



Town Council AGENDA

Monday, June 12, 2023 - 4:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

4:30 PM: Call to Order by Acting President Abbatiello.

Opening remarks and Pledge of Allegiance by Councilmember Rev. Davis.

Approval of Minutes.

Minutes of the June 5, 2023 meeting.

Minutes of the June 5, 2023 Closed Session.

Municipal Official Items.

Items by Mayor Cook.

Items by Town Manager

Approval for Windmill Branch Stream Restoration Project - Additional Work Recommendation.

Award of Port Street Infrastructure Project.

Items by Town Attorney.

Public Participation/Comments.

Items by Members of the Council.

Adjournment.

Workshop.

Discussion of Revisions to the Zoning Code.

Discussion of ARPA Funds.

The public can access the meeting as follows:

<https://www.eastonmd.gov/129/Agendas-Minutes>

If you are an Easton Cable subscriber, you can view the meeting through TV-Channel 98.

Please note: There is a possibility of all or part of the meeting may be held in Closed Session.



Town Council MEETING MINUTES

Monday, June 5, 2023 - 5:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

5:30 PM: Call to Order by Acting President Abbatiello.

Mayor Megan JM Cook
Mr. Don Abbatiello
Ms. Maureen Curry
Mr. David Montgomery
Rev. Elmer Davis

Also present was the Town Manager Mr. Don Richardson, Town Attorney Mrs. Sharon VanEmburch, and Town Clerk Mrs. Kathy M. Ruf.

At 05:29 PM, Acting President Abbatiello called the meeting to order.

Opening remarks and Pledge of Allegiance by Councilmember Montgomery.

Mr. Montgomery gave opening remarks and led those present in the Pledge of Allegiance.

Mr. Abbatiello read a statement regarding a closed session that was held May 22, 2023.

Approval of Minutes.

Minutes of the May 15 Council Meeting, May 22 Budget Workshop, May 22 Closed Session and May 30 EVFD Workshop: Council Meeting.

Upon motion by Rev. Davis seconded by Ms. Curry and carried unanimously, minutes of the May 15, May 22, May 30 meetings were approved as written.

Municipal Official Items.

Items by Mayor Cook.

Mayor Cook reported that the town has purchased Woodland Acres Park and now has a new park in the inventory. She stated it is off Oxford Road.

Mayor Cook reported that Easton Police Department was involved in an accident where they were hit by a drunk driver. She stated there will be a new vehicle purchase for their department for a 2020 hybrid. This vehicle will replace K-9 unit and the K-9 unit will go back into patrol. The Parks & Recreation department will be purchasing a new vehicle which is under \$40,000 and is in the budget.

Mayor Cook stated there was an open position on the Library Board and Mr. Abbatiello has agreed to fulfill that position. She stated as other appointments come up, she will let the council know of their (re) appointments.

Mayor Cook stated the agenda will be posted on Civic Clerk for the council in order to review the material earlier.

Mayor Cook stated there will be a workshop June 12, 5:00 p.m. in the Council's Chambers to discuss Zoning and ARPA funding.

Mayor Cook discussed a meeting recently held with Chuck Callahan and Clay Stamp from the County and Ken Kozel, President and CEO - UM Shore Regional Health where Mr. Kozel updated on the progress of the proposed new hospital. She stated there are three hurdles they are facing right now; 1) the hospital's Certificate of Need which is expected this winter, 2) they need to make sure they get the remaining \$70 million in funding which is requested from the state. She stated they have a team working with the Governor to make sure that message is clear to him and 3) a philanthropic support of about \$50 million from the shore. She asked the council to consider that when meeting. She stated they are meeting monthly with Mr. Kozel and she will be able to update the council.

Mayor Cook stated that Easton has been chosen as a tour site with an annual conference with a tour September 11 highlighting CDBG projects. She stated they will be bringing about 180 people to tour and will focus on several projects.

DHCD representatives recently visited and closed out six revitalization grants.

Mayor Cook stated that the Dolphin at Idlewild Park in the Children's Garden had been vandalized as well as other things in the park. She stated that it has been repaired by the

Town's Maintenance Department.

The engineering stream restoration project is now complete and has been cleaned all the way behind High School to Washington Street. Pictures were displayed of ongoing projects.

Jackie Naylor, Code Enforcement Director, has recently retired from the Code Enforcement and Rental Housing Inspection. She wished her well and asked everyone to thank her for everything she has done for the town.

There is a Special Election on September 12 for President of the Council for the remainder of the term. Mayor Cook discussed the dates relative to the election.

Mr. Abbatiello thanked Mayor Cook for the detailed report of great things going on in Easton.

Mr. Richardson gave details regarding the replacement of the patrol vehicle due to the accident.

Ms. Curry asked about the \$70 million from the state for the hospital. Mayor Cook stated that the request was for \$100 million but hopefully, they will commit 70 million.

Appointment to Library Board.

Mayor Cook stated that Mr. Abbatiello will be the town's representative on the Library Board.

Items by Town Manager.

Public Assembly Event: 2023 4th of July Celebration/Carnival 6/23 - 7/4 (fireworks 7/5). And Frederick Douglas Parade 9/23.

Upon motion by Ms. Curry seconded by Rev. Davis and carried unanimously, the Public Assembly Events: 2023 4th of July Celebration and the Frederick Douglas Parade were approved.

Port Street Park Demolition Proposal.

Upon motion by Ms. Curry seconded by Mr. Montgomery and carried unanimously, the Port Street Park Demolition Proposal from Duvall Brothers in the amount of \$47,000 was approved.

Brewer's Lane Comfort Station Recommendation.

Mr. Richardson stated this model is the same footprint as the comfort station at John Ford Park.

Upon motion by Mr. Montgomery, seconded by Ms. Curry and carried unanimously, the Brewer's Lane Comfort Station bid from Willow Construction in the amount of \$182,800 was approved.

These funds will come from the 2020 Bond funds. The projects must be completed by October.

Rev. Davis asked if any contracts are being awarded to minority contractors.

Mr. Richardson stated he will get that information and report back to him. They are bid out and look for responses in all spectrums.

Approval for Public Works Storage Yard Fence.

Upon motion by Ms. Curry, seconded by Mr. Montgomery and carried unanimously, the Public Works Storage Yard Fence bid from Brinsfield Fence in the amount of \$48,476 was approved.

Items by Town Attorney.

Ms. VanEmburch discussed the upcoming election for President of the Council which will occur September 12.

Proposed Town of Easton Sustainable Communities Boundary.

Memo from Town Planner regarding request to extend boundary of Easton's Sustainable Community to include Doverbrook.

Mr. Thomas addressed the Council regarding the Sustainable Community Boundary expansion which he stated was requested by Mr. Don Bibb of the Talbot County Housing Authority. If extended to encompass Doverbrook, it would add an additional 13 acres and a couple other properties. Mr. Thomas stated that the state considers this a minor boundary modification and a simple process. Mr. Thomas stated that approval for the extension needs to be agreed upon in a public meeting. He stated that the sustainable community boundary needs to be re-approved every five years and is up in the fall. This will enable Doverbrook and

those within the boundary to take advantage of low income state tax credits.
Mr. Thomas discussed how sustainable communities work.
Mr. Abbatiello asked if the sustainable community had been expanded previously.
Mr. Thomas stated that he does not believe it has been expanded in this format although it has been adjusted and separated the former Black & Decker plant.
Ms. Curry stated she agrees that Doverbrook should be included. Rev. Davis agreed.
Upon motion by Rev. Davis, seconded by Ms. Curry and carried unanimously, the request to expand the Town of Easton Sustainable Community Boundary was approved.

Public Hearings.

(cont'd.) PUBLIC HEARING to consider the FY2023/24 Budget.

At 6:03 p.m., Acting President Abbatiello opened the continued public hearing to consider the FY2023/24 Budget and the Constant Yield Tax Rate.

Mr. Abbatiello brought Ordinance Nos. 796, 797, 798 and Resolution No. 6165 to the floor for consideration.

He asked for public comments. There were none.

At 6:05 p.m., Acting President Abbatiello closed the public hearing and stated that the legislation presented is eligible for action this evening.

Ord. 796, Budget FY2023/24.

Upon motion by Rev. Davis, seconded by Ms. Curry and carried unanimously, Ord. 796, Budget FY2023/24 was approved.

Ord. 797, Taxation Ordinance.

Upon motion by Rev. Davis, seconded by Ms. Curry and carried unanimously, Ord. 797, the Constant Yield Tax Rate Ordinance for FY23/24 was approved.

Ord. 798, FY2023/24 Carry Forward Ordinance.

Upon motion by Ms. Curry, seconded by Rev. Davis and carried unanimously, Ord. 798, the Carry Forwards for FY2023/24 was approved following a roll call vote.

Res. No. 6165, "A RESOLUTION OF THE TOWN OF EASTON REVISING THE TOWN'S LICENSE, APPLICATION, PERMITS, INSPECTION, CERTIFICATE AND OTHER FEES."

Acting President Abbatiello stated he has a request to amend Resolution No. 6165 to delete the fee for North Easton Sports Complex, Parks and Recreation Fees. He stated that the Easton Business in Good Standing fee should be 0 dollars instead of \$25 per hour.

Ms. Curry made a motion to accept the amendment, seconded by Rev. Davis.

Upon motion by Ms. Curry, seconded by Rev. Davis and carried unanimously, Res. No. 6165, "A RESOLUTION OF THE TOWN OF EASTON REVISING THE TOWN'S LICENSE APPLICATION, PERMITS, INSPECTION, CERTIFICATE AND OTHER FEES" was approved as amended.

