Planning Commission
MEETING MINUTES
Thursday, August 19, 2021 - 1:00 PM
Council Chambers, Easton Town Office
14 S Harrison Street

Call to Order

Members Present:
Mr. Paul Weber - Chairman, Ms. Jennifer Dindinger - Vice Chairperson, Ms. Victoria McAndrews, Mr. Talbot Bone and Mr. William Ryall

Staff Present:
Mr. Lynn Thomas - Town Planner, Ms. Sharon Van Emburgh - Town Attorney, Mr. Rick Van Emburgh - Town Engineer, Mr. Joseph Mayer - Plan Reviewer, Mr. Casey Ortiz - Planner 1

Staff Absent:
Ms. Katie Reedy - Director of Site Development

At 01:00 PM, Chairperson Weber called the meeting to order.

Approval of Minutes.

Approval of Minutes of previous meeting: 2021-07-15 Meeting Minutes

Upon Motion by Ms. McAndrews and second by Ms. Dindinger, Vice Chairperson, the Commission voted to approve the revised June 17, 2021 minutes and approved the July 15, 2021 minutes with corrections.

Discussion Item

None.

Old Business

Applicant:	Stoltz Pavilion - Al Bond
Owner:	Avalon Foundation
Location:	218 N Washington Street
Nature of Request:	Temporary Use - Extension

Mr. Mike Potter was present representing Mr. Alexander Bond, President & CEO of the Avalon Foundation, Inc.. He discussed the request for the extension of the temporary use of the Stolz Pavilion until the end of November 30th due to the uncertainty about COVID. They have received no complaints and it has been a great success for the Avalon and community. Ms. Dindinger requested to be recused from the discussion because she is a volunteer for the Avalon. Mr. Weber wanted to confirm if there were any complaints concerning the use of the tent. Mr. Thomas stated that there were no complaints to his knowledge. Mr. Bone inquired if the tent would become permanent at this location. Mr. Potter replied that they would like to make it permanent where it presently sits and they are planning to submit plans in two to three months or early winter in 2022.

Mr. Weber opened the floor to the audience for questions or comments. Mr. Al Silverstein, Town Council Member, commented that he visited the site with Mr.Bond. He also stated that he did not receive any complaints about the noise or its operations. Mr. Bond has a desire to have a permanent facility there. Mr. Silverstein added that this would be a reasonable request and looks forward to seeing the submission of the new proposal .

Upon a motion by Mr.Bone and second by Victoria McAndrews , the Commission voted 4-0, approving the application as presented.

New Business

Applicant:	Willow Construction, c/o Michael S. Hine
Owner:	SSPP School c/o Brent Outten
Location:	1212 S. Washington Street
Nature of Request:	Proposed Comprehensive Signage Plan requesting one additional monument sign and two large signs on the clock tower.

Mr. Zach Smith from Armistead, Lee, Rust, Wright, P.A. was present, standing in for Mr. Michael Hiner, Willow Construction, on behalf of Saint Peter & Paul School for a Proposed Comprehensive Signage Plan. They are proposing two free-standing signs. One, near South Washington Street, is consistent with the sign that already exists for the Church, but this sign would identify the school. Within the campus, there's a proposal at the turn-off to go to the Athletic Complex for another sign, for the Athletic Complex, which includes the name of the donor for the project.

Mr. Weber asked if Mr. Smith could go through each category of the request. Mr. Smith elaborated that the proposed sign, near South Washington Street,would have the same dimensions and brick outline as the existing Church Sign. The proposed sign would be different, by having an LED Sign with messages that would change. In addition, the sign would comply with all town requirements. Ms.Dindinger inquired if the sign was the same height as the church sign and met all sign requirements. Mr. Smith confirmed that it would.

The next sign, as you turn left into the Athletic Complex, would be consistent dimensionally with the other freestanding signs outside South Washington Street. This sign identifies the Athletic Complex and pays tribute to a significant doner that made the project work. The next sign is on the Route 50 facade of the building and is set back over 400' from Route 50. They want to make sure people can see the location of the school and they want the students to have a lot of pride in their school and community. In addition, there's a sign on the front facade of the building and is largely visible internally from the site, facing the Church and the main entrance. Lastly, there is an existing clock tower that initially proposed a clock on all four sides. The school proposes to have clocks on the north and south sides of the tower, but on the east and west sides, they would like to have the school logo.

Ms. Dindinger wanted to confirm the location of the sign on the building. Mr. Smith replied that the sign is on the eastern facade of the building facing Route 50. Ms. McAndrews commented that the sign,"Home of the Sabres", looks large and wanted to know if there were any comparable building signs in the town. Mr. Thomas stated that it's not enormously in excess and meets the one for one formula. There's a maximum for that formula of 200 square feet and he agrees with Mr. Smith, that the scenario is appropriate and directional in function. Ms. Didinger asked if we are okay with the word "Sabre" being larger.

