

1 October 6, 2016



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3 **Talbot County Planning Commission**
4 **Final Decision Summary**
5 Wednesday, September 7, 2016 at 9:00 a.m.
6 Wye Oak Room, Community Center
7 10028 Ocean Gateway, Easton, Maryland

8
9 **Attendance:**

10 Commission Members:

- 11
- 12 William Boicourt, Chairman
- 13 John N. Fischer, Jr., Vice Chairman
- 14 Michael Sullivan
- 15 Paul Spies
- 16 Phillip “Chip” Councill
- 17

18 Staff:

- 19
- 20 Mary Kay Verdery, Planning Officer
- 21 Jeremy Rothwell, Planner I
- 22 Mike Mertaugh, Assistant County Engineer
- 23 Mike Pullen, County Attorney
- 24 Meagan Patrick, Flood Plain Coordinator
- 25 Carole Sellman, Recording Secretary
- 26

- 27 **1. Call to Order**—Commissioner Boicourt called the meeting to order at 9:00 a.m.
- 28
- 29 **2. Decision Summary Review**—August 3, 2016—The Commission noted the following
- 30 corrections to the draft decision summary:
- 31 a. Line 302, amend to read as follows: “He wondered if it would be more
- 32 appropriate to do it in two year cycles.”
- 33

34 **Commissioner Councill moved to approve the draft Planning Commission**
35 **Decision Summary for August 3, 2016, as amended; Commissioner Fischer**
36 **seconded the motion. The motion carried unanimously.**

- 37
- 38 **3. Old Business**—None.

39
40 **4. New Business**

- 41
- 42 a. A Bill to amend Chapter 190 of the *Talbot County Code* to define “Parcel, Parent”
- 43 and to exclude one parent parcel from the 200 foot Shoreline Development Buffer
- 44 for subdivisions, and to require the Shoreline Development Buffer of qualifying
- 45 parent parcels to be at least 100 feet wide
- 46

47 Ms. Verdery stated that the County Council introduced and deferred to the
48 Planning Commission for recommendation, an amendment to Chapter 190 as
49 proposed by Ryan Showalter on behalf of his client. The amendment will define
50 “Parcel, Parent” and exclude one parent parcel from the 200 foot Shoreline
51 Development Buffer for subdivisions, and require the Shoreline Development
52 Buffer for qualifying parent parcels to be at least 100 feet wide.

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54 The actual text would state:

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(2) The shoreline development buffer shall be:

(a) At least 200 feet wide for subdivisions and site plans submitted after July 1, 2008, within the Resource Conservation, excluding, for subdivisions only, one Parent Parcel, which shall be subject to Subsection A(2)(b) below:

which states that:

(b) At least 100 feet wide for all Parent Parcels, lots legally created prior to July 1, 2008 or lots for which subdivision plans were submitted before July 1, 2008, and final plats were recorded on or before July 1, 2010, within the Resource Conservation Area;

The definition of Parent Parcel would be defined as:

PARENT PARCEL (CA)
A lot created after [insert the effective date of Bill] that was improved at the time of subdivision with a principal single-family dwelling constructed prior to July 1, 2008 and located at least partially within 200 feet measured landward from the mean high-water line of tidal waters or edge of tidal wetlands.

Mr. Showalter stated this is a text amendment that would apply only to subdivisions that occur after the legislation is created and would permit one lot, the Parent Parcel which is improved at the time of subdivision to retain a 100 foot setback. The primary purpose is to avoid the creation of nonconformities. This was recommended by the County's Blue Ribbon Panel.

Commissioner Spies asked if there was a situation where a house was five hundred feet from the water, could that parcel become a Parent Parcel. Ms. Verdery stated that if a parcel already met the two hundred foot setback, there was no need to apply this legislation. This is for cases of nonconformity.

Commissioner Boicourt asked for public comment.

Mr. Bruce Armistead, 114 Bay Street, Easton, asked what would happen if there was a parent parcel with a house less than 100 feet, isn't it still going to remain non-conforming. Ms. Verdery stated that is correct, it would still be non-conforming. She showed examples on the screen of how the parent parcel would be applied.

100 Commissioner Fischer asked about the Long Point case and said that several
101 homes would be demolished. Once they are demolished that footprint would no
102 longer qualify for a Parent Parcel. Mr. Rothwell stated there is only one Parent
103 Parcel per subdivision.

104
105 **Commissioner Fischer moved to recommend the County Council amend**
106 **Chapter 190 of the Talbot County Code to define “Parcel, Parent” and to**
107 **exclude one parent parcel from the 200 foot Shoreline Development Buffer**
108 **for subdivisions, and to require the Shoreline Development Buffer of**
109 **qualifying Parent Parcels to be at least 100 feet wide, Commissioner Sullivan**
110 **seconded the motion. The motion carried unanimously.**

- 111
112 b. St. Michaels Ventures LLC c/o Rick Leonard (First Baptist Church of Easton,
113 current owner)—8400 Lee Haven Road, Easton, MD 21601 (map 34, grid 1,
114 parcel 53, zoned Rural Conservation/Western Rural Conservation), Bill Stagg,
115 Lane Engineering, LLC, Agent.

116
117 Mr. Rothwell stated the applicant, St. Michaels Ventures, is proposing a cottage
118 industry, which requires a major site plan. They would like to establish an
119 excavating business on the 24.47 acre parcel using the existing 4,000 square foot
120 metal pole building, which was originally an agricultural structure. The applicants
121 are also requesting a street tree waiver. They would like to plant loblolly pines as
122 street trees, but the Code requires deciduous trees. The property is at the
123 intersection of St. Michaels and Lee Haven Road.

124
125 This property came before the Planning Commission and the Board of Appeals
126 over ten years ago for a Special Exception for a cottage industry and variances to
127 allow for a business with twenty-five employees. The existing structure was
128 approved for a wholesale nursery. Since that time, that owner did construct a
129 bathroom and kitchen facilities in the lunchroom as part of the business, which
130 did not receive prior approval. The current applicant would need to rectify that
131 with Planning and Zoning, Permits and Inspection and the Environmental Health
132 Department. As part of the cottage industry standards, a dwelling, which is the
133 principal residence of the applicants, is required. As a condition of this approval,
134 the cottage industry cannot be established until such time as the foundation is
135 constructed and inspected.

136
137 The applicants business as an excavating business is a small family owned firm
138 currently located on Pea Neck Road. The site is currently nonconforming, the 4+
139 acres does not meet the minimum 5 acre requirement. There are a number of
140 neighboring residences at the current Pea Neck Road location. The new location
141 is viewed as a more isolated location. With that in mind, there is a 150 foot
142 setback requirement for all cottage industry structures. The current structure is 92
143 feet from the closest property line and applicants propose to use an existing gravel
144 area to store some equipment and materials they cannot store inside. The
145 applicants propose to use the building to the fullest extent as possible. The cottage

146 industry standard has a maximum of 3,000 square feet for accessory structures.
147 Applicant is going before the Board of Appeal for site plan approval for side yard
148 setback and accessory structure size.

