March 10, 2015

Talbot County Planning Commission
Final Decision Summary
Wednesday, February 4, 2015 at 9:00 a.m.
Bradley Meeting Room
11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

Thomas Hughes
William Boicourt
Michael Sullivan
Paul Spies
Jack Fischer

Staff:

Mary Kay Verdery, Planning Officer
Jeremy Rothwell, Planner I
Martin Sokolich, Long Range Planner
Mike Mertaugh, Assistant County Engineer
Carole Sellman, Recording Secretary

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

2. **Special Meeting Decision Summary Review**—December 5, 2014—The Commission noted the following corrections to the draft decision summary:
   a. Line 26, "Villages have a number of small lots that cannot be served by on lot septic systems.", needs a period.
   b. Line 61, change to read: "Policy for providing incentive for property owners to be added…"
   c. Line 62, change to read: "and the role of the HPC in providing education."
   d. Line 68, last sentence should read: "Mr. Pullen said use the land use map…"

   Commissioner Boicourt moved to approve the draft Special Meeting Decision Summary for December 5, 2014, as amended; Commissioner Sullivan seconded the motion. The motion carried unanimously.

3. **Decision Summary Review**—January 7, 2015—The Commission noted the following corrections to the draft decision summary:
   a. Line 83, Change to read: "Commissioner Hughes stated that if citizens are being denied the opportunity to do something it is probably as much a state regulation as a County regulation."
   b. Line 94, add on to the end of the sentence: ", or the legal difference between incorporated towns and rural villages."
   c. Line 199, insert: "Commissioner Hughes asked if that occupancy number includes outdoor seating."
   d. Line 216, amend to read: "Commissioner Hughes clarified the time for the bar to close will be at 10 pm.
   e. Line 261, amend after "with staff conditions because a lot somewhat larger than 5 acres makes more sense for site design."

Commissioner Spies moved to approve the Draft Planning Commission Decision Summary for January 7, 2015, as amended; Commissioner Fischer seconded the motion. The motion carried unanimously.

4. **Special Meeting Decision Summary Review**—January 7, 2015—The Commission noted the following corrections to the draft decision summary:

Commissioner Boicourt moved to approve the draft Special Meeting Decision Summary for January 7, 2015, as presented; Commissioner Spies seconded the motion. The motion carried unanimously.

5. **Old Business**

a. Interim Status Report on Local 2015 TMDL Milestones

Mr. Sokolich reiterated that this is an interim report. Goals were set last year for what would be completed in 2015. This report summarizes what we have been doing for the past year.

Commissioner Boicourt asked when the final report is completed will it provide additional calculations. Mr. Sokolich stated that the final report will be a lot more detailed, it includes calculations, sites, GIS, projects, drainage areas, acreage, trees and more to support the accomplishments.

Commissioner Hughes stated he is happy to see that the County is no longer using fertilizer on County lawns. Going forward he suggested the County get some figures as to how much fertilizer we are no longer using and get credit for that. He also suggested the Town of Easton do the same. That would be a considerable amount of nitrogen reduction.

Commissioner Spies asked if that is a policy or a management decision. He stated he hoped we are not passing a policy that stated no lawn fertilizer on grasses of the County. In words that might sound like a great plan for the TMDL, but in management of facilities we might be playing six games a weekend for six to eight months a year on a soccer field, which is an unnatural action. To think those lawns can manage themselves is unrealistic. Mr. Sokolich stated this is a new milestone. Our Public Works Department has been working with the other departments to try to figure out how to make the County a little bit more of an example. This has not yet worked out into schedules or acreages. This should be in place by next year and should be worked out with all departments.

Commissioner Hughes asked for public comments or questions.

Commissioner Spies moved to recommend to the County Council to accept the Interim Status Report on Local 2015 TMDL Milestones, Commissioner Sullivan seconded the motion. The motion carried unanimously.

6. New Business

a. Administrative Variance— J. Michael Potter and Deborah O. Potter, A211— 27303 Baileys Neck Road, Easton, MD 21601, (map 41, grid 23, parcel 40, zoned Rural Residential), Charles Paul Goebel, Architect, Ltd., Agent.

The Potter Administrative Variance was withdrawn to be put on the agenda at a later date.

b. New St. John's United Methodist Church (SP-556 and Appeal No. 14-1626)— 9123 Tilghman Island Road, Wittman, MD 21676 (map 22, grid 13, parcel 73, zoned WRC), Jerry Barrow, Agent.

Mr. Rothwell presented the Staff Report of the applicant's modification to an existing Special Exception to expand an existing, legal, non-conforming church use by approximately 136 square feet. The proposed expansion would enlarge the existing kitchen in the parish hall to enable better circulation and additional working space.

Staff recommendations include:

1. The applicant shall make applications to, and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding new construction.
2. The applicant shall be required to obtain and comply with the conditions of the site plan approval.
3. In accordance with the *Talbot County Code* §190-122A, the applicant shall be required to submit a landscaping plan to the Department of Planning and Zoning.

