

The Dorchester County Board of Appeals met in regular session on Thursday, July 24, 2014 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Wendell Foxwell, Catherine McCulley, Chairperson, Walt Gunby, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording. Absent were Mr. Cromwell and Ms. Hill.

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 #2458 – Commissioners of the Town of Secretary, Owner
Richard Parks, Arro Consulting, Applicant

To request, as a special exception, the modification of a grandfathered special exception (wastewater treatment plant). Also, to request a variance to reduce the required setback to the property line(s). Property located at 3723 Green Point Road and contains 11 acres. RR, Rural Residential Zoning District.

Mr. Parks, Mr. Short, 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.

Richard Parks, 1101 Opal Court, Hagerstown, Maryland, and Mayor Henry Short, 125 Main Street, Secretary, Maryland, explained to the Board that they would rely on their written responses to the criteria. They would also add that was originally constructed in the early 1970's and has limitations with the quality of the effluent that it releases. They will be upgrading to achieve enhanced nutrient removal (ENR), with new mechanical processes. The existing lagoon is 30' from the property line and the new plant will be at 50'. There will be a new 50' by 200' concrete tank for mechanical processes. The existing administration building will be used for chlorine reduction.

Mr. Dodd read agency comments into the record. The Health Department had no objection. The Department of Public Works had no comment or objection, however, a stormwater management plan and erosion and sediment control plan will need to be submitted for review and approval for disturbances greater than 5,000 square feet. The Planning Commission, based on the information presented, gave a favorable recommendation.

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

Rosemary Banks, owner of property adjacent, asked the location of the new plant in respect to the location of her property.

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 Mr. Howard and unanimously carried.

Case #2459 – Chelsea Ortega, Personal Representative of the Estate
Of Sallie English, Owner
Steve Whitten, Fink Whitten & Associates, Applicant

To request a variance to the required front lot line width for a proposed two lot subdivision. Property is located at 3812 Wrights Wharf Road and contains 5.60 acres. RR, Rural Residential Zoning District.

Mr. Whitten, Mr. Cohee, 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.

Steve Whitten, 108 Dorchester Avenue, Cambridge, Maryland, and Stewart Cohee, 4518 Gadow Road, Preston, Maryland, explained to the Board that they would rely on their written responses to the criteria. Mr. Whitten also told the Board that the subdivision was platted with the 91.75 frontage. There will be no change of land use and no increase in traffic. Mr. Whitten also informed the Board that they had approved a similar variance at 2252 Horn Point Road with 80’ relief.

Mr. Dodd read agency comments into the record. The Department of Public Works had “no comment or objection, however, there is a need to correct the right-of-way issue existing along Choptank Landing Road. According to plat records, there is a 20’ wide private right-of-way between existing lots 27/28 and the 50’ wide road right-of-way. Within the 20’ right-of-way is an existing separate lane adjacent to the roadway. To access lots 27 and 28, one must exit the count roadway and cross over the existing adjacent lane. We recommend abandoning the 20’ right-of-way and transferring the land to the adjacent property owners. Additionally, a stormwater management plan and erosion and sediment control plan will need to be submitted for review and approval for disturbances greater than 5,000 square feet.” The Health Department had no comments. The Planning Commission, based on the information presented, gave a favorable recommendation, provided that Site Plan review includes looking at the curved driveway on Lot 2 and making sure that sight distance is not an issue.

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

Claudia Stewart, 6808 Choptank Landing Road, Hurlock, Maryland, asked questions regarding the right-of-way and the number of driveways.

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.

Case #2460 – Jerome and Kathleen Sadler, Owners,
Steve Whitten, Fink Whitten & Associates, Applicant

To request a variance to allow an accessory structure to be placed within the required front yard setback Property located at 2550 Hoopers Island Road and contains one acre. V, Village Zoning District.

Mr. Whitten, 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.

Steve Whitten, 108 Dorchester Avenue, Cambridge, Maryland, informed the Board that he would rely on his written responses to the criteria. He also said that a private right-of-way has the same setback as a county road. This proposed shed will not be an obstruction and there will be no increase use. If the variance isn't granted, there will be an increased impact in the Critical Area and the sewage reserve area.

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

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 Mr. Howard and unanimously carried.

A motion was made by Mr. Howard to approve the minutes of the June 19, 2014 and June 30, 2014 meetings. Seconded by Mr. Foxwell and unanimously carried.

With no further business, a motion was made by Mr. Howard to adjourn. Seconded by Mr. Foxwell and unanimously carried. Time of adjournment: 9:00 PM.

Respectfully submitted,

Steve Dodd
Executive Secretary