

1 August 9, 2013



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4 **Talbot County Planning Commission**
5 **Final Decision Summary**

6 Wednesday, June 5, 2013 at 9:00 a.m.

7 Bradley Meeting Room

8 11 N. Washington Street, Easton, Maryland

9 **Attendance:**

10 Commission Members:

- 11
- 12 Thomas Hughes, Chairman
- 13 William Boicourt
- 14 Michael Sullivan
- 15 John Trax
- 16 Paul Spies

17 Staff:

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- 19 Sandy Coyman, Planning Officer
- 20 Mary Kay Verdery, Assistant Planning Officer
- 21 Brett Ewing, Planner I
- 22 Mike Mertaugh, Roads Engineer
- 23 Carole Sellman, Recording Secretary
- 24

25 **1. Call to Order**—Commissioner Hughes called the meeting to order at 9:00 a.m.

26
27 **2. Decision Summary Review**—May 1, 2013—The Commission noted the following
28 corrections to the draft decision summary:

- 29 a. Line 143, “tradeoff” should be one word.
- 30 b. Line 301 and 302, remove the words “general spirit of the”
- 31 c. Line 352, Commissioner Hughes said there are so few logging operations in the
32 county that it would not be a burden to loggers if a sign was mandatory and we
33 would avoid another Sailors Retreat situation.
- 34 d. Line 360, correct Mrs. Codispoti’s name, Leocadia Codispoti.
- 35 e. Line 390, Commissioner Hughes said he checked with Mr. Coyman who had
36 checked with the state and was told radar and wireless communications were
37 incompatible.

38
39 Commissioner Boicourt moved to approve the draft Planning Commission Decision
40 Summary for May 1, 2013, as amended; Commissioner Spies seconded the motion.
41 The motion carried unanimously.

42
43 **3. Old Business**

- 44
- 45 a. Talbot County, Maryland—Recommendation to County Council Forest harvest
46 sign requirement, Sandy Coyman, Planning Officer

47
48 Commissioner Trax moved to table the Forest harvest sign requirement and
49 amendment to Chapter 128, Right to Farm of the *Talbot County Code*, to the July
50 Planning Commission meeting, Commissioner Boicourt seconded the motion. The
51 motion carried unanimously.

53 **4. New Business**

- 54
55 a. Administrative Variance—Michael J. Foley and Joan E. Foley, #A190—26393
56 Ingleton Court East, Easton, MD 21601, (map 33, grid 2, parcel 119, Lot 2, zoned
57 Rural Residential), Dominic Cappella of Christine Dayton Architects, Agent.

58
59 Mr. Ewing presented the staff report of the applicant’s request for a proposed first
60 floor porch expansion and a vertical expansion to add a second floor with an open
61 second story porch. The new second story will create 19.5 square feet of new
62 gross floor area in the shoreline development buffer. The proposed expansions
63 comply with lot coverage and will be located no closer to mean high water than
64 the existing dwelling at 86 feet.

65
66 Staff recommendations include:

- 67
68 1. The applicant shall make a building permit application to the Office of
69 Planning and Permits follow all rules, procedures, and construction timelines
70 as outlined regarding new construction.
71 2. The applicant shall commence construction on the proposed improvements
72 within eighteen (18) months from the date of the Office of Planning and
73 Permits’ “Notice to Proceed”.
74 3. Natural vegetation of an area three times the extent of the additional
75 disturbance allowed shall be created in the buffer or on the property if
76 planting in the Buffer cannot be reasonably accomplished. A Critical Area
77 Buffer Management Plan application may be obtained at the Office of
78 Planning and Permits.
79 4. The applicant shall not enclose the proposed porch with a full or half wall
80 (knee wall) without obtaining additional variances from Talbot County.

81
82 Dominic Cappella of Christine Dayton Architects appeared with Mrs. Joan Foley.
83 Mr. Cappella had no further comments.

84
85 Commissioner Hughes asked for public comments; none were made.

86
87 Commissioner Sullivan moved to recommend to the Planning Officer to approve
88 the administrative variance to expand a legal nonconforming structure for Michael
89 J. Foley and Joan E. Foley, 26393 Ingleton Court East, Easton, Maryland 21601,
90 provided compliance with staff recommendations occurs, Commissioner Boicourt
91 seconded. The motion carried unanimously.