Mr. Rothwell had recommended that the applicant seek a line revision which would resolve most of the applicant's issues.

Jerry Barrow, Tilghman, Maryland, contractor, representing the Church. The adjacent property owners signed a letter stating they approve where the addition is located.

Commissioner Hughes asked if the adjacent property owners had been approached regarding a line revision. Mr. Barrow stated he did not know, there were other church members attending who might be able to answer that question.

Commissioner Hughes stated that the current owners might not mind if the Church encroached in the side line set back but it would be difficult for the Commission to approve such an encroachment.

Commissioner Boicourt stated that the Commission is looking at the Special Exception and the size and location of the kitchen as an argument for expansion. Given the obvious need to expand the kitchen, he has no trouble with that.

Ms. Verdery stated that the Commission could condition their special exception approval contingent upon approval of the variance.

Mr. Barrow stated if you look at the layout of the kitchen it is a very small design so it is hard when they have functions for the women working there.

Commissioner Hughes asked for public comments; none were made.

Commissioner Boicourt moved to recommend to the Board of Appeals to grant the modification to the Special Exception for St. John's United Methodist Church to expand the existing church by 136 square feet of additional kitchen space, with staff conditions. It is also recommended that the applicant seek a lot line revision. This recommendation is contingent upon the granting of the Board of Appeals' variance. Commissioner Fischer seconded the motion. The motion carried unanimously.

c. Nagel Farm Service II, LLC (L1225) – Major Revision Plat—14209 Old Wye Mills Road, Wye Mills, MD 21679 (map 1, grid 10, parcel 7 & 11, zoned VC/AC), Chris Waters, Waters Professional Land Surveying, Agent.

Commissioner Spies recused himself from this project. Commissioner Hughes reminded the applicant that they need 3 votes for this project. Two votes is a negative vote.

Mr. Rothwell presented the Staff Report and history of the project for the major revision plan; to revise lot lines between Parcels 7 and 11 so as to allow the applicant to construct additional grain storage and drying facilities. Parcel 7 would increase in size from 4.32 acres to 13.79 acres, while Parcel 11 would correspondingly decrease in size from 303.24 acres to 293.77 acres. The area of the line revision occurs entirely within lands zoned Village Center (VC), while portions of Tax Parcel 11 is zoned Agricultural Conservation (AC).

Staff recommendations include:

1. Address the December 10, 2014 Technical Advisory Committee comments from the Department of Planning and Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, and the Environmental Planner prior to preliminary plat submittal.

2. The expansion of the grain processing, storage, and drying use from Parcel 7 to newly acquired lands from Parcel 11 shall obtain and comply with site plan approval.

Zach Smith, Chad Nagel, Chris Waters and Bruce Armistead appeared on behalf of Nagel Farm Service. Nagel Farm Service II is the owner/operator of the grain facility which is the subject of this application. The Nagels have owned and operated the facility since the early 1990s. They receive and store grain, which they sell over the course of the year. They are critical to the end user, and critical to local farmers. Agriculture in Talbot County is critical to our local economy and this use is integral to that engine. Without adequate and proximate markets local farmers are not supported in the crops they grow and our economy will suffer. Local farmers are producing more grain than ever before, but the problem is they do not have adequate facilities to receive all of the grain they are receiving. Neither the existing facility or the proposed improvements strictly adhere to the current land use regulations for this use in this zone. This use first began in 1940 and pre-dates the current zoning laws. The expansion of the facility is dictated by the existing improvements. The new improvements need to be interconnected with the existing improvements and that drives the need to place the improvements where they are being proposed. While they are acquiring 9.5 acres of land they would like to minimize loss of farmland by clustering the improvements close to the existing improvements, minimizing the impact to only 2-3 acres coming out of agricultural production.

Commissioner Hughes asked if, referring to the site plan, the subject of the site plan today is the blue area. Mr. Smith stated the special exception recommendation is on both areas, but today's site plan is for the blue area only. Commissioner Hughes stated he was concerned about the increase in traffic. He felt Route 404 between the operation and Route 50 is narrow, with no shoulders and deep ditches. He feels the State Highway Administration should be prompted to do something now, rather than wait. He is all in favor of expanding the operation, it is a great operation, and a good location, but wonders if now is the time to do something with Route 404. Commissioner Boicourt stated we are going through our Comprehensive Plan right now and we keep talking about the rural character and the need to keep that rural character. The way to keep that rural character is to keep the agricultural operation as robust as possible.

Commissioner Hughes asked for comments from the Commission and public.

Paige Bethke, Economic Development Director. She stated her purpose is to provide some information on the impact of agriculture, grain and this facility on the Talbot County economy. The grain yields are measured, this year was a bumper crop, 170 bushels of corn per acre. The problem is other communities also did well and our prices were not as robust as they have been in the past. The main purpose of Nagel is to be able to afford the farmer the right price to get into the market. The price of corn is tied into petroleum, wheat and soy follow that.

