

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – September 5, 2018

The Dorchester County Planning Commission held their regular meeting on September 5, 2018 at 12:00 pm in the County Office Building, Room 110 in Cambridge, MD. Members present were: Robert Hanson, Chair, Laura Layton, Vice Chair, Bill Giese, Mary Losty, Ralph Lewis and Jerry Burroughs. Also present were, Steve Dodd, Director, Rodney Banks, Deputy Director, Brian Soper, Environmental 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 August 1, 2018. Mr. Burroughs made a motion to approve the minutes and Mr. Giese seconded. The motion unanimously carried.

OLD BUSINESS

A. None

NEW BUSINESS

A. Shared Driveway and Subdivision Waiver Request to permit 3 lots to be served by a shared driveway – Donald & Doris Rae owners, F. Douglas Jones, surveyor and applicant - For property identified on Tax Map 31, Grid 23, Parcel 10, and located at 5452 Mount Holly Road.

F. Douglas Jones, Surveying Associates, 939 Mount Hermon Rd., Salisbury, MD, applicant, and Donald Rae, 5452 Mount Holly Rd., East New Market, MD, owner, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd reviewed the case. He advised that the owners would like to subdivide the existing farm into two parcels, separating the Rae's home and farmland from the woodland area. There is an existing 50 ft. right of way that serves the Rae's home and the daughter's home (lot 1). This separation would create a third parcel. Mr. Dodd read §140-26. A (2) of the County Subdivision Regulations into record, pertaining to shared driveways and maintenance agreements. He noted that a Shared Driveway Agreement should be required if the Planning Commission approves the waiver request.

Mr. Jones reviewed the site plan. He noted that a 50 ft. right of way was established when lot 1 was created for the Rae's daughter. He advised he found a confirmatory deed from 2002 supporting the establishment of the shared driveway at that time. He was unable to find an executed Shared Driveway Agreement. He asked the Planning Commission to consider waiving the maintenance agreement since they are not creating anything new.

Mr. Drummond explained to Mr. Jones that the Shared Driveway Agreement creates a structure for maintenance of the driveway. He pointed out that if a parcel is sold outside the family in the future, this will provide for continued maintenance of the driveway.

Mr. Drummond suggested that Mr. Jones “z” in on the plat, the two parts of the ag lot over the private driveway to make clear that the right of way is not creating two lots. Mr. Jones stated that he would “z” in across the 20ft. and the 50 ft. areas.

Mr. Soper advised the Shared Driveway Maintenance Easement Agreement will need to be recorded and the recording information put on the plat before the plat can be recorded.

Mr. Hanson asked for a motion to require an approved Shared Driveway Maintenance and Easement Agreement. Mr. Giese made the motion and Ms. Losty seconded. The motion unanimously carried.

Mr. Hanson then asked for a motion to waive the public road standards, allowing the three lots to share one driveway. Ms. Losty made the motion and Mr. Burroughs seconded. The motion unanimously carried.

B. Board of Appeals Cases – Review and recommendation.

Case #2633 – Kenneth & Lisa Hurlock, applicants

To request a special exception to construct a 1,200 sq. ft. accessory structure which, in combination with existing accessory structures, exceeds the footprint of the principal structure. There is an existing accessory structure measuring 2,200 sq. ft. on the same lot, which was approved by variance granted in 2000. The principle structure, located on the adjoining lot contains 1,808 sq. ft. Also to request a special exception to operate a home-based contractors business out of the existing 2,400 sq. ft. building, with one non-resident employee. Applicant is also requesting to amend the stipulations for BOA Case #1966 to remove the condition of “no solicitation of business on premises”. Property located at 5531 LeCompte Rd., Rhodesdale, MD 21659 containing 3.85 acres. Zoned AC, Agricultural Conservation.

Based on the information provided, the Planning Commission suggests the Board of Appeals have the applicant either remove the property line between 5533 and 5531 LeCompte Rd. or execute a “Covenant Not To Separate” agreement. They also suggest the applicant not be allowed to operate a business from the new 1,200 sq. ft. accessory structure.

Case #2458-A – Commissioners of Secretary

To request a new special exception and variance in place of a previously expired special exception and variance approved by the Board of Appeals on July 24, 2014 for “Town of Secretary”. Original request was for a special exception to replace a wastewater treatment plant and a variance to place a structure 50 ft. from the property line. Variance requested: 450 ft. Property located at 3723

Green Point Rd., Secretary, MD 21664 containing 11 acres. Zoned RR, Rural Residential.

Based on the information provided, the Planning Commission has no objection to the special exception or variance requested.

C. Comprehensive Plan Update

Mr. Soper reviewed the results from the three workshops. The vision primarily focuses on agriculture, natural resources and the seafood industry. Challenges include environmental concerns, particularly in the southern portion of the county and cellular/broadband coverage.

Mr. Soper spoke about the public opinion survey and, how and where it will be distributed. He noted there are links to the survey on the County website and Facebook.

Mr. Soper advised that failing BIP/septic issues will need to be addressed through this Comprehensive Plan update. Mr. Dodd advised that one of the BIP ponds serving the McKeil Point subdivision is failing. This area is not served by the Woolford/Madison sewer system (Sanitary District 7) because the ponds were working at the time the lines were run. In order for this subdivision to be connected to the sewer system, the Water and Sewer Plan will need to be amended; approval from MDE and MDP will also be required.

Mr. Dodd advised they are working with MDE to change the denied access policy for Sanitary District 7. This would allow every lot that is a parcel of record existing since 2004 to have a connection. He noted that when District 7 was established, connections were only allowed if there was an existing house on the property, even if the line ran in front of the property.

Mr. Soper advised that the Comp Plan update is on budget, on time and scheduled for completion by the end of 2019.

INFORMATION

A. None

With no further business, Mr. Burroughs made a motion to adjourn and Mr. Giese seconded. The motion unanimously carried. The meeting was adjourned at 12:50 pm.

Respectfully submitted,

