



**Town of Easton Planning Commission
Decision Summary**

Thursday, December 21, 2023 at 1:00 p.m.

Town Hall Chamber 2
14 S. Harrison Street, Easton, Maryland

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
Tom Klein (Outgoing Alternate/Incoming Member)
Victoria McAndrews
Paul Weber (Outgoing Member)
Michael Ports (Incoming Alternate)

Staff:

Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Planner
Sierra Clem, Engineering Technician
William C. Chapman Esq., Assistant Town Attorney
Samantha Smith, Administrative Specialist

Absent:

Commission Members:

William Ryall

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. November 16, 2023 - The Commission noted the following corrections to the draft decision summary:
 - i. Item 5.a.ii.: Modify language for accuracy.
 - ii. Item 5.b.: Strike: *“Finally, the Commission recommended changes to supplemental standard requirements for Cannabis Grow Facilities to be classified as an Agriculture Controlled Environment”* ; Minor editorial changes.

Commissioner Weber moved to approve the November 16, 2023 Decision Summary with amendments. Vice Chairperson Toussaint seconded the motion.

Vote 5 - 0 - 1

FOR: 5 - Dindinger, Toussaint, Klein, McAndrews, Weber
 AGAINST: 0
 ABSTAIN: 0
 ABSENT: 1- Ryall

- b. October 11, 2023 Comprehensive Plan Workshop - The Commission noted the following correction to the draft workshop summary:
 - i. Item 2.a.i.: Add: “...revisiting the parameters of the Urban Growth Boundary with the elimination of Priority Growth Areas 1, 2, and 3 in that designation.” ; Replace “to control” with “to increase”.

Vice Chairperson Toussaint moved to approve the October 11, 2023 Workshop Summary with amendments. Commissioner Klein seconded the motion.

Vote 5 - 0 -1
 FOR: 5 - Dindinger, Toussaint, Klein, McAndrews, Weber
 AGAINST: 0
 ABSTAIN: 0
 ABSENT: 1- Ryall

3. Old Business

- a. **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 the Commission’s feedback for any additional screening to be added to the mechanical equipment on a previously approved kitchen facility, and for the approval of its graphic design. At their October 19, 2023 meeting the Commission unanimously voted to approve the site plan application, and to forward a positive recommendation to the Town Council to amend the 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 subject to 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, 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.

On December 4, 2023 the Town Council voted unanimously to approve the PUD Amendment to include a Walk-in Cooler, Storage Shed, Tent, Kitchen Facility, Walk-up Cafe, Kiosk, and Bathrooms with the Planning Commission's recommended conditions. The applicant has now returned with a proposed design of the screening that is made of metal with adhered vinyl text, and no change to the existing graphics on the shipping container. For this proposal, staff recommend the following conditions:

1. The screening should conceal the mechanical equipment, and blend in with the overall structure.
2. The applicant shall obtain a Variance from the Board of Zoning Appeals pursuant to Section 28-1101.7.A.1.c of the Town's Zoning Ordinance.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Lynn Thomas, Town Planner

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Zachary A. Smith, *Esq.*

Public Comment — None

Public Comment Written:

Joan Leanos

Commissioner Weber moved to continue the request for design review and approval of the kitchen facility; with a request for the applicant to return with enhanced renderings and elevations of the additional structure, where a decision regarding

the necessity of the mechanical equipment screenings will be determined at that time. Commissioner Klein seconded the motion.

<u>Vote</u>	<u>5 - 0 - 1</u>
FOR:	5 - Dindinger, Toussaint, Klein, McAndrews, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Ryall

4. New Business

- a. Applicant:** Lane Engineering, LLC
File No.: 2023 - 1069
Location: 9158 and 9170 Mistletoe Drive, Easton, MD 21601
Tax Map 025, Grid 0022, Parcel 0138, Lot 2 & 3
Zoning: I
Request: The applicant is seeking sketch site plan and architectural approval to construct a 33,872 square foot (SF) manufacturing/wholesale building, and a 6,201 SF one-story office building with associated parking, stormwater management facilities and landscaping improvements. The original application submitted for review by the Easton Staff Development Review Committee (ESDR) was proposed for the construction of a manufacturing/wholesale building with 51,187 SF of ground floor area (GFA), a two-story office building with 13,390 SF GFA, and included a waiver of 25 spaces from the required 80 parking spaces. Subsequent to that meeting, the applicant submitted a revision to reduce the manufacturing/wholesale building to a smaller footprint of 33,872 SF GFA, and to reduce the office building to 6,201 SF GFA to meet the minimum parking space requirement based on the revised square footage.

Staff recommend the following conditions:

1. The applicant may reduce the floor area of the manufacturing/wholesale and office building so long as the general location and the elevations remain consistent as shown as submitted and on the elevation sheets dated October 27, 2023.
2. 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
Lynn Thomas, Town Planner
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Brett Ewing, Lane Engineering
Eric Catellier, AWB Engineers

Public Comment — None

Commissioner McAndrews moved to approve the sketch site plan and architecture with the following recommended conditions:

- 1. The applicant may reduce the floor area of the manufacturing/wholesale and office building so long as the general location and elevations remain consistent as submitted on the elevation sheets dated October 27, 2023.**
- 2. The applicant shall adhere to the November 5, 2021 Declaration of Covenants for Mistletoe Hall Commerce-Business Park-Book: 2916, Page: 104.**

Commissioner Weber seconded the motion.