Our farmers are competing not only locally, but nationally and internationally. Most of the corn here goes to the poultry industry. The farmer harvests the corn and must be able to store and dry it and get a competitive price. Ms. Bethke states she strongly encourages the Commission to consider this proposal.

Mr. Smith stated that the Nagel family held a public meeting in December and invited the people in Wye Mills, there was a good turnout and a positive response.

Commissioner Boicourt moved to approve the major revision plat for Nagel Farm Service II, LLC c/o David B. Nagel, Jr., with staff conditions; Commissioner Fischer seconded the motion. The motion carried unanimously.

d. Nagel Farm Service II, LLC (Appeal 14-1625) – Special Exception Modification—14209 Old Wye Mills Road, Wye Mills, MD 21679 (map 1, grid 10, parcel 7 & 11, zoned VC/AC), Zach Smith, Armistead, Griswold, Lee & Rust, P.A. and Chris Waters, Waters Professional Land Surveying, Agent.

Mr. Rothwell presented the applicants' request for a modification of an existing Special Exception from the Board of Appeals to expand an existing grain storage facility use by approximately 90,000 square feet (2.06 acres). The expanded use will consist of three grain storage silos, 90 feet in diameter, a grain elevator to serve all three silos, one hopper tank 30 feet in diameter, three hopper tanks 24 feet in diameter, and one grain dryer 18 feet in diameter as annotated in the provided site plan.

Staff recommendations include:

1. The applicant shall make applications to, and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding new construction.
2. The applicant shall obtain Site Plan approval through the Planning Commission, and comply with all conditions of said approval.
3. The applicant shall obtain Major Revision Plat approval through the Planning Commission, and comply with conditions of said approval.
4. In accordance with the Talbot County Code §190-122A, the applicant shall be required to submit a landscaping plan to the Department of Planning and Zoning.
5. Future phases, as outlined in this Special Exception, shall be required to obtain the necessary and required Site Plan approvals as per the Talbot County Code §190-184.
6. The applicant shall commence construction on the proposed improvements within eighteen (18) months from the date of the Board of Appeals written approval.

Mr. Rothwell explained that the color coding of the site plan, between the blue and the orange, was to show the different phases. This was not to avoid the 25%

traffic threshold. The procedures for a site plan time line are different than a special exception. The special exception approval is for 18 months with a possible 18 months extension. The time line for a site plan is less than that. There was concern that they may not make all of the improvements over the time allotted for the site plan. So we asked them to put in what was going to be done for Phase I which is in blue, and what was to be done in all future phases. So the special exception modification is for all phases. The existing towers are 86 feet tall and the proposed towers are 91 feet tall. By grouping the grain towers closer together, rather than having two larger groups makes more sense from an aesthetic perspective, and not having to take any additional agricultural land out of production. In the staff packet is a detailed letter of how the expected volumes of traffic should turn out for this facility. We believe this makes sense because temporary grain piles on site require more trucks and circulations in and out because of the possibility for spoilage. If you put it in a permanent facility it can be store for a longer period of time. If it is stored on ground it has to be moved out in a quicker amount of time.

Commissioner Hughes stated if you increase the storage capacity by 25% you will increase the number of trucks or weight of trucks. The wear and tear on the road will still increase. Mr. Smith stated the amount of grain is dictated by the farmers. Nagel is merely trying to accommodate the farmers and accommodate the grain that is coming.

Commissioner Hughes asked if the full expansion was completed would they no longer be storing grain on the ground? Mr. Smith stated to the best of their ability they would not be. It is the intention that Phase I and Phase II will accommodate all the grain. To the extent that it can be put in grain tanks we will; to the extent that farmers want to deliver grain, need to deliver grain to the facility that cannot be accommodated in grain tanks, the only alternative the Nagels have is to store grain on the ground.

Commissioner Fischer asked why this site was chosen for expansion in preference to other Nagel sites.

Commissioner Fischer asked if ground storage leads to rodent and shrinkage issues.

Mr. Nagel stated access to major highways, shortest amount to drive on a County Road, safety, productivity of that area, farmers in that area are highly productive. Commissioner Fischer asked if ground storage leads to rodent issues and shrinkage issue? Mr. Nagel stated that yes, they take every effort to control rodents, but ground storage can lead to both shrinkage and spoilage.

Commissioner Sullivan asked if the amount of grain is currently stored on the ground would equate to the proposed grain tanks. Mr. Nagel stated that one grain tank would accommodate all of what they currently have stored on the ground.

Commissioner Hughes stated the Commission has a responsibility under the policies in the Comprehensive Plan in regards to roads and public safety. What he would recommend is that a letter be sent to the State Highway Administration that this is a major grain facility for the County, they want to expand, they will have considerably more trucks, please do something about Route 404. He believes if Route 404 was repaved with shoulders, it would be a better route than going down Route 213. He feels it is the Commission's responsibility to put a marker on the table for this point.

