

Denton Planning Commission

Minutes

Town of Denton

September 10, 2024

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Doris Walls**

Kevin Waterman*

Dona Sorce*

* Those Present

** Excused

*** Absent

Participants:

Peter Johnston, Town Planner

Frank Taylor, Town Councilman

Travis Breeding

Alan Kampmeyer

Jamie Beechey

Kevin Shearon

George Bailey

Sherry Baker

Alan Rauch

Vivian Anders

Tim Glass

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 September 10, 2024, at the Denton Town Office. The meeting was originally scheduled for August 27, 2024, and was postponed due to lack of members for a quorum. 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 July 30, 2024, Regular Meeting Minutes were reviewed and unanimously approved.

The August 13, 2024, Working Session Minutes were reviewed and unanimously approved.

Old Business #1 – Other: None.

New Business #1 – Sharp Road Park - Minor Subdivision:

A Memorandum of Understanding (MOU) between Caroline County Commissioners and the Town of Denton was executed on March 19, 2024, to acquire Lot 3 of Sharp Road Park to construct recreation amenities. Tim Glass, Lane Engineering LLC, submitted a minor subdivision plan for the creation of three (3) lots on behalf of Caroline County Commissioners. The Town of Denton will transition Sharp Road Park, Lot 3, to the Caroline County Commissioners for future park improvements.

Travis Breeding, Caroline County Commissioner President, explained that the Town and County have entered into a MOU to convey the ownership of a portion of Sharp Road Park to allow the County to use their funds to construct a new athletic complex on Lot 3. The County will

own the lot in the back, and the Town will still own the two lots closest to Sharp Road. If everything goes to plan, the County will possibly take ownership of another lot in the future.

Commissioner Sorce asked if they plan to put a building or recreational space on the proposed site.

Mr. Breeding stated they plan to preserve the walking path that is currently there due to it being funded by Program Open Space Funds, and it cannot be disturbed for twenty years. The County proposes to put in a softball, baseball, and a U10 soccer field along with parking. There is the potential for adding a concession stand, but it is not in the current proposed plan. The County is seeking more funding for future improvements.

Commissioner Sorce asked if they would need to cut down any trees.

Mr. Breeding stated they will not be removing any trees, but they do need to do stormwater management and will need some landscape to go along with it.

Alan Kampmeyer, an adjacent property owner, asked the County if they plan to have certain hours of operation.

Jamie Beechey, Director of Caroline County Recreation and Parks, stated it remains to be seen. Typical park hours are from dawn to dusk. The County is looking at the potential of lighting the fields but no later than 11:00 p.m.

Mr. Kampmeyer recommends they follow the Dark Skys requirements where they only use light, as necessary. His concern is his home is next to the park, and the light from the park will take away from the ambiance of the summer nights.

Mr. Kampmeyer asked if they knew when construction would start.

Mrs. Beechey stated once this process takes place it will go to engineering with the desire to break ground in late winter or early spring. The lighting conceptually comes to money and from a financial perspective, and the lights would only be used as needed.

Mr. Kampmeyer asked if they would use the lights for other unique events other than sports.

Mrs. Beechey stated those options would be considered.

Vice Chairperson Burroughs asked if this project would come to the Planning Commission for approval.

Mrs. Todd stated it would have to come back for a site plan approval.

Mr. Johnston suggested they look at the Town ordinance, and there is a chapter on lighting that will explain the lighting standards.

Mrs. Beechey noted this project will be state-funded, and there are requirements from the State about where the lighting can be installed that are pretty stringent.

Councilman Taylor noted this project was presented to the Town Council and the acreage listed on the MOU was done prior to the survey. The actual acreage is slightly more, but still the same parcel of land. The Town Council fully supports the proposed project.

Vice Chairperson Burroughs motioned to approve the Sharp Road Park Subdivision as presented.

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

New Business #2 – Denton Project, LLC - Preliminary Subdivision Plan:

Kevin Shearon, DMS & Associates, LLC, submitted a preliminary subdivision plan on behalf of Denton Project, LLC (Applicant) for Phase I, consisting of eighteen (18) lots for single-family homes located on Market Street.

