

**PLANNING COMMISSION**

**January 16, 2008**

**Trappe Town Hall**

**7:30 p.m.**

The regular Planning and Zoning Commission meeting was opened by Chairperson Edgar Harrison at 7:30 p.m. Planning Commission members present were Mr. Bobby Quidas, Mr. Richard Dorbin, Ms Jeannie Smith and Mr. Norm Fegel. The minutes of the previous Planning Commission meeting were unanimously approved.

**PERMITS ISSUED:**

None

**PERMITS PENDING AND ZONING ISSUES:**

None

Chairperson Harrison amended the agenda to go to new business.

**OLD BUSINESS:**

**M District**

**NEW BUSINESS**

**Trappe Rural Life Museum -Mr. Charles Adams, Jr.**

Mr. Adams introduced himself as the President of the Trappe Rural Life Museum, and stated that four of the seven directors were present. Mr. Adams introduced Directors Julie Libby our Vice President, Charles Asmussen our Chief worker, and Susan McNaught our Secretary.

Mr. Adams was asking for town regulations and setbacks as they make plans to move buildings to their site on Backtown Road. The Defender House will stay right where it is, and the carriage house will go behind it. As recently as yesterday he had an email from Jimmy Dawson who had an old atlas from 1890 or so showing building locations and the carriage house was up town as a store that sold notions. We hope to use the carriage house as a service place for us. It's suggested that eventually a handicap accessible bathroom could be placed in the carriage house as the Defender house could not accommodate this, and it would totally ruin it but that is part of our long range plan.

Mr. Adams thanked Don and Jennifer for coming out Monday morning in the cold to the site to meet with Angela Healy and offer advice. When I get a working plat or sketch of the lot to Angela she will create a site plan.

Mr. Adams also inquired about signage for the site and stated that Mr. Dick Morton proposed to donate a sign for the museum and they need to know what the sign requirements are.

Mr. Harrison stated that the town is in the process of drafting the laws that will apply to the land it's hard to be specific. We have a sign ordinance we could choose to apply to the M District, or we can choose to modify it. The M district stands for manufacturing stated Mr. Harrison and he asked if there was a plat showing setbacks as they exist? Mr. Adams stated that he has to go out and get dimensions; the site is little less than an acre, and he needs the setbacks for building and the sign.

Mr. Harrison: Brynja, unless I'm mistaken whatever we decide on setbacks, what's there now would qualify as non-conforming use, what you need is setbacks for buildings that you plan to move there.

Mr. Harrison stated the Talbot County Gateway will apply to that road.

Mr. Adams inquired who pays for the four mercury lights on Backtown Road.

Mr. Ball felt that they belonged to the residents.

Mr. Harrison inquired about any schedule they have. Mr. Adams stated that he is looking to Charles Asmussen to replace siding that needs to be replaced and the bad spots repaired. Mr. Adams stated that they applied for a grant last year from the Maryland Historic Trust to restore the carriage house but did not receive one. Mr. Richard Dorbin suggested that the ESHI "Stories of the Chesapeake" Eastern Shore Heritage might be a possibility. We are not part of that as Trappe chose not to participate, and Mr. Dorbin would like to look into it again. Mr. Harrison stated we were very interested in that, and they came out with their idea of what they were going to do, and they listed 101 stories they were interested in, and we had given them a number of stories of Trappe such as Nace Hopkins and Homerun Baker, and mentioned your interest in the museum. Out of a 101 stories they thought were significant not a single one was from Trappe. After talking to them I took that as a strong signal they are not interested in us.

Brynja Booth, Town Attorney, noted that Trappe as well as other communities have had concerns with the "stories", and that the mandated inclusion of the Eastern Shore Heritage .....into the town's comprehensive plan was an issue. Mrs. Booth noted she has a meeting next week in another town with the assistant attorney general, and ESHI Director, Richard Hughes. Mrs. Booth stated our concern is an inconsistency between the two, and could some third party come and say "well that's your comprehensive plan and it says this and therefore you can't do that. Mrs. Booth and Mr. Thompson proposed in another jurisdiction that we will adopt this but in the event of an inconsistency our Comprehensive Plan controls. They didn't like that so we are having a meeting to find out why that is

not acceptable. In the context of what I am doing for other jurisdictions, we have spent a lot of time reviewing this and it is confusing and not well written, although it has the right concept it is disappointing. In Denton, and Oxford, there was very little community input; mostly centered in Chestertown, no Talbot County input. I've been to a couple road shows, and most of it is focused on other counties. I just want to make sure for the towns we represent that if we adopt it, it doesn't create a legal issue, and I am looking into it, and will let you know.

Mr. Harrison I think it's a wonderful concept, and I like the idea of it. I don't like the way they talked to us, or the document presented to us is not what they are selling. The discussion continued on the advantages and disadvantages of the program itself.

