

**Planning & Zoning
Meeting Minutes
May 21, 2012**

ATTENDANCE: Michael Fortner, Pete Reich, George Jack, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to order at 6:30 p.m.

APPROVAL OF MINUTES:

MOTION was made by Mr. Reich and seconded by Mr. Jack to approve the April 16, 2012 Planning & Zoning Public Hearing and Meeting minutes as written. **All in Favor. Motion Passed.**

NEW BUSINESS:

Chapter 74 Subdivision of Land:

Ms. Skilling explained one of the reasons we're looking at Ordinances and various Code, it's a good time to go through and get it up to date. It was mentioned at the last Mayor and Commissioner meeting to look at these for updates and a list was provided of those that need to be updated, with Subdivision as the next one to be reviewed. We recently reviewed signage and they will be voting on that at their next meeting in June. One of the reasons I'm doing Subdivision, currently it doesn't include minor subdivision in the regulations, which is four (4) lots or less, so this does allow us to do that. One of the primary reasons to make sure we include minor subdivisions is under the new State Plan Maryland regulations, a State mandated program, which is like the State's Comprehensive Plan, a framework for everything we're supposed to be doing. One of the things they're talking about is if you have minor subdivisions and major subdivisions you should have those in your plans and one of those things to me that is most important is in your growth area you need to identify areas that are potentially, they're on septic number one, and if you're going to incorporate them, it could be a minor or major subdivision, and the reason they want you to do that is because the County, under these new guidelines could potentially come into our growth area and if we don't have certain regulations, they could come in and actually develop a piece of land in our growth area to whatever they want. And basically they can do that because it's not annexed into the Town. But the idea of Plan Maryland and the Comprehensive Plan was to identify your growth area and the County knows what it is because it's in their Comprehensive Plan too, so they would not encroach on our growth area. We have defined it in our Comprehensive Plan and so has the County, but with the new regulations coming down for septic primarily, the County is going to look for alternatives for properties especially along the Route 40 corridor, because that's the County's growth area. And the concern I have is with Artesian coming in, we'll be competing with them for water and sewer usage because they're going to be, they already own the water plant in Port Deposit and they're looking to own the wastewater in Port and running the line on 222 all the way down to Seneca. So some of these things have to be in place so that we can protect our growth area, and this is one of the ways we have to do it. We should have minor subdivision so we can go through that process.

Discussion continued that the document is Chapter 74 Subdivision of Land and is part of the Code, not the Zoning Ordinance.

Ms. Battaglia stated it's completely different from the existing and it would be better for Ms. Skilling to explain. I tried to show the changes similar to the signage, but it is completely different and was unable to do that. We'll just start with a new document, and this isn't even the entire document, there

are more pages that Ms. Skilling is still working on. What will happen is the existing Chapter 74 would be repealed in entirety and the new will replace it. It is better to start with a new document to read and review for consistency of the content. This process began awhile ago but it was not complete and Ms. Skilling is working on reviewing that.

Ms. Skilling indicated a lot of this was already done by a consultant and I have modified it to update it with language that is more appropriate to meet some of the regulations and relevant now. The Planning Department didn't exist then and we're changing that, to make a long story short our department doesn't really function under the Town right now because in our Code and the Charter it doesn't identify the Planning Department, the Town Administrator is the enforcer of the regulations for Code Enforcement so we're changing all that as well, so Code Enforcement is under the Planning Department. That's why we're going through all these different Codes, zoning regulations, to make sure they're up to date because it's been awhile since it's been done.

Discussion continued regarding existing subdivisions are already subdivided. The subdivision regulations address only new subdivisions of property/parcels. During the subdivision process all roads and parcels are determined at that time, and the Town doesn't necessarily take over all areas. The regulations under review are to address new subdivision requests to divide parcels. The revised version adds the mechanism to submit a concept plan first so the Planning Commission can talk with the applicant for explanation for the subdivision request; a concept, preliminary and final just like any other site plan.

Ms. Skilling indicated it should make it a lot easier to understand and get through the process, and the Planning Commission will be able to look at it from the beginning. That process is incorporated in the new subdivision regulations under review. There are more pages coming that are still under review.

Discussion continued about reviewing the entire chapter at one time. Previous documents under review were clearly marked with additions and deletions but this did not. There was some confusion regarding what was changed, and members thought it would be better to see the entire document at the same time.

Ms. Skilling stated as part of Town Code, the Planning Commission has the opportunity to review and I would like to take the time to explain why and what is being changed. There is also another new section for Resubdivision, Addition and Subtraction of Lots (Section 12) that right now we don't have anything in current regulations. It will be sent to you as a word document so you can make changes or just put comments on the page, a question or whatever.

Mr. Reich commented this should be on next month's agenda for a thorough review.

Ms. Skilling responded I will complete my review and then send you the entire document. If you see it all, minor, major, subdivision and the process, the checklist, I think it will flow better for you to understand what it entails. It's not much different but giving the applicant more information and checklists for what you have to do to submit something.

Mr. Reich indicated we need more time for review, if we could get it at least two weeks prior to our meeting that should be enough time.

Ms. Skilling replied I'm not going to have it done for another, maybe next week,

Mr. Fortner asked do we have a mechanism for administrative subdivision for a lot line change.

Ms. Skilling responded I'm not sure, but we should for lot line adjustments. We've done in the past, the Mayor and Commissioners approved one, but I don't think right now we have administrative subdivision, but we should. I'll have to look to see if we incorporated anything in this one because I don't remember the second half of this. The biggest problem with subdivisions is you have to conform to zoning requirements so all subdivided portions are conforming. We'll review it generally at the next meeting. Once we discuss all the changes that need to be done and the review is complete we'll schedule a public hearing and make recommendation to the Mayor and Commissioners. It is up to us as Town Staff to get it to you for review, realizing we're trying to go through this to make sure it's up to date as much as possible. I'm researching a lot of other towns to make sure it meets today's regulations, with Plan Maryland, with storm water management. Changes also need to be made to our regulations for critical area, storm water, floodplain and to get updated because it's getting to be a State mandate to get them done.

The next meeting will be held on Monday, June 18th.

Ms. Skilling indicated there have been two applicants interested in serving on the Planning Commission. Mayor and Commissioners will be reviewing and announcing their decision for new members at the next meeting June 5th.

Motion made by Mr. Jack and seconded by Ms. Turgon to adjourn the meeting at 7:15 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator