

27 #1

**BOARD OF APPEALS OF THE TOWN OF CHESAPEAKE BEACH**

IN THE MATTER OF THE APPLICATION OF:

**Name of Applicant:** Red n Reel, Inc / Donovan Estates LLC

**Case Number:** 2023-03

---

**AFFIDAVIT**

**I HEREBY AFFIRM** under the penalties of perjury that the following is true to the best of my knowledge, information and belief:

I caused to be published in the Southern Maryland News, a newspaper of general circulation in the Town of Chesapeake Beach, a notice of the public hearing in this case scheduled for Sept 19, 2023. The Notice was published on Sept 1st, 8th, 15th, 2023. The Certification of Publication from the Southern Maryland News containing a copy of the published notice is attached as Exhibit A.

On August 24, 2023, I transmitted to the Chesapeake Beach Planning Commission a notice of the time and place of the public hearing in this case scheduled for Sept 19, 2023, and a copy of the application. A copy of the notice is attached as Exhibit B.

On August 24, 2023, I caused to be mailed, by registered mail, to the applicant or appellant and to owners of all properties contiguous to and immediately across the street from the property affected, a notice of the time and place of the public hearing in this case scheduled for Sept 19, 2023. A copy of the notice and a list of the persons to whom the notice was sent are attached as Exhibit C.

I caused sign(s) giving notice of the time and place of the public hearing in this case scheduled for Sept 19, 2023, to be posted by the Public Works Department, in a conspicuous place on the property affected. The sign(s) were posted on Aug 29, 2023, and are still in place today.

Sharon Humm  
Sharon Humm  
Secretary to the Board of Appeals

August 29, 2023  
Date

**EXHIBIT**

tabbles

2

**APPLICATION  
ZONING BOARD OF APPEALS  
TOWN OF CHESAPEAKE BEACH**

- ☒ Decision on Interpretation or Alleged Error  
☐ Special Exception  
☐ Variance from Strict Application of Ordinance

**PROPERTY INFORMATION** TM      BLK      Parcel      Lot       
TAX ID#              DEED REFERENCE: LIBER              FOLIO               
STREET ADDRESS See Attachment A  
PRIOR DECISION BY BOARD OF APPEALS      YES   X   NO  
IF YES, DECISION NO.              DATE             

**PROPERTY OWNER**

NAME Rod & Reel, Inc./Donovan Estates, LLC PHONE 410-257-5596  
ADDRESS 4160 Mears Avenue  
CITY Chesapeake Beach STATE MD ZIP 20732

**AUTHORIZED AGENT**

NAME Eric J. Blitz, Esquire PHONE 410-812-7265  
ADDRESS 8 Lantern Circle  
CITY Parkton STATE MD ZIP 21120

**VARIANCE**

APPLICABLE SECTION OF ZONING ORDINANCE                               
DESCRIBE VARIANCE BEING REQUESTED     
    
  

**SPECIAL EXCEPTION**

APPLICABLE SECTION OF ZONING ORDINANCE                               
DESCRIBE SPECIAL EXCEPTION REQUEST     
    
  

**DECISION ON INTERPRETATION OR ALLEGED ERROR**

APPLICABLE SECTION OF ZONING ORDINANCE See Attachment B  
DESCRIBE DECISION OR ERROR See Attachment B  
    
  

**DESCRIBE CHANGE REQUESTED**See Attachment B

JUN 24 2022

paid \$500.00  
CK # 1438

**ROD & REEL, INC.**  
DEVELOPMENT ACCOUNT  
PO BOX 99  
CHESAPEAKE BEACH, MD 20732

**COMMUNITY BANK OF THE CHESAPEAKE**  
P.O. BOX 38  
WALDORF, MD 20604  
65-7259/2550

1438

PAY Five Hundred Dollars and 00 Cents

DATE  
6/23/2022

AMOUNT  
\$500.00

TO THE ORDER OF: Town of Chesapeake Beach  
P.O. Box 400  
  
Chesapeake Beach MD 20732



*[Handwritten Signature]*  
AUTHORIZED SIGNATURE **MP**

Security features included. Details on back.

**ROD & REEL, INC. • DEVELOPMENT ACCOUNT**

1438

VENDOR ID	NAME	PAYMENT NUMBER	CHECK DATE	1438			
TOWN	Town of Chesapeake Beach	048539	6/23/2022				
VOUCHER NUMBER	INVOICE NUMBER	INV DATE	INVOICE AMOUNT	AMOUNT APPLIED	DISCOUNT	WRITE-OFF	NET PAID
099041	ZONING APPEALS	6/23/2022	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00
			\$500.00	\$500.00	\$0.00	\$0.00	\$500.00

Zoning Appeals

## **Attachment A**

### **Properties:**

#### **Harbor Vista West Site Plan**

3840 Gordon Stinnett Avenue, Chesapeake Beach, MD 20732

Tax ID: 03-153614

Map 103

Grid 20

ABE 4, Plat 293/294

Parcel: J (32)

#### **Harbor Vista South Site Plan**

8016 Bayside Rd, Chesapeake Beach, MD 20732

Tax ID: 03-153517

Plat Book AB4; Plat 293

Parcel: Remainder Parcel A

#### **Harbor Vista North Site Plan**

18259 S. Harbor Vista North, Chesapeake Beach, MD 20732

Tax ID: 03-252568

Plat Book AB4; Plat 293

Parcel: Land Unit 1 and residue Parcel J

#### **Home Place Site Plan**

3418 Cox Road, Chesapeake Beach, MD 20732

Tax ID: 03-146154

TM: 101

Parcel: 57

Lot: 1 & 2

#### **Stinnett Place Site Plan**

8617 Bayside Rd., 8715 Bayside Rd., 8709 Baysid Rd., Chesapeake Beach, MD 20732

Tax ID: 03-042103; 03-042278; 03-042162

TM: 101

Block: 15

Lot: 6, 8, 10, 11, 12A & an unlabeled strip between Lots 9 & 10, Block 13, Baycrest Subdivision

Lots 34-39 of L.E. Walker Subdivision



## Attachment B

Applicable Sections of Zoning Ordinance: §§290-23; 290-31A(1) and (6);  
C-309, C-310 and C-311 of Town Charter

Description of Error: Continuing failure and refusal of Zoning Administrator and Planning & Zoning Commission to process five site applications submitted to them by the Rod & Reel, Inc. (and a wholly owned limited liability company, Donovan Estates, LLC) through and including the date of this appeal, June 23, 2022. Said site plans were submitted to the Planning & Zoning Commission on or about January 29, 2021 and the requisite fees paid. The purported rationale for the Commission and Zoning Administrator not processing the applications and reviewing them for compliance with the existing zoning ordinance as required by the Chesapeake Beach Zoning Ordinance and Maryland law is that some, but not all, Category 1 Site Plan reviews and acceptance of any new plans requiring a Category 1 Site Plan were halted by a moratorium passed by the Town Council via Resolution R-21-3 on March 18, 2021 and subsequently extended by three months via Resolution R-21-8 on September 16, 2021.

The Rod & Reel, Inc. avers that:

1. The moratorium was, is, and remains illegal, void and without legal effect. The moratorium was a law of general applicability and continuing effect, modifying a right of site plan review and property development as set forth in the zoning ordinance and Maryland law. All laws impacting the zoning of a property must be passed by an ordinance and through a process stipulated by Maryland law. The moratorium made substantive legislative determinations as to which properties would be included within the scope of the moratorium and gave exemptions to certain properties, both of which are legislative acts of a general applicability and continuing effect. As such, the moratorium must have been passed by an Ordinance, or a resolution following the requirements of an Ordinance, as required by the Charter of Chesapeake Beach, MD and Maryland law. The extension of the moratorium was passed with a similar defect. Resolution R-21-3 passing the moratorium and resolution R-21-8 extending the moratorium failed to meet the requirements of C-309 of the Town Charter and thereby deprived the Rod & Reel, Inc. and other property owners and citizens of important procedural protections provided by law, in violation of Maryland law and the Applicants' due process rights under the Maryland Declaration of Rights and of the United States Constitution.
2. That even if the Board finds the moratorium was originally passed according to law, and despite the Town Council passing Resolution R-21-8 to explicitly extend the moratorium for an additional three months, that said moratorium expired by its own terms one-year after its passage, on or about March 18, 2022. Notwithstanding the expiration of the moratorium, the Zoning Administrator and Planning & Zoning Commission continue through the date of this application for appeal to refuse to process the site plan applications in violation of the Chesapeake Beach Zoning Ordinance and Maryland law. Applicant Rod & Reel, Inc. made a demand for processing the site plan applications by a letter from counsel on May 20, 2022 and received no response from the Zoning Administrator or Planning & Zoning Commission, though the Town Attorney opined in a letter dated May 25, 2022 that the moratorium continued until it is terminated by the Planning & Zoning Commission and Town Council.

3. That the zoning ordinance applicable to the site plan applications has not been amended and remains the same law in effect as of date the applications were submitted. Because the zoning ordinances that determine the site plan's compliance have not been so amended, the ordinances in effect at the time of the filing of the applications should be applied and the applications processed in respect to those ordinances.

Relief Sought:

Applicant requests the Board order the Zoning Administrator and Planning & Zoning Commission immediately commence and prioritize the processing and review of the relevant site plans submitted by the Rod & Reel, Inc. (and Donovan Estates, LLC) and that the Zoning Administrator and Planning & Zoning Commission be ordered to apply the zoning ordinances in effect as of January 29, 2021 when the applications were submitted, and for such other and further relief as the nature of their cause requires.

Alternatively, the Board of Appeals being empowered to take all administrative actions that the Zoning Administrator and Planning & Zoning Commission failed to take due to error, that the Board schedule hearings and review and process the site plan applications, applying the law in effect on January 29, 2021 when the applications were submitted, and for such other and further relief as the nature of their cause requires.

### **Attachment C-Documents Included with Application**

*(Applicant reserves the right to submit some or all of these documents into the record as exhibits, along with additional documentary evidence, at the hearing.)*

1. Agenda of Planning & Zoning Commission proposing moratorium.
2. Letter from Blitz to Planning & Zoning Commission dated February 23, 2021
3. Minutes of Planning & Zoning Commission dated February 24, 2021
4. Letter from Blitz to Mayor and Town Council dated March 16, 2021
5. Resolution R-21-3 (included as part of agenda)
6. Minutes of March 18, 2021 Town Council Meeting
7. Resolution R-21-8 (included as part of agenda)
8. Minutes of September 16, 2021 Town Council Meeting
9. Letter from Blitz to Zoning Administrator and Planning & Zoning Commission dated May 20, 2022.
10. Letter from Pounds to Blitz dated 5-25-22.

## **Attachment D-List of Adjoining Properties**

### Harbor Vista West Property:

Town of Chesapeake Beach, 8200 Bayside Road, Chesapeake Beach, MD 20732 (regarding parking lot/ballfields/tot lot)

Board of County Commissioners, 175 Main Street, Prince Frederick, MD 20678 (regarding community center/waterpark)

Kellam's Marina Limited Partnership II, P.O. Box 280, Hughsville, MD 20637 (regarding 3945 Gordon Stinnett Avenue)

### Harbor Vista South Property:

Rod & Reel, Inc., P.O. Box 99, Chesapeake Beach, MD 20732 (regarding Rod N Reel Resort property-notice waived)

Howlin Investment Commercial Properties, LLC, 10085 Dunkirk Way, Ste. 203, Dunkirk, MD 20754 (regarding Captains Quarters at 3819 Harbor Road and two properties immediately to the west of that: 7906 Deforest Drive and 3878 Harbor Road)

Steven A. and Patricia A. Reynolds, P.O. Box 504, Chesapeake Beach, MD 20732 (regarding 3826 Harbor Road)

### Harbor Vista North Property:

Town of Chesapeake Beach, 8200 Bayside Road, Chesapeake Beach, MD 20732 (regarding parking lot/ballfields/tot lot)

Board of County Commissioners, 175 Main Street, Prince Frederick, MD 20678 (regarding community center/waterpark)

Kellam's Marina Limited Partnership II, P.O. Box 280, Hughsville, MD 20637 (regarding 3945 Gordon Stinnett Avenue)

### Home Place Property:

James Avril and Virginia Myril, 3528 Cox Road, Chesapeake Beach, MD 20732

Charles D. and Carole E. Phillips, 3408 Cox Road, Chesapeake Beach, MD 20732

Grady Aaron Valencis and Christy Lynn Burch, 337 Chesapeake Beach Rd. E, Chesapeake Beach, MD 20732

Stallings-William Post No. 206, P.O. Box 428, Chesapeake Beach, MD 20732 (for 8406 Wesley Stinnett Blvd)

Francis E. and Lisa C. Pumphrey, 8407 Wesley Stinnett Blvd, Chesapeake Beach, MD 20732

Steven W. and Doris B. McDonald, 3530 Chesapeake Beach Road, Chesapeake Beach, MD 20732

Tristan Breanne Slater, 3447 Cox Road, Chesapeake Beach, MD 20732.

Bayview Hills Homeowners Assoc. Inc., 8175 Bayview Hills Drive, Chesapeake Beach, MD 20732 (regarding Open Space Plat 2-Parcel 61)

Stinnett Place Property:

Collin T. and Nataly M. Wannop, 8712 Bayside Road, Chesapeake Beach, MD 20732 (also 8710 Bayside Road)

Ronald F. Pigeon and Daniel Robert Ouelette, 3216 Ina Chase, Chesapeake Beach, MD 20732 (regarding 8714 Bayside Road)

Mary Schiappa, 8716 Bayside Road, Chesapeake Beach, MD 20732

La Deanne R. Kowalski, 8714 C Street, Chesapeake Beach, MD 20732

Mary Ellen Gullickson, 8715 C Street, Chesapeake Beach, MD 20732

Larry and Pamela Brown, 8713 C Street, Chesapeake Beach, MD 20732

Paul S. Brycock and Angela E. Lauria, 8711 C Street, Chesapeake Beach, MD 20732

James Aaron and Ana Carolina Warren, 8709 C Street, Chesapeake Beach, MD 20732

Aaron and Jennifer Sanders, 8707 C Street, Chesapeake Beach, MD 20732

John and Laura Kramer, 8705 C Street, Chesapeake Beach, MD 20732

Ella Lichtenberg, 8701 C Street, Chesapeake Beach, MD 20732

Michael K and Regina Davis, 4004 Sea Gate Square, Chesapeake Beach, MD 20732

Harvey Berlin, 4008 Sea Gate Square, Chesapeake Beach, MD 20732

Seagate Investors, LLC, 2131 Industrial Pkwy, Silver Spring, MD 20904 (regarding 4012 Sea Gate Sq)

Charles and Danielle Simacek, 4016 Sea Gate Square, Chesapeake Beach, MD 20732

Duong Hanh and Pham Ngoc Cam, 13192 Ashvale Dr, Fairfax, Virginia 22033 (regarding 4020 Sea Gate Sq.)

Daniel C et al Foster, 706 James Ridge Road, Bowie, MD 20721 (regarding 4024 Sea Gate Sq.)

Cho Mi Ja and Lee He M, 8631 Addison Bridge Pl, Chesapeake Beach, MD 20732

Roberto E and Patricia S. Bermudez, 8641 Baywalk Sq., Chesapeake Beach, MD 20732

Joshua and Verona Hung, 9180 Windflower Dr., Ellicott City, MD 21042 (regarding 8645 Baywalk Sq.)

Homer L. Twigg, Jr. and Bettyanne Twigg, 8649 Baywalk Sq., Chesapeake Beach, MD 20732

Dominique Soroka and Margaret Hartmen, 8653 Baywalk Sq., Chesapeake Beach, MD 20732

Patricia M. Scott, 8657 Baywalk Sq., Chesapeake Beach, MD 20732

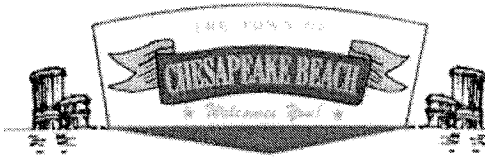
Gretchen Weinbach and Glenn Tamkin, 9813 Rosensteel Ave., Silver Spring, MD 20910 (regarding 8661 Baywalk Sq.)

Jaworski Revocable Trust, 8665 Baywalk Sq., Chesapeake Beach, MD 20732

Ronald J and Bernice Gantt, 8669 Baywalk Sq., Chesapeake Beach, MD 20732

Town of Chesapeake Beach, MD, P.O. Box 400, Chesapeake Beach, MD 20732 (regarding 8550 Bayside Rd).





OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

This meeting will be held virtually. To join the meeting by computer please click the link <https://us02web.zoom.us/j/8697557180>. Once connected you can join by computer audio or dial in via the information that is provided on your screen. To join by phone only please dial (929) 205 6099 and enter the Meeting ID 869 755 7180.

**PLANNING & ZONING AGENDA  
FEBRUARY 24, 2021**

**I. Call to Order**

**II. Approve the Agenda**

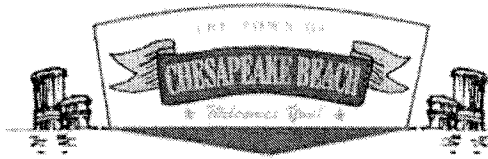
**III. Approval of the Minutes of the January 27, 2021 Planning & Zoning Meeting.**

**IV. Old Business**

- a. Progress report on the comprehensive plan update (zoning administrator).
- b. Motion to clarify the December 15, 2020 Commission's decision on the revised site plan for Rod & Reel properties, that such approval does not include proposed site plan revisions to the 1936 Bar and Grille sign or flags to be installed on or above the roof line of the various structures on the site, because the proposed revisions are not compliant with the Chesapeake Beach Zoning Code §290-22(h). (Chairman).
- c. Motion directing the Zoning Administrator to prepare and present to the Commission a report including draft zoning and text amendments that clarify the Town prohibition on short term rentals; and includes draft alternative amendments that partially lift such prohibition. (Chairman).
- d. Motion to set a future hearing date on draft zoning text amendments to chapter 290 of the Town Code of Chesapeake Beach, zoning ordinance to limit the height of all new buildings within all zoning districts within the Town to 35 feet. (Commissioner Greengold). draft text amendments attached.
- e. Motion to remove residential development allocations in the Town Center and marina areas and to remove all multi-unit housing types in the residential village areas to preserve the ability to accommodate recreation and potential future commercial amenities in and near the Town Center. (Commissioner Blackwelder)

**8200 BAYSIDE ROAD, P.O. BOX 400 CHESAPEAKE BEACH, MARYLAND 20732**

**(410) 257-2230      (301) 855-8398**



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**PUBLIC HEARING:** On a resolution recommending that the Mayor and Town Council adopt a temporary moratorium on the Planning Commission's acceptance and consideration of applications for development projects.

