



**Town of Easton Planning Commission
Decision Summary**

Thursday, October 19, 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

Staff:

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

Absent:

Commission Members:

Tom Klein, Alternate

Staff:

Miguel Salinas, Planning and Zoning Director

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

2. Decision Summary Review —

- a. September 21, 2023 - The Commission noted the following correction to the draft decision summary:
 - i. Item 4.g.: Addition of Applicant Request.
 - ii. Item 4.h.: Additional detail to Condition #2 to include Oxford Road.

Commissioner Ryall moved to approve the September 21, 2023 Decision Summary with amendments. Commissioner Weber seconded the motion.

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

3. Old Business

- a. **Applicant:** Lane Engineering LLC
File No.: 2023 - 916
Location: 9196 Mistletoe Drive Lot 1, Easton, MD 21601
Tax Map 025, Grid 0016, Parcel 0138, Lot 1
Zoning: I
Request: The applicant is seeking architectural approval of a proposed warehouse building and a one-story office building with associated stormwater management facilities, parking, and landscaping. This application received site plan approval by the Commission at their May 18, 2023 meeting subject to the condition that the applicant shall return with improved architectural renderings that is consistent with the overall look of Mistletoe Hall Commerce Park.

Staff recommends the following condition:

1. The applicant is required to adhere to the November 5, 2021 Declaration of Covenants for Mistletoe Hall Commerce-Business Park - Book: 2916, Page: 104.

Staff Presentation:
Joseph Mayer, Plan Reviewer

Applicant Presentation:
Brendan Mullaney *Esq.*
Brett Ewing, Lane Engineering
Matt Hargrove, Total Home Performance
Eric Catellier, AWB Engineers

Public Comment — None

Commissioner Ryall moved to approve the site plan for architectural approval subject to the following conditions:

1. **The applicant shall adhere to the November 5, 2021 Declaration of Covenants for Mistletoe Hall Commerce-Business Park - Book: 2916, Page: 104.**

2. **The applicant shall receive approval of the color scheme by the Mayor, and provide example materials pursuant to the architectural review and approval specified by the Covenants for this subdivision.**

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. 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 recommended approval for an amendment to a previously approved Planned Unit Development (PUD) for the addition of an 8' x 12' walk-in cooler to the existing kitchen unit, and the addition of a 12' x 24' storage shed to the existing property. On August 17, 2023 the Planning Commission recommended to the Town Council approval for an amendment to Rise Up Coffee's existing PUD (Zoning Ordinance No. 715) to grant permanent approval for a shade structure, the "Mad Eggs" kitchen facility, and the walk-up cafe. The Council is expected to hold a public hearing on the PUD amendment at their November 6, 2023 meeting.

Staff recommends the following conditions:

1. The shade structure shall be erected during the period of March 1st through 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, walk-in cooler and storage shed, 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.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Sharon Van Emburgh *Esq.*, Town Attorney

Applicant Presentation:

Zachary A. Smith *Esq.*

Public Comment — None

Commissioner Weber moved to forward a positive recommendation of approval to the Town Council with the following recommended conditions:

1. **The applicant shall receive staff approval for a more modern shed design that conforms to the architecture of surrounding buildings.**
2. **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 December 1st.**
3. **Upon disassembling, all tripping hazards shall be removed as deemed necessary by the Building Inspection Division.**
4. **Music or other amplified sounds from the loudspeakers shall not play prior to 8 a.m. or after 7 p.m.**
5. **The restroom, tables and chairs shall all remain in place and ready for use.**
6. **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.**
7. **The applicant shall submit As-builts for review with the Town's Engineering Department to close out the grading permit.**

8. 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.
9. The applicant shall return to the Planning Commission after November 30th (the December 21, 2023 Planning Commission meeting) to review and/or determine a redesign of the graphics and additional screening.

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. New Business

- a. **Applicant:** Phillips Signs Inc
File No.: 2023 - 1048
Location: 499 Idlewild Avenue, Easton, MD 21601
Tax Map 105, Grid 000, Parcel 2366
Zoning: BC
Request: The applicant is seeking signage permit approval where two (2) or more businesses occupy one (1) building with a common entrance.

Staff recommends the following condition:

1. The applicant is to obtain a building permit for the installation of the signs.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Applicant Presentation:

Matt Phillips, Phillips Signs

Public Comment — None

Commissioner Ryall moved to approve the signage request with the condition that a building permit is obtained prior to the installation of the signs. Commissioner Weber seconded the motion.

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

- b. Applicant:** Lane Engineering
File No.: 2023 - 1028
Location: 29315 Dover Road, Easton, MD 21601
Tax Map 105, Grid 000, Parcel 2844, Lot 3
Zoning: CG
Request: The applicant is seeking site plan and architectural approval for a proposed two-story 1,258 square foot addition to an existing single-story veterinarian clinic with improved amenities, landscaping and parking lot expansion.

