



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION JANUARY 5, 2022**

- I. Commission Chair Larry Brown called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Cynthia Greengold, Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon Humm, Commission Clerk.

Chairman Brown took the opportunity to congratulate Commissioner Greengold on her reappointment to the Planning Commission. Chairman Brown stated the Commission will finish the review of the remaining written comments, Town Business public comments, the November 9<sup>th</sup> public hearing comments, and comments provided by the State and County.

II. **Approval of the Planning & Zoning Agenda.**

**MOTION:** Commissioner Greengold moved to approve the January 5, 2022 Agenda as presented. Seconded by Commissioner Berault, all in favor.

III. **Approval of the minutes of the November 23, 2021 Planning & Zoning Commission meeting.**

**MOTION:** Commissioner Berault moved to approve the minutes of the November 23, 2021 Planning & Zoning meeting. Seconded by Commissioner Greengold, all in favor.

IV. **Public Comment on any item on the agenda: Public comment will be accepted by dialing (301) 715-8592 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**

Comments were received from:

1. Eric Blitz, on behalf of the Rod n Reel, discussed the required housing element in the Comprehensive Plan.
2. Wes Donovan commented on walkability and future/new development in the Town.

V. **Review and discuss public comments made or submitted during the 60-day draft Comprehensive Plan Update public review; amend Comprehensive Plan as necessary to address public concerns.**

**Jeff Foltz**

p.85-86, how does the plan reconcile the statements in “consider a land use pattern that encourages multiple housing types, at varying densities” while proposing to restrict housing types, locations, and heights? **No action taken.**

p.92 Delete: “However, a significant expansion of the Rod-n-Reel Resort is currently underway and the effect this will have on capacity constraints along Bayside Road is not yet know (sic).” And replace with “As part of the Rod-n-Reel Resort expansion project submission, the owner conducted traffic studies, as required by Maryland State Highway Administration. Those traffic studies did not forecast a degradation in the service level of the intersection of MD 261 and Mears Avenue. It is also

noteworthy that between 2000 and 2020, a 20-year period of substantial growth in town population, the average annual daily traffic count along MD Routes 260 and 261 only increased by roughly 1100 trips.” **No action taken.**

p. 109, given the restrictive nature of this Plan, what incentive/s does a developer have for beginning a development that enhances “community facilities commensurate with the expected impact of the proposed project.”? **No action taken.**

**Cindy Greengold** - Recommends adding this objective to the Housing Chapter:

“Infill development should be constructed to promote a small-town charm. Residents should feel safe, secure and know their neighbors, and be confident that neighboring structures will have a size, design and appeal that is similar to surrounding buildings.”

**MOTION:** Commissioner Greengold moved to recommend adding the above objective to the Housing Chapter. Seconded by Commissioner Berault.

**MOTION:** Chairman Brown moved to delete the wording “and know their neighbors” from the objective. Seconded by Commissioner Greengold, all in favor.

**The Commission unanimously approved the amended motion.**

**Chris Jakubiak**

1. A 200-acre forested area south of the developed portion of Richfield Station that is protected from any development by a deed of conservation. Mr. Jakubiak will propose a revision to Map 13, Future Land Use Map, to insert a symbol on the parcel indicating its protected status and text explaining it.

**MOTION:** Commissioner Blackwelder moved to approve a revision to Map 13, Future Land Use Map, to insert a symbol on the parcel indicating its protected status and text, using “FIDS” to explain it. Seconded by Commissioner Ruttkay, all in favor.

2. Provide added or revised text for Chapter 5 that will describe the protective status of the main open spaces that surrounds the Town’s large residential subdivisions such as Richfield Station.

**MOTION:** Commissioner Berault moved to approve added description to describe the protective status of the main open spaces that surrounds the Town’s large residential subdivisions and include in the legend on the Land Use Map. Seconded by Commissioner Ruttkay, all in favor.

3. Provide a new map or revise the existing land use map to show the Town’s existing critical area boundary and its three critical area zones and add text to describe what the Critical area is.

**MOTION:** Commissioner Berault moved to add a map showing the critical area boundaries or revising the existing land use map to show the Town’s existing critical area boundaries, its zones, and descriptive text. Seconded by Commissioner Ruttkay, all in favor.