Mr. Fischer asked what Mr. Mertaugh's thoughts were on this point. Mr. Mertaugh said that if it was a County road vs. a State road with the wear and tear on that road it would have more impact. Several hundred trips a day is nothing to discount, but it is not a large traffic volume. There will be a tipping point and State Highway Administration will address it.

Mr. Smith stated in addition to the letter provided to the Staff which was provided to the Commission, they responded directly to the State Highway Administration. An email was received from Rochelle Outten to Chris Corkell which stated the State Highway Administration has no further comments on this project and no objections to Talbot County approving the Board of Appeal case. State Highway Administration will not require a traffic impact analysis.

Commissioner Hughes asked if anyone had any knowledge of any truck accidents in last five (5) years. None were noted.

Commissioner asked if there were any comments from the public. None were provided.

Commissioner Fischer asked about the 40 foot planting buffer to the west. Mr. Waters will be working with Ms. Deflaux to plant native tree species. These trees are being planted due to the change of agricultural use. Commissioner Fischer asked if there would be a maintenance plan. Mr. Waters stated that a surety is placed with the County and a Forestry plan recorded with the County. After two years the area is inspected to ensure the trees are surviving and if they are the Nagels will have their funds returned and if not the County will use the money to replant those trees. Mr. Smith stated the Nagels will plant the trees and comply with the County.

Commissioner Sullivan moved to recommend to the Board of Appeals to approve the modification to the Special Exception of Nagel Farm II; of the existing grain storage facility, with all staff comments being complied with. This will improve the efficiency of the site and the efficiency of the ability of farmers to deliver and sell grain out of this location, and that the access issues have been addressed appropriately, Commissioner Boicourt seconded the motion. The motion carried unanimously.

e. Nagel Farm Service II, LLC (SP-555) – Major Site Plan—14209 Old Wye Mills Road, Wye Mills, MD 21679 (map 1, grid 10, parcel 7 & 11, zoned VC/AC), Zach Smith, Armistead, Griswold, Lee & Rust, P.A. and Chris Waters, Waters Professional Land Surveying, Agent.

Mr. Rothwell presented the applicant's request for a Major Site Plan to construct additional grain storage and drying facilities immediately adjacent to their existing units. The total area of disturbance will total approximately 63,000 square feet (1.45 acres), not including the area required for stormwater remediation. Specifically, the applicant is proposing to construct the following structures as part of Phase I:

1) Two grain storage tanks, approximately 90 ft. in diameter and 91 ft. in height.
2) A grain hopper tank, approximately 30 ft. in diameter.
3) A grain elevator to serve the two proposed grain storage tanks.
4) An 18' x 24' control building (approximately 432 sq.ft.) to serve the proposed grain storage tanks.
5) A gravel surface roadway that will service the two proposed grain storage tanks.

Staff recommendations for approval of Phase I construction include:

1. The applicant shall be required to obtain a modification to an existing Special Exception to expand the grain processing, drying and storage use, and the necessary variances from the Board of Appeals prior to the issuance of a building permit.
2. The applicant shall obtain Major Revision Plat approval through the Planning Commission, and comply with all conditions of said approval.
3. Address the January 14, 2015 Technical Advisory Committee comments from the Department of Planning and Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, and the State Highway Administration (SHA) prior to Compliance Review Meeting submission.
4. In accordance with the *Talbot County Code* §190-122, the applicant shall be required to plant street trees along MD Route 404, between their side property line and the existing entrance to the facility.
5. The applicant shall commence construction on the proposed improvements within twelve (12) months from the date of the Planning Commission approval.
6. The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding new construction.

7. If and when the demand and financing for future phases of construction becomes available, the applicant shall follow the site plan process in accordance with the *Talbot County Code* §190-184.
8. This project will be required to address forest conservation, to include mitigation for the removal of any trees.

Mr. Rothwell explained that there is a limit of time for a temporary use. There is a letter from the applicants that the temporary grain storage piles will be taken away upon completion of tank 1. If temporary storage piles are needed in the future the applicant must apply for a temporary use certificate.

Commissioner Hughes asked for comments from the Commission and the public. None were noted.

Mr. Rothwell stated there is one small change to the staff conditions on Item No. 5, the words should be changed to say, "the applicant shall apply for a building permit within twelve (12) months from the date of final site plan approval."

Commissioner Fischer moved to approve Major Site Plan for Phase I for Nagel Farm Service II, LLC, with staff conditions as amended, as depicted on the plat, Commissioner Boicourt seconded the motion. The motion carried unanimously.

