

1 November 24, 2019



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

5 Wednesday, October 2, 2019 at 9:00 a.m.

6 Bradley Meeting Room

7 11 N. Washington Street, Easton, Maryland

8 **Attendance:**

9 Commission Members:

18 Staff:

- 10
- 11 Paul Spies, Chairman (absent)
- 12 Phillip “Chip” Councill, Vice Chairman
- 13 William Boicourt
- 14 Michael Strannahan
- 15 Lisa Marie Ghezzi

- 19
- 20 Mary Kay Verdery, Planning Officer
- 21 Elisa Deflaux, Environmental Planner
- 22 Maria Brophy, Planner II
- 23 Mike Mertaugh, Assistant County Engineer
- 24

16  
17  
25 **1. Call to Order**—Commissioner Councill called the meeting to order at 9:00 a.m.

26  
27 Commissioner Councill explained there were only four (4) members of the Commission  
28 present and that a tie vote is considered a negative vote. He stated that any applicant may  
29 choose to withdraw their application until the next month without penalty.

30  
31 **2. Decision Summary Review**—September 4, 2019—The Commission noted the  
32 following corrections to the draft decision summary:

- 33
- 34 a. Line 15, revise to read “Lisa Marie Ghezzi”.
- 35 b. Line 36, revise to read “Commissioner Councill”.
- 36 c. Line 70, revise to read “Commissioner Ghezzi stated there is a ‘forested area’ of  
37 9.85 acres and some more in agricultural land. She asked how ‘substantial’ is  
38 defined, and how the subdivision does not contain a substantial amount of  
39 forested land. Ms. Fink stated there was a template used and the forested land is  
40 not being touched”.
- 41 d. Line 110, revise to read “impervious surface structure”.
- 42 e. Line 127, revise to read “missed accounting for the deck in 2002 when the  
43 building permit was issued for other improvements”.
- 44 f. Line 135, revise to read “they are in the process of building a new deck, why are  
45 they not getting a permit for a new deck instead of dealing with the old deck”.
- 46 g. Line 152, revise to read “the addition to the hunting lodge was built in 1994”.
- 47 h. Line 187-189, revise to read “The contract purchasers want a deck and either way  
48 will be here in a few months to apply for the deck”.
- 49 i. Line 199-200, revise to read “Commissioner Ghezzi asked if the Planning  
50 Commission’s approval of this request would set a precedence”.
- 51 j. Line 207-208, revise to read “Commissioner Ghezzi ‘agrees’ that the applicant  
52 has taken on the additional costs of removing the impervious surfaces,

53 but because the applicant laid this impervious surface without County approval,  
54 these are self-imposed costs.”

- 55 k. Line 213, revise to read “He says that he is responsible; therefore all criteria of the  
56 Minor Variance must be met”.
- 57 l. Line 271, revise to read “Commissioner Ghezzi asked if we have any sense of  
58 how many grandfathered situations like that of this boathouse exist”.

59  
60 **Commissioner Councill moved to approve the draft Planning Commission**  
61 **Decision Summary for September 4, 2019, as presented. Commissioner**  
62 **Strannahan seconded the motion. The motion carried unanimously (4-0).**  
63

- 64 **3. Old Business—** A motion was made by Commissioner Strannahan to discuss File No.  
65 C-705 for McAllister, DeTar, Showalter & Walker, LLC at the November meeting.  
66 Commissioner Boicourt seconded the motion. The motion carried 4 to 0.  
67

68 **4. New Business**

- 69  
70 a. Minor Variance—Martin E. Doerfler #MV27 —27886 Peach Orchard Road,  
71 Easton, Maryland 21601 (Tax Map 42, grid 4, Parcel 186, Zoning District RC).  
72

73 Ms. Deflaux presented the staff report for the Minor Variance seeking approval of  
74 the following renovations to an existing nonconforming dwelling located within  
75 the Shoreline Development Buffer (Buffer):

- 76 1. The replacement, renovation and enlargement of an existing 339  
77 square foot impervious deck with a 539 square foot pervious deck.  
78 2. Expansion of the dwelling by up to 15 square feet.  
79 3. Relocation of existing stairs and access landing leading to a relocated  
80 sidewalk.  
81

82 Staff recommendations include:

- 83 1. The applicant shall make an application to the Office of Permits and  
84 Inspections, and follow all rules, procedures, and construction  
85 timelines as outlined regarding new construction.  
86 2. The applicant shall commence construction of the proposed  
87 improvements within eighteen (18) months from the date of the  
88 Planning Office’s ‘Notice to Proceed’.  
89

