



Town Council AGENDA

Monday, November 18, 2024 - 5:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

5:30 PM: Call to Order by President Gunsallus.

Opening remarks and Pledge of Allegiance by Councilmember Dr. Montgomery.

Approval of Minutes.

Meeting minutes from November 4, 2024.

Municipal Official Items.

Items by Mayor Cook.

Items by Interim Town Manager

Public Assembly Event: Easton Holiday Parade - December 7, 6:30 - 8:30 p.m.

Items by Town Attorney.

Easton Economic Development Corporation Update.

4th Quarter 2024.

Public Hearings.

(cont'd.) PUBLIC HEARING to solicit public comment on Ordinance Number 835, which proposes amendments to Chapter 28 of the Town Code (Zoning). The purpose of the proposed amendments is to revise the Code to specifically regulate seafood processing uses.

5:35 PM PUBLIC HEARING to solicit public comment on Ordinance Number 833, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 6 BUILDING CODES OF THE TOWN OF EASTON CODE TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND AMENDMENTS THERETO."

Legislation.

Ord. 833, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 6 BUILDING CODES OF THE TOWN OF EASTON CODE TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND AMENDMENTS THERETO."

Ord. 835, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 28 OF THE TOWN CODE (ZONING) TO ESTABLISH A SEAFOOD PROCESSING USE AND SUPPLEMENTAL STANDARDS PERTAINING TO THE USE."

Ord. 836, "AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF SOMERSET WELL DRILLING CO., INC. TO REZONE PROPERTY LOCATED AT LOT 20 IN THE TALBOT COMMERCE PARK (MAP 25 PARCEL 46 LOT 20) FROM AGRICULTURAL (A-1) TO BUSINESS COMMERCIAL (BC)."

Public Participation/Comments.

Items by Members of the Council:

Adjournment.

The public can access the meeting as follows:

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

If you are an Easton Velocity Cable TV subscriber, you can view the meeting live on Channel 98.

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

EASTON POLICE DEPARTMENT

"With Pride We Serve"

UPCOMING PUBLIC ASSEMBLY EVENT

TO: Mayor Cook and Chief Lowrey
DATE: November 13, 2024
PREPARED BY: 1st/Sgt. Patrick Sally 0135
PAP #: 24-043
RECEIVED: November 12, 2024

EVENT: Easton Holiday Parade

APPLICANT: Lance Morris

LOCATION: Downtown Easton

DATE/TIME: December 7, 2024 6:30pm to 8:30pm

ATTENDANCE: 5,000 approx.

PURPOSE: Holiday parade for the community

DETAILS:

Parade Units: 65 Units involved

Staging Areas: Easton Utilities parking lot, lower level of Talbot Town and the Town parking lot on Brewers Lane.

Requested Route: From the staging areas, the parade will proceed south on Harrison St, west on South St, north on Washington St, back to Easton Utilities / Brewers Lane where they will disperse

To ensure the parade route is clear of traffic for the event, No Parking will be posted by EPD between the hours of 3pm to 9pm at the following locations:

- Washington St. between Goldsborough St. and South St.
- South St. between Washington St. and Harrison St.
- Harrison St. between South St. and Washington St.

- Dover St between Harrison Street and Washington Street.
- Goldsborough Street between Washington Street and Harrison Street.

SPECIAL REQUESTS:

- Applicant requests use of town parking lot off of Brewers Lane for staging area
- EPD will request Public Works drop off metal pedestrian barricades on N. Washington Street at the Circuit Courthouse for use during the parade.
- EPD will request that the Applicant provide an adequate number of volunteers to assist with manning barricades at low volume intersections / driveway accesses along the parade route (this has been done in years past)

EPD CONCERNS: None

APPROXIMATE COST:

EPD to provide officers to post no-parking, set up traffic barricades, provide traffic control and ensure pedestrian safety during the event.

Approx. Cost to applicant: \$5,000.00

RECOMMENDATION: Approve

Easton EDC updates - 4th Quarter 2024

Admin Updates:

- Accommodation Tax Status
 - Has met reluctance from State representatives
 - Working with County on additional data to provide to Legislature on the need for the increase
- Kurt Fuchs of Easton Utilities has joined the Easton EDC Board of Directors
- The Easton EDC will convert from a Calendar Year Budget to a July-June Fiscal Year Budget.
 - Currently working on 2025 budget
 - Just completed Annual Audit
 - Working on 2025 sponsor development
 - Current financial standing:
 - TOE Funding: 47.2%
 - Sponsorships: 9.1%
 - Grants: 43.7%
- Working Talbot County Public Schools on a spring intern to work on one of two projects: Main Street Building inventory as required by our designation or marketing support from a teen perspective.
- Presented at Fall MML Conference: *Modern Growth, Historic Roots: Aligning Economic Development with Historic Preservation*
- Visitor Center - temporary ADA access has been installed by TOE, EDC staff now has two entrances to the Visitor Center.
 - New signage for Visitor Center arrives this month
 - ADA directional signage has been created and installed
 - Temporary construction signage has been hung inside the Visitor Center
 - Interior furniture has been rearranged to keep paths open for ADA accessibility
 - Design Plans for interior can begin once final interior design received and is approved by TOE

Development Updates:

- Retail Market Study - The Chesapeake Group has completed the Retail Market Assessment report
 - The report was to be presented publicly in October and then November, but finding a location offering public access and livestreaming capabilities has been difficult this fall.
 - Presentation is being moved to January when it can be combined with information from the East End Charrette
- Project Restore
 - The Market at Dover Station will open this month, this was one of the two projects awarded under Project Restore.
 - 4th N Washington Street is moving forward with construction, this was the 2nd Project Restore project and will house the first Frederick Douglass museum and installation in the county.
- Public Art Master Plan
 - The consultant has been engaged and we are moving forward with this project with a modified plan. We will focus on the East End, the financial lift to complete for all of Town was too great, so we will break it into phases.
- Downtown Developments
 - Dover Street has filled out this fall, filling all of the vacancies.
 - Mr. Haschen has done improvements to the walkway between Troika Gallery and the Visitor Center, repairing sidewalks, adding plantings, and fixing the lighting. Grant was provided by EDC with the Safety and Beautification Grant.
 - Eat Sprout cafe
 - Oxford Vintage & Trade
 - TRA Gallery
 - Spin Groove Records

- Wittersgreen Wildlife & Landscape Photography-Fine Art Gallery
 - Spiralis - expanding to their own space on Dover
 - Wilson Outdoor Company
- Talbot Historical Society
 - Applying for funding with DHCD for restoration funding - repointing and interior renovations from water damage
 - EDC would do the application
 - EDC looking for additional funding sources potentially via MSAC, MHAA and others
- Working with 3 Arts & Entertainment District property owners on potential funding and redevelopment options
- Work with Crab Processor on funding options for facility upgrade to meet new ordinance standards for odor emissions.
 - The funding cycles are currently over for the year, so we are looking at the options for 2025.
- Working with business looking to develop at Waterside Village
 - Currently navigating through Impact Fee issues
- Mistletoe Commercial Park
 - Working with two applicants for lots at Mistletoe Hall Commercial Park
 - One application has been submitted
 - 2nd arriving by end of month

Marketing:

