



MINUTES OF THE
November 15, 2018 Meeting of the
Town of Easton Planning & Zoning Commission

Members Present: Richard Tettelbaum - Chairman, Don Cochran – Vice Chairman, Paul Weber, Talbot Bone and Jennifer Dindinger - Alternate

Members Absent: Vicky McAndrews

Staff Present: Lynn Thomas - Town Planner, Sierra Crist - Current Planner/GIS Analyst, Sharon VanEmburch - Town Attorney, Rick VanEmburch - Town Engineer, Katie Reedy – Assistant Town Engineer

Approval of Minutes

Upon Motion of Mr. Cochran and seconded by Mr. Bone, the Commission voted 5-0 to approve the 2018-10-18 meeting minutes as submitted with modifications submitted by Mr. Tettelbaum.

9231 Centreville Road

Jason Lee / Jeffery Thompson

1:00 PM

Jason Lee, Jeffery Thompson and Keith Andrews were present on behalf of the application.

Mr. Thompson explained that Mr. Lee is the owner of the property and currently operates an IT services business from a garage on his property. Mr. Lee is looking to expand the building for more work space for computer repairs. Mr. Lee is requesting 720 square foot addition to the existing structure which qualifies the use of the property to an office in a residential zone. Mr. Thompson explained the use is permitted by special exception and that they have previously received special exception approval from the Board of Zoning Appeals where one condition of the approval is contingent on the Planning Commissions review and approval a site plan. Mr. Cochran asked what is use of storage area for existing building. Mr. Lee responded with an explanation of his business and that the existing space will be used for the administrative office side of the business.

Mr. Thomas commented on this process to explain the reason behind the office use in a residential zone requiring a special exception and Planning Commission site plan approval. Mr. Thomas added that the use of an office in a residential zoning district was added to the Zoning Ordinance roughly six to eight years ago as a way to try and encourage a little more mixed use in our

communities but that as a safeguard for this use, it is permitted only by special exception with the condition of Planning Commissions site plan review.

Mr. Andrews addressed the plans which show a 60-foot roof top disconnect through the grass in the backyard. Mr. Cochran asked Mr. Andrews to explain the 60-foot roof top disconnect. Mr. Andrews responded that a 60-foot roof top disconnect is a best management practice that allows for water to drain off roof top and that the 60 foot is number used for amount of travel that the sheet flow travels before it percolates into the ground.

Mr. Andrews added that the Engineering Department had provided comments with a questions about the topography. Mr. Andrews stated that before the meeting, he went out to the property to survey a few more shots and did find areas that would make it difficult for the 60 foot disconnect to work and may create ponding in the yard. Mr. Andrews confirmed that there is not an appropriate amount of slope away from the building to move the water. Mr. Andrews discussed a revised plan which would include rain barrels and planter boxes. Mr. Cochran asked if Engineering Department had time to review the revised plan. Mr. Van Emburgh responded that he has not had time to review the plan fully but that planter boxes are appropriate in concept for this type of project and does feel comfortable with what they have proposed conceptually.

Ms. Dindinger asked about the maintenance of planter box and any required inspections. Mr. Van Emburgh responded there are legal agreements that are standard whether it is rain garden, planter box or pond and there are maintenance agreements that property owners are required to sign. Mr. Van Emburgh added that inspections are required every three years.

Mr. Weber asked questions concerning set back and boundary planning behind garage. Mr. Thomas stated there is flexibility in the ordinance which permits structures that be expanded given they do not exceed an existing plane.

Upon Motion of Mr. Weber and seconded by Mr. Cochran, the Commission voted 5-0 to approve the request.

210 Marlboro Avenue – Easton Cinema

Jake Laureska and Brian Fitzgerald

1:27 PM

Jake Laureska and Brian Fitzgerald were present on behalf of the application.

Mr. Tettelbaum recused himself from this item.

Mr. Thomas explained that all shopping centers regardless of when they were approved and by what process they were approved, are today considered PUD and that any change to an approved PUD is a PUD amendment. The ordinance has examples of what is considered a material or significant amendment to a PUD and the process prescribed for that which is the same as a brand new one (i.e., Planning Commission Review and Town Council hearing and vote). It describes what is a non-material or insignificant change which can be handled administratively and that any change to the gross floor area is considered a material change. Mr. Thomas added that the

Commission has drafted language that has not been adopted yet which will allow minimum increase of square foot to be reviewed administratively. Mr. Thomas has suggested a third option which is treated administratively but rather than just have staff approval, it would also require the Planning Commission to review and approve the change is an option.

