

Denton Planning Commission

Minutes

Town of Denton

November 29, 2022

Planning Commission Members:

Doris Walls, Chairperson*

William Quick*

Stephen Mead*

George Schwaeble*

David Burroughs*

Joseph Mayer, Jr.*

* Those Present

** Excused

*** Absent

Participants:

Osita Ibe

Scott Getchell

Chris Jennings

David Fortner

Peter Johnston

Brenda Fortner

Matthew Dahl

Sarah Dahl

Donald H. Mulrine, Jr.

Glory Majekodunmi

Recording:

Donna Todd, Planning and Codes

George Bacorn, Chief of Police

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Chairperson Walls at 6:00 p.m., on November 29, 2022, at the Denton Town Office. Chairperson Walls lead everyone in the Pledge of Allegiance.

This Meeting was made available to the public via Zoom Video Conferencing, and access to the meeting was made available on the Town website.

Approval of Minutes:

October 25, 2022, the Regular Meeting Minutes were reviewed and unanimously approved.

Public Hearing:

Chairperson Walls opened the Public Hearing at 6:01 p.m. for Ordinance No. 737, Comprehensive Plan Amendment. An ordinance of the Town of Denton to amend the Town of Denton's 2010 Comprehensive Plan, dated September 13, 2010, to modify the goals and objectives of the Mixed Industrial (MI) District.

Chairperson Walls asked for comments from the State and the County. There were none.

Chairperson Walls asked for comments from the public. Mrs. Dahl supported Ordinance No. 737, the amendment to modify the goals and objectives of the Mixed Industrial (MI) District in the 2010 Comprehensive Plan.

With no further comments, Chairperson Walls closed the Public Hearing at 6:05 p.m.

Old Business #1 – Ordinance No. 737 – 2010 Comprehensive Plan Amendment:

Commissioner Burroughs motioned to forward Ordinance No. 737 to the Denton Town Council with the Planning Commission's recommendation to introduce and adopt this amendment.

Vice Chairperson Quick seconded the motion. The motion passed unanimously.

Old Business #2 – Ordinance No. 738 – Zoning Text Amendment:

Commissioner Burroughs motioned to forward Ordinance No. 738 to the Denton Town Council with the Planning Commission's recommendation to introduce and adopt this amendment.

Vice Chairperson Quick seconded the motion. The motion passed unanimously.

Old Business #3 – Other: None.

New Business #1 – Osita Ibe/Board of Appeals Special Exception:

Chris Jennings, Attorney for the Applicant, Osita Ibe, made the presentation on behalf of his Applicant. The Applicant is the owner of the property located at 1334 Market Street, Denton, zoned Suburban Residential (SR). The request is for an intermediate-care home for developmentally disabled persons. The definition of developmentally disabled for this purpose is persons with severe chronic disabilities attributable to mental or physical impairment that manifested at a young age and is likely to continue indefinitely. The severity can vary for each participant. The property is 1.6 acres with two (2) residential dwellings. One dwelling contains four (4) bedrooms, and the other contains three (3) bedrooms. Each participant would be assigned one bedroom, and a maximum of seven (7) participants could reside at this site. The staff-to-client ratio varies from 1:1 to 1:2. This would provide four (4) to five (5) staff members on the property at any time. Participants are referred to the facility by the Developmental Disabilities Administration (DDA), State Department of Health and Mental Hygiene. The DDA integrates developmentally disabled persons into the community and provides detailed care plans for each participant. Participants may be employed in the community, shop, and eat at restaurants as their disabilities allow.

The Applicant is the company's owner, Shore Community Services, Inc., in Easton. The company was issued a license by the State to operate the facility, and it is renewable annually.

Staff will include certified nursing assistants, licensed practical nurses, certified medical technicians, and registered nurses.

The Applicant is replacing some barbed wire fencing with a six-foot privacy fence. The parking area will accommodate fifteen (15) vehicles. The participants will not have vehicles, and parking will accommodate staff and visitors. Therefore, there will be no additional traffic impact for this use.

The Applicant provided information on the State program. The facility will only provide housing for adults (21 years of age and over). No children will reside at the facility. The State license is for adults only. The State Case Workers assign the participants to the facility. This is a State funded program and is regulated by the State.

The Applicant has ten (10) years of experience working in this field. The facility will be owned and operated by Applicant.

Commissioner Schwaeble requested information to analyze the impact on surrounding property values.

The Applicant did not have any study to prove no impact on surrounding properties. However, the Applicant does not intend to house any participants that may cause trouble.

The State Case Workers are required to complete background checks on the participants.

Glory Majekodunmi (Applicant's mother) provided additional information about the program. She is a registered nurse and case manager at Chester Wye in Grasonville. Each recipient will have an individualized plan of care. Participants are disabled from birth and need assistance for daily living. Participants are classified as Level I, II, or III to determine their level of care.

This facility is not a group home for troubled people but a home for persons with developmental disabilities.

The State will inspect the site before the occupancy of any participants.

Commissioner Schwaeble requested a standard operating procedure and mission statement for the company.

The Applicant provided a copy to Commissioner Schwaeble.

Commissioner Burroughs motioned to recommend the Board of Appeals grant the Special Exception for the operation of an intermediate-care home at 1334 Market Street subject to any terms, conditions, and approvals required by any regulatory agency with jurisdiction over the operations of the facility.

Commissioner Meade seconded the motion.

Discussion continued with Commission Schwaeble requesting additional information if there is a negative impact on the community.

Vice Chairperson Quick commented the State regulates this facility.

The Applicant stated cameras would be installed for security purposes. The State requires staff training. A fence will be installed for safety purposes.

Commissioner Burroughs amended the previous motion to recommend the Board of Appeals grant the Special Exception for the operation of an intermediate-care home at 1334 Market Street subject to any terms, conditions, and approvals required by any regulatory agency with jurisdiction over the operations of the facility and the application is revisited in one year after approval by the Board of Appeals.

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

New Business #2 – Other: None.

Staff Item #1 – Comprehensive Plan Working Session & Updates:

A 2023 Working Session schedule has been provided to complete the Comprehensive Plan. The January Working Session will be a Joint Meeting with the Town Council.

Staff Item #2 – Staff Updates: Mr. Johnston provided information to the Commission on the Federal case law for group homes. A group home with fewer than eight (8) clients can not be treated differently than a detached single-family dwelling. The Special Exception does not provide the discretion to approve or disapprove the application. Instead, it provides for evaluating the use for the property in that location and deciding whether or not there are off-site impacts that should be addressed.

Adjournment: The meeting adjourned at 7:02 p.m.