

Denton Planning Commission

Minutes

Town of Denton

November 25, 2014

Planning Commission Members:

Doris Walls, Chairperson*
William Quick*
Sue Cruickshank*
Marina Dowdall*
Matt Breedlove**
Dean Danielson*(Arrived at 6:09 p.m.)

* Those Present
** Excused
*** Absent

Visitors:

Don Mulrine, Jr.
Rebecca Faggio

Recording:

Thomas G. Wilkes, P.E., Town Engineer

1 PROCEEDINGS

2 **Call to Order:**

3 The regular meeting was called to order by Chairperson Walls at 6:04 p.m.,
4 on November 25, 2014, at the Denton Town Office and followed by the Pledge of Allegiance.

5 **Approval of Minutes:**

6 The October 28, 2014, minutes were reviewed. The minutes were changed per
7 Chairperson Walls to reflect the addresses for the properties on Page 4, line 2, Steven
8 Konopelski & Robert Griffith/119 Gay Street, and Page 4, line 15, Joe and Anthony
9 Amalfitano/800 Market Street. Chairperson Walls added to Page 2, Line 13, the application for
10 the request for rezoning has been withdrawn as of October 28, 2014, due to the absence of
11 representation for Superior Rentals, LLC, & Denton Sales & Rentals, LLC. The October 28,
12 2014, minutes were approved with the requested changes.

13 **Old Business #1 – Ordinance No. 663:** A resolution was prepared for the proposed text
14 amendment discussed at the October Meeting to amend the provisions contained in Chapter 128
15 of the Denton Town Code with respect to nonconforming uses and structures.

16 Commissioner Dowdall motioned to forward a positive recommendation for Ordinance
17 No. 663 as stated in the resolution.

18 Commissioner Cruickshank seconded the motion. The motion passed 4:0.

19 Commissioner Danielson arrived late and abstained from the vote.

20 **Old Business #2 – Arts & Entertainment District Expansion:** Commissioner Dowdall
21 did not have any updates at this time and will discuss at the next meeting in January. No actions
22 were taken.

23 **Old Business #3** – None.

1 **New Business #1 - Rebecca Faggio/Special Exception:** Rebecca Faggio, owner of

2 Busy Bee's Family Daycare, made the presentation for her request to increase the daycare
3 capacity from eight (8) children to twelve (12) children at 1903 Blue Heron Drive.

4 Commissioner Cruickshank inquired if there were any issues or responses from the
5 neighbors. There was no public attendance or comments received.

6 Ms. Faggio stated she has never received any complaints from her neighbors. Most of
7 her neighbors have children. Mallard Landing has a circle which keeps the traffic flowing. Ms.
8 Faggio fines parents that do not park in her two designated spaces, and there has not been any
9 issues with parking. The daycare has been in operation for six years. The State of Maryland
10 Child Daycare Licensing Commission does not require a fence because her property is not
11 considered to be located in a danger zone.

12 Chairperson Walls noted that Denton Town Code §128-88 (C) states that a site plan must
13 be submitted showing existing or proposed building, play/outdoor areas, fencing, parking,
14 ingress, and egress.

15 The Commission discussed the fencing with the applicant and determined that the
16 interpretation of the Town Code is unclear.

17 Ms. Faggio is not allowed to install fencing at her townhome according to the Home
18 Owner's Association covenants. Ms. Faggio utilizes the community playground and pool area,
19 as well as her yard area for the outdoor play areas. The State of Maryland Child Daycare
20 Licensing Commission approved the outdoor play areas without fencing.

21 Mr. Wilkes retracted his first interpretation of the Town Code that a fence is required.
22 After reading the Town Code thoroughly, his interpretation of the Town Code is that it does not
23 require fencing but states that a site plan may include any existing or proposed fence.

1 Chairperson Walls noted the site plan indicates the play area in the front yard, and this is
2 not permitted according to the Town Code §128-88 C (2). Chairperson Walls recommended
3 allowing the use of the front yard as submitted and to include as a condition of approval.

4 Commissioner Danielson motioned to recommend approval of the Special Exception
5 request to increase the Busy Bee's Family Daycare capacity to twelve (12) children conditioned
6 upon the front yard may be used for the outdoor play area, and a fence is not required.

7 Commissioner Cruickshank seconded the motion. The motion passed unanimously (5:0).

8 Commissioner Cruickshank noted that no public comments were received.

9 Chairperson Walls motioned to recommend approval for the Special Exception request to
10 the Board of Appeals, conditioned that the use of the front yard play area be allowed, no fence is
11 required, and there were no public objections.

12 Commissioner Dowdall seconded the motion. The motion passed unanimously (5:0).

13 **New Business #2:** None.

14 **Staff Item #1:** Commissioner Danielson made the presentation on behalf of the
15 Choptank Athletic Association to resurrect the Sharp Road Park. The first phase will include
16 two new practice fields. Currently, a group of people are pursuing fund raising for the project.
17 A brief history of the Sharp Road Park plan was provided. Due to lack of funding, the park was
18 not completed.

19 **Staff Item #2:** Commissioner Cruickshank requested an update on the Denton Plaza
20 project. Mr. Wilkes stated Denton Plaza utilities are 99% complete, curb and concrete work
21 should be completed this week, and new pavement will begin next week and be completed the
22 second week of December.

23 Mr. Mulrine provided information regarding parking that was approved per the site plan.
24 The developer is in negotiations with major retailers and other store owners.

25 **Adjournment:** The meeting adjourned at 6:44 p.m.