

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**October 29, 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

Scott Getchell, Town Administrator

Frank Taylor, Town Councilman

John Bullock

Sean Callahan

Sharon VanEmburch

Kevin Shearon

George Bailey

Harry Wyre

Peter Fillat

James Guay

**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 October 29, 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 September 24, 2024, Regular Meeting Minutes were reviewed and unanimously approved.

The October 8, 2024, Working Session Minutes were reviewed and unanimously approved.

### **Old Business #1 – Denton Project LLC – Exhibit Discussion:**

Kevin Shearon, DMS & Associates, LLC, submitted a subdivision exhibit on behalf of Denton Project, LLC, for discussion with the Planning Commission. This exhibit is a result of the comments received from the preliminary subdivision review at the September 10, 2024, Planning Commission Meeting. If the Planning Commission is in favor of the proposed changes, the applicant will revise the preliminary subdivision plans for review.

Mr. Shearon requested comments from the Planning Commission on the revised subdivision plan for the single-family homes. The lot size will remain the same. The size of the right-of-way was decreased from sixty feet to fifty-two feet with the width of the road between the curb and sidewalks remaining the same.

Mr. Shearon is requesting relief from the twenty-five-foot buffer with a proposed twenty-one-foot buffer with a fence twenty-one feet from the property line and preserving the trees

between the fence and the property lines as open space. This buffer is proposed between the industrial and residential zones.

Vice Chairperson Burroughs asked for clarification of the fence location on the property line of the Mathews property.

Mr. Shearon explained the property would be twenty-one feet of trees with a fence. The twenty-one-foot buffer is not a part of the residential lots.

Vice Chairperson Burroughs asked for clarification on the ownership of the buffer is part of the HOA.

Mr. Shearon confirmed.

Mr. Shearon requested a consensus on the revised subdivision/sketch plan to move forward with the project.

Vice Chairperson Burroughs requested clarification on the size of the lots and rear yards. Will property owners have fifteen hundred and twenty square foot backyards similar to most of the homes?

Mr. Shearon confirmed this would not change and it would reduce the size of the driveways by eight feet.

Mr. Johnston suggested the HOA agreement needs to specify that the open space must remain forested and be protected like a forest conservation area. Referring to it as an open space area doesn't guarantee the HOA wouldn't remove the trees required for the buffer.

Mr. Johnston stated there is a bufferyard standard with specified plant units per 100 feet required. He is unsure of the quality of the existing vegetation as compared to the Bufferyard E planting requirements.

Mr. Shearon will obtain more information on the existing vegetation.

Commissioner Sorce requested additional information on the open space in a particular area of the site.

Mr. Shearon explained the open space shown on the subdivision plan will become stormwater management areas.

**Old Business #2 – Other:** None.

**New Business #1 – John R. Bullock – Final Site Plan:**

Sean Callahan, Lane Engineering, LLC, submitted a final site plan on behalf of John R. Bullock (Applicant) for one proposed office/retail building for the property located at 502 & 506 North Sixth Street and one proposed retail/office building for the property located at 617 Camp Road. The preliminary site plan was approved on January 30, 2024. The applicant has submitted the Board of Appeals application for the Special Exception for the combination use.

Mr. Callahan is requesting final site plan approval contingent on the Forest Conservation Plan approval and satisfying the landscaping requirements. There is an issue with two parking spaces adjacent to the building on the north end of the parking lot along with the parking aisle at the rear that does not meet the standards. Mr. Callahan would like to keep the smaller spaces to meet the parking requirements. Approvals have not been received from SHA, and he is waiting for comments regarding the inlets along 6<sup>th</sup> Street and stormwater management. Comments on the cast lighting from their engineers have not been received.

Chairperson Quick inquired if the applicant still needs approval from the Board of Appeals for the special exception.

Mr. Callahan explained the applicant received approval from the Board of Appeals a year and a half ago for a shared use for commercial and residential on the same property. The

Planning Commission gave unanimous approval. The special exception has expired and the applicant must resubmit for approval for a second time.

Mr. Callahan asked the Planning Commission for a recommendation to the Board of Appeals for their resubmission.

Chairperson Quick is in favor of the combination use contingent on the Board of Appeals' approval.

Vice Chairperson Burroughs motioned to approve the final site plan contingent on the submission of the lighting plan and addressing the comments of the Town Engineer, Town Staff, and Town Planner, all contingent on the Board of Appeals' approval of the combination use Special Exception. It is noted for the Board of Appeals the Planning Commission supports the Applicant's Special Exception request for a combination use.

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

**New Business #2 – Trafalgar Properties, LLC – Concept Plan:** Harry Wyre, Project Manager, submitted a concept plan on behalf of Korah M. Pulimood (Applicant), Owner of Trafalgar Properties LLC, for the residential development of 114 apartment units and two community parks. The property is located at 805 Franklin Street, Caroline County Tax Map 103, Parcel 500, and Tax Map 105, Parcel 476, totaling 13.05 acres.