- Creating 2025 Marketing Plan for the Discover Easton brand and Easton EDC organization
- Overall spending for both retail and dining is still down. Events (EDC and non-EDC) have provided increased foot traffic, but spending is still flat or behind last year for retail. Restaurants see needed boosts during events.
 - Election outcomes did not provide the anticipated increase in spending
- Working on plan for Taste of Easton event
 - Have buy in from local restaurants
 - Committee members have been identified
 - Potential first event in 2026
- Waterfowl Marketing
 - guide co-op program (9 pages)
 - Visitor Center was open and staffed for the entire festival
- Working upcoming events:
 - Shop Small Saturday - Nov 30th
 - Holiday Parade and tree lighting - Dec 7th
 - Thompson Park will have a real tree this year
 - Santa and Mrs. Claus will arrive via fire truck
 - Starlight Shopping - Dec 5th, 12th, 19th
 - stores open till 7
 - carolers/music
 - carriage rides
 - Hot coco bars at downtown restaurants
 - 50's themed marketing
 - Friday nights - Tidewater Inn will host music and popup bar
 - 8 page Holiday Gift Guide in Bay to Beach
 - First Night Talbot - Dec 31st
 - Partnering with Union Baptist
 - Family friendly event 6pm to 9pm at Waterfowl Building
 - 9pm to 11:45 community entertainment at Avalon Theatre
 - Crab Drops at 9pm and midnight
 - Chesapeake Fire & Ice - Feb 14th and 15th
 - Stews & Brews Feb 15th
 - Ice goes on sale next week
 - Continuing to market all downtown events hosted by organizations other than the EDC

TOWN OF EASTON
NOTICE OF PUBLIC HEARING - ORDINANCE NO. 835
PROPOSED AMENDMENTS TO CHAPTER 28
OF THE EASTON TOWN CODE (ZONING)

The Council of the Town of Easton will hold a public hearing on Monday, November 4, 2024 at 5:35 P.M. in the Council Meeting Room, 14 South Harrison Street. The purpose of this hearing is to solicit public comment on Ordinance Number 835, which proposes amendments to Chapter 28 of the Town Code (Zoning). The purpose of the proposed amendments is to revise the Code to specifically regulate seafood processing uses.

The public is hereby invited to comment on the proposed amendments. Such comments may be either submitted in writing at any time prior to the Hearing, or made in person at the Hearing. Ordinance 835 is available for public inspection on the Town of Easton's website (www.Eastonmd.gov). In general terms, the proposed amendments propose to:

- Amend the definition of industry light to make it clear that seafood processing does not qualify as this use;
- Create a definition of seafood processing;
- Add Supplemental Standards to Article X, Section 28-1007.3 A 10 (the Supplemental Standards for Industrial Uses) for seafood processing, that require (a) storage of all by-products in a closed or refrigerated vehicle, (b) the use of odor controlling practices, and (c) compliance with all standards by January 1, 2026; and
- Add a requirement for odor controlling practices for all uses in the BC (Business Commercial) Industrial Zoning District.

Persons wishing to attend or participate in the public hearing who require special accommodations or assistance because of a disability should contact the Town Clerk, Kathy Ruf at the Town Office, telephone number (410) 822-2525 during normal business hours by November 1, 2024.

Kathy M. Ruf
Town Clerk

Note to Star Democrat: Please publish the above ad in the October 26, 2024 and November 1, 2024 issues of the Star Democrat and send a Certificate of Publication to: Town Clerk, Town of Easton, P.O. Box 520, Easton, MD 21601.

TOWN OF EASTON
NOTICE OF PUBLIC HEARING - ORDINANCE NO. 833

The Council of the Town of Easton will hold a public hearing on Monday, November 18, 2024 at 5:35 P.M. in the Council Meeting Room, 14 South Harrison Street. The purpose of this hearing is to solicit public comment on Ordinance Number 833, “AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 6 BUILDING CODES OF THE TOWN OF EASTON CODE TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND AMENDMENTS THERETO.”

The public is hereby invited to comment on Ordinance No. 833. Such comments may be either submitted in writing at any time prior to the Hearing, or made in person at the Hearing. Ordinance 833 is available for public inspection on the Town of Easton’s website (www.Eastonmd.gov)

Persons wishing to attend or participate in the public hearing who require special accommodations or assistance because of a disability should contact the Town Clerk, Kathy Ruf at the Town Office, telephone number (410) 822-2525 during normal business hours by November 15, 2024.

Kathy M. Ruf
Town Clerk

Note to Star Democrat: Please publish the above ad in the Wednesday, November 13, 2024 issue of the Star Democrat and send a Certificate of Publication to: Town Clerk, Town of Easton, P.O. Box 520, Easton, MD 21601.

ORDINANCE NO. 833

AN ORDINANCE OF THE TOWN OF EASTON AMENDING
CHAPTER 6 BUILDING CODES OF THE TOWN OF EASTON CODE
TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA
CODE AND AMENDMENTS THERETO

INTRODUCED BY: _____

WHEREAS, the Town of Easton is authorized by § 5-211 of the Local Government Article of the Annotated Code of Maryland to enact ordinances concerning building codes within the Town of Easton; and

WHEREAS, Article II Section 12 of the Charter of the Town of Easton authorizes the Town Council to adopt codes of technical regulations by reference; and

WHEREAS, the Maryland Department of Labor has adopted the 2021 International Swimming Pool and Spa Code (ISPSC) with amendments in COMAR 09.12.56.03; and

NOW, THEREFORE, be it ordained by the Town of Easton:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

Section 2. Chapter 6, of the Code of the Town of Easton is hereby amended to add a new Article IX Swimming Pool and Spa Code to read as follows:

Article IX. Swimming Pool and Spa Code

§ 6-18. Incorporation by Reference.

§ 6-18.1 International Swimming Pool and Spa Code 2021. The International Swimming Pool and Spa Code 2021, with the modifications found in § 6-18.2 of this article and the State modification in COMAR 09.12.56.05, is incorporated by reference. (Ordinance 833 effective _____, 2024)

§ 6-18.2. International Swimming Pool and Spa Amendments. Amendments for the International Swimming Pool and Spa Code are as follows: (Ordinance 833

effective _____, 2024)

§ 6-18.2.1 Chapter 1. Administration. Delete Section 101.1 Title and replace with the following: (Ordinance 833 effective _____, 2024)

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the Town of Easton, hereinafter referred to as “this code.”

§ 6-18.2.2 Chapter 1. Administration. Delete Section 103.1 Creation of agency and replace with the following: (Ordinance 833 effective _____, 2024)

103.1 Creation of agency. The Swimming Pool and Spa Code is regulated by the Building Codes Administration under Article I of Chapter 6.

§ 6-18.2.3 Chapter 1. Administration. Delete Section 111 Means of Appeal and replace with the following: (Ordinance 833 effective _____, 2024)

111.1 Appeals of orders, decisions or determinations of the code official shall be in accordance with § 2-26.2 of the Town Code.

§ 6-18.2.4 Chapter 1. Administration. Delete Section 112 Board of Appeals (Ordinance 833 effective _____, 2024)

§ 6-18.2.5 Chapter 1. Administration. Delete Section 113.4 Violation penalties and replace with the following: (Ordinance 833 effective _____, 2024)

113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a municipal infraction punishable as promulgated by the Town of Easton Code. Each day that violation continues shall be deemed a separate offense.

Section 3. If any section, clause, paragraph, sentence or phrase of the Ordinance or the application thereof to any person, property, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality

shall in no way affect other provisions or any other application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application, and for this purpose the provisions of this Ordinance are declared severable.

Section 4. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Curry	-
Abbatiello	-
Montgomery	-
Davis	-
Gunsallus	-

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2024.