Mr. Harrison stated if we come up with recommendations tonight would it be appropriate to share them with the Rural Life Museum.

Mrs. Booth stated sure. If there is some consensus tonight we can bring it back at your next meeting, and then move it to the town council for public hearing. Hope to have the M (LI) district in place by spring.

Mr. Harrison: I'd like to give them advance notice before we go the Council with recommendations so you can be heard, you will know what is being proposed prior to you going before them. You have a lot of visions. Mr. Adams thanked everyone.

### **Accessory Apartments – Definitions**

Mr. Harrison asked Town Planner, Jennifer Shull, to discuss with the board her memo regarding the definition of accessory apartments, and appropriate zoning districts. Ms. Shull suggested to pickup the definition of accessory apartment in the Village Overlay District, and put it in your general definitions, and secondly, to consider in other districts its use as a special exception.

Mr. Harrison: Brynja, at another venue we were talking about this and the principal residence must be occupied by owner.

Mrs. Booth: We actually thought it was a good requirement. What Jennifer is discussing addresses the concerns we had, that it be owner occupied, it addresses our concern that someone would rent out the garage and the home. I didn't want to get into legislating who they rented to. So as long as it says the owner live on the premises but not get into who they rent to, I'd rather not go there. They can rent to whoever they want as long as they live there.

Mr. Harrison: Now, if they lease the house, and the leaseholder wants to lease the garage to a mother-in-law under this circumstance they couldn't do that.

Ms Shull: Right, but the owner could lease the accessory apartment to the mother in law.

In the R1 district where it is primarily single family homes I think the thought is that existing residents would feel better knowing the owner is living on the

premises. The assumption is that you as the owner living there wouldn't put up with a lot of noise, or trash accumulation, etc. anymore than usual. The use is required in the R1, R2 districts as a special exception.

Mr. Harrison: Let's take this in two bites; is there agreement on the definition proposed? What is the board's feeling on that? All were in agreement.

What is the boards' feeling on extending the accessory apartment use as a special exception in the R1, R2, and R3 district? Now permitted in the Village Redevelopment Area. All were in agreement

Mr. Fegel: Is that defined as a detached structure?

Ms. Booth: No.

Mr. Fegel: Could it be a room in a house?

Ms Shull: No, a room doesn't qualify as an accessory apartment.

Mr. Harrison: Not the residence it can be a part of the building but will need its own entrance.

Ms Shull read: An accessory dwelling unit-a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, that's not a room. Mr. Harrison, so it could be part of the main house, or it could be a separate structure.

Ms Smith: A lot of them will say "room for rent with kitchen privileges".

Ms Shull: That is not what this definition is saying, that it is not permitted.

Mr. Harrison: That would be a boarder or a houseguest that's a private arrangement. This will be self contained. If we get too many complaints about boarders we will do something about it.

Mr. Harrison: Asked should we extend it beyond the Village Overlay district? The Ordinance spells out now the R-1, R-2 and R-3 districts stated Ms. Shull.

Ms Shull: What residential districts do you want to apply this too?

Mr. Dorbin: To all don't you think, treat everyone the same.

Mr. English: In the R3 district the lots are pretty small 6,000 square feet and the setbacks may be difficult, if not impossible, to reach.

Ms Shull: It may be a case where it is technically permitted but a practical impossibility due to the existing lot and building size. If only a few properties in the R3 may be able to use the option it gives them an opportunity.

Mr. Harrison: Are there any objections to extending the accessory apartments by special exception to the R1-R2? What's your feeling?

Mr. Dorbin: Put in all the way across.

Mr. Harrison: The recommendation is that we adopt the existing definition, and that we add it to section 19 of the code, and accessory apartments be permitted by special exception in all residential districts of town.

Moved and seconded. All agreed.

Ms Booth was directed to draft the recommendations into an ordinance for consideration at the next Planning Commission meeting prior to passing it to the Council.

## **OLD BUSINESS:**

### **Design Manual:**

Ms Shull asked for direction on what the Planning Commission would like to see in the Design Manual.

Mr. Harrison: What we were talking about is compiling all the various sources into one book without changing things.

Ms Shull stated you have a wonderful Design Manual, what are you really looking for?

Mr. Harrison: We want the Design Manual that we have, to be used and accessible for people to know that it exists, and have access to it.

Mr. Dorbin: Something very accessible. Reach via the web.

Ms Shull: We can post it on line, we can burn it on CD's , I can make a concise brochure of things that people might come to the Planning Commission, and tools they might use pointing out these things exist, and what they might be used for.

Mr. Harrison: We would like to tell them what it's for in a page or two.