149
150 The applicant appeared before the Technical Advisory Committee and submitted
151 plans for 5 rows of street trees totaling about 30 feet wide. The Planning and
152 Zoning Department views the current building as an existing agricultural
153 structure. The applicant is going to store the majority of their equipment and
154 material in the building. Planning and Zoning recommended they only plant street
155 trees along St. Michaels and Lee Haven Road and plant an additional vegetative
156 buffer along the stock yard in front of the fencing and also along the existing
157 hedge row. The majority of the property is going to stay in agriculture. The
158 applicant's initial screening would have resulted in an acre and a half of
159 agricultural land being taken out of production, this represents a better site plan to
160 preserve the agricultural view shed. The County does support this application.

161
162 Staff recommendations include:

- 163
164 1. The applicant shall be required to obtain a Variance from the Board of
165 Appeals to establish a Cottage Industry use within 92 feet of a property line
166 and to exceed the 3,000 sq. ft. size threshold for Cottage Industry accessory
167 structures.
- 168 2. Address the August 10, 2016 Technical Advisory Committee comments from
169 the Department of Planning & Zoning, Department of Public Works,
170 Environmental Health Department, Talbot Soil Conservation District, and the
171 State Highway Administration (SHA) prior to Compliance Review Meeting
172 submission.
- 173 3. The applicant shall commence construction on the proposed improvements
174 within twelve (12) months from the date of final approval.
- 175 4. The applicant shall make applications to and follow all of the rules,
176 procedures, and construction timelines as outlined by the Office of Permits
177 and Inspections regarding new construction.
- 178 5. The applicant shall be required to remove those gravel driveway areas north
179 of the existing metal pole building, and to remove the illegal entrance and
180 gate onto MD Route 33.

181
182 Bruce Armistead, Armistead Griswold Lee & Rust, Mr. & Mrs. Ricky Leonard,
183 and son Ryan Leonard (Ricky and Ryan Leonard are co-owners of St. Michaels
184 Ventures, LLC), and Bill Stagg, Lane Engineering, LLC, appeared before the
185 Commission. Mr. Armistead stated that the illegal uses were not created by this
186 applicant or the current owner of the property. This applicant understands all the
187 requirements of a cottage industry.

188
189 Mr. Armistead stated the applicants want to use the property for a small
190 excavating and lawn maintenance business. The previous application proposed up
191 to 25 employees. This applicant proposes a small cottage industry with not more

192 than five non-resident employees. The site plan does include a proposal to use the
193 existing building. The building does not conform to the cottage industry standards
194 for two reasons: it is closer to the side yard than the required 150 foot setback and
195 it is greater than 3,000 square feet. Mr. Armistead stated an application has
196 already been filed with the Board of Appeals for a variance for those two items.
197 The Hearing is scheduled for October 3, 2016. If the Planning Commission should
198 approve the site plan, it would be contingent upon the Board of Appeals approval.
199 Should the Board of Appeals deny that request they will have to come back to the
200 Commission with a different site plan and a different configuration or even a
201 different building. The Board can approve the use of the building or propose the
202 use of a portion of the building. He stated they feel, and the County staff feels the
203 use of a portion of the building would create a bit of an enforcement issue as to
204 whether this bay or that bay is in use and whether the applicant is in compliance
205 with the 3,000 square foot limit.
206

207 There is a bit of history with the cottage industry regulations. In 2004, a cottage
208 industry was permitted only by special exception which required a
209 recommendation by the Planning Commission and approved by the Board of
210 Appeals. In 2014, the County Council changed the regulations. A cottage industry
211 is now permitted with approval by the Planning Commission. It was recognized
212 that there are a number of small businesses throughout the County. Mr. Armistead
213 stated the applicant is here today because this applicant, among others, received a
214 letter from Mr. Graham addressing their current location on Pea Neck Road. The
215 current location does not meet the required five acres and the equipment shed
216 does not meet required 150 foot setbacks. While they could apply for a variance
217 there, there are reasons this is a more appropriate site. Ricky has always desired to
218 own a larger parcel, Jane is interested in downsizing and having a more modern
219 residence. Ricky and Ryan are sportsmen and looking forward to having most of
220 this property in agricultural use, perhaps dove fields, a goose blind or two. The
221 structure that already exists seems to be a natural fit to this type of business with
222 most of the activity to be screened or included in the building and not visible to
223 the public.
224

225 Mr. Armistead stated he had read a number of letters by neighbors and people
226 presumably in opposition to this request. One opponent has characterized this
227 request “as open and egregiously blatant request to corrupt the existing zoning
228 statute”. If you look at the ordinance that the County Council adopted, § 190-39
229 of the Zoning Ordinance, this is exactly what the County Council contemplated.
230 In fact, under the list of uses that are deemed appropriate for a cottage industry,
231 No. 2 is a landscaping and excavation business. So we think this particular person
232 was misinformed.
233

234 Mr. Armistead noted the owners of the business have operated in the current
235 location on Pea Neck Road since 2009. Mr. Leonard has a history in this industry
236 having worked for other excavation companies. The Leonards understand the
237 cottage industry requirements: minimum lot size; only one use per parcel. As Mr.

238 Rothwell mentioned. the residence must exist before they can operate this
239 business so they understand that even if this is approved they will have to begin
240 construction of their new residence before they can operate on this parcel. They
241 also understand there can be no more than five non-resident employees; screening
242 of the outdoor storage; and business hours of no earlier than 7 a.m. and no later
243 than 9 p.m., though he submits that in all likelihood the business hours will be
244 much earlier than 9 p.m.
245

246 The property is presently owned by the First Baptist Church of Easton and is
247 under contract to the Leonards. It is their intent to purchase the property, but only
248 if the cottage industry and the variance can be approved, such that they can
249 relocate the residence to this site.
250

251 Richard Leonard, 7841 Pea Neck Road, St. Michaels. He stated they own a small
252 family run business on Pea Neck Road. They have run this business for over 7
253 years. Ryan started the lawn care prior to the excavation part of the business. He
254 stated they lived across the street for 20-25 years and then moved across the road.
255 He stated they are a small company, they do site work, and residential work. They
256 work with builders in the community putting in septic systems, foundations and
257 small driveways. Mr. Leonard stated he wanted to make it very clear they only do
258 residential work, they have the smaller equipment that is needed for that. The
259 problem is that they did not have the amount of acres where they currently live,
260 the 5 acres. He stated they looked at this site and thought they could clean this
261 property up and make it attractive. Generally they leave the site in the morning at
262 7 a.m. and do not come back until 5 p.m. They do not come and go, it is not what
263 some people think. He stated they do not stock pile a lot of materials.
264

265 Mr. Armistead asked him if they had the material for a Target or a Harris Teeter.
266 Mr. Leonard said they do not have the amount or size equipment, they did not bid
267 on or look to bid on commercial work. Mr. Armistead asked if they haul the
268 equipment back and forth or if it remained on the construction site? Mr. Leonard
269 stated no, once they move the equipment out they want to move it from one job
270 site to another. He stated they do not keep a lot of equipment where they live.
271

272 Commissioner Councill asked how many trucks, the size of the trucks, ten wheel
273 trucks, six wheel dump trucks, excavator size, backhoes?
274

275 Mr. Leonard said they have two small single axle, six wheel trucks, known as
276 dump trucks. He and his son each have a pickup, a couple of small ton trucks, one
277 used to pull lawnmowers to cut grass. We have small equipment: two backhoes, a
278 skid steer on rubber tracks, small john deer tractor, small dozer mini excavator.
279

280 Commissioner Councill asked what type of materials are stockpiled on the yard
281 and in what type of volume. Mr. Leonard said they only keep a small pile of
282 washed gravel for septic systems. Three to four times a year mulch is brought to

283 them from Johnsons logging. They would like to have a small pile of topsoil but
284 currently do not have the space.

