

Denton Planning Commission

Minutes

Town of Denton

May 29, 2012

Planning Commission Members:

Doris Walls, Chairperson*
William Quick*
Sue Cruickshank**
Marina Dowdall*
Matt Breedlove**
Brian Tyler*

* Those Present
** Excused

Visitors:

Bob Jarrell
Peter Johnston
Christina Chandler

Don Mulrine, Town Administrator
Daniel Foster
Mark Chandler

Recording:

Thomas Batchelor, Acting Planning Director

For the purposes of clarity the Minutes have been edited for brevity.

PROCEEDINGS

Call to Order:

The regular meeting was called to order by Chairperson Walls at 6:00 p.m., on May 29, 2012, at the Denton Town Office and followed by the Pledge of Allegiance. New Business was reviewed first and Old Business #1 was reviewed last.

Approval of Minutes:

The April 24, 2012, minutes were approved unanimously as presented.

Old Business #1 – 2010 Comprehensive Plan, “Water Resources Element”:

Ms. Dowdall requested information on water as a resource, Tier II water, and clarification on water quality. Choptank River presently is water quality. Mr. Mulrine responded describing the relationship of the Water Improvement Plan (WIP). From the WIP program, the data suggests that the Choptank River is identified as poor quality in part due to agricultural runoff from the County and State highway Route 404 runoff that feeds into the tributaries.

The cost of the cleanup is approximately \$70 million for the County with \$1 million as a burden to Denton. Mr. Mulrine also indicated the Critical Area Buffer regulations restricts clean up of the water at the source: stormwater outfalls. The Town is currently in discussion with the Critical Area Commission regarding the restrictive regulation. Critical Area Commission is also working with the Town to amend the Critical Area Mitigation Plan for Sharp Road Park.

Mr. Mulrine also identified the Town’s effort on stormwater maintenance to improve water quality. The Town purchased new equipment to clean storm drains and increased efforts to sweep streets. Street sweeping cost impact is approximately \$10 thousand for tipping fees, since debris and waste are now cost additives at the Caroline County landfill. Street sweeping is a measure advocated in stormwater maintenance and improving water quality.

1 Sharp Road Park is planned for stormwater management features to improve water
2 quality, as well as, the area surrounding HAPs Building. The cost of the HAPs Building
3 mitigation is approximately \$200 thousand dollars.

4 Ms. Dowdall also inquired about improvement projects. As well as the HAPs Building
5 and Sharp Road, Gay Street improvements are planned in the future. State Highway
6 Administration (SHA) does not have funding at the time for the Gay Street stormwater
7 management improvements. Mr. Mulrine indicated that funding may be made available as part
8 of the WIP program.

9 Ms. Walls inquired on the status of the Wastewater Treatment Plant. Mr. Mulrine
10 indicated the new Enhanced Nutrient Removal (ENR) is performing better than expected. Some
11 punchlist work remains and a tour for the Commission is proposed in the near future. The ENR
12 energy usage is 1/3 higher. State officials that visited the plant indicated the data is exceptional
13 in nutrient removal.

14 Discussion on the number of septic systems. Mr. Mulrine indicated the most residential
15 growth occurred in the County. Ms. Walls asked if PlanMaryland is intended to promote growth
16 in the Towns. Mr. Mulrine responded the governor's plan is to remove septic systems by
17 promoting growth in the areas where infrastructure is available, a plan typical throughout the
18 U.S. and in Delaware since 2004.

19 Discussion occurred on the stormwater management system such as the type at Walmart.
20 Mr. Mulrine indicated the system is the largest in Maryland. Staff to provide photos of the
21 stormwater management system located in the parking lot of the new Walmart project. Mr.
22 Kehoe and Mr. Batchelor described the current practice to mitigate stormwater is to use Best
23 Management Practices (BMP's) such as roof gardens, rainbarrels, and bioretention facilities.