The Chair then opened the floor for Public Comment. Mr. Lary Smith, a resident of Easton, asked Mr. Smith if the sign would change the messages. Mr.Smith replied that the LED sign on the South Washington Street side would change images within the guidelines of the Town. The sign would be visible from South Washington Street and the Easton Parkway.

Upon motion by Ms. McAndrews, seconded by Mr. Bone, the Commission voted 5-0, approving the project as submitted.

Applicant:	Lane Engineering, LLC, c/o Tim Glass
Owner:	Julie Pinder Harrison & Joe H Harrison (Oxford Chase Development-Contract Purchaser c/o Howard Crossan)
Location:	Black Dog Alley
Nature of Request:	Proposed Site Plan for 9,100 SF Dollar General Store includes parking, access, landscaping, stormwater management and other site amenities. Architectural review and Parking Waiver request.

Mr. Tim Glass, Lane Engineering, LLC and Mr. Howard Crossan, Oxford Chase Development, was present to discuss the proposed Site Plan for the 9,100 square foot Dollar General Store. The site includes parking, landscaping, stormwater management and other amenities. The applicant is also seeking architectural approval and a parking waiver request.

Mr. Glass stated that the site has two access points, one on Rte.309 and the other on Black Dog Alley. The plans are currently under review by the State Highway Administration. There are 32 proposed parking spaces. The site requires 36 parking spaces. Based on Dollar General's operational experience, the 32 parking spaces are optimal for use. There are two proposed submerged gravel wetlands for stormwater management. Both facilities will meet full ESD requirements. In addition, updated architectural elevations were provided, per the staff recommendations. Brick has been provided for the entire building. Awnings and shutters were positioned to break up the wall mass. The shutters would serve as a faux window.

Mr. Weber inquired if there could be awnings over the shutters along Black Dog Alley for the purpose of continuing the motif of the building. Mr. Crossan stated that the roof drains were located on that side of the building and said it would be cost prohibitive. Mr. Glass added that the loading area had not changed in elevation and the roof tops were being screened to hide the HVAC system. Mr. Weber and Ms. McAndrews both commented that the awnings and shutters could be placed along the loading side of the building to match the rest of the facade that has the faux windows. Mr. Crossan remarked that the shutters would not be seen because of the proposed landscaping. Ms. Dindinger questioned the size of the proposed trees and how long it would take for the landscaping to get that tall. Mr. Glass replied that there will be proposed canopy trees along Black Dog Alley and they are saving one existing large tree.

Ms. Dindinger inquired about the Stormwater Management and its off-site drainage conveyance. Mr. Glass responded that the run-off from the lot will drain towards the two Stormwater Management Facilities and then discharge into peripheral existing ditches. Ultimately, the ditches along Black Dog Alley drain to the east, towards an outfall area . Mr. Weber asked if the staff was okay with Stormwater Management. Mr. VanEmburg replied that Mr.Mayer reviewed the SWM and found that the calculations were acceptable. Mr. Ryall noticed that the outfall conditions assumed that the ditch was empty. He wanted to know how often that ditch filled up with water and if it would back up into the parking lot. Mr. Glass explained that there would be a free-board volume so that volume can continue within the pond under tailwater conditions. Mr. Ryall also questioned the total drainage areas between the proposed and existing conditions, but the two sub-catchments are being routed into the ponds . Mr. Glass responded that the overall peak discharge, the majority of the impervious areas are being captured by the SWM facilities. The total discharge from pre to post conditions and the small amount of run-off is still added, including the off-site areas.

Mr. Bone wanted shutters added on the wall facing the dumpster side.

Ms. Dindinger asked if the monument sign would come back to be reviewed. In addition, she inquired whether the sign was within the visibility site triangle. Mr. Glass informed us that the sign would be submitted as a separate permit. Ms. Dindinger also commented on the use of all native plants for proposed landscaping.

The Chair then opened the floor to Public Comment. Mr. Joseph Cooper owns a small commercial building across the street at 9578 Black Dog Alley, Talbot County. He wanted to know if the site would be connected to the town's water and sewer and would he have the option to connect to the public utilities. Mr. VanEmburgh stated that Mr. Cooper would not be required because he is not a resident of the town and he would have to be annexed into town in order to connect. Mr. Coooper would be interested in being annexed into the town in the future.

Ms. Dindinger asked if there was a need to do a traffic study because the commercial site is located at an intersection. Mr. Crossan stated that the State Highway Administration didn't have any concerns about it and their comments were minor. Mr. Thomas added that the entrances are both located as far away from the intersection as possible.

Lary Smith, a resident of Easton, wanted to confirm that the Commission requested shutters on a wall that would have no windows. Mr. Bone Confirmed yes.

