



**Talbot County Planning Commission
Decision Summary**

Wednesday, January 2, 2020 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

8 <u>Commission Members:</u>	15 <u>Staff:</u>
9 Paul Spies, Chairman	16 Mike Mertaugh, Assistant County Engineer
10 Phillip “Chip” Councill, Vice Chairman	17 Miguel Salinas, Assistant Planning Officer
11 William Boicourt	18 Elisa Deflaux, Environmental Planner
12 Michael Strannahan	
13 Lisa Ghezzi	

1. **Call to Order**—Commissioner Spies called the meeting to order at 9:07 a.m.
2. **Decision Summary Review**— December —The Commission noted the following corrections to the draft decision summary:
 - a. Line 023; Correct Commissioner Boicourt to Commissioner Councill
 - b. Line; Correct spelling error for the name of Commissioner Boicourt, on all lines where it is applicable
 - c. Line 161; Correct Commissioner Boicourt to Commissioner Councill
 - d. Line 168; Insert last name for Mary Kay Verdery
 - e. Line 033; Insert paragraph; Commissioner Councill explained there were only four (4) members of the Commission present and that a tie vote is considered a negative vote. He stated that any applicant may choose to draw their application until the next month without penalty.

Commissioner Strannahan moved to approve the December 4, 2019 Decision Summary, with amendments. Commissioner Boicourt seconded the motion. The motion carried unanimously.

3. Old Business

Applicant: Nagel Farm Service II, LLC
File No.: SP615
Agent: Chris Waters, Davis, Bowen & Friedel, Inc.
Request: Major Site Plan—Phase II, one 90-foot grain storage tank and expansion of the temporary grain storage area
Location: 14209 Old Wye Mills Road, Wye Mills, MD 21679
Zoning: Map 1, Grid 10, Parcel 7; Zone: VH

Ms. Deflaux presented the staff report for Major Site Plan approval to expand the Grain Processing, Drying and Storage (Wholesale Commercial) land use for the construction of one additional grain storage and drying facility, 90 ft. in diameter, next to two similar-sized tanks that currently exist on the parcel. In addition to the grain tank, the applicant is

51 requesting approval to utilize a temporary grain storage area on the southern part of the
52 parcel. The temporary grain storage area is to be accessed by a new access point adjacent
53 to the Phase II grain tank. The applicant addressed a landscaping plan under a previous
54 site plan approval. The above noted 90-foot grain tank was constructed within the
55 variance timelines of Appeal #14-1625; but without site plan and building permit
56 approvals.

57
58 Should the Planning Commission approve the application, staff recommends the
59 following conditions:

- 60 1) Address the November 13, 2019 TAC comments from the Departments of Planning &
61 Zoning, Public Works, and Environmental Health; and Talbot Soil Conservation District
62 prior to CRM submission.
- 63 2) The applicant shall commence construction on the proposed improvements within
64 eighteen (18) months from the date of final approval.

65
66 Zachary Smith, Attorney; Chris Waters, Surveyor; and Alfred Godfrey, Director of
67 Operations of Nagel Farms were present to represent Nagel Farms. Chip Nagel was
68 unable to attend due to a conflict in his schedule.

69
70 Zachary Smith summarized the history of the project. The project was before the
71 Planning Commission in 2015 and 2016, which included tanks that had already been
72 built. The tank that is in front of the Planning Commission today was on that plan. After
73 receiving a Special Exception, Nagel Farms moved forward with the Site Plan, Building
74 Permits and construction for the first two tanks but did not include the tank before the
75 Commission today. The applicant, admittedly, constructed this tank prior to going
76 through the proper Site Plan and Building Permit process. He also noted that the
77 temporary storage area was also on the original Site Plan. When the tanks are full, the
78 grain is stored on the ground. He noted it is necessary for our local farmers to have a
79 local market to deliver their grain. There is a statement in the staff report regarding
80 amending the Special Exception and Mr. Smith hopes that is not the case. The pile of
81 grain on the ground is temporary and the size varies depending of the harvest of local
82 farmers. He also mentioned that they do not think that it should be required to address the
83 Stormwater Management that was mentioned in the TAC comments, as the storage is
84 temporary.

85
86 Commissioner Councill expressed his hope that whomever is making the decision on the
87 Stormwater/Special Exception understands the importance of the temporary storage to
88 our local farmers. Prior to the meeting, Commissioner Councill called several other grain
89 operations on the Eastern Shore. The people that he spoke with were unaware of any
90 permits or regulations necessary by their local government for the same type of
91 temporary storage. He asked the applicant's representatives, on an average day, what the
92 intake of corn at the Wye Mills location is. Alfred Godfrey estimated 120,000 bushels of
93 corn. According to Commissioner Councill's rough estimate, once they reached capacity
94 it would take about 140 trucks to move the grain in a twelve-hour day. Logistically,
95 Commissioner Councill noted it is it would be very difficult to output that amount of
96 grain received in one day.

97
98 Commissioner Ghezzi asked Mike Mertaugh from Talbot County's Department of Public
99 Works to share some information on the Stormwater Management TAC comments
100 regarding the temporary storage. Mike Mertaugh stated that the original temporary
101 storage size and location has changed; the current pile is two to three times bigger. The
102 size becomes more significant in relation to a drainage runoff perspective. Also, there
103 was permanent regrading on the property that has changed the drainage pattern. He also
104 added that the Stormwater drains to MD Rt. 404 which already has a significant flooding
105 problem. His primary concern is the quantity of runoff onto that street as it could be a
106 public safety concern. In order to protect the public, property owner and Talbot County,
107 staff needs to ensure due diligence is done. He recommended a drainage analysis to be
108 conducted by the agent. Once that is complete, staff can compare the prior amount of
109 runoff to the current amount to help determine if and how Stormwater Management
110 needs can be addressed.

