

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**March 27, 2012**

**Planning Commission Members:**

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

\* Those Present  
\*\* Excused

**Visitors:**

Agnes Case	Don Mulrine
George Walls, Sr.	Matt Perry
Preston Smith	

**Recording:**

Thomas Batchelor, Acting Planning Director

PROCEEDINGS

**Call to Order:**

The regular meeting was called to order by Chairperson Walls at 6:00 p.m., on March 27, 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 February 28, 2012, minutes were approved unanimously as presented.

**Old Business #1 – 2010 Comprehensive Plan, “Land Use Plan”:**

Commissioner Breedlove asked the status and any updates on Objectives on Page 3-4 third and fifth bullets. Subsidized and public transportation were discussed. Commissioner Breedlove asked about types of public transportation that are available. Commissioner Quick indicated the cost is expensive. Commissioner Dowdall indicated cost is impacted by the fuel cost and the rural environment. Subsidies are not enough to cover all the cost.

Chairperson Walls indicated bike paths and sidewalks are being incorporated into all new development plans. Gay Street project was mentioned for incorporation of bike paths. Commissioner Cruickshank asked why bike paths were not installed. Town Administrator, Donald H. Mulrine, Jr., responded that the road was not wide enough and the Town did not have adequate Right-of-Way. Commissioner Cruickshank observed more foot traffic.

Commissioner Breedlove asked about what type of economic activities and where these activities are located relative to the fifth bullet of the objectives. Commissioner Quick indicated that the Commission does not have control on initiating economic incentives. The Town is responsible for economic incentives. Discussion occurred on lack of funding opportunities. Commissioner Cruickshank advocated understanding the objectives so that the Commission may recommend practices consistent with the Comprehensive Plan. Mr. Mulrine mentioned the business loan program and the façade grant program as part of meeting the objectives.

1 Commissioner Cruickshank indicated the Commission may accept grants or gifts to  
2 facilitate any program. Discussion occurred on walkways and Walmart's impact on encouraging  
3 new business. Mr. Mulrine indicated there are growth activities occurring because of Walmart's  
4 construction.

5 The Commission discussed coordination with the County by attending County Planning  
6 Commission meetings or inviting the County Planner to attend Town Planning Commission  
7 meetings and provide updates on business and constructive activities impacting the Town.

8 The Commission discussed the status of the land trade with the State. Mr. Mulrine  
9 informed the Commission that the Town Attorney is drafting the legal documents on property  
10 that was visualized for the pathways around the Town.

11 Commissioner Breedlove questioned the growth area and whether these areas as  
12 indicated in the Comprehensive Plan are potential. Mr. Mulrine indicated that Maryland  
13 Department of Planning (MDP) will have influence in plans.

14 Discussion occurred on the boundaries of the Arts and Entertainment District and other  
15 activities in the future. Commissioner Dowdall indicated that there are plans and some activity  
16 currently occurring.

17 No additional comments from the Commission.

18 **Other Old Business – none.**

19 **New Business #1 – Matthew Perry/Concept Site Plan:**

20 Matthew Perry, owner of 207 North 4<sup>th</sup> Street property, made the presentation for the  
21 construction of a duplex. Commissioner Cruickshank commended the design. Discussion  
22 ensued about the bufferyard, Critical Area mitigation, and stormwater management.

23 Commissioner Cruickshank questioned the impervious surface calculation, whether  
24 parking and drive is included in the total impervious calculations indicated on the plans. The  
25 calculation appears to be incorrect. Mr. Perry stated the drive and parking is included in the total  
26 impervious calculations. Commissioner Cruickshank indicated that the lot coverage appears

1 greater than what is indicated on the plans, and Mr. Perry will recheck to ensure accuracy. Mr.  
2 Batchelor added that the disturbance area is greater than 5,000 square feet and the property is  
3 required to meet compliance under the current Stormwater Management Code. Under the  
4 current Stormwater Management Code, the property is required to mitigate for all new  
5 impervious surface. Credit for the demolished building is applied, and all new impervious  
6 surface is required to be mitigated onsite or offsite. The mitigation requirement may cause the  
7 impervious surfaces to be reduced onsite or greater offsite mitigation will be required.  
8 Commissioner Cruickshank asked if the applicant would consider offsite mitigation in the form  
9 of a buffer, or providing plantings offsite. Mr. Perry is amenable to providing stormwater off-  
10 site mitigation and bufferyard. Commissioner Cruickshank asked the applicant to consider  
11 pervious surfaces to mitigate stormwater runoff. Mr. Perry indicated he is amenable to pervious  
12 sidewalk and parking spaces but pervious drive is cost-prohibitive. Mr. Batchelor clarified that  
13 the stormwater mitigation and the number of plantings required is determined first, location of  
14 offsite mitigation is determined by the Town.

15 Commissioner Breedlove asked the appropriate dimension of driveways because the  
16 plans appeared not to indicate the size. Mr. Batchelor responded that driveways may be 8 feet  
17 wide, but may be too small for some vehicles, and is typically 10 feet wide. The applicant  
18 confirmed the drive is 10 feet wide and the scale is mislabeled.

19 Commissioner Cruickshank asked the applicant the timeframe for construction. Mr.  
20 Perry indicated the construction timeline is for the summer.

21 Chairperson Walls asked what siding material is proposed and whether the design is in  
22 compliance with the parking code. Mr. Batchelor commented the proposed parking meets the  
23 requirements of the parking code. Mr. Perry indicated the siding material is vinyl.

24 No additional comments were provided, and the applicant was informed that a final site  
25 plan approval is required.

26

1 **New Business #2 – Preston Smith/Critical Area Review:**

2 Preston Smith, owner of 310 South 2<sup>nd</sup> Street, made the presentation for the installation of  
3 an accessory structure. Mr. Smith presented magazine photos of the proposed structure,  
4 approximately 250 square feet in size, in which he will construct with the assistance from a  
5 friend.

6 Commissioner Breedlove indicated he is Mr. Smith's neighbor and asked about the  
7 procedure for recusal. Chairperson Walls explained that Mr. Breedlove must decide if is able to  
8 provide a decision fairly and not in conflict. Commissioner Breedlove stated he is able to render  
9 a decision fairly, and there is no conflict of interest.

10 Mr. Batchelor clarified that the property is located in the Critical Area Limited  
11 Development Area (LDA) and subject to the provision of maintaining 15% total lot coverage. In  
12 addition, the property is considered a lot of record, pre-dating the Critical Area laws (1984) and  
13 is permitted to a stipulated increase above the 15% total lot coverage. Mr. Smith's property is  
14 permitted under the Critical Area Code to have a lot coverage of 5,445 square feet. The total lot  
15 coverage including the proposed accessory is 4,748 square feet. The Critical Area Code requires  
16 Planning Commission approval for lot coverage increases.

17 Commissioner Cruickshank asked whether the accessory is outside of the 100 foot buffer  
18 and any steep slope impact. Mr. Batchelor responded that the property is not located in any  
19 Critical Area buffer. Commissioner Breedlove responded the area is relatively flat and level.

20 Mr. Smith added that an electrical line will be installed for lighting and vinyl siding is  
21 proposed.

22 Commissioner Dowdall motioned to approve the accessory structure per the application  
23 submitted. The motion was seconded by Commissioner Quick and passed unanimously.

1            **New Business #3 – None:**

2            **Staff Item #1 –:** Planning staff had no items, however, Chairperson Walls indicated the  
3 next chapter, Chapter 4, Municipal Growth, of the 2010 Comprehensive Plan will be discussed at  
4 the next meeting.

5            **Adjournment:**

6            The meeting adjourned at 6:52 p.m.