- V. **Discussion:** Whether a moratorium should be placed on the acceptance and consideration by the Planning Commission of applications for development projects. (Zoning Administrator)

VI. **Public Comment:**

VII. **Motion to adopt the following resolution which reads in main as follows:**

The Town of Chesapeake Beach Planning and Zoning Commission recommends that the Mayor and Town Council adopt an ordinance causing a moratorium to be placed on the Planning Commission's acceptance and consideration of any applications for development projects requiring a tentative sketch plan, a site plan or a subdivision plat; except for certain properties and development activities that are of record (Grandfathered) prior to the date of adoption of this moratorium (as defined in Code §245-7 and §245-6, respectively).

The Planning Commission further recommends that the moratorium not apply to reviews, revisions and approvals that do not require Planning Commission consideration but are of such minor and routine nature that, under the Code, can be approved by the Town Zoning Administrator. Neither should the moratorium restrict the Planning Commission from initiating work related to its assigned responsibilities under the Town Code.

The Planning Commission further recommends that the moratorium remain in place until the first of either: (1) the Town Council's adoption of the new Comprehensive Plan and implementing ordinances, most notably amendments to the Zoning Ordinance and Zoning Map, or (2) the expiration of twelve months from the date this moratorium becomes effective. FULL RESOLUTION ATTACHED.

- VII. **Adjournment:** At approximately 9:00PM, depending upon hearing progress, Chairman will request a motion to adjourn. If approved, the meeting/hearing will end.

8200 BAYSIDE ROAD, P.O. BOX 400 CHESAPEAKE BEACH, MARYLAND 20732

(410) 257-2230

(301) 855-8398

# Resolution

## Town of Chesapeake Beach Planning and Zoning Commission

**WHEREAS:** The Town of Chesapeake Beach Planning and Zoning Commission (hereinafter the Planning Commission) "shall advise the Town Council on all matters relating to the orderly growth of the Town of Chesapeake Beach." Town of Chesapeake Beach, MD Code (hereinafter Code) § 290-31(A) Purpose; and

**WHEREAS:** The Planning Commission "shall [p]repare and recommend a Comprehensive Plan for the Town of Chesapeake Beach, and review and update said plan at least once every six years." Code § 290-31(A)(1); and

**WHEREAS:** The Town's Comprehensive Plan 2010 Update was adopted on January 20, 2011 and must be reviewed every 10 years. Md. LAND USE Code Ann. § 3-303(a) Required review; and

**WHEREAS:** Adoption of zoning laws, planned development ordinances and regulations, subdivision ordinances and regulations and other land use ordinances and regulations shall be consistent with the Comprehensive Plan. Md. LAND USE Code Ann. § 3-303(b) Implementation. review; and

**WHEREAS:** The Planning Commission began the process of updating the Comprehensive Plan by holding Town Workshops on September 12 and 18, 2018, during which five themes emerged, one of which is "Preserving and Enhancing our Small-Town Charm."

[https://www.chesapeakebeachmd.gov/sites/g/files/vyhlf4261/f/uploads/vision\\_2040.pdf](https://www.chesapeakebeachmd.gov/sites/g/files/vyhlf4261/f/uploads/vision_2040.pdf) ; and

**WHEREAS:** The direction provided by the workshops, and subsequent work on the update to the Comprehensive Plan, require a wholesale rewrite of the previous, Comprehensive Plan 2010 Update; and

**WHEREAS:** While updating and rewriting the Town Comprehensive Plan, the Planning Commission must also complete its routine workload; but since 2018 has experienced a turnover of all but two Commissioners, has replaced the Chairman and Vice Chairman three times, and meetings were cancelled for four months in 2020 due to the COVID pandemic; and

**WHEREAS:** The Planning Commission recently recognized a need for near-term interim actions to mitigate against the time necessary to address the challenges of incorporating the express desires of the public into the next Comprehensive Plan update:

(A) At the September 23, 2020 meeting on the Land Use section of the Comprehensive Plan update, there was extensive discussion of actions necessary to preserve small-town charm including limiting building heights, reducing density, and designation of resource conservation areas.

(B) The November 12, 2020 agenda included "discussion on zoning & height limits."

(C) The December 2, 2020 Comprehensive Plan work session included a lengthy discussion of building heights in the Town Center and Maritime Mix Use areas, types of family structures to be allowed in residential zoning districts.

(C) The December 15, 2020 agenda included two motions (below) which were subsequently deferred to a future meeting to accommodate the routine business of a "Review of Revisions to the Final Site Plan for lot 1 & residue tract one, Rod & Reel, Inc., Hotel and Resort Redevelopment Project."

(1) "Motion to recommend that the Town Council amend Chapter 290 of the Town Code of Chesapeake Beach, Zoning Ordinance to limit the height of all new buildings within all zoning districts within the town to 35 feet."

(2) "Motion to include in the draft Comprehensive Plan proposals that would not permit new residential development in the Plan's proposed town center marina area and permit no new housing except single family buildings in existing neighborhoods currently zoned residential village but permitting the currently planned build-out of stream walkway in Richfield Station (54 lots), the townhouses in Richfield Station Crestview (48 lots) and the Heritage (72 lots)."

(D) The January 27, 2021 Planning Commission meeting was devoted to a short-fused controversy (Short Term Rentals) raised by the public and the Town Administration, and no work advancing the Comprehensive Plan was planned or completed, and

**WHEREAS:** The Planning Commission, after extensive study and deliberation in open meetings and work sessions, anticipates that it will recommend a revised Comprehensive Plan and implementing ordinances that will address the significant foreseeable challenges the community is and will face, including among others:

- (A) Rising groundwater tables, storm damage potential, increases in the projected depth and extent of flooding and storm surge, and the threat to public and private infrastructure and buildings related to rising water levels in the Chesapeake Bay,
- (B) The instability and potential erodibility of steep slopes, shorelines, and lands "made" through the historic reclamation of marshes and the irreparable loss of scenic natural beauty caused by the clearing of forests and poorly planned development,
- (C) Proposals for construction of large and tall buildings that would degrade the Town's scenic vistas and the view of the water which are vital to the aesthetic and cultural values of Chesapeake Beach and antithetical to the public's desire to "Preserv[e] and Enhanc[e] our Small-Town Charm." ,
- (D) The paucity of vacant or undeveloped property to address the existing deficit in neighborhood park space,
- (E) The adoption of new standards to guide the design of future buildings and building sites into ways that preserve the character of the Town;
- (F) The safety and convenience of walking in Town generally and along MD Route 260, within the areas zoned for commercial development where the calming of traffic speeds is insufficient, and the quality of the pedestrian environment is poor; and

**WHEREAS:** In order to address the aforementioned challenges and others, the Planning Commission's emerging recommendations and policies, are departing in significant ways from the currently adopted plan and Zoning Ordinance, including in the areas of land use, development intensity, the height of buildings, and the protection of environmental resources; and

**WHEREAS:** The Planning and Zoning Commission endeavors to have a draft of the revised Comprehensive Plan ready for public review in 2021, and a public hearing and approval by the Town Council, Calvert County and the State of Maryland in 2022; and

**WHEREAS:** The Planning and Zoning Commission also has the authority under the Town Code, Chapter 290 (Zoning Ordinance) and Chapter 245 (Subdivision of Land), to review and take action to approve or deny development site plans and subdivision plats respectively; and

**WHEREAS:** On January 29, 2021, the Town received, in one delivery, applications for four separate major development site plans and one major subdivision plat, and the Planning Commission has determined upon advice of the Zoning Administrator that such an unprecedented project submittal imposes an administrative burden on the Planning Commission which would either forestall the timely completion of the Comprehensive Plan and any implementing ordinances, or foreclose the opportunity for the public participation and deliberation on the draft plan the Commission believes is in the public interest; and

**WHEREAS:** The Planning Commission further finds that the unprecedented submittal of the five separate development applications is timed on the part of the applicant to obtain development approvals before the new Comprehensive Plan and implementing ordinances can be considered by the public, deliberated upon by the Planning Commission and adopted by the Mayor and Town Council; and

**WHEREAS:** In light of the aforementioned challenges and informed by the aforementioned deliberations, the Planning Commission believes (1) such development proposals and other major projects could prove to be poorly planned and harmful to community health, safety and wellbeing, (2) the challenges the Town is seeking to address could be compounded by major development projects that are not in tune with the new Comprehensive Plan or compliant with forthcoming ordinances and guidelines, and (3) intensive development within the Town's coastal areas, or on forested land or hillsides, can worsen risks and foreclose opportunities to reasonably manage private development and program essential public infrastructure; and

**WHEREAS:** The Planning Commission has determined that it is in the public interest to preserve the status quo until the new Comprehensive Plan and implementing ordinances are completed, transmitted to the Mayor and Council, and then adopted;

**THEREFORE, BE IT RESOLVED THAT:**

The Town of Chesapeake Beach Planning and Zoning Commission recommends that the Mayor and Town Council adopt an ordinance causing a moratorium to be placed on the Planning Commission's acceptance and consideration of any applications for development projects requiring a tentative sketch plan, a site plan or a subdivision plat; except for certain properties and development activities that are of record (Grandfathered) prior to the date of adoption of this moratorium (as defined in Code §245-7 and §245-6, respectively).



The Planning Commission further recommends that the moratorium not apply to reviews, revisions and approvals that do not require Planning Commission consideration but are of such minor and routine nature that, under the Code, can be approved by the Town Zoning Administrator. Neither should the moratorium restrict the Planning Commission from initiating work related to its assigned responsibilities under the Town Code.

The Planning Commission further recommends that the moratorium remain in place until the first of either: (1) the Town Council's adoption of the new Comprehensive Plan and implementing ordinances, most notably amendments to the Zoning Ordinance and Zoning Map, or (2) the expiration of twelve months from the date this moratorium becomes effective.

Approved on \_\_\_\_\_, 2021

## Members of the Planning and Zoning Commission

\_\_\_\_\_  
Larry Brown, Chairman

\_\_\_\_\_  
Laura Blackwelder

\_\_\_\_\_  
Cynthina Greengold

\_\_\_\_\_  
Jonathan Evans

\_\_\_\_\_  
Jeff Larsen

\_\_\_\_\_  
Kathleen Berault

## Law Offices of Eric Blitz

9 Lantern Circle  
Parkton, Maryland 21120  
410-812-7265

Eric J. Blitz, Esquire  
Email: [blitz.eric@gmail.com](mailto:blitz.eric@gmail.com)

February 23, 2021

Chesapeake Beach Planning & Zoning Commission  
Town Hall  
P.O. Box 400  
Chesapeake Beach, MD 20732

Re: Site Plan Reviews; Proposed Moratorium

Chairman Brown, Members of the Commission:

I write to you today on behalf of my client, the Rod & Reel, Inc. On Friday, February 5, 2021, the civil engineer for the Rod & Reel received an email from the Zoning Administrator indicating that the review of previously submitted site plan applications for Stinnett Place, Home Place, Harbor View North, Harbor View South and Harbor View West were all being delayed pending consideration of a moratorium on the processing of major development plans. As far as I can tell, while nominally applying town wide to everyone, this action appears to be directed exclusively at my client, unfairly picking on one property owner's remaining long-planned development properties through the improper and imprudent use of the zoning power.

The reason offered by the Zoning Administrator for this delay in processing legally submitted applications is that somehow the administrative review of site plan requests curtails the Commission and staff's ability to work on the revisions to the Comprehensive Plan. That might be true if the Commission and staff sought to review all five projects at once and on the same night, but it is hardly a reasonable justification to delay the review of all projects for nine, much less twelve months, through the use of the radical step of a town-wide moratorium. Please note that I don't blame Mr. Jakubiak for this strained justification, as he is a consummate professional. I am sure he was just doing what he was told to do.

None of the plans submitted are particularly complicated. They don't raise novel issues or concerns and have been a part of the Comprehensive Plan's anticipated development for decades. The Stinnett Place project is 11 town homes on two lots on which the bulk of the preliminary site work has already been completed. There is nothing out of the ordinary or time-consuming about the review of such a project. My client suggests that you take each project one at a time, starting with the simplest, and in so doing there should be no disruption to the Commission or staff's work on the Comprehensive Plan update. Even if the staff and Commission applied its 6-week review schedule to these projects one after the other with no overlap, it would not equal a 12-month delay, yet the proposed moratorium has all 5 projects halted dead in their tracks for the entire moratorium period. We would suggest the following order of consideration: Stinnett Place, Home Place, Harbor Vista North, Harbor Vista South and then Harbor Vista West.

While we respect the limitations on administrative functions imposed by COVID-19, that appears not to be the reason for the proposed delay. Instead, the Zoning Administrator referenced that "...these projects if implemented have real potential to compound the challenges the Planning Commission's work on planning and ordinance drafting is seeking to address." This last phrase appears to reference proposals I have seen suggested that the Town impose a complete ban on multi-family dwellings and a severe reduction in the maximum height limitations impacting the commercial and maritime district.

While I previously thought such suggestions were probably a fringe minority position--that the Town should discard over 50 years of comprehensive planning and replace it with one that includes a complete ban on further multi-family uses and a height limitation impacting the Town Center's commercial and maritime district, the proposed radical step of a moratorium suggests that these changes to the Comprehensive Plan may be under serious consideration by the Commission and the Town Council. That would be imprudent as a matter of planning and unjust as a matter of reversing decades of the Commission's guidance on land use policy upon which property owners justifiably relied upon.

The agenda for February 24, 2021 meeting, which includes a proposed resolution on a moratorium, makes clear the true intent of the proposed moratorium and to whom it is specifically targeted. The suggestion that a moratorium is necessary to prevent the Donovan Family's projects from conflicting with a future comprehensive plan contains the audacious presumption that the Commission has already made up its minds on elements of the future plan that will make these plans impossible. It prejudices the outcome of Commission's further work on the comprehensive plan, it prejudices the content and public input in the public hearings on the final plan recommendation, it prejudices the Commission's ultimate vote on the full comprehensive plan, it prejudices the Town Council's vote to adopt it, the Mayor's assent or veto to that adoption, and the subsequent Zoning Ordinance implementation, all before significant portions of the new comprehensive plan's legally required elements are completed and public hearings on the final plan occur. To presume such outcomes when all of the required elements of a plan have not been formulated certainly establishes that the Commission is not considering all the required elements comprehensively before making specific policy recommendations. To make proposals to change specific regulation in the zoning context before the planning policy recommendations that integrates all the legally required elements of a comprehensive plan is improper.

The resolution itself contains these patently unfair presumptions. In the first whereas clause of page three, the resolution recites that the Commission's "emerging recommendations and policies, are departing in significant ways, from the currently adopted plan and Zoning ordinance, including in the areas of land use, development intensity, the height of buildings, and the protection of environmental resources." That language may have been added to the resolution for the benefit of the moving party, but it surely shouldn't be the practice of the Commission by an affirmative vote on this resolution. A comprehensive plan is just that, comprehensive. It is complete when all elements are completed, which this Commission has not done. The public testimony at future hearings is to be considered, not prejudged. The assumption that you can vote to piecemeal legislate through piecemeal comprehensive planning is unfounded. It isn't as if the Commission passes the plan on its own authority, it merely recommends it to the Town Council. The predicates to any and all recommendations in such a plan are that all the required elements of a comprehensive plan have been considered when making the recommendation. To do otherwise is to confuse and conflate the legal separation between planning and zoning.

On the timing of this process, it should be noted that Maryland law allows comprehensive plans to be adopted every 10 years, but Section 3-305 of the Land Use Article makes it clear that 10 years is the minimum time between comprehensive plans. Municipalities can pass laws to shorten that period, which the Town of Chesapeake Beach has done. Pursuant to Section 290-31A(1) of the Zoning Ordinance, the comprehensive plan of Chesapeake Beach is to be amended every six years. So, the Commission is proposing a moratorium to limit private property rights so it can take another year, to work on a plan that it started over 2 years ago, for a plan that is now over 4 years late according to its own zoning ordinance, all on a presumption that some proposals to completely overhaul 50 years of comprehensive zoning are going to pass. Furthermore, in the past it has taken the town well over a year and a half or two years to implement a new Comprehensive Plan by adopting a new zoning ordinance. So, while the proposal for a moratorium may now be 12 months or the adoption of the new comprehensive plan, whichever is later, it is very likely to require many years of extensions.

The moratorium appears targeted to two ideas that are being cherry-picked from the zoning power and presumed in the planning process: a complete or near complete ban on multi-family dwellings, especially in the Maritime District which they have been planned for decades, and a 35' height limitation to remove the 70' height limitation that has also existed for decades. In this letter, I will address how this proposed moratorium for these proposed purposes are at odds with all of the previous 50 years of comprehensive planning in Chesapeake Beach and why it is unfair to apply to the Donovan family's properties.

A complete ban on multi-family dwellings would constitute a form of exclusionary zoning and would be inconsistent with one of the mandatory visions for comprehensive planning in Maryland, which is found in MD Code Ann. Land Use §1-201(7) which reads: "(7) housing: a range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;..." *Id.* As I will elaborate below, multi-family housing has been a part of the Town's planned for housing types since the inception of the Town exercising the zoning power and is a necessary ingredient to meet a variety of housing needs and to maintain an orderly and effective infill development, especially in a Town which has limited external growth opportunities.

Imposing a moratorium merely to keep open the option to impose such a drastic realignment of the Town's comprehensive plan is improper and unfair. The Donovan family has the right to be treated the same as everyone else in Town and have its properties subject to the regulations in effect at the time the applications were submitted, yet the timing and scope of the proposed moratorium's appear targeted primarily at treating the Donovan family differently.

It is important to recognize that all five of the Rod & Reel's proposed projects are substantially similar to development plans which the Town staff and the Planning and Zoning Commission have been aware of and reviewed before, often for decades. These development plans have been identified and planned for within the previous Town comprehensive plans. Furthermore, consistent with the State of Maryland's mandated Visions of Smart Growth included within comprehensive plans since 1997, the Town has developed infrastructure and recreational facilities in the areas that were intended to meet the needs of intense residential development. A fundamental aspect of comprehensive planning is to agree on long-term plans that allow both property owners and municipal governments to adjust their activities to suit such plans. With respect to the mandatory inclusion of Maryland's Smart Growth planning principles, the clustering of higher density development in the Town Centers (and the Town planning of coordinated infrastructure

through comprehensive planning) is designed to protect more rural and sensitive areas from development pressures.

**Multi-family Dwellings and the 70' height limit in the Commercial and Maritime Districts Have Been A Part of the Comprehensive Plan for Decades.**

Most of the current residential property owners in the town are the beneficiaries of development proposals that were opposed at the time by the then-existing homeowners, who worried about traffic, the environment, and the need to preserve an old town, or small town, atmosphere. It is a typical but a deleterious impulse that citizens who move to a location seek to close the gates behind them to prevent others from moving to a community as they did, but it is an impulse that smart planners know must be tempered by the need for growth, replenishing the housing stock with new homes, providing diversity in housing types, a dynamic economy, and an expanded tax base.