Frank Gunsallus, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2024.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____
Megan J. M. Cook, Mayor

EFFECTIVE DATE: _____, 2024

ORDINANCE NO. 835

AN ORDINANCE OF THE TOWN OF EASTON AMENDING
CHAPTER 28 OF THE TOWN CODE (ZONING) TO ESTABLISH A
SEAFOOD PROCESSING USE AND SUPPLEMENTAL STANDARDS
PERTAINING TO THE USE

INTRODUCED BY _____

WHEREAS, the Town of Easton is authorized by § 4-102 of the Land Use Article of the Maryland Annotated Code (the “Code”) to enact a comprehensive zoning ordinance, which ordinance is codified as Chapter 28 of the Code of the Town of Easton;

WHEREAS, the Town of Easton is authorized by § 4-204 of the Land Use Article of the Code and § 28-1401 of Chapter 28 of the Code of the Town of Easton to amend, supplement, change or repeal zoning regulations;

WHEREAS, the Easton Town Council approved and enacted a comprehensively revised new Zoning Code which became effective on December 5, 2021;

WHEREAS, the Town Council initiated this process in response to persistent complaints concerning the significant incompatibility of a business engaged in the processing of seafood located in close proximity to residences;

WHEREAS, efforts to abate said nuisances emanating from the aforementioned business have proven inadequate and unsuccessful;

WHEREAS, the Easton Town Council requested that the Easton Planning Commission consider amendments to the Town’s Zoning Code that might provide greater protection to residents located in close proximity to seafood processing businesses;

WHEREAS, the Easton Planning and Zoning Commission considered the matter at a series of meetings and via a unanimous vote (3-0 with two members absent) at their regular monthly Meeting held on September 19, 2024, the actions of which were transmitted to the Easton Town Council via a letter dated September 25, 2024, the Commission recommended that the Town Council adopt a number of amendments to the Zoning Code as contained in the document attached hereto as Exhibit A; and

WHEREAS, the Easton Town Council held a duly noticed public hearing on this

Ordinance on November 4, 2024.

NOW, THEREFORE, the Town of Easton hereby ordains:

Section 1. The relevant sections of Chapter 28 of the Code of the Town of Easton are hereby repealed and reenacted with amendments to read as shown on the attached Exhibit A:

Section 2. In accordance with Article II, Section 9 of the Easton Town Charter, this ordinance shall become effective on the later of twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Curry -
Abbatiello -
Montgomery -
Davis -
Gunsallus -

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2024.

Frank Gunsallus, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2024.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____, 2024

Megan JM Cook, Mayor

EFFECTIVE DATE: _____, 2024.

EXHIBIT A

1. Amend the definition of industry light in Section 28-114 of the Code to make it clear that seafood processing does not qualify as this use:

Industry, light - A use engaged in the manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, **basic industrial processing**, incidental storage, sales, and distribution of such products, but excluding **seafood processing**.

2. Add a new definition of seafood processing to Section 28-114, as follows:

Seafood processing - A use engaged in the process by which harvested seafood, or by-product of harvested seafood, is cleaned, cut, eviscerated or otherwise prepared or cooked for sale in bulk, with a resulting by-product.

3. Amend the Table of Permissible Uses (Section 28-201, Table 2.1) to indicate that Seafood Processing is outright permitted in the I Zoning District, and permitted via Special Exception in the BC Zoning District, subject to compliance with Supplemental Standards.

4. Add Supplemental Standards to Article X, Section 28-1007.3 A 10 (the Supplemental Standards for Industrial Uses) for seafood processing as follows:

10. Seafood processing

- a. All by-products shall be treated, stored, and eliminated in accordance with all local and/or State regulations and shall be stored within a closed or refrigerated vehicle.
- b. All uses or vehicles, storage, or structures used in conjunction with a seafood processing facility shall install odor control technology, as necessary, in order to control ventilation at the establishment in such a manner that no odor from any product or by-product can be detected outside the building on the same property or on adjacent properties or public rights-of-way, or within any other unit located within the same building, if the use occupies only a portion of the building. The operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency. Applicants shall provide certification by a Professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors for all odor sources.

- c. Any seafood processing use that was legally in existence as of September 1, 2024 shall comply with the supplemental standards of this subsection no later than January 1, 2026.

5. Revise the Development Standards of the BC Zoning District to correct the wording of one of the standards and add a new standard (L) addressing potential odors and their impacts for uses in the BC Zoning District:

SECTION 28 – 308 BC – BUSINESS COMMERCIAL DISTRICT

28 – 308.1 PURPOSE

The purpose of this district is to provide areas for light industrial, service/business commercial and related uses which can operate in a clean and quiet manner. Certain public facilities needed to serve the district and adjoining residential and commercial districts are permitted. Regulations are designed to protect abutting or surrounding districts; to establish standards for intensity of use and to guide the character of development. In keeping with the purpose of this district, no use may be permitted which may be detrimental to the area because of odor, smoke, dust, fumes, fire, noise, explosion, or open storage.

28 – 308.2 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the BC District:

- A. The minimum lot size for all uses hereafter established shall be 40,000 square feet.
- B. Off-street parking shall be provided in accordance with the provisions of Section 28 – 1001.
- C. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet.
- D. Minimum setbacks for all uses shall be as follows:
 1. Front – forty (40) feet from the property line.
 2. Side – ten (10) feet on each side of the property line.
 3. Rear – thirty (30) feet from the property line.
- E. Height limitations – thirty-five (35) feet.

- F. Building Envelope – all lots shall have a minimum building envelope of thirty (30) feet deep by eighty (80) feet wide.
- G. Lot coverage by all buildings and structures shall not exceed fifty (50%) percent of the lot area.
- H. There shall be no open storage on any lot or open areas, nor shall any products be displayed in open areas. All outside storage shall be adequately screened and landscaped in accordance with provisions of Section 28 – 1014 of this Ordinance.
- I. All on-site lighting unless approved otherwise by the Planning and Zoning Commission shall be low cut-off shielded luminaries at 18' height and light shall not shine off-site at levels greater than 1-foot candle.
- J. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 28 – 1014 of this Ordinance
- K. All areas not devoted to buildings or parking areas shall be landscaped and maintained in a suitable manner, in accordance with the provisions of Section 28 – 1014 of this Ordinance.
- L. All uses or vehicles, storage, or structures in the BC Zoning District shall install odor control technology, as necessary, in order to control ventilation at the establishment in such a manner that no odor from any product or by-product can be detected outside the building on the same property or on adjacent properties or public rights-of-way, or within any other unit located within the same building, if the use occupies only a portion of the building. The operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency. Applicants shall provide certification by a Professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors for all odor sources.

TOWN OF EASTON
NOTICE OF PUBLIC HEARING - ZONING MAP AMENDMENT
28580 MARY'S COURT
LOT 20 OF TALBOT COMMERCE PARK

The Council of the Town of Easton will hold a public hearing on Monday, November 4, 2024 at 5:40 P.M. in the Council Meeting Room, 14 South Harrison Street. The purpose of this hearing is to solicit public comment on the request of Michael T. Hall on behalf of Somerset Well Drilling Co., Inc. for a Zoning Map amendment for an 8.348 acre parcel of land located at 28580 Mary's Court in the Talbot Commerce Park (Map 0025, Parcel 0046, Lot 20). See illustration below. The Applicant requests reclassification of the subject property from the current designation of A-1 (Agricultural) to the BC (Business Commercial) Industrial Zoning District, consistent with the balance of Talbot Commerce Park.



