

1 July 24, 2019



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3 **Talbot County Short-Term Rental Review Board**
4 **Final Minutes**

5 Thursday, June 27, 2019 at 1:00 p.m.
6 Community Center, Wye Oak Room
7 10028 Ocean Gateway, Easton, Maryland

8 **Attendance:**

9 Commission Members:

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11 Scott Kane, Chairman
12 David McQuay, Vice Chairman
13 John "Jack" Hall
14 Martha Suss

17 Staff:

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19 Mary O'Donnell, Assistant County Attorney
20 Miguel Salinas, Assistant Planning Officer
21 Elisa Deflaux, Environmental Planner
22 Chris Corkell, Recording Secretary

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- 23 **1. Call to Order** - The Chair called the meeting to order on June 27, 2019 at 1:03 p.m. Mr.
24 Kane opened the meeting.
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26 **2. Decision Summary Review** – Mr. Kane asked for the wording Decision Summary to be
27 corrected to Minutes. Mr. Hall made the motion to approve the minutes, seconded by Mr.
28 McQuay. The motion was carried unanimously.
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30 **3. Old Business** – The meeting was originally scheduled for June 20, 2019 and the Board
31 did not have a quorum. Mr. Hall attended the meeting to announce the next scheduled
32 meeting would be June 27, 2019.
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34 **4. New Business -**
35 a. The Water House/Edmund F. Dunstan, III and Augusta H. Dunstan, ST-795-
36 DUN, 7952 Church Neck Road, St. Michaels, MD 21663, (Map 32, Grid 13,
37 Parcel 154, Lot A, Zoned Rural Conservation). Ms. Deflaux presented the staff
38 report for the Short-Term Rental (STR) license application. Ms. Dunstan gave
39 some history on her property and application. Jim Campbell from Eastern Shore
40 Vacation Rentals represented the applicant and is the resident agent. Mr. Salinas
41 explained to the Board that the Dunstan's are looking for approval based on staff
42 recommendations and they have now passed all of their inspections as of June 24,
43 2019.

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45 The Board called for public comment. No public comments for this application
46 were heard. Written comments were received by the Board from Susan duPont.
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48 **Mr. McQuay made a motion to approve the STR application for five**
49 **bedrooms for Edmund F. Dunstan, III and Augusta H. Dunstan, 7952**
50 **Church Neck Road, with staff conditions, seconded by Mrs. Suss. The motion**
51 **carried unanimously (4-0-1, Broll absent for the vote).**
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53 b. Millcreek Lane, LLC - ST-123-MIL, 12383 Mill Creek Lane, Wye Mills, MD
54 21679, (Map 4, Grid 21, Parcel 64, Lot 10, Zoned Rural Conservation). Ms.
55 Deflaux presented the staff report for the Short-Term Rental (STR) license
56 application. Ms. Eder gave some history on her property and application. Jim
57 Campbell from Eastern Shore Vacation Rentals represented the applicant and is
58 the resident agent. Mr. Campbell explained that a re-inspection will be scheduled
59 for a new window that has been installed and for smoke alarms. Mr. Salinas
60 discussed the inspection and the re-inspection process. He stated the third-party
61 inspector is ICC certified. Mr. Hall stated ICC means to him Interstate Commerce
62 Commission. Mary O'Donnell responded that ICC means International Code
63 Commission. Discussion was made on the property owner notification. Ms.
64 duPont didn't feel like the appropriate people were notified. Mr. Salinas stated the
65 notices were properly notified.

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67 The Board called for public comment. Susan DuPont spoke. Written comments
68 were also received by the Board from Ms. duPont.