4. Urge the Commission to reconsider its wording adopted on page 66 of the Plan which says in effect, that the Town would allow low impact recreational and commercial activities through the “Towns Growth and Allocation method”.

**MOTION:** Commissioner Berault moved to delete the wording “through Town’s Growth and Allocation method,” add a coma after the word requirements, and add the word “to” after the word access. Seconded by Commissioner Ruttkay, all in favor.

5. Encourage the Commission to revise a statement which is under the heading “Plans for Vulnerability Zones.” Mr. Jakubiak presented a revised statement to the Commission for consideration.

**MOTION:** Commissioner Ruttkay moved to allow Mr. Jabubiak’s revised statement as presented to the Commission. Seconded by Commissioner Berault. Opposed Commissioners Berault, Blackwelder, and Ruttkay. Abstained, Commissioner Greengold. **Motion Fails.**

#### **TOWN ZONING ADMINISTRATOR’S RECOMMENDATIONS *in response to ALL OTHER COMMENTS:***

##### **Eric Blitz, Mary Lanham, and Wes Donovan**

1. Apply the RV-2 land use category to the Stinnett’s Place property so that the land might be developed in either single-family detached or single-family attached like the townhouses neighboring the property.

**MOTION:** Commissioner Greengold moved to apply the RV-2 land use category to the Stinnett’s Place property. Seconded by Commissioner Ruttkay.

**MOTION:** Commissioner Greengold moved to amend the motion to also include language elsewhere in the Plan, that Mr. Jakubiak would draft, providing a recommendation that new residential developments provide recreational open space. Seconded by Commissioner Ruttkay, all in favor.

**Mr. Jakubiak will draft language and present at the Commission’s next meeting.**

2. Allow flexibility in the application of height limits so alternative housing types (where permitted) can be provided to meet the needs for apartments, condominiums, and senior housing, provided such housing would not create incompatible relationships with adjoining uses. **The majority of the Commission were not in favor of this.**
3. As a matter of planning policy, the Plan could leave open the possibility of housing at the intersection of Harbor Road at Bayside Road where sea level and flooding risks are not significant and where supporting commercial uses, boat slips, and public infrastructure are already in place. **No action taken.**
4. If the Plan keeps its policy in favor of a 35-foot height limit, the Commission can consider a statement to the Town Council suggesting it reserve flexibility--at least in maritime and commercial zones--so that flood protection elevations can be achieved while accommodating redevelopment and rebuilding as may be needed in the future. **The Commission was not in favor of this.**
5. Other comments: Maintain the draft Plan's Resource Conservation (RC) designation on the southwestern tip of the Fishing Creek Marina property and maintain the draft Plan's recommendations that low intensity and water-related non-residential use may continue there. **The Commission was in favor of this. No change.**

##### **Anthony Olekson**

"Property 1"; The current use that Mr. Olekson is proposing for Commercial-Maritime, may continue under the Draft Plan.

"Property 2", an existing / approved site plan includes a naturalized landscaped parking area for the commercial use, and continued use for commercial fishing activities; uses that are accommodated

under the Plan's Resource Conservation designation. **Mr. Jakubiak is recommending that no change be made to the Plan; that the land use recommendations remain as proposed.**

Mr. Olekson, on behalf of his client Mr. Robert Abner, presented a map showing property "1" and property "2" and stated, their request would be that Resource Conservation, (as proposed), be removed from a portion of property "1" and be designated Commercial-Maritime (as is currently) and property "2", change Resource Conservation, (as proposed), to Commercial-Maritime which would allow Mr. Abner options to develop the property.

**MOTION:** Commissioner Blackwelder moved to approve changing property "2" back to Commercial-Maritime, as is currently zoned. Seconded by Commissioner Ruttkay. Ayes, Commissioners Blackwelder and Ruttkay. Opposed, Commissioner Greengold. **Motion Fails.** (Note: Commissioner Berault did not render a vote.)

#### **Grant Soderstrom**

Recommend amending the section on Pg. 49 under "Activate the Board of Port Wardens" to include "raising stone revetments" among the list of shoreline protection actions.