285
286 Commissioner Councell asked what would be the anticipated timeframe for
287 starting and completing the residence. Mr. Leonard stated they are anticipating
288 building a modular home and are prepared to move forward now. Commissioner
289 Councell asked if they are prepared to move forward within a year. Mr. Leonard
290 stated yes.

291
292 Mr. Leonard said this started in 2014 under the direction of Bob Graham. He has
293 worked with Mr. Graham and the County since then. He was told there were
294 going to be some changes in the County regarding cottage industry properties.
295 Commissioner Sullivan asked how Mr. Graham became involved. Mr. Armistead
296 explained Mr. Graham is the Code Enforcement officer, though we don't know
297 what exactly triggered his involvement with the Pea Neck site, it was believed a
298 competitor put the bug in Mr. Graham's ear that there are a number of these small
299 businesses operating that are not in strict compliance. Mr. Graham has not issued
300 a cease and desist order or any other action. He simply told the Leonards they
301 need to address their current nonconforming status. Commissioner Sullivan asked
302 if they considered a variance to address the acreage issue. Mr. Leonard stated
303 when they looked at the various issues, the building set back and the acreage
304 issue, it was better to look for an alternate site. He stated they had wanted to own
305 a small farm to have the agricultural field with the corn, bean and maybe a
306 sunflower patch. Mr. Leonard stated they would be selling the property on Pea
307 Neck Road.

308
309 Commissioner Fischer stated he traveled Lee Haven Road, he came from Easton,
310 turned left onto Lee Haven Road about 4 o'clock in the afternoon, he had to wait
311 for 17 or 18 cars to come by, about that many cars passed by him in the bicycle
312 lane while he was waiting. When he exited Lee Haven Road to go to his home in
313 Sherwood, he waited four minutes to exit. He has a V8 pick up, he imagines Mr.
314 Leonard with a stake body and a trailer with a back hoe. Mr. Leonard said
315 depending on the time of day it is different. He stated they have a lot of trouble
316 getting into and out of Pea Neck Road. He stated we all know what St. Michaels
317 Road has become. Commissioner Fischer stated Lee Haven Road is a slightly
318 improved farm lane and he understands the concerns of the citizens who wrote the
319 letters.

320
321 Commissioner Spies stated we have to stick with the current definition of a
322 cottage industry. We do not require cottage industries to improve a road. The idea
323 of not having a house there but being able to build one in two months is making a
324 verbiage argument, but not being realistic. We as a County are legally allowing
325 them to build a home there. If they can legally build a home there, they can
326 legally have a cottage industry there. We can't we make them widen the road that
327 they have chosen to buy it on or put in a blinking light on Lee Haven Road. What
328 does that have to do with a cottage industry? We have not been making cottage

329 industries widen roads, making sure the roads are the right width wherever you
330 put a cottage industry.

331
332 Commissioner Fischer stated that to put heavy equipment on a road twice a day
333 during the heavy time of the day is an impact of the cottage industry.

334
335 Commissioner Boicourt stated it is reasonable for us to bring into our decision if
336 the cottage industry effects the road. He stated his problem with this is the
337 concept of a cottage industry. Presumably someone lives in a house and decides to
338 expand or do something locally to save money by operating a cottage industry.
339 His problem is the process of putting a house on after the fact to create a cottage
340 industry is counter to the concept of what a cottage industry should be, even
341 though at the end it would fit the legal requirements. Recently we have had a
342 number of cottage industries of a similar kind in a residential area that have
343 caused trouble to the neighbors. Commissioner Boicourt stated he is not happy
344 with the idea that these kinds of problems could be opened up to the County on a
345 property not associated with a dwelling.

346
347 Commissioner Spies stated we need to have another get together regarding the
348 cottage industry definitions. Everything that has come up here, it needs to be more
349 than five acres, this is 24, it needs to be five employees or less, it is. We either
350 agree with our cottage industry definitions or we do not. Other than the house not
351 having been built, so it is hard to say it is a cottage industry. Other than the
352 Variance they have to go through we cannot vote on that's what I would want.
353 Are we saying we would want to force them into a ten acre parcel in a
354 subdivision?

355
356 Commissioner Sullivan asked if the cottage industry was started and the house
357 was not yet built, if they could shut the cottage industry down? Mr. Rothwell
358 stated he cannot start the cottage industry until the foundation of the house was
359 constructed and inspected by the Office of Permits and Inspections.

360
361 Commissioner Councill asked where Mr. Leonard worked prior to starting a
362 business. Mr. Leonard stated he worked with Duvall Brothers from 1979 to 2011.
363 Commissioner Councill stated he is in favor of this. This site is, in his mind, the
364 perfect site for a cottage industry. Commissioner Sullivan agreed except building
365 is 4,000 sq. ft. instead of 3,000 sq. ft., and it makes no sense to tear down 1,000
366 sq. ft. of a good building. But he does not want to set a precedence for people to
367 run around the County finding properties that "don't quite fit" and saying "your
368 did it over there". This type of scenario put in a tighter neighbor he would have a
369 lot more problems with than this.

370
371 Mr. Leonard stated that they have no intentions of putting a foundation on the
372 property so they can move in and start operating the business. They have no
373 intention of starting the business until the home is completed. The reason for this
374 was that there were ten or eleven businesses turned in for operating a business out

375 of their home. They have been trying to get this straight since then. Some people
376 are asking why are they building such a small house. Mr. Leonard stated they
377 have two children, both grown, and do not need a large home. First of all you
378 build what you can afford and with all the money they are going to spend for this
379 property that is how they are looking at this. As far as the five acres, they did not
380 want to pursue that because the other people they spoke to did not have five acres
381 either, if they came before the Commission with less than five acres and they by
382 chance were approved, how would that affect the other people with five acres?
383

384 Commissioner Spies asked what could the outdoor storage area be expanded to?
385 Mr. Rothwell stated it is currently 6,000 sq. ft. The Commission's approval would
386 be for the 6,000 sq. ft. only. The Commission is reviewing a 4,000 sq. ft. storage
387 building, 6,000 sq. ft. of storage yard and a small existing gravel parking area in
388 front of the storage bays.
389

390 Commissioner Councill wanted to confirm that the Leonards said they will not
391 start the business on this property until the house is completed.
392

393 Commissioner Fischer asked if there is any intent to grow the business, 5
394 employees is all you want forever? Mr. Leonard stated businesses are to grow, but
395 they have been working the business a while and they are comfortable with what
396 they have. But if they should grow they would have to sell the property and go
397 somewhere else.
398

