



Talbot County Planning Commission
Final Decision Summary
Wednesday, January 4, 2023 at 9:00 a.m.
Bradley Meeting Room
11 N. Washington Street, Easton

Archived audio of the meeting is available at:

[Talbot County Meeting Videos - Talbot County, Maryland](https://www.talbotcountymd.gov/Meeting-Videos)
(talbotcountymd.gov)

Attendance:

Commission Members:

Phillip “Chip” Councill, Chairman
Michael Strannahan, Vice Chairman
William Boicourt
Paul Spies
James Corson

Staff:

Brennan Tarleton, Planning Officer
Elisa Deflaux, Planner II
Bryce Yelton, Planner II
Andy Meehan, Commission Attorney
Mike Mertaugh, Assistant County Engineer

1. Call to Order—Commissioner Councill called the meeting to order at 9:00 am.

2. Election of Officers

Commissioner Boicourt nominated Commissioner Councill for Chairman. Commissioner Strannahan seconded the motion. Mr. Tarleton stated the result of the written votes was unanimous for Commissioner Councill (4-0).

Commissioner Boicourt nominated Commissioner Strannahan for Vice Chairman. Commissioner Spies seconded the motion. Mr. Tarleton stated the result of the written votes was unanimous for Commissioner Councill (4-0).

3. Decision Summary Review

a. December 7, 2022—The Commission noted the following corrections to the draft decision summary:

- Line 65; correct Vote 3-0-2

Commissioner Spies moved to approve the December 7, 2022 as amended. Commissioner Boicourt seconded the motion.

Vote 5-0

53 **FOR:** **5- Councill, Boicourt, Spies, Strannahan, Corson**
54 **AGAINST:** **0**
55 **ABSTAIN:** **0**
56 **ABSENT:** **0**

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58 **4. Old Business**

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60 **a. Applicant:** **Marc Duffy**
61 **File No:** SP636
62 **Agent:** Chris Waters, Davis Bowen and Friedel
63 **Request:** Major Site Plan—Construction of driveway and equipment to
64 support the operation of an aquaculture oyster farm
65 Waiver – Alternate Landscape Plan
66 **Location:** 8311 Diamondback Cove Rd, Easton, MD 21601
67 Tax Map 33, Grid 08, Parcel 081
68 **Zoning:** RC/CAO

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70 The applicant is seeking Planning Commission approval of a Major Site Plan to occupy
71 3,158 square feet of total permanent disturbance area, both inside and outside of the 200
72 foot shoreline development buffer (Buffer) to install a 6’ wide cart path, two (2) 10’ x 10’
73 setting tanks, a 5’ x 5’ pump house, and a 3’ x 20’ nursery to operate an oyster
74 aquaculture operation

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76 **Staff Presentation:**
77 Elisa Deflaux, Planner II

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79 **Applicant Presentation:**
80 Chris Waters, Davis Bowen and Friedel

81

82 **Public Comment:**
83 Chris Drummond
84 Michael Borner
85 Wayne and Jody Shaner
86 Alec and Valerie Taliaferro
87 Christopher Brown
88 Brian Thompson

89

90 **Commissioner Boicourt moved to go into closed session at 9:30 am. Commissioner**
91 **Strannahan seconded the motion.**

92

93 **Vote 5-0**
94 **FOR:** **5- Councill, Boicourt, Spies, Strannahan, Corson**
95 **AGAINST:** **0**
96 **ABSTAIN:** **0**
97 **ABSENT:** **0**

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99 Meeting returned to open session at 10:00 am.

100
101 Commissioner Spies moved to continue the Major Site Plan application for Marc
102 Duffy to the February 1, 2023 Planning Commission meeting. Commissioner
103 Boicourt seconded the motion.

