



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING COMMISSION MEETING DECEMBER 13, 2023**

- I.** Commission Chair Kathleen Berault called the meeting to order at 6:00 pm. In attendance were Chair Berault, Laura Blackwelder, Larry Brown, Jan Ruttkay, and Rachel Larsen Weaver, Commission members, Sarah Franklin, Town Planner, and Sharon L. Humm, Commission Clerk. Absent were Vice-Chair Greengold and Commissioner Hauhn.

Chair Berault took the opportunity to thank all the Commissioners, as well as the Town Planner, and Commission Clerk for all their work regarding planning and zoning and to wish everyone a blessed and joyful holiday and all good things for the new year, especially good health.

**II. Approval of the December 13, 2023 Planning Commission Agenda**

**MOTION:** Commissioner Brown moved to approve the December 13, 2023 Planning Commission agenda. Seconded by Commissioner Ruttkay.

**MOTION:** Commissioner Brown moved to remove under Old Business, #1- State review of critical area as the Commission has not received comments from the State yet. Seconded by Commissioner Ruttkay. The Commission voted on the amended agenda, all in favor.

**III. Approval of the November 15, 2023 Planning Commission meeting minutes**

**MOTION:** Commissioner Brown moved to approve the November 15, 2023 Planning Commission meeting minutes. Seconded by Commissioner Weaver.

**MOTION:** Commissioner Brown moved to amend the November 15, 2023 meeting minutes to change "Section 5-Quorum" to "Section 6-Quorum" and add "Section 9" to the Advisory Opinion section. Seconded by Commissioner Weaver, all in favor.

**IV. Public Comment on any item on the agenda – None Received.**

**V. Old Business**

- 1. Fees-in-Lieu** – As per the fee-in-lieu discussion at the November Planning meeting, the Commission recommended Ms. Franklin research and provide the Commission with critical area fee-in-lieu and mitigation fees comparing other jurisdictions to the Town. Ms. Franklin presented a memo comparing critical area fees between other towns and cities, and Calvert County. She also provided an estimation of actual costs of reforestation which was estimated at \$4.05 per square foot. After a lengthy discussion, it was recommended the fee-in-lieu program remain in place and fees be established with a more realistic cost. With that, the Commission made the following motions:

**MOTION:** Commissioner Weaver moved to direct the Town Planner to draft

language to include in the critical area ordinance, that any category 2 site plan that comes before staff and is determined that fee-in-lieu may be appropriate, that it shall come before the Planning Commission for approval. Seconded by Commissioner Ruttkay. Ayes, Chair Berault, Commissioners Blackwelder, Ruttkay, and Weaver. Opposed, Commissioner Brown. **Motion Passes.**

**MOTION:** Chair Berault moved to direct the Town Planner to draft language to include that the minimum cost for mitigation of planting be \$4.25 per square foot and be reflected in the critical area ordinance under the fee-in-lieu section. Seconded by Commissioner Weaver. Ayes, Chair Berault, Commissioners Blackwelder, Ruttkay, and Weaver. Opposed, Commissioner Brown. **Motion Passes.**

**MOTION:** Commissioner Blackwelder moved to direct the Town Planner to draft language that states that in the case of after the fact permits or violations, the fee-in-lieu shall always be applied. Seconded by Commissioner Weaver. Ayes, Chair Berault, Commissioners Blackwelder, Ruttkay, and Weaver. Opposed, Commissioner Brown. **Motion Passes.**

It was noted that all the above amendments will be included under Part 4. Modified Buffer-B.(x) Fees in lieu of planting. Ms. Franklin will incorporate these changes into the Critical Area ordinance and will present at the January 24, 2024 commission meeting for their review and consideration.

2. **Review and approval of Rules of Procedure** – Commissioner Brown made a statement stemming from a comment made at the November meeting as to why he believes the Town Council need not be involved in approving the Commission’s own Rules of Procedure. The Commission agreed.

**MOTION:** Commissioner Brown moved to approve the Rules of Procedure. Seconded by Commissioner Blackwelder.

**MOTION:** Commissioner Brown moved to amend the Rules of Procedure, Section 9-Advisory Opinion to include the wording “the next meeting of the Commission” to read as “If an advisory opinion is requested from the Commission regarding special exceptions, variances, and interpretations, the opinion shall be rendered within thirty (30) days after the next meeting of the Commission.” Seconded by Commissioner Blackwelder, all in favor.

**MOTION:** Chair Berault moved to adopt the Rules of Procedure as amended, all in favor.

## **VI. New Business**

1. **Review 290-30 Zoning Code** – This section of the zoning code references violations and penalties. The Commission reviewed section 290-30 noting several concerns.

Commissioner Blackwelder stated she appreciated what the Town Planner provided regarding fees-in-lieu and would like to see something similar in comparing fines outside of the Town to evaluate this section against.

Commissioner Brown had a number of concerns about this section of the code that he would like to see addressed.

- A. Fines and Penalties (1) - Grandfather clause to protect homeowners where a condition exists that is in violation of this chapter.
- A. Fine and Penalties (3) - Reference names of sections violated.
- A. Fines and Penalties (4) - Process for adjudication.
- Who executes these fines and penalties?

Commissioner Brown would like to see the Town Planner prepare a draft of Section 290-30 addressing the concerns noted for the Commission to review.

**MOTION:** Commissioner Blackwelder moved to direct the Town Planner to provide the Commission with contextual information about fines in municipalities and areas outside of the Town and any other recommendations or points of thought that should be considered. Seconded by Commissioner Brown, all in favor.

The Town Planner will prepare a memo and a draft of Section 290-30 for the Commission to review at its January 24, 2024 meeting.

## 2. Signage

Commissioner Ruttkay had concerns with “temporary signs” along the roadways such as real estate signs, open house signs, yard sale signs, the duration of time they can stay up, and who would enforce the removal of those signs.

Chair Berault stated the Commission needs to work to make the code as clear as possible, to be in compliance with the code, and have an enforcement mechanism in place.

Commissioner Blackwelder suggested the Commission recommend to the Town Council that they contract a company to develop design standards for the Town. This would include signs, fixtures, and different elements for what gets built and placed in Town. With the budget cycle around the corner, now would be the perfect time to recommend this. It would give the Town continuity as development grows.

It was recommended that the Commission revisit this at their January 24<sup>th</sup> meeting when Vice-Chair Greengold will be present.

## VII. Adjournment:

There being no further comments, Commissioner Ruttkay moved to adjourn the meeting at 9:00 PM. Seconded by Commissioner Brown, all in favor.

Submitted by,

Sharon L. Humm  
Commission Clerk

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