5:35PM PUBLIC HEARING for Constant Yield Tax Rate for tax year beginning July 1, 2023.

(cont'd.) PUBLIC HEARING for annexation and zoning for two parcels of land located on the north side of Port Street at Easton Point, consisting of 4.73 acres of land and 0.156 acres of land, more or less.

At 6:10 p.m., Acting President of the Council opened the continued public hearing for the annexation and zoning of land located at Easton Point.

Letter of Recommendation in the matter of the proposed Annexation of the former Southern States Property on Easton Point.

Mr. Thomas, Town Planner, discussed the Planning and Zoning Commission's recommendation in the matter of the proposed annexation of the former Southern States Property at Easton Point. He stated the Planning and Zoning Commission unanimously voted to find that the proposed annexation is consistent with the Town's Comprehensive Plan, recommend that the Council approve the requested annexation and recommend that the council assign the Mixed Use Waterfront (MXW) Zoning Classification to the subject parcels upon their annexation into the town.

Res. 6161, "A RESOLUTION TO ANNEX TWO PARCELS OF LAND OWNED BY THE TOWN OF EASTON LOCATED ON THE NORTH SIDE OF PORT STREET AT EASTON

POINT, CONSISTING OF 4.743 ACRES OF LAND AND 0.156 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION."

Upon motion by Mr. Montgomery, seconded by Ms. Curry and carried unanimously, Res. 6161, "A RESOLUTION TO ANNEX TWO PARCELS OF LAND OWNED BY THE TOWN OF EASTON LOCATED ON THE NORTH SIDE OF PORT STREET AT EASTON POINT CONSISTING OF 4.743 ACRES OF LAND AND 0.156 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION' was approved following a roll call vote.

Ord. 795, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY THE MIXED-USE WATERFRONT (MXW) ZONING DISTRICT TO CERTAIN LOTS OR PARCELS OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 6161 LOCATED TO THE NORTH OF PORT STREET AT EASTON POINT AND CONSISTING, COLLECTIVELY, OF 4.899 ACRES OF LAND, MORE OR LESS."

Upon motion by Ms. Curry, seconded by Mr. Montgomery and carried unanimously, Ord. 795, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY THE MIXED-USE WATERFRONT (MXW) ZONING DISTRICT TO CERTAIN LOTS OR PARCELS OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 6161 LOCATED TO THE NORTH OF PORT STREET AND EASTON POINT AND CONSISTING, COLLECTIVELY, OF 4.899 ACRES OF LAND, MORE OR LESS," was approved following a roll call vote.

Public Participation/Comments.

Acting President Abbatiello asked for public comments. There were none.

Review of Invoices.

Invoices from 5/3 - 5/31/23 totaling \$2,301,893.01.

Upon motion by Ms. Curry, seconded by Rev. Davis and carried unanimously, invoices totaling \$2,301,893.01 were approved.

Items by Members of the Council:

Ms. Curry stated she attended the 65th Anniversary of the Academy Museum. She congratulated them on their anniversary and stated admission to the Academy is now free at all times.

Rev. Davis thanked the council for the boundary expansion for Sustainable Communities which now includes Doverbrook. He stated he thinks it is vital for affordable housing in the town of Easton.

Acting President Abbatiello reminded the listening audience that the regular meeting scheduled for Monday, June 19 will be held Tuesday, June 20 due to the observance of Juneteenth.

Acting President Abbatiello reminded anyone interested in running for Council President to get a petition turned in by August 14.

Acting President Abbatiello stated Easton High School did a great job with graduation and his son was one of the graduates.

Closed Session General Provisions Article 3-305(b)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and Article 3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

At 6:50 p.m., upon motion by Ms. Curry, seconded by Mr. Montgomery and carried unanimously following a roll call vote, Acting President Abbatiello moved into Closed Session.

At 7:00 p.m., upon motion by Ms. Curry, seconded by Rev. Davis and carried unanimously following a roll call vote, Acting President Abbatiello moved back into the regular meeting.

Adjournment.

At 7:01 p.m., upon motion by Ms. Curry, seconded by Mr. Montgomery and carried unanimously, Acting President Abbatiello adjourned the regularly scheduled meeting.

Respectfully submitted,



Windmill Branch & Tributary 5 Year Monitoring Scope of Work

March 13, 2023

CRI will complete the Five-Year Monitoring Requirements listed under the Regional General Permit (RGP) Section VIII. GENERAL CONDITIONS, #6. Monitoring will occur for 5 years during years 1, 3, and 5.

- Collect photos taken at the established photo stations to provide a comparison of lateral and vertical stream stability, in-stream structures, and any changes in stream and floodplain morphology. A log of all photos will be included in the monitoring report to provide a side-by-side comparison of the stream from each established photo station. **(Year's 1, 3, & 5)**
- Invasive species coverage assessment will be conducted during the growing season to map the presence and coverage of invasive species. Results of the data collection will be summarized in tabular form and included in the annual monitoring report **(Year 5)**.
- A wetland delineation will be conducted of the project site to ensure that there has been no additional loss or conversion and included in the annual report **(Year 5)**.
- Physical stream monitoring, survey profile of Windmill Branch. A total of 4 cross-sections along Windmill Branch will be monumented and surveyed to assess lateral stability and calculate the Bank Height Ratio (BHR). The Unnamed Tributary will be visually inspected for any significant changes or necessary corrective measures **(Year's 1, 3, & 5)**.
- Complete the EPA RBP habitat assessment form for low gradient streams for Windmill Branch and the Unnamed Tributary **(Year's 1, 3, & 5)**.
- Complete a monitoring report, **(Year's 1, 3, & 5)** including the following items:
 - o USACE application tracking number & State Permit Number
 - o Location of completed work.
 - o Dates during which the work occurred.
 - o A point of contact name and contact information.
 - o A set of georeferenced photographs that show post-construction conditions for the project using consistent photo stations across monitoring years.
 - o Demonstration of functional lift and stability by comparing of pre- and post-construction functions and conditions using the EPA RPB form and cross-section comparison data.
 - o Documentation of at least 85% coverage of the riparian vegetation, including volunteers.
 - o Documentation of the reestablishment of impacted or relocated wetlands and streams.

25 Old Solomons Island Road, Annapolis, MD 21401
410-956-9000 | Coastal-Resources.net | (FAX) 410-956-0566

- o Any necessary corrective measures including maintenance or repair.

Total Cost (including direct expenses) - \$26,652.85

Assumptions:

- CRI will electronically submit each monitoring report to MDE and the USACE by December 31 of the monitoring year.
- No monitoring will be completed during monitoring Years 2 & 4.
- CRI assumes comments from the Town of Easton will be consolidated and provided back within five (5) weeks of receiving the draft annual monitoring report. CRI will address any comments received and finalize the monitoring report for submittal to MDE and USACE regulators by December 31 of the current year.



Windmill Branch & Tributary Year 1 Post Construction As built & Report Scope of Work

March 13, 2023

Coastal Resources, Inc. (CRI) will provide The Town of Easton with a Year 1 Post Construction Report that is a requirement under the Regional General Permit (RGP) Section VIII. GENERAL CONDITIONS, #5.

Task 1- Surveyed As-built Drawings - \$4,900.00

- C.F. Kreutter & Associates Inc. will complete As-built field survey.
- Complete Surveyed as-built drawings, to scale, with control (latitude/longitude) depicting the final work including the restoration of the temporary impacts.

Task 2 – As-built Monitoring and Report – \$7,721.09

- Collect geo-referenced photographs depicting pre-construction and post-construction conditions for the project using consistent photo stations.
- Provide a detailed narrative of the as-built conditions, required corps project information, discussion of project purpose and if objectives were met.
- Overlay of the as-built survey on the design plans.

Total Cost (including direct expenses) - \$12,621.09

Assumptions:

- C.F. Kreutter & Associates Inc. will supply CRI with As-built field data in order for CRI to complete an As-built plan that will serve as a baseline for future monitoring.
- The As-built will include the survey of the profiles for Windmill Branch and Tributary and cross-sections (42) that are shown on the “WINDMILL BRANCH & TRIBUTARY STREAM RESTORATION – FINAL PLAN” in addition to the location of all proposed structures.
- C.F. Kreutter & Associates Inc. will sign and seal the final As-built Plan.
- The As-built drawings will be completed within 90 days of completion of work in WOTUS.
- CRI will electronically submit the Year 1 Post Construction Report to The Corps by December 31 of project completion year.



Change Order Request

129 Industry Lane
Forest Hill, Maryland 21050
phone: 410.420.2600
fax: 410.420.6983

Client
Kody Cario
Town of Easton
14 S. Harrison Street
Easton, MD
Phone: 410-690-3557
Email: KCario@EastonMD.gov

Date: 5/5/2023
Ecotone Project Name: Windmill Branch Stream Restoration
Ecotone Project #: 22-10-018
Ecotone Change Order #: 2A
Ecotone Contact: Greg Gibbons
Phone: 443-870-0989
Email: ggibbons@ecotoneinc.com

Project Name: Windmill Branch Stream Restoration

THIS IS NOT AN INVOICE

Explanation Of Proposed Changes By Task

- (1) Remove additional trees outside of scope at 502 Bridge Street and haul off 2 rolloff loads of green waste.
- (2) Install additional 11 tons of Class 3 rip rap at 5+44 and 5+30 of mainstem to stabilize tie in between restored area and existing channel excluded from project at 500 Bridge Street.

