Denton Planning Commission

Minutes

Town of Denton

September 29, 2026

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Kevin Waterman*

Dona Sorce*

* Those Present

** Excused

*** Absent

Participants:

Peter Johnston, Town Planner

Frank Taylor, Councilman

Scott Getchell, Town Administrator

Candice Bateman (Virtual)

Albert Retowsky (Virtual)

Recording:

Donna Todd, Director of Planning and Codes

Katie Northam, Project Manager

PROCEEDINGS

Call to Order:

Chairperson Quick called the Planning Commission Meeting to order at 6:00 p.m. on September 29, 2026, at the Denton Town Office. Chairperson Quick led everyone in the Pledge of Allegiance.

This Meeting was made available to the public via Town Hall Video Conferencing, and access to the Meeting was made available on the Town website.

Approval of Minutes:

The Regular Meeting Minutes of August 25, 2026, were unanimously approved.

Old Business #1 – 608 High Street, LLC, Phase 2 – Minor Site Plan/IRD:

The Planning Commission approved the minor site plan for an additional fourplex at 608 High Street, LLC, on June 30, 2026. The Planning Commission requires two additional items for approval to complete the final approval process. These items include correcting Finding 4 in the adopted Findings Statement to replace a public right-of-way with a private street and accepting distributed open space in lieu of a dedicated open space parcel. Candice Bateman, Development Facilitators, Inc., requested approval for flexibility in the common open space requirements under Denton Town Code §128-167(A) on behalf of 608 High Street LLC (Owner & Applicant).

Candice Bateman, Development Facilitators, Inc., and Albert Retowsky (Owner) introduced themselves to the Planning Commission virtually.

Peter Johnston, Town Planner, explained that staff lacks the authority to approve a few issues. Only the Planning Commission possesses the authority to approve them under the findings for the infill and redevelopment (IRD) requirements for adequate public facilities. High Street was initially listed as a public right-of-way but is a private street. Consequently, the findings on record

need to be modified to reflect accurate information. The second aspect of the Ordinance includes an article that mandates common open space for projects. However, the (IRD) projects are too small in scale, utilizing the property in a manner that makes it challenging or impossible to designate a separate open space parcel and furnish it with equipment, which would be more suitable for a large-scale development. The request is to accept a distributed open space. The property has the necessary area, buffers, and green space, but it is not all encompassed within a common open space as required by the Code. In a typical large-scale development, the Homeowners Association (HOA) typically manages open-space maintenance and assumes responsibility for its upkeep. This alone is insufficient to ensure that responsibility for the open space will transfer in the future to a potential new owner. Therefore, the condition is that the owner file and record a covenant in the court records indicating their intent to retain responsibility for the open space and that this responsibility will transfer with the land. Consequently, we seek corrections or actions on the findings and, for the record, acceptance of the distributed open space.

Item 1 – Correcting Findings 4 to Reflect a Private Street:

Commissioner Waterman moved that the Planning Commission adopt the corrected finding 4 outlined in the memorandum dated September 12, 2026, superseding the corresponding finding in the June 30th, 2026, Suggested Findings Statement for 608 High Street, Phase 2, and that this correction be entered into the record of that matter.

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

Item 2 – Accepting Distributed Open Space in Lieu of a Dedicated Parcel:

Vice Chairperson Burroughs motioned that the Planning Commission find, pursuant to §128-167(A) of the Zoning Ordinance, that (1) the objectives underlying Article XII's common open space standards can be met without strict adherence to a dedicated, physically set-aside

common open space parcel, and (2) strict adherence to that standard would be unreasonable given the peculiarities of this 0.41-acre IRD infill tract containing eight dwelling units in two four-unit buildings, and given that this is a small-scale infill project supporting the Comprehensive Plan's objectives of accommodating growth through infill and redevelopment and providing affordable housing choices – objectives that requiring a dedicated open-space parcel on a lot this size would work against rather than advance. I move that the Commission accept the distributed landscaped-yard and buffer-planting approach shown on the final Minor Site Plan for 608 High Street, Phase 2, in place of a dedicated common open space parcel, based on the project's scale and its location within the IRD Infill and Redevelopment Overlay Zone. I further move that the Commission find that the maintenance covenant required as a condition of approval, once recorded in the Caroline County land records, satisfies the maintenance obligation under §128-166(E)–(F) in place of a homeowners' association, and that no Certificate of Occupancy shall be issued for the project until proof of recordation of that covenant has been provided to the Town. These findings and the reasons stated in this motion, together with the accompanying staff memorandum, constitute the statement of reasons required by §128-167(B). With this finding, the Commission's action on 608 High Street, Phase 2, is complete, and the Chairperson may sign the final site plan once staff confirms that the remaining technical corrections have been addressed.

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

Old Business #2 – 800 Gay Street, LLC –Minor Site Plan/IRD: The Planning Commission approved the minor site plan for a fourplex and duplex on August 25, 2026, for 800 Gay Street, LLC. One additional item is required for Planning Commission approval to complete the final approval process. This item includes accepting distributed open space in lieu of a dedicated open space parcel. Candice Bateman, Development Facilitators, Inc., requests approval

for flexibility in the common open space requirements under Denton Town Code §128-167(A), on behalf of 800 Gay Street LLC (Owner & Applicant).

Commissioner Waterman motioned that the Planning Commission find, pursuant to §128-167(A) of the Zoning Ordinance, that (1) the objectives underlying the Zoning Ordinance's common open space standards can be met without strict adherence to a dedicated, physically set-aside common open space parcel, and (2) strict adherence to that standard would be unreasonable given the peculiarities of this 0.33-acre infill tract containing six dwelling units – a small-scale infill project that supports the Comprehensive Plan's objectives of accommodating growth through infill and redevelopment and providing affordable housing choices. I move that the Commission accept the distributed landscaped-yard areas shown on the final Minor Site Plan for 800 Gay Street in lieu of a dedicated common open space parcel and find that a maintenance covenant satisfying §128-166(F)(4) of the Zoning Ordinance will satisfy the property's maintenance obligation under §128-166(E)–(F) in lieu of a homeowners' association. As a condition of this approval, the applicant shall record that covenant in the Caroline County land records, and the Town shall not issue a Certificate of Occupancy for the project until the applicant provides proof of recordation. These findings and conditions constitute the statement of reasons required by §128-167(B). With this finding, the Commission's prior approval of the final site plan is complete, and the Chairperson may sign the final site plan once staff confirms that the remaining technical items have been addressed.

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

Old Business #3 – Other: None.

New Business #1 – Other: None.

Staff Item #1 – Other: Donna Todd, Director of Planning and Codes, informed the Commission that a zoning text amendment for the extension of site plan approvals pending necessary State and Federal approvals will be introduced to the Town Council on Thursday, October 1, 2026. If approved, the amendment will be returned to the Planning Commission for recommendation to the Town Council at the October 27, 2026, Planning Commission Meeting.

Adjournment: The Meeting adjourned at 6:13 p.m.