- 92
93 b. Administrative Variance—Neil Mufson and Elizabeth Mufson, #A188—28702
94 Edgemere Road, Easton, Maryland 21601, (map 42, grid 16, parcel 214, Lot 2,
95 zoned Rural Residential), Bill Stagg, Lane Engineering, LLC, Agent.

96
97 Mr. Ewing presented the staff report of the applicant’s request to expand the
98 kitchen, new mudroom and new entry porch. The expansion will create 92 square

99 feet of new gross floor area in the shoreline development buffer. The proposed
100 expansions comply with lot coverage and will be located no closer to mean high
101 water than the existing dwelling at 75 feet.

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103 Staff recommendations include:

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105 1. The applicant shall make a building permit application to the Office of
106 Planning and Permits, follow all rules, procedures, and construction timelines
107 as outlined regarding new construction.
108 2. The applicant shall commence construction on the proposed improvements
109 within eighteen (18) months from the date of the Office of Planning and
110 Permits' "Notice to Proceed".

111
112 Bill Stagg of Lane Engineering, and Tim Kerns, Architect, appeared on behalf of
113 Mr. and Mrs. Mufson.

114
115 Commissioner Hughes asked for public comments; none were made.

116
117 Commissioner Boicourt moved to recommend to the Planning Officer to approve
118 the administrative variance to expand the legal nonconforming structure for Neil
119 Mufson and Elizabeth Mufson, 28702 Edgemere Road, Easton, Maryland 21601,
120 provided compliance with staff recommendations occurs, Commissioner Trax
121 seconded. The motion carried unanimously.

- 122
123 c. Administrative Variance—Brent Asplundh and Kelly Asplundh, #A189—4383
124 Holly Harbor Road, Oxford, Maryland 21654, (map 53, grid 10, parcel 119, Lot
125 10 zoned Rural Residential), Bill Stagg, Lane Engineering, LLC, Agent.

126
127 Mr. Ewing presented the staff report of the applicant's request to add 680.8 square
128 feet of first and second floor gross floor area to the existing structure. The
129 proposed expansions result in a net reduction of lot coverage and will be located
130 no closer to mean high water than the existing dwelling at 25 feet. Lot coverage
131 calculations comply with the entire site and exceed the 15% limit within the
132 buffer. Applicant is proposing a 65 square foot net reduction of coverage within
133 the buffer.

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135 Staff recommendations include:

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137 1. The applicant shall make a building application to the Office of Planning and
138 Permits, follow all rules, procedures, and construction timelines as outlined
139 regarding new construction.
140 2. The applicant shall commence construction on the proposed improvements
141 within eighteen (18) months from the date of the Office of Planning and
142 Permits' "Notice to Proceed".

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144 Bill Stagg appeared on behalf of Brent and Kelly Asplundh.

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Commissioner Hughes asked if open air decking was considered pervious or impervious. Mr. Stagg stated it would be pervious.

Mr. Ewing requested the Commission add a condition with the recommendation that the proposed decks meet pervious deck standards.

Commissioner Hughes asked for public comments; none were made.

Commissioner Spies moved to recommend to the Planning Officer to approve the administrative variance for expansion of a legal nonconforming structure for Brent Asplundh and Kelly Asplundh, 4383 Holly Harbor Road, Oxford, Maryland 21654, provided compliance with staff recommendations occurs, and that the pervious decking standards are met, Commissioner Sullivan seconded. The motion carried unanimously.

- d. Lee Haven Farm, LLC #L1190—Lee Haven Road and Ice Pond Lane, Easton, Maryland 21601 (map 34, grid 8, parcel 10, Lots 3-9, zoned Rural Conservation/Countryside Preservation), Bill Stagg, Lane Engineering, LLC, Agent.

Mr. Ewing presented the staff report of the applicant’s sketch plan review—major revision, relocate private road outside the 100 foot perennial stream buffer and establish lots 3, 4, and 5 as buildable by creating sewage disposal areas.

Staff recommendations include:

- 1. Address the May 8, 2013 Technical Advisory Committee comments of Planning and Permits, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, and the Environmental Planner prior to preliminary plat submittal.

Bill Stagg appeared on behalf of Lee Haven Farm, LLC.

Commissioner Hughes clarified with Mr. Stagg that the road was being moved to stay out of the 100 foot stream buffer. Mr. Stagg agreed, he also stated that Lots 3, 4 and 5 were created in 1934 and in 1981 sewage disposal areas were preliminarily approved on the lots but were not recorded. The contract purchasers of this property wants all the lots to be viable, buildable lots.