Mr. Shearon is seeking approval to construct (18) single-family homes. The Concept Plan was presented to the Planning Commission in March of 2023. It is a little over twenty-one acres with access to Market Street. The Applicant plans to start with Phase I, which will consist of (18) lots. The townhouse section the Planning Commission reviewed takes access off Camp Road. The property is zoned Mixed Residential (MR), and the twenty-one acres are fully wooded. There are wetlands on the north side that divide the single-family homes from the townhouse section. There will only be one road to connect the two developments in a future Phase. The Applicant is only seeking approval for Phase I of the project. The previous concept plan included (59) lots. Per the Town Code, twenty-one acres would support (128) residential units. The streets have a 65-foot right of way per the Town Code and are 38-foot-wide, shown curb to curb, which would allow for parallel parking. They can stripe them as needed but are not shown on the plan for the parallel parking. The first section of the lots will be served by a sewer line that will come off Market Street, and the balance of the single-family homes will have a gravity line that will go through the townhouse section onto Camp Road. Stormwater Management has been under design for Phase I, and the Forest Conservation areas have been set aside and are available. The staff comments regarding the open space requirements for the twenty-one acres is fifteen percent of the site, which would be 3.19 acres. The open space areas, not including the stormwater areas such as forested areas within the development itself, total 3.46 acres. They would make sure to work with the Town to ensure those meant the qualifications of open space per the Town Code. Fifty percent need to be active, and they plan to have walking trails throughout the wooded area that could be incorporated into the open space. The other item noted in the staff comments was a Bufferyard E is required for the industrial-zoned properties to the west and that in addition to planting, a fence is required. A twenty-five-foot Bufferyard will have a significant impact on the use of the rear

yards of the single-family lots. One option proposed by the Applicant is to waive the vegetative requirements of those twenty-five feet and install an eight-foot-tall fence for privacy along the property line. Another option would be to compress the whole subdivision from west to east with some concessions from the Town. The Applicant explained that by reducing the street right-of-way and adjusting setback requirements, the single-family lots could be enlarged and provide more usable open space at the rear of units.

Vice Chairperson Burroughs asked, after lots (1-18) are developed, what would be the next step and if they plan to continue the street to connect with the Townhouse area.

Mr. Shearon explained that how quickly the streets in all phases are connected will depend on the market to see how quickly they sell. They will continue to do the project in phases.

Vice Chairperson Burroughs asked if the connection between Market Street and Camp Road will not be made until they get the other lots done, or will it be when they build the other road to the west. Would that be when you connect the two developments?

Mr. Shearon said it would be a combination of the construction of the first Phase of the townhomes and, following the construction of the first Phase of the single-family homes, will decide when to bring the two roads together.

Vice Chairperson Burroughs inquired if the HOA would manage the stormwater.

Mr. Shearon confirmed.

Vice Chairperson Burroughs asked about the proposed area of open space that is behind lots (59), (52), and (53) and commented on its size and odd shape. He voiced his concern about people in neighboring lots assuming the area as their own.

Mr. Shearon stated the thought was to have parking at the entrance to the park and they would either put up a fence or do a type of landscape to make it clear where the property lines are.

Chairperson Burroughs asked if they plan to put in playground equipment.

George Baily, Owner, stated there is no plan for a playground at this time. Amenity improvements will be tailored to the types of homeowners they receive.

Chairperson Quick asked if they could give more detail on the plan for the bufferyard.

Mr. Shearon explained the bufferyard that is required along their property line due to the industrial zone. They would like to install a fence, but with the required building restriction lines for the subdivision, they could pick up a little bit by pushing the building restriction lines toward the road. Currently, this plan meets the front yard setback of twenty-five feet. If they could change it to fifteen or twenty feet and still provide a twenty-foot driveway on the backside of the sidewalk for a place for a car to park between the garage, it would help pick up ten feet of lot depth. They could also request a narrower right of way for the road to keep the road at thirty-eight feet and to keep the lots from losing any square footage.

Vice Chairperson Burroughs asked when talking about bringing the line forward, do they mean just for that road?

Mr. Shearon said just this road segment would lose about ten feet of right-of-way but maintain the street width. They are asking for relief from the twenty-five-foot buffer or to allow them to put up a fence to help alleviate the issues arising from it. It could be selective clearing along the route. They could try to keep the trees in the backyards but would not be deed-restricted and run the fence in the selective clearing line.

Vice Chairperson Burroughs asked if the trees remained, would it still fit in the building envelopes?

Mr. Shearon stated it would still fit in, but they would not be subject to a deed restriction, and the Town would not have to enforce people going in there and cutting them down. If they are

amenable to it being a buffer, they will keep it. It becomes more of an enforcement issue because it needs to be in the deed. The Town needs to make sure no one is cutting trees down. They could remove the trees that need to come down for the fence and keep the remaining if they remove the deed restrictions.

Mr. Johnston stated there was concern from Mathews Properties LLC about the potential noise and odor that would come onto their property.

Mrs. Todd stated they are concerned that residents will complain about the noise or the smell from their business.

Chairperson Quick asked if the business was asking for more buffers.

Mr. Johnston said that they would want more buffer from trees and a fence to keep out noise.

Vice Chairperson Burroughs asked if a fence taller than eight feet would help alleviate the noise.

Mrs. Todd stated the Zoning Ordinance only allows a seven-foot fence.

Commissioner Waterman asked if the Planning Commission is allowed to modify the Bufferyards and could they also allow a taller fence.

Mr. Johnston stated no.

Commissioner Sorce asked if there was a Zoning Ordinance for noise.

Mr. Johnston stated there are State Regulations on allowable noise levels, measured in DBs, at property lines.

Chairperson Quick asked if there was any noise reduction barrier.

Commissioner Waterman asked what business Matthew's property is.