Commissioner Hughes requested that Mr. Mertaugh send a letter to the State Highway Administration asking them to monitor the situation on Route 404 regarding the surface condition and the width of road. Mr. Mertaugh agreed to draft a letter for the Commission's review.

f. Edward and Elsie Rhodes (M1158 and L1231)—Dudley Road, Queen Anne, MD 21657 (map 6 & 3, grid 1 & 20, parcel 1 & 3, zoned Agricultural Conservation), Chris Waters, Waters Professional Land Surveying, Agent.

Mr. Rothwell presented the staff report for the application of a 6 lot subdivision with direct access onto Dudley Road. The 6 proposed lots range in size from 2.00 acres to 4.00 acres. Approximately 126.38 acres will be remaining lands for Revised Tax Parcel 3, while another 95.61 acres will be remaining lands for Revised Tax Parcel 1. In short, approximately 14.77 out of 238.57 acres (or 6.19%) of the total acreage is being subdivided for residential development.

Secondly, the applicant is proposing to abandon a portion of the lot lines between Tax Parcel 1 and Tax Parcel 3 to coincide with the proposed lot configuration of Lot 4 on Tax Parcel 3.

The staff believes it would better meet the *Talbot County Code* for the Reserve Lands to be located in areas of natural resources.

Staff recommendations include:

1. Address the January 14, 2015 Technical Advisory Committee comments from the Department of Planning and Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District, the Environmental Planner and the Critical Area Commission prior to preliminary plat submittal.

Chris Waters, Waters Professional Land Surveying, appeared on behalf of the applicant. He stated that this project had reached the point of Compliance Review Meeting and was ready to go to signatures when the issue of the road came up. Dudley Road is a County owned road and does not meet required specifications to date. The road issues were negotiated with the Public Works Department and an agreement reached. The screening on the buffer between the agricultural land and the new lots was discussed previously and it was decided not to pursue that. The view looking over the farm makes a nice view. Mr. Rhodes does not have a problem with planting the street trees but he probably will not develop these lots. He just wants to record these lots for his family. If we were to plant the trees we would want to discuss when they would be planted because it would take land out of Mr. Rhodes agricultural production.

Mr. Waters stated that they were trying to keep the reserve lands as currently configured; there are already descriptions written. If they have to reconfigure them it would mean having to resurvey and a greater expense to the applicant. As of now they would not have to go back out there except to set the corners.

Commissioner Boicourt questioned about postponing the planting of the street trees until improvement of the lots. Mr. Rothwell stated they would work with the applicant so that it would not occur until the lots are improved upon. Staff is working with the applicant regarding any buffering. Commissioner Hughes asked if the applicant was opposed to planting a buffer behind the lot or wanted to wait until the land use changed. Mr. Waters stated there is a specific agriculture statement on the plat (right to farm). The Commission members agreed that since this project had been practically to final signatures previously it made no sense to make them go back and resurvey the property.

Commissioner Hughes asked for comments from the Commission and the public. None were provided.

Commissioner Boicourt moved to grant sketch approval for the small scale subdivision of Edward and Elsie Rhodes, Dudley Road, with staff conditions, keeping in mind the proposed cluster arrangement that would preserve agricultural land; not requiring a buffer on the south side of the lots; and recognizing recommended reserve land configuration from the prior application. Commissioner Fischer seconded the motion. The motion carried unanimously.

Executive Session:

The Commission adjourned to executive session to obtain legal advice at 11:18 a.m. Commissioner Sullivan moved to adjourn to Executive session to discuss legal issues regarding the Comprehensive Plan, Commissioner Boicourt seconded the motion. The motion carried unanimously.

Concluded Executive session at 11:46 p.m. and convened to lunch until 12:30 p.m.

Reconvened session at 12:36 p.m.

g. Comprehensive Plan

Commissioner Hughes stated this was a continuation of the public hearing on the proposed Comprehensive Plan draft from the January 29, 2015 meeting. He stated that there was input received since the last hearing and he wanted to get those on the record; he requested Ms. Verdery to do so.

Ms. Verdery entered the following items into record: Email from John Camper dated 1/26/15; Correspondence from John Masone dated January 27, 2015; Letter from Lars and Amanda Erickson January 31, 2015; Frank & Jill Cavanaugh January 31, 2015; Janet Hammond dated February 2, 2015 (Village Center); Ralph DeMarco and Monica Otte dated February 2, 2015; Phil Jones dated February 1, 2015; Jack Thompson dated February 1, 2015; Email from Linda Makosky dated January 30, 2015; Letter from the Gannon family dated February 1, 2015; and correspondence from Richard Henderson dated January 29, 2015.