Persons wishing to attend or participate in the public hearing who require special accommodations or assistance because of a disability should contact the Town Clerk, Kathy Ruf at the Town Office, telephone number (410) 822-2525 during normal business hours by November 1, 2024.

Kathy M. Ruf
Town Clerk

Note to Star Democrat: Please publish the above ad in the October 26, 2024 and November 1, 2024 issues of the Star Democrat and send a Certificate of Publication to: Town Clerk, Town of Easton, P.O. Box 520, Easton, MD 21601.



**TOWN OF EASTON
PLANNING & ZONING
14 S Harrison Street, Easton MD 21601**

Date of Hearing: September 19, 2024

4a

**PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT**

SUBJECT: 28580 Mary's Court - Zoning Amendment Application

ELECTION WARD: Ward 1

CRITICAL ACTION DATE: At the pleasure of the Commission

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

APPLICANT: Brendan S. Mullaney – McAllister, De Tar, Showalter & Walker, LLC.
Michael T. Hall - % Somerset Well Drilling Co., Inc.

DOCUMENT CREATED ON: September 10, 2024

PURPOSE: The applicant is seeking a recommendation from the Planning Commission to the Town Council for the granting of a rezoning of Lot 20 to the Town of Easton Business Commercial ("BC") zoning district to permit the proposed uses . Approval of the supplemental growth allocation request is subject to approval of the rezoning.

RECOMMENDATION: Staff supports a Planning Commission recommendation of approval to the Town Council subject to conditions (see below).

APPLICATION INFORMATION:	
APPLICANT: Michael T. Hall % Somerset Well Drilling Co., Inc.	REPRESENTATIVE: Brendan S. Mullaney – McAllister, De Tar, Showalter & Walker, LLC.
PARCELS/ACREAGE:	
Parcel Information	Acreage
Map 0025, Grid 0022, Parcel 0046, Lot 20	8.348
ACCEPTANCE DATE: September 3, 2024	
LOCATION: 28580 Mary's Court	
EXISTING ZONING A-1	EXISTING LAND USE: Vacant lot.
HISTORIC DISTRICT: Not Applicable	FUTURE LAND USE MAP: Business Commercial

CONTEXT:

Location/Site Access – The subject property is located at the end of Mary's Court.

Existing Conditions – The subject property is currently vacant with a Stormwater Management Facility.

Surrounding Properties

- 28580 Mary's Court, Lot 16 - BC
- 28577 Mary's Court, Lot 17 - BC
- 8900, 8936 & 8938 Goldsborough Neck Road - Talbot County, MD
- 9002 Goldsborough Neck Road - Talbot County, MD
- 9047 Goldsborough Neck Road - Talbot County, MD
- 28527 Glebe Road - Talbot County, MD



Figure 1: Vicinity Map

PROPOSAL: Somerset Well Drilling Co., Inc. (applicant) is seeking a recommendation from the Planning Commission to the Town Council for granting a rezoning of Lot 20 to a Town of Easton zoning district that permits the proposed use of Business Commercial Zoning District ("BC").

BACKGROUND: Ordinance No. 807 (growth allocation request) was adopted by the Town Council on January 2, 2024 and Bill No. 1551 (granting supplemental growth allocation to the Town) was adopted by the Talbot County Council on April 23, 2024. On July 29, 2024, Critical Area Commission staff received the Town's request to reclassify via growth allocation 8.348 acres of land from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) on Tax Map 25, Grid 22, Parcel 46, Lot 20 to construct commercial buildings and associated improvements. On August 28, 2024, the applicant submitted an application to the Easton Staff Development Review Committee for review of the Zoning Amendment application. At the time of this staff report, the Critical Area Commission (CAC) has accepted the materials forwarded by the Town as a complete submittal. The CAC Chair will make an amendment or refinement determination within thirty days of the date of this letter, and Commission staff will notify the applicant of their determination and the procedures for review by the Critical Area Commission.

ZONING ANALYSIS:

Forest Conservation

Easton Forest Conservation Ordinance #718, Article III, § 31-3.1 Relevance

A. Any person making an application for a subdivision, project plan, grading, or sediment and erosion control approval on units of land 40,000 square feet or greater after the effective date of this Ordinance.

Analysis - The site is located within the Talbot Commerce Park. Forest Conservation was approved at the original Subdivision Plat (Plat PC 4/35G).

POLICY ANALYSIS:

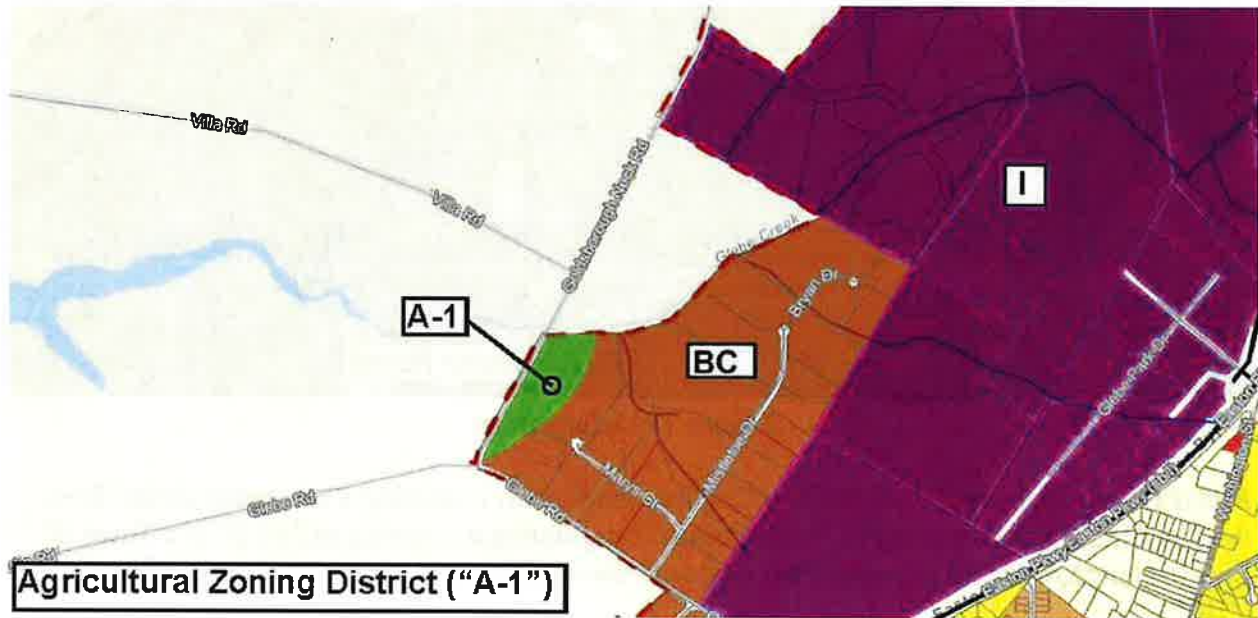


Figure 2: Zoning Map

§ 28-1014 BASIS FOR APPROVING REZONING

A. Where the purpose and effect of the proposed amendment is to change the zoning classification of a specific parcel of land, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters:

1) The relationship of such proposed amendment to the Town's Comprehensive Plan.

Analysis - The proposed amendment is consistent with the purpose and intent of the Town of Easton Comprehensive Plan (2010). The property is identified within the Town's Future Land Use Map as industrial development. Rezoning from Agricultural Zoning District ("A-1") to Business Commercial Zoning District ("BC") would conform with the Economic Development goals by bringing additional businesses to expand the economic base and encourage diversification of the industrial base. Thus, permitting industrial and commercial development to attract desirable businesses and enable existing businesses to flourish as well.

