

1 May 10, 2019



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3 **Talbot County Short-Term Rental Review Board**

4 **Final Decision Summary**

5 Thursday, April 11, 2019 at 1:05 p.m.

6 Community Center, Wye Oak Room

7 10028 Ocean Gateway, Easton, Maryland

8 **Attendance:**

9 Commission Members:

10  
11 Scott Kane, Chairman  
12 David McQuay, Vice Chairman  
13 Tammy Broll  
14 John "Jack" Hall  
15  
16

17 Staff:

18  
19 Mary O'Donnell, Assistant County Attorney  
20 Mary Kay Verdery, Planning Officer  
21 Miguel Salinas, Assistant Planning Officer  
22 Elisa Deflaux, Environmental Planner  
23 Chris Corkell, Recording Secretary  
24  
25

26 **1. Call to Order** - The Chair called the meeting to order on March 11, 2019 at 1:00 p.m.  
27 Mr. Kane opened the meeting and noted that Ms. Suss was not be able to attend the  
28 meeting and a quorum was present.

29  
30 **2. Decision Summary Review** - Mr. Hall mentioned that the draft March 7, 2019 Decision  
31 Summary did not come across clearly regarding his comments on conflict of interest;  
32 page 2, last sentence of paragraph carried over from page 1. He also mentioned the  
33 second correction was that Mr. Hammock testified on behalf of his client Mr. Groupe.  
34 Mr. Kane pointed out Susan duPont's name is spelled two different ways and asked that  
35 the spelling be corrected for consistency. Ms. Broll moved to approve the minutes as  
36 amended, Mr. McQuay seconded the motion. The motion was carried unanimously.

37  
38 **3. Old Business**

39  
40 a. Mr. Kane asked staff if all formal responses to citizens' letters had been sent out  
41 by staff. Ms. Verdery responded that staff would recognize during a hearing the  
42 written comments that were received from individuals. Mr. McQuay asked who  
43 responds in writing to written comments. Ms. Verdery responded that the Board  
44 could reply if they choose to do so. Mr. Kane stated that written communications  
45 were received close to the date of meetings and thought that staff would  
46 acknowledge receipt and forward to the Board. Ms. Verdery responded that staff  
47 acknowledges receipt of emails and immediately forwards to the Board their  
48 county email addresses. Mr. Kane asked about a letter from Mr. Forrer that was  
49 referred to in Susan duPont's letter and noted that he didn't have a copy of the  
50 letter. Susan duPont stated the Forrer letter was from the last Board meeting of  
51 which he received a copy and that, if she mentions a letter in future  
52 correspondence to the Board, she will include such letter.  
53

- 54 b. Mr. Kane informed the Board that he met with County staff on a number of  
55 procedural issues and how to handle issues related to covenants. Mary O'Donnell  
56 explained the information discussed at the meeting with Mr. Kane was the same  
57 she provided at the last Board hearing; the *Talbot County Code* makes it clear that  
58 the County does not enforce restricted covenants and the Board cannot approve or  
59 deny an application due to private covenants.  
60
- 61 c. Langdon Estates, LLC – ST-737-LAN, 7373 Tilghman Island Road, Sherwood,  
62 MD 21665, (Map 38, Grid 5, Parcel 41, Lot 1; Zoned Rural Conservation and  
63 Western Rural Conservation). Ms. Deflaux presented the revised staff report for  
64 the Short-Term Rental license application. The Board had four members for this  
65 meeting. Zach Smith asked for a continuance for his client before the full Board.  
66 Mr. Kane accepted the continuance.  
67

#### 68 4. New Business

- 69
- 70 a. Costello Property, LLC - ST-234-COS, 23432 Berry Road, Bozman, MD 21612,  
71 (Map 39, Grid 4, Parcel 103, Zoned Rural Conservation). Ms. Deflaux presented  
72 the staff report for the Short-Term Rental license application. David Thompson,  
73 Esquire, represented the applicant. Mr. Thompson discussed the email exchange  
74 between Mr. Hall and Mr. Thompson in reference to Mr. Hall's question about a  
75 resident agent under state corporate law and the resident agent under the local  
76 ordinance and spoke with the County law office. Mr. Thompson gave a brief  
77 history of the property and family. Mary O'Donnell researched and shared her  
78 position on the standing of a member within a Limited Liability Company (LLC).  
79 The Board recommended approving the application for three bedrooms with  
80 conditions.  
81

82 The Board called for public comments, none were provided. Written comments  
83 were received by the Board from Susan duPont.  
84

85 **Mr. Hall made a motion to approve the STR application for three bedrooms**  
86 **for Costello Property, LLC at 23432 Berry Road with staff conditions, and**  
87 **that the application be signed by the member of the LLC with approval**  
88 **authority, seconded by Mr. McQuay. The motion carried unanimously.**  
89

- 90 b. Lacasita/John and Melinda Hudson - ST-934-HUD, 9346 Bozman Neavitt Road,  
91 St. Michaels, MD 21663, (Map 22, Grid 11, Parcel 105, Lot 3, Zoned Rural  
92 Conservation and Western Rural Conservation). Ms. Deflaux presented the staff  
93 report for the Short-Term Rental (STR) license application. Mr. Hudson gave  
94 some history on his property and spoke on behalf of his application. Mr. Salinas  
95 addressed the concerns of Mr. Hall in reference to the neighboring property  
96 owners' notifications and whether everyone had been notified as there were few  
97 listed on the application.  
98