24 **Other Old Business – none.**

25 **New Business #1 – Highlander Development – Allston/Foster Rezoning Amendment:**

1 Daniel Foster, Bob Jarrell, and Peter Johnston made the presentation for the change in
2 zoning for property located at 10551 & 10591 Greensboro Road. Map 101/Parcel 1025 is zoned
3 Mixed Residential (MR) and Parcel 1026 is currently zoned Rural Agriculture and is requesting
4 the zoning to be changed to Regional Highway Commercial.

5 Mr. Jarrell and Mr. Foster provided descriptions of the property and history of the
6 project. Mr. Foster indicated no intention of any construction at this time or in near future, and
7 no intention of constructing housing.

8 Peter Johnston provided the Planning Commission with written findings of facts to
9 substantiate the criteria outlined in Article 66B for zoning map amendments. The discussion
10 emphasized the mistake vs. change in the neighborhood and decline in the housing market. Mr.
11 Johnston referred to several statements in the 2010 Comprehensive Plan regarding economic
12 growth, emphasizing commercial growth, as a request to revise the underlying zoning and
13 overlay zoning. Mr. Johnston also asked the Planning Commission to consider the change in
14 policy of the Town Council and Comprehensive Plan supporting commercial growth as opposed
15 to residential growth.

16 **New Business #2:**

17 Mr. Batchelor requested comments from the Planning Commission on the sign code
18 regarding commercial centers. This request comes from a condition revealed by a sign review
19 for Shore Health System, located at 838 South 5th Avenue. The sign code limits the sign size in
20 commercial centers in Regional Highway Commercial (RHC) zoning districts creating a
21 potentially disadvantaged condition. Shore Health Systems' sign is unusually small and difficult
22 to read from South 5th Avenue. The Town Attorney indicated a text amendment may be
23 performed to the sign code relating to commercial centers to alleviate the condition. The
24 Commission requested a draft to review for the next meeting.

25 **Staff Item #1:**

1 Planning staff provided a CD copy to Commission members on the proposed Floodplain
2 Ordinance to be introduced at the June 7th Town Council Meeting. Planning Commission
3 members will have the opportunity to provide comments on the ordinance at the June 26th
4 meeting. The Commission was informed that the Maryland Department of the Environment
5 (MDE) was reviewing the draft and is provide comments. The proposed ordinance is the State
6 Model and subject to minimal revision.

7 SB236, Sustainable Growth and Agricultural Preservation Act of 2012, or “Septic Bill”
8 was discussed by the Town Administrator. From a recent planning conference, Maryland
9 Department of Planning (MDP) indicated the bill requires the designation of municipalities and
10 jurisdictions into public service, water and sewer, Tiers. Tier I are those areas already serviced
11 by public water and sewer, Tier II are those areas planned to be serviced, Tier 3 are those areas
12 of potential service in the future, Tier IV are those areas not to be serviced. There are no plans to
13 extend service to outside of the current Town borders.

14 December 2012 is the deadline for an ordinance or other legislative vehicle and mapping
15 for the designation of the Tiers in Denton to be submitted to MDP. MDP is scheduled to submit
16 reporting of the plans to the Governor in February 2013.

17 Coordination with the County is encouraged for future growth areas in accordance with
18 the Comprehensive Plan. The majority of the Town is mapped as Tier I or II. Staff will provide
19 a draft mapping of the Tier and make a request for MDP representatives to attend the next
20 meeting to provide additional information on the Septic Bill to the Commission. Staff will invite
21 the public and interested members of the Council.

22 House Bill 1290 Chapter 426, Land Use, was discussed. HB 1260 incorporates COMAR
23 Article 66B and Chapter 28 on Land Use into one document. This bill may impact code
24 references in future ordinances. This bill is available online a on the State’s website and printed
25 in the next several months.

1 Chairperson Walls indicated the next chapter, Chapter 6, Natural Resources and Sensitive
2 Areas, of the 2010 Comprehensive Plan will be discussed at the next meeting.

3 **Adjournment:**

4 The meeting adjourned at 7:21 p.m.