111
112 Commissioner Ghezzi noted that although the plan was before the Planning Commission
113 before, not everything in the original plan was consistent with the work that was
114 completed. The original plan had turf around the tank, however when she went to the
115 property, she noticed it was gravel. Mike Mertaugh noted he has some ideas on how the
116 applicant could rectify the gravel to be considered pervious.

117
118 Commissioner Councill thanked Mike Mertaugh for sharing information that was
119 valuable knowledge. He believes that all members of the Planning Commission want to
120 do right regarding Stormwater Management without being over burdensome.
121 Commissioner Councill asked who decides if the temporary pile needs to go back for a
122 Special Exception. Miguel Salinas stated that it is up to the Planning Officer, it has not
123 been officially decided and the Special Exception has been raised at TAC meetings. He
124 believes, based on the minutes of the Board of Appeals meeting, when the applicant
125 received the prior approval, the members of the Board were under the assumption that the
126 silos would be designed to alleviate the need for temporary storage. Zachary Smith stated
127 he believes that the applicant was very clear that there would be a continuing need for
128 temporary storage.

129
130 Commissioner Spies wanted to state that Nagel Farm is rated premier in the industry. He
131 believes their pile will continue to grow due to other grain facilities in the area not
132 maintaining and then closing. However, it is not a free pass to do what they want. He
133 looks forward to the Nagel's working with the Planning Commission to get this right.

134
135 Commissioner Boicourt noted that the major concern with Stormwater Management is
136 flooding on the road. After hearing Mike Mertaugh outline the issue, he believes that it
137 can be resolved.

138
139 Commissioner Ghezzi appreciates what the Nagel Family does for the community. In the
140 future she hopes that they do go through the proper site and permit process. She
141 expressed the importance of consistently following the County's codes and regulations.

142 Commissioner Strannahan agreed with Commissioner Ghezzi. He feels comfortable that
143 the Nagel Family will work with County Staff regarding the Stormwater Management.
144

145 **Commissioner Boicourt moved to approve the Major Site Plan at Nagel Farm**
146 **Service II, LLC located at 14209 Old Wye Mills Road, with all conditions mentioned**
147 **by staff. Commissioner Strannahan seconded the motion. The motion carried**
148 **unanimously.**
149

150 4. New Business

151 **Applicant:** Alan Guttman
152 **File No.:** MV31
153 **Agent:** Darren Kornas
154 **Request:** Minor Variance—Renovation of guest house
155 **Location:** 6555 Diamond Hall Rd, Easton, MD 21601
156 **Zoning:** Map41, Grid 15, Parcel 26: Zone: RC/WRC
157

158 Elisa Deflaux stated that the applicant is seeking approval of a Minor Variance to a
159 nonconforming accessory dwelling in the critical area. The accessory dwelling was
160 recognized by the Planning Officer as legal nonconforming by a letter dated November
161 21, 2016. The size of the subject dwelling is 1,638 square foot; in the RC zoning district
162 the accessory dwellings are limited to 900 square feet. In addition, there are two
163 accessory dwellings on the parcel, where the ordinance limits the parcel to one accessory
164 dwelling. The applicant requests expansion of the accessory dwelling by 113 square feet
165 for a proposed total of 1,751 square feet. The nonconforming accessory structure is not
166 located within the 100-foot Shoreline Development Buffer and meets all setbacks for the
167 RC zoning district.
168

169 Should the Planning Commission recommend approval, staff recommends the following
170 conditions:

- 171 1) The applicant shall make an application to the Office of Permits and Inspection, and
172 follow all rules, procedures, and construction timelines as outlined regarding new
173 construction.
- 174 2) The applicant shall commence construction of the proposed improvements within
175 (18) months from the date of the Planning Officer’s “Notice to Proceed”.
176

177 Darren Kornas, Owner of Think, Make, Build, gave a brief summary of the project. His
178 client has an existing garage with an apartment. The outside stairs currently located on
179 the exterior of the structure and the second floor does not extend entirely over the first
180 floor. The plan is to move the stairs to the interior of the property and extend the second
181 floor. There is no addition to the building foot print.
182

183
184 Commissioners discussed and agreed that the plan met County requirements and are
185 straightforward.
186

187 **Commissioner Ghezzi motioned to approve the Minor Variance to a Nonconforming**
188 **Accessory Dwelling in the critical area for Alan Guttman, property located at 6555**
189 **Diamond Hall Rd with all the conditions as presented by staff. Commissioner**
190 **Council seconded the motion. The motion carried unanimously.**
191

192 **5. Discussions Item—None**
193

194 **6. Staff Matters—None.**
195

196 **7. Work Sessions**
197

- 198 a. Reminder—Tuesday, January 14, 2020: Joint Work Session with the County
199 Council and Planning Commission to include:
 - 200 i. 3:00 p.m. Overview of Cordova Village Master Plan with Clive Graham,
201 Project Manager, RK&K
 - 202 ii. 3:45 p.m. Overview of Working Waterfront Overlay District
203

204 Miguel noted there were not many concerns expressed at the last Cordova community
205 meeting regarding the draft plan. Staff has also not received any correspondence from the
206 public expressing concern since that meeting.
207

208 The County Council is considering some changes in the regulations of Short-Term Rental
209 process. They will be scheduling an additional work session but the date has not yet been
210 identified. Some of the changes that they are considering are posted to the Short-Term
211 Rental Web page.
212

213 **8. Commission Matters— Election of Officers will be scheduled for the February**
214 **Planning Commission Meeting**
215

216 **9. Adjournment— The Commission adjourned the meeting at 10:16 a.m.**
217
218