99 The Board called for public comments, none were provided. Written comments  
100 were received by the Board from Susan duPont.  
101

102 **Mr. McQuay made a motion to approve the STR application for one**  
103 **bedroom for Lacasita/John and Melinda Hudson, 9346 Bozman Neavitt**  
104 **Road with staff conditions, seconded by Mr. Hall. The motion carried**  
105 **unanimously.**  
106

- 107 c. Our Happy Place/Kathleen Grudzien - ST-213-GRU, 21358 Bay Front Drive,  
108 Tilghman, MD 21671, (Map 44A, Parcel 230, Lot 1, Zoned Village Mixed). Ms.  
109 Deflaux presented the staff report for the Short-Term Rental license application.  
110 Dawn Lednum represented the Applicant as the Resident Agent. Ms. Lednum  
111 gave a history on the property owner and property and stated she was speaking on  
112 behalf of the applicant. Ms. Lednum directed a question to Ms. duPont in  
113 reference to her comment that they advertised on Airbnb. She noted that she has  
114 never advertised with the company. The Board also commented that some pages  
115 were difficult to read on the application due to light printing and asked that, in the  
116 future, to prepare the application with a dark pen to produce a readable copy. The  
117 Board asked Ms. Lednum if she was appointed to represent the applicant. The  
118 Board also asked staff for clarification as she didn't have a letter of authorization  
119 in the file. Mary Kay and Miguel explained to the Board that if the applicant and  
120 residential agent names are on the application, the agent can represent them. If it's  
121 someone other than the agent, staff asks the applicant to provide authorization  
122 from the property owner in writing. Mary O'Donnell stated it's the Board's  
123 decision to decide if the information provided by the resident agent is sufficient.  
124 Mr. Hall stated his desire to have the resident agent as a person, not a company.  
125

126 The Board called for public comments. Susie Heyward with the Board of Realtors  
127 spoke, not in opposition, but for clarification that a property management  
128 company provides a phone number with staff that can be reached 24/7; sometimes  
129 not the same person. Ms. Heyward asked Jim Campbell, from Eastern Shore  
130 Vacation Rentals who attended the meeting, if that is the way that he handles his  
131 clients. Mr. Kane stated he wants to know who is responsible; for any issue there  
132 should be one point of contact. Susan duPont asked if she is correct in sensing that  
133 their concern is if there is a fire, for example, the Board wants a person that they  
134 can deal with going forward. Mr. Kane responded the Board needs someone to  
135 handle higher level issues.  
136

137 Written comments were received by the Board from Susan duPont.  
138

139 **Mr. Hall made a motion to approve the STR application for three bedrooms**  
140 **for Our Happy Place/Kathleen Grudzien, 21358 Bay Front Drive with staff**  
141 **conditions, seconded by Mr. McQuay. The motion carried unanimously.**  
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143

- 144 d. Shore Thing/Steven K. and Gayle M. Neufeld – ST-572-NEU, 5720 Poplar Lane,  
145 Royal Oak, MD 21662, (Map 46, Grid 12, Parcel 104, Lot 1, Zoned Village  
146 Hamlet). Ms. Deflaux presented the staff report for the Short-Term Rental license  
147 application. Kathy Bogan represented the Applicant as the Resident Agent. Ms.  
148 Bogan gave history on the property and spoke on behalf of the applicant.  
149

150 The Board called for public comments, none were provided. Written comments  
151 were received by the Board from Susan duPont.  
152

153 **Mr. Hall made a motion to approve the STR application for five bedrooms**  
154 **for Shore Thing/Steven K. and Gayle M. Neufeld at 5720 Poplar Lane with**  
155 **staff conditions, seconded by Mr. McQuay. The motion carried unanimously.**  
156

### 157 **Other Matters for Discussion**

158  
159 Mary O'Donnell discussed with the Board the procedures about entry of the decisions.  
160 She noted the Liquor Board, of which she provides Counsel, approves their minutes in  
161 the meetings, but the Decisions are entered outside the meetings. She stated it can be the  
162 same procedure the Board of Appeals follows; Counsel has direct communications with  
163 the Board members regarding discussions about amendments to the decisions, the  
164 decisions are drafted, and the Board makes arrangements to sign them. Ms. O'Donnell  
165 asked if the Board agrees with using that procedure or if they would they like to receive  
166 Decisions which are then approved at Board hearings. Should the Board choose the latter,  
167 she expressed concern about the timing of decisions if there are no public hearings  
168 scheduled do to a lack of completed applications. The Board agreed to follow the same  
169 type of procedure used by the Liquor Board and other Boards in the County.  
170

171 Mr. Kane asked about the timing of the Rules and Procedures going to the County  
172 Council.  
173

174 **Adjournment**– The Chair called the meeting to adjourn. The meeting was adjourned at  
175 3:05 p.m.  
176

177  
178 Read and approved by the Board on June 6, 2019

179 Sam Kane  
180  
181  
182 Chairman