399 Bill Stagg, Lane Engineering, 117 Bay Street, Easton, stated the applicants do not
400 want to plant oak trees or maple trees for street trees, but want to plant loblolly
401 pines which exist on the other side of the street. Loblolly is an appropriate street
402 tree. The view is not that stunning, it is looking at a metal pole barn. They would
403 like to mimic the view down the road at Ship's Head Farm which has loblolly
404 pines street trees backed up by other loblolly pines, red cedar and evergreen
405 plantings. There will be a stop light going in at the intersection of Marlboro
406 Avenue and Easton Village, the construction is slated to start this Fall. That will
407 have a mitigating impact on some of the traffic. The Leonards will be adding 4-5
408 trips in the morning and 4-5 trips in the afternoon with an occasional load of
409 mulch. Lee Haven Road is sixteen feet wide and two cars can pass but a truck and
410 a car can be tough. Mr. Leonard is prepared to create a pull-off off on Lee Haven
411 Road. Something 6-8 feet wide by fifty feet long. It is an ideal solution here and
412 he will re-route the ditch.
413

414 Mr. Armistead asked what the distance is between St. Michaels Road and the
415 entrance to the property lane? Mr. Stagg stated 415 feet or so, centerline to
416 centerline of the road. There are some power poles on applicant's side of the road,
417 but there are some opportunities in the first 150-250 feet. Mr. Armistead asked
418 Mr. Stagg to comment on the site lines on St. Michaels Road. Mr. Stagg said the
419 site lines are not bad, except for the corn. If Mr. Leonard keeps the corn back it

420 should not be a problem. There is reasonable visibility at Lee Haven Road and
421 Route 333. Mr. Leonard will need to widen his drive entrance.

422
423 Mr. Mertaugh stated they would rather explore some widening at the intersection
424 to Route 33, maybe extending the width back fifty feet. Commissioner Boicourt
425 stated that could be made a requirement of approval.

426
427 Mr. Armistead asked Mr. Stagg if the property were to be sold and developed for
428 residential use what would be the development potential for the site? Mr. Stagg
429 said this site is permitted to put in 5 single family lots, which would require a
430 private road off of Lee Haven Road to serve those lots.

431
432 Commissioner Boicourt asked for public comment.

433
434 Mr. Ryan Showalter, 100 N West Street, Easton, Maryland, appeared on behalf of
435 several of the residents of Lee Haven Road. He stated several of the residents
436 submitted letters to the Commission regarding concerns about traffic on Lee
437 Haven Road. He spoke regarding the definition of cottage industry. Cottage
438 industry is defined as an accessory use in this zoning district. Accessory uses are
439 defined by the Zoning Ordinance as a use of land which is incidental to,
440 subordinate to, and customarily found in connection with the principal use of land
441 which is located on the same lot. He agreed landscaping and excavating
442 contractors are identified as a potential cottage industry use. What the
443 Commission has to find is that what is proposed is incidental to the residential use
444 of the property, subordinate to the use of the property and customarily found in
445 connection with the principal use of the property.

446
447 Mr. Showalter provided the Commissioners with a picture of an SUV and a light
448 duty truck passing on Lee Haven Road. The width of Lee Haven Road at the
449 entrance of the property is 20 feet, most the width of Lee Haven Road between
450 entrance and St. Michaels road is approximately 14 feet 8 inches. It has shoulders
451 of varying width (18-40 inches) and ditches that are 18-30 inches or 36 inches
452 deep. In the prior application the applicant acknowledged they could apply to
453 State Highway and have access to St. Michaels Road. In the Board of Appeals
454 decision, there was a proposal to use the St. Michaels road access. Mr. Showalter
455 stated he would urge the Commission to deny the application. He does not think
456 what is proposed is an accessory to the residential use. In the event the
457 Commission is inclined to approve the request, he urges the Commission consider
458 the adequacy of access, and its potential impacts. He urged the Commission
459 follow the course the Board of Appeals discussed to require access off of St.
460 Michaels Road, which exists today and would require less construction.

461
462 Commissioner Councill asked if anyone knew the status of the St. Michaels Road
463 access. Mr. Rothwell stated the State Highway denied the access. A copy of the
464 denial from State Highway was read for the record.

466 Brenda Crabbs appeared before the Commission on behalf of her mother who
467 lives at 8110 Lee Haven Road. She urged the Commission explore the St.
468 Michaels entrance. Many of the Lee Haven residents are elderly and getting in
469 and out of Lee Haven Road is difficult. It is very difficult to get in with a truck
470 sitting there. Dealing with the trucks going in and out is difficult. There is a
471 different group of decision makers now than there was in 2004 and she urges they
472 try again now to have State Highway approve the use of St. Michaels Road
473 entrance.

474
475 Commissioner Fischer appreciates Mr. Leonard being willing to occupy the home
476 prior to operating the business. He still finds the process backwards, he views the
477 cottage industry as someone who has a home and makes quilts or builds crab traps
478 and comes to the County to ask permission to do that. This makes him uneasy,
479 and he does not think it is a wise precedent to set. It seems to circumvent the Code
480 in order to set up a business. Commissioner Spies stated there have been issues
481 with the cottage industry in the past. He wants to represent the younger, newer
482 entrepreneurs in the County. It is very hard for him to picture forcing a young
483 entrepreneur to purchase an industrial site to drive up to at 7 a.m. every day, for
484 five employees to pick up the vehicles and go out to work all day, come back at 5
485 p.m., park the vehicles, say good night and drive away. The County has done a
486 good job setting up the cottage industry law where someone with a small business
487 that is new, growing, or meets the requirements that we set with few employees,
488 can be setup economically to get started as an entrepreneur in business in this
489 County. If the business has to be set up only for something that can be done in the
490 home, then we are really narrowing what we are going to allow as a cottage
491 industry, which is not agreeable with him. He stated they need to come up with a
492 cottage industry law that is fair and balanced. If they all of a sudden have six
493 employees instead of five, then we need to crack down on them. For what the
494 Leonards did and how they are going about it, prior to buying lot, moving in and
495 starting their business, Mr. Spies stated he feels they are right and they are a good
496 example of how we want people to operate in the future.

497
498 Commissioner Sullivan asked what the chance is that the State Highway
499 Administration allows entrance to St. Michaels Road. Mr. Mertaugh stated slim to
500 none. Commissioner Sullivan stated if we can make it a requirement they have to
501 occupy the house prior to starting the business this fits in our rules. If the house
502 was built, if we could do something to widen the road he stated he would be
503 happy to move forward.

504
505 Commissioner Councill stated he sees this as the applicant doing due diligence in
506 purchasing a property. He would like to see the County reconsider the Route 33
507 entrance. This would be a perfect situation for both the applicant and the
508 neighbors.

509
510 Commissioner Fischer agrees with Commissioner Spies that they should look at
511 the cottage industry requirements again. As the Zoning Ordinance is redone the

512 cottage industry should be focused on. Commission Boicourt stated he has trouble
513 still with the definition of what a cottage industry is. Cottage Industry has been a
514 very restrictive concept and we have run on the edge of issues where they conflict
515 with other issues. He feels it would create more trouble and he does not like the
516 precedent of the cottage industry before the house is built.