90 Mr. Brendan Mullaney appeared in front of the Commission to represent Mr.  
91 Martin Doerfler. Mr. Mullaney stated that Mr. Doerfler is asking for a favorable  
92 recommendation to permit the renovation and expansion of a home located  
93 partially within the 100’ buffer. The existing waterside impervious deck was  
94 added to the legal nonconforming house in 2000 and consists of multiple levels of  
95 decking and steps. Mr. Mullaney expressed that Mr. Doerfler has a number of  
96 medical components to his life and would like to make his house safer to reduce  
97 risk. The proposed deck will be pervious in order to comply with critical area  
98 requirements. The existing porch had been enclosed by a previous owner but will

99 be converted back to a screen porch as part of this renovation. No portion of the  
100 renovation or expansion will encroach closer to Mean High Water than what is  
101 existing. As part of this renovation, impervious surface area installed by a  
102 previous owner will be removed, resulting in a total net decrease of 271 square  
103 feet of impervious surface within the critical area. With an overall reduction in lot  
104 coverage, a Buffer Management Plan is not required.

105  
106 Commissioner Councill asked if the Environmental Health Department would  
107 approve the proposed deck over the existing septic system as shown on the site  
108 plan. Mr. Doerfler clarified that the septic system will be relocated as part of this  
109 renovation.

110  
111 Commissioner Councill asked if the generator and HVAC unit located within the  
112 100' buffer would need to comply with floodplain regulations. Ms. Verdery stated  
113 that the systems are not located in the Special Flood Hazard Area and therefore  
114 would not need to comply.

115  
116 Commissioner Ghezzi asked for clarification of the Limited Development Area  
117 (LDA). Ms. Deflaux stated that applicants are required to provide 3:1 mitigation  
118 for permanent disturbance; however, there is no increase in lot coverage as part of  
119 this project so this is not required. They will be required to re-establish the areas  
120 temporarily disturbed during construction.

121  
122 **Commissioner Boicourt moved to recommend the Planning Officer approve**  
123 **the Minor Variance for Martin E. Doerfler, 27886 Peach Orchard Road,**  
124 **Easton, Maryland, with all staff recommendations. Commissioner**  
125 **Strannahan seconded the motion. The motion carried 4 to 0.**

- 126  
127 b. Minor Variance—Harrison Lee Barnes #MV28 —24331 Deep Neck Road, Royal  
128 Oak, Maryland 21662 (Tax Map 46, grid 4, Parcel 3, Zoning District RC).

129  
130 Ms. Deflaux presented the staff report for the Minor Variance seeking approval to  
131 permit a previously constructed 150.4 square foot addition (onto existing  
132 accessory structure) of which 107.1 square feet is located within the Expanded  
133 Shoreline Development Buffer, 289.7 feet from Mean High Water.

134  
135 Staff recommendations include:

- 136 1. The applicant shall make an application to the Office of Permits and  
137 Inspections, and follow all rules, procedures, and construction  
138 timelines as outlined regarding new construction.  
139 3. The applicant shall commence construction of the proposed  
140 improvements within eighteen (18) months from the date of the  
141 Planning Office's 'Notice to Proceed'.

142  
143 Mr. Bruce Armistead appeared in front of the Commission to represent Mr. Lee  
144 Barnes. Ms. Pamela Gardner, AIA attended the meeting to assist with any

145 questions. Mr. Armistead stated that this project has been ongoing for Mr. Barnes  
146 for approximately 23 months. A tree fell on the existing accessory structure  
147 causing damage. Mr. Barnes began doing repairs in order to preserve the structure  
148 but did not realize he needed any permits to do so. Mr. Barnes decided the  
149 bathroom was out-of-date and inadequate for intended use, so he expanded the  
150 bump out footprint, encroaching in the 300' expanded buffer by 107.1 square feet.  
151 Mr. Barnes has received a citation and has paid a fine for the violation. He is now  
152 seeking an “after-the-fact” permit. Mr. Barnes does not intend to convert the  
153 structure to a dwelling of any kind.

154  
155 Commissioner Ghezzi asked why Mr. Barnes did not propose a shower in the  
156 bathroom. Mr. Barnes responded that the Environmental Health Department  
157 required he remove the shower, as they will only permit a half bathroom.

158  
159 Commissioner Ghezzi stated that an Eastern Shore Land Conservancy Maryland  
160 Environmental Trust was included in their packets and asked if ESLC could  
161 oppose this renovation. It was determined that they would not.