104
105 Vote 5-0
106 FOR: 5- Councill, Boicourt, Spies, Strannahan, Corson
107 AGAINST: 0
108 ABSTAIN: 0
109 ABSENT: 0

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111 b. Applicant: Ryan Showalter, Mc Allister, DeTar, Showalter and Walker,
112 LLC
113 File No.: TEXT-3
114 Request: A Bill to amend the Talbot County Code Sections 190-15 “Critical
115 Area Overlay District”, 190-31 “Marine Uses, 190-33 “Accessory
116 uses”, 190-50 “Nonconforming structures”, 190-58.2 “Minor
117 Variances” and 190-78 “Terms defined” regarding erosions control
118 measures, piers and riparian structures.

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120 Staff Presentation:
121 Brennan Tarleton, Planning Officer

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123 Applicant Presentation:
124 Ryan Showalter, McAllister, Detar Showalter & Walker

125
126 Public Comment: None

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128 Commissioner Boicourt moved that the Planning Commission make a favorable
129 recommendation to the County Council for approval of the Text Amendment
130 TEXT-3 subject to staff conditions. Commissioner Corson seconded the motion.

131
132 Vote 5-0
133 FOR: 5- Councill, Boicourt, Spies, Strannahan, Corson
134 AGAINST: 0
135 ABSTAIN: 0
136 ABSENT: 0

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138 5. New Business

- 139
140 a. Applicant: Top of the Bay
141 Agent: Elizabeth Fink, Fink, Whitten & Associates
142 File No.: SPEX-22-5
143 Request: Special exception for the use associated with a commercial kennel
144 operation, specifically the construction of a new outdoor kennel
145 pavilion with attached breezeway.

146 **Location:** 6026 Ocean Gateway, Trappe, Maryland 21673
147 Tax Map 48, Grid 5, Parcel 113
148 **Zoning:** AC
149

150 The applicant is seeking a recommendation to the Board of Appeals for a Special Exception
151 for an expansion of the existing commercial kennel operation on property located at 6026
152 Ocean Gateway in Trappe, Maryland. Specifically, the applicant's special exception
153 request is for the approval to construct an outdoor kennel pavilion with attached breezeway.
154 The kennel pavilion is 2,970 square feet in area, and will be constructed as an open sided
155 pole building structure with sound attenuation panels. The pavilion will be attached to the
156 main kennel / office building with a covered breezeway of 319 square feet. The applicant
157 is also proposing a stockade fence adjacent to the pavilion on the west side. Staff
158 recommends the following conditions:
159

- 160 1. The applicant shall take all of the required steps and acquire all necessary approvals,
161 including any additional waivers necessary, required for a Site Plan and Landscaping
162 Plan as spelled out in the Talbot County Code.
163
- 164 2. The applicants will need to obtain a variance of the 200-foot supplemental setback for
165 commercial kennels.
166
- 167 3. The applicant shall make an application to the Office of Permits and Inspections, and
168 follow all rules, procedures, and construction timelines as outlined regarding new
169 construction.
170

171 **Staff Presentation:**
172 Elisa Deflaux, Planner II
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174 **Applicant Presentation:**
175 Elizabeth Fink, Fink, Whitten & Associates
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177 **Public Comment:** None
178

179 **Commissioner Spies moved that the Planning Commission make a favorable**
180 **recommendation to the Board of Appeals for approval of the Special Exception**
181 **SPEX-22-5 for Top of the Bay Pet Lodge. Located at 6026 Ocean Gateway in**
182 **Trappe, Maryland 21673; subject to staff conditions. Commissioner Boicourt**
183 **seconded the motion.**
184

185 **Vote 5-0**
186 **FOR: 5- Councill, Boicourt, Spies, Strannahan, Corson**
187 **AGAINST: 0**
188 **ABSTAIN: 0**
189 **ABSENT: 0**
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191 **b. Applicant: Top of the Bay**

192 **Agent:** Elizabeth Fink, Fink, Whitten & Associates
193 **File No.:** **SP-22-4**
194 **Request:** Major Site Plan to construct a new outdoor kennel
195 pavilion and attached breezeway.
196 Waiver **WAV-22-10** Landscaping and Parking
197 **Location:** 6026 Ocean Gateway, Trappe, Maryland 21673
198 Tax Map 48, Grid 5, Parcel 113
199 **Zoning:** AC