With regards to Maryland's "change/mistake rule", the groundwork for that argument is

actually laid in the Purpose clause of the A-1 Zoning District. In part, it states that “The A-1 Agricultural District is intended for properties for which Town sewer service has not yet been extended. Upon the provision of such service, the Town Council may establish the appropriate zoning for these properties.” In essence, it is established that the “change” required for A-1 zoned properties is the extension of sewer service to such properties. That is the case in this instance. Furthermore, without the recently obtained Critical Area Supplemental Growth Allocation (pending Critical Area Commission review and approval), it is not possible to apply industrial zoning. This then is another aspect of an argument for ‘change’ in the character of the neighborhood and ultimately justifies the application of the BC Zoning classification that the balance of the Industrial Park enjoys.

2) *The recommendation of the Planning and Zoning Commission.*

Analysis - The staff supports the Planning Commission making a recommendation to the Town Council for rezoning. The Critical Area Commission staff has accepted the materials forwarded by the Town as a complete submittal as noted on their August 13, 2024 response letter. The Critical Area Commission Chair will make an amendment or refinement determination within thirty days of the date of that letter, and the Commission staff will notify the applicant of their determination and the procedures for review by the Critical Area Commission. Upon that determination, the Zoning Amendment application may be submitted to the Town Council for review and approval.

3) *Population change.*

Analysis - The proposed rezoned property for commercial and industrial uses would attract businesses and their employees and would create additional employment opportunities for citizens of Talbot County and Easton. No undue burden to public infrastructure or services will result from the development of the Property or approval of the proposed reclassification sought. There’s no adverse impacts to the population.

4) *Availability of public facilities.*

Analysis - There are adequate existing public facilities along Mary’s Court for the rezoning and proposed development. The existing public water and sewer will serve the property following the construction and execution of the Development Plans.

5) *Present and future transportation patterns.*

Analysis - There will be no adverse impacts to the existing or proposed transportation patterns occurring as a result of the rezoning classification. All ingress and egress to the property is through existing Mary’s Court.

6) *Compatibility with existing and proposed development for the area.*

Analysis - The property is located within the existing Talbot Commerce Park which consists of commercial and industrial development. The majority of the existing parcels

along Mary's Court were improved in 2006-2008 and the commercial and industrial nature of the area is well defined. Rezoning the property would be consistent with the nature of the surrounding parcels and reflects the designated use noted on the Town's Future Land Use Map, Town of Easton Comprehensive Plan (2010). Adjacent Talbot County parcels to the northwest are zoned Rural Conservation and to the west and northwest are agricultural, forested, and low rural residential in nature. Existing Forest Protection Areas, Stormwater Management Facilities and the separation by Goldsborough Neck Road provides an adequate screening from those surrounding properties. The proposed use of the property is compatible with existing and proposed development in the surrounding area.

- 7) *Whether the applicant has demonstrated that there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.*

Analysis - The applicant has demonstrated that a substantial change in the character of the neighborhood has occurred since the Town's previous rezoning included the award of Growth Allocation to convert the property from Resource Conservation Area ("RCA") to Intensely Developed Area ("IDA"). Surrounding parcels within the neighborhood are classified as IDA and zoned BC. With the award of Growth Allocation by the CAC, the property will be classified as IDA and the subsequent zoning reclassification of the property from A-1 to BC is consistent with the surrounding neighborhood. Obtaining the Growth Allocation demonstrates there has been a substantial change in the character of the neighborhood where the property is located and in order to maintain consistency with the neighborhood and create a beneficial use for the owner, the property should be reclassified as Business Commercial Zoning District ("BC"). Furthermore, the Purpose clause of the A-1 Zoning District specifies that this district is "...intended for properties for which Town sewer service has not yet been extended. Upon provision of such service, the Town Council may establish the appropriate zoning for these properties." In essence, the A-1 serves as a "holding zone" until properties are fully developable. The award of growth allocation satisfies that criteria for this property.

RECOMMENDED CONDITION:

Staff supports a Planning Commission recommendation of approval with the following conditions:

- The Planning Commission's recommendation to the Town Council for the support of the Zoning Amendment request is contingent on the Critical Area Commission's review and approval of the Supplemental Growth Allocation request.
- The conceptual site plan submitted with the zoning amendment application is conceptual in nature and was assessed by staff for conformance to § 28-401.8.E and § 28-401.8.F of the Town Code. Approval of the supplemental growth allocation shall not infer Town of Easton site plan approval. Prior to any lot consolidation or site plan approval of Lots 16

and 20, the proposed development will be evaluated by the applicable reviewing agencies for conformance to all applicable Zoning; Subdivision; Forest Conservation; Stormwater Management; Erosion and Sediment Control; and other applicable regulations. Such review may result in modifications to the conceptual site plan.

DRAFT MOTIONS:

1. I move that the Planning Commission recommend to the Town Council support of the Zoning Amendment request for the granting of a rezoning of Lot 20 to the Town of Easton Business Commercial ("BC") zoning district.

OR

2. I move that the Planning Commission recommend to the Town Council denial of the Zoning Amendment Request for the granting of a rezoning of Lot 20 to the Town of Easton Business Commercial ("BC") zoning district based on the following findings.....
- 3.

OR

4. I move an alternate motion.

ATTACHMENTS:

1. 2022.03.22 Talbot Commerce Park Conceptual Site Plan, paper copy & PDF
2. 2024.08.02 Zoning Map Amendment Application, paper copy & PDF
3. 2024.08.02 Zoning Map Amendment Supplemental Narrative, paper copy & PDF
4. 2024-08-13 CAC Acceptance Letter_Cohee Growth Allocation, paper copy & PDF
5. 2024-08-28 ESDR Determination Letter 28580 Mary's Court, paper copy & PDF
6. 2024-1259 Zoning Amendment Proof of Payment, paper copy & PDF

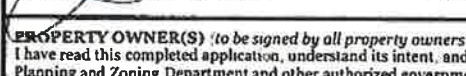


RECEIVED
AUG 02 2024
TOWN OF EASTON

TOWN OF EASTON ZONE MAP AMENDMENT APPLICATION

- (1) This application form must be filled out in its entirety.
- (2) An incomplete application form will result in rejection of the application prior to checklist review.
- (3) If additional space is needed to complete any section of this application, attach a separate sheet containing all the required information and refer to such where appropriate on the form.
- (4) Do not write in shaded areas.
- (5) Provide proposed residential units or proposed non-residential square footage if the application is associated with a proposed subdivision or site plan.