People complained about the proposed construction of Chesapeake Station, Windward Key, Richfield Station, Bayview Hills, the ballfields, the community center, and countless other projects large and small when they were proposed, but then those became the basis upon which the community was organized and people continued to enjoy their lives in Chesapeake Beach. When such developments are proposed they are "housing". When they are completed, they are someone's home.

Chesapeake Beach began its modern zoning in 1972, following the adoption of its first comprehensive plan in 1971 (there had been some early zoning code attempts in the late 60's which had been rescinded). At that time, Chesapeake Beach was described as "a small urban community of predominantly single-family homes, resort related commercial activities, a limited number of stores and service businesses, and a great deal of open land." Page 5, 1971 Chesapeake Beach Comprehensive Plan.

From that beginning the Town planned for greater and multi-faceted development. According to the 1971 Chesapeake Beach Comprehensive Plan, the single-family population of Chesapeake Beach in 1970 was 934, though they recognized that there were additional residents not shown in census statistics due to the approximately 134 'seasonal homes'. The residential housing inventory at that time was dominated (91%) by single family homes but only 47% of those were owner-occupied, reflecting the resort heritage of the community. At that time, 87% of the land in Chesapeake Beach was undeveloped. See pages 16 and 17, 1971 Chesapeake Beach Comprehensive Plan.

The Community Goals announced in the 1971 plan, a variation of which has been included in every single Town comprehensive plan since, included "[t]he major goal is to create a community with the maximum concern for those qualities which will enhance the town's value, first, as a place to live, and second, as a place with tourist and vacation appeal. The goal is to produce a community with a scenic atmosphere and an attractive setting for homes, yet retain and improve the community's tourist oriented economic viability." It is with that in mind that multi-family dwellings were included, from the beginning, in the context of realizing this vision. It reflected the goal as stated in the plan that there be:

"a choice of housing types for Chesapeake Beach residents and visitors is proposed to meet different and changing needs of families. We want, particularly, to provide a range of housing choices for retired and semi-retired residents and potential residents." See page 26, 1971 Chesapeake Beach Comprehensive Plan.



At that time, since most land was undeveloped, the 1971 Comprehensive Plan recommended clustered development for residential development, to increase the density in some areas rather than individual lot development that spread single-family dwellings uniformly. This was the beginning of the idea of the “Town Center” and it gained its direction by focusing density via planned unit developments and the clustering of residential density, including a recommendation for a variety of different housing to include townhouse and apartment developments (then, on a limited scale). The High-Density area was thought to have an appropriate density of 12.4 families per acre (which should be considered as a scalable ratio relative to the existing populations and development context for 1971). *See* page 30, 1971 Chesapeake Beach Comprehensive Plan.

Over time planning changes to meet new conditions, so my recitation of the 1971 plan is not to be considered an argument that it necessarily dictates the results of planning 50 years later, but it provides the starting context that I will describe for future plans. At that time, the density was primarily directed towards the then-existing major arterial roadways of MD Route 260 and 261, which through successive plans adapting to changes in priorities and infrastructure development, has moved more towards maritime and commercial districts. The point is that multi-family dwellings and the clustering higher density residential development has been a part of Chesapeake Beach zoning for over 50 years.

The Critical Area Protection Program was adopted by Chesapeake Beach in 1989. In addition, 100 acres of land were allotted to Chesapeake Beach for growth allocation. The land designations of the critical area, between IDA, LDA, and RCA were intended to become more intense over the future of critical area planning, not less. It was never the intent of a designation to go from more intense to a less intense designation, absent a finding of ‘mistake’, which obviously does not apply to any of the Donovan properties. But just as importantly the intent of the critical area designations is to locate new intense development near or adjacent to existing development, which is exactly what the planning applicable to the all five of the Rod & Reel’s proposals achieves. They were all slated for more intense development, consistent with the goals of the Town’s Critical Area Program.

For the 1990 Comprehensive Plan, the full integration of the smart growth initiatives along with the coordination with Calvert County’s 1989 drafts of the Northeast Sector Master Plan, continued the density patterns in the center of town, along with planned-for improvements to infrastructure that were coordinated with these plans. This included the proposed upgrade to the Route 260/261 intersection and the community center. In the 1990 Comprehensive Plan, the Commission identified that Chesapeake Beach’s present market trend for residential housing was towards multi-family dwelling structures, which included, “...low, medium and high-rise buildings which can accommodate either rental or purchase properties.” *See* Page 2.4, 1990 Chesapeake Beach Comprehensive Plan.

In the 2002 Comprehensive plan, the Commission and the Town continued to plan for and encourage multi-family development. Two of the three primary major primary development projects that were noted as “in planning/design” were the mixed use (including residential multi-family) at Fishing Creek Landings Marina and the 90-unit Horizons on the Bay. Both projects included buildings of significant height but not exceeding the 70’ height limitation. It identified the Marina property as an existing commercial use pattern of development and recommended that it be recharacterized and planned for as High Density Residential (8-20 units/acre). It showed the existing sewer plan, including the sewer mains serving all of the areas of my client’s proposed developments. At that time, nearly 600 residential units were

already programmed for construction. 150 more were planned for as infill and/or development on currently undeveloped parcels, most of which were the Donovan Family's proposed projects. Specifically, for the Marina the plan identified the potential for a 'vibrant and economically sustaining development within the marina areas along Fishing Creek. Space exists for a sizeable increase in the intensity of the marina and related tourism development. With good urban design, additional development may become an attractive asset within the Town's Center.' See Page 30, 2002 Comprehensive Plan.

The 2002 Comprehensive Plan also acknowledged an important part of critical area planning and practice in smart growth areas, that natural areas could define the edges of intensely developed areas, so that they could abut each other and still provide the protection of areas through mitigation techniques. See Page 35, 2002 Comprehensive Plan. That occurs at all of the proposed developments except for Home Place. Harbor Vista North, West and South are all in IDA zones that abut RCA zones or Fishing Creek itself. Stinnett Place is in the IDA which is adjacent to the RCA of the marsh across the road. This makes good planning sense in smart growth areas. The 2002 Comprehensive Plan acknowledged that when it stated:

"When a historic settlement pattern prevents certain underlying sensitive areas from fulfilling their natural functions, it is often preferable to continue that development pattern. This is especially the case when it is clear that public health and safety can be ensured, adverse impacts to other resource areas can be minimized, other important public needs or objectives must be met, and importantly, over the long term, improvements can be made to those underlying sensitive areas." See Page 35, 2002 Comprehensive Plan. (emphasis added). That is exactly what the Donovan family's mitigation efforts achieved and why the development of the Marina was always planned for: to develop areas of historic development to better ensure the ability to protect other sensitive areas from development, with mitigation of impacts (stormwater filter, phragmites management, reduction in impervious surfaces) on those areas. This included the concept of clustering of residential (using unit density, rather than rigid minimum lot sizes) development. It is quintessential smart growth area critical area planning. This clustering principle was also acknowledged in the 2010 Comprehensive Plan.

The 2002 Comprehensive Plan continued the proposition that multi-family dwellings should be part of the housing mix in Chesapeake Beach. The resulting ordinance (not adopted until 2004) included the overlay bonus density districts which, have as their explicit purpose, to promote greater flexibility with respect to permitted residential density, allowing for higher density residential development and greater building heights under certain conditions, than is permitted in the underlying district. Those zones facilitate the greater density of multi-family dwellings and continue to be a part of the current planning and zoning regime. The 2004 Zoning Code followed the 2002 Comprehensive Plan model for residential development intensities and identified the Marina District, which includes the Harbor Vista West, North and South, to have structures with sufficient height (70' maximum) to reach the planned for density. Special conditions for Townhouses to make them more feasible were included in Section 5-113 Design Standards-Townhouses.

The proposed ban on multi-family dwellings across all zones, regardless of the character of the existing housing, is simply irrational. Comprehensive planning has never been viewed as starting with a plan from a completely blank slate, but always used the status quo development pattern as the context for all future plans. The Town already has multi-family dwellings that were a response to past comprehensive plans. To impose a complete ban on them now, is treating one property owner differently than the owners of all previous developments.

In Chapter 3, Goals and Objectives, of the 1990 Comprehensive Plan, the Town reiterated a major goal of zoning since the 1971 comprehensive plan: “making Chesapeake Beach a nice place to live.” The means to achieve that goal were stated within the Objectives of Residential Development, which included improving the quality of the residential units (which my clients proposed developments would certainly accomplish), but also increasing the kind and scale of development. This quote is instructive:

“There is a need for a variety of housing types in a community to meet different residential requirements. Although Chesapeake Beach has been predominantly single family in character, well planned townhouse and apartment developments are required to preserve the natural environment and provide for integrated community and commercial activities. In addition, every effort should be made to balance the value of housing in the Town. There may be the opportunity now, as never before, to attain this objective, considering the intense housing market in Chesapeake Beach.” 1990 Comprehensive Plan, Page 3.3, Chapter 3.

From that concept, followed development of the Town Center infrastructure and ideas that had been in place since 1971, to make the center of the Town the core development area and to build supporting recreational facilities. As far back as 1971 the goal of bringing a community center and ballfields to support residential living had been a part of the long-term goals and the 1990 Comprehensive Plan sought to achieve those goals with recommendations for the ballfields. After the 1990 Comprehensive Plan, the Town built water and sewer infrastructure to serve intense residential development in the center of town, it helped in the planning, acquisition and building of the Community Center, and it developed the ballfields. All of these were designed for the planned and hoped-for continued infill residential development that would be more intense in the center of town.

Similarly, in the 2004 Zoning Ordinance, townhouse and multi-family dwellings were permitted uses in the R-HD, R-V, C (Commercial), M (Marina) and RPC zoning districts. Greater density for multi-family and building heights was encouraged for bonus density overlay districts, and in the Marina District the maximum height was set at 70 feet, which has continued to be that way in the 2010 Comprehensive Plan and Zoning Ordinance, representing two decades of planning for these areas to be the most intensely developed portions of the Town.

The Marina properties that would include the Harbor Vista West, North and South developments were all targeted to be the most intense areas of development, the Marine Commercial High-Density District, and from that designation plans were made by the Sissons (Fishing Creek Landing Corporation) who developed plans for all these properties which were reviewed by the Planning Commission and Town staff.

The 2010 Comprehensive Plan explicitly identified the planned for development of the 32 multi-family units at Stinnetts, the Home Place development of 24 units of multi-family and 1 single-family dwelling, and the Harbor Vista North portion (16 units at the time) and Harbor Vista West (included as a separate line for Harbor Vista North (100 units at the time) of the Marina development in the expected private development upon which the Town’s planning was predicated. Harbor Vista South was mentioned but only as a possibility. *See* Page 7, and Table 22, 2010 Comprehensive Plan.

The 2010 Comprehensive Plan also noted that multi-family developments have been responsible for much of the growth (called for in the 1971 plan and all subsequent plans) in Chesapeake Beach and by the 2000 census data the Town had reversed the problem of so much residential housing stock (47%) not being owner occupied as the rate had grown to 77%. *See* Page 12, 2010 Comprehensive Plan. That should not be lost on this Commission when considering wholesale limitations on multi-family housing, because multi-family housing creates the diversity of housing types necessary to maintain high owner-occupancy.

Finally, with respect to the Marina developments, the 2010 Comprehensive Plan continued the emphasis on clustering density in the center of Town and with respect to the Marina's impact on future growth, concluded that:

"Marina Development

Potential exists for vibrant and economically sustaining development within the marina areas along Fishing Creek. Space exists for a sizeable increase in the intensity of marina and tourism related development. Through the use of good urban design, additional development may become an attractive asset to the Town's Center." *See* Page 81, 2010 Comprehensive Plan.

As a realization of that potential, the Donovan Family has taken steps to develop the marina areas with good urban design. Multi-family units are explicitly allowed at density in marina area in the zoning ordinance passed to implement the 2010 Comprehensive Plan. The Plan called for the property owner to act, the owner acted, and now the Commission is seeking to change the applicable rules at this late date.

I am not sure why Chesapeake Beach didn't adopt Growth Tiers associated with the Sustainable Growth & Agricultural Preservation Act of 2012 but if it had, all the areas of the Donovan family's proposed projects would have been included in the Tier 1 Growth Tiers, as those areas had active public sewer systems and were designated for growth and the municipality was included as a priority funding area that is served by public sewerage systems. MD Code Ann. Land Use §1-508(a)(1). Chesapeake Beach qualified as a priority funding area by definition as a municipal priority funding area, consistent with Smart Growth's emphasis of locating intense development in the municipalities with public sewage services.

In summary, the Town's comprehensive planning process from the inception of zoning in 1971 has included multi-family dwellings and greater height in the center of town. The 'small town charm' that every plan has enunciated has explicitly included multi-family dwellings and for many years, a 70' height limitation, as part of that small town charm. Those elements were found by past Commissions to be consistent with, not in contrast to, a small-town charm.

**The Donovan Family and the Town Both Took Substantial Steps in Reliance on Past Comprehensive Planning to Develop These Specific Properties with Multi-family Uses.**

As noted above, a part of Maryland law on comprehensive planning is that "The plan shall serve as a guide to public and private actions and decisions to ensure development of public and private property in appropriate relationships." MD Code Ann. Land Use §3-201(a)(3).

In reliance upon the policy direction of the Town's past comprehensive plans, the Donovan family sought to develop the properties which are the subject of the Rod & Reel's current applications and took

substantial steps to realize those developments, including prior site reviews, site plans, and even zoning permits. I will review the history of each of these properties.

#### Stinnett Place:

Stinnett Place is in the R-HD District, immediately adjacent to other multi-family dwellings in the Seagate townhouse community. Placing more multi-family uses on the Stinnett properties is consistent with the zoning and the context of the neighborhood.

The Stinnett Place development was the site of a commercial use (Stinnett's Restaurant) from 1936 through 2003, when after being irreparably damaged by Hurricane Isabelle, it was torn down in anticipation of the new development plan. In 2006, residential development of the site was proposed in coordination with the Town and Planning & Zoning Commission and was known as the Stinnett Place condominiums, which was two four-story buildings containing 32 units (46 would have been allowed under the then current zoning, but there was a desire to keep the height down to four stories). Those plans went through site plan review and approval and ultimately the issuance of a zoning permit being issued on July 6, 2006. Initial site work was completed in preparation for that development, but economic circumstances changed due to the 2008 financial crisis and the project had to be put on hold. Historically, the property had the bonus overlay district applicable to it so that the density of residential development was even higher than it is now. However, in contrast to the recommendation of the Planning & Zoning Commission coming out of the 2010 Comprehensive Plan, the Town Council, with little fanfare and no prior notice to the owners, amended the plan on its own to remove the Bonus Overlay District from the Stinnett property in 2013. The zoning permit was eventually cancelled in 2016.

To help prepare the site for development at the time, the Donovan Family worked with the Town and the State to coordinate the Town's infrastructure and Maryland State Highway's need to raise MD 261 to cure historic problems with drainage of water that was impacting the entire area. Before the improvements, people often could not gain access to the Seagate Townhouse development without driving through standing water. This was impacting the Town's water and sewer infrastructure, so the Town undertook to tie their new infrastructure and the Donovan's tied their development grade to the new State Highway elevations. This was done in close coordination with all the parties, and resulted in the road being raised 4 to 5 feet, as well as the Stinnett Property in some places. The Donovans rerouted their water and sewer infrastructure to accommodate the approved buildings to the new elevations. The Donovans also facilitated the solution to the Town's infrastructure needs by giving the Town an easement for a pump station and backup generator and drainage system in the north side of 31<sup>st</sup> Street. This required a substantial amount of money to be spent by the Donovans and it was all done in anticipation of the approved plans and coordination with the Town.

#### Home Place:

In July of 2006, the Donovans went through the process of Town Council making findings to use critical area growth allocation to accommodate this development, with the 7.42 acres of LDA being converted to IDA. This was in anticipation and coordination for a development of 2 condominium buildings with 12 units each and one single-family home. A subdivision plan was completed. The preliminary site plan was done in 2006 and the final site plan was completed in 2009. Again, the financial crisis of 2008 was what stopped this development from being completed. Other than a recent demolition permit for the house,



no further work was done on this property until the market began to recover and new plans were submitted recently.

The Harbor Vista Developments:

For the Donovan's Harbor Vista North, Harbor Vista South, and Harbor Vista West applications, all located at the marina property, the plans submitted are substantially similar to the plans developed as far back as the early 2000's, when Fishing Creek Landings Corp., owned by long-time residents Dave and Pam Sisson, purchased the marina parcel from the Town. It should be noted that even before then, the Town had taken over ownership of the marina parcel when the prior owners had tried and failed to develop the marina parcel with 136 townhouses, which had also been approved by the Commission as consistent with the Comprehensive Plan.

The Fishing Creek Landings Corp. plan was known as the Harborvista Condominiums at Fishing Creek Landings Marina. It included a four-story building exactly where the current Harbor Vista North proposal is located, which had 16 residential multi-family units over top of ground level commercial. Where the current Harbor Vista South project is located, Fishing Creek Landings plan was to build a six-story building holding 24 condominium units of approximately 66,588 SF.

To support such plans, Fishing Creek Landings Corp. initiated the process to establish the buffer exemption area designation with the Town and Critical Area Commission, which was a slow process but was finally granted by the Critical Area Commission in October 1, 2003. That designation was the genesis of the buffer management plan necessary to proceed with critical area mitigation to support the development plans of the revised site plan, which included a phragmites control plan in the buffer, along with dense plantings in buffer strips within the BEA portions, a sand filtration and storage system for stormwater runoff behind the bulkhead (the plan reduced the impervious surface), install a new bulkhead, removal of the existing boathouses and travel lifts and some adjustments to some piers and mooring piles.

The Sisson's retained McCarthy and Associates to do a detailed identification of tidal wetlands on the western property boundary, as that area had not been previously officially mapped, which is where the Harbor Vista West proposal is to be located. The Sissons also obtained a private wetland permit 03-WP-1550 (R) and a Corps of Army Engineers permit (2004) to facilitate that work. The Sissons then went through and obtained final site plan approval from the Commission on all of these proposals. Zoning permit 5315 was issued on 10/15/04 for the mitigation work, including the installation of a bulkhead, removal of fast land, backfilling behind the bulkhead and construction of the revetment on parcel A.

It was after all these permits were obtained and the development potential of the market stalled that Fishing Creek Landings Corp. sold the marina property to the Rod & Reel, Inc. The permits were all transferred to the Rod & Reel and the Corp of Army Engineers permit was retitled in January of 2006.