Staff recommends the following condition:

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

Staff Presentation:

Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner
Rick Van Emburgh, Town Engineer

Applicant Presentation:

Brittany Wallace, Lane Engineering

Public Comment — None

Vice Chairperson Toussaint 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 practices. Commissioner McAndrews seconded the motion.

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

- c. **Applicant:** Shore Health System / University of Maryland Medical System
File No.: 2023 - 1027
Location: Longwoods Road Parcel 0129, Easton, MD 21601
Tax Map 017, Grid 023, Parcel 0129, Lot 3/5
Zoning: RH
Request: The applicant is seeking sketch site plan approval to construct a hospital, medical offices and helipad with associated stormwater management facilities, parking and utilities. In addition, the applicant is seeking a waiver of the parking lot hedge and vegetative buffer requirements to permit a proper drainage flow toward the stormwater management facilities located between the parking bays, and to provide unimpeded sight visibility triangles at parking lot exits.

Staff recommends the following condition:

1. The applicant is required to address all remaining ESDR comments in conjunction with submission of the development site plan.

Staff Presentation:

Joseph Mayer, Plan Reviewer
Sharon Van Emburgh *Esq.*, Town Attorney
Rick Van Emburgh, Town Engineer

Applicant Presentation:

Kristy Bischoff, DMW Inc.
Kenneth Kozel, President and Chief Executive Officer UM Shore Regional Health
Kenneth Webb, HKS Inc.
Steve Kelly, Mahan Rykiel Associates Inc.

Public Comment:

Anne Browne

Vice Chairperson Toussant moved to approve the sketch site plan and waiver request subject to the following conditions:

1. The applicant shall address any remaining ESDR comments in conjunction with the submission of a development site plan.
2. The applicant shall investigate appropriate measures to minimize bird strike.
3. The applicant shall explore all ingress and egress options of emergency access points with the Town Engineer and Vice Chairperson Toussaint.
4. The applicant shall return to the Planning Commission for architectural approval, and to address the need for any additional landscaping and/or screening based upon its structural viewpoints.

Commissioner Ryall 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

- a. **Zoning Requirements for Adult-Use Cannabis Dispensaries** — Pursuant to their consideration to enact a moratorium on cannabis use zoning regulations, the Town Council requested at their October 2, 2023 meeting a proposed timeline from the Planning Commission to examine and recommend new and/or revised language to the Zoning Regulations associated with various cannabis related uses. The Commission anticipates that the review process can be accomplished within a three month timeline through regularly scheduled meetings; with a formal vote on the recommended Zoning Amendment language expected to be held at the Commission's January 18, 2024 meeting.

The Town's Planning and Legal staff has already conducted secondary research on cannabis use regulations from outside jurisdictions, and will present their preliminary findings and a draft of recommended language for the Commission's consideration at the November 16, 2023 meeting.

Staff Presentation:

Lynn Thomas, Town Planner
Sharon Van Emburgh Esq., Town Attorney

Public Comment:

Frank Gunsallus, Council President

- b. **Continued discussion of the Comprehensive Plan Update** — The ongoing discussion to review and discuss Draft versions of the early chapters of the Comprehensive Plan was tabled to the next Planning Commission meeting on November 16, 2023.
- c. **Continued discussion of Amendments to Zoning Ordinance** — An ongoing review of the Zoning Code Amendments continued. The Commission previously forwarded a set of proposed amendments to the Zoning Code to the Town Council. The Council has since suggested two (2) potential revisions to the draft amendments for the Commission to review prior to their scheduled Public Hearing of the proposal on November 6, 2023.

The issues are described as follows:

- i. *Continuing to maintain the more intense Middle Housing types as Special Exception uses in some zoning districts. Cottage Courts, Townhouses, Mansion Apartments, and Courtyard Buildings would remain as a Special Exception in the R-10A and R-7A zoning districts, but would be outright permitted in the CB District. Fourplex stacked and triplex stacked would become outright permitted uses in all zoning districts.*
- ii. *Revising the language for the expiration of Planned Unit Development (PUD) approvals to allow for an initial approval of a three (3) year period or longer, if specifically requested and approved by the Town Council pursuant to their legislative approval.*

The Commission further discussed a raised issue concerning the difficulty of developing Missing Middle Housing types (specifically in the R-7A and R-10A district), and acknowledged a significant demand from the community for a more diverse variety of housing types and a variety of housing price points. The Commission concluded that categorizing these housing types as a Special Exception would make it difficult to address these critical housing issues. In response to a recent development project concerning the expiration of PUD approvals, the Commission unanimously accepted the suggested revision to the expiration of PUD approvals from two (2) years to three (3).

Chairperson Dindinger moved to respectfully recommend no change to the original proposal pursuant to Middle Housing types, and will provide the Council with language and other visuals to supplement the Commission's finding; and to also support the Council's proposed revision to extend the expiration of Planned Unit Development (PUD) approvals from two (2) years to three (3) years. 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

- 6. Adjournment** — Commissioner Ryall moved to adjourn. Commissioner McAndrews seconded the motion. The meeting was adjourned at 4:13 p.m.