517
518 **Commissioner Spies moved to approve the major site plan for St. Michaels**
519 **Ventures c/o Rick Leonard (First Baptist Church of Easton, current owner),**
520 **8400 Lee Haven Road, Easton, MD 21601; with staff recommendations, also**
521 **to either look at widening Lee Haven Road or establishing a commercial**
522 **access onto MD Route 33, and applicant must have an occupancy permit for**
523 **the residence prior to initiating the cottage industry use; Commissioner**
524 **Councill seconded. The motion was approved by a vote of 3 to 2.**
525 **(Commissioner Fischer and Boicourt voted against the motion.)**
526

527 **Commissioner Fischer moved to approve the street tree waiver;**
528 **Commissioner Sullivan seconded the motion. The motion carried**
529 **unanimously.**
530

531 c. Talbot County, Maryland and The Family and Friends of Asbury and Green
532 Chappell, Inc. c/o Childlene Brooks—May Port Road, Bozman, MD 21612 (map
533 31, grid 15, parcel 160, zoned Rural Conservation), Chris Waters, Waters
534 Professional Land Surveyor, Agent.
535

536 Mr. Rothwell presented the staff report for a Major Revision Plat for The Family
537 and Friends of Asbury and Green Chappell, Inc. taking a 0.53 acre parcel and
538 increasing it by 0.13 acres, where the 0.13 acres would be a portion of the County
539 right of way. Any time you abandon or alter an existing public or private right of
540 way, a major revision plat is required.
541

542 This was a church constructed in 1882. The original Bozman Neavitt Road went
543 North-South in front of the existing church property. In 1958 the State Highway
544 wanted to smooth out the road for traffic safety and created almost a bypass. As
545 part of that, Mayport Road was extended up and, to allow adequate site distance,
546 it left the old roadbed. This has been used as a dumping ground and there has
547 been confusion of ownership. This revision will allow the church non-profit to
548 take control of the roadbed to control access.
549

550 Staff recommendations include:
551

552 1. Address the August 10, 2016 Technical Advisory Committee comments from
553 the Department of Planning and Zoning, Department of Public Works,
554 Environmental Health Department, Talbot Soil Conservation District, and the
555 Environmental Planner prior to preliminary plat submittal.
556

557 Chris Waters stated his concern was ownership of the road. He spoke with Mike
558 Pullen who researched it and found a letter stating ownership had been conveyed
559 to the County.

560
561 Commissioner Boicourt asked for public comments; none were made.

562
563 **Commissioner Fischer moved to approve the major revision plat for Talbot**
564 **County, Maryland and The Family and Friends of Asbury and Green**
565 **Chappell, Inc., c/o Childlene Brooks, with staff recommendations;**
566 **Commissioner Sullivan seconded. The motion carried unanimously.**
567

568 d. A Resolution concerning the proposed annexation of portions of Easton Point
569 designated as Parcels 47, 48, 80, 118, 120, 139, 140 and 247 of Tax Map 34
570 together with portions of the public road right-of-way known as “Port Street” and
571 the Tred Avon River, consisting of 6.528 acres of land, more or less
572

573 Ms. Verdery noted that several property owners have filed a Petition with the
574 Town of Easton to annex their properties on Easton Point into the Town. Current
575 County Zoning for these properties is Limited Industrial (“LI”). The petitioners
576 have requested that the Town annex and rezone the properties to General
577 Commercial (“CG”).
578

579 State law provides that the Town has exclusive zoning authority over land
580 following its annexation. That zoning authority is limited by Local Government
581 Article which restricts municipal authority to rezone land for a period of 5 years,
582 if: (1) the municipal zoning permits land uses substantially different from the pre-
583 existing County zoning; or, (2) municipal zoning permits substantially higher
584 densities, exceeding 50%, than permitted under the County zoning; unless the
585 County waives this restriction. If the County waives that restriction the
586 municipality may rezone the land to permit uses that are substantially different
587 and that exceed pre-existing density by more than 50%.
588

589 The Planning Commission is being asked to recommend to the County Council
590 whether or not to waive this 5-year restriction.
591

592 The properties are located on Easton Point and include 6.528 acres, including
593 most of the existing road-bed of Port Street. Port Street is a County road from its
594 intersection with MD 322 (Easton Parkway) to the existing County boat launch
595 area at headwaters of the Tred Avon River.
596

597 Currently permitted in the County LI District are included port and related
598 industries, pump stations for gas and oil pipe lines. In the Town CG District are
599 permitted retail, appliance, antique, grocery stores, liquor stores, restaurants (fast
600 food, carry out, sit down, and night clubs).
601

602 The density is more closely associated with residential development.

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In the LI we permit a minimum lot size of 1 acre, and a lot coverage of 25 percent. In the CG under the Town there is a minimum lot size of 20,000 sq. ft. and a lot coverage of 50 percent lot coverage.

In the annexation process the questions for consideration are:

- (1) Whether the land uses proposed for the annexation area are substantially different than the uses permitted under County zoning?
- (2) Whether the development intensity permitted by the Town's CG zoning would increase development intensity in the annexation area by more than 50%?
- (3) If the answer to either (1) or (2) is yes, whether the County should waive the 5-year rezoning restriction, or maintain those limits on municipal rezoning for the 5-year period or some portion thereof.

Staff believes the uses permitted in the Town's CG zone are substantially different from the County's LI zone and that, therefore, County's consent is required to authorize the Town to rezone these properties into the CG zone at this time. Staff believes the same result applies to the increase in development intensity, that rezoning into the CG zone allows development intensities greater than 50% of the County's LI zone, and the 5-year restriction in rezoning applies under this prong of the test as well.

If the 5-year rule applies, the question for the Commission is whether to recommend that the County Council consent or withhold consent to the proposed rezoning to CG.

There are several existing zones in that area, "ports and related industry" are permitted uses in the County's LI zone but are not permitted in the Town's CG zone. While this area has historically been used and is still used as a commercial port, the Town's vision is to redevelop it according to the *"Port Street Small Area Master Plan"* which includes relocation of the existing industrial areas.

Ms. Verdery provided information on some of the existing land uses. The County's zone of LI is described as a district characterized by low intensity manufacturing uses. The Town's CG zone has a broad range of intensive commercial and manufacturing activities. The County's Comprehensive Plan states the County will support the efforts of the Town and the Easton Economic Development Corporation to pursue funding opportunities for the purpose of developing studies to include traffic, economic development and environmental impacts for the Easton Point and Port Street Corridor.

This Plan continues this three-tiered partition system. Priority 1 Areas are classified as Boundary Refinement Areas. In most cases they correspond to areas

649 that are already developed in Talbot County and they are deemed appropriate for
650 consideration for Annexation during the life of this Plan. Priority 2 Areas are
651 referred to as Intermediate Growth Areas and Priority 3 Areas are referred to as
652 Long Range Growth Areas. Neither is envisioned as being necessary to develop in
653 order to accommodate any growth during the upcoming Planning period.
654

655 The County is of the understanding that the Easton Point area should be
656 redeveloped in cooperation with the Town of Easton, as a revitalized working
657 waterfront area including a prominent public waterfront park. The complete range
658 of present uses make up the components of a working waterfront, which is
659 supported by dredging and other services by State and federal agencies. Not all
660 commercial and industrial uses in the area are interchangeable. Alternative sites
661 for port related businesses are not available.
662

663 Agreeing to Town annexation of a bank of property dividing the Port and
664 isolating several properties in an enclave setting, demonstrates a lack of support
665 for these longstanding businesses.
666