### **Old Business - M District**

Ms Shull referred to her instructions from the November meeting regarding the use table, setbacks, and landscape buffers. The M district Use table was discussed at the last meeting; in the packet is a comparison of current setbacks between the Talbot County LI district, and Trappe's M District; her instructions were to make them as similar as possible without sacrificing the essence of Trappe. The biggest changes recommended were to the front, side and rear side yards.

Mr. Harrison pointed out that perhaps the street Route 565 falls into the Talbot County Gateway. Ms Booth clarified that it doesn't apply within town boundaries. I think they are trying to make the ordinances as consistent as possible so when you drive along the highway there is consistency. There were specific distances that were keyed upon the town's boundary. It's important to make sure the boundary looks nice.

Ms Shull stated that the setbacks proposed are from the property line which is not the same thing as setbacks from the road. The road setbacks range from 25' to 150'. At the November meeting it was discussed using property in the M District to a different intensity since there are limited acres in this zone.

Mr. Harrison requested the opportunity to discuss the recommendations one by one.

The first one is to change the front yard setback from 60' to 25' which would make it comply with the County. All were in favor.

The second recommendation is to change the rear yard setback from 60' to 25'. All were in favor.

The third recommendation is to change the side yard setbacks splitting the difference to 15' unless the property abuts a residential district and then the side yard setback is 25'. All were in favor.

The fourth recommendation was to maintain the present lot width of 150'. All were in favor.

The fifth recommendation was to amend road setbacks to apply to internal subdivisions. All were in favor.

The sixth recommendation adjusted site coverage to include all impervious surfaces including parking and buildings shall not exceed 70%. All were in favor.

The discussion then moved to suggested landscape buffer requirements.

Landscape buffers insure landscaping within site and along street edges.

There was no objection to the inclusion of landscape buffers.

The recommendation to require buffers to be seeded, and that wildflowers may be substituted with Planning Commission approval was accepted.

There was no objection to the balance of the landscape recommendations to permit afforestation or reforestation within buffer yards; to permit deferment of plantings at the discretion of the Zoning Administrator when weather is a factor; to prohibit buildings or parking from being planted in the buffer; to prohibit buffers from being planted in existing street or utility right-of-ways.

Mr. Harrison then directed the board's attention to the notation that in Talbot County Zoning LI District accessory dwelling use is allowed. Concern was raised about placing houses in the middle of an industrial zone.

Ms Booth suggested restricting dwellings to accessory use by special exception like Talbot County.

Discussion regarding restricting occupancy of dwellings to employees associated with the primary use on the land; that dwelling be considered an incidental use.

All were in agreement that this restriction should be included along with use as special exception.

Ms Booth was directed to place recommendations and use table into ordinance form for discussion at the next Planning Meeting.

Mr. Harrison then took up the recommended change to the Intent of the M District. The change spelled out offensive conditions more specifically. All were in agreement that the change was acceptable.

### **Other Old Business:**

Ms Shull advised the board that a revised landscape plan for Moore's Carousel Commons project had been received, reviewed, and approved by Norm Fegel as previously directed at the November meeting. She advised that she had attended the Talbot County Planning Commission meeting as had Don English. Talbot County had received a draft of the Town's "M" District which imitates the Talbot County Zoning which staff hopes will eliminate the need for a waiver. No formal action has been taken yet.

Discussion on starting the Comprehensive Plan as soon as the “M” district is finalized in March.

Ms Booth updated the board on her role in updating the Comprehensive Plan. She will complete the water resources element based on the subsidiary plan previously prepared.

Ms Shull stated she had attended a meeting of Talbot County Planners on this topic where a presentation was made by Talbot County’s current consultant, Clive Graham of ERM.

Mr. Harrison had some suggestions on what he would like the new Comprehensive Plan to address.

1. Change working on goals/guidelines; be more specific about what town plans to accomplish by adopting the plan. To create a financially viable community with limits on growth, and efficient environmentally self sustaining community.
2. Include new requirements from 1141
3. Implementation section needs updating.

Discussion on how and when to include the County in the process.

Ms Shull noted that Paige Bethkey, Economic Development Director for Talbot County, would like to speak to the Planning Commission as they revise the Comprehensive Plan to inform them of the role Economic Development plays in communities.

It is hoped that after next month a schedule will be worked out and Ms Bethkey can be notified.

No further business Mr. Harrison declared the the meeting was adjourned.

**ANNOUNCEMENTS:**

January 21<sup>st</sup> – Town Office Closed – Martin Luther King Day

January 25<sup>th</sup> – Special Trash & Christmas Tree Pickup

February 6<sup>th</sup> – Town Council Meeting 7:30 p.m.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted:

---

Joedy Cecil, Clerk

---

Approved by: Edgar Harrison, Chairperson