Change Order #	Task Description	Unit	Quantity	Unit Price	Total Price	
2A	Additional work as detailed in tasks 1 & 2 above.	Lump Sum	1.00	\$6,990.00		\$6,990.00
Total:						\$6,990.00

Original Contract Amount: \$818,484.00
Net Change by Previous Change Orders: \$97,736.00
Contract Amount Prior to this Change Order: \$916,220.00
Contract Amount will be Changed by this Change Order: \$6,990.00
New Contract Amount including this Change Order: \$923,210.00

Consultant/Project Manager's Signature: 

Consultant/Project Manager's Name (please print): Greg Gibbons

Date: 5/5/2023

Change Order Approved by: _____ Date: _____

Approvers Name (please print): _____



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Phone: 410-690-3557
Email: KCario@EastonMD.gov

Date: 5/5/2023
Ecotone Project Name: Windmill Branch Stream Restoration
Ecotone Project #: 22-10-018
Ecotone Change Order #: 2B
Ecotone Contact: Greg Gibbons
Phone: 443-870-0989
Email: ggibbons@ecotoneinc.com

Project Name: Windmill Branch Stream Restoration

THIS IS NOT AN INVOICE

Explanation Of Proposed Changes By Task

- (1) Add an additional 100 lf layer of 2x2x3 imbricated rock to top of wall on right bank of trib starting at approximately 100+30 to improve stability and decrease slope at tie in.
- (2) Extend scope of project in trib to account for the approximately 15 lf gap between storm water discharge pipe and start point of restoration project at 100+00 to include the following: construction of plunge pool at outfall as instructed by client, extend riffle grade control to tie in to 100+00, perform additional grading and stabilization, install Class 2 rip rap to tie in soil lifts.

Change Order #	Task Description	Unit	Quantity	Unit Price	Total Price	
2B	Additional work as detailed in tasks 1 - 2 above.	Lump Sum	1.00	\$31,957.00		\$31,957.00
Total:						\$31,957.00

Original Contract Amount: \$818,484.00
Net Change by Previous Change Orders: \$104,726.00
Contract Amount Prior to this Change Order: \$923,210.00
Contract Amount will be Changed by this Change Order: \$31,957.00
New Contract Amount including this Change Order: \$955,167.00

Consultant/Project Manager's Signature:  Date: 5/5/2023

Consultant/Project Manager's Name (please print): Greg Gibbons

Change Order Approved by: _____ Date: _____

Approvers Name (please print): _____



Change Order Request

129 Industry Lane
Forest Hill, Maryland 21050
phone: 410.420.2600
fax: 410.420.6983

Client
Kody Cario
Town of Easton
14 S. Harrison Street
Easton, MD
Phone: 410-690-3557
Email: KCario@EastonMD.gov

Date: 4/7/2023
Ecotone Project Name: Windmill Branch Stream Restoration
Ecotone Project #: 22-10-018
Ecotone Change Order #: 3
Ecotone Contact: Greg Gibbons
Phone: 443-870-0989
Email: ggibbons@ecotoneinc.com

Project Name: Windmill Branch Stream Restoration

THIS IS NOT AN INVOICE

Explanation Of Proposed Changes By Task

(1) Install a 12' x 150' If access road at the site of the current project's SCE at the end of Mecklenburg Avenue. Access road will consist of an underlayment of geotextile fabric covered by 8" of CR-6 compacted with a ride-on vibratory roller. This price assumes that the work will be performed as the last task that

Change Order #	Task Description	Unit	Quantity	Unit Price	Total Price	
3	Additional work as detailed above.	Lump Sum	1.00	\$10,854.00		\$10,854.00
Total:						\$10,854.00

Original Contract Amount: \$818,484.00
Net Change by Previous Change Orders: \$136,683.00
Contract Amount Prior to this Change Order: \$955,167.00
Contract Amount will be Changed by this Change Order: \$10,854.00
New Contract Amount including this Change Order: \$966,021.00

Consultant/Project Manager's Signature: 

Consultant/Project Manager's Name (please print): Greg Gibbons

Date: 4/7/2023

Change Order Approved by: _____ Date: _____

Approvers Name (please print): _____



Change Order Request

129 Industry Lane
Forest Hill, Maryland 21050
phone: 410.420.2600
fax: 410.420.6983

Client
Kody Cario
Town of Easton
14 S. Harrison Street
Easton, MD
Phone: 410-690-3557
Email: KCario@EastonMD.gov

Date: 5/5/2023
Ecotone Project Name: Windmill Branch Stream Restoration
Ecotone Project #: 22-10-018
Ecotone Change Order #: 4
Ecotone Contact: Greg Gibbons
Phone: 443-870-0989
Email: ggibbons@ecotoneinc.com

Project Name: Windmill Branch Stream Restoration

THIS IS NOT AN INVOICE

Explanation Of Proposed Changes

Install approximately 215 linear feet of Class 2 rip rap to create stone toe protection along left bank of tributary adjacent to Easton High School athletic field. Stone toe will be approximately 10 feet high and 32" thick. Top soil, seed, and stabilization matting will extend from top of stone toe to top of bank to meet

Change Order #	Task Description	Unit	Quantity	Unit Price	Total Price	
4	Additional work as detailed above.	Lump Sum	1.00	\$34,697.26		\$34,697.26
Total:						\$34,697.26

Original Contract Amount: \$818,484.00
Net Change by Previous Change Orders: \$147,537.00
Contract Amount Prior to this Change Order: \$966,021.00
Contract Amount will be Changed by this Change Order: \$34,697.26
New Contract Amount including this Change Order: \$1,000,718.26

Consultant/Project Manager's Signature:  Date: 5/5/2023

Consultant/Project Manager's Name (please print): Greg Gibbons

Change Order Approved by: _____ Date: _____

Approvers Name (please print): _____



TOWN OF
EASTON
ENGINEERING DEPARTMENT

DATE: May 24, 2023
TO: Don Richardson – Town Manager
cc: Mayor Cook
FROM: Rick Van Emburgh, P.E. – Town Engineer
SUBJECT: Windmill Branch Stream Restoration - Additional Work Recommendation

The Windmill Branch Stream Restoration has required some additional work throughout the project. The following is a summary of each task that came up during construction and the associated cost.

1 - Cost Estimate Revision Due to Start Date Delay - \$97,736.00

This was the price adjustment for the construction start delay and material cost increase. The delay was approximately 18 months from Notice of Award to acquiring all easements and completing the contract documents to remove 500 Bridge Street from the Scope of Work.

2A - Trees & Rip Rap - \$6,990.00

This included removal of additional trees and haul off 2 rolloff loads of green waste, as well installation of 11 tons of rip rap at tie ins to 500 Bridge Street.

2B - Imbricated Rock Wall & Mecklenburg Plunge Pool - \$31,957.00

Added an additional course of rock wall to safely tie in driveway slope as well as installing a rip rap plunge pool at the stormdrain outfall that was not included on the design plans.

3 - Mecklenburg Driveway - \$10,854.00

Proposed driveway which was included in agreement with Eric Bridges to obtain easement after the project was bid.

4 - Rip Rap Bank adjacent to Easton High School - \$34,697.26

A major rain event during construction caused high groundwater to seep through the side of the recently constructed earthen embankment and caused it to slide and fail, requiring a repair to prevent this from happening again. This appears to be linked to the imported fill material used to construct the high school athletic fields, and not the recent construction.

All Additional Work listed above happened suddenly and unexpectedly.

This project is funded by ARP funds under Project #ARP-014. The budget amount is \$818,484.00 and to date the cost of the project is \$1,000,718.26, including the Additional Work outlined above.

The following is a summary of the project costs:

DESCRIPTION	AMOUNT
Original Ecotone Contract	\$818,484.00
Change Order 1	\$97,736.00
Change Order 2A	\$6,990.00
Change Order 2B	\$31,957.00
Change Order 3	\$10,854.00
Change Order 4	\$34,697.26
TOTAL ECOTONE COST	\$1,000,718.26

In addition to the construction work listed above, Coastal Resources has provided a proposal to provide post-construction as-built and monitoring required by the Maryland Department of the Environment (MDE) and Army Corps of Engineers. I was not aware of these requirements when the budget was prepared.

5 - As-Built - \$4,900.00

Year 1 Post Construction Report that is a requirement under the Regional General Permit (RGP) Section VIII. GENERAL CONDITIONS, #5. This includes field surveyed as-built drawing with latitude/longitude control.

6 - As-Built Monitoring & Report - \$7,721.09

Year 1 Post Construction Report that is a requirement under the Regional General Permit (RGP) Section VIII. GENERAL CONDITIONS, #5. This includes collecting geo-referenced photographs depicting pre-construction and post-construction conditions for the project using consistent photo stations, a detailed narrative of the as-built conditions, required corps project information, discussion of project purpose and if the objectives were met. This also includes the overlay of the as-built survey on the design plans.

7 - 5-Year Monitoring - \$26,652.85

Five-Year Monitoring Requirements listed under the Regional General Permit (RGP) Section VIII. GENERAL CONDITIONS, #6. Monitoring will occur for 5 years during years 1, 3, and 5.

DESCRIPTION	AMOUNT
Change Order 5	\$4,900.00
Change Order 6	\$7,721.09
Change Order 7	\$26,652.85
TOTAL POST-CONSTRUCTION COST	\$39,273.94

Windmill Branch Stream Restoration - Additional Work
Recommendation

I have also requested a proposal from Ecotone to address Change Orders 5-7 listed above. If the Ecotone price is less, I would recommend moving forward with them and the price above would be conservative.