667 Special development treatment should be provided to recognize the historic
668 significance of this area. It should also be linked to a county-wide trail system as
669 envisioned in the 1991 Talbot County Public Access Study, currently being
670 implemented by the Town of Easton.
671

672 The County owns Port Street from its intersection with MD 322 (Easton Parkway)
673 to Easton Point. The annexation will change the municipal boundaries to include
674 the majority of Port Street in the Town (leaving a small portion at the end in the
675 County), but it will not change ownership of the road, which will remain in the
676 County. Thus, the County will be expected to maintain Port Street and will be
677 responsible for paying those expenses or exacting improvement costs from the
678 property owner/developer for improvements required by a particular
679 development.
680

681 Staff recommendations include:
682

- 683 1. Staff recommends that the Planning Commission determine that each of the 2
684 separate preconditions for exercise of the 5-year hold exist in this annexation,
685 namely that the Town's proposed CG zoning allows land uses that are
686 substantially different from the existing county zoning and permits
687 development intensity greater than 50% of the existing County development
688 intensity.
- 689 2. Staff also recommends that the Commission forward a recommendation to the
690 County Council that the Council not waive the 5-year hold at this time. There
691 are significant unanswered questions and incomplete studies that may impact
692 the current and future use of this area and until those studies are completed
693 and existing questions are vetted and answered to the County's satisfaction, it
694 would be premature to move forward with CG zoning at this time.

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Commissioner Fischer asked if Ms. Verdery remembers where the spoils from the 1988 dredge were placed? Mr. Pullen stated he believes on Lee Haven Road on a County spoil site back there. Commissioner Fischer asked if the County still owned Elliott Road. Mr. Mertaugh acknowledged we do. Commissioner Sullivan asked if there is any discussion of split zoning? Ms. Verdery stated there were no County properties in this request. There is concern having the mixed uses without having the studies completed.

Commissioner Boicourt stated he and Mr. Hughes met with the Town ten years ago to begin the conversation for a unified vision of having the County work with the Town. Recognizing there is an economic benefit, there were to have been more meetings. Since then, no second meeting and no interest to go forward. Eastern Shore Land Conservancy came up with a plan. It has been recognized it has to be a Unified cooperative procedure for what is a gem of the County. If we give up 5 year hold the County's interest is gone. Getting the town and county interest together is essential. The difficulty is that these are individual property holders.

Commissioner Sullivan stated there was one other meeting after that and it was realized more meetings would be needed. It is a valuable piece of property because of waterfront access but trying to do piecemeal like this is not a good idea. He feels we should recommend the 5-year hold because the hold can be lifted at any time within the 5 year period.

Commissioner Boicourt asked for public comment.

Ryan Showalter appeared on behalf of the annexation petitioners. Easton Point is a gem in the rough. This is an application that deals with specific properties. Owners who have failing septics or septic constraints and no ability to renovate or repair. Part of conversation is how do we solve the issues and reinvest on Port Street. This is the first time that we have had a critical mass of people come together to start to initiate some improvement, deal with critical environmental issues and are willing to pay the \$10,000 application fee to start the process. This is a critical first step. This is not a referendum on the master plan and the small area plan for Port Street. This is not a debate about whether the port should continue, not a debate about Pep Up. This is a handful of local residents, property owners, who are interested in solving their issues and moving forward on Port Street.

Commissioner Boicourt wanted to agree that there is some benefit and he is also very happy this application has come forward and the clock is started. But he feels very strongly that the larger issue has to be addressed. He is pleased the issue is now going to go forward regardless.

740 Mr. Showalter stated that is a fundamental premise that should be discussed. This
741 application started with the westernmost property. The marina shut down due to
742 health department and septic issues. They wanted to create a waterfront restaurant
743 and were not able to have access to force main. Now two and a half years later
744 they are back. If these owners have to wait an additional five years and pay Town
745 taxes, it may defeat the annexation.

746
747 Sharon Van Emburgh, Town Attorney for Easton, and Lynn Thomas, Easton
748 Town Planner appeared before the Commission. The Easton Planning
749 Commission reviewed the annexation proposal at their August meeting. Town
750 Council reviewed and kept their record open for results of the County Planning
751 Commission meeting and County Council meeting. As far as the vision for Easton
752 Point and Port Street corridor, they are working on a small area vision plan. The
753 Town just received it, they will be reviewing it at a public hearing November 1st
754 at 6:00 p.m. in the Town Hall. They are considering three proposed
755 Comprehensive Plans amendments, this being the most significant. Ms. Verdery
756 accurately pointed out how the Comprehensive Plan classifies the property in
757 terms of the Priority 1 annexation area. The other point is the future land use map.
758 The area is described as a redevelopment area. It describes the area as Easton
759 Point, relocation of public works facility, redevelopment of Londonderry
760 Retirement Community, more mixed used projects, open space, commercial uses,
761 residential uses, ground floor commercial with upper floor condominium space.
762 As it stands today if Easton Point is to be redeveloped it will necessarily be
763 incompatible with either the County's Zoning or the Town's Comprehensive Plan.
764 Mr. Thomas concurred the waiver of the consent is required. There is some
765 incompatibility that has to be resolved. If you are of the opinion that it is good to
766 see something happening at Easton Point let's allow that to happen now instead of
767 waiting five years to see that happen. We envisioned this being one or more
768 planned unit developments possibly under a mixed unit development which does
769 not exist today. Either of these options would require subsequent County consent
770 if it occurs within that five year window. Mr. Thomas urged recommendation of
771 the waiver.

772
773 Ms. Van Emburgh stated if a PUD were proposed for one of these properties or
774 if the Town established a new zoning district, they would still have to come back
775 for a waiver to apply for any other zoning or allow any other uses. She stated they
776 ask that the Commission make a positive recommendation to grant the waiver.

777
778 Commissioner Boicourt asked what if the County Council grants the waiver and
779 the new vision is not compatible with the County's zoning.

780
781 Ms. Van Emburgh stated they would have to come back for another waiver. She
782 stated there is one other issue, currently they are in discussions about Glebe Road
783 and Elliott Road. The Town policy has always been if the road meets the Town
784 standards they will acquire that road, maintain it and incur the costs for the future.
785 Borings were done and Glebe met the standards but Elliott did not. What needs to

786 be done and who is responsible, is currently being discussed. Mr. Thomas stated
787 they do not want sections of the same road to be multijurisdictional. Mr. Pullen
788 stated he would like to note regarding Elliott Road there is a wide discrepancy of
789 the understanding of the Town's standards and the County's to what is needed to
790 bring it up to standard.

791
792 Mr. Showalter wanted to clarify the right of way by Vulcan is excluded from the
793 annexation area. There is a piece of property, about three-quarters of an acre, on
794 the north side of Port Street (Webb property) also included. In this annexation
795 Easton Utilities will serve a new restaurant, an existing restaurant and a few small
796 properties. There will be a small collection system with grinder pumps to pump
797 into the Easton Utility force main.

798
799 Rennie Gay, Rennie Gay Seafood, would like to see the five years waived. For the
800 past 35 years he has heard 5 years. He is not one of the parcels in this annexation.
801 He has finally heard something is going to happen. Finally someone is ready to
802 take the chance. If we shoot them down now it could be another ten years before
803 we could have something great down there. If we start one parcel at a time we
804 could turn it into what everyone is looking for. He doesn't know how many more
805 3 to 5s he has left in him. He hopes you will let them do it.

