

Denton Planning Commission

Minutes

Town of Denton

August 26, 2025

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Kevin Waterman*

Dona Sorce*

James Guay, Alternate*

* Those Present

** Excused

*** Absent

Participants:

Peter Johnston, Town Planner

Frank Taylor, Councilman

Victoria Ferris

George Bailey

Recording:

Donna Todd, 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 August 26, 2025, at the Denton Town Office. Chairperson Quick 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 provided on the Town's website.

Approval of Minutes:

The Regular Meeting Minutes of July 29, 2025, were reviewed and unanimously approved.

Old Business #1 – Denton RT 404, LLC/7-Eleven, Preliminary Site Plan: Victoria Ferris, KCI Engineers, submitted a final site plan on behalf of Denton RT 404, LLC, for a 4,816 square foot 7-Eleven convenience store, a 2,029 square foot canopy with two (2) diesel fuel pumps, and a 7,311 square foot canopy with eight (8) multiple product dispensers (MPDs), with associated parking to be located at 1199 Industrial Parkway. The Planning Commission approved the preliminary site plan on May 27, 2025.

Ms. Ferris highlighted the changes made to the final site plan. The most notable change is the landscaping, which no longer requires variances. All landscaping requirements have been provided for the interior islands, and landscaping has been removed from the front bufferyard, as the Town Code does not require it.

Ms. Ferris noted the Board of Appeals denied the sign variance requests on August 11, 2025. The signage is currently being revised to meet the Town Code requirements.

Ms. Ferris noted comments received regarding the lighting not meeting Town Code are currently under revision with the lighting consultants.

Ms. Ferris stated approval has been received from SHA for the expansion to widen the entrance off Industrial Parkway. Caroline Soil Conservation District's comments are currently under revision and will address all their comments. They are also working with MDE on required permitting for the underground storage tanks on site.

Commissioner Guay asked how many storage tanks would be installed for the fuel.

Ms. Ferris stated two or three. One will be placed in the rear for diesel fuel, and two will be placed at the front of the property.

Commissioner Guay asked if they would be selling other types of natural gases.

Ms. Ferris said she believes so on the exterior of the building.

Vice Chairperson Burroughs asked Mr. Johnston if the interior landscaping complies with the Town Code.

Peter Johnston, Town Planner, confirmed that it does.

Vice Chairperson Burroughs asked if the signs that were denied during the Board of Appeals meeting all had to do with size.

Ms. Ferris confirmed that it was correct.

Commissioner Waterman motioned to approve the final site plan contingent on meeting all stated requirements regarding signs, lighting, Caroline Soil Conservation District, and MDE approval. The signatures will be withheld until all requirements are met and reviewed by staff.

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

Old Business #2 – Denton Project, LLC:

George Bailey, Project Manager, requested a postponement from the Planning Commission to allow time to determine the next steps required to meet the new Town Code's requirements.

§128-127 Table of Density and Dimensional Regulations requires a minimum lot depth of 100 feet for the townhouse subdivisions.

The standard was inferred from a minimum lot area of 4,000 square feet per unit and a minimum lot area of 2,000 square feet for individual units. The prior Zoning Ordinance set no minimum lot depth. The 100-foot minimum lot depth was perceived as a reasonable base requirement, as with 24-foot-wide townhouse units, it would result in a lot area of 2,400 square feet (24 x 100), which exceeds the minimum lot area of 2,000 square feet per individual unit but is less than the required minimum lot area per unit of 4,000 square feet. The proposed lots in the Eden Village Phase I Townhouse Subdivision average 85 feet in depth, which does not comply with the current requirement. This discrepancy prevents the project from moving forward without addressing the non-compliance.

Chairperson Quick noted the options for resolution that the Town Planner suggested:

- Revise the Subdivision.
- Variance Application through the Board of Appeals.
- Text Amendment Request.

Commissioner Waterman suggested that the Town establish an early vesting policy to secure projects in place when they are submitted, thereby preventing situations like the one in question.

Chairperson Quick explained that the application had expired, which was the only reason the applicant was in this situation.

Donna Todd, Planning and Codes Director, explained that the final subdivision plan approval expired because the plat was required to be recorded within six months. She noted that the forest conservation plan was also not finalized, as it was part of the subdivision plan that had not yet received final approval.

Commissioner Sorce asked how long the applicant would need for a postponement.

Mr. Bailey stated he is looking for guidance on how to proceed.

Mrs. Todd stated it will depend on which recommendation he chooses to follow.

Mr. Johnston noted that their other single-family home subdivision is still under the old Town Code because it has not expired, as long as the final plat is recorded by the deadline.

Chairperson Quick asked if they could build the single-family development without the townhomes or if they needed to have a road to connect the two projects.

Mr. Bailey explained that they would be able to build some of the homes, but would eventually need to connect the two projects to have entrances on Market Street and Camp Road.

Chairperson Quick asked the Commission how they feel about the text amendment option.

Vice Chairperson Burroughs voiced his concerns regarding that option. He feels it should not apply to all subdivisions.

Chairperson Quick asked if they had ever encountered any issues with the old Town Code requirements.

Mr. Johnston explained that there were issues with Mallard Homes regarding owners trying to build decks or add anything to their backyards, and they were constrained from doing so.

Chairperson Quick asked if the new text amendment would include text that supports those concerns.

Mr. Johnston explained that a deck is going to be listed as a permitted accessory use, and there are no health or safety reasons to deny it for one type of project but not another.

Chairperson Quick asked if introducing a new text amendment for the project would open up problems with allowing Mallard Landing to build the decks.

Mr. Johnston said it would not.

Commissioner Waterman explained that if they make this change, it could cause backlash from prior residents who were not allowed to build what they were denied due to the building envelopes.

Councilman Taylor expressed his concern about the potential problems they could face if they proceeded with a text amendment.

Chairperson Quick asked about the issues they had with the prior Town Code and whether it could be changed.

Mr. Johnston stated that the only issues he is aware of concern the Mallard Homes project and the lot depths.

Mr. Bailey noted the developer must disclose the setback to potential buyers.

Mr. Johnston explained that the Code was changed to provide more space for the owners to have accessory uses in the backyard.

Mr. Johnston noted that vesting requires the project to demonstrate, on the grounds of visible improvements, that the developer has taken physical action on the property.

Commissioner Waterman suggested they ask the Town Attorney if they can adopt a vesting policy that's more lenient than the State's default one.

Mr. Johnston explained that the term "vested" is used in court, and the judge would use that definition to decide whether it is or not.

Commissioner Sorce asked why they do not recommend the variance.

Commissioner Waterman explained that the Board of Appeals is lengthy and expensive, and they would have to rely on the Board's decision to determine whether they feel it constitutes a hardship.

Chairperson Quick asked the Commission how they all felt about recommending a text amendment.

The Commission's consensus was to entertain a request to amend the ordinance text.

Mr. Bailey asked if he would need to write the text amendment or would the Town draft one.

Mr. Johnston recommended that he consult his attorney regarding it, and if they have any questions, to call Town staff.

Commissioner Waterman motioned to approve the six-month postponement of the application for Denton Project LLC.

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

Old Business #3 – None.

New Business #1 – Other: None.

Staff Item #1 – Other: Mrs. Todd noted that Tractor Supply will be coming to the next meeting, and Atlantic Storage will be coming in for the October meeting. 920 Market Street is currently awaiting the lease to be rewritten. Kevin Sills is selling the project to another developer and will be presenting it to the Board of Public Works soon for approval.

Adjournment: The meeting adjourned at 6:38 p.m.