Project Name: Talbot Commerce Park - Lot 20 (8.348 ac.)		Application Number Assigned 2024-1259 Fee Amount Paid 08/02/2024 Receipt Number Date of Official Acceptance 08/05/2024	
Is this application associated with a: ☒ Site Plan Application ☐ Subdivision Application		Subdivision/Site Plan Name (if the amendment is associated with a proposed subdivision):	
As justification for the zone map amendment, please describe whether there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification, or that the current zoning classification of the property deprives the owner thereof of all beneficial use of the property: (Must be completed and provided on a separate sheet). Please see attached Supplemental Narrative			
Number and Types of Proposed Lots (include existing)		PROPOSED RESIDENTIAL UNITS (This section is to be completed for all residential applications).	
Residential		Total Units	Quantity Affordable Age-Restricted
Non residential	X	Detached	
Open Space		Accessory	
Other (Specify type)		Middle Housing	
		Multifamily	
		Other (specify)	
Total Lots: One (1) Lot		Total	
Source of Electricity: Easton Utilities			
Developer will provide broadband service to these lots: Yes No X - Already provided by Easton Utilities			
PROPOSED NON-RESIDENTIAL SQUARE FOOTAGE: This section must be completed for all non-residential applications and non-residential components of residential applications. Describe the type(s) in the appropriate category and the total square footage for the category: 22,614			
Category	Description of Use	Square Footage	
Residential			
Business, Personal & Professional			
Food & Beverage			
Health Services			
Retail			
Institutional			
Recreational & Entertainment			
Industrial			
Other (specify)	Mixed commercial use to house well contractor and commercial	tenant(s).	22,614
Total Square Footage			22,614
PROPERTY LOCATION			
Property Address: Mary's Court, Lot 20 Easton, Maryland 21601	Property Location: End of St. Mary's Court	Adjacent Roads: Goldsborough Neck Rd Mary's Ct. Glebe Rd.	
ELECTION WARD(S)	Ward I		
PROPERTY TAX MAP, ACREAGE AND ZONING INFORMATION			
Tax Map, Grid, Parcel, Lot	Zoning District(s)	Acreage	Zoning Status Existing Proposed
0025, 0022, 0046, 20	Agricultural	8.348 acres	A-1 BC
ADDITIONAL PROPERTY INFORMATION			
Deed Reference	Liber: 3111	Folio: 0090	
Plat Reference	Liber: 83	Folio: 190	

SURROUNDING LAND USES AND ZONING			
List all surrounding land uses and zoning districts adjacent to the property, including those across roads.			
LAND USE		ZONING	
NORTH	Low Density Residential, Forests, Agriculture	Rural Conservation (Talbot County)	
SOUTH	Industrial/Commercial	BC	
EAST	Industrial/Commercial	BC	
WEST	Low Density Residential, Forests, Agriculture	Rural Conservation (Talbot County)	
APPLICANT(S)			
Company Name	Somerset Well Drilling Co., Inc.	Company Name	
Name of Person & Title	Michael T. Hall, Secretary & Treasurer	Name of Person & Title	
Mailing Address	28624 Revells Neck Rd	Mailing Address	
City, State, Zip Code	Westover, MD 21871	City, State, Zip Code	
Daytime Telephone	410-651-3721	Daytime Telephone	
E-mail Address	mike@somersetwell.com	E-mail Address	
PROPERTY OWNER(S)			
Company Name	Somerset Well Drilling Co., Inc.	Company Name	
Name of Person & Title	Michael T. Hall, Secretary & Treasurer	Name of Person & Title	
Mailing Address	28624 Revells Neck Rd.	Mailing Address	
City, State, Zip Code	Westover, MD 21871	City, State, Zip Code	
Daytime Telephone	410 651-3721	Daytime Telephone	
E-mail Address	mike@somersetwell.com	E-mail Address	
AGENT(S)			
Company Name	McAlister DeTar, Showalter & Walker LLC	Company Name	
Name of Person & Title	Brendan S. Mullancy, Esq	Name of Person & Title	
Mailing Address	100 N. West St	Mailing Address	
City, State, Zip Code	Easton, MD 21601	City, State, Zip Code	
Daytime Telephone	410-820-0250	Daytime Telephone	
E-mail Address	bmullancy@mdswlaw.com	E-mail Address	
CERTIFICATIONS			
APPLICANT(S) OR AGENT(S): I hereby certify that the information provided is accurate to the best of my knowledge and that I have reviewed and am satisfied that the information provided is consistent with the Town of Easton Zoning Ordinance and Subdivision Regulations. I understand that the submission of an incomplete application will be returned for correction prior to processing.			
 Printed Name of Applicant/Agent		Printed Name of Applicant/Agent	
 Signature of Applicant/Agent		Signature of Applicant/Agent	
 Signature of Property Owner		Signature of Property Owner	
 Signature of Property Owner		Signature of Property Owner	

REZONING APPLICATION
SOMERSET WELL DRILLING CO., INC.

SUPPLEMENTAL NARRATIVE

August 2, 2024

Owner

Somerset Well Drilling Co., Inc.
28580 Mary's Court
Easton, Maryland 21601
Attn: Michael T. Hall

Agent

McAllister, DeTar, Showalter & Walker LLC
100 N. West Street
Easton, Maryland 21601
Attn: Brendan S. Mullaney, Esq.

Engineer

Lane Engineering, LLC
c/o Sean Callahan
117 Bay Street
Easton, Maryland 21601

I. INTRODUCTION

Somerset Well Drilling Co., Inc. (“**Applicant**”) is the owner of a parcel of land consisting of 8.348± acres of land located on the south side of Goldsborough Neck Road in the Town of Easton (the “**Town**”), described as a portion of Lot 20, Parcel 46 of Talbot County Tax Map 25 (the “**Property**”). Applicant has applied to the Town for zoning reclassification of the Property from Agricultural zoning district (“**A-1**”) to Business Commercial zoning district (“**BC**”). Applicant plans to construct two (2) commercial buildings and related improvements on the Property, as depicted by Sheet No. C-5 of the Site Development Plans submitted to the Town with this narrative. The Property and the plans for the development of the Property (the “**Development Plans**”) are shown on a conceptual site plan attached hereto as Exhibit A entitled “Conceptual Site Plan for Lot 16 and Lot 20 in Talbot Commerce Park” dated December 2019, prepared by Davis, Moore, Shearon & Associates, LLC.

The previous owner of the Property, Thomas Cohee,¹ was recently awarded Growth Allocation by the Town and County to reclassify the Property to Intensely Developed Area (“**IDA**”) in order to allow the development of the Property pursuant to the Development Plans. The A-1 zoning district does not permit the Development Plans or uses on the Property that are consistent with the subdivision in which the Property is located. The proposed BC zoning district does permit the Development Plans and is the same designation as the adjacent parcels. The proposed rezoning of the Property to BC will allow Applicant to develop the Property in accordance with the Development Plan. The proposed rezoning is consistent with the Town Comprehensive Plan, furthers the economic goals of the Town, and utilizes a lot within an industrial and commercial subdivision to attract increase tax revenue and allow a local business (Shannahan Artesian Well) to expand and relocate to within the Town of Easton.

A change in the neighborhood, in the form of commercial and industrial development of the adjacent and nearby lots in the Talbot Commerce Park and a change in classification of the Property from RCA to IDA, result in the requested rezoning not only being permitted by law but necessary for fulfillment of the Town’s goals and Comprehensive Plan.

II. LEGAL STANDARD FOR REZONING

A. MARYLAND’S “CHANGE OR MISTAKE” RULE

The Maryland “Change or Mistake” Rule is intended to regulate piecemeal zonings by protecting the presumption that the existing zoning is well planned and intended to be permanent. The “Change or Mistake Rule” is codified in the Land Use Article of the Maryland Code:

- (2) The legislative body may grant the amendment to change the zoning classification based on a finding that there was:
 - (i) a substantial change in the character of the neighborhood where the property is located; or

¹ Thomas Cohee sold the Property to Applicant on or about May 1, 2024.

