



Planning Commission MEETING MINUTES

Thursday, September 15, 2022 - 1:00 PM
Council Chambers, Easton Town Office
14 S Harrison Street

Call to Order

Members Present: Chair- Mr. Paul Weber, Mr. William Ryall, Ms. Victoria McAndrews and Mr. Phillip Toussaint

Members Absent: Vice Chair- Ms. Jennifer Dindinger

Staff Present: Mr. Miguel Salinsas- Director of Planning, Mr Lynn Thomas- Town Planner, Mr. Joseph A. Mayer- Plan Reviewer, Mr. Nicholas Johnson-Planner, Mrs. Sharon VanEmbrugh-Town Attorney, Mr. Rick VanEmburch- Town Engineer, Ms. Samantha Smith- Administrative Specialist.

Approval of Minutes.

Approval of Minutes from the August 18, 2022 meeting.

Upon motion by Mr. Ryall , seconded by Mr. Toussaint and carried unanimously, the minutes of the August 18, 2022 meeting were approved with corrections.

New Business

Applicant:

Casey Rauch - Rauch Inc.

Owner:

Chesapeake Community Development LLC

Location:

Port Street Lot 1, Parcel 77

Nature of Request:

The site is located in the **MXW District**. The Arc is proposing affordable/workforce housing for low- and moderate-income households. Areas within the building will be reserved for job training, counseling, and behavioral health services. The building will be 3 stories high and have a square footage of 24,917 sf. A sidewalk will surround the building with 44 parking spaces and would require a Parking Waiver reduction of 14 parking spaces. A submerged gravel wetland facility will be provided to manage stormwater due to poor soil conditions. There are existing non-tidal wetlands and trees on site with a portion of them getting cleared and grubbed. Afforestation will be provided off site.

Mr. Johnathan Rondeau, President and CEO of The Arc Central Chesapeake Region was present to represent Chesapeake Community Development and their mission to provide affordable housing units to low and moderate income households. Mr. Casey Rauch, Civil Engineer of Rauch Inc. reviewed the revised site plan most current to the language of the MXW Zoning Ordinance and addressed three items that have been redesigned to comply with its current language: The Applicant made revisions to the setback in the Port Street Corridor to the intersection of Rails to Trails. The Applicant also relocated parking to be located alongside the building on Port Street, and revised the language of "Multifamily Use. Mr. Rauch advised that the site plan still intends to use a submerged gravel wetland to meet all stormwater management quantity and quality requirements. The Applicant is requesting a Parking Waiver for a reduction of 14 parking spaces, including 4-5 ADA spaces. The Applicant is also requesting a relief waiver for the bufferyard requirements for areas within site easements. Mr. Ryall presented the question of future accommodation for electric vehicles and their required infrastructure. Mr. Rondeau located two designated charging locations available at the time of opening as well as the potential for six additional spaces. There are no plans at this time to implement those six spaces until electrical charging stations are more of a public demand. Mr. Ryall advised the revision of the current submerged gravel wetland facility as the outfall elevation is higher than the bed elevation.

The Chair opened up the floor to the public. There were no further comments.

The Commission moved to table the application pending approval of the Zoning Code Amendment by the Town Council.

Applicant: Sierra Crist - Town of Easton
Owner: Town of Easton
Location: Mistletoe Drive Lot 9A
Nature of Request: The Town of Easton is relocating two buildings from 672 Glenwood Avenue (old DPW) to the lot across from the current DPW lot on Mistletoe Drive. The purpose of this request is to seek sketch site plan approval. The property is intended to be an extension of the Town's Public Work's facility. The site is currently improved with an entrance, improved surfaces and SWM.

Mr. Rick VanEmbrugh, Town Engineer, proposed site plan approval for the relocation of the current Department of Public Works location to Mistletoe Drive Lot 9A. The site is currently improved with an entrance, improved surfaces and SWM. This is a joint project with Easton Utilities and will also be partially funded by Easton Utilities. Funding for the project has since received Town Council approval.

The Chair opened the floor to the public for comment. There were no further comments.

Upon motion by Mr. Toussaint and seconded by Ms. McAndrews and carried unanimously, the Commission voted 4-0-1 to approve the proposed site sketch plan.

Applicant: Casey Rauch - Rauch Inc.
Owner: Town of Easton
Location: 9095 Mistletoe Drive
Nature of Request: The Applicant requests a Parking Waiver for an additional 15 parking spaces for training events.

Mr. Casey Rauch of Rauch Inc. was present to represent the Town of Easton Fire Department. The facility was previously reviewed by the Easton Staff Development Review Team where it was determined that the applicant is to request a Parking Waiver for an additional 15 parking spaces above the maximum for training events.

The Chair opened the floor to the board. There were no further comments.
The Chair opened the floor to the public. There were no further comments.

Upon motion by Mr. Ryall, seconded by Ms. McAndrews and carried unanimously, Applicant:Casey Rauch - Rauch Inc.Owner:Town of Easton was approved as submitted.

Old Business

Applicant: Mike Irons c/o K.Hovanian Homes of MD, LLC
Owner: Monahan, Sandra Brooks Trustee, et al.
Location: 29434 Dutchman's Lane
Nature of Request: The Applicant proposes a 252 single family lot subdivision with a community parcel, to establish a proposed 55+ age-restricted active adult community. In addition, the Applicant is seeking a "Planning Commission Determination" to allow the Applicant to use the community-owned open space as a credit for their requirement for dedication of community park land per Section 708 (d) of the Subdivision Regulations. This is a continuation of the Commission's review of this request held at their August 18, 2022 meeting. As part of their response to the Commission's comments, the Applicant is proposing to increase the community open space areas (exclusive of forest conservation, SWM areas and our Community Amenity Parcel) to 10.3 acres. The Park requirement for this subdivision is 6.9 acres (1,200SF/lot x 252 lots).