The following is a summary of the Ecotone construction cost as well as the proposed Coastal Resources post-construction cost.

DESCRIPTION	AMOUNT
TOTAL ECOTONE COST	\$1,000,718.26
TOTAL POST-CONSTRUCTION COST	\$39,273.94
TOTAL WINDMILL BRANCH COST	\$1,039,992.20
ORIGINAL WINDMILL BUDGET	\$818,484.00
BUDGET SHORTFALL	\$221,508.20

The Station Lane project is also an ARP funded project (ARP013). This project is complete and came in significantly under budget. The following is a summary.

DESCRIPTION	AMOUNT
STATION LANE BUDGET	\$336,600.00
STATION LANE ACTUAL COST	\$84,002.11
STATION LANE REMAINING FUNDS	\$252,597.89

The following is a summary assuming the use of Station Lane remaining funds to pay for the additional Windmill Branch work.

DESCRIPTION	AMOUNT
STATION LANE REMAINING FUNDS	\$252,597.89
WINDMILL BRANCH BUDGET SHORTFALL	\$221,508.20
BUDGET SURPLUS	\$31,089.69

In summary, the additional Windmill Branch work costs \$221,508.20 more than the original Windmill Branch budget amount (including Change Orders 1-7). The Station Lane remaining funds total \$252,597.89. When adding the two (2) projects together, \$31,089.69 still remains in the ARP budget.

I recommend approving Change Orders 1 through 7 outlined above.

END OF RECOMMENDATION



TOWN OF
EASTON
ENGINEERING DEPARTMENT

DATE: June 9, 2023
TO: Don Richardson – Town Manager
cc: Mayor Cook
FROM: Rick Van Emburgh, P.E. – Town Engineer
SUBJECT: Port Street Underground - Contractor Recommendation

The Town of Easton has the following funds for the Port Street Underground Project (Project #22-23):

\$75,000	FY22 Capital Funding
\$900,000	2020 Bond Funding
\$1,266,169	FY24 Capital Funding
\$225,000	ARPA Funding
\$2,466,169	TOTAL BUDGET

We publicly advertised a Request for Proposals (RFP) for the work. Please note the request did not include the purchase of structures, street lights, and vegetation clearing, which will cost approximately \$245,900. These items will be purchased directly by the Town of Easton using a portion of the available funds listed above. We advertised the project and received bids from AUI and Atlantic:

	BID
AUI	\$3,155,896.81
Atlantic	\$6,130,600.00

The low bid was more than the available funds. The engineering team met several times with AUI to determine how we might **value engineer** the project. Ultimately we determined we could not complete the entire project within the budgeted amount. We then met several more times to determine how we might **phase** the project. AUI provided a revised proposal to complete a phase from the east end of the project near Jowite Street to the west side of MD-322. The revised AUI proposal is \$1,248,542.35 (not including structures, street lights, and vegetation clearing mentioned above).

In conclusion, I have reviewed the proposal and recommend awarding the project to AUI for \$1,248,542.35.

END OF RECOMMENDATION

P.O. Box 520, Easton, Maryland 21601
410-820-8822
Engineering@EastonMD.gov - www.EastonMD.gov



AUI, Inc.
1600 W. Pulaski Hwy.
Elkton, MD 21921
Phone 443-715-0000
Fax 410-398-5500

PROPOSAL

To: Town Of Easton
Attn: Kody Cario
Location: Port Street Easton, MD

We propose to provide the necessary equipment and manpower to perform the following scope of work for a consideration of: **\$ 1,248,542.35**

SCOPE OF WORK:

- *From structure 0+00 up to 12+50, install all infrastructure which includes:*
- *Ductbanks; 1-1 125', 4-4 20', 8-8 20', A-A 195', B-B 755', D-D 225', H-H 1160', J-J 65', K-K 55', U-U 50' W-W 5'*
- *Manholes; 8'x12'x8' ;(provided by TOE) 3*
- *Three phase transformer pad ;(provided by AUI) 1*
- *Quazite boxes-(Provided by TOE) (electric) 1 , (Cable) 6*
- *Tap cabinets – (Provided by TOE) 3*
- *Street lights – poles/light fixtures (Provided by TOE) 14*
- *Provide and install all required PVC conduits as per design.*
- *Install all Quazite boxes, Tap cabinets, Manholes 8'x12'x8' and Street Lights from Sheet No: U-2, U-3 and U-4. (Supplied by Easton).*
- *Provide and install Poly-Cam Series 737 ID Controlled PVC/HDPE Transition Fitting seen on Sheet NO:D-5*
- *Provide and install Raychem Duck Sealing in Manholes pipe entries.*
- *Proof and mandrel all conduits that AUI installs per spec*
- *Provide and install all conduit duct banks that apply to phase 1, to the spec provided on sheets D-2 and D-3 of revised plan 2023.03.24*
- *Provide all necessary traffic control, erosion and sediment control for Phase 1.*
- *Provide and install all restoration from structure 0+00 up to 12+50 which includes Hard surface, topsoil, seed and straw.*
- *Provide completed As-built drawings at the close of phase 1 project.*

Clarifications:

1. *Proposal does not include cable/Hi-pot testing.*
2. *Proposal includes all dewatering for phase 1*
3. *Proposal includes all bonding for scope provided above*
4. *Proposal does not include any tree/vegetation clearing*
5. *Proposal does not include any installation of wire*
6. *Proposal is based on site being within 6" of final grade prior to the start of excavation.*
7. *Proposal is based on monthly progress billing*

STANDARD NOTES & EXCLUSIONS:

- Excluded: Any property damage due to the loss of power or caused by heavy equipment as the work is being performed.
- Excluded: Any Utility Company Charges.
- Excluded: All retainage requirements.
- Excluded: All performance, labor, and material bonds.
- We have based our proposal on submitting our standard Certificate of Insurance.
- We have based our proposal on our standard wage rates.
- Any and all work outside of this scope of work will be performed on a "stop and bid" basis or on a time and material basis.
- Work to be completed between 07:00 and 15:30 Monday through Friday



AUI, Inc.
1600 W. Pulaski Hwy.
Elkton, MD 21921
Phone 443-715-0000
Fax 410-398-5500

HARD ROCK & SOIL CLAUSE

This proposal is based on good soil conditions. In other conditions such as rocky, extremely wet or muddy soil, a stop work will go into affect. **AUI, Inc.** Has the right to renegotiate proposed price.

We appreciate the opportunity to quote this job.

Salvatore Esposito

Sal Esposito ~ Estimator

05/10/2023

Accepted by:

Date:



TOWN OF
EASTON
ENGINEERING DEPARTMENT

DATE: June 9, 2023
TO: Don Richardson – Town Manager
cc: Mayor Cook
FROM: Rick Van Emburgh, P.E. – Town Engineer
SUBJECT: Port Street Underground - Precast Electrical Manholes Recommendation

The Town of Easton has the following funds for the Port Street Underground Project (Project #22-23):

\$75,000	FY22 Capital Funding
\$900,000	2020 Bond Funding
\$1,266,169	FY24 Capital Funding
\$225,000	ARPA Funding
\$2,466,169	TOTAL BUDGET

Gillespie provided a quote to provide three (3) 8'x12'x8' precast concrete electrical manholes for \$46,513.62.

I have reviewed the \$46,513.62 Gillespie quote and recommend approval.

END OF RECOMMENDATION



Gillespie Precast
 PO Box 450
 Chestertown, MD 21620
 Phone: (800) 638-6884
 Fax:

Quote Number: 46418

Order Date: 6/8/2023

Bill to:	TOWN OF EASTON PO BOX 520 EASTON, MD 21601	Delivery to:	PORT STREET UTILITY RELOCATION RAILS TO TRAIL UTILITY RELOCATION EASTON, MD
Contact:	JACKIE KNOPP	Project Manager:	
Phone :	(410) 822-2525	Fax:	(410) 820-8016
Customer ID:	TOWE01	PO:	
Terms:	NET 30	ShipVia:	
		Sales Rep:	DADDS
		Bid Date:	

Structure ID/Product	Structure Type	Qty	Structure Price/Average	Amount
BCUSTOM	ELECTRIC MANHOLE, 8' X 12' X 8'	3	\$15,504.54	\$46,513.62
				\$46,513.62
Subtotal				\$46,513.62
Taxable				\$0.00
Non-Taxable				\$46,513.62
Sub Total				\$46,513.62
Tax				\$0.00
Total				\$46,513.62

8X12 Manhole price includes pulling irons and inserts. Hatch may be added at additional cost.

****QUOTE VALID FOR 30 DAYS****

Prices include delivery on flatbed trailer, contractor to unload.

Freight charges allow for 90 minutes unloading time on-site. Additional time will be billed at \$135 per hour.

Any products which are not delivered within 60 days of the agreed upon delivery date will be invoiced in full.

Any products which are not delivered within 90 days of the agreed upon delivery date will be subject to a storage fee of 1.5% per month.

Projects ongoing for more than 9 months after receipt of PO or acceptance of quote, are subject to a price escalation up to 5% and additional 5% escalation every 6 months thereafter.

All deliveries may be subject to a fuel surcharge. Surcharge will be updated on the first day of the month based on previous months average cost.

