

1 February 25, 2014



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

5 Wednesday, January 2, 2014 at 9:00 a.m.

6 Bradley Meeting Room

7 11 N. Washington Street, Easton, Maryland

8
9 **Attendance:**

10 Commission Members:

- 11
- 12 Thomas Hughes
- 13 William Boicourt
- 14 Michael Sullivan
- 15 Paul Spies
- 16 Jack Fischer

17 Staff:

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

25 **1. Call to Order**—Commissioner Hughes called the meeting to order at 9:00 a.m.
26 Commissioner Hughes welcomed the new Planning Commission member, Jack Fischer,
27 recently appointed by the County Council.

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29 **2. Election of Officers**—Commissioner Boicourt nominated Commissioner Hughes for
30 Chairman, Commissioner Sullivan seconded the motion. Nominations were closed and a
31 written ballot was taken; the vote was unanimous in favor of Commissioner Hughes for
32 Chairman.

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34 Commissioner Hughes nominated Commissioner Boicourt for Vice Chairman,
35 Commissioner Spies seconded the motion. Nominations were closed and a written ballot
36 was taken; the vote was unanimous in favor of Commissioner Boicourt for Vice
37 Chairman.

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39 **3. Decision Summary Review**—December 4, 2013—The Commission noted the
40 following corrections to the draft decision summary:

- 41 a. Line 110, replace with the following: Mr. Boicourt felt that sidewalks should be
42 constructed in the Gateway Overlay District. Mr. Coyman pointed out that if
43 sidewalks were not started somewhere, they would never be built. After
44 discussion in which it was concluded that sidewalks could be built on the
45 applicant property with minimum effort and expense, Mr. Van Emburgh withdrew
46 the waiver for the sidewalk.
- 47 b. Line 226, “Commissioner Hughes stated that there would be no discussion of the
48 tier maps or the new zoning districts for the villages.”
- 49 c. Line 239, at the end of the sentence, “The Planning Commission established a
50 joint planning commission and public works advisory board work group to
51 prepare recommendations for eleven western villages.”
- 52 d. Line 251, reword to say, “zoning density would remain constant regardless of
53 access to sewer.”

- 54 e. Line 253, change to “better serve the wastewater needs of the villages while
55 preserving and appropriately allocating sewer service.”
56 f. Line 324, “He disagreed with the process as to the recommendation for
57 development of the villages.
58 g. Line 399 should read “opportunities”.
59 h. Line 409; strike the “t” on Bryan.
60 i. Line 411, strike the “t” on Bryan.
61 j. Line 426 should be “1997”, not “1977”.
62

63 Commissioner Boicourt moved to approve the draft Planning Commission
64 Decision Summary for December 4, 2013, as amended; Commissioner Sullivan
65 seconded the motion. The motion carried unanimously.
66

67 4. Old Business

- 68
69 a. Talbot County Planning and Permits—Recommendation to County Council—
70 Legislation for Cottage Industries—Mary Kay Verdery, Assistant Planning
71 Officer.
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73 The original recommendation went to the County Council in October of 2013.
74 Several property owners have proposed independent changes that would address
75 their specific issue with cottage industry zoning regulations. The County Council
76 did not accept any of the previous versions.
77

78 At this time eight cottage industries are operating without approval as they cannot
79 meet current standards. We are trying to create something that will address the
80 needs of all of the cottage industries instead of making piecemeal changes. To
81 address this situation, it is proposed that cottage industry be permitted as an
82 accessory to a residential use rather than a special exception as currently required.
83

84 A special exception requires a hearing before the Board of Appeals and special
85 exception conditions cannot be modified by variance. As an accessory to a
86 residential use such use would require major site plan approval by the Planning
87 Commission and some of its bulk requirements may be granted variances.
88

89 Adjoining property owners would be notified and can speak at the Planning
90 Commission meeting and at the Board of Appeals if a variance is requested. The
91 cottage industry standards would still limit employees and square footage to keep
92 the use essentially of residential character. The applicant would have to address
93 compliance standards such as the comprehensive plan, design standards, access,
94 effects on the community, and open space and available utilities. The use would
95 also require biennial use certificates which would give the opportunity for staff to
96 regularly inspect for compliance to cottage industry and other required standards.
97

98 Commissioner Hughes noted landscapers are now a special exception; would they
99 become a permitted use? Ms. Verdery responded they would be accessory uses

100 once it receives major site plan approval. The distinction between the two
101 processes is that you cannot waive special exception conditions. This has resulted
102 in tangible hardships for the eight existing operations. For example with the five
103 acre minimum lot size, an operation with only four and a half acres located in an
104 isolated rural setting cannot get a variance.
105

106 Commissioner Hughes stated his concern about relocating the review with the
107 Planning Commission and having to resolve conflicts with neighboring properties.
108 Ms. Verdery pointed out that the review would be based on many of the same
109 standards as a special exception. The major site plan requires proof of and
110 consideration of the effects on surrounding property. Mitigating measures can be
111 applied to the property or if not possible to properly mitigate, the application can
112 be denied.
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114 Commissioner Boicourt said that the biennial inspection could be an improvement
115 over a special exception, which has no regular inspections. Commissioner Hughes
116 asked about noise; Mr. Coyman stated if noise limits are exceeded enforcement
117 actions would be taken.
118

