase lot coverage by 164 sq. ft., increasing total lot coverage to 4,193 sq. ft., maximum allowed lot coverage is 5,445 sq. ft. Mitigation will be required at 2:1 for the new lot coverage. The Critical Area Commission was notified of this request and in a letter dated February 17, 2017 from Julie Roberts of the Critical Area Commission, she stated that they were not opposed to this request provided an approved Buffer Management Plan is completed before construction begins.

Mr. Soper then reviewed the Application of Ordinance Language (155-38.J.5.c.1-8) to Facts from the Staff Report.

Mr. Hanson asked for a motion for the BEA Application. Mr. Giese made a motion to approve the request and Ms. Losty seconded. The motion unanimously carried.

C. BEA Permit Application – Sangston Pritchett, owner 2960 Toddville Road, Toddville, Maryland – requesting approval to construct a new single family dwelling within the 100’ Critical Area Tidewater Buffer.

Tim Marshall, Surveyor, Tim Marshall & Associates, Inc., Cambridge, MD, and any other person who would be testifying in this case, were sworn in.

Mr. Soper, Critical Area Planner reviewed the Facts from the Buffer Exempt Area Staff Report. Applicant is requesting approval to build a single family dwelling that was destroyed by fire. Proposed disturbance will not be any closer to shoreline than

the existing closest point of an existing shed, 76 ft. Proposed construction will increase lot coverage by approximately 2,128 sq. ft., for a new total of 8,190 sq. ft. Maximum allowed lot coverage is 12,214 sq. ft. Mitigation at 2:1 will be required. The Critical Area Commission was notified of this request and Julie Roberts responded in a letter dated February 7, 2017 that they do not oppose the request provided an approved Buffer Management Plan is completed before construction begins.

Mr. Soper advised that the request meets the BEA language as stated in the Dorchester County Code (Section 155-38.J.5.c.1-8). Mr. Soper pointed out that the original house was destroyed by fire and a permit was not applied for within the one year timeframe, which is why this request requires Planning Commission approval. He also noted that the new house will be further from the water than the old house was. Mr. Dodd and Mr. Soper reviewed the floodplain lines and Mr. Soper noted that the structure will be within the LiMWA area so the house will need to be set on pylons. Mr. Marshall advised that his client is aware of this.

Mr. Hanson asked for a motion for the BEA Application. Mrs. Layton made as motion to approve and Ms. Losty seconded. The motion unanimously carried.

D. Board of Appeals Cases – Review and recommendation.

Case # 2604 - Grason Jackson

Steve Whitten - Applicant

To request a variance of 55' from the front yard setback requirement for a dwelling unit located abutting a major collector road. Applicant proposes to construct a dwelling unit 45 feet from front property line. Property is located at 5108 Rhodesdale-Vienna Road, Vienna, MD 21869. Containing 0.5 acres, zoned AC.

Based on the information provided, the Planning Commission would like the Board of Appeals to make sure the applicant demonstrates a hardship and consider any comments from surrounding neighbors.

Case # 2605 - Anthony A. & Jackie Ann Truitt

Simmons & Dodd - Applicant

To request a special exception, an accessory structure which, in combination with existing accessory structures, will exceed the footprint of the principal structure. Total footprint of accessory structures in 2264 square feet. The principal structure footprint is 1664 square feet. Property is located at 4355 Blink horn road Hurlock, MD 21643. Containing 5.39 acres, zoned AC.

Based on the information provided, the Planning Commission would like the Board of Appeals to assure that the applicant demonstrates a need to exceed the maximum permitted allowance.

Case # 2607 - Sean & Sherri Delioselle

Steve Whitten - Applicant

To request a variance of 24' of the required 40' front yard setback to allow an accessory building to be located 16' off of a private right of way line. Property is located at 4311 Osborne Road Hurlock, MD 21643. Containing .999 acres, zoned AC.

Based on the information provided, the Planning Commission would like the Board of Appeals to make sure the applicant demonstrates a hardship.

**Case # 2608 - Kevin McGinnis
Ryan Showalter - Applicant**

A request has been made for a variance from the Expanded Tidewater Buffer to permit installation of an in-ground pool and deck within 159.5' of mean high water. Zoned RR-Rural Residential. Property is located at 5906 Heather Lane Cambridge, MD 21613. Containing 2.37 acres.

Based on the information provided, the Planning Commission would like the Board of Appeals to consider whether being denied a swimming pool constitutes an unwarranted hardship and whether the applicants are being denied all reasonable and significant use of the property if this request is denied.

INFORMATION

Mr. Drummond advised that as requested by the Planning Commission at the February meeting, he has drafted a letter to the County Council outlining the status of the medical marijuana issue and possible future legalization of recreational marijuana at the State level. He reviewed the letter, noting that this letter is to advise the County Council and ask if they want to address the regulations for medical marijuana now, wait until recreational marijuana is legalized or anticipate that this will occur and address both now.

Ms. Losty advised that the City Planning & Zoning has introduced several regulations that address medical marijuana, such as distance from schools and churches.

Mrs. Layton noted that the Farm Bureau, State and Local, has passed resolutions that growing marijuana should be a pharmaceutical use and should not be grown on agricultural land.

Mr. Hanson asked if a decision was made at the last Board of Appeals meeting on the Sunnee Bee solar case. Mr. Dodd advised that a second meeting has been completed and they are attempting to schedule a third and hopefully final meeting sometime in April. Mr. Hanson asked that the Planning Commission be notified when the next Board of Appeals meeting is scheduled for this case.

With no further business, Mrs. Losty made a motion to adjourn and Mr. Giese seconded. The motion unanimously carried. The meeting was adjourned at 1:18 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a stylized name, possibly "Ryan Showalter".