



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION MAY 24, 2023**

- I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Kelly Huhn, and Jan Ruttkay, Commission members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk. Absent was Larry Brown, Commission member.

II. **Approval of the May 24, 2023 Planning & Zoning Agenda.**

**MOTION:** Commissioner Berault moved to approve the May 24, 2023 Planning & Zoning agenda. Seconded by Commissioner Ruttkay.

**MOTION:** Chair Greengold moved to amend the agenda to add **“VLb – Mr. Jakubiak to present possible agenda item for next month.”** Seconded by Commissioner Ruttkay.

The Commission voted on the amended agenda, all in favor.

III. **Approval of the April 26, 2023 Planning & Zoning meeting minutes.**

**MOTION:** Commissioner Berault moved to approve the April 26, 2023 Planning & Zoning meeting minutes. Seconded by Commissioner Ruttkay, all in favor.

IV. **Suggested changes to meeting schedule.**

- 1) Recess for August.
- 2) Reschedule November 22<sup>nd</sup> meeting to November 15<sup>th</sup>.
- 3) Reschedule December 27<sup>th</sup> meeting to December 13<sup>th</sup>.

**MOTION:** Commissioner Berault moved to approve the proposed changes to the Planning Commission meeting schedule. Seconded by Commissioner Blackwelder, all in favor.

V. **Public Comment** – None Received.

VI. **Continue discussion on Critical Area Regulations:**

Mr. Jakubiak did a brief overview of the last meeting's discussions regarding the Buffer and addressed questions and concerns from the Commission before moving forward. He addressed several concerns from Commissioners Blackwelder and Berault.

### Continued Discussion - Part 3. Buffer

#### A. Applicability & Delineation

(2) Applications for a subdivision or development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include a minimum Buffer of at least 200 feet from a tidal waterway, or tidal wetlands, and 100 feet from a tributary or stream.

(a) *The 200-foot Buffer may be reduced if strict application of the 200-foot Buffer would preclude either subdivision at a density of one dwelling unit per 20 acres, or an intrafamily transfer subdivision.*

(b) *The reduced Buffer should be the minimum necessary to accommodate a dwelling and a sewage reserve area, as determined by the Planning Director, but no less than 100 feet.*

After discussion, Chair Greengold moved to amend the following, to remove language with strikeout and add the highlighted word as follows:

(2) Applications for a subdivision or development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include a minimum Buffer of at least 200 feet from a tidal waterway, **or** tidal wetlands, ~~and 100 feet from a tributary~~ **or** stream.

**The Commission unanimously agreed.**

The Commission inquired as to the meaning of “intrafamily transfer” as referenced in (a) above. The Commission did not feel this relevant to the Town. The Commission also discussed possibly increasing the regulated buffer up to 300 feet.

The Commission has requested Mr. Jakubiak to inquire from the State Commission if both (a) and (b) above could be eliminated entirely and if there would be an issue with the Town increasing the buffer to three times its current.

#### C. Buffer Establishment

Mr. Jakubiak stated under the Buffer Establishment, if you’re permitted to do some development activity or some kind of disturbance in the buffer, you have to meet certain requirements. The buffer is primarily off limits, however, there are exceptions and if you are able to do something, you have to comply with the types of standards listed. Mr. Jakubiak expounded on the six requirements of this regulation. Mr. Jakubiak discussed Table 3 in this section which describes the development category and the requirements necessary depending on the timeline in which the lot was created. Mr. Jakubiak addressed the Commission’s questions and concerns.

#### D. Mitigation for impacts to the Buffer.

This section addresses the removal of trees, which is of great concern to the Commission. Due to the late hour, the Commission will continue discussion of this section at its next meeting.

**VI.b Presentation by Mr. Jakubiak on possible agenda item for next month** – Mr. Jakubiak stated that the Town Council may seek a recommendation from the Commission on a zoning change, so he wanted to brief the Commission beforehand. When the Horizons on the Bay was constructed, it was under the zone of Commercial High Density, which allowed for a mix of uses within the same building. When the recent zoning amendments were passed it made those types of uses illegal. The Town recently received an application for a salon, which would occupy a space in the building. The applicant will be filing for a zoning change to allow commercial use in the building, and it may come to the Commission for a recommendation if the Council decides to move forward with it.

**VII. Adjournment:**

There being no further comments, Commissioner Hauhn moved to adjourn the meeting at 9:20 PM. Seconded by Commissioner Berault, all in favor.

Submitted by,



Sharon L. Humm  
Commission Clerk

**Note:** This meeting can be viewed in its entirety on the Town website on the Planning Commission page [www.chesapeakebeachmd.gov](http://www.chesapeakebeachmd.gov).