

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – February 6, 2019

The Dorchester County Planning Commission held their regular meeting on February 6, 2019 at 12:00 pm in the County Office Building, Room 110 in Cambridge, MD. Members present were, Robert Hanson, Chair, Jerry Burroughs, Vice Chair, Laura Layton, Bill Giese, Ralph Lewis, Mary Losty and Jeffrey King. Also present were, Rodney Banks, Deputy Director, Brian Soper, Planner and Christopher Drummond, Attorney.

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

Mr. Hanson asked for a motion to approve the minutes of January 2, 2019. Mr. Lewis made a motion to approve the minutes and Mr. Giese seconded. The motion carried, with Ms. Losty and Mr. King abstaining.

OLD BUSINESS

- A. Mr. Drummond gave an update on the Perennial Solar case in Washington County. The Court of Special Appeals held that Washington County zoning requirements for a solar project are pre-empted by State requirements. Washington County and Queen Anne's County have asked the Court of Appeals to review this decision. The Court of Appeals has agreed to hear the case.

Mr. Drummond advised that a bill has been presented to the General Assembly that would require solar and wind projects, applying for certificates of public convenience and need to provide proof to the Public Service Commission that they have complied with local zoning requirements before the CPCN can be granted.

NEW BUSINESS

- A. **P&Z #1350-Dollar General, applicant – Site Plan Approval. The applicant is requesting site plan approval and a parking deviation request for the construction of a retail building with parking and associated site improvements. The site is located at Mt. Holly East New Market Road and is shown on Tax Map 21, Grid 24, Parcel 100. Property is zoned B-2, General Business.**

Tim Glass, Engineer, Lane Engineering, John Camp, Oxford Chase Development, and any other person who would be testifying in this case, were sworn in.

Mr. Banks reviewed the request. He advised that the site plan has been reviewed by these agencies, George, Miles and Buhr, LLC, Salisbury, MD on behalf of Department of Public Works, SHA, Health Department and Soil Conservation. Mr. Banks advised that most of the agency comments have been addressed, however if the Planning Commission approves the site plan at this

meeting, he would like the approval to be contingent on all agency comments being addressed. Mr. Glass was agreeable with this contingency. He also noted that a subdivision process will be required to divide the parcel. They will not need to return for Planning Commission approval after the subdivision has been completed. Mr. Hanson asked Mr. Glass and Mr. Camp if they were aware that once the parcel is subdivided, if the remaining lot 2 is sold, sewer service will need to be addressed. Mr. Glass advised they were aware of this.

Mr. Glass reviewed the site plan. He noted that agency comments have been addressed and the plans have been resubmitted for review. Mr. Glass advised the parcel is 15.68 acres and they will be subdividing off approximately 4 acres. The store will be about 9,100 sq. ft. in size. Mr. Glass explained the requested deviation from the required number of parking spaces. He noted that zoning requires 46 spaces for a store of this size; they are requesting a deviation of 15 spaces, for a total of 31 spaces. He noted there are two gravel entrances to the parcel. As requested by SHA, the entrance across from Heritage Mobile Home Park will be used to access the property. The second entrance will be removed. The metal storage building will remain on the property. The existing BAT septic system will be removed and a new system installed. He spoke about the proposed stormwater management system and, reviewed the proposed landscaping noting that Forest Conservation will be addressed through a fee in lieu.

Mr. Drummond asked how proposed lot 2 would be accessed. Mr. Glass referred to drawing V101 showing a 42 ft. wide common easement benefiting parcel 2, proposed lot 1. Mr. Drummond noted that should the property ever be sold, the easement across the Dollar General property to lot 2 could cause a conflict.

Mr. Hanson asked if the Planning Commission grants the parking waiver and the building/lot is sold in the future, would the parking deviation pass to the new owner. Mr. Drummond advised that the waiver is for this use only. Mr. Banks noted that Mr. Forlifer, Health Department, has advised that the septic system is approved for this use only. If the site is sold in the future, the system would be contingent on the type of business that acquires the property. Mr. Hanson advised these should be noted on the plat.

Mr. Glass reviewed landscaping plans on sheets L101 and 102 to answer Ms. Losty's question about screening of the dumpsters and the asphalt parking areas. Mr. Burroughs asked if the Commission would be able to see the proposed building. Mr. Banks advised that the County's site plan requirements does not address appearance of the building. Mr. Camp did provide pictures of the proposed building.

There was discussion on what could be done to upgrade the appearance of the building to include awnings, façade and landscaping. Mr. Camp advised the plans presented meet the County's site plan and code requirements. There was a lengthy discussion on possible upgrades with no resolution. Mr. Camp

advised he met with the Town of East New Market twice about the project and there was no opposition to the proposed plans; the town did deny sewer taps for the project.

Mr. Burroughs made a motion to table the site plan approval and the parking deviation request until Mr. Camp has had time to speak with Dollar General Executives about upgrades. Mr. Lewis seconded and the motion unanimously carried.

B. P&Z #1349 – Twin Cities Wastewater Treatment Plant, applicant – Site Plan Approval. The applicant is requesting site plan approval for the construction and upgrade of the wastewater treatment plant, parking and associated site improvements. The site is located on Green Point Road and is shown on Tax Map 21, Grid 15, Parcel 109. Property is zoned RR, Rural Residential.

Mr. Drummond advised for the record that he is the Attorney for the Town of Secretary.

Susan Dukes, Secretary Town Commissioner, Bryan Panther, ARRO Consulting, and any other person who would be testifying in this case, were sworn in.

Mr. Banks reviewed the site plan. Comments have been received from Lane Engineering on behalf of the Department of Public Works. Soil Conservation also had several comments. The Health Department had no comments. Mr. Banks advised approval should be contingent on all agency comments being addressed before the plat is signed. He also noted the “Town of Secretary, Maryland” in the approval block for Planning Commission signature should be removed. Approval blocks need to be added for Public Works and Health Department.

Mr. Banks advised the project was granted a second special exception by the Board of Appeals on September 20, 2018. The first one expired after being issued in 2014.

Ms. Losty asked Bryan Panther, ARRO Consulting to address any major issues/comments that came back from the agencies. Mr. Panther stated there was an issue with stormwater management. He referred to drawing no. ESC-1, noting the location where a swale will be added in the area of the “topsoil stockpile”. Mr. Hanson advised this will need to be placed on the revised plat.

Mr. Banks noted that Soil Conservation has requested more silt fencing. Mr. Panther advised that the silt fencing and stormwater management is contingent on the Forest Conservation Plan. Mr. Panther noted that the FCP was sent to Mr. Banks for review on February 5th.

Mr. Banks advised Ms. Dukes that approval for the site plan is good for one year from the date the Planning Commission grants the approval.

Mr. Burroughs made a motion to approve the site plan contingent on all agency comments be addressed and placed on the revised plat. Ms. Losty seconded and, the motion unanimously carried.

C. Comprehensive Plan Update – Land Use Element.

Chris Rogers and Ryan Mawhinney, AECOM, reviewed the draft of the Land Use element. The Planning Commission was asked to review the draft of the Community Profile and the Land Use elements and send any comments to Brian Soper.

D. Board of Appeals Cases – Review and recommendation

No cases for February.

INFORMATION

No information.

With no further business, Ms. Losty made a motion to adjourn and Mr. Burroughs seconded. The motion unanimously carried. The meeting was adjourned at 2:00 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "K. Soper", written in a cursive style.