119 Mr. Ewing noted the legislation requires a primary residence on site, which is the
120 primary use. The commercial aspect must remain secondary to the residential use.
121 Commissioner Hughes asked if the residence must be owner occupied; Ms.
122 Verdery said it could be rented but the operator must live on site.
123

124 Commissioner Hughes questioned the capacity to impose sufficient conditions to
125 insure residential character. Ms. Verdery stated the site plan process provides this
126 capacity for many situations. Ms. Verdery recommended site visits to determine
127 the property and neighborhood conditions are appropriate.
128

129 Commissioner Hughes opened the floor for public comment.
130

131 Sarah Everhart, on behalf of Dobson Lawn and Landscape, a family owned
132 business in Talbot County that would greatly benefit from this legislation. She
133 stated the Dobson's comply with 99% of the current criteria. The site adjoins
134 agricultural land and a commercial business. A small variance would bring the
135 site into compliances. Her client supports the amendment and believes this is a
136 good solution by staff, and asks the Commission to support it too.
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138 Deanna Ewing, owner, R. L. Ewing Contractors owns and lives on the proposed
139 company location which is over 20 acres just outside of town with no residential
140 neighbors, and farmland across the street. She is concerned that she will not be
141 able to use this property unless the cottage industry amendment is adopted. She
142 encouraged the Planning Commission to support the amendment. Mr. Ewing
143 suggested that Ms. Ewing contact the Planning and Permits office to resolve any
144 other issues related to her property.
145

146 Alan Silverstein, President Talbot County Chamber of Commerce. He stated his
147 support for the proposed amendment. He noted the legislation provides
148 appropriate review by the Planning Commission and the public. He strongly
149 encourages this legislation be adopted.

150
151 Commissioner Hughes asked about limiting the hours of operation; Ms. Verdery
152 stated the Commission would be able to require limited hours of operation more
153 restrictive than the existing Code requirement. Commissioner Spies noted the
154 economic value of allowing new small businesses in the community.

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156 Commissioner Boicourt moved to recommend to the County Council approval of
157 a bill to amend Chapter 190 of the *Talbot County Code* to allow cottage industry
158 as an accessory, secondary use to a residential use in the AC, CP, WRC, RC, TC,
159 VC1, VC2, VC zoning districts and to require major site plan approval and
160 biennial use certificates; Commissioner Spies seconded the motion. The motion
161 carried unanimously.

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163 **5. New Business**—None was brought before the Commission.

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165 **6. Discussions Items**

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167 a. Critical Area Blue Ribbon Committee Recommendation—It was determined that
168 the Staff would schedule a work session for the Planning Commission to review
169 the Committee’s recommendations. Mr. Slear would be notified.

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171 b. Open Meetings Act Training—The Planning Commission is to appoint one
172 member to be the designated ethics person. The ethics person must take the online
173 course offered by the state. Mr. Coyman recommends everyone take the course.
174 Commissioner Spies volunteered and was appointed.

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176 c. TMDL Update—Mr. Coyman briefed the Commission on the draft Total
177 Maximum Daily Load milestones for 2015.

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179 **7. Staff Matters**

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181 a. Wireless Towers—Mr. Ewing updated the Commission on the Bozman tower’s
182 progress, they received a building permit and may begin construction now. He
183 also noted there will be a discussion item next month of the location of cell
184 towers. There are two cell towers under review that have issues regarding
185 location. Staff needs direction from the Commission. The towers are located in
186 different parts of the County. Both sites have open agriculture field and forested
187 areas. A question of placement in open agricultural fields or forested areas with
188 regulated aspects such as fox squirrels and forest conservation. The Commission
189 discussed the issue at this time and was more in favor of locating the towers in
190 forested areas for screening purposes. The Commission asked for the status of the
191 Tilghman concealed tower. Mr. Ewing stated they were in the last review stage.

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- b. Flood Insurance—Ms. Verdery informed the Commission of a NOAA grant that funded several flood public information brochures. A post card informing residents of the brochure’s availability and other flood insurance information sources will be mailed to everyone in the special flood hazard area. Also application is being made for the Community Rating System to reduce County flood insurance rates. The County will conduct a public information campaign to maximize resident’s potential for mitigating flood risk.

- c. Village Zoning Proposal—Mr. Coyman stated the Western Village Zoning Proposal went to County Council and staff was instructed to prepare a draft bill to implement the Planning Commission’s recommendations. Staff noted that the text amendment portion of the recommendation could move forward now, but remapping must done through a comprehensive rezoning study. At minimum this will be a 4 to 6 month procedure.

8. WorkSessions

9. Commission Matters

10. Adjournment—Commissioner Hughes adjourned the meeting at 10:34 a.m.

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