806
807 Leslie Passano from Trappe, Maryland. Most people think Easton Point belongs
808 to Easton anyway. She has seen the plans for the restaurant. Feel like the residents
809 have made our commercial people more aware of wanting to share our water and
810 our agricultural areas. Whatever plans have got to be an improvement of 20 years
811 ago. Please let it move forward.

812
813 John Webb, 2899 Village Lake Way, Easton Village, Easton, bought his property
814 in June of 2012. Primary reason he purchased was because of the ambience of
815 Easton Village. He is involved and invested in what goes on in City and County.
816 As a business person he has found the task generally expands to the task allotted.
817 If 5 years is the cutoff that is what it will take. If a shorter time, let's take action
818 now. He is well aware of some of the growth forces for the City in general. To
819 provide access to downtown would be nothing but good. He heartily endorses the
820 petition to do away with the time frame and encourages the County and the City
821 to move ahead.

822
823 Vince Kelly owner of Green Eyes LLC builds monitoring equipment, and is part
824 of the annexation. Would be great to get town water and sewer. The water quality
825 in the building is very poor. To be able to attract employees would be a benefit to
826 his business.

827
828 Maria Webb Gomes owns property closest to Flood Avenue, third generation
829 owners of that property. Her father had a dream of that property one day
830 becoming a developed area. It used to be a rental property until the septic system
831 failed. She currently lives in DC (4406 Emerson Street, Washington, DC) and

832 maintains a home here in Oxford (her childhood home). She wants to bring it
833 back to a place for workforce, transitional housing. The property is a little less
834 than three-quarters of an acre. Would like to invest in the property and be able to
835 retire down here.

836
837 John Schroeder, 6334 Neavitt, Neavitt, MD, owns the Boat House with his wife.
838 Since they have owned the Boat House have witnessed three attempts at
839 redevelopment of this area. This is the vision, get all the people together. Decided
840 to look at this as a grassroots opportunity. Can we possibly work together to get a
841 plan? We are going to turn this waterfront back into the vibrant waterfront it was.
842 What we can have immediately is a restaurant, sewer and water, and not pollute
843 this beautiful waterfront. No one is asking for tax money, no one has their hand
844 out, this is all on the backs of the property owners. There are going to be meetings
845 about the projects. This will benefit the Town, the County and the people who
846 have spoken about this community. We hope to make this a waterfront
847 destination.

848
849 Tim Miller, owns 930 Port Street and 941 Port Street (sometime called Point
850 Road), His family has owned this property since the 1940s. Lots of people have
851 come down with grand plans of townhouses, condos and maximizing residential
852 uses. That was never of an interest to him. When he saw the blue lines painted
853 that were going to Easton Village he thought there was hope. Then it was found
854 there was a possibility of limited taps into that line. The people of the annexation
855 are representative of who is applying now and want to tap in to that line. You
856 have to request to be annexed. These are the folks that requested it. Please think
857 about giving it to us.

858
859 Jane Hawkey, wife of John Schroeder, owners of The Boat House at Easton Point,
860 and lives in Neavitt. She is also an environmentalist, who works at the University
861 of Maryland Center for Environmental Science. She always had a passion to
862 enhance the environment for quality of life. Within the existing zoning have not
863 been able to do anything with property. She suggests taking the industrial site and
864 turning it into a site we can be proud of: planting trees, adding rain gardens, storm
865 water management gully, go solar get some progressive ideas, pro environment
866 land use, get public excited, get young people to come to Talbot County and raise
867 their families and get jobs. An area promotes the quality of life and not the
868 almighty dollar all the time.

869
870 Ms. Verdery stated we appreciate and support the efforts of the property owners,
871 the Town of Easton and Economic Development in moving forward with this
872 plan. There are many unanswered questions and studies that need to be completed
873 to evaluate this change. If this is done piecemeal, in the end what is going to
874 happen to this area? While we appreciate the value of the public health issue in
875 putting this on sewer; we need to see consistency with the Comprehensive Plan.
876 We need to evaluate traffic impacts, the economic impacts, and the environmental
877 impacts as this is an industrial area. We have land uses here today that are

878 compatible with one another. We have the boat landing with boats and trailers that
879 come on the weekend. We have the trucks that go in and out on the weekdays. We
880 have the property on the end that we specifically gave a text amendment to our
881 Zoning Ordinance allowing a 20 seat restaurant. When that occurred there was a
882 lot of incompatibility with the uses going on there. There was a lot of parking on
883 the County landing site and the Police were called repeatedly. This created
884 negative impacts. When we start to mix in this commercial element with the
885 existing industrial are those uses going to be compatible with one another or are
886 there going to be conflicts that will have a negative impact on their vision? Is this
887 going to be consistent with our Comprehensive Plan? Ms. Verdery stated she sees
888 this area as a future for Easton, but feels there have not been significant studies
889 and nor the opportunities evaluated.

890
891 Commissioner Boicourt feels it is good to hear the individual owners opinions of
892 the economic and environmental benefit from moving forward. Any further
893 change in zoning will require County approval so even if the 5-year waiver is
894 removed the County will still be involved in the future. If studies are
895 recommended, if there is a change in vision, there needs to be cooperation with
896 the Town of Easton. There needs to be expediency. Five years is too long. How
897 would we convey that to the County Council. The property owners getting this
898 going on their own is an amazing plan.

899
900 Commissioner Fischer stated we have been here for a while and been hemming
901 and hawing over this for what seems like two decades, it is time to get started. He
902 stated it should stimulate other activities to move quicker. The septic situation is
903 serious. He would vote to remove the 5-year hold.

904
905 Commissioner Councill states there is something to this and it is time to move it
906 forward. He heard from a neighboring residential property owner who was even
907 excited.

908
909 Commissioner Sullivan asked if there is a possibility of delaying until we see the
910 plans for the specific areas, especially the restaurant and the areas which previous
911 parking problems. How is the new restaurant going to solve that.

912
913 Tristan Price, 7092 Blackberry Court, stated he has been operating Easton Point
914 for the past four years. He declared this is not the same group that managed
915 previously. He has managed fourth of July events with 300-350 people at Easton
916 Point for the past three years. None of those patrons parked at the County lot. If
917 he had a penny for every time someone came up to get fuel and asked when were
918 they going to have a restaurant he could be a rich man.

919
920 Commissioner Sullivan stated that is nice to hear but if you see it incorporated
921 into the Town's plan it would go a long way.

922

923 Mr. Schroeder stated those questions will be answered when the applicant puts
924 forward the design. Each of the individuals will have to put forward their plans.
925 We are asking to drop the moratorium so that we can begin. Let's work toward a
926 common goal. It's a diamond in rough and it will take skill to shape it.

927
928 Commissioner Sullivan stated once the waiver is given anything with general
929 commercial can be built.

