

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**May 28, 2024**

**Planning Commission Members:**

William Quick, Chairperson\*

David Burroughs, Vice Chairperson\*

Doris Walls\* (Attended Virtually)

Stephen Mead\*

Kevin Waterman\*

Dona Sorce\* (Arrived at 6:23 p.m.)

\* Those Present

\*\* Excused

\*\*\* Absent

**Participants:**

Andrew Bartley

Rick Camachio

Peter Johnston, Town Planner

Frank Taylor, Councilperson

Donald H. Mulrine, Jr.

**Recording:**

Donna Todd, Director of Planning and Codes

Scott Getchell, Town Administrator

## PROCEEDINGS

### **Call to Order:**

The Planning Commission Meeting was called to order by Chairperson Quick at 6:00 p.m., on May 28, 2024, at the Denton Town Office. Chairperson Quick led everyone in the Pledge of Allegiance.

This meeting was made available to the public via Zoom video conference, and access to the meeting was made available on the town website.

### **Approval of Minutes:**

The April 30, 2024, Regular Meeting Minutes were reviewed and unanimously approved.

The May 14, 2024, Working Session Minutes were reviewed and unanimously approved as amended.

*Revised § 128 – Corner Visibility: Page 4, line 6 to read “Vice Chairperson Burroughs asked if the existing columns at 6<sup>th</sup> and Market Street would be grandfathered in and if they could be replaced.”*

*Revised § 128 – Corner Visibility: Page 4, lines 10-11 to read “Chairperson Quick asked if the Town could put a four-way stop at the columns at 6th and Market Street.”*

*Revised § 128 – Fencing, walls, and hedges: Page 6-7, line 10 to read “ Commissioner Waterman recommended increasing the duplex density to eight and the townhouse density to ten in the MR district. He also recommends increasing the height restrictions within the MR district.”*

**Old Business #1 – Other:** None.

**New Business #1 – Miracle of Concrete LLC – Site Plan Addendum:** Andrew Bartley, Owner of Miracle of Concrete, LLC, submitted a site plan addendum requesting approval to

perform trailer inspections as regulated by the State of Maryland Police at their maintenance building in the Denton Industrial Park, 85 Engerman Avenue. This project received final site plan approval for an equipment storage/maintenance building on September 27, 2022. Approval is contingent upon the completion of the Forest Conservation Plan, approved on October 14, 2022, and recorded in Land Records on October 31, 2022.

Mr. Camachio stated they currently have three offices located in Tennessee, Denton, and Silver Springs, where they build their trailers. The owners are requesting Approval to perform inspections on their trailers. The State license requires them to offer trailer inspections to the public.

Chairperson Quick asked when the Forest Conservation Plan would be completed.

Mrs. Todd, Director of Planning and Codes, stated it has been completed, and only two other items need to be completed. The Senior Code Enforcement Officer inspected the property today, and a section of the fence was missing. The parking lot striping needs to be completed.

Mr. Camachio explained that the additional section of the fence and the parking lot striping would be completed this week. The fence would be finished the next day, and the parking lot is scheduled for Thursday morning.

Vice Chairperson Burroughs motioned to recommend the site plan addendum contingent on the completion of the fencing and parking lot striping.

Commissioner Waterman seconded the motion. The motion passed unanimously. (4:0)

**New Business #2 – Mill Creek Properties, LLC - Final Site Plan Extension:** Andrew Breeding submitted a request for an extension for the final site plan approved on August 29, 2023. The project is pending the sale of the property located at the Denton Industrial Park.

Commissioner Waterman motioned to approve the one-year final site plan extension.

Vice Chairperson Burroughs seconded the motion. The motion passed unanimously. (4:0)

**New Business #3 – Other:** None.

**Staff Item #1 – Article VII – Density and Dimensional Regulations:**

Peter Johnston, Town Planner, addressed the changes made to Article VII after comments and recommendations received from the last Working Session. A sketch of a fence on a corner lot demonstrates the current Town Code. A four-foot fence is allowed in the front yard, and after the Planning Commission's discussion, a consensus was reached to allow only a three-foot fence in the front yard. His recommendation is to change it back to the original four-foot fence to stay consistent with what is currently permitted. In the thirty-foot triangle highlighted area shown in the sketch on the corner of the primary and secondary frontage, the fence is limited to three feet. Outside of the thirty-foot sight triangle on the primary and secondary street, you can add a four-foot fence in the front yard.

Commissioner Mead requested clarification on a property located on a corner lot and whether trees or shrubs may be added to provide additional privacy.

Mr. Johnston stated this would be considered a hedge, which is included in this article and treated with the same guidelines as a fence. The property owner could landscape their yard in a way that provides additional privacy as long as it does not obstruct the view.

Commissioner Waterman asked if an owner had moved the secondary fence back ten feet with approval from the Director if they would be allowed to put up a seven-foot fence.

Mr. Johnston stated he was not sure of the answer but would investigate. The draft code requires fences to be setback one foot from a sidewalk and within two feet of the property line.

Chairperson Quick asked Mr. Johnston, hypothetically, if a fence has been in existence for several years and is not in compliance with the Town Code for the four-foot backyard, is it grandfathered in the Town Code?

Mr. Johnston stated that was correct.