After the purchase of the Marina by the Rod & Reel, the Donovan family completed all the mitigation work for the Fishing Creek Landings Corp.'s proposed development, consistent with the permits, and at very substantial expense. It removed the two buildings and the travel lift, made the mitigation plantings, rebuilt the bulkheads and managed the phragmites, and installed the sand filtration device. Though not part of the mitigation per se, as part of the coordination for this development the Sisson's had negotiated an easement agreement with the Town for the railway trail, which included the plan to run the

sewer line extension to serve the proposed building where the current Harbor Vista West proposal is planned. The plan at the time was to continue the development that the Sisson's had initiated but the market began to shift dramatically and those plans had to be put on hold.

As late as 2016, the Town approved the site plan to develop Harbor Vista South with a 5-story building with 58 units. The needs for parking during the Rod & Reel construction required a delay in that plan and while the site plan approval was extended by the Commission for one year in 2017, it lapsed in 2018. At that time the proposed height of the approved building was 60'2" (below the longstanding 70' height limit). The project was approved because it was consistent with the comprehensive plan and the zoning ordinance. It was identified as a harmonious use by the Town staff for the residential and commercial and marina uses. A portion of the critical area mitigation was covered by the off-site mitigation plan that was adopted at the same time as the Rod & Reel, which mitigated stormwater runoff from Town properties and other private properties not currently being treated for a mitigation credit that far exceeded that needed by the Rod & Reel project's mitigation requirements and was to be applied to the Harbor Vista South development, so some of that expense has already been incurred.

In reliance on the long history of comprehensive planning in Town and often in coordination with prior development proposals, the Rod & Reel has purchased, at great expense, and the Town has sold, water and sewer capital connection charges (water and sewer taps) for these properties. The Town included those in their calculations of water and sewer infrastructure planning, including the current 2010 Comprehensive Plan. *See* Page 65, 2010 Comprehensive Plan. The purchase of additional taps to reach the current Marina West calculation was done by an agreement between the Town and Fishing Creek Landings on June 24, 2004 that was specifically tailored to the proposed residential development. The Donovans have purchased 5 water and sewer taps for Home Place, 28 water and sewer taps were assigned to Marina West via the purchase from Fishing Creek Landings Corp., and 32 water and sewer taps were purchased for Stinnett place (though some were later transferred to the Rod & Reel parcel).

The Town also participated in the shared parking plans for the Fishing Creek (now the Rod & Reel marina property), ballfields, Town waterpark, the parking for the boat ramps and the access, and the community center. These were negotiated agreements that were reached by and between the Town, Fishing Creek Landings Corp., the State and Calvert County, including easements, and were predicated upon the future plans of Fishing Creek Landings Corp. to develop all of the Marina properties.

Finally, it should be noted that Harbor Vista North is a part of the 'framing' of Gordon Stinnett Avenue that was called for in the 2010 Comprehensive Plan. *See* Page 86, 2010 Comprehensive Plan. Framing is a planning concept that encourages building up to roadways with sidewalks, to encourage pedestrian travel.

### **The Height Limitation.**

While the Town of Chesapeake Beach has included abstract concepts like protecting views in many of its comprehensive plans, those same comprehensive plans have been operationalized and realized by Zoning Ordinances that allowed 70' high buildings within the core of the intended high-density district, what is now labeled the Maritime District. Seventy-foot buildings were judged by past planners to be consistent with, not 'degrading the scenic vistas' of the town. For a long time, the Town followed the maxim if you want a property with a water view, you need to buy a property on the water. Other people's

private property should not be held hostage to those who want a view of the Bay but haven't purchased property on the Bay. That isn't to say that planning doesn't have a role in limiting heights, but the 70' height limitation for the highest density district has been a consensus position for a very long time in Chesapeake Beach.

None of the proposed developments of the Donovan Family get to the 70' height limitation, but these long-planned for developments would be rendered pointless with a 35' height limitation. Where the proposed developments will be built, they will not impede the view of the Bay by almost any property owner in Town. The tallest building proposed would be Harbor Vista West, and there are no properties to the west of it that would have their view curtailed. If people object to seeing a building no matter what, then even a 35' building will be seen and objected to, giving the objector a veto right over the private property of another. This height limitation appears to be a thinly-veiled attempt at merely targeting the development plans of the Donovans, with a pretense that the general public good is being served. It will not be served by a 35' limitation. The quality and density of the housing stock will decline and people who do not want a single-family home, especially those over 55, will not be able to find the apartments and townhouses that are now in very high demand in Calvert County.

### Summary

The proposed moratorium is predicated upon justifications that are not reasonable policies. It seems tailored to only impact one property owner, to stop property developments that have been part of comprehensive planning for decades, in order to enact a ban on multi-family dwellings that is so radically inconsistent with the comprehensive planning for the past 50 years in Chesapeake Beach that it is hard to believe it is real. When you purchase properties based upon the plans set forth in comprehensive plans and zoning ordinances, radical changes like this create the injustice of changing the rules in the middle of the game. The citizens of Chesapeake Beach should reasonably expect that its Town government act with integrity. They have the legitimate expectation that the regular update to the comprehensive plan be updates, not wholesale reimagining of the use of other people's property. I urge the individual Commissioners to vote this resolution down. The Donovan's stand ready to work with the Commission to address all reasonable concerns about the specific developments they have proposed. The Donovan Family has always stood for quality developments that bring value to the local community, and these developments will be no different. As noted in the beginning, if the Commission were to take each development one at a time, there should be no impact to the Commission's long-awaited Comprehensive Plan recommendations.

If the Commission is not persuaded by these arguments and wishes to nonetheless recommend the imposition of a moratorium on major development projects, given the nature of the proposed changes to the comprehensive plan that the moratorium seeks to serve, I would recommend and suggest that in addition to findings on exigency and need, the Commission should also consider the same (or similar) factors used when a Town Council makes findings for a reclassification, because that would be the functional effect. Those standards are enumerated below and are the ones used in MD Code Ann. Land Use §4-204(b)(1), which reads:

“(b) Reclassification. –

(1) If the purpose and effect of a proposed map amendment is to change a zoning classification, the legislative body shall make findings of fact that address:

(i) population change;

- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendation of the planning commission; and
- (vi) the relationship of the proposed amendment to the local jurisdiction's plan.”

I believe that if these types of factors are considered carefully, giving proper weight to the values of consistency with past planning, consistency with existing development patterns, smart growth, and basic fairness, that the proposed moratorium is an ill-advised policy that is inconsistent with those standards and values. A moratorium will harm the public perception of the Town of Chesapeake Beach. It sends the signal to everyone that the Town is not open to newcomers and is willing to change the long-standing regulation of land use patterns with radically new proposals that severely curtail property rights.

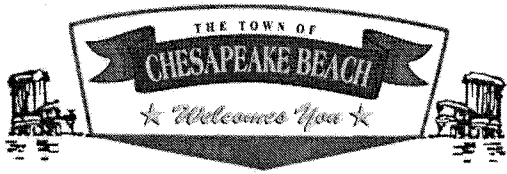
I request that this letter be submitted into the record as an exhibit during your hearing on February 24, 2021. I would also like to make a presentation on behalf of my client on the subject of the proposed moratorium, and would appreciate being added to the agenda. Please have staff let me know whether we can share our screens on zoom or how to provide any visual supplementation to our presentation.

Sincerely,

/s

Eric J. Blitz

Cc: The Honorable Mayor Mahoney and Town Council of Chesapeake Beach  
Christopher Jakubiak, Zoning Administrator  
Holly Wahl, Town Administrator



**OFFICE OF THE PLANNING AND ZONING COMMISSION**

**MINUTES OF THE  
PLANNING AND ZONING COMMISSION  
FEBRUARY 24, 2021**

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

**II. APPROVAL OF THE PLANNING & ZONING AGENDA**

**MOTION:** Commissioner Berault moved to approve the February 24, 2021 Agenda as presented. Seconded by Commissioner Evans, all in favor.

**III. APPROVAL OF THE MINUTES OF THE JANUARY 27, 2021 PLANNING & ZONING COMMISSION MEETING**

**MOTION:** Commissioner Berault moved to approve the minutes of the January 27, 2021 Planning & Zoning meeting. Seconded by Commissioner Blackwelder, all in favor.

**IV. OLD BUSINESS**

- a. Progress report on the comprehensive plan update – Mr. Jakubiak reported over the next three months he anticipates completing and submitting a final draft to the Commission by May. New sections such as transportation and housing will be presented for discussion. Mr. Jakubiak will forward the projected table of contents to the Commission.
- b. Motion to clarify the December 15, 2020 Commission's decision on the revised site plan for Rod-n-Reel properties, that such approval does not include proposed site plan revisions to the 1936 Bar and Grille sign or flags to be installed on or above the roof line of the various structures on the site, because the proposed revisions are not compliant with the Chesapeake Beach Zoning Code §290-22(h).

**MOTION:** Chairman Brown moved to reconsider the December 15, 2020 Commission's decision on the revised site plan for the Rod n Reel properties, in which the approval of proposed site plan revisions to the 1936 Bar and Grille sign and flags were included. Upon further review, it was discovered the sign and flags were not in compliance with the Zoning Code. Chairman Brown is proposing an amendment to the original decision to exclude the approval of the sign and flags. Seconded by Commissioner Berault, all in favor.

It was suggested the Applicant seek relief through the Board of Appeals.

- c. Motion directing the Zoning Administrator to prepare and present to the Commission a report including draft zoning and text amendments that clarify the Town prohibition on short term rentals; and includes draft alternative amendments that partially lift such prohibition.

**MOTION:** Chairman Brown moved to direct the Zoning Administrator to prepare a report that would include draft zoning & text amendments clarifying the Town prohibition on short-term rentals and draft alternative amendments that partially lift such prohibition. Seconded by Commissioner Berault. After Commission discussion, Chairman Brown motioned to table this until its March meeting where the Commission will discuss further.

**MOTION:** Commissioner Blackwelder moved to amend tabling this item and recommends the Zoning Administrator prepare the report. Seconded by Commissioner Berault. Ayes, Commissioners Blackwelder, Evans and Larsen. Opposed, Commissioners Berault and Greengold. **Motion Passes.**

Chairman Brown directed the Commission to submit any suggestions/recommendations to Mr. Jakubiak within the next two weeks.

- d. Motion to set a future hearing date on draft zoning text amendments to chapter 290 of the Town Code of Chesapeake Beach, zoning ordinance to limit the height of all new buildings within all zoning districts within the Town to 35 feet.

**MOTION:** Chairman Brown moved to place this as first item on the March agenda for discussion. Seconded by Commissioner Greengold, all in favor.

- e. Motion to remove residential development allocations in the Town Center and marina areas and to remove all multi-unit housing types in the residential village areas to preserve the ability to accommodate recreation and potential future commercial amenities in and near the Town Center. **Chairman Brown stated this item would be deferred to a future meeting.**

**PUBLIC HEARING:** The public hearing was opened by Chairman Brown at 7:45 pm on a resolution recommending that the Mayor and Town Council adopt a temporary moratorium on the Planning Commission's acceptance and consideration of applications for development projects. Mr. Jakubiak elaborated on the resolution and rationale in putting this resolution forth for Commission consideration. Comments were received from the Commission and Mr. Jakubiak addressed questions.

Commissioner Blackwelder presented to the Commission an amendment to the resolution to add 3 sub-paragraphs to the ninth WHEREAS as follows:

(G) The exponentially increasing popularity of the North Beach Farmers Market and Beach Boardwalk over the past 10 years adding traffic along MD Rt. 260 and MD Rt. 261.

(H) Recent high intensity development at the Rod-n-Reel site with traffic implications that have not yet been assessed and cannot be accurately assessed due to the COVID-19 Pandemic.

(I) Recent completion of and ongoing development of large-scale residential neighborhoods over the past 10 years with traffic implications that have not yet been assessed and cannot be accurately assessed due the COVID-19 Pandemic.

There being no objection from the Commission, Chairman Brown stated the 3 sub-paragraphs would be added to the resolution.

Chairman Brown allowed public comment on the draft resolution beginning at 8:01 pm, beginning with presentations from representatives of the Rod-n-Reel Corporation.

Eric Blitz, attorney for the Rod-n-Reel Corporation, was present and gave a short presentation in defense of his client and the hardship and unfairness this moratorium will create on his right to develop his properties. Mr. Blitz requested his letter previously sent to the Commission be entered into the record. Also speaking on behalf of the Rod-n-Reel were Mary Lanham and Wes Donovan who spoke in opposition of the moratorium.

**V. PUBLIC COMMENTS WERE RECEIVED BY:**

1. Joshua Johnson 3814 26<sup>th</sup> Street– spoke in opposition
2. Zach Abner of Abner’s Crab house Harbor Road – spoke in opposition
3. Shad Montague 3802 Chesapeake Beach Rd– spoke in opposition
4. Kevin Norris representing CB Properties LLC 8302 Moffat Run – spoke in opposition
5. Mark Giangiulio 3456 Hill Gail Drive– spoke in opposition
6. Greg Morris 2425 Woodland Court – spoke in favor
7. Debra Giangiulio– 3456 Hill Gail Drive spoke in opposition
8. Bob Carpenter 8051 Windward Key Drive – spoke on opposition
9. Gary Lockett of Traders Seafood Steak & Ale 8132 Bayside Rd – spoke in opposition
10. Glen Spanier – spoke in opposition
11. Lakesha Wilkerson – emailed comment - in opposition
12. Tanesia Wills – emailed comment - in opposition
13. Mr. Jakubiak read into the record, a public comment received from Joseph Devlin, attorney representing developer Mike Roepcke of the Richfield Station project. As this project has been approved, Mr. Devlin is asking the Commission to consider amending the moratorium to add the wording “exempt any project currently in the development approval system which has received Development Plan and/or Plat approval from the Commission”, noting specifically the completion of the last section of Block S at the end of Crest View Lane and one section of single family lots on Stream Walk Way.

The public hearing was closed at 8:57 pm and the regular meeting resumed.

After discussion, the Commission put forth the following motions:

**MOTION:** Commissioner Greengold moved to approve the Resolution. Seconded by Commissioner Berault.

**MOTION:** Commissioner Greengold moved to amend the Resolution to include in the resolution the wording “exempt any project currently in the development approval system which has received development plan and/or plat approval from the Commission.” Seconded by Commissioner Blackwelder, all in favor.

**MOTION:** Commissioner Evans moved to amend the resolution to reflect 9 months of a moratorium versus the proposed 12-month time frame. The motion **failed** for lack of a second.

**MOTION:** Commissioner Blackwelder moved to amend the resolution in the sixth WHEREAS, to remove the word “wholesale”. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, Evans and Larsen. Opposed, Commissioner Greengold. **Motion Passes.**

**MOTION:** Commissioner Berault moved to approve the Resolution as amended. Seconded by Commissioner Larsen. Ayes, Commissioners Berault, Blackwelder, Greengold and Larsen. Opposed, Commissioner Evans. **Motion Passes.**

**Chairman Brown stated the resolution, as amended, will be forwarded to the Town Council for consideration.**

Chairman Brown took the opportunity to thank the business community for coming out and participating in tonight's hearing along with all those that made comments.

Additional comments:

1. Councilman Morris commented on the short-term rentals.
2. Commissioner Greengold suggested a time limit be established on persons giving public comments to assure all a chance to speak.

Chairman Brown stated the next Planning and Zoning meeting is scheduled for March 24, 2021.

**VI. ADJOURNMENT**

There being no further comments, the meeting adjourned at 9:31 pm on a motion by Commissioner Berault. Seconded by Commissioner Greengold, all in favor.

Submitted by,

Sharon L. Humm  
Commission Clerk



## Law Offices of Eric Blitz

9 Lantern Circle  
Parkton, Maryland 21120  
410-812-7265

Eric J. Blitz, Esquire  
Email: [blitz.eric@gmail.com](mailto:blitz.eric@gmail.com)  
(delivered via email)

March 16, 2021

Mayor and Town Council of Chesapeake Beach  
Chesapeake Beach, MD  
Town Hall  
P.O. Box 400  
Chesapeake Beach, MD 20732

Re: Proposed moratorium-procedural deficiencies

Dear Mayor and Town Council:

On behalf of the Rod & Reel, Inc., I am raising objection to the legal process that is being planned to implement the proposed zoning moratorium. According to the Town Council's final agenda for your meeting to be held on Thursday, March 18<sup>th</sup>, 2021, there appears to be two improper procedures outlined in said agenda.

If a moratorium is to be imposed limiting the property development of category 1 site plans as defined in the Town's zoning ordinance, it must be accomplished through an ordinance, not a mere resolution. It must be passed by meeting the same requirements of an ordinance under C-309 of the Town Charter. To do otherwise is to improperly attempt to bypass the procedural protections and requirements of ordinances, including the requirement that no ordinance be passed at the same meeting at which it is introduced, that it be voted upon not less than 6 nor more than 60 days after introduction, and that it become effective 20 days after passage or 7 days after the last legally required publication notice, unless it meets the standards for an emergency ordinance (which requires a separate affirmative vote of 5 councilmembers). As importantly, a simple resolution is not subject to the veto power of the Mayor set forth in C-310 of the Charter or the right of citizens to petition for referendum under C-311. To bypass such Charter safeguards by passing a simple resolution on a matter of such grave and substantial impact to all property owners in Town is inappropriate and inconsistent with the Town's Charter and Maryland law.

The proposed moratorium is a legislative enactment, amending the effect of the current zoning ordinance of Chesapeake Beach. As such, it is a law of general applicability and continuing effect, impacting the substantial rights of citizens and property owners. Property owners in Town have the legal right under § 290-23 of the Town's zoning code to have their site plans processed by the Town's administration and Town Planning & Zoning Commission. To limit those rights, the proposed moratorium amends that zoning power and limits the power of all property owners to develop their property in accordance with the current zoning ordinances now in effect, by limiting a particular type of site plan review that is defined in the zoning ordinance (category 1 site plans). To do that, the Council must pass a law of

general applicability and effect, so regardless of its labeling as an ordinance or resolution, it must be passed under the same rules and formality as an ordinance under the Town Charter. *See Inlet Associates v. Assateague House Condominium*, 313 Md. 413 (1988). The proposed moratorium exempts out certain developments, in effect grandfathering those exempted out with respect to the retrospective application of the moratorium, which is not an administrative or ministerial act but a policy judgment that is legislative in nature.

Chesapeake Beach is given the authority to pass and amend zoning ordinances, not as an inherent Home Rule Charter power, but as a delegated express power under Md. Code Ann. LG §5-213. That section provides, “A municipality may adopt zoning regulations, subject to any right of referendum of the voters at a regular or special election as may be provided by the municipal charter.” An express power such as the zoning power is found within Subtitle 2 of Title 5 of the Local Government Article, to which § 5-203 applies, which reads:

“§ 5-203. Grant of express powers

(a) **In general.** -- In addition to, but not in substitution of, the powers that have been or may be granted to it, the legislative body of a municipality may exercise the express powers provided in this subtitle by adopting ordinances.