Accepted by: _____





March 21, 2023

Mayor and Easton Town Council
14 South Harrison Street
Easton, MD 21601

Dear Mayor and Council:

The Easton Planning and Zoning Commission recently concluded a comprehensive review of the Town's Subdivision Regulations. This review culminated at our regular monthly meeting of January 19, 2023. The Commission voted 4-0 to forward the attached document to you and respectfully requests that you approve these new Subdivision Regulations following a Public Hearing on the matter.

The Commission reviewed every element of the Subdivision Regulations with our Planning, Legal, and Engineering staff. The majority of the document was unchanged. Some sections were revised slightly to modestly. The most extensive changes were made to the Street Standards. Specifically, the required street hierarchy has been eliminated as we concluded that this requirement inadvertently led to the proliferation of curvilinear streets and cul-de-sacs that are contrary to the design our Comprehensive Plan continues to encourage. We also are suggesting modified road specifications, based on feedback from the Council and in close consultation with the Town Engineer.

If you have any questions concerning the Commission's action or recommendation, please contact me or either the Town Planner or Town Attorney, both of whom can speak to our proposals.

Sincerely,

Easton Planning & Zoning Commission
Jennifer Dindinger, Chair

1. Amend the MXW Use Table to indicate that Short Term Housing is possible via Special Exception in the Water View, Inland, and Port Street sub-districts, and prohibited in the Water's Edge sub-district, and that the use is subject to the existing supplemental standards for short term housing.

TABLE 312 A

		MXW Sub-Districts				Notes
		Water's Edge	Water View	Inland	Port Street	
Residential Uses						
Bed & Breakfast*		--	P	--	P	
Middle Housing Types						
	Duplex, side-by-side*	--	P	P	P	
	Duplex, stacked*	--	P	P	P	
	Cottage Court*	--	P	P	P	
	Fourplex, stacked*	--	P	P	P	
	Townhouse*	--	P	P	P	
	Triplex, stacked*	--	P	P	P	
	Mansion Apartment*	--	P	P	P	
	Courtyard Building*	--	P	P	P	
	Live-Work Units*	--	P	P	P	
	Home Occupation*	--	A	A	A	
Multi-family Apartment Complex*		P	P	P	P	
Short-term housing*		--	SE	SE	SE	
Single Family Detached*		--	P	P	--	Max. house size of 2,500 sq. ft. & Max. lot size of 7,200 sq. ft. (Max lot size may be averaged for projects of 10 or more lots)
	Day Care (Family)*	--	SE	SE	--	
	Home Occupation*	--	A	A	--	
	Swimming Pools	--	A	A	--	

2. Amend the Table of Permissible Uses to indicate changes for how we regulate Manufactured Housing Subdivision or Parks, and some of the Middle Housing types, per the following revised section of the Table:

TABLE 2.1
TABLE OF PERMISSIBLE USES

USE		A-1	R-7 A	R-10 A	R-10 M	CB	CG	CL	BC	I	G/ I	NOTES
1. RESIDENTIAL USES												
101	Accessory Dwelling Unit *	SE	SE	SE	--	SE	--	--	--	- -	--	
102	Manufactured Housing Subdivision or Parks *	--	--	--	SE P	--	--	--	--	- -	--	Also possible via PUD in any zone.
103	Middle Housing											
103.1	Duplex, side-by-side *	P ■	P	P	SE ■	P	--	--	--	- -	--	
103.2	Duplex, stacked*	P ■	P	P	SE ■	P	--	--	--	- -	--	
103.3	Cottage court*	SE ■	P	SE P	--	SE P	--	--	--	- -	--	
103.4	Fourplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.5	Townhouse *	--	SE P	SE P	SE ■	SE P						

103.6	Triplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.7	Mansion Apartment*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.8	Courtyard Building*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.9	Live-work units*	P	P	P	P	P	S E	SE	--	- -	--	
104	Mobile Home	--	--	--	SE	--	--	--	--	- -	--	
105	Multifamily Apartment Complex*	--	SE	SE	SE	SE	--	--	--	- -	--	
106	Single Family Detached*	P	P	P	P	P	--	--	--	- -	--	
107	Tiny House*	SE	SE	SE	SE	--	--	--	--	- -	--	
108	Any Household Living Use Not listed above	SE	SE	SE	SE	SE	--	--	--	- -	--	

3. Delete the enhanced separation requirement of liquor stores from certain other uses as follows:

Section 28-1007.2 A 16

- ~~a. No liquor store shall be permitted within one thousand (1,000) feet (measured from the closest portion of the affected properties) of any of the following uses: Schools, Colleges and Universities, Houses of Worship, Family Day Care, Day Care Group, Day Care Small Group, and Park.~~

4. Revise the description of proposed changes to architectural elements of approved PUDs that may be processed as a non-material amendment. Also, add lot line

adjustments between parcels when one of the parcels is non-buildable, as an example of nonmaterial PUD Amendments. These would be accomplished by revising and adding to Section 28-701 I, per the following:

Non-material changes may include the following:

- Proposed substitution of species provided for landscaping (provided the new species serves the same function the original species was intended to serve).
- Relocation of residential units provided there are no environmental, traffic, etc., impacts as a result of such action.
- Relocation of site infrastructure (e.g. utilities, stormwater management) provided said relocation creates no adverse impact.
- **Proposed Minor change of architectural elements that do not affect the** architectural style or type from that which was indicated on approved PUD plans, subject to Planning Commission approval of said change (unless the PUD approval specifies a condition(s) concerning such architectural style or feature, in which case such a revision would constitute a material change).
- Addition of a park, open space or recreational amenity.
- Substitution of one project amenity with a comparable amenity.
- **Lot line adjustment that does not increase the number of lots in the approved PUD.**
- Other changes of a similar scope or magnitude.

4. Amend the Supplemental Standards applicable to the use “Multi-family Apartment Complex” (28-1007.1 14) as follows:

14. Multi-Family Apartment Complex

NOTE: Except where a standard is modified with regards to unique treatment in the CB Zoning District, only sub-items a, g, h, i, and j below shall apply to projects in the CB district.

- a. Multi-family apartment complexes dwelling shall be constructed in accordance with an approved Site Plan prepared under the provisions of Section 28 – 901 of this Ordinance.
- b. At least twenty-five (25%) percent of the gross development area shall be reserved as common open space, except for projects developed in the CBD Zoning District, in which case this standard shall not apply.

c. The setback requirements for multi-family apartment complexes shall be determined by the development standards for the zoning district in which the project is located except as hereby modified:

i. When more than one (1) apartment building is constructed, all buildings shall collectively adhere to the front setback requirements of the district in which they are located, plus five (5) feet per story over two (2) stories, or portion thereof.

ii. When more than one (1) apartment building is built, no building shall be closer than twenty-five (25) feet from any other apartment building that is part of the complex.

iii. No apartment structure shall be constructed at a distance of less than twenty (20) feet from any adjoining property lines;

d. When more than one apartment building is constructed, external walkways shall be paved and lighted.

e. In the event that swimming facilities are designed as a part of the project, these facilities shall be enclosed by a fence not less than six (6) feet high.

f. All areas not utilized for building or off-street parking shall be landscaped and maintained in accordance with Section 28 – 1014 of this Ordinance.

g. All buildings within the multi-family apartment complex shall be of compatible architectural design stylistically consistent, taking into account massing, scale, materials, colors, and detailing.

h. ~~Architecture shall be compatible among the units within the development and harmonious with the existing architecture of the Town of Easton.~~ The overall architectural style of the complex shall be compatible and harmonious with the existing styles found in the Town of Easton.

i. Public water and sewerage systems must be available to serve the Project.

j. The maximum permitted density shall be as follows:

i. In R-7A - 8 dwelling units per acre.

ii. In R-10A and R-10M Districts - 5 dwelling units per acre.

- iii. In the CBD Zoning District – 30 dwelling units per acre.
- iv. In the MXW – See Article 3 (Table 312 B) for density provisions.

k. Side yard setback requirements for apartment buildings adjacent to a single family detached residence or vacant residential lot shall be fifty (50) feet. Parking setback is also fifty (50) feet.

l. Rear yard setback requirements for apartment buildings adjacent to a single family residence or vacant residential lot shall be seventy-five (75) feet. The setback for parking areas is also seventy-five (75) feet.

5. As an attempt to insure against infill projects that are incompatible with surrounding structures and the neighborhood, add the following provision to the beginning of the Supplemental Standards for all Missing Middle Housing Types (Section 28-1007.1 13:

13. Middle Housing Types

Except as provided herein, the maximum permitted height for any middle housing type shall be the lesser of the maximum height limit of the Zoning District in which the structure is located or twelve feet (12') more than the tallest building within 400 feet of the proposed structure.

Exceptions may be allowed, in the CBD, for any middle housing type proposed adjacent to any street identified in this Code as a "Major Road" (See Section 28-1009) plus Dover, Washington, Goldsborough, Harrison, Hanson, or Aurora. Middle Housing Types adjacent to these roads may be proposed for up to the maximum height permitted in the applicable Zoning District(s) but shall require Planning Commission approval of the proposed structure(s).

6. Allow for fee-simple for sale attached units via a process other than the Planned Unit Development option, by allowing for 0' setbacks. This would be accomplished by adding the following language to the Supplemental Standards for Middle Housing Types, immediately following the proposed new language described in item 5 above, in Section 28-1007.1 13):

For Missing housing types that share a common wall, the side setback shall be zero (0) feet for the length of any such common walls. Detached garages built in association with such units may also be built with a zero foot setback. Areas of the lots outside of these two scenarios (common walls or detached garages), including from the primary structure of end units, shall adhere to the side setbacks applicable to the zoning district in which the structure is located.