Upon motion by Mr.Bone and second by Vice Chair Dindinger, the Commission voted 5-0 to approve the submission, provided one additional shutter on elevation 1 and five shutters are placed on elevation 2 as shown on the revised elevation and approval of the parking lot waiver request.

Applicant:	Lane Engineering, LLC, c/o Tim Glass
Owner:	EA Land Company, LLC
Location:	503 North Street
Nature of Request:	The replacement of the existing building has the same footprint that was destroyed by fire in January 2021. Architectural review and Parking Waiver request.

Mr. Tim Glass, Lane Engineering LLC and Mr. Michael Wigley, architect from Davis, Bowen & Friedel, Inc. represented the applicant, EA Land Company, LLC. The applicant proposes to replace the existing building that was destroyed by fire in January 2021, on the same foot print. They also requested approval for architecture and a Parking Waiver. Mr. Glass commented that they are proposing an extension of the street scape associated with the previous project next door that was a townhouse development approved some years ago. There will be some parallel parking along North Street to create a street-scape similar in design next door. In addition, existing gravel and paving will be utilized for parking. It will be designed to make the existing site work from a compliant stand point for getting parking spaces delineated. The area out front will be paved with curb & gutter and they are also removing a lot of impervious areas and replacing them with turf in front of the new building. Service vehicles will be stored in the back on existing gravel.

Mr. Glass also added, that this is a non-compliant site with regards to setbacks and the proposed building will be constructed using the same foot-prints.They will be able to avoid extensive stormwater management practices due to the limit of disturbance being under the 5000 sf requirement for SWM. In addition, Mr.Glass is requesting a parking waiver of 12 spaces from the required 28 spaces. There's not enough room on the site to have both the storage vehicle area and 28 separate parking spaces. The site has functioned previously without the required parking. Mr. Weber questioned if there was a driveway through the building for dropping and leaving the vehicles. Mr. Wigley confirmed that the vehicles go one way through the building and exit another way.

Ms. McAndrews commented that she liked what they did with the site and had no issues with the project. Mr.Bone had no issues with the project. He was concerned about the side facing North Street, which has a long section between the roll-up door and the automotive sign, but he thinks the proposed sign breaks up the space and he was good with that. Mr. Ryall had no comment.

The Chair then opened the floor for Public Comment. Al Silverstein, Council Member-First Ward,had no problem with the parking waiver request. His concern is on the side of the site facing Rails to Trails. In the past, they have stored cars there and he would like to have some landscaping there to prevent parking. He thinks it is an outstanding property and would be nice for the neighborhood. Mr. Glass responded that the area is currently gravel and has been used because the land is there. That area is off the property and there is no intent to continue to use that area. If allowed, they would add landscaping to break up the area and discourage any overflow parking. Mr. VanEmburgh added that it's a good idea but that may be a separate item request. In addition, would the applicant agree to pay for and plant trees on the town's right-of-way? The town and the applicant could coordinate to figure out if the landscaping works best on the building side or the Rails to Trails side of the right-of-way. Mr. Glass replied that the applicant can work with that.

Mr. Al Silverstein wanted to clarify that his main concern was to make sure that nothing could be parked in that area. He also added that if it's not the applicant's property, they shouldn't be spending additional money; but rather, the town has to look at a solution so that nothing can get parked there.

Upon motion by Vice Chair, Dindinger and second by Mr.Bone, the Commission voted 5-0 to approve the application, including the Parking Waiver request.

Applicant:	Lane Engineering, LLC, c/o Tim Glass
Owner:	**E**state of Norris E. & Joyce W. Taylor, c/o Jeff Goodman
Location:	8480 Ocean Gateway
Nature of Request:	Proposed 3,091 SF Burger King fast food restaurant including parking, access, landscaping, stormwater management and other site amenities. Architectural review, Parking Waiver request and requesting Subdivision Approval.

Mr. Tim Glass, from Lane Engineering, LLC, represented the owner, Estate of Norris E. & Joyce W. Taylor and the applicant, Burger King Fast Food Restaurant. Mr. Glass noted that the site, Lot 1, is just north of the proposed Royal Farms project, Lot 2. Both sites are within a larger 3 lot subdivision plat. The overall project will include the extension of Calvert Street and the construction of a 75' wide east/west connection from Rte. 50, being named Norris Taylor Drive. The site has been designed with a right in, right out configuration along Rte. 50 with parking circulation around the entire periphery of the building. There are dual drive-thru lanes with a by-pass lane for incoming traffic. SWM treatment is similar to the Royal Farms project where it's all draining towards the Tanyard Branch watershed. The proposed Stormwater Management design complies with the quantity and quality control measures. The site is mostly impervious now and will be less under proposed conditions. The proposed landscaping and buffering is in accordance with town regulations, and Forest Conservation is being addressed now.

