

DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – August 3, 2016

The Dorchester County Planning Commission held their regular meeting on August 3, 2016, at 12:00 pm in the County Office Building, Room 110 in Cambridge MD. Members present were: Robert Hanson, Chair, Laura Layton, Vice Chair, Bill Giese, Ralph Lewis, and Mary Losty. Also present were Steve Dodd, Director, Rodney Banks, Deputy Director, Brian Soper Critical Area Planner and Christopher Drummond, Attorney. Absent was Jeffrey King

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

Mr. Hanson asked for a motion to approve the minutes of July 6, 2016. Mr. Giese made a motion to approve the minutes and Mr. Lewis seconded. The motion unanimously carried.

OLD BUSINESS

A. None

NEW BUSINESS

A. P & Z #642B – BA Dorchester Partnership, applicant – Site Plan Approval. The applicant is requesting site plan approval for an oyster hatchery project located at 1209 Riverside Road and containing 75.02 acres. V, Village Zoning District (Tax Map 93, Grid 9, Parcel 150, Lot 2).

Sean Callahan and Johnny Shockley came forward and were sworn in.

Sean Callahan, Lane Engineering, 15 Washington St., Cambridge, MD, applicant, introduced Johnny Shockley, owner of Hoopers Island Oyster Aquaculture Co., 4846 Laurie La., Woolford, MD and Garnet Bean, owner BA Dorchester Partnership, Finksburg, MD.

Mr. Dodd reviewed the documents in the agenda packet. He also passed out a letter received from Lori Byrne, Maryland Department of Natural Resources dated July 27th and a letter from the Hoopers Island Volunteer Fire Department dated August 1st.

Mr. Dodd advised that he had also received a letter from adjoining property owners, Tom and MaryJo Bosley, 1210 Riverside Road, concerning the entrance to the proposed project from Riverside Road.

Mr. Callahan reviewed the site plan. The property fronts on Riverside Road. Mr. Callahan advised that Lane Engineering helped establish a sewage reserve area on the property. The applicant is proposing to build an oyster aquaculture

building on the site. The building will be 100' x 150'. The existing driveway will be widened, improved and slightly elevated. Permit applications have been filed with the Army Corp of Engineers and Maryland Department of the Environment for the driveway upgrade, a small offshore pier and piles water intake and return lines will be fastened to. An NPDES discharge permit is not required because Maryland law changed about 1 1/2 years ago to exclude oyster aquaculture operations. Mr. Callahan advised that they will need to clear about 1 1/2 acres of trees and have paid into the fee in lieu fund. There is an approved sediment control plan.

Mr. Callahan reviewed the site access exhibit. Mr. Callahan advised that he has spoken with the Bosley's concerning the existing entrance to the proposed site. This entrance is directly across from the Bosley property. He noted that the Department of Public Works has concerns about the use of Riverside Road (Option 1 on the Site Access Exhibit) because the road is so narrow. DPW suggests upgrading Riverside Road to bring it up to County standards. The Bosley's have asked the owner to investigate creating an entrance from Hoopers Island Road (Option 2). Mr. Callahan advised they are still looking into this. Mr. Callahan stated that there could potentially be a problem crossing wetlands in this area. He will ask MDE and the Corp of Engineers to look at the site and determine whether an entrance and driveway can be built from Hoopers Island Road.

Mr. Callahan introduced Garnet Bean, owner who spoke briefly about his vision for the property.

Mr. Shockley gave an overview of the Hoopers Island Oyster Aquaculture Company and how the proposed site will connect with the existing company. There will be 8 to 10 employees and the operation will run 24/7 but will not be staffed all the time. The main operation will run from February to October. The other three months will be used for facility maintenance. There will be no industrial activity on this site.

Mr. Hanson asked if there was anyone present that would like to speak in favor of or against the project. Thomas Bosley, 1210 Riverside Rd. came forward and was sworn in. Mr. Bosley stated both he and his wife are in favor of this project. His only concern is Riverside Road, which is no more than a country lane, and whether it can accommodate more traffic. He is also concerned because the proposed entrance is directly across from his residence. Mr. Bosley would prefer that they enter at Rt. 335, (Hoopers Island Road).

Sandy McAllister, McAllister, DeTar, Showalter and Walker, LLC came forward to speak on behalf of Mr. Carnahan, 1225 Riverside Rd. He advised that the Carnahan property is for sale and they have several concerns about this project. He advised that the hatchery is off the back property line of the Carnahan property. They are concerned that the project will become more industrial or commercial. Mr. McAllister read the definition of a "hatchery" from the Zoning Code. Mr. McAllister requested that this restrictive use be documented and advised that his clients have no problem with a "hatchery". They also have

concerns about lighting. They are asking that the lighting not intrude onto the neighboring properties. They would also like not less than a 6 ft. privacy fence erected at the edge of the cleared area. Mr. Callahan advised that he has the list from Mr. McAllister and all involved with the project are agreeable.

Mr. Hanson asked for a motion. Mr. Giese made a motion to approve this request and Mr. Lewis seconded. The motion unanimously carried.

B. Comprehensive Water and Sewer Plan Amendment. Dorchester County Environmental Health Department, applicant – Text and sewer service area map amendments for property located on Laurie Lane in the Brad Vern Park subdivision.

Mr. Forlifer, applicant, from the Dorchester County Environmental Health Department came forward. Mr. Banks reviewed the proposed amendment and the agenda packet. The request is for two amendments. A sewer service map and a table/chart in the Plan that lists properties available to connect to the Woolford/Madison sewer line.