7. Clarify the purpose of the illustrations of Missing Middle Housing Types by adding the following statement to the Definition section of the Code (28-114):

Middle Housing Units – Refers to a number of multi-unit or clustered housing types that bridge the gap of housing types between single-family detached and garden apartment building complexes. Such housing types are compatible in scale with single-family homes and help to meet the need for more housing choices at different price points. Definitions of specific types of middle housing units are as follows (NOTE: the graphics included in the definitions of each of the housing types are merely for illustrative purposes. They should not be relied upon to infer any dimensional or design requirements):

8. Create an additional use “Any Middle Housing Type or Variation not listed above” to allow for the possibility of a unique middle housing type not contemplated or accurately described by the existing list of such types. This would be simply accomplished by amending the Table of Permissible Uses and adding Supplemental Standards, as follows:

103	Middle Housing											
103.1	Duplex, side-by-side *	P ■	P	P	SE ■	P	--	--	--	- -	--	
103.2	Duplex, stacked*	P ■	P	P	SE ■	P	--	--	--	- -	--	
103.3	Cottage court*	SE ■	P	SE P	--	SE P	--	--	--	- -	--	
103.4	Fourplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.5	Townhouse *	--	SE P	SE P	SE ■	SE P						
103.6	Triplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.7	Mansion Apartment*	--	SE	SE	--	SE	--	--	--	- -	--	

			P	P		P						
103.8	Courtyard Building*	--	SE	SE	--	SE	--	--	--	-	--	
			P	P		P				-		
103.9	Live-work units*	P	P	P	P	P	SE	SE	--	-	--	
										-		
103.10	Any Middle Housing Type Or Variation not Listed Above*	--	SE	SE	SE	SE	--	--	--	--	--	

13 Middle Housing Types

a. Duplex, side-by-side

1. One duplex shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple duplexes on a single lot may be considered, but must comply with density limits.

b. Duplex, stacked

1. One duplex shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple duplexes on a single lot may be considered, but must comply with density limits.

c. Cottage Court

1. The maximum height of a cottage court shall be one and one-half stories, except that if the rear building is parallel to the primary street, that building may be a maximum of two stories.
2. Any on-site parking shall be provided in a clustered parking area, detached from the homes. No units shall be designed such that a resident can drive into a garage and walk directly into their unit.

- 3.Side setbacks for single-story buildings may be reduced to no less than five feet from the side property line.
- 4.The rear setback may be reduced to zero (0') feet.
- 5.The minimum width and depth of the courtyard area shall be twenty-five feet (25').
- 6.The maximum density of a cottage court shall be the greater of the base zoning (or PR Zoning if applicable) or 30 du/ac.

d. Fourplex, stacked

- 1.One fourplex shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple fourplexes on a single lot may be considered, but must comply with density limits.
- 2.Minimum open space requirements shall not apply for this unit type.

e. Townhouse

- 1.In the R-7A, R-10A, and R-10M districts, no more than three (3) units may be constructed with the same front setback and no more than six (6) units may be constructed in one building at first floor level. In the CBD district, no more than nine (9) units may be constructed in one building at first floor level.
- 2.The maximum permitted density shall be as follows:
 - i. In R-7A - 8 dwelling units per acre.
 - ii.. In R-10A and R-10M Districts - 5 dwelling units per acre.
 - iii. In the CBD Zoning District – 12 dwelling units per acre.
 - iv. .In the MXW – the density shall be as specified in Article 3 (see Table 312 B).

f. Triplex, stacked

- 1.. One triplex shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than

the density provisions. Multiple triplexes on a single lot may be considered, but must comply with density limits.

g. Mansion Apartment

1.55 Mansion apartments shall have a maximum building width of seventy-five feet (75') and a maximum building depth of sixty feet (60').

2. One mansion apartment shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple mansion apartments on a single lot may be considered, but must comply with density limits.

h. Courtyard Building

1. One courtyard building shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple courtyard buildings on a single lot may be considered, but must comply with density limits.

2. Courtyards may be an L-shaped, C-shaped, or O-shaped configuration.

3. Wings projecting out from the main building shall be no wider than thirty-five feet (35').

4. All ground floor units shall have direct access to a courtyard.

5. The minimum width and depth of the courtyard shall be thirty feet (30').

i.. Live-work Units

1. The ground floor space may be occupied by any retail space or food and beverage establishment provided that it complies with any supplemental standards for such uses.

2. The ground floor and upper floor spaces shall establish the greater of a two hour fire separation or the requirement of the Town of Easton Building Code.

3. Additional parking for the ground floor unit shall not be required.

4. The ground floor unit shall have a minimum floor-to-ceiling height of ten feet (10').

5. The ground floor unit may subsequently be converted to a second residential unit provided the standards applicable to the use, duplex, stacked

are achieved.

j. Any Middle Housing Type or Variation not otherwise listed

1. Any middle housing type not otherwise listed, or any variation of an identified building type that varies from the definition and/or supplemental standard for said type, shall require Planning Commission review and approval of a site plan and architectural renderings.
2. Any one structure may be built for single structure housing types without regard to density limitations of the zoning district. Housing types for multiple structures or multiple units of single structure housing types may be permitted, but shall adhere to the density requirements of the district.
3. The Planning Commission may require compliance with any of the supplemental standards for specific middle housing types listed above if they conclude that the proposed structure(s) is substantially similar to such housing type.

9. Revise the language governing the treatment of approved PUDs that do not start, or cease construction between phases in multi-phased projects, per the following:

- (5) The owners or developers must indicate that they plan to begin construction of the development within two (2) years after final approval. If there is no action on the part of the applicant at any point in the process for a period of two (2) years, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and granted by the Planning and Zoning Commission. For projects constructed in parts or phases, the PUD approval applicable to any portion not improved in accordance with said PUD approval, shall expire if no development activity occurs for a period of five (5) years. An extension of the PUD approval may be granted by the Planning and Zoning Commission provided such request is received by the Town Planner at least 60 days prior to the expiration date of the PUD. Expired PUDs may be considered for reinstatement by the Planning Commission upon request by the Applicant. Such a request shall include an analysis of the impacts to the layout of the site as depicted on the approved PUD site plan, based on any Regulations that have changed since the original PUD approval. If there are no such changes (or there are changes but they are of a nature that they do not significantly affect the layout of the previously approved PUD), the PUD approval may be reinstated by the Planning

Commission. If changes do exist that would substantially affect the layout of the previously approved PUD, then the Applicant shall only proceed by either filing a new PUD application or requesting a Zoning Map Amendment for the property. Such reinstated PUDs shall expire two years from the date of the Planning Commission's approval of the reinstatement.

10. Correct the redundancy of the use "Live-Work Unit" by maintaining the first incidence of said use (Use 103.9) as is, and renaming the second occurrence of the use (Use 608) as "Residential Use in a Commercial Building". Also, revise the one of the Supplemental Standards associated with use 103.9 to allow for the possibility of service uses on the ground-floor of Live-Work Units, as follows:

i.. Live-work Units

1. The ground floor space may be occupied by any retail space, **business, personal or professional service use**, or food and beverage establishment provided that it complies with any supplemental standards for such uses.

11. Relax the prohibition of negative use restrictions concerning grocery stores, as found in Section 28-201 C by adding a definition of "Grocery Store" and amending 28-201 C, as follows:

Revise Section 28-201 C:

1. Prohibitions. A private agreement that purports to impose negative use restrictions and/or restrictive covenants upon real property in the Town of Easton so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store **less than 15,000 square feet gross floor area** ~~purposes~~ after a grocery store has terminated grocery store operations on such real property, when such use would otherwise be permitted (including as a special exception) under the Town's Zoning Code, shall be against public policy, void, and unenforceable. The foregoing prohibition shall apply whether the private agreement is incorporated in a deed restriction, restrictive covenant, a lease or memorandum of lease, or any other instrument. This prohibition applies to all such private agreements effective on or after September 18, 2017. This prohibition shall not apply to an owner or operator of a grocery store that terminates operations at a site for purposes of relocating the grocery store into a comparable or larger store located within the Town of Easton within a quarter mile of the site where the prior operation was terminated; provided that relocation and commencement of the operation of the new grocery store at the new site occurs within two (2) years of the sale, transfer, or lease of the prior site, and the negative use restriction or restrictive covenant does not have a term in excess of three (3) years. If the new grocery store is not relocated within the Town of Easton within a quarter mile of the prior site within two (2) years, then the negative use restriction or restrictive covenant shall not be enforceable. The fines that may be levied for violation of the Zoning Code pursuant to Section 28-1308 of the Zoning Code shall not apply to such private agreements entered into prior to the effective

date of this section. However, all other available legal remedies, including but not limited to declaratory judgment and/or injunctive relief shall apply to all violations of this section including those entered into prior to the effective date of this section.