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70 **Mr. Hall made a motion to approve the STR application for five bedrooms**
71 **for Mill Creek Lane, LLC, 12383 Mill Creek Lane with staff conditions,**
72 **seconded by Mr. McQuay. The motion carried unanimously (4-0-1, Broll**
73 **absent for the vote).**

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75 c. Fairview/FRE USA, LLC - ST-967-FRE, 9675 Fairview Point Lane, Easton, MD
76 21601 (Map 23, Grid 5, Parcel 24, Zoned Rural Conservation). Ms. Deflaux
77 presented the staff report for the Short Term Rental (STR) license application.
78 Jim Campbell from Eastern Shore Vacation Rentals represented the applicant and
79 is the resident agent. Sharon VanEmburch was present for the hearing and is the
80 attorney for the LLC and the family. Mr. Donoway was present for the meeting
81 and manages the property. He gave the history of the property and noted they
82 want to market the property at a minimum 2-week stay.

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84 Sandy McAllister, a resident in the audience attending the hearing, asked the
85 STRRB to give the applicant and neighboring property owners a reasonable
86 amount of time to see if they can agree on a road maintenance agreement for the
87 private road. The citizens in the audience discussed the current process for
88 payment of road maintenance and repairs. Ms. O'Donnell asked the citizens to
89 come up to speak and not speak from the audience.

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91 The Board called for public comment. Individuals that spoke were Sandy
92 McAllister, Attorney representing the Pretzler family; Angela Pretzler; and Mr.
93 and Ms. Joseph Peters. Written comments were received by the Board from Susan
94 duPont.

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96 **Ms. Suss made a motion to approve the STR application for five bedrooms**
97 **for Fairview/FRE USA, LLC, 9675 Fairview Point Lane with staff**

98 **conditions, seconded by Mr. Hall. The motion carried unanimously (4-0-1,**
99 **Broll absent for the vote).**

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101 d. The Lodge/Michael and Liv Violette - ST-758-VIO, 7582 Leadenham Cove
102 Road, Bozman, MD 21612 (Map 31, Grid 20, Parcel 229, Lot A-1, Zoned Rural
103 Conservation). Ms. Deflaux presented the staff report for the Short Term Rental
104 (STR) license application. Mrs. Violette gave history on her property and
105 application. Mrs. Violette only wants to allow four (4) night minimum stay at
106 their home. Has hired a contractor to complete the work for the egress windows
107 and should be completed by July 9, 2019. They own 16 acres which is located on
108 a private road.

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110 The Board called for public comment. No public comments for this application
111 were heard. Written comments were received by the Board from Susan duPont.
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113 **Mrs. Suss made a motion to approve the STR application for three bedrooms**
114 **for The Lodge/Michael and Liv Violette, 7582 Leadenham Cove Road, with**
115 **staff conditions, seconded by Jack Hall. The motion carried unanimously (4-**
116 **0-1, Broll absent for the vote).**

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118 e. Bay Partners, LLC/Ward and Debra Schultz - ST-871-SCH, 8718 Bozman-
119 Neavitt Road, St. Michaels, MD 21663 (Map 22, Grid 22, Parcel 349, Lot 3,
120 Zoned Rural Conservation). Ms. Deflaux presented the staff report for the Short
121 Term Rental (STR) license application. Dan Giljam represented the applicant and
122 is the resident agent. He gave a history on the Schultz property and application.
123 Mr. Salinas stated that the application is complete, inspections have been made
124 and it is up to the applicant, if they fail their inspections, to decide if they would
125 like to appear in front of the STRRB for approval with conditions. Mr. Salinas
126 stated the direction from the STRRB was for applications to not be scheduled for
127 public hearing until the application and all inspections were complete. Mr. Kane
128 requested that he did not want any applications scheduled for the STRRB until all
129 inspections have passed as he feels it is not a completed application. He noted the
130 floor plan was inadequate. Ms. O'Donnell stated that the Board would need to
131 give direction to staff at this point forward in reference to floor plans and
132 forwarding completed packages to the STRRB with passed inspections. She also
133 explained the reference for the addresses for notifications. The STRRB discussed
134 an option to table the application until they addressed the issues related to the
135 failed inspection. They also stated the owners will need to attend the next
136 meeting.