201 Applicant is seeking approval of a Major Site Plan for an expansion of the existing
202 commercial kennel operation on property located at 6026 Ocean Gateway in Trappe,
203 Maryland. Specifically, the applicant's proposed plans include the construction of an
204 outdoor kennel pavilion with attached breezeway. The kennel pavilion is 2,970 square
205 feet in area, and will be constructed as an open sided pole building structure with sound
206 attenuation panels. The pavilion will be attached to the main kennel / office building with
207 a covered breezeway of 319 square feet. Staff recommends the following conditions:
208

- 209 1. The applicant shall take all of the required steps and acquire all necessary approvals,
210 including any additional waivers necessary, required for a Site Plan and Landscaping
211 Plan as spelled out in the Talbot County Code.
212
- 213 2. The applicants will need to obtain a variance of the 200-foot supplemental setback for
214 commercial kennels.
215
- 216 3. The applicant shall make an application to the Office of Permits and Inspections, and
217 follow all rules, procedures, and construction timelines as outlined regarding new
218 construction.
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220 **Staff Presentation:**
221 Elisa Deflaux, Planner II
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223 **Applicant Presentation:**
224 Elizabeth Fink, Fink, Whitten & Associates
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226 **Public Comment:** None
227

228 **Commissioner Spies moved that the Planning Commission approve the Major Site**
229 **Plan SP-22-4 for Top of the Bay Pet Lodge. Located at 6026 Ocean Gateway in**
230 **Trappe, Maryland 21673; subject to staff conditions. Commissioner Strannahan**
231 **seconded the motion.**
232

233 **Vote 5-0**
234 **FOR: 5- Councill, Boicourt, Spies, Strannahan, Corson**
235 **AGAINST: 0**
236 **ABSTAIN: 0**
237 **ABSENT: 0**

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- c. Applicant:** Tyler S Carr
- Agent:** Elizabeth Fink, Fink, Whitten & Associates
- File No.:** REV-22-18
- Request:** Major Revision Plat- Revise lot lines on Lot 1, 2 and 3. Abandon private rd. right-of-way, “Winterbottom Lane”
- Location:** 22973 Twin Pines Rd, Bozman MD 21612
Tax Map 31, Grid 15, Parcel 93; Lot 1,2 and 3
- Zoning:** VH

The applicant is requesting Major Revision Plat – Sketch Plan approval for the purpose of reconfiguring 3 existing lots of record as well as abandoning a private road right-of way recorded and identified as “Winterbottom Lane”. Staff recommends the following conditions:

1. The applicant shall take all of the required steps and acquire all necessary approvals, including any waivers, required for a Major Revision Plat as spelled out in the *Talbot County Code*
2. The applicant shall comply with and address all outstanding issues and TAC comments from December 13, 2022 meeting.

Staff Presentation:
Elisa Deflaux, Planner II

Applicant Presentation:
Elizabeth Fink, Fink, Whitten & Associates

Public Comment: None

Commissioner Strannahan moved that the Planning Commission approve the Major Revision Plat for Tyler Carr. Located at 22973 Twin Pines Rd, Bozman MD 21612; subject to staff conditions. Commissioner Corson seconded the motion.

Vote	5-0
FOR:	5- Councill, Boicourt, Spies, Strannahan, Corson
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- d. Applicant:** Robert Wheatley Jr.
- Agent:** N/A
- File No.:** MCAV-22-10
- Request:** Minor Variance- Replacement of pool and deck
- Location:** 7835 Woodland Circle, Easton, MD 21601
Tax Map 34, Grid 14, Parcel 283; Lots: 42
- Zoning:** RR

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The applicant is seeking Planning Commission recommendation of approval for a Minor Variance of the 100’ Shoreline Development Buffer (Buffer) to reconstruct and relocate a pool, pool deck, outdoor shower, and pool house. The location of the proposed addition is approximately 79 feet from the MHWL at its closest point. The applicant is reducing the total existing lot coverage of 1,799 square feet by 564 square feet with the proposed pool deck being pervious decking on three sides bringing the actual new net lot coverage to 1,235 square feet. Staff recommends the following conditions:

1. The applicant shall amend the plans to shift the proposed pools location so that it encroaches no further than the existing pool at 89’-2” from the MHWL.
2. The applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.
3. The applicant shall comply with and address all Critical Area comments and standards, including the completion of a Buffer Management Plan that complies with requirements of the Critical Area law.
4. The applicant shall commence construction of the proposed improvements within eighteen (18) months from the date of the Planning Office’s “Notice to Proceed”.