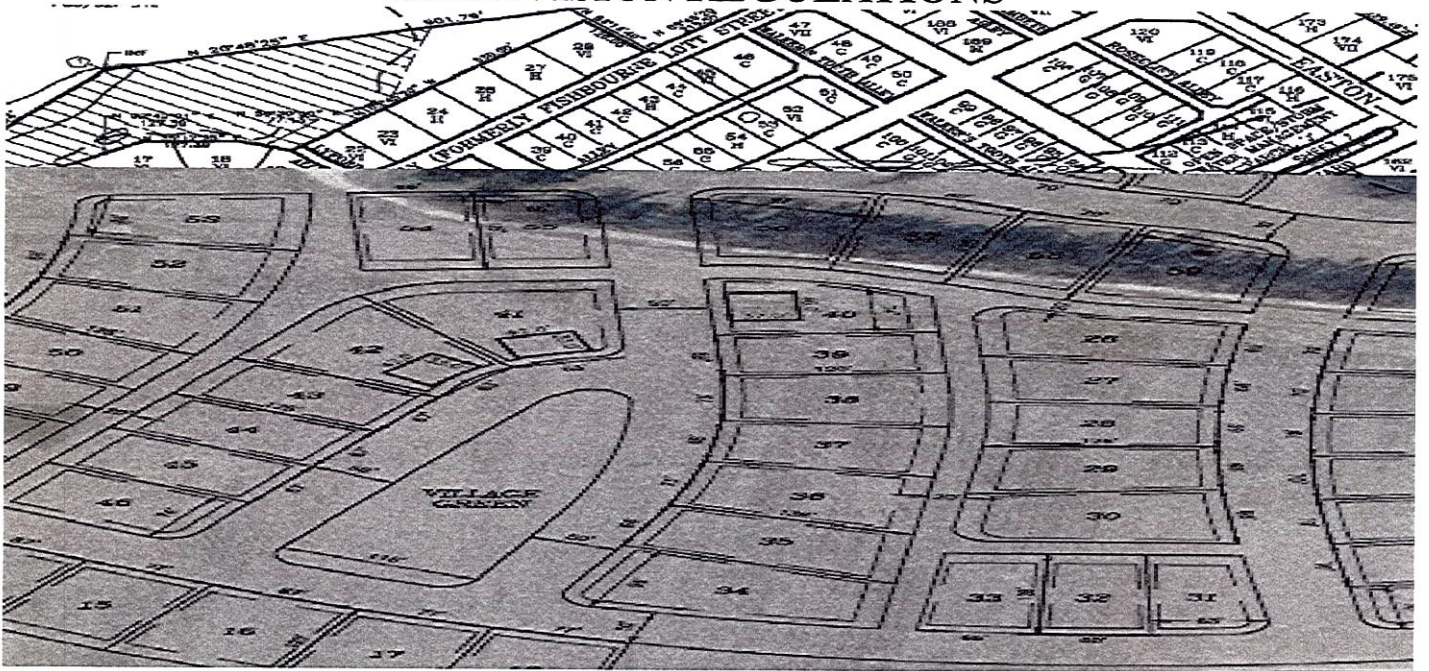
Add the following definition to Section 28-114:

Grocery Store - A commercial establishment for the sale of produce, dairy products, fresh meat and staples.

TOWN OF EASTON



SUBDIVISION REGULATIONS



January 19, 2023

CONTENTS

Article I Introduction	1
Section 100 Purpose	1
Section 101 Intent	1
Section 102 Interpretation and Application of Regulations	1
Article II Definitions	2
Section 200 General	2
Section 201 Specific	2
Article III Control and Penalties	6
Section 300 Subdivision Control	6
Section 301 Building Permits and Certificates of Occupancy	6
Section 302 Plat Approval Required	6
Section 303 Penalties for Violation	6
Section 304 Timing of Payment of Required Fees and Charges	6
Article IV Procedures and Requirements	8
Section 400 Sketch Plat Purpose	8
Section 401 Sketch Plat Procedures	8
Section 402 Sketch Plat Requirements	10
Section 403 Preliminary Subdivision Plat Purpose	11
Section 404 Preliminary Plat Procedures	11
Section 405 Preliminary Plat Requirements	12
Section 406 Improvement Plans	15
Section 407 Final Plat Purpose	15
Section 408 Final Plat Procedures	15
Section 409 Final Plat Requirements	16
Section 410 Recording Procedures	21
Section 411 Effect of Recording Final Plat	21
Section 412 Minor Subdivisions	21
Section 413 Combination of Lots in Common Ownership	22
Section 414 Subdivision Plat Approval Expirations	22
Article V Design Requirements	23
Section 500 Compliance Required	23
Section 501 Subdivision Design Requirements	23
Article VI Required Improvements	25
Section 600 Purpose	25
Section 601 Improvements	25
Section 602 Inspections	26
Section 603 Repair of Damaged Improvements	26



Town Council Workshop Proposed Zoning and Subdivision Regulation Amendments

June 12, 2023

Zoning Code Amendments

- Third in a series of proposed amendments.
- Previously adopted our Critical Area Chapter & Corrected a couple of Inconsistencies in MXW.
- This set addresses a slightly broader scope, with a particular focus on adjustments to the “Missing Middle Housing” standards.

Zoning Code Amendments

12. Relax the prohibition of negative use restrictions concerning grocery stores, as found in Section 28-201 C by adding a definition of “Grocery Store” and amending 28-201 C, as follows:

Grocery Store - A commercial establishment for the sale of produce, dairy products, fresh meat and staples.

Zoning Code Amendments

Revise Section 28-201 C:

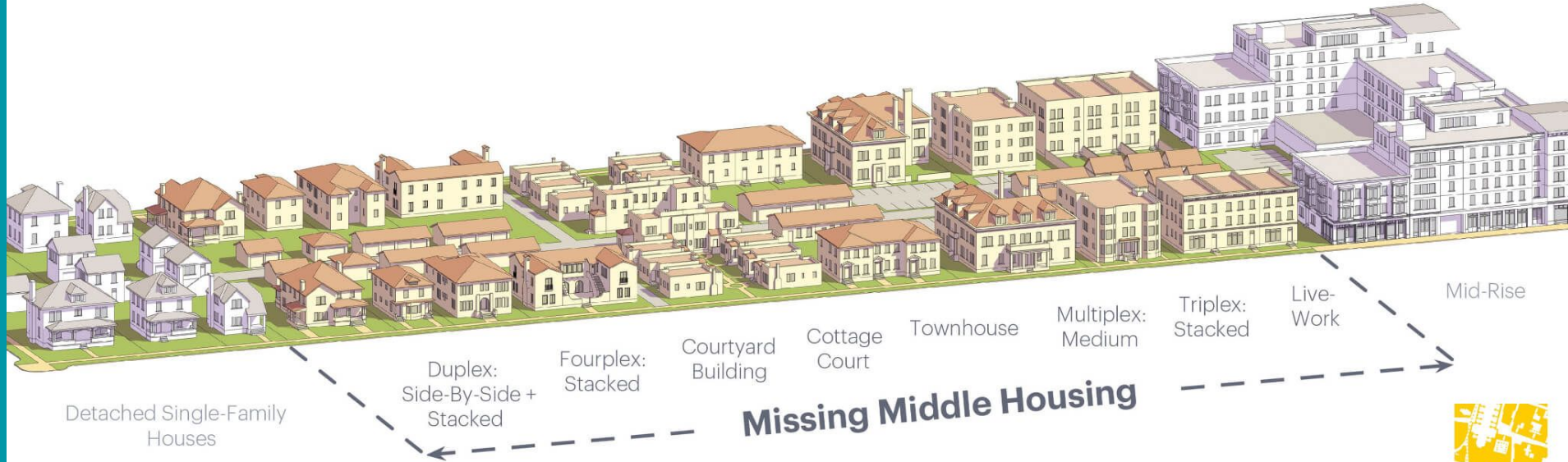
1. Prohibitions. A private agreement that purports to impose negative use restrictions and/or restrictive covenants upon real property in the Town of Easton so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store ~~less than 15,000 square feet gross floor area purposes~~ after a grocery store has terminated grocery store operations on such real property, when such use would otherwise be permitted (including as a special exception) under the Town's Zoning Code, shall be against public policy, void, and unenforceable. The foregoing prohibition shall apply whether the private agreement is incorporated in a deed restriction, restrictive covenant, a lease or memorandum of lease, or any other instrument. This prohibition applies to all such private agreements effective on or after September 18, 2017. This prohibition shall not apply to an owner or operator of a grocery store that terminates operations at a site for purposes of relocating the grocery store into a comparable or larger store located within the Town of Easton within a quarter mile of the site where the prior operation was terminated; provided that relocation and commencement of the operation of the new grocery store at the new site occurs within two (2) years of the sale, transfer, or lease of the prior site, and the negative use restriction or restrictive covenant does not have a term in excess of three (3) years. If the new grocery store is not relocated within the Town of Easton within a quarter mile of the prior site within two (2) years, then the negative use restriction or restrictive covenant shall not be enforceable. The fines that may be levied for violation of the Zoning Code pursuant to Section 28-1308 of the Zoning Code shall not apply to such private agreements entered into prior to the effective

date of this section. However, all other available legal remedies, including but not limited to declaratory judgment and/or injunctive relief shall apply to all violations of this section including those entered into prior to the effective date of this section.

Zoning Code Amendments

1. Amend Table 312A (MXW Use Table) to add “Short-Term Housing” and permit via Special Exception in all sub-districts except Water’s Edge, where it is prohibited.
2. Amend Table 2.1 (Table of Permissible Uses) to make Manufactured Housing Subdivision or Park permitted outright rather than via Special Exception in the R-10M Zoning District and to revise how most of the Middle Housing Types are permitted in residential zoning districts and the Central Business District.

