

Denton Planning Commission

Minutes

Town of Denton

November 26, 2024

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Doris Walls* (Attended Virtually)

Kevin Waterman*

Dona Sorce*

Alternate: James Guay*

* Those Present

** Excused

*** Absent

Participants:

Peter Johnston, Town Planner

George Bailey

Frank Taylor, Town Councilman

Kevin Shearon

Scott Getchell, Town Administrator
(Attended Virtually)

Jamie Andruzzi

Recording:

Donna Todd, Director of Planning and Codes

George Bacorn, Chief of Police

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Chairperson Quick at 6:00 p.m., on November 26, 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 October 29, 2024, Regular Meeting Minutes were reviewed and unanimously approved.

The November 12, 2024, Working Session Minutes were reviewed and unanimously approved.

Old Business #1 – Denton Project LLC – Preliminary Subdivision Resubmittal:

Kevin Shearon, DMS & Associates, LLC, submitted a preliminary subdivision plan resubmittal on behalf of Denton Project, LLC, for Phase I, an 18-single-family home development to be located on Market Street. This exhibit is a result of the comments received from the concept plan review at the October 29, 2024, Planning Commission Meeting.

The subdivision plan was revised based on the comments received last month. There was not sufficient time to revise the infrastructure plans.

Mr. Shearon and George Bailey, Applicant, attended a Town Council Working Session meeting to discuss the transfer of some water and sewer allocations from the townhouse section to the single-family homes. No decision was made at the Working Session Meeting, and this item will be discussed at the next Town Council Meeting on December 9, 2024.

Vice Chairperson Burroughs motioned to approve the 18 single-family home development under the condition that all nine checklist items are approved and the Town Planner, Town Staff, and Town Engineer approve any other conditions.

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

Old Business #2 – Other: None.

New Business #1 – Denton Project, LLC – Townhouses – Final Subdivision Plan:

Kevin Shearon, DMS & Associates, LLC, submitted a final subdivision plan on behalf of Denton Project, LLC, for Phase I of the 44-townhouse development to be located at 812 Camp Road. The Planning Commission approved a preliminary subdivision plan on July 30, 2024.

Mr. Shearon is requesting conditional final approval for Phase I, 16 townhouse units.

George Bailey, the Applicant, distributed the proposed elevations for both townhomes and single-family homes.

Chairperson Quick requested more information about the open space issue.

Mr. Shearon explained the plan meets the requirement of 2.1 acres for open space for both Phase I and Phase II. If the developer does not complete Phase II, the developer will add more to the Phase I project.

Mr. Johnston stated the developer is required to acknowledge their commitment to each phase for the percentage due for each phase or pay the fee-in-lieu if the entire project is not completed. This acknowledgement will guarantee the open space requirement will be satisfied regardless if the full project is not completed.

Chairperson Quick requested clarification regarding the location of the open space.

Mr. Shearon noted the open space is located near the buffer of the stream along the walking trail and will connect to the park in Phase II. There is also a nonactive open space on the stream buffer on the east side of the main road that enters into the development.

Chairperson Quick asked if it meets the requirement for accessibility for recreation.

Mr. Johnston stated the Code reads open space needs to be improved based on who the clientele will be and the type of residents that plan to live there.

Commissioner Sorce asked if the development would impact access to the existing residents.

Mr. Shearon explained it would not have any impact on surrounding residents.

Mr. Johnston suggested the Planning Commission sign the plat after all conditions have been met including satisfying all staff comments and other agency approvals.

Commissioner Waterman motioned that the Commission authorize the Chair to sign the final plat approvals once all agencies and staff requirements have been completed.

Vice Chairperson Burroughs seconded the motion. The motion passed unanimously. (5:0)

New Business #2 – Wendy's – Preliminary Site Plan: Jamie Andruzzi, Bohler Engineering, submitted a preliminary site plan on behalf of Wend Baltimore North, LLC (Applicant) for the construction of a fast-food restaurant with a drive-thru. The property is located at 601 Legion Road and is owned by Strato Holdings, LLC.