(b) **Conflicts.** -- Except as provided in Article XI-E of the Maryland Constitution, an ordinance adopted by the legislative body of a municipality may not conflict with State law.

Although this obligation to use the ordinance power has been a long-established principle under Maryland law, it was cited by the Court of Appeals as the governing authority on this issue as late as this January, in *K. Hovnanian Homes of Maryland, LLC v. Havre de Grace, et. al.*, No. 22, September Term, 2020, Case No.: 12-C-12-003214, in which the Court wrote:

“Consistent with the former provisions of Article 23A, § 2, the Legislature has conferred both a municipality's general authority, as well as its specific grant of express powers, in “the *legislative body of a municipality*.” *See* LG §§ 5-202, 5-203 (emphasis added). *See* also Twigg, 396 Md. at 545 (explaining that the express powers enumerated in Section 2 of Article 23A are conferred upon the municipal legislative body). Not only are the express law-making powers bestowed upon the legislative body of a municipality, the express powers enumerated in Title 5, Subtitle 2 *must be exercised by ordinance*.<sup>[14]</sup> *See* LG § 5-203(a). Additionally, where the General Assembly has provided a municipality with the authority to exercise an express power by ordinance, the ordinance “may not conflict with State law.” LG § 5-203(b).” *Id.* at 23.

The proposed moratorium is not merely a cessation of discretionary administrative proceedings, but a limitation on legal rights of citizens and property owners in Chesapeake Beach found within Maryland law and the Chesapeake Beach Zoning Code. Although one of the purported justifications for the proposed moratorium is to facilitate the Planning and Zoning Commission’s attempt to propose planning changes via the comprehensive plan process, that does not save this moratorium from the requirement that it be enacted through ordinance, because the planning power is also an express power of municipalities in Maryland. *See* Md. Code Ann. LG § 5-212(a). Again, such express powers can only be exercised by the use of an ordinance, and with respect to zoning, an ordinance that is subject to the rights of referendum provided by C-311 of the Town Charter.

I will also note that the proposed moratorium is being considered after the recommendation of the Town's Planning & Zoning Commission, consistent with the requirement that all changes to the zoning ordinances of the Town be made only after the receipt of such a recommendation. It is therefore incongruous to recognize one process requirement for changing the effect of the Town's zoning laws and not recognize the procedural requirements of using an ordinance, as described above.

The second infirmity I have observed in the agenda is that speakers during the public comment are to be limited to two minutes. That is in conflict with the Town Charter, which in Section C-307A(IV) directs that all speakers are entitled to speak for 5 minutes. If this was merely a rule of procedure adopted by the Council, I would agree that it could be modified. But if it is in an ordinance, it can only be changed through another ordinance. That it is in your foundational law, your Town Charter, means it is absolutely mandatory and cannot be changed absent a Charter Amendment.

Sincerely,

/s

ERIC J BLITZ, ESQUIRE

cc: Todd Pounds, Esquire (City Attorney)

# Resolution R-21-3

## A Resolution of the Town Council of Chesapeake Beach in Support in a Temporary Moratorium

**WHEREAS:** The Town Council of The Town of Chesapeake Beach is responsible for matters relating to the orderly growth of the Town of Chesapeake Beach.” Town of Chesapeake Beach, MD Code (hereinafter Code) § 290-31(A) Purpose; and

**WHEREAS:** The Planning Commission “shall prepare and recommend a Comprehensive Plan for the Town of Chesapeake Beach, and review and update said plan at least once every six years.” Code § 290-31(A)(1); and

**WHEREAS:** The Town’s Comprehensive Plan 2010 Update was adopted on January 20, 2011 and must be reviewed every 10 years. Md. LAND USE Code Ann. § 3-303(a) Required review; and

**WHEREAS:** Adoption of zoning laws, planned development ordinances and regulations, subdivision ordinances and regulations and other land use ordinances and regulations shall be consistent with the Comprehensive Plan. Md. LAND USE Code Ann. § 3-303(b) Implementation. review; and

**WHEREAS:** The Planning Commission began the process of updating the Comprehensive Plan by holding Town Workshops on September 12 and 18, 2018, during which five themes emerged, one of which is “Preserving and Enhancing our Small-Town Charm.”  
[https://www.chesapeakebeachmd.gov/sites/g/files/vyhlf4261/f/uploads/vision\\_2040.pdf](https://www.chesapeakebeachmd.gov/sites/g/files/vyhlf4261/f/uploads/vision_2040.pdf) ; and

**WHEREAS:** The direction provided by the workshops, and subsequent work on the update to the Comprehensive Plan, require a rewrite of the previous, Comprehensive Plan 2010 Update; and

**WHEREAS:** While updating and rewriting the Town Comprehensive Plan, the Planning Commission must also complete its routine workload; and

**WHEREAS:** The Planning Commission recently recognized a need for near-term interim actions to mitigate against the time necessary to address the challenges of incorporating the express desires of the public into the next Comprehensive Plan update:

(A) At the September 23, 2020 meeting on the Land Use section of the Comprehensive Plan update, there was extensive discussion of actions necessary to preserve small-town charm including limiting building heights, reducing density, and designation of resource conservation areas.

(B) The November 12, 2020 agenda included “discussion on zoning & height limits.”

(C) The December 2, 2020 Comprehensive Plan work session included a lengthy discussion of building heights in the Town Center and Maritime Mix Use areas, and types of family structures to be allowed in residential zoning districts.

**WHEREAS:** The Planning Commission, after extensive study and deliberation in open meetings and work sessions, anticipates that it will recommend a revised Comprehensive Plan and implementing ordinances that will address the significant foreseeable challenges the community is and will face, including among others:

- (A) Rising groundwater tables, storm damage potential, increases in the projected depth and extent of flooding and storm surge, and the threat to public and private infrastructure and buildings related to rising water levels in the Chesapeake Bay,
- (B) The instability and potential erodibility of steep slopes, shorelines, and lands “made” through the historic reclamation of marshes and the irreparable loss of scenic natural beauty caused by the clearing of forests and poorly planned development,
- (C) Proposals for construction of large and tall buildings that would degrade the Town’s scenic vistas and the view of the water which are vital to the aesthetic and cultural values of Chesapeake Beach and antithetical to the public’s desire to “Preserve and Enhance our Small-Town Charm.”,
- (D) The paucity of vacant or undeveloped property to address the existing deficit in neighborhood park space,
- (E) The adoption of new standards to guide the design of future buildings and building sites into ways that preserve the character of the Town;
- (F) The safety and convenience of walking in Town generally and along MD Route 260, within the areas zoned for commercial development where the calming of traffic speeds is insufficient, and the quality of the pedestrian environment is poor; and
- (G) The exponentially increasing popularity of the North Beach Farmers Market and Beach Boardwalk over the past 10 years adding traffic along MD Rt. 260 and MD Rt. 261.
- (H) Recent high intensity development at the Rod-n-Reel site with traffic implication that have not yet been assessed and cannot be accurately assessed due to the COVID-19 Pandemic.
- (I) Recent completion of and ongoing development of large-scale residential neighborhoods over the past 10 years with traffic implications that have not yet been assessed and cannot be accurately assessed due the COVID-19 Pandemic.

**WHEREAS:** In order to address the aforementioned challenges and others, the Planning Commission’s emerging recommendations and policies, are departing in significant ways from the currently adopted plan and Zoning Ordinance, including in the areas of land use, development intensity, the height of buildings, and the protection of environmental resources; and

**WHEREAS:** The Planning and Zoning Commission endeavors to have a draft of the revised Comprehensive Plan ready for public review in 2021, and a public hearing and approval by the Town Council, Calvert County and the State of Maryland in 2022, and public input currently continues regarding the Comprehensive Plan review; and

**WHEREAS:** The Planning and Zoning Commission also has the authority under the Town Code, Chapter 290 (Zoning Ordinance) and Chapter 245 (Subdivision of Land), to review and take action to approve or deny development site plans and subdivision plats respectively; and

**WHEREAS:** On January 29, 2021, the Town received, in one delivery, applications for four separate major development site plans and one major subdivision plat, and the Planning Commission has determined upon advice of the Zoning Administrator that such an unprecedented project submittal imposes an administrative burden on the Planning Commission which would either forestall the timely

completion of the Comprehensive Plan and any implementing ordinances, or foreclose the opportunity for the public participation and deliberation on the draft plan the Commission believes is in the public interest as well as additional burden of public resources in the review of applications that will be the subject of development changes that are presently unknown; and

**WHEREAS:** In light of the aforementioned challenges and informed by the aforementioned deliberations, the Planning Commission believes (1) such development proposals and other major projects could prove to be poorly planned and harmful to community health, safety and wellbeing, (2) the challenges the Town is seeking to address could be compounded by major development projects that are not in tune with the new Comprehensive Plan or compliant with forthcoming ordinances and guidelines, and (3) intensive development within the Town's coastal areas, or on forested land or hillsides, can worsen risks and foreclose opportunities to reasonably manage private development and program essential public infrastructure; and

**WHEREAS:** The Planning Commission has determined that it is in the public interest to preserve the status quo in further application reviews until the new Comprehensive Plan and implementing ordinances are completed, transmitted to the Mayor and Council, and then adopted;

**THEREFORE, BE IT RESOLVED THAT:**

The Town Council of the Town of Chesapeake Beach adopts this temporary moratorium on the review of all currently filed development applications as well as the filing of any new applications during the existence of this moratorium. This moratorium is expected to last for twelve (12) months from the date of the adoption. All time periods for any development project are hereby stayed until this moratorium is terminated by the Planning Commission and Town Council for any currently filed or future applications unless otherwise stated herein. This moratorium does not apply to Category 2 applications. This Resolution may be amended in the best interest of the Town and public. This Resolution and moratorium does not apply to certain properties and development activities that are of record (Grandfathered) prior to the date of adoption of this moratorium (as defined in Code §245-7 and §245-6, respectively), and any project currently in the development approval system which has received development plan and/or plat approval from the Commission.

This moratorium does not apply to reviews, revisions and approvals that do not require Planning Commission consideration but are of such minor and routine nature that, under the Code, can be approved by the Town Zoning Administrator. Neither should the moratorium restrict the Planning Commission from initiating work related to its assigned responsibilities under the Town Code.

The above recitals are hereby adopted by reference into this resolution.

Approved on \_\_\_\_\_

\_\_\_\_\_  
Patrick J. Mahoney, Mayor

\_\_\_\_\_  
Valerie L. Beaudin, Councilwoman

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Derek J. Favret, Councilman

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Lawrence P. Jaworski, Councilman

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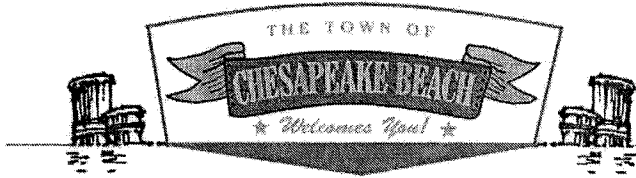
Keith L. Pardieck, Councilman

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L. Charles Fink, Councilman

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Gregory J. Morris, Councilman



OFFICE OF THE MAYOR AND TOWN COUNCIL

**MINUTES OF THE  
TOWN COUNCIL MEETING  
March 18, 2021**

**I.** Patrick J. Mahoney, Mayor, called the meeting to order at 7:00 p.m. In attendance remotely were Dr. Valerie Beaudin, Derek J. Favret, L. Charles Fink, Lawrence P. Jaworski, Gregory J. Morris, and Keith L. Pardieck, Council Members, Holly K. Wahl, Town Administrator, Sharon L. Humm, Town Clerk, Dale Clark, Town Treasurer, Todd Pounds, Town Attorney, James Berry, Public Works Manager, Wayne Newton, Acting Town Engineer, Connie O'Dell, Code Enforcement Officer, Jon Castro, W RTP Manager, Marilyn VanWagner, Water Park General Manager and Sergeant Shrawder.

**II. Pledge of Allegiance.** The Mayor led the Pledge of Allegiance.

**III. Approve the Agenda.**

**MOTION:** Councilwoman Beaudin moved to approve the agenda.  
Seconded by Councilman Favret, all in favor.

**IV. Public comment on any item on the agenda.** The Town Administrator stated there would be a 5-minute limit on all comments. There were 39 virtual public comments, along with emailed comments, received from both Town residents, and out-of-town residents, voicing their position concerning the proposed Moratorium Resolution that will be considered later in the agenda.

Town registered voters- 24 opposed and 32 in favor of the moratorium,  
Non-Town registered voters- 46 opposed and 1 in favor of the moratorium.

**V. Approval of the minutes of the February 18, 2021 Town Council meeting.**

**MOTION:** Councilman Pardieck moved to approve the minutes of the February 18, 2021 Town Council meeting. Seconded by Councilman Morris, all in favor.

**Approval of the minutes of the March 8, 2021 Work Session.**

**MOTION:** Councilman Jaworski moved to approve the minutes of the March 8, 2021 Work Session. Seconded by Councilwoman Beaudin, all in favor.

**Approval of the minutes of the March 8, 2021 Closed Session.**

**MOTION:** Councilwoman Beaudin moved to approve the minutes of the March 8, 2021 Closed Session. Seconded by Councilman Favret, all in favor.



**VI. Petitions and Communications –**

- A. Town Administrator's Report** – Mrs. Wahl submitted the attached written report and addressed Council's questions. Mrs. Wahl reported on the two RFP items, stating they have been posted on eMaryland Marketplace and mandatory pre-bids for both projects will be held April 6<sup>th</sup>.
- B. Public Works Report** – Mr. Berry submitted the attached written report and was present to address the Council. Mr. Berry elaborated on the process the Town put in place of the Town signing off on development before the County issued any Use & Occupancy permits. The process is working well and has saved the Town, time, and money.
- C. Water Reclamation Treatment Plant Report** – Mr. Castro submitted the attached written report and was present to address the Council. Councilman Jaworski gave a hats off to the WRTTP for signing up with ChemScan to take part in a COVID-19 study and congrats on no spills this month.
- D. Code Enforcement Report** – Mrs. O'Dell submitted the attached written report and was present to address the Council.
- E. Town Treasurer's Report** – No report submitted.
- F. Town Engineer Report** – Mr. Newton submitted the attached written report and was present to address the Council's questions on report items.
- G. Deputy's Report** – Sergeant Shrawder submitted the attached written report and was present to address the Council. The Mayor commented, with warm weather approaching, the Town sometimes has issues down at 17<sup>th</sup> Street & the boardwalk with fishing, partying, loud music, and such, and requested a little extra patrolling in that area for the next six months.
- H. North Beach Volunteer Fire Department** – The attached written report was submitted.
- I. Mayor' Report** – The Mayor took the opportunity to encourage all those on the call, if you have not registered for the vaccine yet, to please take the time and do so. The Mayor thanked the volunteer members of the Planning and Zoning Commission for their dedicated public service to protect the environment and small-town charm of Chesapeake Beach. He applauded them for recommending to Council to pass a temporary moratorium on category 1 development, giving them time to work on a comprehensive plan that will ensure preserving the small-town charm while protecting the infrastructure.

Mr. Berry addressed the sea level rise in Chesapeake Beach and the issues that have occurred over time in certain areas. The Town Engineer spoke on a 2006 survey that was taken of the Kellam's fields, playground, and parking lots. Another survey was performed in 2020 to determine elevational differences. It showed the area is sinking, and taking a pause and looking at this issue, would be a wise decision.

Town Planner, Chris Jakubiak, presented a slide presentation of the five projects the Commission received in late January and shared projected sea level rise in those areas.

**VII. Resolutions & Ordinances:**

- A. Introduce and Vote on Resolution R-21-3, a resolution establishing a moratorium on Category 1 Development.

**MOTION:** Councilwoman Beaudin moved to approve R-21-3.  
Seconded by Councilman Fink.

**MOTION:** Councilman Fink moved to amend Resolution R-21-3, to amend the 12-month moratorium period to 6 months. Seconded by Councilman Favret. Ayes, Councilmen Favret, Fink, and Jaworski. Opposed, Councilwoman Beaudin, Councilmen Morris and Pardieck.

With the motion resulting in a tie, the Mayor utilized his right to break the tie, casting in opposition. **The Motion Fails.**

**MOTION:** Councilman Morris moved to amend Resolution R-21-3, to amend the 12-month moratorium period to 9 months. Seconded by Councilman Favret. Ayes, Councilmen Favret, Fink, Jaworski, and Morris. Opposed, Councilwoman Beaudin and Councilman Pardieck.

**Motion Passes.**

The Council voted on the Resolution as amended. Ayes, Councilwoman Beaudin, Councilmen Favret, Morris and Pardieck. Opposed, Councilmen Fink and Jaworski. **Motion Passes.**

- B. Introduce and Vote on Resolution R-21-2, a resolution adopting the Master Walkability Plan.

**MOTION:** Councilman Fink moved to approve R-21-2. Seconded by Councilman Favret, all in favor.

- C. Introduce Ordinance O-21-1, an ordinance of the Town Council of Chesapeake Beach, Maryland, prohibiting full casino licenses or sports betting licenses. **A public hearing will be held on April 15, 2021 beginning at 6:50 pm.**
- D. Introduce Ordinance O-21-2, an ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the General Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2021 to June 30, 2022 and setting municipal tax rates. **A public hearing will be held on April 15, 2021 beginning at 6:52 pm.**
- E. Introduce Ordinance O-21-3, an ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Mitigation Fund of the Town of Chesapeake

Beach for the fiscal year July 1, 2021 to June 30, 2022. **A public hearing will be held on April 15, 2021 beginning at 6:54 pm.**

- F. Introduce Ordinance O-21-4, an ordinance of the Town Council of Chesapeake Beach, Maryland, adopting the annual budget for the Water Reclamation Treatment Plant Fund of the Town of Chesapeake Beach for the fiscal year July 1, 2021 to June 30, 2022. **A public hearing will be held on April 15, 2021 beginning at 6:56 pm.**

**VIII. Report of Officers, Boards and Committees:**

- A. **Planning & Zoning Commission** – Mr. Brown submitted the attached written report.
- B. **Board of Appeals** – No hearing was held.
- C. **Chesapeake Beach Oyster Cultivation Society** – Mr. Bacon submitted the attached written report.
- D. **Climate Advisory Committee** – Councilman Jaworski gave an update on current happenings in Annapolis, reporting on a couple of bills, 1) establishing an office on climate change in the Office of the Governor, which has been sent to the respective committees in the House and Senate and 2) House and Senate bills, similarly in language, on Climate Solutions Act, in terms of reducing statewide greenhouse gas emissions. The Senate passed last week and now goes back to the House.
- E. **Economic Development Committee** – Councilman Jaworski reported he participated in a zoom meeting sponsored by the County Economic Development Advisory committee, hosted by the International Economic Development Council, with discussion primarily focusing on the county. A Town Economic Development committee meeting will be scheduled soon, and Councilman Morris invited the new Chesapeake Beach Business Alliance to attend.
- F. **Green Team Committee** – Councilwoman Beaudin stated she would be meeting with the Recreation Assistant Coordinator for the northern district next week and plans to schedule a green team meeting very soon.
- G. **Kellam's Revitalization Committee** – No report.
- H. **Twin Beaches Opioid Abuse Awareness Coalition** – Councilman Pardieck reported a meeting was held March 11<sup>th</sup>. Mr. Pardieck stated the Calvert Alliance Against Substance Abuse will be mailing out 18,000 overdose awareness information cards to county residents in April, and also planning a countywide purple event on August 31<sup>st</sup>. On April 24<sup>th</sup>, a drug take-back day will be held at the Northeast Community Center, and a 5k hybrid run is being sponsored by the Calvert County Behavioral Health unit. Positive Vibes will hold a Color Run September 19<sup>th</sup> at the Running Hare Vineyard and public works will be putting up the road signs soon. The Group welcomed two new members, Anita Ray, and Detective Nick Butler. The next meeting is scheduled for April 22<sup>nd</sup>.