<u>Vote</u>	<u>5 - 0 - 1</u>
FOR:	5 - Dindinger, Toussaint, Klein, McAndrews, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Ryall

- b. Applicant:** **Shoregate of Cannery Commercial LLC**
File No.: **2023 - 996**
Location: 503 North Street and 108 North East Street, Easton, MD 21601
Tax Map 103, Grid 0EA, Parcel 0753 & 0756, Lot 3 & 4
Zoning: BC
Request: The applicant is seeking sketch site plan approval for the construction of three, 3-story multifamily residential buildings comprising 110,043 square feet (SF) of gross floor area (GFA) with a total of 96 units, and to construct a one-story 3,080 SF amenity building with associated site improvements including the demolition of an existing garage and storage building on the property located at 503 North Street. On October 19, 2017 the subject property received sketch redevelopment site plan approval from the Commission for three, 3-story apartment buildings with a total of 30 units. On November 27, 2023, a Planned Redevelopment (PR) Overlay District sketch site plan was received from new owners of the property (Shoregate of Cannery Commercial LLC) to revise the October 2017 approval for the main property with the inclusion of the property located at 108 East Avenue. On October 9, 2023, the applicant received a Certificate of Appropriateness from the Historic District Commission for the demolition of the existing warehouse located at 108 East Avenue, and to construct a one-story amenity building. Staff notes that the applicant has addressed all prior Planning Commission conditions.

Staff Presentation:

Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Brendan Mullaney, *Esq.*, MDSW LLC
Brett Ewing, Lane Engineering
Mike Lenhart, Lenhart Traffic Consulting
Lauren White, Fisher Architecture
Justin Nonemaker, Shoregate of Cannery Commercial LLC

Public Comment:

Dudley Greer
Sally Heckman
Harold Bussell

Chairperson Dindinger called for a brief recess at 2:43 p.m. The meeting was called to Order at 2:53 p.m.

Vice Chairperson Toussaint moved to approve the sketch site plan subject to the following conditions:

- 1. The applicant shall return to the Planning Commission for architectural approval, and to address all concerns regarding the architectural design.**
- 2. The applicant shall examine the feasibility to provide a playground or tot lot within the stormwater area.**

Vice Chairperson Toussaint amended the motion to approve the sketch site plan subject to the following conditions:

- 1. The applicant shall return to the Planning Commission for architectural approval, and to address all concerns regarding the architectural design.**
- 2. The applicant shall examine the feasibility to provide a playground or tot lot within the stormwater area.**
- 3. The applicant shall explore all options for a pedestrian crosswalk at North Street/Elizabeth Street with the Town Engineer and Commissioner Klien.**

Commissioner Weber seconded the motion.

<u>Vote</u>	<u>4 - 0 - 2</u>
FOR:	4 - Dindinger, Toussaint, Klein, Weber
AGAINST:	0
ABSTAIN:	0
ABSENT:	2- McAndrews, Ryall

5. Discussion Items

- a. Zoning Requirements for Cannabis Uses — Pursuant to a recommendation to the Council to adopt new and/or revised cannabis regulations, staff presented a second draft of amendments to the Zoning Code to regulate the various cannabis-related uses. At their November 16, 2023 meeting, the Commission recommended revisions to all of the cannabis related uses under the Miscellaneous/Combination/Hybrid Uses in the Table of Permissible Uses, recommended the removal of the requirement for cannabis growing facilities to be conducted as Agriculture Controlled Environment, and refined language to the odor control standards for Cannabis Dispensaries in the Commercial Uses section including the requirement of an authorized contact associated with any dispensary for all operational issues. Following a discussion and review of the second draft of amendments, the Commission proposed the incorporation of diverse supplemental standards for cannabis-related uses including visual displays and signage, drive-thrus, hours of operation and security, and the storage of fertilizers and pesticides. The Commission also recommended additional language from the prohibition of sales to be included in cannabis processing facilities.

Staff Presentation:

Lynn Thomas, Town Planner

- b. Amendments to the Zoning Ordinance: Zoning Ordinance No. 803, Middle Housing Types — On January 16, 2024 at 4:30 p.m. the Planning Commission and Town Council will hold a joint workshop pursuant to the Commission's proposed language regarding Middle Housing types in Ordinance 803. This workshop is intended to address the Council's questions with the proposed zoning text amendment, and to provide the Council with a better understanding of the Commission's recommendation as an objective to address the significant need for attainable housing.
- c. Chairperson Dindinger took a moment to share appreciation and thanks to Paul Weber for his dedicated service to the Planning and Zoning Commission. Commissioner Weber served two consecutive terms on the Commission (the most recent term as the Chairperson), and was an advocate for bringing affordable housing to Easton. Commissioner Weber expressed his gratitude for the opportunity to serve as a volunteer and to fulfill his civic duty. Commissioner Weber will continue his volunteer service as an alternate Board Member on the Town of Easton Board of Zoning Appeals. The Commission thanked Mr. Weber, and wished him well on his future endeavors.

6. **Adjournment** — Chairperson Dindinger moved to adjourn. Commissioner Weber seconded the motion. The meeting was adjourned at 4:56 p.m.