

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**April 26, 2011**

**Planning Commission Members:**

Doris Walls, Chairperson\*  
William Quick\*  
Ummu Bradley Thomas\*\*  
Sue Cruickshank\*  
Marina Dowdall\*  
Brian Tyler\*\*

\* Those Present  
\*\* Excused

**Visitors:**

Margaret Myers  
Donna (Weir) Warren  
Phil Riordan  
Sharon Kleczynski  
Glenn Collins  
Don Mulrine

Andrew Myers  
William Warren  
Ben Minamoto  
JOK Walsh  
Al McCullough

**Recording:**

William Kastning

1 PROCEEDINGS

2 **Call to Order:**

3 The regular meeting was called to order by Chairperson Walls at 6:00 p.m., on April 26,  
4 2011, at the Denton Town Office and followed by the Pledge of Allegiance.

5 Chairperson Walls asked for any corrections, deletions, or additions to the March 29,  
6 2011, Planning Commission meeting minutes. The minutes were approved as presented.

7 **New Business # 1 – Ben Minamoto - Major Subdivision:**

8 This agenda item was brought forward to allow the applicant, Mr. Minamoto, to be heard  
9 early and not be inconvenienced by waiting. Mr. Riordan, representing Ben Minamoto, presented  
10 an overview of the proposed six-lot subdivision which accurately reflected the documents  
11 submitted and reviewed by the Town planning staff. Mr. Andrew Myers, whose property abuts  
12 the Minamoto parcel, expressed concern about stormwater flow which at times causes siltation  
13 from the Minamoto property on to his access driveway. The Planning Director indicated that the  
14 subdivision was fully conforming, had no infrastructure requirements (roads, water, and sewer),  
15 and if approved should be approved with the conditions:

- 16 1) No further subdivision shall be allowed;  
17 2) Caroline County approval of lots accesses on River Landing Road;  
18 3) forest conservation easements and signage on Lots 1 & 2;  
19 4) no timber harvesting on Lot 1 along the stream corridor;  
20 5) additional forest mitigation as may be determined by the Town due to impacts from  
21 trash and junk removal;  
22 6) no additional forest clearing elsewhere on the subdivision without Town permits;  
23 7) Caroline County Health Department approval for wells and septic systems;  
24 8) State Highway Administration issuance of access permits to MD 328;  
25 9) access easements across Lot 2 for Lot 3 and across Lot 6 for Lots 1 and 4;  
26 10) livability inspection of existing home;  
27 11) granting of growth allocation from Rural Conservation Area (RCA) to Limited  
28 Development Area (LDA);

- 1 12) Caroline Soils Conservation District approval of subdivision plat;  
2 13) obtaining a stormwater management quantitative control waiver from the Town after  
3 submitting a watershed management plan based upon detailed hydrologic and  
4 hydraulic analyses (as defined in the Stormwater Management code, section 106-3.3),  
5 and  
6 14) creating a stormwater control swale, acceptable to the Town Engineer, to prevent  
7 Myers' access road sedimentation.

8 After a discussion Chairperson Walls entertained a motion. Commissioner Cruickshank  
9 made the motion to approve the application with the above-mentioned conditions. Commissioner  
10 Dowdall seconded the motion. The motion passed 3:1 with Commissioner Walls voting nay, and  
11 stating there were too many conditions that should have been resolved beforehand.

12 **Executive Session:**

13 Director of Planning requested a brief executive session to consult with counsel to obtain  
14 advice on a legal matter. A motion to enter into executive session was made by Commissioner  
15 Dowdall, seconded by Commissioner Cruickshank, and approved unanimously. At the end of the  
16 executive session, a motion was made by Commissioner Cruickshank to return to public session,  
17 seconded by Commissioner Dowdall, and approved unanimously.

18 **New Business # 2 - Crouse Park Variances**

19 This agenda item was added to address a Town code requirement to allow the Planning  
20 Commission to comment on Crouse Park variances before the Board of Appeals (BOA) at their  
21 May 9, 2011, hearing. It was noted by the Planning Director that the Town Code has  
22 inconsistencies where in one section it states the Planning Commission shall only comment upon  
23 special exceptions before the BOA and in another section the code allows Planning Commission  
24 review and comment on variances before the BOA. Planning staff had been unaware of the  
25 variance requirement until late in the day of the Planning Commission hearing and in order to

1 accommodate the code and provide timely input to the BOA, added the Crouse Park variance  
2 review to the agenda.

3 Commissioner Dowdall disclosed that she worked on the Denton Development  
4 Corporation books and asked if she should recuse herself. Attorney VanEmburch indicated that  
5 given the contentious nature of this project, it was best to step down. Commissioner Dowdall  
6 stepped down from the dais and seated herself with the audience.

7 The Planning Director gave an overview of the Crouse Park variances. Two variances are  
8 associated with proposed construction of a visitor center and a restaurant in the floodway.  
9 Another variance is for fill to elevate the park access road in the floodway. The other two are  
10 bulk variances (one for front setback and another for building height) associated with a proposed  
11 restaurant. Messrs. Collins, Walsh, and McCullough provided an overview of the project and the  
12 requirement for the variances. Attorney VanEmburch indicated that the Planning Commission  
13 had no code involvement necessitating its review and comment on the floodway variances.  
14 Discussion ensued on the two bulk variances for the restaurant. A motion was made by  
15 Commissioner Quick to indicate the Planning Commission had no issues with the two proposed  
16 variances within its purview and therefore had no comments. The motion was seconded by  
17 Cruickshank and passed 2:1 with Commissioner Walls voting nay.

18 **Old Business #1 – Continued discussion of proposed Peddlers License Ordinance:**

19 Commission members discussed the amended draft of the proposed Peddlers License  
20 Ordinance. Commissioner Walls commented about the hours of operation and the sounds not  
21 permitted. It was agreed to change the hours of operation from 10:00 a.m. to 5:00 p.m. to 10:00  
22 a.m. to dusk. To allow street vehicle ice cream vendors, it was proposed to strike the language,  
23 "use any sound-making or amplifying device" and change the permitting process to consider  
24 these types of sounds on a case-by-case basis as part of granting a permit. Planning staff will  
25 incorporate into a third draft for Planning Commissioners' review and comment via email during

1 the next month. The ordinance will be offered for introduction by the Town Council at its June 6,  
2 2011, regular meeting.

3 **Staff Items:**

4 Discussion ensued about code revision to eliminate the inconsistency in the current code  
5 allowing Planning Commission review of only special exceptions in one part of the code and  
6 variances in another part of the code. The Commissioners concurred on retaining the  
7 opportunity to comment on variances. Planning staff agreed to have the Town Council consider  
8 amending the code.

9 Planning Director informed the Commissioners of his administrative approval of the  
10 Third Williston, LLC, lot line adjustment.

11 **Adjournment:**

12 The meeting adjourned at 7:45 p.m.