On another note, Sandy Mattingly, with Positive Vibes, initiated a bill under Senator Jackson, SB 936, to fly flags at half-staff statewide on August 31<sup>st</sup> to raise awareness about substance abuse. Mayor Mahoney supported this bill with testimony at that hearing and was honored to do so.

- I. Walkable Community Advisory Group** – Councilman Fink reported the group held no meeting this month but is working to schedule a meeting with some folks from Calvert County Parks & Recreation. Grant information is being received and reviewed, and lastly, June 3<sup>rd</sup> is World Bike Day!

**XI. Unfinished Business:** None

**X. New Business:**

1. Town Council to consider the purchase of a Public Works Utility Vehicle from Bobcat in the amount of \$17,000.

**MOTION:** Councilman Jaworski moved to approve the purchase of a public works utility vehicle. Seconded by Councilman Pardieck, all in favor.

2. Town Council to consider awarding a contract to Cellular Site Services in the amount of \$115,375.00 from the FY21 "Capital Improvements" budget line item for the replacement of Town Hall HVAC units 1,2, & 3 eliminating outdated R22 equipment, providing ease of maintenance of systems and germ control in Town Hall.

**MOTION:** Councilwoman Beaudin moved to approve awarding a contract to Cellular Site Services in the amount of \$115,375.00 for the replacement of Town Hall HVAC units 1,2, & 3. Seconded by Councilman Favret, all in favor.

3. Council to consider the purchase of a WRTP backwash pump from Sherwood Logan in the amount of \$15,600 from the FY21 WRTP budget "Capital Improvement" line item.

**MOTION:** Councilman Morris moved to approve the purchase of a backwash pump for the WRTP. Seconded by Councilman Jaworski, all in favor.

**XI. Public comment was received by:**

1. Sarah Carney of 3260 Fortier Lookout inquired the status of the Green Team.

**XII. Council Lightning Round:**

1. Dr. Beaudin stated meetings will resume soon for the Green Team. Also, regarding the Dragon Boat Race, it is being projected to be held on June 12<sup>th</sup> and she will be looking to build a team of 19 people.

2. Mr. Fink wanted to give a shout out to the Opioid Abuse Awareness Group, commenting the group is doing things that are impacting people's lives and he respects and appreciates each month, Keith's list of action items he reports on.
3. Mr. Jaworski thanked everyone for hanging in for the whole meeting and appreciates the public input and wished everyone a happy first day of Spring on Saturday.
4. Mr. Morris took the opportunity to speak on the ordinance introduced tonight regarding banning casino & sports betting licenses here in Town. Mr. Morris stated he is in favor of dropping the sports betting aspect of that ordinance. Mr. Morris pointed out, he knows things have been a bit tense for everyone, reflecting on the moratorium and the issue of growth in the Town, but wanted to leave with these words of reflection, "We judge ourselves sometimes under older versions of ourselves, too much sometimes, when the light of tomorrow is real, and in all of our hands".
5. Mr. Pardieck thanked Councilman Fink for his kind words for the Opioid Awareness committee reiterating the great work they do and the privilege it is to work with such a committed group. As mentioned earlier in the meeting, Mr. Pardieck too, wanted to express his appreciation to the Planning Commission, the Administrator, and Town Staff for the hard work they have done on the moratorium issue and the continued work on the comprehensive plan. He also thanked the public for expressing their viewpoints about the moratorium.
6. Mr. Favret thanked everyone for being in the meeting tonight and participating in their local government. It was great having all the comments tonight and hopes that will continue. We need to all work together regardless of the topic and build a better tomorrow, find common ground, and move forward in a positive way.

### **XIII. Adjournment**

The meeting adjourned at 10:10 pm on a motion by Councilman Morris. Seconded by Councilman Favret, all in favor.

Submitted by,



Sharon L. Humm,  
Town Clerk

## **Resolution R-21-8**

### **A Resolution of the Town Council of Chesapeake Beach in Support of Extending the Temporary Moratorium**

**WHEREAS:** The Town Council established a Temporary Moratorium for development applications under Resolution R-21-3.

**WHEREAS:** The Town Council has determined there is a need to extend that moratorium for the continuing reason as stated in the previous Resolution for an additional THREE (3) months.

**WHEREAS:** The Town Council has determined that it is in the public interest to grant this extension.

#### **THEREFORE, BE IT RESOLVED THAT:**

The Town Council adopts herein by reference and incorporates herein Resolution R-21-3 as if restated and reaffirms that Resolution, to be amended only as indicated below.

The Town Council has determined an additional THREE (3) months is needed for the moratorium and hereby extends the moratorium for an additional THREE (3) months after the time period as reformed in the Resolution R-21-3.

The above recitals are hereby adopted by reference into this resolution.

Approved on: \_\_\_\_\_

\_\_\_\_\_  
Patrick J. Mahoney, Mayor

\_\_\_\_\_  
Valerie L. Beaudin, Councilwoman

\_\_\_\_\_  
Derek J. Favret, Councilman

\_\_\_\_\_  
L. Charles Fink, Councilman

\_\_\_\_\_  
Lawrence P. Jaworski, Councilman

\_\_\_\_\_  
Gregory J. Morris, Councilman

\_\_\_\_\_  
Keith L. Pardieck, Councilman



OFFICE OF THE MAYOR AND TOWN COUNCIL

**MINUTES OF THE  
TOWN COUNCIL MEETING  
SEPTEMBER 16, 2021**

- I.** Patrick J. Mahoney, Mayor, called the meeting to order at 7:00 p.m. In attendance were Dr. Valerie Beaudin, L. Charles Fink, Lawrence P. Jaworski, Gregory J. Morris, and Keith L. Pardieck, Council Members, Holly K. Wahl, Town Administrator, Sharon L. Humm, Town Clerk, Dale Clark, Town Treasurer, Todd Pounds, Town Attorney, James Berry, Public Works Manager, Wayne Newton, Acting Town Engineer, Jon Castro, WRTP Manager, Connie O'Dell, Code Enforcement Officer, and Sergeant Shrawder.

- II. Pledge of Allegiance.** The Mayor led the Pledge of Allegiance.

The Mayor asked a moment of silence in remembrance of former long-time Mayor Gerald Donovan.

- III. Approve the Agenda.**

**MOTION:** Councilman Jaworski moved to approve the agenda.  
Seconded by Councilman Morris, all in favor.

- IV. Public comment on any item on the agenda.** None received.

- V. Approval of the minutes of the July 15, 2021 Town Council meeting.**

**MOTION:** Councilman Pardieck moved to approve the minutes of the July 15, 2021 Town Council meeting. Seconded by Councilman Jaworski, all in favor.

**Approval of the minutes of the September 8, 2021 Special Town Meeting.**

**MOTION:** Councilwoman Beaudin moved to approve the minutes of the September 8, 2021 Special Town Meeting. Seconded by Councilman Pardieck, all in favor.

**Approval of the minutes of the September 8, 2021 Informational Work Session.**

**MOTION:** Councilman Morris moved to approve the minutes of the September 8, 2021 Informational Work Session. Seconded by Councilwoman Beaudin, all in favor.

- VI. Petitions and Communications –**

- A. One Maryland One Book Presentation-** Carrie Wilson and Melissa Gray were present to present the One Maryland One Book. This is the 14<sup>th</sup> year of One Maryland One Book and this year's theme is "hope." "The Book of Delights" by author Ross Gay, is a collection of

genre-defying lyric essays that records delights experienced and acknowledged by the author. So come into your local library and pick up a book.

- B. Town Administrator's Report** – Mrs. Wahl submitted the attached written report and addressed Council's questions. Mrs. Wahl spoke briefly on the upcoming public hearing for the Comprehensive Plan. Mrs. Wahl stated the Town would be receiving public comments and several dates will be set where the public can come to town hall and speak directly with Mr. Jakubiak with any questions or concerns. Mr. Berry gave an update on the R/F Station water tower schedule. Also, there will be an opportunity for public vote on a Chesapeake Beach graphic for the tower.
- C. Public Works Report** – Mr. Berry submitted the attached written report and was present to address questions from the Council. Mr. Berry briefed the Council on the storm drain surveys, issues resulting from the power outage in Town, and current status on the water meter/MXU change out.
- D. Water Reclamation Treatment Plant Report** – Mr. Castro submitted the attached written report and was present to address Council. Mr. Castro briefed the Council on the installation of a new HDD for the close caption TV system, for increased storage capacity, stated there were no major issues that occurred with the power outage, and touched on the new SCADA system, Autonomy, for Plant monitoring.
- E. Code Enforcement Report** – Mrs. O'Dell submitted the attached written report and was present to address the Council. Mrs. O'Dell added to Mr. Berry's comments regarding the water meter/MXU change out.
- F. Town Treasurer's Report** – No report.
- G. Town Engineer Report** – Mr. Newton submitted the attached written report and briefed the Council on report items. Mr. Newton updated the Council on the 261 sidewalks.
- H. Deputy's Report** – Sergeant Shrawder submitted the attached written report and was present to address the Council. It was noted that Maximus is retiring after six years of service and will remain in the care of Sergeant Shrawder.
- I. North Beach Volunteer Fire Department** – No report submitted.
- J. Mayor' Report** – The Mayor commented that the Town had a really good and safe summer, considering the pandemic, and wanted to thank the Staff, Council, and the citizens for all working together, keeping patient, and vigilant. Secondly, while the majority of the Town and County have been vaccinated, he encourages those who still have not, to get vaccinated.

## **VII. Resolutions & Ordinances:**

- A. Introduce and vote on Amended Resolution R-21-6 of the Town Council of Chesapeake Beach in support of Dredge Funding.**



**MOTION:** Councilwoman Beaudin moved to approve Amended Resolution R-21-6. Seconded by Councilman Morris, all in favor.

- B.** Introduce and vote on Resolution R-21-8, a resolution of the Town Council of Chesapeake Beach to extend the temporary moratorium for an additional three (3) months.

**MOTION:** Councilwoman Beaudin moved to approve Resolution R-21-8. Seconded by Councilman Pardieck. Ayes, Councilwoman Beaudin, Councilmen Fink, Morris, and Pardieck. Opposed, Councilman Jaworski. **Motion Passes.**

#### **VIII. Report of Officers, Boards and Committees:**

- A. Planning & Zoning Commission** – Mr. Brown submitted the attached written report but was not present.
- B. Board of Appeals** – No hearing was held.
- C. Chesapeake Beach Oyster Cultivation Society** – Mr. Bacon submitted, and was present, to give the attached written report.
- D. Climate Change Advisory Committee** – Councilman Jaworski reported the Town will be moving forward with the flooding and sea level rise study, noting the Town will receive funding from the DNR. On another note, Councilman Pardieck reported that the Maryland Association of Counties 2020 County Innovation Award was presented to Charles County for their climate change preparedness program. The Committee plans to reach out to Charles County to arrange a meeting to learn more about their program, and lessons learned, to perhaps incorporate in the Town's planning efforts and possibly engage the County Commissioners in the discussion as well.
- E. Economic Development Committee** – Councilman Jaworski reported he was elected as Chair to the Calvert County Economic Development Advisory Commission and will be involved in a lot of the economic development activities across the county. The Town's EDC continues working with multiple agencies and groups to promote appropriate economic development in town, and reported he participated in the SMMA zoom meeting. Councilman Morris added, though disappointed that the Taste the Beaches was canceled, stated it was a prudent decision.
- F. Green Team Committee** – Councilwoman Beaudin reported 1) the new replacement informational signage has been installed on the Railway Trail and looks great, thank you Sue and Larry, 2) September 19<sup>th</sup> the Green team will be doing the planting at the 17<sup>th</sup> Street Retaining Wall Garden, thank you Windmill Farms for the donation of plants, and 3) the Paddle and Pathway Pickup event, in conjunction with Calvert Parks and Rec for the cleanup of Fishing Creek, will take place on September 25<sup>th</sup>. The Team's next meeting will be September 23<sup>rd</sup> at the Kellam's pavilion.

- G. Kellam's Revitalization Committee** – Mr. Morris reported the next meeting has not been scheduled yet. The committee is in an information gathering mode presently with some great suggestions so far.
- H. Twin Beaches Opioid Abuse Awareness Coalition** – Councilman Pardieck reported on August 31st they held their International Overdose Awareness Glow vigil event in conjunction with the County's light up the county event. Mr. Pardieck thanked Mayor Mahoney for speaking at the event, along with Mayor Benton and Captain Dave Payne from the Sheriff's Office. Thank you to the resource providers that were there and to the committee members who worked so hard to pull it all together. Special thank you to Sandy Mattingly who put heart and soul into this and led the effort. The next meeting will be scheduled for some time in October.
- I. Walkable Community Advisory Group** – Councilman Fink reported the Group is working on funding to support some of their projects. The group has engaged in discussion with the County Parks and Rec to promote a few walking events and will rekindle those talks to try and get something on the calendar. The Group's next meeting will be on September 20<sup>th</sup> for a work session at the Kellam's pavilion.

**XI. Unfinished Business:** None.

**X. New Business:**

1. Town Council has reviewed the Richfield Station Public Works Agreements in the September Work Session. It is recommended that if there are no other comments, that the Mayor execute the Public Works Agreements. **There were no additional comments. The Mayor will execute the Public Works Agreements.**
2. Town Council has reviewed the Rod N Reel Public Works Agreement in the September Work Session. It is recommended that if there are no other comments, that the Mayor execute the Public Works Agreement. **There were no additional comments. The Mayor will execute the Public Works Agreement.**
3. Town Council to consider awarding a contract to McCrone in the amount of \$45,860.00 for Water Reclamation Treatment Plant Filter Cover Design.

**MOTION:** Councilman Morris moved to approve awarding a contract to McCrone in the amount of \$45,860. Seconded by Councilman Jaworski, all in favor.

4. Town Council to consider authorizing the Town Administrator to purchase a public works vehicle not to exceed the FY22 budgeted amount of \$45,000.

**MOTION:** Councilman Jaworski moved to authorize the Town Administrator to purchase a public works vehicle not to exceed the FY22 budgeted amount

of \$45,000. Seconded by Councilman Fink, all in favor.

5. Town Council to consider authorizing the Mayor to execute the MOU with the Calvert County Government to establish sewer connection at the Highlands.

**MOTION:** Councilwoman Beaudin moved to approve authorizing the Mayor to execute the MOU with the Calvert County Government to establish sewer connection to the Highlands. Seconded by Councilman Jaworski, all in favor.

**XI. Public comment was received by:** None Received.

**XII. Council Lightning Round:**

1. Dr. Beaudin looks forward to the planting on Sunday, at the 17<sup>th</sup> Street Retaining Wall Garden and stated the Green Team's next meeting will be Thursday, September 23<sup>rd</sup> at the Kellam's Field pavilion. On another note, she encourages everyone to read the Comprehensive Plan and submit any comments or concerns, either in writing, or present at the public hearing on November 9, 2021.
2. Mr. Fink wanted to acknowledge Saturday's ringing of the bells in remembrance of 9/11, stating it was quite striking, actually, heart-wrenching. On another note, he wanted to thank Mr. Berry for taking Councilman Morris and himself around on Wednesday to help better explain some of the issues and challenges concerning water flow around the Kellam's Field. He also wanted to note that September 22<sup>nd</sup> is world car-free day, so take the opportunity to go places on foot or by bike! Also, visit your local library!
3. Mr. Jaworski re-enforced Dr. Beaudin's comments on the Comprehensive Plan. Take this opportunity to read it, and submit any comments, concerns, or questions you might have because this Plan will shape the future of our Town for decades to come. So, your feedback is necessary. Mr. Jaworski commented, regarding the cancellation of the Taste the Beaches event, that it was a wise decision. He looks forward to hopefully having it next year.
4. Mr. Morris wanted to accentuate the Buccaneers organization here in Town. This is their 40<sup>th</sup> Year Anniversary. This is good economic development for the Town with people coming and going. And if you are a sports fan, he encourages you to get out and go to a Buc's night game. Mr. Morris took the opportunity to express his condolences to the Donovan Family. Mr. Morris stated he had the benefit of being acquaintances with Gerald and enjoyed his conversations with him. And one thing that could be said of Gerald was that he loved this Town, and his family does as well. He was a very interesting and compelling person to be around, and he will be missed. RIP Mr. Donovan.
5. Mr. Pardieck wanted to take the opportunity to thank Mrs. Wahl and the town staff for all their support for the Opioid Abuse Awareness Group. They have been a great help in getting the word out and purchasing items when needed, so we really appreciate all their efforts. Mr. Pardieck wished everyone well, to stay safe, and wear your masks when out.

**XIII. Adjournment**

There being no further comments, the meeting adjourned at 8:32 pm on a motion by Councilman Morris. Seconded by Councilwoman Beaudin, all in favor.

Submitted by,

A handwritten signature in cursive script, reading "Sharon L. Humm".

Sharon L. Humm,  
Town Clerk

## Law Offices of Eric Blitz

9 Lantern Circle  
Parkton, Maryland 21120  
410-812-7265

Eric J. Blitz, Esquire  
Email: [blitz.eric@gmail.com](mailto:blitz.eric@gmail.com)

May 20, 2022

Christopher Jakubiak, Zoning Administrator  
Chesapeake Beach Planning & Zoning Commission  
Town Hall  
P.O. Box 400  
Chesapeake Beach, MD 20732  
(Delivered via email)

Re: Processing Pending Site Plan Review Applications

Dear Mr. Jakubiak, Chair and Members of the Planning & Zoning Commission:

On behalf of the Rod & Reel, Inc., I am formally requesting that all five site plan applications submitted on January 29, 2021 by the Rod & Reel, Inc. be processed in the ordinary course. By Mr. Jakubiak's communication dated February 5, 2021, my client was informed that those applications had been put on hold pending the passage of a moratorium resolution of the Mayor and Town Council of Chesapeake Beach. Subsequently a recommendation of the Commission was made to the Town Council to pass a moratorium. The avowed purpose of the moratorium was to allow the Commission time to recommend and for the Town Council to pass both a Comprehensive Plan and the implementing zoning ordinance amendments. While a revised comprehensive plan has been passed, the implementing zoning ordinances have not, yet the purported moratorium has expired.