**MOTION:** Commissioner Greengold moved to include" raising stone revetments" among the list of shoreline protection actions. Seconded by Commissioner Blackwelder, all in favor.

#### **Amenda Brown**

Suggest that the Implementation Chapter include a statement such as:

"During comprehensive rezoning and update of the Town's Zoning Map, each zoning map change should be accompanied by a statement of its consistency with the objectives of this Comprehensive Plan and that property owners be provided an opportunity to discuss the impact of the rezoning of their property with the Commission".

**MOTION:** Commissioner Berault moved to approve adding this statement to the Implementation Chapter. Seconded by Commissioner Greengold.

**MOTION:** Commissioner Berault moved to amend the motion to insert the following wording "a notice of a proposed rezoning" after the word "provided." Seconded by Commissioner Greengold, all in favor.

**The Commission unanimously approved the amended motion.**

#### **Ken Rasmussen** *(note - proposed environmental study below was approved at the Nov 23rd Commission meeting)*

Suggest adding this language to recommendations:

"Brownies Beach is the Town's only public beach providing direct water access to the Chesapeake Bay and access to a unique and sensitive environmental area. Like other shorelines, the viability of Brownies Beach is under threat due to regular wave action and storm surge events all compounded by the rising levels of the Bay. As a natural shoreline however, it is largely unprotected. The Town should undertake an environmental study and plan to protect Brownies Beach and its natural and recreational amenities primarily using living shorelines techniques to extend its life as an essential community amenity."

**MOTION:** Commissioner Greengold moved to approve adding this language to the recommendations. Seconded by Commissioner Berault, all in favor.

**Maryland Department of Planning**

-Add recommendation: Since the plan says residents from Summer City regularly walk to Town, MDP suggests the Plan include a specific recommendation to address providing "the sidewalk from the south end of town to Summer City."

**MOTION:** Commissioner Blackwelder moved to approve adding this recommendation. Seconded by Commissioner Berault, all in favor.

-In the Implementation section add a reference to the "Reinvest Maryland Toolbox" which provides information on over one hundred state and federal and technical assistance programs for community development.

**MOTION:** Commissioner Ruttkay moved to approve adding in the Implementation section a reference to the "Reinvest Maryland Toolbox." Seconded by Commissioner Greengold, all in favor.

-Fix - the statement on Pg. 21 of Appendix C (the Connectivity Study), that reads "all vegetation removal in [sic] the CBCA must be permitted". **No action necessary.**

Include in the Implementation section -- coordination with the Calvert County Land Preservation, Parks and Recreation Plan. **The Commission agreed.**

**Maryland Department of Environment**

Town planner to investigate the comment about Water Resources Element (WRE) and will revisit the County's WRE before commenting on how to address this comment. **Mr. Jakubiak will review this and address the Commission at its next meeting.**

**Maryland Department of Transportation-** No changes recommended.

**Maryland Department of Housing and Community Development -** No change.  
The issue of housing is addressed above with respect to MDP's comments.

**Calvert County Planning Department**

Adequate Public Facilities Ordinance (APFO; p.112) paragraph – Mr. Jakubiak suggested that it include all the standard facilities "schools, parks, streets, water, and sewer." **Agreed.**

Suggest that a reference to the County Land Preservation, Park and Recreation Plan (LPPRP) be included in the Implementation Chapter as also suggested by MDP. **Agreed.**

No change to the Joint Planning Area. The referenced exhibit in the Plan shows a 3-mile radius only as a general and organizing concept. The actual boundary would be developed jointly by the three jurisdictions and would be based upon natural features and not arbitrary lines. **Mr. Jakubiak will include notation to map.**

Commissioner Blackwelder suggested, as related to comments found in Maryland Department of Planning review comments, that she could draft a list identifying spatially designated areas for Commission review at its next meeting. The Commission was in favor.

Chairman Brown noted that first order of business at the Commission's next meeting will be to consider approval of the Comprehensive Plan and then submit to the Town Council.

**VI. Public Comment**- None received.

**VII. Adjournment:**

There being no further comments, Chairman Brown moved to adjourn the meeting at 10:01 pm. Seconded by Commissioner Ruttkay, 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).

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