

March 7, 2013



Talbot County Planning Commission

Final Decision Summary

Wednesday, January 2, 2013 at 9:00 a.m.

Bradley Meeting Room, Talbot County Courthouse

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

William Boicourt
Thomas Hughes
Michael Sullivan
John Trax
Paul Spies

Staff:

Sandy Coyman, Planning Officer
Mary Kay Verdery, Assistant Planning Officer
Brett Ewing, Planner I
Elisa Deflaux, Environmental Planner
Carole Sellman, Recording Secretary

- 1 **1. Call to Order**—Commissioner Boicourt called the meeting to order at 9:00 a.m.
2 Commissioner Spies arrived at 9:10 a.m.
3
- 4 **2. Election of Officers**—Commissioner Boicourt recommended instituting the proposed
5 bylaw change to limit the Commission’s officers term of office to three consecutive
6 terms. The Commission concurred.
7
8 Given the term limit policy, Commissioner Boicourt announced he would not accept his
9 nomination for Chairmanship and opened the floor to nominations. Commissioner Trax
10 nominated Commissioner Hughes and Commissioner Sullivan seconded the motion. A
11 written ballot was taken and the vote was unanimous in favor of Commissioner Hughes
12 for Chairman.
13
14 Commissioner Hughes nominated Commissioner Boicourt for Vice Chairman, and
15 Commissioner Boicourt accepted, Commissioner Spies seconded the motion. A written
16 ballot was taken and the vote was unanimous in favor of Commissioner Boicourt for Vice
17 Chairman.
18
- 19 **3. Decision Summary Review**—December 5, 2012—The Commission noted the
20 following corrections to the draft summary:
21 a. Line 129, Critical Area Commission does not object to the administrative variance
22 request
23 b. Line 160, Commissioner Hughes also stated his concerns regarding the selective
24 enforcement of overnight recreational vehicle parking
25 c. Line 161, Commissioner Boicourt asked for comments from the public to be
26 included:
27 Allen I. Silverstein, Talbot County Chamber of Commerce stated that this
28 type of project would be good for the County’s economy. He expressed
29 his support of the petition.

30
31 Ruth Anne MotorCross Association – 90% riders have motorhomes, self
32 contained; many stay in hotels, bring money and revenue to county. The
33 Association events bring approximately 400 riders and their families to
34 their events. It is a family oriented program. Most riders are looking for
35 tracks. They would like to come and support community and bring
36 families. She stated that most tracks use port-a-potties.

37
38 Tristan Price, whose son participates, stated that these events are a clean,
39 safe environment and it is a great family oriented atmosphere.

40
41 Chuck Payne stated he and his father are trying to get a good place to ride.
42 They have a deep passion for the sport and want it to be safe and want to
43 support the host community. They feel the track is good for economy and
44 local business. The sport is getting bigger every year.

45
46 Bruce Bradley stated he has experienced many tracks and recommended
47 permitting overnight camping as it enables greater parental supervision
48 and increased safety with a day of practice. Motocross racing is family
49 oriented.

50
51 Brett Spellbring felt the track supported family events, gives kids
52 something to do. He noted other advantages as family orientation, revenue
53 to local businesses. He expressed his support the proposed track
54 expansion.

- 55
56 d. Line 244, Should be labeled “h”.

57
58 Commissioner Boicourt moved to accept the Planning Commission Decision
59 Summary for December 5, 2012 as amended; Commissioner Sullivan seconded.
60 The motion carried unanimously.

61
62 **4. Old Business**—None was brought before the Commission.

63
64 **5. New Business**

- 65
66 a. CPR Investments, LLC c/o Bruce Cleland—1439 Chancellor Point Road, Trappe,
67 MD, (map 62, grid 22, parcel 52, lot 1, Zone AC), Fink, Whitten and Associates,
68 LLC, Agent.