Janet Hammond, 23084 Twin Pines Road, Bozman 21612, Talbot County Village Center Board Chair, also representing Village of Bozman. The Board has been working on plans and group meetings regarding Comprehensive Plan. They forwarded several suggestions to the Commission. The Comprehensive Plan is much improved and easier to read but more weight must be given to villages. It is inevitable that the County must not thwart growth in villages. Should have mix of young and old residents as well as affordable housing. Having some lots with infill in communities. She thinks we do not understand the gravity of the situation. We need our young people to keep our villages viable. Born in Easton, raised in Bozman, graduated from St. Michaels High School. The towns will get more services and the villages will get less with no willingness to provide for any form of transportation as our residents age. By not adding village plan to Comprehensive Plan you show you are not interested in the villages. There should be more opportunities for broadband. This would be the perfect time, only 58% as far as broadband and fiber optics. October 12, 2012 noticed village plans not included in Comprehensive Plan; nor as an addendum to plan. In October 2012 Jordan Zockman, Frank Cavanaugh, and Gary Crawford met with Martin

Sokolich and he agreed that the village plan should be a part of the Comprehensive Plan. Would like to see those plans included.

Steven Luthy, 26153 Royal Oak Road, came to lend support to the draft of Comprehensive Plan. Member of Village Center Board 2008-2013. Had opportunity to go around County to meetings with Mr. Sokolich and good job of putting those ideas together.

Ryan Showalter, 101 Bay Street, Easton, MD, representing himself and Chairman of the Talbot County Chamber of Commerce. In looking at land use chapter and tier maps, would encourage you to consider Rest Circle. It is not currently designated at Tier 3B. It is entirely built out, on smaller lots, has septic; wastewater goes by that area, to the north most lots are Tier 3B. Commissioner Hughes stated that may or may not come before us in the future.

Mr. Showalter on behalf of Chamber felt County has not taken advantage of the opportunity to chart goals for economic development. He is disappointed. He stated that in this plan the county can state its plan and directives. The Economic Development Chapter is a statement of where we are. None of the recommendations are adopted as objectives or directions. Most significant economic development portion only has seven policies, three or four are land use. Opportunity still to show clearer economic development goals and policies. Mr. Showalter noted that the County Council and staff have taken a proactive leadership role in solar energy, but when you get to renewable energy in the Comprehensive Plan you don't see what we would like to see, it just recites what the zoning is. Mr. Showalter stated that broadband is the key to the County being able to attract business here. Commissioner Boicourt asked if there was anything written down from his recommendations that could be incorporated. Mr. Showalter stated he would have something for the morning meeting on February 5th .

Jack Thompson, 31510 Bruceville Road, Trappe, MD, retired from telecommunications business. Working with folks in County for months. Felt there was an inconsistency between Chapter 3 and chapter on economic development because he sees it as a public utility. Recommends that they revisit what was recommended by the Planning Department. Commissioner Hughes asked if there were any specific policy suggestions. Thompson stated looking at the infrastructure as a public utility where commerce and development followed the highway system and then it has to get into the outer route. Mr. Sokolich August 15, 2014 memo statement stated: "(1) Amend the goal statement to add within the next decade all Talbot County residents will have equal access to affordable fiber access to their home public utility services; (2) Consider creating a commission to study the issue to service provisions and make recommendations on the policy, and action steps that need to be taken.

Michael Nolen, Delmarva Home Relief, representing Affordable Workforce Housing Commission. The Commission has identified various strengths and weaknesses in the Plan. We feel consumer education in regard to some of the available options for mortgages, financing, the opportunities they could seek need to be identified. We also feel that some of the areas in the foreclosure distress, equity and underwater properties is limiting some of the available options to current and future residents and causing economic distress and job relocation outside of the County. As a professional that deals in foreclosure distress and consulting with consumers on the Eastern Shore and throughout Maryland I have seen a lot of jobs relocating over the bridge. We are seeing more senior citizens in distressed situations. Some of the rehabilitation that needs to be done on underwater properties is a large concern. Homeowners may or may not qualify for government incentive programs or lender specific program to relocate from the property causing them to be stuck in a property that may or may not be affordable. We have identified that there are areas in Talbot that we could find a solution and we intend to continue our efforts in amending the policies for the Comprehensive Plan in creating a solution. I think we have a great team on the Commission and I believe that the ideas we put together so far are going to be a great solution to bring opportunities to Talbot County.

Commissioner Hughes called for a last call for public comments. There were none.

Commissioner Hughes stated that hearing no further requests to speak he was closing the public hearing as far as the Planning Commission was concerned. He stressed this was nowhere near the end of the process. The Planning Commission was going to consider all of the public input from the meeting of the 29th of January, today's meeting, as well as the written comments. They will decide which of these inputs to act upon, and possibly make any necessary changes to the Comprehensive Plan draft. The County Council will be holding public hearings as well which will be advertised in the paper and on the website.

h. <u>Aphena Pharma Solutions Maryland, LLC – Annexation</u>

Ms. Verdery explained that the Town of Easton is requesting that the Talbot County Council waive county zoning requirements for the proposed annexation into the Town of Easton. The property consists of 2 parcels, is approximately 22.136 acres in size, and it is located south of Dover Road and west of Industrial Park Road within the Carlton Business Park The site abuts the town boundary on three sides. The parcels are currently zoned Limited Industrial (LI) within the County and the proposed Town zoning would be I – Industrial District. The two districts permit generally similar commercial industrial and institutional uses. For annexation, counties are tasked with reviewing the provisions of the five (5) year rule, or if the county is willing to waive its five year requirements. Annexations in Maryland must result in a municipal zoning similar to existing county zoning or they are permitted to change substantially the uses and zoning density if the

affected county waives zoning requirement. Otherwise the uses and density must remain consistent with the county zoning for a period of five years after annexation.