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138 The Board called for public comment. Susan DuPont spoke. Written comments
139 were received by the Board from Ms. duPont.
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141 **Mr. Hall made a motion to table the STR application for 28 days for 8718**
142 **Bozman Neavitt Road, seconded by Ms. Suss. The motion carried**
143 **unanimously (4-0-1, Broll absent for the vote).**

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- f. Kelley Cox - ST-159-COX, 21606 Chicken Point Road, Tilghman, MD 21671 (Map 44A, Parcel 6, Zoned Village Mixed). Ms. Deflaux presented the staff report for the Short Term Rental (STR). Dawn Lednum was in attendance on behalf of, and with written authorization from, Kelley Cox. Ms. Lednum stated that Ms. Cox will be withdrawing her waiver request as she will now be putting in the windows to comply. Ms. Lednum was advised that the application for Ms. Cox will now need to go back to Planning and Zoning for administrative review and approval. Mr. Salinas explained the process.

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5. Other Matters for Discussion -

- a. Mr. Salinas explained that the County Council held a public hearing on June 11, 2019 to review Bill 1413 and discussed the type of mailing for providing a notice for new Short-Term Rental (STR) license hearings. The Council, he explained, also discussed whether there should be a required timing for the applicant's second mailing (e.g. minimum number of days prior to the hearing) and asked for staff guidance on both issues. Mr. Salinas described the process for STR applicant second notice and Ms. O'Donnell noted that it is not the staffs' responsibility to mail out notices. Mr. Salinas also presented various mailing options to consider and distributed draft motions.

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Mr. Hall made a motion to recommend to the Council to have the second mailing be with the certificate of mailing. Mr. Hall amended his motion to recommend to the Council to allow the mailing of the Board public hearing notice by the STR license applicant to be sent via first class mail with a Certificate of Mailing to the list of property owners who received the notice of the application, seconded by Mrs. Suss. The motion carried unanimously (4-0-1, Broll absent for the vote).

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Mrs. Suss made a motion to recommend to the Council that Bill No. 1413 allow the applicant to mail the second notice at least 15 days prior to the meeting or hearing date, seconded by Mr. McQuay. The motion carried unanimously (4-0-1, Broll absent for the vote).

- b. Mr. Kane stated he would like staff to poll the applicants and the Board prior to scheduling meetings to confirm attendance. Mr. Salinas stated the Board agreed at one of their first meetings to tentatively reserve every Thursday, 1 p.m., for meetings. He continued that the Board should reserve those days and notify staff in advance if they are aware of dates they cannot attend. In addition, he stated, staff will make the calls to everyone. Mr. Salinas also distributed a calendar through August and asked that Board members fill in any dates they would be out of town.
 - c. The Board recommended that an applicant attend their hearing in person unless there is a compelling reason. Ms. O'Donnell asked the Board if it was their preference to amend the Board's Rules of Procedures. Mrs. O'Donnell stated she
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190 will draft the amendments for the Board to review and there will be a cover letter
191 from the Chairman to the Council. Mary O'Donnell asked about the options for
192 electronic hearings, telephone, Skype, video conference, or FaceTime. Mr. Kane
193 responded that the Board is not prepared to do that. Ms. O'Donnell stated the
194 Rules of Procedure should be broad enough to allow other possibilities.
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196 **Mr. Hall made the motion that if the owner happens to be an artificial entity**
197 **such as a Corporation, LLC, or Partnership, they be required to be**
198 **represented by one of its principal parties at the Board's hearing; either a**
199 **member of the LLC or partnership or an officer of the Corporation. Mr.**
200 **Kane asked to amend the motion to include that the applicant should appear**
201 **in person unless there is a complying reason otherwise. Mr. Hall stated he**
202 **would accept that, seconded by Mr. McQuay. The motion carried**
203 **unanimously (4-0-1, Broll absent for the vote).**
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- 205 d. The Board called for Public comment. Individuals that spoke were Steve Shimko,
206 Monica Otte, Jim Campbell, Sharon VanEmburch and Susan duPont.
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208 **Adjournment** - The Chair called the meeting to adjourn. The meeting was adjourned at
209 5:00 p.m.
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211 Read and approved by the Board on 07-25-19.
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215 Chairman
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