

The Dorchester County Board of Appeals met in regular session on Monday, June 30, 2014, in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Wendell Foxwell, Catherine McCulley, Chairperson, Elizabeth Hill, Walt Gunby, Attorney, Rodney Banks, Deputy Director, with Merris Hurley recording. Absent were Mr. Cromwell and Mr. Dodd.

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

Case #2452 - Robert Kramer, Jr., Owner
Michael Dodd, Esq., Applicant

To request, as a special exception, (after the fact), an addition to an accessory structure which will exceed the maximum allowed. Property located at 4379 Cabin Creek Hurlock Road and contains 1.085 acres. RR, Rural Residential Zoning District.

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

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

Michael Dodd, PO Box 753, Cambridge, Maryland and Robert Kramer, 4379 Cabin Creek Hurlock Road, Hurlock, Maryland, informed the Board that they would rely on their written responses to the criteria. Mr. Dodd explained that there were other barn style structures in the neighborhood. There would be no sound, vibration, fumes, etc., the lean-to additions are purely cosmetic. Mr. Kramer told the Board that he wanted the structure to look like an old fashioned gas station or hardware store.

Mr. Banks read agency comments into the record. The Health Department had no objection. The Department of Public Works had no comment or objection. Any disturbance over 5,000 square feet will require stormwater management plan and erosion and sediment control plan be submitted for review and approval. 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 with the following stipulation: must obtain permits for deck and lean-to additions." Seconded by Mr. Howard and unanimously carried.

Case #2453 - ACG Maryland, LLC, Owner
Robert Burgin, Applicant

To request to allow the construction of a wastewater treatment plant to be located within the required setback. Property located on Karen Circle in the Beaver Neck Village Mobile Home Park and contains 20.6 acres. RR-MH, Rural Residential-Manufactured Home Overlay District.

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

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

Robert Burgin, 117 Cardinal Cove Drive, Irmo, South Carolina, and Chris Clay, 6001 Eastwood Terrace, Norfolk, Virginia, told the Board that they would rely on their written responses to the criteria. Mr. Banks explained that this is not an expansion of the treatment plant, but an upgrade. There is a combination of multi-user drainfields and individual septic systems that are failing and this proposed treatment plant will bring everything into working order. Mr. Burgin told the Board that there are three different sections in the park. The bottom section has individual septic tanks that are pumped into a common drainfield and this section is working fine. The middle section has individual septic systems that have been upgraded and are working fine. The top section is the original system that is failing and needs to be upgraded. The new system is more advanced and will be a drip irrigation system. Mr. Burgin explained to the Board that he misinterpreted the intention of letter B of the variance criteria and would like to change the answer to “would”.

Mr. Banks read agency comments into the record. The Health Department stated that the office supports the request to reduce the 500 foot setback for a wastewater treatment plant from the property line. This request is associated with the owner's application for a construction permit to correct the existing failing septic systems serving this section of the mobile home park. The new wastewater treatment plant will be required to reduce total nitrogen to 20 mg./l. and discharge to drainfields by drip irrigation. This project is adjacent to Higgins Mill pond and the Transquaking River which are impaired by nutrients. The reduction of nitrogen inputs to groundwater is consistent with the Total Maximum Daily Load for the Transquaking River. The Department of Public Works had no comment or objection. A stormwater management plan and erosion and sediment control plan will need to be submitted for review and approval. 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. Howard made a motion “to approve this request.” Seconded by Ms. Hill and unanimously carried.

Case #2454 - Valley Proteins, Owner
Tom Himmler, Applicant

To request, as a special exception, an expansion of a rendering plant to include: a vehicle maintenance facility, truck wash, truck scale, fuel station, drain pad, main office, dissolved air filtration system with sand filter, reverse osmosis building, flow equalization basin tank, fat tanks, boiler room/maintenance shop, load out building, and expansion of the meal silo. 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. Banks read the case and all pertinent information into the record.

Tom Himmler, 5420 Linkwood Road, Linkwood, Maryland explained to the Board that he would rely on his written responses to the criteria. He also said that they are upgrading the facility to satisfy the needs of their clients and employees. They are building a main office/employee welfare building so that the employees have locker room space and a vehicle maintenance facility to maintain the company’s vehicles. They have hired many new employees from Dorchester County as they expand.

Mr. Banks read agency comments into the record. The Health Department had no objection to the request. The described expansion will require construction of a new septic system to serve the new office/employee welfare building and the truck maintenance facility. A suitable location for that system has been identified. The new system must include nitrogen reduction technology. The existing water supply should be adequate. The processing wastewater is discharged to the Transquaking River under a discharge permit issued by the Maryland Department of Environment. Any expansion of that flow must be approved by MDE. The Department of Public Works had no comment or objection to the variance sought in this case. The stormwater management and erosion and sediment control for the site are being addressed in the detailed site plan. Review and approval of the stormwater management and erosion and sediment control is in progress through the Department of Public Works and Dorchester Soil Conservation District. 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. Ms. Hill made a motion "to approve this request." 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: 8:50 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", with a large, stylized flourish extending to the right.

Rodney Banks
Executive Secretary