162  
163 **Commissioner Ghezzi moved to recommend the Planning Officer approve**  
164 **the Minor Variance for Harrison Lee Barnes, 24331 Deep Neck Road, Royal**  
165 **Oak, Maryland, with all staff recommendations. Commissioner Boicourt**  
166 **seconded the motion. The motion carried 4 to 0.**

- 167  
168 c. Major Revision Plat - Preliminary Plat—William B. Ewing and Nathaniel J.  
169 Ewing #L1320 —Tuckahoe Bow Road, Cordova, Maryland 21675 (Tax Map 19,  
170 Grid 12, Parcel 40 & 125, Zoning District AC/RC).

171  
172 Ms. Deflaux presented the staff report for the Major Revision Plat – Preliminary  
173 Plat seeking approval to reconfigure existing lots of record 1-4 as well as locate a  
174 private road right-of-way recorded and identified as “Tuckahoe Bow Road”.

175  
176 Staff recommendations include:

- 177 1. Address the September 11, 2019 TAC comments from the Department  
178 of Planning & Zoning, Department of Public Works, Environmental  
179 Health Department, Talbot Soil Conservation District, Critical Area  
180 and the Environmental Planner prior to the Final Plat submittal.

181  
182 Mr. Chris Waters appeared in front of the Commission to represent Mr. William  
183 Ewing and Mr. Nathaniel Ewing. Mr. Waters stated that they are proposing to  
184 reconfigure the lots in order to maintain Agricultural taxes and grant accessibility  
185 to the lot at the end of the point by allowing space for a driveway outside of the  
186 buffer.

187  
188 Commissioner Boicourt asked if the Planning Officer had any concerns with the  
189 preliminary final. Staff did not have any concerns.

190 Commissioner Boicourt asked if the Commission would typically receive both an  
191 existing site plan and a proposed site plan. Mr. Waters clarified that both the  
192 existing conditions and proposed conditions are included on the site plan  
193 provided.

194  
195 **Commissioner Boicourt moved to approve the Preliminary Final of Major**  
196 **Revision Plat – Preliminary Plat for William B. and Nathaniel J. Ewing,**  
197 **Tuckahoe Bow Road, Cordova, Maryland, with all staff recommendations.**  
198 **Commissioner Strannahan seconded the motion. The motion carried 4 to 0.**  
199

200 **5. Discussions Items—** Ms. Verdery presented the following items:

- 201 a. The Commission received information in their packages regarding the Maryland  
202 Planning Commissioners Association Conference on November 6-7 in Aberdeen.
- 203 b. Miguel Salinas could not attend the Planning Commission meeting because he is  
204 presenting the Working Waterfront Overlay District to Critical Area Commission.  
205 Ms. Verdery stated that the draft should be complete by the November Planning  
206 Commission meeting, and the County may hold additional work sessions with  
207 Planning Commission and County Council.
- 208 c. Planning and Zoning has received the Existing Conditions Report for the Cordova  
209 Master Plan and the community meeting was a major success. The Existing  
210 Conditions Report is currently under review. The next community meeting will be  
211 held on November 21 but Ms. Verdery hopes to have a final draft of the report by  
212 mid-October to give the community time to review it. Commissioner Councill  
213 stated that he believes the County should consider permitting shared septic  
214 systems on future small lots in similar areas. Commissioner Ghezzi asked if there  
215 is any plan to install a sewage treatment plant in Cordova. Ms. Verdery responded  
216 that there is an existing treatment plant on the former Allen Harim parcel, but not  
217 one for the community.
- 218 d. Ms. Verdery had the opportunity to meet with the County Council and Local  
219 Delegation to discuss new legislation at the State level that will impact the  
220 County, more specifically the proposed solar siting and renewable energy  
221 legislation. Ms. Verdery has agreed to participate with the County representative  
222 from MACo to be a voice in Annapolis during review of this legislation. Ms.  
223 Verdery will forward the Task Force Report regarding this legislation to the  
224 Commissioners once it is complete.

225  
226 **6. Staff Matters—** Ms. Verdery introduced Maria Brophy as the new Planner II. Planning  
227 and Zoning is in the process of interviewing for the full-time Staff Assistant position, and  
228 advertising for the full-time Zoning & Floodplain Coordinator position and part-time  
229 Housing Coordinator position.  
230

231 **7. Work Sessions**

232  
233 **8. Commission Matters**

234  
235 **9. Adjournment—** Commissioner Councill adjourned the meeting at 10:11 a.m.