Mr. Andruzzi is requesting preliminary site plan approval for a Wendy's fast-food restaurant. A concept plan was provided to the Planning Commission in September, and all the comments received from the Town Planner and Planning Commission were addressed. The building is under two thousand square feet (2,000 sq.ft.) with twenty-five parking spaces and thirteen drive-thru stacking spaces. Access to the site is provided from a future access road. A

different engineer will complete the access road plan. They are working together to make the site align with the projects. The other engineer will provide the sewer and water that will connect to their project. Stormwater will be collected underground through a stormwater system to the stormwater facility that will run into the one along Route 404. Two signs, one along Route 404 and one along the future connection road are planned. Only one sign is permitted and the second sign will need to go to the Board of Appeals for approval. He also pointed out the loading zone with the trash enclosure location along with the lighting, landscaping, and signage features around the site.

Mr. Andruzzi is requesting a reduced-size buffer along MD 404. The Applicant is proposing a twenty-one foot by two hundred sixty-three foot bufferyard along the frontage, and the proposed buffer would include four canopy trees and sixty-seven shrubs. The need for the reduced bufferyard is for visibility reasons from Route 404 and the success of the business. If they added what was needed in the Code, there would be no visibility of the business and this would not be a feasible location for the proposed business.

Chairperson Quick asked what number of trees and shrubs would be needed to comply with the Code.

Mr. Andruzzi did not have that information at the time.

Commissioner Waterman stated from Mr. Johnston's notes they would need eleven canopy trees, fourteen understory, twenty-nine evergreen shrubs, fifty-eight shrubs, and a seven-foot masonry wall.

Mr. Andruzzi stated they are working to remain consistent with the surrounding developments, such as the property to the south, Dunkin'. Dunkin' was approved for four canopy trees and twenty-seven shrubs. The interior site of Wendy's will have eleven trees, and only four

trees are required. They are working to meet the standards as a good faith measure to provide as much as they can.

Vice Chairperson Burroughs expressed his concerns regarding the four stacked trees in the left corner and depending on the type of tree, may not survive if planted that close. The agreement with Dunkin' was to space out the trees. He recommends they do the same and space them for this project as well.

Mr. Andruzzi asked if the Planning Commission would be willing to accept the proposed landscape, including four canopy trees and the sixty-seven shrubs if the Applicant were to space out the four trees in the corner.

Mr. Johnston stated that Dunkin' spaced their trees at sixty-foot intervals for the canopy trees.

Mr. Andruzzi noted the shrubs will be spaced out around the site.

Commissioner Sorce asked Mr. Johnston what type of shrubs should be used.

Mr. Johnston stated there is not a specific plant list, but they do recommend native species.

Commissioner Guay asked who would be responsible for the plants if they did not survive or were ruined by natural causes.

Mr. Andruzzi explained that it would be taken care of by the Applicant (Wendy's), and they would want their site to look nice just as much as the Town does.

Vice Chairperson Burroughs asked about the size of the sign along the future access road.

Mr. Andruzzi stated it would be the same thirty-foot size as the one along Route 404.

Chairperson Quick asked Mr. Johnston his opinion on the proposed lighting plan. Mr. Johnston explained the lights exceed the off-site brightness allowed per the Town Code. The fix

may be a simple change in the type of fixtures, bulbs, or shielding. There are no provisions for lights that shine on the highway in the Zoning Ordinance, but he feels it should still be addressed.

Mr. Andruzzi asked if spacing out the lighting on the frontage would help.

Mr. Johnston agreed that it would help. He also recommended they check with SHA for them to review the output of light onto the highway.

Chairperson Quick noted the extra wall sign would need to go to the Board of Appeals for approval.

Mr. Andruzzi was aware that he would need to go through this process.

Vice Chairperson Burroughs motioned to approve the preliminary site plan contingent on satisfying comments from the Town Staff, Town Planner, and the Town Engineer, along with approval on water and sewer allocations, with the condition of adding four canopy trees spaced 60 feet apart.

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

New Business #3 – Other: None.

Staff Item #1 – Other: Mr. Johnston gave a brief update on the Draft Zoning Ordinance. It is recommended the Code be changed for the sign budget to limit the number of applications for variances that go through the Board of Appeals. Staff have been reviewing and adjusting minor issues and updating the critical area after changes were made to the legislation. The plan is to distribute the final draft to the Planning Commission for their review and then to the Town Council. Once both the Planning Commission and Town Council review the final Draft, there will be a public information meeting for comments from the public.

Adjournment: The meeting adjourned at 6:46 p.m.