Resolution R-21-3 of the Town Council of Chesapeake Beach was passed on March 18, 2021. It was explicitly premised upon giving the Commission and Town Council time to pass both a new comprehensive plan and the implementing zoning ordinances. It is the zoning ordinance which guides the specific application of law to the site plans. Said resolution copied the language submitted to the Town Council by the Commission, with the exception that the Commission had requested a moratorium of 12 months and the Town Council, by an amendment prior to passage, reduced the length of the moratorium to 9 months. The Commission had approved its recommended resolution at its meeting on February 24, 2021. At the February 24, 2021 public hearing I provided verbal and written testimony that a 1-year moratorium was going to be insufficient time to pass both a comprehensive plan and a revised zoning ordinance and it turns out I was correct. Nonetheless, the Commission recommended a resolution to the Town Council requesting a 12-month moratorium.

The final recital clause of Resolution R-21-3 makes it clear that both the comprehensive plan and the implementing zoning ordinances were the object of the moratorium. It reads: "WHEREAS, The

Planning & Zoning Commission has determined that it is in the public interest to preserve the status quo in further application reviews until the new Comprehensive Plan and implementing ordinances are completed, transmitted to the Mayor and Council, and then adopted;" The body of the resolution adopted this recital clause (and all others) by incorporation so that it is a part of the resolution itself *See* ("The above recitals are hereby adopted by reference into this resolution.").

While my client still maintains that the nine-month moratorium sought to be imposed by resolution R-21-3 and its subsequent three-month extension by resolution R-21-8 were legally ineffective because they were not passed in accordance with Maryland law and the Chesapeake Beach Charter, even by their own terms the effect of such resolutions expired without passage of a replacement zoning ordinance that would prohibit approval of the developments proposed in my client's applications.

As resolution R-21-3 made clear, "All time periods for any development project are hereby stayed until this moratorium is terminated by the Planning Commission and Town Council for any currently filed future applications unless otherwise stated herein." Granted, that language was rather sloppy as under no circumstance can a Planning Commission itself impose or terminate a moratorium and it wasn't just the authority of the Town Council, but also the Mayor that could terminate such a moratorium, but assuming as we must it was the authority of the Mayor and Town Council in passing resolution R-21-3 that was being referenced, the moratorium referenced in the resolution has expired. Although resolution R-21-8 extended the purported moratorium for an additional 3 months, it has now been more than 1 year since the passage of resolution R-21-3.

The purported moratorium expired by its own terms on March 18, 2022. Since that date the Mayor and Town Council have held two regular meetings, on April 21, 2022 and May 19, 2022, and did not seek to extend the moratorium or otherwise address Resolutions R-21-3 or R-21-8 during either of those legislative sessions. The time period of the moratorium was clearly of substantive legislative concern, as it was amended in the initial resolution from 12 months to 9 months and then subsequently extended for 3 additional months. It was also an issue before the Planning and Zoning Commission during its February 24, 2021 hearing as there were motions to alter that time period. In addition, the Town Council knew or should have known that the Commission was also working on the zoning ordinance, as for example Chairman Brown's report to the Town Council dated November 10, 2021 and included within the November 18, 2021 Town Council meeting minutes make clear. I think it is safe to assume that the Mayor and Town Council know how serious an issue it is to suspend the legal rights of property owners to use and develop their property, so it couldn't be that they let the moratorium expire by mistake. Therefore, it is clear that the Mayor and Town Council have expressed a clear legislative intent to let the moratorium expire without having met the requirement of amending the zoning ordinance.

The Commission is obligated to review Category 1 site plans pursuant to §290-31A (6). Therefore, you should begin processing the applications under the existing zoning ordinance, which was the ordinance in effect at the time the applications were submitted and accepted by the Town, and which remains in lawful effect notwithstanding the passage of the new comprehensive plan. The current zoning ordinance is the law that must govern said applications. Any retroactive application of future amendments to the zoning ordinance will be challenged.

Sincerely,

/s

ERIC J BLITZ, ESQUIRE

cc: Wesley Donovan  
Mary E. Lanham  
Mayor and Town Council, Chesapeake Beach

# ALEXANDER & CLEAVER

ATTORNEYS AT LAW  
*Professional Association*

James A. Cleaver <sup>MD DC</sup>  
Todd K. Pounds <sup>MD DC</sup>  
Jason A. DeLoach <sup>MD DC</sup>

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6710 Oxon Hill Road, Suite 330  
Oxon Hill, Maryland 20745

May 25, 2022

Eric Blitz  
Law Offices of Eric Blitz  
9 Lantern Circle  
Parkton, Maryland 21120  
[Blitz.eric@gmail.com](mailto:Blitz.eric@gmail.com)

RE:

Dear Mr. Blitz,

I am in receipt of your letter of May 20, 2022, with regard to pending site plan review applications.

Please be advised that the resolutions adopting the moratorium specifically provide "all time periods for any development projects are hereby stayed until this moratorium is terminated by the planning commission and Town Council for any currently filed or future applications unless otherwise stated herein". The Resolution goes on to indicate that the moratorium also applies to the filing of new applications.

If you have any questions with regard to this matter, please feel free to contact the undersigned.

Very truly yours,

  
Todd K. Pounds, Esq.

Enclosures  
TKP/jls

cc: Holly Wahl, Town Administrator



IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

ROD & REEL, INC.

v.

Case No.: C-04-CV-22-000486

CHESAPEAKE BEACH BOARD OF  
APPEALS

and

PATRICK MAHONEY, Mayor of  
Chesapeake Beach



\* \* \* \* \*

**OPINION AND ORDER OF THE COURT**

This matter came before this Court on Petitioner's Motion for Summary Judgment and Request for Hearing. A hearing was held on July 3, 2023. Arguments were presented by counsel for Petitioner, Rod & Reel Inc as well as counsel for the Respondents.

For the reasons set forth below, Petitioner's Motion for Summary Judgment is **GRANTED**, and the Chesapeake Beach Board of Appeals, by way of a writ of mandamus, is **ORDERED** to promptly conduct a legal proceeding concerning the Petitioner's appeal in accordance with Md. Code Land Use, §4-306, the Code of Town of Chesapeake Beach §290-32(C)(1)(2)(3), and the Code of Town of Chesapeake Beach §290-32(G) - §290-32(M), ensuring that its legal findings and conclusions are memorialized in writing thereafter.

**PROCEDURAL BACKGROUND**

On or around January 29, 2021, the Petitioner submitted five site plan applications to the Chesapeake Beach Zoning Administrator and the Planning & Zoning Commission. Neither reviewed the applications for compliance with local zoning ordinances. Instead, the

respective authorities cited a moratorium, and its subsequent extension, that had been passed by the Town Council. In their view, the moratorium halted all site plan application reviews.

On June 24, 2022, the Petitioner, Rod & Reel, Inc. (Rod & Reel), filed an appeal to the Chesapeake Beach Board of Appeals (Board of Appeals/Respondent Board). The appeal alleged that the Zoning Administrator and the Planning & Zoning Commission erred when it failed to process five site applications filed on or about January 29, 2021. The \$500 filing fee required to submit an appeal was paid as well. On July 6, 2022, Ms. Holly K. Wahl, Town Administrator, returned the \$500 fee to the President of Rod & Reel. The \$500 check was returned along with a copy of a letter from the town's counsel, Mr. Todd R. Pounds. The letter informed Rod & Reel that a moratorium had suspended application reviews. On October 25, 2022, the Petitioner filed a Petition for Mandamus in the Circuit Court for Calvert County. Relatedly, on May 19, 2023, a Motion for Summary Judgment requesting this Court issue an order of mandamus against the Respondent Board was filed as well.

Petitioner argues the Respondent Board has not taken any action or issued any ruling and, because there is no record for an appeal to be based upon, the appropriate remedy is a writ of mandamus. A writ would compel the Respondent Board to fulfill its statutory obligation to act when it has failed to do so. On the other hand, the Respondent Board, asserts that no application could have been reviewed at the time because the Town Council, exercising its legislative authority, implemented a moratorium that halted the review of any development applications. Regardless, even if there were no moratorium, the Board of Appeals is unable to review development applications independently anyhow.

**APPLICABLE STATUTES & RULES**

Rule 2-501. Motion for Summary Judgment

Rule 15-701. Mandamus

MD Code Ann., Land Use, § 4-306. Appeal—Procedures

Code of Town of Chesapeake Beach §290-32(C)(1)(2)(3)

Code of Town of Chesapeake Beach §290-32(D)(1)(2)(3)(4)

Code of Town of Chesapeake Beach §290-32(G) - §290-32(M)

## DISCUSSION

The issues to be addressed by this Court are whether the Chesapeake Beach Board of Appeals properly denied Petitioner's application for interpretive appeal when it implicitly, through the Town Administrator and town counsel, notified Petitioner by way of a letter that the Board of Appeals was not reviewing Appeals and, secondly, whether a mandamus ordering the Board hold proceedings on Petitioner's June 2022 appeal is appropriate. The Court responds negatively to the former and affirmatively to the latter.

Before beginning its analysis, the Court notes that, although the Mayor of the Town of Chesapeake Beach, Mayor Patrick Mahoney, is listed as Respondent, the Mayor is not relevant to the cause of action before the Circuit Court for Calvert County. Therefore, this opinion does not impact nor bind the Mayor the Town of Chesapeake Beach.

### Motion for Summary Judgment

The entry of summary judgment is appropriate when there is no genuine dispute of material fact, and the moving party is entitled to a judgment as a matter of law. Rule 2–501(f); *Pines Point Marina v. Rehak*, 406 Md. 613, 618 (2008). “A ‘material fact’ is one which will somehow affect the outcome of the case.” *United Servs. Auto. Ass'n v. Riley*, 393 Md. 55, 67 (2006). “To avoid summary judgment . . . the non-moving party must present more than general allegations; the non-moving party must provide detailed and precise facts that are admissible in evidence.” *Beatty v. Trailmaster Prods., Inc.*, 330 Md. 726, 737–38 (1993). After it is determined by the court that no genuine dispute of material fact exists, “[a] trial court may grant summary judgment when . . . a party is entitled to judgment as a matter of law.” *120 W. Fayette St., LLLP v. Mayor & City Council of Balt. City*, 413 Md. 309, 329 (2010) (internal quotation marks and citation omitted).

As to the applicable law in this case, M Code Ann., Land Use, § 4-306 Appeal Procedures states (a) An appeal to the board of appeals may be filed by: (1) a person aggrieved by a decision of the administrative officer or unit.” Under of the same statute,

a board of appeals shall:(i) establish a reasonable time for the hearing of an appeal; (ii) give public notice of the existence of the appeal and of the hearing; (iii) give due notice to the parties in interest and to other persons entitled to notice under local law or the rules of the board of appeals; and (iv) decide the appeal within a reasonable time.

Md. Code Ann., Land Use § 4-306 (e)(1)

Section (f)(1) allows a Board of Appeals to affirm, reverse, or modify a decision as well as issue an entirely new order.

In a more local context, the Code of Town of Chesapeake Beach §290-32 (I), cited hereafter as “Chesapeake Code §290-32(I)<sup>1</sup>,” has similar language. “Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decisions of the Administrator.” *Id.* Chesapeake Code §290-32(D) and (D)(1)-(3) prescribes specifics for persons appealing an alleged error of the Zoning Administrator or the Planning and Zoning Commission, acting in an administrative capacity. Specifically, the provisions articulate that these types of appellate applications “may be accepted at any time and shall be scheduled for the earliest regularly scheduled board meeting, or sooner if such meeting is called by the chairman, following the fifteen-day period for public notification provided in Subsection D(1).” Chesapeake Code §290-32(D). Notice of the hearing, once scheduled, shall be as follows:

(1) At least 15 days prior to the date fixed for the public hearing, notice containing the name of the applicant or appellant, the date, time and place fixed for the hearing, and a brief statement of the substance of the application or appeal shall be advertised in at least one newspaper of general circulation within the Town.

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<sup>1</sup> All citations to the Code of Town of Chesapeake Beach shall be cited similarly.

- (2) Post, in a conspicuous place on the property involved, a notice of pending action containing the same information as in Subsection D(1) above, such posting to take place at least 15 days prior to the date fixed for the public hearing.
- (3) Give written notice of the time and place of such hearing sent by registered mail to the applicant or appellant and to the owners of property contiguous to and immediately across the street from the property affected.

*Id.* at (D)(1)-(3)

The general rules and procedures for appeals in the Town of Chesapeake Beach are prescribed as well, specifically:

- (a) Any appeal shall be made by filing the same with the Administrator within 30 days after the date of the Administrator's decision.
- (b) All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.
- (c) All appeals and applications shall refer to the specific provisions of the ordinance involved.
- (d) All appeals and applications shall set forth names and addresses of all adjoining property owners, including those across the streets from the subject property.

Chesapeake Code §290-32(J)(1).

“Appellants may request the Board interpret any provisions of Chapter 290 of City of Chesapeake.” Chesapeake Code §290-32(K). “Any Decisions by the Board on interpretation appeals shall be rendered within 120 calendar days of the hearing on said or interpretation.” Chesapeake Code §290-32(L).

Lastly,

“The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions or decisions of the Board shall be taken by resolution in which three members, present during the

proceedings, must concur. Each resolution shall contain a statement of the grounds and any findings forming the basis of such action or decision. The Board shall notify the Mayor and Town Council, Planning Commission, and Zoning Administrator of all decisions and resolutions.”

Chesapeake Code §290-32(C)(3).

A related doctrine in this matter is that of procedural due process. “Procedural due process imposes constraints on governmental decisions [that] deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause . . . .” *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). “[T]he fundamental requisite of due process of law is the opportunity to be heard.” *Grannis v. Ordean*, 234 U.S. 385, 394 (1914). Procedural due process is “flexible and calls for such procedural protections as the particular situation demands.” *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). “Its flexibility is in its scope . . . is a recognition that not all situations calling for procedural safeguards call for the same kind of procedure.” *Id.* Determination of the due process requires involves an analysis of the requires analysis of the “governmental and private interests that are affected.” *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). There are three factors to do so:

- (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail.

*Id.* at 321.

In the current case, the parties do not dispute the material facts. Rod & Reel, Inc. initiated an interpretation appeal before the Chesapeake Beach Board alleging errors committed by the Zoning Administrator and the Planning & Zoning Commission in their

failure to process five site applications that were submitted around January 29, 2021. More specifically, Petitioner filed an appeal requesting the Board to interpret provisions §290-23, §290-31(A)(1) and §290-31(A)(6) of the Code of Town of Chesapeake Beach as well as C-309, C-310, and C-3-11 of Town Charter. In compliance with the appeal submission requirements, Rod & Reel paid the prescribed \$500 filing fee.

On July 6, 2022, Ms. Holly K. Wahl, the Town Administrator, returned the \$500 filing fee. Along with the refund, a copy of a letter from the town's counsel, Mr. Todd R. Pounds, was included, informing Rod & Reel about a moratorium that had been put in place, suspending the review of all application submissions. This Court finds that, as a matter of law, this was an improper means by which to reject Petitioner's interpretation appeal.

First and foremost, both Md. Code Ann., Land Use § 4-306 (a)(1) and Chesapeake Code §290-32(I) give the Petitioner the legal standing to file their appeal. Md. Code Ann., Land Use § 4-306 (a)(1) allows a petitioner aggrieved by a decision of the administrative office the right to appeal. The local code grants the ability to appeal to "any person . . . aggrieved by any officer, department, board, or bureau of the Town affected by any decisions of the Administrator. Chesapeake Code §290-32(I).

As to the administration of the appeal. State law requires a board of appeals to establish a reasonable time for the hearing of an appeal, give public notice of the appeal's existence and of the corresponding hearing; give due notice to parties in interest and to other persons entitled to notice under local law or the rules of the board, and decide the appeal within a "reasonable time." Md. Code Ann., Land Use § 4-306 (e)(1). Section 290-32(L) of the Chesapeake Code states that "any Decisions by the Board on interpretation appeals shall be rendered within 120 calendar days of the hearing on said or interpretation." Section 290-



32(C)(3) requires that “[a]ll actions or *decisions* of the Board shall be taken by resolution in which three members present at the proceedings must concur.” (emphasis added).

In the current matter, the appeal was never heard. Despite the various state and local provisions which both instruct and presuppose those proceedings on an appeal are scheduled and held by the Board, no hearings were ever conducted.

Without reason by the Board and in direct violation of several provisions of Chesapeake Code §290-32, no proceedings were scheduled, no decision was rendered, and no resolution was taken by the Board.

Instead, through the Town Administrator, Ms. Holly K. Wahl, and town counsel, Todd R. Pounds, Petitioner’s interpretive appeal was summarily denied on the grounds that a moratorium had suspended all appeals. *See* Petitioner’s Ex. 1 (pg. 57). The letter rejecting the appeal, sent by Mr. Todd Pounds, failed to indicate whom on the Board, if any, agreed with Mr. Pound’s decision or his legal interpretation of the moratorium. In fact, it is not entirely clear that the Board of Appeals discussed the appeal. The only indication that the Board seemingly took any stance on the filed appeal is through the assumption that Mr. Todd R. Pounds was representing the Board implicitly when he corresponded with Petitioner via the aforementioned letter.

Turning to the *Matthews v. Eldridge* factors, it becomes even more clear that, in addition to a statutory error, there is a due process violation. First, the private interest affected by the official action. *Id.* at 321. Without going into too much unknown detail, it is clear that the Petitioner seeks to build within the Town of Chesapeake Beach. Here, the private interest at stake is Petitioner’s potential ability to build a structure(s) to their own specifications and do with it whatever Petitioner pleases, within the bounds of the law. The

Supreme Court of the United States has recognized, in multiple cases, the high importance of property rights. *See Murr v. Wisconsin*, 582 U.S. 383, 394 (2017); *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2071 (2021). While this Court makes no findings as to whether Petitioner actually *has* vested property rights, it does recognize the private interest at stake, potential vested property rights, is of great significance.

Second, the risk of an erroneous deprivation of this interest through the procedures used by the government and the value, if any, of additional procedural safeguards. *Id.* at 321. The risk of erroneous deprivation of Petitioner's private interest through the procedures used is quite high. As stated above, there is very little detail indicating how the Board of Appeals reached this decision to reject Petitioner's appeal. All that was received by Petitioner was a refunded filing fee and a brief letter from town counsel. There was no indication as to the reasoning behind the Board's interpretation of the moratorium; nor was there any signal as to whom on the Board of Appeals agreed with Mr. Pounds letter. Because this decision seemed to have been made without adherence to any enumerated standard, the risk of erroneous deprivation is exceptionally high. Relatedly, the value in additional procedural safeguards is obviously substantial.