Peter Fillat, Applicant's Architect, made the presentation to redevelop a large parcel for a regenerative community that will use solar panels to power the apartments and vehicles. They intend to use the stormwater facilities as recreational land or rain gardens to create a sense of peace. The project is planned around two squares, hence the name Town Square. There are approximately one hundred and ten rentable units divided into fourplexes. The units will be one-bedroom apartments stacked. This project would embrace Denton's Pattern Book. Discussions occurred with

the Town Planner and the Director of Planning and Codes addressing items required by the Town Code. The project currently includes three parking spaces per unit, and is aware the Code requires one and a half. The parking space dimensions do not meet the Code and will be adjusted as required.

Mr. Fillat reviewed the site plan and noted a survey was completed on the heritage trees. Areas are designed to retain one hundred percent of the heritage trees. The plans will be revised with the assistance of an arborist.

Vice Chairperson Burroughs inquired if they plan to leave the heritage trees.

Mr. Fillat responded to leave them and to replant trees as needed.

Two squares connect two new streets. The access road from Franklin Street is across from 9<sup>th</sup> Street and will be one entrance. The other will be an extension of Sunnyside Avenue. On the site plan, they did show an entrance to the ramp, but this feature is no longer in the plan. The project will be constructed in phases shown on the slide presentation.

- Phase I – Will include the two access points and twelve buildings
- Phase II – Full Park and Stormwater Management
- Phase III – The southern lots will continue the park
- Phase V - Buy land owned by the County

Mr. Fillat noted the Town originally planned to extend Sunnyside Avenue through a part of the Town and would like to continue that idea. The aerial views show a solar panel that faces south, depending on the orientation of the building. A comment received was to create a landscape buffer along the neighborhood to the west, and this will be accommodated.

Mr. Fillat's presentation demonstration includes a view of the entrance from Franklin Street and notes some of the buildings were inside the twenty-foot setback around the entire plan. This plan will be adjusted to meet the correct setback on the corner.

The idea is to connect the residents with street life. Their streets are designed in the model shown to be public streets. Streets are planned with parallel parking and EV charging stations. This plan will be consistent with the Pattern Book and the traditional elements.

Commissioner Sorce noted all buildings face inward.

Mr. Fillat explained buildings will face different orientations.

Mr. Fillat noted the two-bedroom dens will be eleven hundred square feet, and the one-bedroom units will be nine hundred and seventy square feet. The porches are on the south side, where the solar panels are located. The exterior materials may be either vertical or horizontal siding. Areas that include a heritage tree will not have solar panels installed due to the shading from the trees. Some buildings will include flat roofs, and some will include a living roof.

Commissioner Sorce noted her concern about green roofs.

Mr. Fillat stated green roofs are better designed with lower risks. He has completed several projects. The living roofs are located over the porches and would likely leak outside the building.

Commissioner Sorce asked about accessibility.

The buildings will be accessible.

Vice Chairperson Burroughs inquired about plans for more entrances.

There may be an additional entrance and a maintenance building, subject to the concerns of the neighbors.

Vice Chairperson Burroughs inquired about sidewalks connecting to the streets.

Mrs. Todd, Director of Planning and Codes, noted Franklin Street is a State road. Any construction on Franklin Street will have to be approved by SHA.

Chairperson Quick inquired about the number of buildings.

The plan is to build twenty-five.

Chairperson Quick inquired if the architect has completed any similar projects with solar roofs.

Mr. Fillat has not designed any apartment buildings but has designed other buildings with solar panels in downtown Washington, DC.

Chairperson Quick inquired about the rental price points.

Harry Wyre, Project Manager, stated the rent would be fourteen hundred (\$1,400) to twenty-two hundred (\$2,200) dollars a month.

Mr. Fillat discussed the twenty-five-foot setback minimum, and the buildings currently are much closer. He said this siting is traditional and consistent with the Pattern Book. The plan is to work with the Fire Marshal to find an opportunity to allow the five-foot setback. If they are unable to reduce the setback, they will end up losing some units.

Chairperson Quick inquired about the reason for the fourplexes versus the townhomes.

This idea was a client-driven reason.

Chairperson Quick inquired about the elevations of the buildings.

More information will be required for the next step.

Mr. Johnston stated the major design challenges are Stormwater Management and Forest Conservation. The staff has recommended the applicant engage a civil engineer to help them better understand stormwater management requirements and their implications for design. In addition, Forest Conservation will be an issue. The parcel is almost completely forested. How the applicant

addresses the forest conservation threshold could also affect the final project design. The Town is reluctant to accept the responsibilities associated with large fee-in-lieu payments. They need to figure out how to create a forest. The main challenge is how to retain forest on the site in the design and to satisfy the stormwater management and the impacts to their design.

Mr. Johnston suggests that the Pattern Book addresses patterns of development, but it also addresses architecture and context. Going forward they will need to show the buildings and the context around them architecturally.

**New Business #3 – Other:** Mr. James Guay, a resident of the Town, has shown interest in the vacant spot for the Planning Commission as an alternate. His request to join the Board has been sent to the Town Council for an appointment at the next meeting.

**Staff Item #1 – Zoning Ordinance Amendments:** Peter Johnston, Town Planner, informed the Planning Commission of updates on the Zoning Ordinance amendments. There has been a delay to the Zoning Ordinance due to HB 233 and SB 268. There are now a series of amendments required for the Critical Area Program.

**Staff Item #2 – Other:** None

**Adjournment:** The meeting adjourned at 7:01 p.m.