Mr. Banks and Mr. Forlifer spoke about the subdivision and the reason for the requested amendments. This is a four lot subdivision created in the 1990's. There are two unimproved lots; lot 2C owned by Donald Huey and lot 2D owned by the 1880 Bank (formerly National Bank of Cambridge). A berm infiltration pond/shared system was created for the four lots. Mr. Forlifer advised that the system has been failing for several years. The two improved lots were connected to the sewer line when it was brought through the area. Mr. Forlifer stated that the two vacant lots were not connected at that time, because only improved lots were looked at for connection. Mr. Forlifer advised that if the two vacant lots applied for a building permit today, they would not be allowed to use the existing shared system.

Mr. Banks noted that numerous attempts have been made to contact the owner of lot 2C through certified letters, phone calls and regular mail, but there has been no response. Mr. Banks has concerns about connecting the Huey property to the sewer line since no one has been able to speak with him. Mr. Banks did note that if the Planning Commission approves the request today, it will go before the County Council and a public hearing will then be held. Mr. Drummond advised that he also has concerns about proceeding with the Huey property connection since presumably the owner is not aware. Katherine Applegarth, Sanitary District, advised that the address given to Mr. Banks for Mr. Huey is the address used to send Sanitary District invoices which Mr. Huey pays each year.

Katherine Applegarth, 1235 Hiproof Rd., Church Creek, MD representing the Sanitary District spoke about this request. Ms. Applegarth advised that Maryland Department of the Environment and Maryland Department of Planning have told the Sanitary District they do not want any more connections made on this line. Therefore, if this request is approved today, and then passed by the County Council, the Sanitary District would need to wait on a response from both agencies before proceeding with any connection.

Mr. Drummond advised that there is an opinion with MDE and the Attorney General's Office that if a line goes in front of a lot, the owner of that lot has a right to connect to the line. Mr. Forlifer stated that he feels the difference between an individual lot and these two lots is that a shared system had been set up for this four lot subdivision that has now failed. He noted that the Sanitary District was the corrector of the failing or inadequate systems within this area, through the installation of the Woolford/Madison sewer line.

Mr. Dodd advised that the County Water & Sewer Plan, and Maryland Department of Planning made it clear when the Woolford/Madison plan was approved, that properties in a (PFA) Priority Funding Area, or houses that existed in 2004 when this project began, were the only properties that could be served by this line. Everyone outside these identified service areas would be denied.

William Wise, Board member with 1880 Bank came forward and was sworn in. He stated that the bank had loaned money on lot 2D and the loan was made with the understanding there was a shared facility for this lot. The Bank has repossessed the lot. Mr. Wise stated that because the lot has no sewer system, the right to build has been taken away. Mr. Wise advised that the Sanitary District has told the Bank that the lot cannot connect to the sewer line.

Mr. Giese asked if the line has the capacity to accommodate these properties. Ms. Applegarth stated yes, and advised that the connection will have to be approved by the City of Cambridge since the wastewater will go to their treatment facility. If the lots are approved for the connection, there is a yearly assessment fee of \$240 per lot.

It was noted that if this gets approved by the County Council, Maryland Department of the Environment has 90 days to review the request and either approve or deny it.

Mrs. Layton made a motion to approve this request for both vacant lots and Ms. Losty seconded. The motion carried with Mr. Hanson abstaining.

Board of Appeals Cases – Review and recommendation.

Case # 2595- Kendra and Sean Smith

7:00 pm

To request, a special exception, a Day Center serving more than nine (9) children. Applicant is proposing to build a 40' by 32' building to conduct a commercial day care center for up to forty-one (41) children and up to (6) employees on her property located at 4303 Blink Horn Road. Zoned AC - Agriculture Conservation. **Based on the information provided, the Planning Commission would like the Board of Appeals to make sure the owner applies for all necessary permits and adheres to the rules and regulations of the Zoning Code and the Maryland Childcare Licensing Board.**

Case # 2596- Ronald W. Allen Sr.

7:30 pm

To request, as a special exception, an accessory structure or structures which, in combination, exceed the footprint of the principal structure or 1200 square feet,

which is greater. Applicant's principal structure is 960 square feet. His property currently contains one (1) accessory structure of approximately 240 square feet. He proposes to build a new accessory structure (30' x 40') containing 1,200 square feet. Property is located at 4710 Skeet Club Road. Zoned SR-MH-Suburban Residential – Manufactured Home Overlay.

Based on the information provided, the Planning Commission had no objection.

Case # 2597- Thomas & Christa Miller

8:00 pm

Special exception requested to accommodate existing private airstrip used for the personal and private aircraft of the property owners and invited guest, and for aerial application for the benefit of agriculture, pursuant to Article IX, Section 155-50(F) supplementary use Regulations. Variances as necessary to accommodate existing airstrip, in private use without incident since 1981.

Property is located at 6129 Eldorado Road. Zoned AC- Agriculture Conservation.

Based on the information provided, the Planning Commission suggested the Board of Appeals consider any comments from the surrounding neighbors.

INFORMATION

Mr. Banks passed out an annual report addressed to Maryland Department of Planning. This report tells how many building permits were issued for single family dwellings for the year 2015. The report requires Planning Commission approval. Mr. Banks pointed out that there was a new question this year concerning total amount of ag land preserved. Mr. Hanson asked for a motion. Mr. Giese made a motion to approve and Mrs. Layton seconded. The motion unanimously carried.

With no further business, Mr. Giese made a motion to adjourn and Ms. Losty seconded. The motion was unanimously carried. The meeting was adjourned at 1:30 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "H. Giese", written over a horizontal line.