69
70 Elizabeth Fink, Fink, Witten and Associates, appeared before the Commission,
71 along with Bruce Cleland, property owner and Christine Dayton, Architect, to
72 request an administrative variance to expand a legal nonconforming structure
73 located in the 100 foot shoreline development buffer. The applicant proposes to
74 renovate an existing enclosed and conditioned sunroom, add an entry stoop and
75 expand the existing deck with pervious deck across the rear and northern end of

76 dwelling. The proposed conversions and expansions comply with lot coverage
77 and will be located no closer to MHW than the existing dwelling which is 60.7
78 feet from MHW.

79
80 The Planning Office staff recommendation included compliance with the
81 following conditions:

- 82
- 83 1. The applicant shall make an application to and follow all of the rules,
84 procedures, and construction timelines as outlined by the Department of
85 Permits and Inspections regarding new construction.
 - 86 2. The applicant shall commence construction on the proposed improvements
87 within eighteen (18) months from the date of the Planning Office’s “Notice to
88 Proceed”.
 - 89 3. Natural vegetation of an area three times the extent of the additional
90 disturbance allowed shall be created in the buffer or on the property if
91 planting in the Buffer cannot be reasonably accomplished. A Critical Area
92 Buffer Management Plan application may be obtained at the Planning Office.
 - 93 4. The applicant shall build the deck to meet the Maryland Chesapeake Bay
94 Critical Areas Commission’s standards for pervious decks as follows:
95 a. Install decking with a minimum of ¼” spacing between the decking
96 strips;
97 b. Install approved native plants around the perimeter of the deck to
98 minimize runoff.
99

100 Commissioner Boicourt moved to recommend approval to the Planning Officer of
101 the Administrative Variance for CPR Investments, LLC, 1439 Chancellor Point
102 Road, Trappe, Maryland, with staff conditions, seconded by Commissioner Trax.
103 Positive recommendation was a unanimous vote.

- 104
- 105 b. Reed Cove Syndicate-McCauley Residence—6796 Bozman Neavitt Road,
106 Bozman, MD (map 39, grid 14, parcel 99, Zone AC), Ryan D. Showalter, Miles
107 and Stockbridge, P.C. and Lars Erickson, East Bay Construction Services, LLC,
108 Agents.

109
110 Mr. Ewing presented the applicant’s request for an administrative variance to
111 expand a legal nonconforming structure located in the 100 foot shoreline
112 development buffer. The applicant proposes a:

- 113 1. 66 square foot master bath and closet addition,
- 114 2. wooden HVAC landing,
- 115 3. 120 square foot front porch and step expansion,
- 116 4. 30 square foot rear landing and step conversion,
- 117 5. 10 square foot chimney addition,
- 118 6. 324 square foot three season porch and deck connector expansion,
- 119 7. three new front dormers and
- 120 8. relocate frame shed to lessen the extent of the nonconformity in the
121 buffer.

122 The proposed conversions and expansions comply with lot coverage and will be
123 located no closer to MHW than the existing dwelling at 59.1 feet.

124
125 Demetrious Kaouris, Attorney, Miles and Stockbridge and Frank McCauley,
126 property owner, appeared before the Commission on behalf of Reed Cove
127 Syndicate.

128
129 Mr. Kaouris stated that the application was straight forward and increase was
130 under 20%, adding only 8 square feet, and under 15% lot coverage. There were no
131 questions from Commission and no comments from the public.

132
133 The Planning Office staff recommendation included compliance with the
134 following conditions:

- 135
136 1. The applicant shall make an application to and follow all of the rules,
137 procedures, and construction timelines as outlined by the Department of
138 Permits and Inspections regarding new construction.
- 139 2. The applicant shall commence construction on the proposed improvements
140 within eighteen (18) months from the date of the Planning Office’s “Notice
141 to Proceed”.
- 142 3. Natural vegetation three times the extent of the disturbance approved in the
143 buffer shall be planted in the buffer or on the property if planting in the
144 Buffer cannot be reasonably accomplished. A Critical Area Buffer
145 Management Plan application may be obtained at the Planning Office.
- 146 4. The applicant shall build the HVAC landing and deck connector from three
147 season porch to meet the Maryland Chesapeake Bay Critical Areas
148 Commission’s standards for pervious decks as follows:
 - 149 a. Install decking with a minimum of ¼” spacing between the decking
150 strips;
 - 151 b. Install approved native plants around the perimeter of the deck to
152 minimize runoff.

