



Town of Easton Planning Commission Decision Summary

Thursday, August 17, 2023 at 1:00 p.m.

Town Hall Chamber 2
14 S. Harrison Street, Easton

Archived video of the meeting is available at:

[Town of Easton Agendas and Minutes](https://www.eastonmd.gov/Agendas/Agendas%20and%20Minutes)
[\(eastonmd.gov\)](https://www.eastonmd.gov/)

Attendance:

Commission Members:

Jennifer Dindinger, Chairperson
Philip Toussaint, Vice Chairperson
Victoria McAndrews
William Ryall
Paul Weber
Tom Klein, Alternate

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner - Long Range
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Town Planner - Current
Sharon Van Emburgh Esq, Town Attorney
Rick Van Emburgh, Town Engineer
Samantha Smith, Administrative Specialist

1. Call to Order — Chairperson Dindinger called the meeting to order at 1:00 pm.

2. Decision Summary Review —

- a. July 20, 2023 - The Commission noted the following corrections to the draft decision summary:
 - i. Item 5a.: Rephrasing of language to include On-Site Consumption.
 - ii. Item 5c.: Rephrasing of language to include Missing Middle Housing.
 - iii. Item 5d.: Text amendment for the Park Advisory Board recommendation of Poplar Hill open space.

Vice Chairperson Toussaint moved to approve the July 20, 2023 Decision Summary with amendments. Commissioner Weber seconded the motion.

<u>Vote</u>	<u>5 - 0</u>
FOR:	5 - Dindinger, Toussaint, McAndrews, Ryall, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- b. April 4, 2023 Poplar Hill Supplemental Growth Allocation Joint PC Public Hearing -

Commissioner Weber moved to approve the April 4, 2023 Poplar Hill Joint PC Public Hearing Summary. Vice Chairperson Toussaint seconded the motion.

<u>Vote</u>	<u>4 - 0 - 1</u>
FOR:	4 - Dindinger, Toussaint, McAndrews, Weber
AGAINST:	0
ABSTAIN:	1 - Ryall
ABSENT:	0

3. New Business

- a. **Applicant:** Easton Utilities Commission
File No.: 2023 - 882
Agent: Madeline Slick Barbalace
Location: 8670 Commerce Drive, Easton, MD 21601
Tax Map 101, Grid 002, Parcel 0004, Lot 3
Zoning: BC
Request: The applicant is seeking site plan approval to construct a new 6,103 square foot water treatment plant processing building.

Staff recommends the following condition:

1. The applicant is required to add the minimum/maximum parking spaces and provided parking spaces onto the cover sheet.

Staff Presentation:

Joseph Mayer, Plan Reviewer
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Paul Mott, Easton Utilities Commission

Public Comment — None

Commissioner McAndrews moved to approve the site plan with the condition that the applicant shall detail the minimum/maximum quantity of parking spaces and outline all designated parking spaces on the cover sheet. Commissioner Ryall seconded the motion.

Vote 5 - 0
FOR: 5 - Dindinger, Toussaint, McAndrews, Ryall, Weber
AGAINST: 0
ABSTAIN: 0
ABSENT: 0

- b. Applicant:** **Lane Engineering**
File No.: **2023 - 976**
Location: 29311 Cecil Drive, Easton, MD 21601
 Tax Map 025, Grid 024, Parcel 0089, Lot 4
Zoning: CL
Request: The applicant is seeking site plan approval for a proposed 2,334 square foot building addition for storage space, with the interior fit-out for the sale and storage of medical supplies.

Staff recommends the following condition:

1. In the event that the Limit of Disturbance exceeds 5,000 square feet during construction, the applicant is required to address all stormwater management practices.

Staff Presentation:

Joseph Mayer, Plan Reviewer
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Tim Glass, Lane Engineering
Lauren White, Fisher Architecture

Public Comment — None

Commissioner Weber moved to approve the site plan with the condition that in the event that the Limit of Disturbance exceeds 5,000 square feet during construction, the applicant shall address all stormwater management procedures. Vice Chairperson Toussaint seconded the motion.