(ii) a mistake in the existing zoning classification.²

The Maryland Court of Appeals has explained the standard for establishing a rezoning based on change as follows:

In demonstrating change in the neighborhood the applicant must show (a) what area reasonably constituted the ‘neighborhood’ of the subject property, (b) the changes in that neighborhood since the comprehensive [or prior piecemeal] rezoning and (c) that these changes resulted in a change in the character of the neighborhood.³

B. TOWN OF EASTON REZONING CRITERIA

The Town of Easton Zoning Ordinance requires the Town Council to make findings of fact in each specific case including, but not limited to, the following matters:

1. Relationship of the proposed amendment to the Town’s Comprehensive Plan;
2. The Recommendation of the Planning Commission;
3. Population change;
4. Availability of public facilities;
5. Present and future transportation patterns;
6. Compatibility with existing and proposed development; and
7. Whether Applicant has demonstrated there has been a substantial change in the character of the neighborhood where the Property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the Property deprives the owners thereof of all beneficial use.⁴

The Town Council may grant reclassification if the Town Council makes an affirmative finding of fact as to one or more of the standards set forth above.⁵ The fact that an application for reclassification has shown change or mistake shall not require the Town Council to grant the requested rezoning and the Town Council shall have the authority to assign a zoning classification to the Property different from that requested by Applicant if the Town Council determines that such classification is the most appropriate classification for the Property.⁶

Further, the Town Council may consider, in addition to the factors outlined above, other factors it deems appropriate including but not limited to the degree to which the proposed reclassification:

1. Helps accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;

² MD. CODE ANN., LAND USE § 4-204(b)(2) (LexisNexis 2023).

³ *Rockville v. Stone*, 271 Md. 655, 661 (1974) (citations omitted).

⁴ See Town of Easton Zoning Ordinance § 28-104(A)(1)-(7).

⁵ *Id.* at § 28-104(B)

⁶ *Id.*

2. Promotes health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, the promotion of public safety, adequate provision for light and air, conservation of natural resources, the prevention of environmental pollution, the promotion of the healthful and convenient distribution of population;
3. Exemplifies good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic;
4. Encourages the conservation of resources, including a reduction in resource consumption;
5. Is located in at a location suitable for it given existing and reasonably foreseeable development; and
6. Encourages appropriate and sustainable economic growth.⁷

III. ANALYSIS & COMPLIANCE WITH APPLICABLE REZONING CRITERIA

Pursuant to the Town of Easton Zoning Ordinance, Applicant provides the following for the Town's consideration and reference:

Required Rezoning Criteria

a. *Relationship of the proposed amendment to the Town's Comprehensive Plan.*

The proposed rezoning is consistent with the purposes and intent of the Town of Easton Comprehensive Plan (the "**Town Plan**"). The Town Future Land Use Map identifies the Property as an area for industrial development.⁸ Approval of the proposed reclassification of the Property from A-1 to BC would conform with the Economic Development goals of the Town by bringing additional business tenants to the Town, expanding the economic base, and encouraging the diversification of Easton's industrial base.⁹ Approval would permit industrial and commercial uses on the Property while providing the infrastructure necessary to attract desirable businesses and enable existing businesses to grow and prosper.

The proposed reclassification is also consistent with the Town Plan's goal to diversify employment in an attempt to avoid over-reliance on any one business or type of industry.¹⁰ Approval of the proposed reclassification will allow Applicant to construct two commercial buildings and related improvements pursuant to the Development Plans. The surrounding neighborhood of the Property currently includes the following businesses: Mid Shore Behavioral Health Inc., University of Maryland Extension, Teddy Bear Fresh Produce, JASCO North America, KDX America, Northeastern Supply, and many more. Approval of the proposed reclassification will create the opportunity for new businesses to occupy the two (2) new commercial buildings and expand on the diversification of the existing businesses in the surrounding area. Approval of the proposed reclassification will create diversity in the types of industries located in the area and is in accord with the Town Plan.

⁷ See *Id.* at § 28-104(B)(1)-(6).

⁸ Future Land Use Map, Town of Easton Comprehensive Plan (2010); see **Exhibit B**.

⁹ Easton Economic Development Section, Town of Easton Comprehensive Plan, p.240 (2010).

¹⁰ Easton Diversity Section, Town of Easton Comprehensive Plan, p.231 (2010).

b. *The Recommendation of the Planning Commission.*

The application will be presented to the Planning Commission, which will make a recommendation to the Town Council.

c. *Population Change.*

The commercial or industrial uses that would be permitted and proposed for the Property would attract professional businesses and their employees and would create additional employment opportunities for citizens of Talbot County and Easton. No undue burden to public infrastructure or services will result from the development of the Property or approval of the proposed reclassification sought.

d. *Availability of Public Facilities.*

The Property will be served by Easton Utilities. Existing utilities are currently located along Mary's Court and public water and sewer will serve the Property following the construction and execution of the Development Plans. Adequate public facilities for the rezoning and proposed development exist.

e. *Present and Future Transportation Patterns.*

Existing ingress and egress to the Property is from Mary's Court. Following the proposed reclassification approval and improvement of the Property as proposed, the Property will continue to utilize the existing entrance from Mary's Court. No new entrances from roadways are contemplated by this Application. Development of the Property is likely to result in a minor increase in automobile traffic to and from the Property, from Glebe Road to Mary's Court. During construction Applicant will work with the Easton Department of Public Works to ensure that no adverse impacts to traffic patterns occur. Applicant has provided the required parking on the Property to serve employees and visitors to the site. The nature of the contemplated industrial or commercial uses on the Property is one that creates low traffic volumes. No adverse impacts to existing or proposed transportation patterns will occur as a result of approval of proposed classification.

f. *Compatibility with Existing and Proposed Development.*

Talbot Commerce Park is a commercial and industrial development that houses a number of businesses that are vital to the local economy. Most of the parcels along Mary's Court were improved in 2006-2008 and the commercial and industrial nature of the area is well defined. The Town Plan specifically calls for the Property to be improved for industrial use¹¹ and approval of the proposed reclassification sought would ensure that the Property is properly utilized. Industrial and commercial use of the Property is not only prudent but appropriate due to the nature of the surrounding parcels and uses.

¹¹ Future Land Use Map, Town of Easton Comprehensive Plan (2010); see Exhibit B.

The properties to the northwest of the Property are located in Talbot County and are zoned Rural Conservation. The properties to the west and northwest of the Property are agricultural, forested, and low rural residential in nature. The Property is screened from those parcels and is separated by Goldsborough Neck Road. No adverse impacts to surrounding properties will result if the rezoning is approved. Therefore, the Development Plans are compatible with existing and proposed development and land use in the surrounding area.

g. *Substantial Change of the Neighborhood.*

As stated above, to prove a substantial change of a neighborhood, Applicant must show “(a) what area reasonably constituted the ‘neighborhood’ of the subject property, (b) the changes in that neighborhood since the comprehensive [or prior piecemeal] rezoning and (c) that these changes resulted in a change in the character of the neighborhood.”¹²

The area comprising the “neighborhood” includes the immediate vicinity of the Property, which is classified by the Town as Industrial.¹³ The principal change in the neighborhood since the Town’s previous rezoning includes the award of Growth Allocation to convert the Property from RCA to IDA. The surrounding parcels within the neighborhood are classified as IDA and zoned BC. Due to the award of Growth Allocation, the Property is now IDA and the reclassification of the Property from A-1 to BC is consistent with the surrounding neighborhood. The award of Growth Allocation demonstrates there has been a substantial change in the character of the neighborhood where the Property is located and in order to maintain consistency with the neighborhood, the Property should be reclassified as BC.