Mrs. Todd stated they build boats.

Mr. Shearon recommends they put up a fence, remove the deed restriction, and keep the twenty-five feet of tree buffer.

Mr. Johnston recommended the Planning Commission look at the option of moving the lines around on the site plan before making a final decision.

Alan Rauch, a resident at 1117 Market Street, wanted to comment on the impact this project would have on their house. With only a small buffer and no fence along the rear of their home, he feels it will allow too much light from passing cars. He believes the twenty-five-foot buffer is not enough to divide the units from the preexisting homes.

Mr. Rauch also voiced his concern about the wetlands in the new development. He said there is wildlife, a watershed area that flows into the creek, and noted that part of the Bay Initiative is to keep the creek and the bay clean. He looked through the Town Map and found the area is zoned (RP) Recreation and Parks and not (MR) Mixed Residential. He also found that the proposed area is considered a sensitive area and wanted to know how a developer could come in and remove it. He is also concerned this will impact traffic for individuals coming and going from their homes and about the impact on our Public School System and Law Enforcement.

Mr. Rauch wanted clarification on whether this area is considered a watershed.

Mr. Johnston explained it is probably a sub-watershed and that every place has or is in one and noted this subdivision is not in a Critical Area.

Mr. Johnston also explained that the property is not zoned (RP) Recreation and Parks and that it was changed during the Comprehensive Plan last year. This area is now zoned (MR) Mixed Residential. He also mentioned that the entire area of the parcel is not considered a sensitive area. Sensitive Areas are defined as a habitat of threatened and endangered species. According to DNR data, there is no threatened and endangered species habitat on this site.

Mr. Johnston noted that all the nontidal wetlands on this site have been delineated by a professional and all have been buffered.

Mr. Rauch asked if they plan to put a buffer between their homes and the new development.

Mr. Shearon stated the way the subdivision was laid out, the new homes in the development would back up to the homes on Market Street, and there would be a deed-restricted Forest Conservation Area at the rear of most of these lots.

Mr. Rauch asked about the distance between the lots.

Mr. Shearon said the width of the forest conservation areas varies between one hundred and twenty-five feet.

Mr. Rauch asked if they plan to put up a six-foot fence as well.

Mr. Shearon said they are not proposing to put one up. It is required when it comes to the Industrial Park. When it comes to residential properties, it is not a requirement.

Commissioner Waterman also noted that if the new units and existing homes back up to each other, it should help elevate the concern Mr. Rauch has about headlight spillover.

Chairperson Quick acknowledged the adjacent property owners' concerns noting the project has been compliant and is following all the necessary rules and regulations for the proposed development.

Commissioner Waterman noted there is an impact of not creating additional housing. Denton in particular, the price of homes has dramatically increased in recent years and is due to the insufficient supply of homes.

Commissioner Sorce asked how much of the forested area will be preserved between the townhome and the single-family home subdivisions.

Mr. Shearon showed Commissioner Sorce the map and explained the gray area would be about a half acre in between the two parcels and is deed restricted.

Mr. Kampmeyer asked if they planned to build on the wetlands on the parcel.

Mr. Shearon noted the only disturbance would be where the townhouse section connects to the single-family home development. This connection across wetlands was a requirement per the Town for emergency vehicles and safety reasons.

Mr. Kampmeyer asked if there is a requirement for the Town to require all State and Federal requirements that must be done before approval by the Town.

Mr. Johnston replied that it is a requirement.

Sherry Baker, daughter of a resident who lives on Market Street, had a question regarding the entrances into the development. She wanted to know exactly where they plan to have it located on Market Street.

Mr. Shearon explained it will be located at an existing right-of-way located next to the 404 overpass.

Vivian Anders, Owner of 1117 Market Street, voiced her concerns regarding the project and feels it is not in the Town's best interest to develop this area. She believes the community would like to preserve the small-town lifestyle and not expand the population by adding more homes. She also questioned if people would be able to afford to pay for homes due to the economy and is concerned about the wildlife and residents' wellbeing.

Commissioner Waterman mentioned the regulations that are in place now make it more difficult for anyone to create affordable housing. The Town we currently have could never be duplicated today due to the new guidelines and strict regulations in place.

Vice Chairperson Burroughs asked what they mean when they say compressing.

Mr. Shearon explained the Town adopted a sixty-foot right-of-way and what they are proposing is to compress it by ten feet narrower.

Vice Chairperson Burroughs wanted to clarify that they do not plan to make the lots smaller or to add more homes.

Mr. Shearon stated they do not plan to decrease the size of the lots or increase the number of homes. He also wanted to mention that all the units have a driveway and garage, and it is not all parallel parking.

Commissioner Sorce asked if they could address who and how they plan to market the homes.

Mr. Bailey stated it would depend on the market. Affordability is a major factor in their decision.

Chairperson Quick noted that no decision would be made during this meeting and invited the participants back for the next regular meeting.

Adjournment: The meeting adjourned at 7:15 p.m.