

The Dorchester County Board of Appeals met in regular session on Thursday, February 20, 2014 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Dwight Cromwell, Wendell Foxwell, Catherine McCulley, Chairperson, Elizabeth Hill, Walt Gunby, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording.

An introduction was made by Chairperson McCulley, explaining the procedures of this meeting to the audience. She then asked Mr. Dodd to read the first case.

Case #2445 – Jeffrey Fletcher

To request, as a special exception, accessory structure(s) larger than the principal structure. Property located at 6835 Gravel Branch Road and contains 2.4 acres. AC, Agricultural Conservation Zoning District.

Mr. Fletcher, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Jeff Fletcher, 6835 Gravel Branch Road, Hurlock, MD explained to the Board that he would rely on his written responses to the criteria but would add that he just wants to tear down the two existing sheds and replace it with one slighter larger building. This building will be for personal storage and cars.

Mr. Dodd read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The Planning Commission gave a favorable recommendation, based on the information presented to them.

No one spoke in favor of this request and no one was opposed.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Ms. Hill made a motion “to approve this request with the following stipulations: two existing sheds removed and no business, for personal storage only.” Seconded by Mr. Foxwell and unanimously carried.

Case #2446 – Gia Clark, One Energy Renewables, Applicant
Roger Adams, Owner

To request, as a special exception, a solar energy systems utility scale project. Also, to request a variance from the front yard setback requirement. Property located at 4919 Bucktown Road and contains 365 acres. AC, Agricultural Conservation Zoning District.

Ms. Clark, Mr. Bauer, Mr. Willey, Mr. Morris, Mr. Ball, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Dane Bauer, Diversified Building Solutions, told the Board that they would rely on their written responses to the criteria but would add that the state is providing incentive program to change to alternative energy by 2022. He also explained that this project produces no noise, and it will be well screened and fenced.

Gia Clark, One Energy Renewables, told the Board that they wished to amend the variance request to 10'. She also explained that Choptank Electric will not move the pole and that is the reason for the variance request. The top of the solar panels will be 8' and the screening will be at about the same height. Construction will approximately begin in October.

Mr. Dodd read agency comments into the record. The Department of Public Works stated that they had no comment or objection but wished to clarify that the consultant will need to consider carefully how construction will occur to minimize the limit of disturbance. In the case of solar energy systems, very often the disturbance can be limited to just the supports for the panels. Any disturbance over 5,000 square feet will require a stormwater management plan and erosion and sediment control plan be submitted for review and approval. The Health Department had no objection. The Planning Commission gave a favorable recommendation based on the information presented to them.

Richard Ball, 4825 Bucktown Road, Cambridge, MD, spoke in favor of this request.

Kevin Willey, 48289 Bucktown Road, Cambridge, MD spoke against this request. He said that he moved here 15 years ago to be in the country and feels that this project should be relocated to behind the trees on Mr. Adam's property. He was also concerned about property values and long term health effects.

Keith Morris, 4831 Bucktown Road, Cambridge, MD spoke against this request. He said that he would be able to see this project if he sat on his front or back porch. Ms. Clark showed him on the aerial view which field the project was going on and Mr. Morris said that he thought it was going on the field right next to him.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding the special exception. Ms. Hill made a motion "to approve this request with the following stipulation: recommend to the Planning Commission that buffers be planted along south side of the project and along Bucktown Road." Seconded by Mr. Cromwell and unanimously carried. Ms. McCulley called for a motion regarding the variance. Mr. Howard made a motion "to approve the variance." Seconded by Ms. McCulley and unanimously carried.

Case #2447 – Valley Proteins, Inc.

To request variances from the front yard setback requirement to allow the replacement of an existing water tank and to allow the expansion of an existing cooling tower. Property located at 5420 Linkwood Road and contains 88.31 acres. I-2, Heavy Industrial Zoning District.

Mr. Himmler, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Tom Himmler, Valley Proteins, 31754 Kenilworth Drive, Salisbury, MD told the Board that he would rely on his written responses to the criteria, but would add that the water tank is structurally failing and the Fire Marshal's Office wants it replaced. They would be using the existing concrete foundation. They would be taking down the existing water tank and replacing with the same thing in the same location. The cooling tower is not adequate for the increased production they have been seeing and need to a third cell.

Mr. Dodd read agency comments into the record. The Department of Public Works stated that they had no comment or objection regarding this request. They wished to clarify that depending on the phasing for installing the water tank and cooling tower, it may be necessary to have an approved stormwater management plan and erosion and sediment control plan for their installation. Both plan approvals are required for disturbances in excess of 5,000 square feet. The tank and tower are part of a larger plan, so likely the construction of these two will be incorporated into one plan for the site. This is recommended to avoid multiple stormwater management and erosion and sediment control approvals. The Health Department had no comment. The Planning Commission gave a favorable recommendation based on the information presented to them.

No one spoke in favor of this request and no one was opposed.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Foxwell made a motion "to approve this request." Seconded by Ms. Hill and unanimously carried.

Case #2448 – Bruce and Jeanne Bernard

To request, as a special exception, an accessory structure larger than the principal structure. Property located at 5235 Ragged Point Road and contains 7.8 acres. RR, Rural Residential Zoning District.

Mr. Bernard, Mr. Callahan, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Sean Callahan, 15 Washington Street, Cambridge, MD told the Board that they would rely on their written responses to the criteria and would add that this Board approved a similar request in 2008. This proposed structure will be slightly larger. There are larger structures on neighboring properties.

Mr. Dodd read agency comments into the record. The Department of Public Works stated that they had no comment or objection regarding this case. They wish to clarify that there are very strict guidelines and requirements for building within the Floodplan and Critical Area. The structure will need to be properly elevated, secured and vented according to requirements. This may increase construction costs on the project. Additionally, for disturbances in Floodplain and Critical Areas, special approvals and/or permits may be required. This may increase the time before construction may begin. The Health Department had no objection. The Planning Commission gave a favorable recommendation based on the information presented to them.

No one spoke in favor of this request and no one was opposed.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

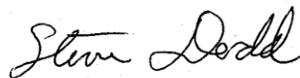
At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Howard made a motion "to approve this request." Seconded by Mr. Foxwell and unanimously carried.

A motion was made by Ms. Hill to approve the minutes of the September 19, 2013 meeting. Seconded by Mr. Foxwell and unanimously carried.

With no further business, a motion was made by Mr. Cromwell to adjourn. Seconded unanimously carried. Time of adjournment: 10:00 PM.

Respectfully submitted,

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

Steve Dodd
Executive Secretary