Mr. Zach Smith from Armistead, Lee, Rust & Wright, P.A., Mr. Barry Griffith from Lane Engineering LLC, Ms. Miachia Gillman, Architectural Project Manager, Mr. Mike Irons from K. Hovnanian Homes of MD, LLC and Mr. Michael Lenhart from Lenhart Traffic Consulting Inc were present for the continuation of the proposed 258 lot subdivision application review.

Mr. Smith reviewed the changes the applicant made to its subdivision proposal to address the issues raised by the Planning Commission at the August 2022 meeting. Mr. Smith summarized the three areas addressed at the request of the Planning Commission. They were: (i) parks, (ii) the appearance from Dutchman's Lane and (iii) requested variations in architecture. He noted that they also have addressed the traffic concerns raised by the public by adding a center turn lane on Dutchman's Lane.

Mr. Griffith followed by presenting the revised site plan, including the additional open space and park amenities. He noted that they eliminated 6 lots to create additional park space. The plan as presented now called for 252, rather than the original 258, units. He stated approximately 13.6 acres will now be for active or passive recreation. He also presented their plan for buffering the view of rear lots facing Dutchman's Lane.

Ms. Gillman then presented the updated and revised home designs, highlighting the additional architectural design elements incorporated to provide differentiation between units. These included a variety of Craftsman, Colonial and Farmhouse stylistic elements.

Mr. Griffith returned to present the improvements to address traffic concerns on Dutchman's Lane. This included widening the road to incorporate a dedicated center turn lane.

Discussion and questioning by the Planning Commission followed. The Commission, Town staff and representatives for the applicant discussed how the proposed project complies with the current Comprehensive Plan, including whether it meets standards such as "...Automobiles should not determine design", as well as differentiation of design in housing types. Additional questioning by Commissioners Ryall and Toussaint followed concerning other aspects of the development relevant to compliance with the Comprehensive Plan as it applies to the Town's subdivision and zoning regulations.

Discussion went on to address community-owned parks requirements of Subdivision Regulation Section 708 (d) and whether there would be sufficient benefit to the public of allowing the developer to have private, rather than public, community open space.

Mr. Weber then opened the floor for public comment concerning the application. Mr. Bobby Gore, of Easton Club East, shared his concern with the development of infrastructure lagging the development of new communities and concern for traffic along Dutchman's Lane. He also offered ideas for addressing his concerns. Mr. Branch Jones, resident of Easton Club East, expressed that the entrances proposed are not to state standards. Ms. Suzie Haywood, resident of Easton Club, shared her concern that a public park could require additional law enforcement to prevent illegal activities and would be a burden on community residents for the maintenance and park upkeep.

Mr. Van Emburgh, Town Engineer, noted that Easton Village currently has a 6-acre park open to the public, maintained by the Easton Village homeowner's association. Ms. Van Emburgh, Town counsel, noted that police are required to investigate crime regardless of whether on public or private property.

Ms. McAndrews noted that the subdivision regulations allow open space for parks and recreational purposes to be privately owned and maintained and be a credit against the requirement for dedication of land "if the Commission concludes that it is in the interest of the public to do so."

Following questioning by Ms. McAndrews concerning what benefit the public would get from granting the applicant's request, the applicant proposed to make the following park areas open to the public and to have the areas maintained by the community, at the community's expense. The areas the applicant agreed to make open to the public are:

1. The triangular park (section 10)
2. Open land and trail on the western side of the property which connects to the multi-modal trail (sections 1 – 5)
3. Multi-modal trail along Dutchman's Lane (sections 19 and 20)
- 4.

Discussion continued concerning the application. Ms. VanEmburch noted that inclusionary zoning was not applicable to this application. She also provided guidance to the commissioners on what aspects of the proposed project were 'by right'.

Mr. Weber moved to approve the project and revised site plan and the applicant's use of community-owned open space as a credit for their park requirement conditioned upon the three park areas shown as section #10 (triangular park), sections #1 through #5 (open space and trail on western side of property), and sections #19 and #20 (the multi-modal trail) be

made available for public use and that those three areas of park space be owned and maintained by the homeowners association (the community).

Mr. Ryall seconded the motion. Mr. Ryall, Mr. Weber, and Ms. McAndrews voted in favor of the motion; Mr. Toussaint voted nay.

Discussion Item

Applicant:	Brendan S. Mullaney
Owner:	Lands of Lot 16, LLC and Mr. Thomas Cohee
Location:	28580 Marys Court
Nature of Request:	The Applicant formally requests an award for Growth Allocation for lots 16 & 20 in the Talbot Commerce Park project to reclassify Lot 20's 8.348 Acres+/- from RCA to IDA.

The Applicant formally requests an award for Growth Allocation for Lots 16 & 20 in the Talbot Commerce Park project to reclassify Lot 20's 8.348 Acres +/- from RCA to IDA.

Mr. Salinas defined a Growth Allocation Request from one land management designation to another, and how the 1985 Critical Area Law served with it's original allocation. Mr. Salinas also defined the application process for additional Growth Allocation acreage per the County code. The applicant Mr. Thomas Cohee currently has a designated RCA parcel and is requesting to change to an IDA parcel. The Commission discussed the timeline for the application review process- including a joint County Planning Commission and Town Planning Commission meeting where recommendations are made separately with applicable conditions. Mr. Tony Coopersmith discussed factors of the proposed IDAs. The Town will host a Joint Planning Meeting with the County on September 26 at 2pm.

Adjournment.

At 3:55 PM, upon motion by Mr. Toussaint and seconded by Ms. McAndrews and carried unanimously, the regularly scheduled meeting was adjourned.