153
154 Commissioner Trax moved to recommend approval to the Planning Officer for
155 the Administrative Variance for Reed Cove Syndicate—McCauley Residence,
156 6796 Bozman Neavitt Road, Bozman, Maryland, with staff conditions,
157 Commissioner Spies seconded the motion. A positive recommendation received
158 an unanimous vote.

- 159
160 c. Floodplain Management Ordinance from Environmental Resources Management
161 (ERM)—Mary Kay Verdery, Assistant Planning Officer, lead the discussion of
162 the Floodplain Management Ordinance. The Commission determined that this
163 ordinance’s definitions should be made as consistent as possible with the zoning
164 codes. Commissioner Boicourt suggested inserting a preamble prior to the
165 definitions stating that they apply solely to the Flood Plain Ordinance and that
166 they were consistent with state regulations.

168 Commissioner Hughes asked staff to research and clarify the definitions for
169 *historic structures vs. historic resources* and *modular vs. manufactured home*.

170
171 Jeff Hubbard, Lane Engineering stated the *lowest floor* definition needs
172 clarification.

173
174 Ms. Verdery displayed examples of the new maps and explained the new maps
175 are based on the best available information. They are digital maps, which can be
176 viewed on the internet. She reviewed the map appeal process both before and after
177 the new maps are adopted.

178
179 Commissioner Hughes questioned whether Section 70-6.b was incorporated as
180 law? Ms. Verdery explained that this section refers to a technical bulletin, which
181 provides important supplementary information. FEMA provides several such
182 documents to aid land owners and program enforcement to better understand the
183 intent and ways to achieve the technical aspects of flood regulations.

184
185 The Commission determined to continue the public hearing to January 9, 5:30
186 p.m.

- 187
188 d. Talbot County Planning and Permits—Logging Policy Recommendation to
189 County Council—Sandy Coyman, Planning Officer, presented to the staff
190 summary of the Commission’s recommendations for forest harvest policy agreed
191 to at the December 5, 2012 Commission meeting for action by the Commission
192 (see attached draft recommendations dated December 30, 2012).

193
194 Commissioner Trax moved to approve the recommendation to the County Council
195 with the following revisions:

- 196 i) Page 1, Item 1., strike *develop* and add “budget for the
197 development”;
198 ii) Item 1.b., strike *and* at the end of the sentence;
199 iii) Item 1.c. add “and” at the end of the sentence
200 iv) Page 2, strike the entire first sentence;
201 v) Strike the word *However* of the second sentence and begin the
202 sentence with “The”;
203 vi) At the end of the paragraph strike *gained* and add “obtained”.

204 Commissioner Sullivan seconded the motion. All were in favor.

205
206 **6. Discussions Items**

- 207 a. Temporary Use Certificate Regulations—currently Talbot County requires
208 temporary use certificates for outdoor activities such as weddings, sales events at
209 a commercial business, marathons. Some community stakeholders suggest current
210 regulations do not provide enough guidance for which activities are regulated.
211 Staff agrees and suggests that recommendations for new verbiage be developed.
212 The Commission concurred.

213

214 Commissioner Hughes noted that overnight parking of recreational vehicles
215 should be addressed. Commissioner Spies suggested the County regulate their
216 maximum length of stay.
217

218 **7. Staff Matters**

219 **8. WorkSessions**

220 **9. Commission Matters**

221 The Commission noted that there will be a continuation of Planning Commission
222 meeting and Worksessions with the County Council on Floodplain Ordinance and
223 maps and the new hospital's Developers' Rights and Responsibilities Agreement
224 (DRRA) at 5:30 p.m. January 9, 2013.
225

226 Commissioner Sullivan, Commissioner Hughes, Mr. Fitzer and Mr. Walsh will
227 participate in a Village Center workshop on January 8th at 3:30 p.m.
228

229 **10. Adjournment**—Commissioner Hughes adjourned the meeting at 10:30 a.m.