930
931 Commissioner Boicourt stated one thing the County has is access to funds and
932 leverage and influence to help the process along. He does not know what grants or
933 programs are available nor is he saying they would do that. What their incentive
934 would be, the thing is they are not proposing to annex the entire area to the Town.
935 He really feels the County has a stake to move the Town in the right direction and
936 he is reluctant to give that up. Commissioner Spies stated his concern is it is a
937 diamond in the rough but if you cut it wrong that diamond has less value than
938 when you started. Having a plan for that diamond would be a big help. On the
939 other hand he feels it is time to get this jump started. He is torn between two
940 sides, it needs to be energy pumped into that region, we have to do our part.

941
942 Commissioner Sullivan stated Mr. Thomas stated there was a meeting in
943 November, he would rather we postpone this and get more information to go
944 forward.

945
946 Commissioner Boicourt stated we have to convey to the County Council our
947 reasoning's for various things. That is the time we bring all these issues up. We
948 have wanted to get this thing moving. The evidence is clear we have a group of
949 landowners who are excited and ready to move forward. The sense of timing is an
950 issue and if we don't go forward we might lose the opportunity. Whatever or
951 decision should be in that letter.

952
953 Commissioner Fischer asked if the small area plan is available.

954
955 Lynn Thomas stated the plan is available on the website. It will be reviewed at
956 their meeting in two weeks. They can get printed copies to the Commission.

957
958 Commission Sullivan asked how what is being annexed here fits into the small
959 area plan. Mr. Thomas stated it is a significant portion, but not overly significant.
960 He stated Mr. Sullivan was accurate that if the Council waived the 5-year hold
961 then properties developing under the CG category would be able to develop
962 without the zoning requirement. Any other categories would need to come before
963 the Commission again. For example the restaurant would not require coming
964 before the Commission. We would require parking be provided with provisions
965 for off-site parking.

966
967 Commissioner Boicourt stated he could see the County's retention for a time. He
968 can see facilitating moving forward by influencing the process. He can see

969 potential problems: if it is too large a plan, too many additional rezonings and the
970 County has to weigh in on those rezonings. He feels there are so many minefields
971 out there to derail the efforts. He does not think the 5-year hold is a debilitating
972 thing.

973
974 Ryan Showalter stated his concern is the petitioners have the right before the
975 Town Council votes on the annexation resolution to withdraw their petition. Once
976 the Town votes they are annexed and paying Town taxes. There is real urgency
977 because that uncertainty is a great concern. The area that is proposed for a
978 waterfront restaurant is specifically designated for a waterfront restaurant. He
979 would urge the Commission move forward today with a recommendation to
980 proceed without the 5-year hold. The area of Port Street not annexed is about 45
981 acres, this area to be annexed is less than a fifth or a sixth of the area.

982
983 **Commissioner Spies moved to recommend to the County Council the**
984 **annexation of Parcels 47, 48, 80, 118, 120, 139, 140 and 247 together with**
985 **portions of Port Street, as well as to waive the 5-year hold on the change of**
986 **zoning; the Commissioners expressed concerns regarding parking.**
987 **Commissioner Sullivan second the motion. The motion carried by a 4 to 1**
988 **vote. (Commissioner Boicourt voted against the motion.)**
989

- 990 e. A Bill to amend certain parts of Table II-3, density and bulk requirements in
991 §190-14, Talbot County Code, to establish identical density and minimum lot size
992 requirements for parcel with and without sewer service in the Rural Conservation
993 (RC) , Rural Residential (RR), and Town Conservation (TC) districts.
994

995 Ms. Verdery stated the County Council has introduced and deferred to the
996 Planning Commission for recommendation Bill No. 1347, an amendment to
997 Chapter 190 as proposed by staff. The bill will amend certain parts of Table II-3,
998 Density and Bulk requirements in §190-14, to establish identical density and
999 minimum lot size requirements for parcels with and without sewer service in the
1000 Rural Conservation (RC), Rural Residential (RR), and Town Conservation (TC)
1001 zoning districts.

1002
1003 Commissioner Fischer stated this makes good sense, he is in favor.

1004
1005 Staff recommendations include:

- 1006
1007 1. Staff recommends the Planning Commission support this request and forwards
1008 a positive recommendation to the County Council. This text amendment is
1009 consistent with the recent Comprehensive Plan updates which map and define
1010 areas of Tier III-C as areas of limited sewer service. Additional amendments
1011 to the Comprehensive Water and Sewer Plan would be required prior to
1012 extension of sewer service to these areas.

1013
1014 Commissioner Boicourt asked for public comments; none were made.

1015
1016 **Commissioner Sullivan moved to recommend the County Council amend**
1017 **Chapter 190 of the *Talbot County Code* to establish identical density and**
1018 **minimum lot size requirements for parcel with and without sewer service in**
1019 **the Rural Conservation (RC), Rural Residential (RR), and Town**
1020 **Conservation (TC) districts; Commissioner Fischer seconded the motion.**
1021 **The motion carried unanimously.**
1022

1023 **6. Discussions Items**
1024

1025 a. Shore Real Estate Investment, LLC - removed from agenda, never submitted.
1026

1027 b. Golf Course and ancillary golf course uses
1028

1029 Martingham golf course and another parcel north of Martingham Circle with hotel
1030 and residential structures. Part of compound but not part of golf course. Property
1031 owner looking to put some of the ancillary uses within the zoned RR. Within the
1032 RR that is a special exception use. Were they to come before Planning
1033 Commission to put a pro shop or golf cart storage building is that an ancillary
1034 use? Can we just approve those ancillary uses without approving golf course use.
1035

1036 Commissioner Fischer asked if ancillary uses includes club house, pro shop and
1037 cart storage?
1038

1039 Ms. Verdery stated the ancillary golf course structures and uses, it would not
1040 allow retail uses.
1041

1042 Commissioner Fischer stated there is retail involved in the pro shop.
1043

1044 Ms. Verdery stated there is retail involved in the pro shop but it would have to be
1045 specifically related to golf course use.
1046

1047 Mr. Pullen stated it would be an appropriate way to approve that kind of use. It is
1048 adjacent and being developed as part of the overall development of Martingham.
1049 Adequate safeguards for the notice to the public and review.
1050

1051 Ms. Verdery stated the pro shop could be within the existing hotel space.
1052

1053 Commissioner Cuncell stated he would be in favor of it. He would rely on Mr.
1054 Pullen for guidance.
1055

1056 Mr. Armistead stated this is an evolving situation and the owner is still assessing
1057 what will happen with this property. The keys are if the golf course were not a
1058 permitted use and if these parcels were not contiguous this would not make sense.
1059 We could introduce a proposal under the STAR legislation. But that is far more
1060 complex and complicated. If we took that before the County Council they would

1061 want to know what is the rest of the plan. He stated they do not have the rest of
1062 the plan yet.

1063
1064 Mr. Councill asked why they did not do a lot line revision. Ms. Verdery
1065 explained they are separated by a road.

1066
1067 c. Ms. Verdery reminded the Commissioners of the Appreciation Reception
1068 Honoring Members of Boards on September 20th.

1069
1070 d. Ms. Verdery stated that the Solar Array Committee has been amazing. They
1071 expect to take a draft to the Farm Bureau. They plan to finalize the draft bill and
1072 present it to the Commission at the October meeting.

1073

1074 7. **Staff Matters**

1075

1076 8. **Work Sessions**

1077

1078 9. **Commission Matters**

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1080 10. **Adjournment**–Commissioner Boicourt adjourned the meeting at 12:37 p.m.

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