Staff has reviewed the comparison chart that is provided for review and felt the uses were similar in nature. The County's concern is in regard to the comparison of lot size and use intensity. The minimum lot size in the county is 1 acre and within the town is 40,000 square feet. The difference is in the maximum site coverage where county permits 25% and the town permits 50%.

The Town recommended that given the similarities and land use that we advocate, the Planning Commission favorably recommend the zoning waiver to the County Council. You have also received a letter from Maryland Department of Planning provided after the staff report was written. Maryland Department of Planning feels the zoning is inconsistent due to substantial difference in land uses. The letter inaccurately states the County does not allow a residential structure. The County does allow a residential structure as accessory to the industrial use.

Commissioner Hughes questioned if this only concerns the five year hold and whether or not we waive the five year hold. Staff agreed.

Sharon Van Emburgh, Town Attorney for Easton and Lynn Thomas, Town Planner, appeared before the Commission. She stated that they are annexing to put the industrial use on public water and sewer.

Commissioner Hughes stated this industrial park has been before the Commission a number of times trying to get before the Town on public water and sewer. He has no problem with waiving the five year hold.

Commissioner Boicourt moved to recommend to the County Council to approve the waiver of the five year hold for the annexation of the property, Aphena Pharma Solutions, into the town of Easton; the change of use is not that substantial, we all gain from the putting of this property on public water and sewer, Commissioner Spies seconded the motion. The motion carried unanimously.

Discussions Items

i. <u>Phillips Wharf Environmental Center (PWEC)</u>

Ms. Verdery explained the applicant is proposing an amendment to a previously approved site plan. Commissioner Hughes asked if they are going for an amended site plan. Ms. Verdery stated they will need to go through the site plan process again based on substantial differences.

Kelly Cox appeared on behalf of Phillips Wharf Environmental Center (PWEC). She stated mainly they were planning to make the building smaller. Ms. Elizabeth Fink also appeared. Ms. Fink explained they have submitted for a Compliance Review Meeting showing the new building. She wanted to know if the Commission was comfortable approving this project with the revised building.

Ms. Verdery stated she understood they were to give the Commission additional plans to review, but did not expect the Commission to make a decision to approve a building that has not been before the Commission without an application. Commission Hughes asked if there is something in the code that allows the staff to make amendments to a site plan. Ms. Verdery stated staff could make minor changes.

Commissioner Hughes stated that the Commission would like to have the same rules for everyone. If after the previously approved site plan is approved someone decides to build something that is not on the site plan the County should not allow major changes without Planning Commission review. If the staff can make minor changes the Commission does not have problems with that. If the staff feels a threshold has been met then perhaps you might have to come back and make an amendment to the site plan. The Commission is in favor of this project and wants it to go forward. But to be fair to all applicants the rules must be applied equally.

Commission Fischer asked what is the driving force for the change? Ms. Cox stated it was fund raising and aesthetics. It has been brought down to a more realistic size. Ms. Fink stated the building now is proposed at 6,024 square feet, and lot coverage is decreased substantially.

Commissioner Hughes asked what is the staff's request at this time? Is the staff going to digest this information at this time and determine if it needs to come back before the Commission.

Mr. Rothwell stated the Compliance Review Meeting review will be completed and they will work with the applicant and determine whether they are substantial and whether they will need to come back before the Planning Commission.

7. Staff Matters

8. WorkSessions

a. Comprehensive Plan

Commissioner Hughes started with his laundry list of items:

Mr. Sokolich stated in Site Plans it is sometimes passed contingent upon certain conditions, are we going to do the same with the Comprehensive Plan.

Commissioner Hughes stated that is what we are going to discuss, he said let's address some of the issues first.

Commissioner Hughes:

- New proposed growth area on west end of town around St. Michaels. Comments were that this is premature since they have not passed their plan yet. If we put that block back into the Countryside Preservation area, then if St. Michaels does pass its comprehensive plan putting that in a growth area, Talbot County can handle that through a Comprehensive Plan amendment. Mr. Sokolich stated the Miles Point property is another matter. Even though it was in the last Comprehensive Plan it now has a conservation easement on it and is by that action no longer considered a growth area.

Commissioner Hughes stated St. Michaels Planning Commission representatives were asking us to change it prior to them preparing their Comprehensive Plan; it is premature to change that. Explain to the council in public session that St. Michaels plan has not been completed yet.