Commissioner Hughes asked if the sewage disposal areas that were evaluated decades ago were still valid. Mr. Stagg explained that Anne Morse of the Health Department wanted to reevaluate them. She is confident they will be all right, but until then Lot 3, 4 and 5 are non-buildable.

Commissioner Hughes asked for public comments; none were made.

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Commissioner Boicourt moved to approve Lee Haven Farm, LLC, sketch major revision plat, and relocation of a private road, with all staff recommendations; Commissioner Sullivan seconded. The motion carried unanimously.

- e. Rehobeth Farm, LLC #M1152—8411 Beechley Road, Wittman, Maryland 21676 (map 31, grid 1, parcel 139, zoned Rural Conservation/Western Rural Conservation), Bill Stagg, Lane Engineering, LLC, Agent.

Mr. Ewing presented the staff report for the applicant’s sketch plan review for a seven lot subdivision with a new private road. A lot size waiver is required for lots 5 and 6. The applicant applied for the waiver and it will be reviewed at preliminary stage.

Staff recommendations include:

1. Address the May 8, 2013 Technical Advisory Committee comments of Planning and Permits, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, and the Environmental Planner prior to preliminary plat submittal.

Bill Stagg appeared on behalf of Rehobeth Farm, LLC, and explained Mr. Showalter had a conflict and was not available to attend. The approvals for this project expired earlier this year and the applicant did not request an extension, the project had received one extension and was not eligible for another. The project was at compliance review meeting final stage, Beechley Road improvements were previously unresolved. The project is essentially at that point again. Mr. Mertaugh has provided input as to what the County will require for Beechley Road. The lot size waiver was submitted and comments would be appreciated. Mr. Stagg provided the new floodplain boundary shown on the maps that will be enacted in August 2013. The County was concerned with limited building envelope on lot 6 due to the new floodplain line; the applicant provided a sketch that depicted a dwelling outside the flood zone “A” on lot 6.

Commissioner Hughes stated he does not see any problem if the road issue can be resolved. He questioned if there were any issues with any state or federal agencies. Mr. Stagg stated the wetland permit was extended, there was a condition of the variance that the plat must be recorded late this summer or early fall, and this might require an extension. There were no other conditions or constraints.

Commissioner Hughes stated the Commission had examined at some length all the road and lot size options and everything else on this plat on multiple occasions so hopefully they can expedite this at the next meeting assuming that the road issue is resolved.

236 Mike Mertaugh commented that the roads department had reviewed the plat. On
237 Beechley Road the applicant proposed pull offs along the road to allow traffic to
238 pass. Commissioner Hughes asked if this would make the road sufficient for
239 emergency vehicles. Mr. Mertaugh stated it would ensure that vehicles could pass.
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241 Commissioner Hughes asked for public comments; none were made.
242 Commissioner Trax moved to approve the sketch plan for Rehobeth Farm LLC,
243 8411 Beechley Road, Wittman, Maryland 21676, for a seven lot subdivision with
244 a private road, provided staff recommendations were complied with and the road
245 issues are resolved; Commissioner Sullivan seconded. The motion carried
246 unanimously.
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248 **5. Discussions Items**

- 249 a. Talbot County Project Priority Listing for the Consolidated Transportation
250 Program 2012, Sandy Coyman, Planning Officer
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252 Sandy Coyman distributed the project listing to the Commission for their review
253 and comment so that their comments could be forwarded to State Highway
254 Administration. Commissioner Hughes would like to add to Item No. 2,
255 improvements to the intersection of Route 33 and Route 322. Commissioner
256 Boicourt thanked Mr. Coyman for bringing these plans to the Commission. He
257 asked what the mechanism is for the Commission's comments to be forwarded.
258 Commissioner Boicourt said that it would be important to get information for long
259 term planning. Commissioner Sullivan stated he wanted to see improvements at
260 Route 309 and the Airport. Commissioner Hughes stated the problem was
261 funding. He noted that the priority ranking is correct and we need to make the
262 Highway Department aware of the other items that are needed to include Dover
263 Bridge. Mr. Coyman stated he would draft a memorandum and forward it to the
264 Commission members for their review and comments.
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266 **6. Staff Matters**

267 **7. Work Sessions**

268 **8. Commission Matters**

269 Recessed to legislative session at 9:47 a.m. Returned to regular session at 10:29 a.m.
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271 **9. Adjournment**—Commissioner Hughes adjourned the meeting at 10:30 a.m.
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