Vote 5 - 0
FOR: 5 - Dindinger, Toussaint, McAndrews, Ryall, Weber
AGAINST: 0
ABSTAIN: 0
ABSENT: 0

- c. Applicant:** **Basi Brothers, LLC**
File No.: **2023 - 963**
Agent: Robert S. Collison, P.A.
Location: 9719 Ocean Gateway, Easton, MD 21601

Tax Map 0025, Grid 0006, Parcel 0113

Current

County

Zoning: GC

Requested

Town Zoning: CG

Request: The Petition for the Annexation of property located at 9719 Ocean Gateway has been withdrawn from the August 17, 2023 Planning Commission agenda.

d. Applicant: Rise Up Dover Road LLC

File No.: 2023 - 870

Location: 625 Dover Road, Easton, MD 21601
Tax Map 103, Grid 0EA, Parcel 0990

Zoning: R-7A

Request: The applicant is seeking an Amendment to a previously approved Planned Unit Development (PUD) that would permit a shade structure to remain standing at 625 Dover Road on a seasonal basis without having to apply each year for a temporary use permit approval. The applicant is also seeking approval for the addition of a kitchen facility and walk-up cafe to the existing property at 625 Dover Road.

Staff recommends a favorable recommendation to the Town Council with the following conditions:

1. The shade structure shall be erected seasonally during the period of March 1st through November 30th, and shall be taken down and stored offsite on November 30th.
2. Upon disassembling, all tripping hazards shall be removed as deemed necessary by the Building Inspection Division.
3. Music or other amplified sounds from the loudspeakers shall not play prior to 8 a.m. or after 7 p.m.
4. The restroom, tables and chairs may all remain in place and ready for use.
5. The applicant shall obtain a building permit for the Mad-Eggs facility and walk-up cafe, and shall obtain additional approval from the Fire Marshal, Talbot County Health Department, and Easton Utilities Commission.
6. The applicant shall submit As-builts for review with the Town's Engineering Department to close out the grading permit.
7. Upon installation of the "Mad Eggs" kitchen facility, the Town Planner may determine that mechanical equipment screening at the top of the structure is necessary and shall retain the right to seek approval/denial

from the Planning Commission.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Lynn Thomas, Town Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Zachary A. Smith, Esq.

Ozzie Jimenez, Rise Up Coffee Roasters

Public Comment — None

Commissioner McAndrews moved for a positive recommendation to the Town Council with the following recommended conditions:

- 1. The shade structure shall be erected seasonally during the period of March 1st through November 30th, and shall be taken down and stored offsite on November 30th.**
- 2. Upon disassembling, all tripping hazards shall be removed as deemed necessary by the Building Inspection Division.**
- 3. Music or other amplified sounds from the loudspeakers shall not play prior to 8 a.m. or after 7 p.m.**
- 4. The restroom, tables and chairs may all remain in place and ready for use.**
- 5. The applicant shall obtain a building permit for the Mad-Eggs facility and walk-up cafe, and shall obtain additional approval from the Fire Marshal, Talbot County Health Department, and Easton Utilities Commission.**
- 6. The applicant shall submit As-builts for review with the Town's Engineering Department to close out the grading permit.**
- 7. Upon installation of the "Mad Eggs" kitchen facility, the Town Planner may determine that mechanical equipment screening at the top of the structure is necessary and shall retain the right to seek approval/denial from the Planning Commission.**
- 8. The applicant shall return to the Planning Commission after November 30th (December 21, 2023 Planning Commission meeting) to review and/or determine if a redesign of the graphics and/or additional screening of mechanical components is necessary.**

Commissioner Weber seconded the motion.

<u>Vote</u>	<u>5 - 0</u>
FOR:	5 - Dindinger, Toussaint, McAndrews, Ryall, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- e. Ordinance No. 799 — A draft of the proposed Cannabis Use moratorium Ordinance No. 799 was introduced at the August 7, 2023 Town Council meeting. At that time, the Council referred the draft to the Planning Commission for a formal recommendation to enact a temporary moratorium on the “... application for, approval of, construction of, expansion of, processing of, or issuance of Building Permits for the operation of a business engaged in the growing, processing and/or selling of cannabis within the Town of Easton for a period of nine (9) months pending consideration and adoption of revised Zoning Ordinance provisions as the Town Council may consider advisable to promote the public health, safety and welfare.” The Commission briefly discussed the language of the draft, and identified on-site consumption establishments as an operation of “selling” under the moratorium. The Town Council has scheduled a Public Hearing on the enactment of the Cannabis Use moratorium for September 18, 2023 at 5:35 p.m.

Vice Chairperson Toussaint moved to forward a favorable recommendation to the Town Council to adopt Ordinance No. 799 to enact a nine (9) month Cannabis Use moratorium. Commissioner McAndrews seconded the motion.