Staff Presentation:
Bryce Yelton, Planner II

Applicant Presentation:
Robert Wheatley Jr.

Public Comment: None

Commissioner Strannahan moved that the Planning Commission recommend approval of Minor Variance # MCAV-22-10 for Robert Wheatley Jr., located at 7835 Woodland Circle, Easton, MD 21601; subject to staff conditions.

Commissioner Boicourt seconded the motion.

Vote	5-0
FOR:	5- Councill, Boicourt, Spies, Strannahan, Corson
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

e. Applicant: Nagel Farm Service II
Agent: Sean Callahan, Lane Engineering
File No.: SP-22-10
Request: Major Site Plan

330 Associated Waivers
331 **Location:** 14209 Old Wye Mills Rd, Wye Mills, MD 21679
332 Tax Map 1, Grid 10, Parcel 7.
333 **Zoning:** VH
334

335 The applicant is seeking Planning Commission approval of a Major Site Plan to construct
336 one 134ft. 2 ¾ inches tall by 105 feet in diameter grain storage tank and a 60' x 100'
337 shop/shed building with gravel access drives. The applicant is also seeking an “after the
338 fact” approval for an existing 115.5 ft. tall x 90 feet in diameter grain storage tank and the
339 4.96-acre temporary grain storage area. The improvements are to provide supplemental
340 grain storage and accessory support structures for the existing *Grain Processing, Drying,*
341 *and Storage (wholesale commercial)* use, in the VH (Village Hamlet) zoning district.
342 Staff recommends the following conditions:
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- 344 1. The applicant shall take all of the required steps and acquire all necessary approvals,
345 including any additional waivers necessary, required for a Site Plan and Landscaping
346 Plan as spelled out in the Talbot County Code
347
- 348 2. The applicant shall obtain a height variance and a special exception for the proposed
349 grain storage tanks and proposed shop building from the Board of Appeals.
350
- 351 3. The applicant shall make an application to the Office of Permits and Inspections, and
352 follow all rules, procedures, and construction timelines as outlined regarding new
353 construction.
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- 355 4. The applicant shall address and comply with the design standards listed under § 190-
356 10.4.C.7. as part of the site plan process.

357 **Staff Presentation:**
358 Elisa Deflaux, Planner II
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360 **Applicant Presentation:**
361 Sean Callahan, Lane Engineering
362 Chip Nagel, Nagel Farms
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364 **Public Comment:** None
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366 **Commissioner Spies moved that the Planning Commission approve Major Site Plan**
367 **#SP-22-10 and associated waivers for Nagel Farms Service II, located at 14209 Old**
368 **Wye Mills, MD 21679; subject to staff conditions. Commissioner Boicourt seconded**
369 **the motion.**
370

371 **Vote** **5-0**
372 **FOR:** **5- Councill, Boicourt, Spies, Strannahan, Corson**
373 **AGAINST:** **0**
374 **ABSTAIN:** **0**
375 **ABSENT:** **0**

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5. Discussion Items

6. Staff Matters

7. Work Sessions

- a. Possible Joint work session with the Public Works Advisory Board in February. Staff to update the Planning Commission.

8. Commission Matters

- a. Commissioner Strannahan will not be in attendance the February Planning Commission meeting.
- b. Commissioners decided to postpone SP636 Marc Duffy application until the March 2023 meeting for the purpose of having all five Planning Commission members present for continued testimony and consideration of this application. The postponement will be reflected on the February 2023 Planning Commission agenda.

9. Adjournment– Commissioner Councill adjourned the meeting at 1:40 pm.