Mr. Glass discussed the Parking Waiver. The site requires 62 parking spaces and they are proposing 36 spaces. He explained that with the events of COVID, there's a trend for less dining within the restaurant and more of an emphasis on double drive-thru lanes. Mr. Weber questioned about the effects after the Pandemic is gone. Ms.Clair McLane, from Land Development Consulting Regulatory Process Management, commented on the industry as a whole. According to the National Restaurant Association, there's a permanent trend for less dining inside and more drive-thru isles because of their efficiency. She believes there will be more drive-thru restaurants available along Rte.50 in the future. Ms. McLane noticed that existing restaurants along Rte. 50 had fewer parking spaces. Mr. Weber asked if Burger King has any data for similarly sized restaurants. Ms. McLane responded that walk-ins declined 54% and the drive-thru went up 20% in the surrounding area. In addition, it's part of a long-term trend that was in place prior to COVID.

Mr. Weber commented that data should be provided based on Pre-COVID. Ms. McAndrews inquired about the seating capacity and Mr. Thomas asked for a comparison of the existing Burger King. Mr. Mark James commented on behalf of Mr Robert Zappula, Architect, stating that the recently designed Burger King in Salisbury had fewer parking spaces. Mr. Weber indicated that the applicant needs to provide more information and present an argument about why there's a request for less parking. Mr. Nick Drivin, Lenhart Traffic commented that the average demand for parking spaces would require 20.72 parking spaces per peak time prior to COVID according to national data from the Institute of Transportation Engineers. Mr Zappula stated that this site has a reduced square footage of the dining room and has 56 actual seats, versus 76 in a similar building.

Mr. Ryall questioned the possibility of a backup on Rt.50. Mr.Tim Glass responded that the bypass lane will prevent you from entering the drive-thru by providing stripping or bollards to prevent access of the drive-thru from Rte. 50. Mr. Weber asked if the staff was comfortable reviewing the parking. Mr. Thomas stated yes. Mr. Ryall questioned whether the post-10 year storm SWM within the Tanyard Branch was higher than the existing 2-year storm event. Mr. Van Emburgh responded that the staff would work together to make sure the SWM meets the Tanyard Branch requirements.

Architecture was discussed and it was noted that the elevations were revised for the use of brick. Ms. McAnrews was surprised that there was not something more attractive presented to the town for this review. It was difficult to visualize a material improvement because the color scheme still had an adobe-looking material that's seen somewhere else in the country. Additionally, she asked if colored pallets have been explored to fit into the MidAtlantic region within an historic town. Mr. Weber commented that elevations don't come close to the architectural style and color scheme of the town. Ms. McAndrews asked the applicant to look at the opportunities for a more attractive face along Rt.50 and look less like every other Burger King. Mr. Glass stated this is a question for the Architect to see if there's some sort of flexibility in the corporate architecture. Mr. Zappula responded that corporations look at the zoning requirements and are reluctant to change. He would need to coordinate with the corporate office to make alterations. Ms. Dindinger asked if they could take off the flame grilling, supurlative from the building based on the vision trying to be achieved. Mr Thomas responded that the site has not been reviewed for sign compliance at this stage of the project.

The Chair opened the floor to Public Comment. Mr. VanEmburgh brought up the concern about the proposed culverts running through the property. Tim Glass met with the Town Mayor and Town Manager about looking at bypassing the culvert along Rte. 50 and Norris Taylor Drive.

Mr. Weber summarized four issues. Three of the issues are taken care of. Issue one: the Parking Waiver should be left up for the staff to determine and make certain that the number is correct based on the applicants' proposal. Issue two: the Stormwater Management will be reviewed by the staff. Issue three: the motion for Subdivision approval and issue four, the motion to require different architectural renderings and or color schemes.

There were two motions presented.

Upon motion by Ms. McAndrews, seconded by Mr. Bone to approve the request for Subdivision, the Commission voted 5-0, approving the Subdivision request as submitted.

Upon motion by Ms. McAndrews, seconded by Mr. Ryall, the Commission voted 5-0 to table the remaining requirements associated with the application, and directed the applicant to make revisions and take into consideration the feedback from the Commission, in particular architecture and color, being open to other architectural alternatives presented. In addition, the applicant is to come back with data supporting the reduction of parking spaces.

Adjournment

Prior to the adjournment, the Commission discussed the need for projects to be fully vetted and resolved prior to the Planning Commission and the review of green alleys. There's a need to take a closer look at the Comprehensive Plan and determine the requirements moving forward for alleys. Mr. Thomas mentioned that there's a work session scheduled for September 9th for the Comprehensive Plan and a draft of the Subdivision Regulations to review.
The meeting ended at 3:43 PM.