Discretionary Rezoning Criteria

a. *Helps accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs.*

The Property is currently surrounded by parcels zoned BC. Approval of the proposed reclassification will create a harmonious and coordinated neighborhood for commercial and industrial improvements between the Property and the adjacent properties.

b. *Promotion of health, safety, morals, order, convenience, prosperity, and general welfare.*

As discussed above, the approval of the proposed reclassification will diversify the employment opportunities of the Town as well as avoid over-reliance on any one business or type of industry. The diversification of employment opportunities will promote the general welfare of the citizens of the Town.

c. *Good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic.*

¹² *Rockville*, 271 Md. at 661.

¹³ Future Land Use Map, Town of Easton Comprehensive Plan (2010); see Exhibit C.

Approval of the proposed reclassification will allow for the construction of the Development Plans. The Property is currently 28.5% forested. The Development Plans do not propose any clearing or tree removal. A search of the DNR Heritage Data Base determined that no Threatened, Endangered or Species of State or Federal concern are known to occur near the site. Therefore, the Development Plans will ensure there is no harm to the natural habitats of any Threatened, Endangered or Species of State or Federal concern. The Development Plans limits construction to lots with ample buffering in order to limit the impacts to the waters of the State of Maryland, including Glebe Creek. The proposed reclassification will provide good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic and will not adversely impact the lands and waters of the Chesapeake Bay.

d. *Encourages the conservation of resources.*

The Development Plans propose adding an additional 0.219 ± acres of land to be dedicated as a new forest protection area. The Development Plans do not propose any clearing or tree removal. Applicant will conserve resources to the greatest extent possible.

e. *Located in at a location suitable for it given existing and reasonably foreseeable development.*

The Property is currently surrounded by parcels zoned BC, which are utilized for industrial and commercial uses. Industrial and commercial use of the Property is not only prudent but appropriate due to the nature of the surrounding parcels and uses. The proposed reclassification is compatible with existing and proposed development and land use in the surrounding area.

f. *Encourages appropriate and sustainable economic growth.*

The Town Future Land Use Map identifies the Property as an area for industrial development.¹⁴ Approval of the proposed reclassification of the Property from A-1 to BC would conform with the economic development goals of the Town by bringing additional business tenants to the Town which will expand the economic base, and encouraging the diversification of Easton's industrial base.¹⁵

IV. CONCLUSION

Applicant respectfully requests that the Town Council approve this Application for rezoning and reclassify the subject Property from its current designation of A-1 to its proposed designation of BC.

Exhibits:

Exhibit A – Development Plans
Exhibit B – Future Land Use Map
Exhibit C – Surrounding Neighborhood

¹⁴ Future Land Use Map, Town of Easton Comprehensive Plan, (2010).

¹⁵ Easton Economic Development Section, Town of Easton Comprehensive Plan, p.240 (2010).

EXHIBIT A
Development Plans

[See Attached]

EXHIBIT B
Future Land Use Map

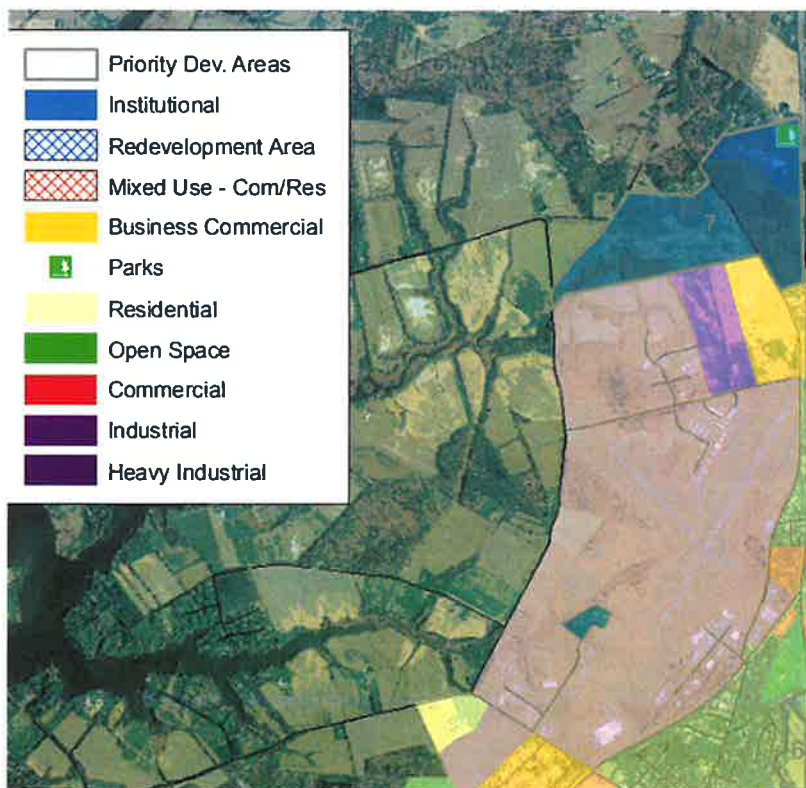


EXHIBIT C
Surrounding Neighborhood



ORDINANCE NO. 836

AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF SOMERSET WELL DRILLING CO., INC. TO REZONE PROPERTY LOCATED AT LOT 20 IN THE TALBOT COMMERCE PARK (MAP 25 PARCEL 46 LOT 20) FROM AGRICULTURAL (A-1) TO BUSINESS COMMERCIAL (BC)

INTRODUCED BY: _____

WHEREAS, under the authority granted it by the Land Use Article of the Maryland Annotated Code, the Town of Easton has adopted a Comprehensive Zoning Ordinance, codified as Chapter 28 of the Easton Town Code and a Comprehensive Zoning Map for the Town. Sections 1401 and 1404 of the Easton Zoning Code authorize the Easton Town Council to consider and to grant applications for a rezoning of property and set forth the specific findings and considerations to be applied to such applications;

WHEREAS, Somerset Well Drilling Co., Inc. (the “Applicant”) is the owner of an approximately 8.348 acre parcel of land in the Talbot Commerce Park being Lot 20 (Map 25, Parcel 46, Lot 20) in the Town of Easton (the “Property”). The Applicant is requesting a rezoning of the Property from Agricultural (A-1) to Business Commercial (BC);

WHEREAS, the Planning and Zoning Commission reviewed the request at its September 19, 2024 meeting and by letter dated September 25, 2024, from the Chair conveyed its positive recommendation based on finding the proposed rezoning consistent with the Town of Easton Comprehensive Plan (2010) and finding a change in the character of the neighborhood to justify the rezoning; and

WHEREAS, the Town Council conducted a public hearing on the application on November 4, 2024.

NOW, THEREFORE, the Town of Easton hereby ordains:

Section 1. The Recitals and the Findings of Fact attached hereto as Exhibit “A” are hereby incorporated into this Ordinance by reference.

Section 2. For the reasons set forth in the attached Findings of Fact, the application of Somerset Well Drilling Co., Inc. for a rezoning of Lot 20 of Parcel 46 on Tax Map 25 from Agricultural (A-1) to Business Commercial (BC) is hereby granted.

Section 3. The Zoning Map of the Town of Easton shall be modified accordingly.

Section 4. If any section, clause, paragraph, sentence or phrase of the Ordinance or the application thereof to any person, property, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality shall in no way affect other provisions or any other application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application, and for this purpose the provisions of this Ordinance are declared severable.

Section 5. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor’s veto.

Curry	-
Abbatiello	-
Montgomery	-
Davis	-
Gunsallus	-

I hereby certify that the above Ordinance was passed by a ye and nay vote of the Council this _____ day of _____, 2024.

Frank Gunsallus, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2024.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Megan J. M. Cook, Mayor

EFFECTIVE DATE: _____, 2024