

The Dorchester County Board of Appeals met in regular session on Thursday, February 25, 2016 in Room 110 of the County Office Building at 7:00 PM. Present were, Catherine McCulley, Chairperson, Gordon Hill, Wendell Foxwell, Walt Gunby, Attorney, Steve Dodd, Director of Planning. Absent were Elizabeth Hill and Dwight Cromwell.

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

Case # 2587 – Fraternal Order of Police, Cambridge Lodge 27, Inc. **(continued)** 7:00 pm

To request a Special Exception to authorize the construction of a building under the permitted use for meeting halls and facilities for clubs, lodges, and fraternal societies. Property is located at 2056 Dailsville Road Cambridge, MD 21613 Lot 2. Containing 9.69 acres, Zoned RR- Rural Residential

Christopher Robinson, Esq., FOP President Tom Hurley and any other person who would be testifying in this case, were sworn in.

Christopher Robinson, Esq., FOP President Tom Hurley spoke about a restrictive covenant that the County Attorney, E. Thomas Merryweather had prepared for the property. This language would be placed in the deed and would run with the land. It was also noted that the FOP was in agreement with this language. Mr. Robinson advised that he had spoken with the Skeet Club about the restrictive covenant and even if accepted as a stipulation tonight, the Skeet Club will oppose it. Mr. Robinson suggested that if this language is accepted tonight, he would like to see it expire if the Skeet Club closes its doors in the future.

Ms. McCulley again reminded everyone that the Board of Appeals could approve a special exception for the FOP only, and it would be non-transferable. Mr. Robinson stated that he had not been discussed this with the Skeet Club.

President Hurley once again spoke in favor of putting a covenant in the deed that would protect the Skeet Club. He also reiterated that the FOP has no problem with being next to the Skeet Club.

Mr. Gunby suggested that a noise easement be placed in the deed if the Skeet Club had issues with the covenant Mr. Merryweather had drawn up. This would be a covenant that runs with the land. If the Skeet Club closes their doors, this easement would disappear as well. He spoke about how this easement would create a dominant and servient tenement relationship between the FOP and the Skeet Club, with the Skeet Club being the dominant tenement, enjoying the easement.

Tom Hook, President of the Cambridge Skeet and Gun Club came forward to again speak in opposition to the variance. Mr. Hook spoke about his concern with the mixed use of the properties. He has concerns that a child might wander from the FOP property onto the Skeet Club property with the potential for disastrous consequences. President Hurley pointed out that if a residence is built on this property the same thing could happen. President Hurley also pointed out that the special exception is for a building other than a house.

Tinsley Meekins, Vice President of the Skeet Club, 29669 Porpoise Creek Rd., Trappe, MD requested that he be allowed to speak since he was not able to attend the January Board of Appeals meeting. Mr. Meekins would like to see the property be kept agricultural or residential. He fears the property may fall into the hands of someone who would complain about the noise and activities of the Skeet Club.

Ms. McCulley asked the Board members if they had any questions. Mr. Foxwell asked why the Skeet Club had not attempted to purchase this piece of property. President Hook advised that the Club was not aware that it was for sale. President Hurley advised that the FOP started working with the owner William Beckwith, not too long before he passed away. The family recently approached the FOP again about purchasing the property. It was never placed on the market for sale.

Mr. Foxwell asked who the Skeet Club would approve to purchase this property. Mr. Hook stated a farmer or gun club.

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 the special exception with the following conditions":

1. FOP Lodge can't be leased to anyone other than FOP members/family
2. Restrictive covenant must be inserted in the deed
3. The Special Exception is nontransferable
4. There will be no separate shooting range on the FOP property

Seconded by Mr. Hill and unanimously carried.

Case #2590 – Valley Proteins, Inc.

7:30 pm

To request a variance from the 500 ft. setback requirement for a wastewater treatment plant. Applicant proposes to expand an existing wastewater treatment plant by, among other things, upgrading and reconfiguring the existing wastewater treatment ponds and tanks, and by constructing new building and associated tank to be set back 285 ft. from the front property line along Linkwood-East New Market Road. A 215 ft. variance is requested. The proposed construction of a building and tank will provide for controls and equipment essential to the operation of the upgrade pond and treatment system, and by necessity must be located adjacent to same.

Tom Himmler, 5420 Linkwood Rd., East New Market, MD, Robert Vogler, P O Box 3588, Winchester, VA 22604 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.

Mr. Vogler spoke about the upgrades that will be made to the existing wastewater treatment ponds. There will be a new building constructed on the property to house

state of the art equipment to treat the wastewater before it is discharged into waters leading to the Transquaking River.

Mr. Vogler advised that there is a permit pending with MDE for the new system and noted that MDE has no issue with the discharge from the facility now and the existing permit has been extended until the new permit is issued. He also spoke about the monthly testing of the plant's discharge water.

Mr. Dodd read agency comments into the record. The Department of Public Works had no objection to the request. The Health Department had no objection to the request. The Planning Commission, based on the information provided, had no problem with the variance.

No one spoke in favor of this request. Richard Ball, 4825 Bucktown Road, Cambridge, MD, and a member of the Dorchester Citizens for Planned Growth, spoke in opposition to the request. Mr. Ball is concerned about the water quality of the Transquaking River with the substantial daily increase of treated wastewater from the proposed new treatment facility into the river. Mr. Ball also spoke about the algae growth, high nitrogen levels and bacteria in the Transquaking River now, and how the treated wastewater might adversely affect these levels.

Mr. Himmler advised that even with an increase in the discharge, they are confident they will meet the requirements of the Maryland Department of the Environment.

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. Hill and unanimously carried.

A motion was made by Mr. Foxwell to approve the minutes of the January 21, 2016 meeting. Seconded by Mr. Hill and unanimously carried.

With no further business, a motion was made by Mr. Hill to adjourn. Seconded by Mr. Foxwell and unanimously carried. Time of adjournment: 8:50 PM.

Respectfully submitted,



Steve Dodd  
Executive Secretary