Ms. Verdery stated that the Town will have public meeting at the end of February on their Comprehensive Plan.

Mr. Sokolich confirmed the property will be changed back to Countryside Preservation and a letter will be drafted to the Town of St. Michaels.

- Strengthen cell tower/broadband language

3.12 and 7.7 – Commissioner Hughes asked if the Commission feels the language presented by Mr. Thompson is sufficient. Mr. Sokolich stated there is some other recommendation in the Economic Development chapter. It was questioned if 3.12 and 7.7 are sufficient? Ms. Verdery stated we have to be mindful that the maps currently show the priority placement areas only. Mr. Sokolich stated we are not just talking about cell service but also broadband.

Commissioner Hughes 4-26 and 7.6 cover the topic of cell tower and broadband; admittedly it is general, do we want to put a policy saying the County will lobby appropriate governments to make it become a public utility? Commissioner Boicourt stated that to develop our economic base we need to do a number of things: encourage Maryland Broadband Coalition and encourage to get broadband down the last mile.

Commissioner Spies stated we need to give County direction where we want to head.

Mr. Sokolich said we should consider creating a commission to review this topic. Commissioner Hughes said we have that in 7.6. Do we need to make it "shall".

What are the points we want to make? (a) Maryland Broadband Coalition and (b) lobby for public utility. Commissioner Spies stated we should support efforts to make it a public utility.

Ms. Verdery stated we need to designate someone to write something by the morning. Commissioner Boicourt agreed to write something out.

Commissioner Boicourt stated it needs to be parallel in both places, in the table on 3.12 and Chapter 7 tying broadband to economic development. Creation of a task force will be changed to “shall”. Will add something to the utility policies.

Ms. Verdery stated 7.6.f.;take that and develop into a policy.

There was discussion of the Longwoods lot with an easement, and the request to take it out of VC. There were questions of whether to take out Parcel A, or B, or both as shown on the map provided at public hearing? Mr. Sokolich questioned if the sawmill was in the Village. If it gets cut out of the Village should it be change to Limited Industrial? It was determined that if taken out of Village do not need to change zoning to LI.

Policy 9.9 seems to conflict with 2.4 and does not seem to make sense. 9.9 was deleted.

- Soil Map

Mr. Sokolich stated he was unable to get a soil map off of the new GIS system.

Change legend/title
Get another map for soils and emphasize the WRC
Categorize soils

Policy 2.21 (page 217 of last draft) - "A definitive Countryside Preservation Area shall be maintained at the outside perimeter of the designated growth areas." Missing and needs to be put back in.

Page 2-14 says Rural Reserve policy listed (missing or see if moved to different place)

- Policy 6.20 (page 6-18) County shall require that all on-site sewage systems should be pumped out and fully inspected. Change pumped out to "fully inspected"

- Page 211 village center language

Not happy with language, could be misconstrued, replace with the following:

"Village Centers should maintain their sense of place as identified by their existing architectural character, scale, mix of uses, and density of development. For this plans purposes, in accordance with Maryland Department of Planning Smart Growth: Designating Priority Funding Areas, “infill in rural villages is characterized by new development on existing parcels typical in size and shape to developed parcels" and shall be in keeping with all relevant land use policies in this plan. Additionally, as a guide for infill and limited peripheral development resulting from subdivision of existing villages parcels, the total of new lots created on all such parcels shall be limited to ten percent of the existing number of all buildable lots within the village."

Figure on Page 2-11 does not have any discussion text. Go to 2-10 on right and the next definition references that illustration. Add Instructions as illustrated in Chart 2.1.

Martin stated there are typos which will be taken care of. We haven’t addressed the superfund site in Easton or the trichloroethylene in Lewistown Road. There were some tier questions.

Economic Development Chapter, Insert 2-3 policies from Showalter recommendations to be reviewed February 5, 2015.

Discussion of Affordable Housing, a work in progress and will have some goals and objectives going forward.

Ryan Showalter felt Energy section understated – Commission felt it was appropriate.

Mr. Sokolich stated that he could put all of the towers on a map. Commissioner Spies asked about the coverage maps showing the cell towers. Mr. Sokolich stated that map can be prepared.

Commissioner Hughes reviewed a priority list:

1. St. Michaels Growth area and letter to St. Michaels Planning Commission
2. Commissioner Boicourt to draft cell tower/broadband language to strengthen in two places in Plan
3. Gannon knock out A and B parcels and sawmill into VC
4. Take out policy 9.9
5. Soil map
6. 2.21 maintaining countryside preservation back in
7. 6.20 change to fully inspected
8. Change 2.11 paragraph
9. Waiting on Showalter for economic development points

Make part of motion, respectfully request work sessions between Council and Planning Commission prior to any public hearing.

9. Commission Matters

10. Adjournment

Commissioner Boicourt moved to adjourn.

Commissioner Hughes adjourned the meeting at 2:50 p.m.

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