Chairperson Quick asked if it was damaged and needed to be replaced.

Mr. Johnston stated it could be replaced if needed but could not change the type, height, or conformity of it.

Mr. Johnston addressed the discussion regarding the minimum lot size standards for accessory dwelling units (ADU). He referred to a table that summarizes the number of parcels in each zone that meet the current minimum lot area requirements in those Zoning Districts that allowed an attached single family dwelling. The results, summarised in the table, are that, overall, only 21% of all properties qualify for an accessory dwelling unit.

Mr. Johnston noted the revised density and dimensional standards in the Mixed Residential (MR) and Central Business Commercial (CBC) Districts highlighted in the table. The minimum lot size for single-family dwellings is reduced to 6,000 square feet, and the maximum density for townhouses and multifamily residential has increased.

Chairperson Quick asked if any existing approvals might be altered with the new standards with any current projects.

Mr. Johnston responded that Denton Project LLC theoretically could revise its current development plans to take advantage of the density increases. In practical terms, the development site has a lot of physical limitations that would challenge any densification of the property.

Commissioner Waterman asked when the new Town Code takes effect if there will be any fees waived for projects that might want to resubmit under the new terms.

Mr. Johnston stated they would not waive the fees. Fees are to offset the cost of the review process.

Commissioner Waterman asked if they would consider a density bonus for affordable housing.

Commissioner Sorce inquired about properties that receive tax credits.

Commissioner Waterman stated that bonus densities for the creation of affordable housing are something the town should investigate adopting.

Mr. Johnston stated it could be that in order to generate the density necessary to make affordable housing units feasible may result in development that is out of character for a small town like Denton. He believes there is a density bonus in the Planned Neighborhood District (PN).

Commissioner Waterman noted that § 128. C, requiring fences in residential districts to be less than 50% solid is unclear and should be worded to make clear this standard only applies in the front yard.

Mr. Johnston stated it is intended for fences along a street, which is the front, so as not to block the view of the property/house behind it.

Mr. Johnston asked if the Planning Commission was in favor of a fence that is completely solid for a primary or secondary frontage or if they feel it should be fifty percent transparent.

There was a consensus on removing the “along a public right-of-way” from line C.

Vice Chairperson Burroughs noted in § 128 – Building height limitations, Page 5, Line G, if “churches and temples” could be changed so it does not limit other types of places of prayer.

Mr. Johnston suggested “places of religious assembly.”

**2. Staff Item #2 – Article XVII - Administration:** Peter Johnston, Town Planner, led the discussion regarding Article XVII – Administration. He noted the following changes made.

- § Development types or land uses requiring site plan approval, Line C (1-6). Instead of listing uses that do not require a site plan, this change requires a site plan for all uses and notes the exceptions.
- § Procedures for processing: Minor site plans can be administratively approved with the concurrence of all appropriate agencies and may be forwarded to the Planning Commission for review and Approval at the discretion of the Director.

Commissioner Waterman asked what would classify an ordinary accessory building/structure.

Mr. Johnston explained that each would likely be reviewed as a minor site plan, approved by the Planning Commission.

- § Procedures for processing now require twelve full sets of site plans. Building permit applications would be submitted with the final site plan.

Chairperson Quick asked why 12 copies are needed instead of 10.

Mrs. Todd explained that 12 are needed, with copies for each Planning Commission member, Councilman Taylor, the Town Administrator, the Project Manager, the Town Planner, the Town Engineer, and the Planning and Codes Department staff.

- Under simplified site plans and concept plans, a change of use for microbusiness was added.
- § Approval and extension: site plans will now expire 2 years after the date of such Approval. A “single” extension was changed to allow multiple one-year extensions if the original development standards have not changed.

Commissioner Waterman requested clarification of deadlines in regard to a legal challenge.

Would the time be postponed?

Mr. Johnston stated it was addressed in the Board of Appeals section of the Town Code. An appeal stays all proceedings in furtherance of the action appealed from unless the Director of Planning certifies to the Board, after notice of appeal filed with them, that by reason of that fact in the case, a stay would, in his opinion, cause imminent peril to life and property.

Vice Chairperson Burroughs requested clarification for extensions.

Mr. Johnston stated the intent is to do multiple one-year extensions if needed.

Mrs. Todd stated that the Maryland Soil Conservation District only allows a two-year approval.

- § 128- Public notice was moved from another section for site plans.

Chairperson Quick asked if it had just been moved and not changed.

Mr. Johnston stated that was correct. They only made it clearer and more simplified.

Mrs. Todd noted that the public notices were only going to be for the major site plans and subdivisions and would no longer be needed for the minor site plans.

Mr. Johnston also noted that the certified mailing has been changed to a certificate of mailing.

Mrs. Todd stated she currently only needs a certificate of mailing to show proof of mailing. All public notices with agendas are posted on the town's website.

Commissioner Waterman asked about §128 – Administration approvals. Could a contract purchaser be the applicant as opposed to the land owner on an application for development approval in the case of a contingent sale?

Mr. Johnston stated approval contingencies can be included in the buyer's contract, but the property owner should be a signator on the application. Mr. Johnston and Mr. Waterman will research practices in other jurisdictions.



**Staff Item #4 – Staff Updates:** None.

**Adjournment:** The meeting adjourned at 6:55 p.m.