Mr. Laureska showed and explained the existing conditions plan and that Triton Cinema, the tenant, wants to expand and improve the theater. They would rather renovate because of the expense rather than build a new cinema. They would like to expand from four to six theaters and improve the amenities (i.e., bathroom facilities and concessions). Improvements to back end will allow bigger screens and better handicap accessibility. Other various improvements would be new lobby to front, utility space and maybe a bar.

Mr. Laureska explained the site plan shows net increase of 440 sq. ft. Mr. Weber asked is there a second floor. Mr. Laureska answered it is a projector room which they are leaving in place.

Ms. Dindinger asked what the area of disturbance is and who will review the stormwater management. Ms. Crist responded .248 acres is listed as the area of disturbance. Mr. Van Emburgh responded that the Engineering Department will review the stormwater management.

Mr. Cochran asked to explain the changes in parking. Mr. Laureska responded that even though the theater is changing from four to six theaters, the occupancy count is going down which is a reduction in the number of required parking stalls.

Mr. Bone asked if the Town is required to remove impervious surface by MDE in reference to the MS4 permit. Mr. Van Emburgh explained that the Town's MS4 permit requires the Town to either remove or treat 20 percent of the impervious area in the Town of Easton. Engineering Department is working to set up program and just started this month into our five year planning period. Mr. Van Emburgh continued that if there is an opportunity to remove pavement and imperious areas, the Town would encourage those options but are not required.

Mr. Bone stated that he recommends requiring the removal of 19 parking spaces from this PUD. Ms. Crist responded that it is shared parking so even though the change is being shown for the cinema it is also relevant to all other units in that shopping center. Mr. Van Emburgh asked the applicants if they can reduce any parking. Mr. Laureska responded they have not considered at this point since the impact on this site is extremely minimal. Mr. Van Emburgh responded that if they have provided stormwater management practices to address this.

Upon Motion of Mr. Weber and seconded by Mr. Bone, the Commission voted 5-0 to approve. The discussion of 201 Marlboro Avenue concluded at 1:49 PM.

Staff Item: Zoning Amendments

1:50 PM

Mr. Thomas spoke concerning the Comprehensive Update of the Zoning Ordinance. We have a major project to update the zoning ordinance. Mr. Thomas does not think it will be a huge or drastic

rewrite. There needs to be significant changes to the PUD article. Other significant areas are: 1) how to increase residential density downtown and 2) the possibility of another new zoning district at intersection Port Street and Easton Parkway where someone has proposed something that cannot be permitted under the current R-7A zone nor any zoning we have. We may need another zoning between downtown and waterfront. Lastly, present a package of amendments to the zoning ordinance that are of a general housekeeping nature, procedural problems we have found, etc. Mr. Thomas purpose for the sending memo was: a) to bring to the Commission's attention; b) to talk about to begin this task and c) to determine whether the Commission wants to entertain the annual package of amendments.

The Commission and staff discussed the likely scope and magnitude of this task. Mrs. Van Emburgh said wait until MXW is completed and them comprehensive move around February. Mr. Weber asked if Mr. Thomas could put the list together starting in February. Mr. Tettlebaum suggest that PUD to be at the top of list to address.

MXW

Mr. Cochran asked about the budget item deadline for June to spend money, relative to updating the Town's Design Guidelines. Mr. Thomas said budget is July 1 through June 30. Mr. Weber asked how much is in the budget. Mr. Thomas said the budget is approximately \$40,000. Mr. Tettlebaum indicated that there may be some competing money expenditure demands. Mr. Cochran asked are there any upcoming dates for Commission meetings. Mr. Thomas responded the Public Hearing is set for December 5th. The County's next Planning Commission meeting at 9:00 AM at Courthouse where County Council meets, also on December 5th. Mrs. Van Emburgh and Mr. Thomas will be meeting planning staff and Planning Commission members at November 28th at 10:00 AM planning office on Bay Street. Mr. Bone and Mr. Tettlebaum will attend.

ADJOURNMENT

There being no further business the meeting was adjourned at 2:35 p.m. by motion of Mr. Cochran seconded by Mr. Bone.

The Commission will meet again at their next regularly scheduled meeting on Thursday, December 20, 2018 at 1:00 PM.