Missing Middle Housing



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USE		A-1	R-7 A	R-10 A	R-10 M	CB	CG	CL	BC	I	G/ I	NOTES
1. RESIDENTIAL USES												
Housing in Farms												
101	Accessory Dwelling Unit *	SE	SE	SE	--	SE	--	--	--	-	--	
102	Manufactured Housing Subdivision or Parks *	--	--	--	SE P	--	--	--	--	-	--	Also possible via PUD in any zone.
103	Middle Housing											
103.1	Duplex, side-by-side *	P -	P	P	SE -	P	--	--	--	-	--	
103.2	Duplex, stacked*	P -	P	P	SE -	P	--	--	--	-	--	
103.3	Cottage court*	SE -	P	SE P	--	SE P	--	--	--	-	--	
103.4	Fourplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	-	--	
103.5	Townhouse *	--	SE P	SE P	SE -	SE P						

103.6	Triplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.7	Mansion Apartment*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.8	Courtyard Building*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.9	Live-work units*	P	P	P	P	P	S E	SE	--	- -	--	
104	Mobile Home	--	--	--	SE	--	--	--	--	- -	--	
105	Multifamily Apartment Complex*	--	SE	SE	SE	SE	--	--	--	- -	--	
106	Single Family Detached*	P	P	P	P	P	--	--	--	- -	--	
107	Tiny House*	SE	SE	SE	SE	--	--	--	--	- -	--	
108	Any Household Living Use Not listed above	SE	SE	SE	SE	SE	--	--	--	- -	--	

Zoning Code Amendments

3. Delete the enhanced separation requirement of liquor stores from certain other uses as follows:

Section 28-1007.2 A 16

- ~~a. No liquor store shall be permitted within one thousand (1,000) feet (measured from the closest portion of the affected properties) of any of the following uses: Schools, Colleges and Universities, Houses of Worship, Family Day Care, Day Care Group, Day Care Small Group, and Park.~~

Zoning Code Amendments

4. Refine/expand language concerning non-material PUD Amendments as follows:

Non-material changes may include the following:

- Proposed substitution of species provided for landscaping (provided the new species serves the same function the original species was intended to serve).
- Relocation of residential units provided there are no environmental, traffic, etc., impacts as a result of such action.
- Relocation of site infrastructure (e.g. utilities, stormwater management) provided said relocation creates no adverse impact.
- Proposed **Minor** change **of architectural elements that do not affect the** ~~an~~ architectural style or type from that which was indicated on approved PUD plans, subject to Planning Commission approval of said change (unless the PUD approval specifies a condition(s) concerning such architectural style or feature, in which case such a revision would constitute a material change).
- Addition of a park, open space or recreational amenity.
- Substitution of one project amenity with a comparable amenity.
- **Lot line adjustment that does not increase the number of lots in the approved PUD.**
- Other changes of a similar scope or magnitude.

Zoning Code Amendments

5. Amend the supplemental standards applicable to the use “Multi-family apartment complex” as follows:

Add the following clarifying statement at the beginning of the standards to identify which standards do and do not apply in the Central Business (CB) District:

NOTE: Except where a standard is modified with regards to unique treatment in the CB Zoning District, only sub-items a, g, h, i, and j below shall apply to projects in the CB district.

Zoning Code Amendments

Revise standard g, h, and k as follows:

g. All buildings within the multi-family apartment complex shall be of compatible architectural design stylistically consistent, taking into account massing, scale, materials, colors, and detailing.

h. ~~Architecture shall be compatible among the units within the development and harmonious with the existing architecture of the Town of Easton.~~ The overall architectural style of the complex shall be compatible and harmonious with the existing styles found in the Town of Easton.

k. Side yard setback requirements for apartment buildings adjacent to a single family detached residence or vacant residential lot shall be fifty (50) feet. Parking setback is also fifty (50) feet.

Zoning Code Amendments

6. To insure against infill projects that are incompatible with surrounding structures and the neighborhood, add the following provision to the beginning of the Supplemental Standards for all Missing Middle Housing Types (Section 28-1007.1 13)

13. Middle Housing Types

Except as provided herein, the maximum permitted height for any middle housing type shall be the lesser of the maximum height limit of the Zoning District in which the structure is located or twelve feet (12') more than the tallest building within 400 feet of the proposed structure.

Exceptions may be allowed, in the CBD, for any middle housing type proposed adjacent to any street identified in this Code as a "Major Road" (See Section 28-1009) plus Dover, Washington, Goldsborough, Harrison, Hanson, or Aurora. Middle Housing Types adjacent to these roads may be proposed for up to the maximum height permitted in the applicable Zoning District(s) but shall require Planning Commission approval of the proposed structure(s).

Zoning Code Amendments

7. Allow for fee-simple for sale attached units via a process other than the Planned Unit Development option, by allowing for 0' setbacks. This would be accomplished by adding the following language to the Supplemental Standards for Middle Housing Types, immediately following the proposed new language described in the previous item, in Section 28-1007.1 13:

For Missing housing types that share a common wall, the side setback shall be zero (0) feet for the length of any such common walls. Detached garages built in association with such units may also be built with a zero foot setback. Areas of the lots outside of these two scenarios (common walls or detached garages), including from the primary structure of end units, shall adhere to the side setbacks applicable to the zoning district in which the structure is located.

Zoning Code Amendments

8. Clarify the purpose of the illustrations of Missing Middle Housing Types by adding the following statement to the Definition section of the Code (28-114):

Middle Housing Units – Refers to a number of multi-unit or clustered housing types that bridge the gap of housing types between single-family detached and garden apartment building complexes. Such housing types are compatible in scale with single-family homes and help to meet the need for more housing choices at different price points. Definitions of specific types of middle housing units are as follows (NOTE: the graphics included in the definitions of each of the housing types are merely for illustrative purposes. They should not be relied upon to infer any dimensional or design requirements):

Zoning Code Amendments

9. Create an additional “Any Middle Housing Type of Variation not Listed above” to allow for the possibility of a unique middle housing type not contemplated or accurately described by the existing list of such uses. This would be accomplished by amending the Table of Permissible Uses and adding Supplemental Standards as follows:

103.10	Any Middle Housing Type Or Variation not Listed Above*	—	SE	SE	SE	SE	—	—	—	—	—	
--------	--	---	----	----	----	----	---	---	---	---	---	--

j. Any Middle Housing Type or Variation not otherwise listed

1. Any middle housing type not otherwise listed, or any variation of an identified building type that varies from the definition and/or supplemental standard for said type, shall require Planning Commission review and approval of a site plan and architectural renderings.
2. Any one structure may be built for single structure housing types without regard to density limitations of the zoning district. Housing types for multiple structures or multiple units of single structure housing types may be permitted, but shall adhere to the density requirements of the district.
3. The Planning Commission may require compliance with any of the supplemental standards for specific middle housing types listed above if they conclude that the proposed structure(s) is substantially similar to such housing type.

Zoning Code Amendments

10. Revise the language governing the treatment of approved PUDs that never start, or cease construction between phases in multi-phased projects, per the following:

- (5) The owners or developers must indicate that they plan to begin construction of the development within two (2) years after final approval. If there is no action on the part of the applicant at any point in the process for a period of two (2) years, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and granted by the Planning and Zoning Commission. For projects constructed in parts or phases, the PUD approval applicable to any portion not improved in accordance with said PUD approval, shall expire if no development activity occurs for a period of five (5) years. An extension of the PUD approval may be granted by the Planning and Zoning Commission provided such request is received by the Town Planner at least 60 days prior to the expiration date of the PUD. Expired PUDs may be considered for reinstatement by the Planning Commission upon request by the Applicant. Such a request shall include an analysis of the impacts to the layout of the site as depicted on the approved PUD site plan, based on any Regulations that have changed since the original PUD approval. If there are no such changes (or there are changes but they are of a nature that they do not significantly affect the layout of the previously approved PUD), the PUD approval may be reinstated by the Planning

Commission. If changes do exist that would substantially affect the layout of the previously approved PUD, then the Applicant shall only proceed by either filing a new PUD application or requesting a Zoning Map Amendment for the property. Such reinstated PUDs shall expire two years from the date of the Planning Commission's approval of the reinstatement.

Zoning Code Amendments

11. Correct the redundancy of the use “Live-Work Unit” by maintaining the first incidence of said use (Use 103.9) as is, and renaming the second occurrence of the use (Use 608) as “Residential Use in a Commercial Building”. Also, revise one of the supplemental standards associated with use 103.9 to allow for the possibility of service uses on the ground-floor of Live-Work Units, as follows:

1. The ground floor space may be occupied by any retail space, business, personal or professional service use, or food and beverage establishment provided that it complies with any supplemental standards for such uses.

Subdivision Regulations

- This is a comprehensive update.
- Subdivision Regulations primarily prescribe the procedures associated with the creation of new lots within the Town of Easton.
- As such, there are not a great deal of changes and the majority of them are focused on updating things like titles, numbers of copies required, reflecting our current subdivision checklists, etc.
- Perhaps the most significant proposed substantive change is to the street standards.

Subdivision Regulations - Street Standards

Current

- A Hierarchy is required.
- Residential Access (26' street width)
- Residential Subcollector (36' street width)
- Residential Collector (26' street width + 6' grass shoulders)
- No standards for commercial or industrial streets

Proposed

- Residential Street (36' street width)
- Collector Street (30' street width)
- Commercial Urban Street (30' street width)
- Commercial Industrial Street (30' street width - gravel shoulders w/ preference to have no curbs)
- Revised alley standards and added standards for cul-de-sacs