<u>Vote</u>	<u>5 - 0</u>
FOR:	5 - Dindinger, Toussaint, McAndrews, Ryall, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

4. Old Business

- a. **Applicant:** Aspire Outdoors, LLC
File No.: 2023 - 004
Location: Camac Street, Easton, MD 21601
Tax Map 026, Grid 020, Parcel 0186
Zoning: R-10A
Request: The applicant is seeking site plan approval to construct a six-building apartment complex with a total of 162 units with associated parking, stormwater management facilities, and landscaping. The applicant is also seeking a recommendation of approval to the Board of Zoning Appeals (BOZA) for Special Exception and Variance approvals.

Staff recommends the following conditions:

1. Development Site Plan approval is contingent upon Easton Utilities determining that the development has adequate wastewater capacity to serve all 162 units.
2. Two (2) proposed buildings may be constructed to the existing Camac Street. Additional buildout will require the construction of the connection to the intersection of Eleanor Way in Gannon Estates, including improvement in the future Charlotte Lane right-of-way needed to make the physical connection. For additional buildings to be approved and permitted, the internal roads in Gannon Estates must also be constructed to connect to Matthewstown Road. In order to provide connectivity, the use of controlled access gates at any access point to a public road cannot be utilized.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Lynn Thomas, Town Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Paul Rogers, Rauch Engineering Inc.

Brian Fitzgerald, Rauch Engineering Inc.

Derrick Daly, Aspire Outdoors, LLC

Public Comment:

Keasha Haythe

Brandon Silverstein

Bob Freitag

Bob Mueller

John Franczak

Jamie Walter

George Durhan

Charlotte Moreland

Kendrick Daly

Joe Willis

Commissioner Weber moved for a positive recommendation to the Board of Zoning Appeals for Special Exception and Variance approval with the following recommended conditions:

1. Two (2) proposed buildings may be constructed with access via the existing Camac Street upon construction of the first access point at Hunter's Mill; two (2) additional buildings to be approved and permitted shall require the

second access point at Gannon Range, as shown on the Sketch Site Plan, to be constructed and operational; and the final two (2) additional buildings to be approved and permitted shall require a third access point to be constructed and operational.

- 2. The use of a controlled access gate at any access point to a public road shall not be utilized.
- 3. Traffic calming shall be provided along Camac Street and within Aspire’s private road and parking lot.
- 4. The applicant shall receive a determination by Easton Utilities that the development has adequate wastewater capacity to serve all 162 units.

Vice Chairperson Toussaint seconded the motion.

<u>Vote</u>	<u>4 - 1 - 0</u>
FOR:	4 - Dindinger, Toussaint, McAndrews, Weber
AGAINST:	1 - Ryall
ABSTAIN:	0
ABSENT:	0

Vice Chairperson Toussaint moved to approve the Sketch Site Plan with the following conditions:

- 1. Two (2) proposed buildings may be constructed with access via the existing Camac Street upon construction of the first access point at Hunter’s Mill; two (2) additional buildings to be approved and permitted shall require the second access point at Gannon Range, as shown on the Sketch Site Plan, to be constructed and operational; and the final two (2) additional buildings to be approved and permitted shall require a third access point to be constructed and operational.
- 2. The use of controlled access gates at any access point to a public road shall not be utilized.
- 3. Traffic calming shall be provided along Camac Street and within Aspire’s private road and parking lot.
- 4. The applicant shall receive a determination by Easton Utilities that the development has adequate wastewater capacity to serve all 162 units.
- 5. The applicant shall explore options to include an electric vehicle charger.
- 6. The applicant shall modify the proposed building color; shall improve details on the balcony design; and shall add landscaping to the parking bump out in

the parking lot of Aspire properties.

7. The applicant shall meet all State Highway Administration (SHA) requirements to reconfigure the lane assignment at the intersection of US 50 at MD 328 to provide additional left turn storage; and to address with SHA the timing of the street light at that intersection.

Commissioner McAndrews seconded the motion.

<u>Vote</u>	<u>5 - 0</u>
FOR:	5 - Dindinger, Toussaint, McAndrews, Ryall, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

5. Discussion Items — None

6. **Adjournment** — Commissioner Weber moved to adjourn. Vice Chairperson Toussaint seconded the motion. The meeting was adjourned at 5:42 p.m.