The last factor is the government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail. *Id.* at 321. The Board of Appeals is just that, a board that hears appeals. This is codified within the Code of the Town of Chesapeake Beach. The procedures and burdens would be no different than any other appeal that has been heard before the Respondent Board. Accordingly, the methodology to hear the appeal is already in place. Thus, the government's interest, particularly its interest in

responsible fiscal decision-making and avoidance of additional burdens, is practically non-existent.

This Court finds that, pursuant to the aforementioned Maryland state law, the Chesapeake Code §290-32, and in recognition of the value of procedural due process, the Chesapeake Beach Board of Appeals was obligated to schedule proceedings on Petitioner's appeal, so that Petitioner may be heard, give notice to the public and interested parties of that appeal, render a decision within one-hundred twenty-days of the date of those proceedings, and take a resolution in which three members present at the proceedings concur on said decision. *See* Md. Code Ann., Land Use § 4-306; Chesapeake Code §290-32.

#### Request for Writ of Mandamus

A writ of mandamus is an original action from common law. *Goodwich v. Nolan*, 343 Md. 130, 145 (1996). Typically, a writ of mandamus is used to “to compel inferior tribunals, public officials or administrative agencies to perform their function, or perform some particular duty imposed upon them which in its nature is imperative and to the performance of which duty the party applying for the writ has a clear legal right.” *Criminal Injuries Compensation Board v. Gould*, 273 Md. 486, 514 (1975). “It is not a substitute for appeal or writ of error.” *Goodwich v. Nolan*, 343 Md. 130, 145 (1996). It is, however, an extraordinary remedy to be used only if there is no other appropriate or convenient legal remedy. *Ipes v. Board of Fire Commissioners of Baltimore*, 224 Md. 180, 183 (1961); *A.S. Abell Co. v. Sweeney*, 274 Md. 715, 718 (1975). Importantly, a writ of mandamus is applicable when the action to be reviewed is not discretionary. *Goodwich v. Nolan*, 343 Md. 130, 145 (1996) (internal quotations and citations omitted); *see also Talbot County v. Miles Point Property, LLC*, 415 Md. 372, 396–97 (2010).

The Board was obligated to hear arguments on the Petitioner's June 2022 appeal in accordance with the applicable provisions of Md. Code Ann., Land Use § 4-306 and Chesapeake Code §290-32. However, it failed to do so.

As stated above, on July 6, 2022, the Board, through the Town Administrator and town counsel, procedurally erred by rejecting Petitioner's interpretation appeal by letter. The Court is left with no apparent recourse to remedy the error, except through the issuance of a writ of mandamus, in compelling the Board to consider and hear Petitioner's appeal. Consequently, a writ of mandamus, although an extraordinary remedy, is appropriate to compel the Board to perform its statutory duty. This Court makes no findings or decisions at it relates to the merits of the underlying action and appeal at this time.

8/2/23

782

Judge Mark S. Chandlee

IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

ROD & REEL, INC.

v.

CHESAPEAKE BEACH BOARD OF  
APPEALS

and

PATRICK MAHONEY, Mayor of  
Chesapeake Beach

Case No.: C-04-CV-22-000486

\* \* \* \* \*

**ORDER**

Wherefore, based upon the Court's Opinion attached hereto, it is this 2<sup>nd</sup> day of August 2023, by the Circuit Court for Calvert County, Maryland, hereby,

**FOUND**, that On June 24, 2022, the Petitioner Rod & Reel, Inc. filed an appeal (the "Appeal") to the Respondent Chesapeake Beach Zoning Board of Appeals (the "Respondent Board") alleging error on the part of the Planning & Zoning Commission of Chesapeake Beach and Zoning Administrator of Chesapeake Beach, in accordance with §290-32 of the Town's Code of Chesapeake Beach, Maryland. With the application for appeal, Petitioner paid the filing fee by tendering a check in the amount of \$500 to the Secretary to the Board, Sharon Humm, and she accepted same; and it is further,

**FOUND**, that the filing of the Appeal, the Respondent Board took no action to process or hear the Appeal or to follow the procedures set forth in §290-32 of the Code of Town of Chesapeake Beach and issued no findings or dispositive order adjudicating Petitioner's Appeal; and it is further,

**FOUND**, that on July 6, 2022, the Town Administrator of Chesapeake Beach returned the application for appeal and check to the Petitioner's President, Wesley Donovan with a copy of a letter from counsel to the Town, Todd Pounds; and it is further,

**FOUND**, that the Petitioner's Appeal to the Respondent Board raised issues alleging administrative error on the part of Chesapeake Beach's Zoning Administrator and Planning & Zoning Commission acting in their administrative capacity, due to their failure to undertake site plan review of five site plans submitted by Petitioner. The Respondent Board was the proper body to hear such appeals pursuant to Md. Code Ann. Land Use §4-306 and §290-32 of the Code of Town of Chesapeake Beach; and it is further,

**FOUND**, that after filing the application for appeal with the secretary to the Board and paying the requisite filing fee, no other actions on the part of the Petitioner were required to perfect its appeal to the Respondent Board. The filing of the application for appeal on June 24, 2022, started the timeline set forth in §290-32(D) of the Zoning Ordinance, which includes the requirements that the Respondent Board set a hearing date for the next regularly scheduled meeting of the Respondent Board following the completion of the notice provisions of §290-32(D)(1-4) of the Zoning Ordinance; and it is further,

**FOUND**, that the obligation of the Respondent Board to follow the pre-hearing notice requirements and conduct a hearing as set forth in §290-32(D) of the Town Code are not discretionary powers, but mandatory obligations under both §290-32(D) of the Town Code and to Md. Code Ann. Land Use §4-306; and it is further,

**FOUND**, that the Petitioner is an aggrieved party within the meaning of §290-32(I) of the Zoning Ordinance and Md. Code Ann. Land Use §4-306; and it further,

**FOUND**, that According to §290-32(D) of the Zoning Ordinance, an appeal can be filed at any time. Considering that Petitioner's Appeal to the Respondent Board alleged the failure to undertake actions by the Planning & Zoning Commission and the Zoning Administrator, such a failure is of a continuing nature. So long as those acts had not occurred as of the time Petitioner filed the application for appeal with the Respondent Board, the appeal was proper with respect to timing.

**FOUND**, that the Respondent Board did not have the power to summarily dismiss the appeal filed by the Petitioner. The Board is required to make findings of fact which would support any final disposition of the Appeal and it did not do so. Because the Respondent Board would be determining legal rights and statutory entitlements of the Petitioner, procedural due process requires that there be a hearing; and it is further,

**FOUND**, that pursuant to Maryland Rule 2-501(a), a party may file a motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and the party is entitled to judgment as a matter of law; and it is further,

**FOUND**, that summary judgment against the Respondent Board with an order for mandamus compelling the Board to process, hear, and adjudicate the Petitioner's Appeal as required by the Chesapeake Beach Zoning Ordinance and Maryland law is appropriate in this case. Summary judgment is appropriate in this case because there is no genuine dispute as to any material fact and the Petitioner is entitled to relief against the Respondent Board, as a matter of law; and it is further,

**FOUND**, that the Petitioner requested summary judgment against one of the Respondents and pursuant to Maryland Rule 2-601(b)(1), the Court finds that with respect to

this Order and the Writ of Mandamus contained herein, there is no reason to delay its finality and directs the finality of judgment against the Respondent Chesapeake Beach Zoning Board of Appeals; and it is further,

**ORDERED**, that the Chesapeake Beach Board of Appeals shall immediately commence the pre-hearing notice requirements of §290-32D of the Town's Code of Chesapeake Beach, Maryland after the Rod & Reel, Inc. resubmits its filing fee of \$500 to the Board's Secretary. Upon completion of the pre-hearing notice requirements of §290-32D of the Town's Code, the Board of Appeals shall schedule a hearing and adjudicate the appeal filed by the Rod & Reel, Inc. on June 24, 2022, pursuant to the requirements of §290-32D of the Town Code of Chesapeake Beach, Maryland.

A handwritten signature in black ink, appearing to read "Mark S. Chandlee", with a stylized flourish at the end.

Judge Mark S. Chandlee

Received 8/3/23. Copies E-Served to  
Counsel.

CF

Entered: Clerk, Circuit Court for  
Calvert County, MD  
August 3, 2023





August 14, 2023

**Hand Delivered**

Chesapeake Beach Board of Appeals  
Chesapeake Beach, Maryland  
8200 Bayside Road  
Chesapeake Beach, MD 20732

Re: Replacement check for filing fee; BOA Case filed June 24, 2022

Attn: Sharon Humm, Secretary  
Board of Appeals:

Enclosed is a check in the amount of \$500. This check is tendered to replace the filing fee that was returned to the Rod & Reel, Inc. by letter dated July 6, 2022 and is made pursuant to the Order of Mandamus of the Circuit Court for Calvert County, Maryland, dated August 3, 2023, in Case # C-04-CV-22-000486.

Please be advised that this is not for a new case, but for an existing case filed in 2022. I have no indication that the Board gave the case a case number in 2022, but if not, when it does so, it should be docketed as a 2022 case for clarity.

Sincerely,

Wesley Donovan, President  
Rod & Reel, Inc.

**PAID**  
CK NO. 121267  
DATE 8-14-23





## TOWN OF CHESAPEAKE BEACH ZONING PERMIT APPLICATION

Permit #: \_\_\_\_\_  
 Issued: \_\_\_\_\_  
 Fee Paid: Yes / No

### PROPERTY INFORMATION

SEE ATTACHED FEE SCHEDULE

Property Street Address: 3418 Cox Road, Chesapeake Beach  
 Property Tax ID#: 0503146154  
 Specific Use of Property: Residential

Water: Well ☐ Municipal ☒ Sewerage: Septic System ☐ Municipal ☒  
 Is the above address within the floodplain? ☐ Yes ☒ No, In the Critical Area ☒ Yes ☐ No  
 (If in Critical Area, please complete page 2 of this application)

### Property Owner Information

Name: Donovan Estates LLC C/O Gerald Donovan  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

### Applicant Information

Name: Donovan Estates LLC C/O Gerald Donovan  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

Description of Proposed Work: Please submit four (4) hard copies of the proposed site plan and one (1) electronic copy with this application and a Grading Exemption Form for any project that involves grading.

Construction of two 12 unit multifamily buildings and one (1) single family dwelling unit, with associated parking facilities.

### Signature of Owner or Authorized Agent

By signing below, I certify and agree as follows: (1) I am authorized to make this application; (2) all information provided is correct; (3) I will comply with all regulations of the Town of Chesapeake Beach which are applicable hereto; (4) I will perform only the work specifically described in this application and my submitted site plan; (5) I grant Town officials the right to enter onto the property for the purpose of evaluating my plan, inspecting the work permitted and posting notices if applicable; (6) I understand that if I choose to appeal, my appeal shall be in writing stating the grounds for appeal and shall be filed with the Board of Zoning Appeals within 30 calendar days of the date of issuance, decision, determination or order and that the right to appeal is waived if not timely filed.

Owner or Authorized Agent: (print) Paul B. Woodburn

Signature: \_\_\_\_\_ Date: 1/12/21

### FOR TOWN USE ONLY:

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Planning & Zoning Administrator

Is there a supplemental condition letter or notice to applicant: ☐ Yes ☐ No  
 Is this a application for Use & Occupancy: ☐ Yes ☐ No  
 Is there a requirement for Public Works to review prior to breaking ground: ☐ Yes ☐ No

If marked yes, the Public Works Administrator must provide approval prior to breaking ground:

Final Approval Public Works Administrator: \_\_\_\_\_ Date: 1/12/21

## Critical Area Lot Coverage Worksheet with Zoning Permit

Completion of this form is required for all projects within the Critical Area. If mitigation of any form is required, it shall be noted and/or shown on the site plan. For mitigation in the form of vegetative planting, the site plan or a separate landscape plan must show the location for the proposed planting and include a table that shows the species of the plants and number of each species. Additional information may be required. This form shall accompany a site plan and other relevant plan that shows the proposed work.

### Property Information

Property Address: 3418 Cox Road, Chesapeake Beach  
Critical Area Designation: Circle one: IDA, DA, RCA  
Within the 100-foot buffer? ☐ Yes, ☒ No

Total Site Area (square footage): (Lot 1) 87,129 sq. ft. (Lot 2) 138,055 sq. ft.  
Zoning District: 3

### Lot Coverage Calculations

EXISTING CONDITIONS (square footage)		PROPOSED CONDITIONS (square footage)	
1. Main Building	<u>4,106</u>	Main Building	<u>20,031</u>
2. Accessory Structures	<u>116</u>	Accessory Structures	<u>0</u>
3. Driveway/Parking	<u>10,845</u>	Driveway/Parking	<u>22,507</u>
4. Walkways	<u>673</u>	Walkways	<u>3,485</u>
5. Patios	<u>1273</u>	Patios	<u>800</u>
6. Other	<u>50</u>	Other	<u>50</u>
Total Square footage	<u>17,063</u>	Total Square footage	<u>46,873</u>
Percentage of Total Site Area	<u>7.57%</u>	Percentage of Total Site Area	<u>20.79%</u>

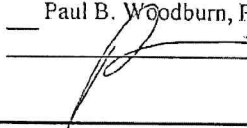
Will trees be removed in the Critical Area?

☒ Yes ☐ No

If yes, please indicate location and number on the site plan.

### Certification

I certify these statements to be true and accurate and hereby grant the Town of Chesapeake Beach official permission to enter my property to review the plan and conduct inspections.

Owner / Authorized Agent: (print) Paul B. Woodburn, P.E.  
Signature: 

**WHAT IS LOT COVERAGE?** The following is counted toward lot coverage:

Area coverage by buildings and structures, accessory structures, (e.g. sheds, garages, swimming pools), parking areas, driveways, walkways, patios, or roads. Area covered by gravel, stone, shells, impermeable decking, pavers, or any man-made impervious material. Lot coverage does not include a fence or wall, less than one foot in width, a walkway in the Buffer or expanded buffer including a stairway that provides direct access to a pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.



## TOWN OF CHESAPEAKE BEACH ZONING PERMIT APPLICATION

Permit #: \_\_\_\_\_  
Issued: \_\_\_\_\_  
Fee Paid: Yes / No

### PROPERTY INFORMATION

SEE ATTACHED FEE SCHEDULE

Property Street Address: 4045 Gordon Sennett Avenue  
Property Tax ID#: 03252368  
Specific Use of Property: Residential

Water: Well ☐ Municipal ☒ Sewerage: Septic System ☐ Municipal ☒  
Is the above address within the floodplain? ☐ Yes ☒ No, In the Critical Area ☒ Yes ☐ No  
(If in Critical Area, please complete page 2 of this application)

### Property Owner Information

Name: Rod & Reel INC  
Address P.O. Box 99  
City, State, Zip Chesapeake Beach, 20732  
Day phone 301-855-8351  
E-mail GWD@chesapeakebeachresortspa.com

### Applicant Information

Name: Donovan Estates LLC C/O Gerald Donovan  
Address P.O. Box 99  
City, State, Zip Chesapeake Beach 20732  
Day phone 301-855-8351  
E-mail GDW@chesapeakebeachresortspa.com

Description of Proposed Work: Please submit four (4) hard copies of the proposed site plan and one (1) electronic copy with this application and a Grading Exemption Form for any project that involves grading.

Construction of one Multifamily building (23 Dwelling units), with associated parking facilities.

### Signature of Owner or Authorized Agent

By signing below, I certify and agree as follows: (1) I am authorized to make this application; (2) all information provided is correct; (3) I will comply with all regulations of the Town of Chesapeake Beach which are applicable hereto; (4) I will perform only the work specifically described in this application and my submitted site plan; (5) I grant Town officials the right to enter onto the property for the purpose of evaluating my plan, inspecting the work permitted and posting notices if applicable; (6) I understand that if I choose to appeal, my appeal shall be in writing stating the grounds for appeal and shall be filed with the Board of Zoning Appeals within 30 calendar days of the date of issuance, decision, determination or order and that the right to appeal is waived if not timely filed.

Owner or Authorized Agent: (print) Paul B. Woodburn

Signature: \_\_\_\_\_

Date: 1/12/21

### FOR TOWN USE ONLY:

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Final Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Planning & Zoning Administrator

Is there a supplemental condition letter or notice to applicant:

☐ Yes ☐ No

Is this a application for Use & Occupancy:

☐ Yes ☐ No

Is there a requirement for Public Works to review prior to breaking ground:

☐ Yes ☐ No

If marked yes, the Public Works Administrator must provide approval prior to breaking ground:

Final Approval Public Works Administrator: \_\_\_\_\_

Date: 1/12/21

## Critical Area Lot Coverage Worksheet with Zoning Permit

Completion of this form is required for all projects within the Critical Area. If mitigation of any form is required, it shall be noted and/or shown on the site plan. For mitigation in the form of vegetative planting, the site plan or a separate landscape plan must show the location for the proposed planting and include a table that shows the species of the plants and number of each species. Additional information may be required. This form shall accompany a site plan and other relevant plan that shows the proposed work.

### Property Information

Property Address: 4045 Gordon Stinnett Avenue  
Critical Area Designation: Circle one: IDA LDA, RCA  
Within the 100-foot buffer? ☒ Yes, ☐ No

Total Site Area (square footage): 579783 sf  
Zoning District: 3

### Lot Coverage Calculations

EXISTING CONDITIONS (square footage)		PROPOSED CONDITIONS (square footage)	
1. Main Building	<u>0</u>	Main Building	<u>31391</u>
2. Accessory Structures	<u></u>	Accessory Structures	<u></u>
3. Driveway/Parking	<u>143,350</u>	Driveway/Parking	<u>97,201</u>
4. Walkways	<u>2000</u>	Walkways	<u>1600</u>
5. Patios	<u></u>	Patios	<u></u>
6. Other	<u></u>	Other	<u></u>
Total Square footage	<u>145350</u>	Total Square footage	<u>130192</u>
Percentage of Total Site Area	<u>25.1</u>	Percentage of Total Site Area	<u>22.5</u>

### Will trees be removed in the Critical Area?

☐ Yes ☒ No

If yes, please indicate location and number on the site plan.

### Certification

I certify these statements to be true and accurate and hereby grant the Town of Chesapeake Beach official permission to enter my property to review the plan and conduct inspections.

Owner / Authorized Agent: (print)  
Signature:

Paul B. Woodrum

### WHAT IS LOT COVERAGE? The following is counted toward lot coverage:

Area coverage by buildings and structures, accessory structures, (e.g. sheds, garages, swimming pools), parking areas, driveways, walkways, patios, or roads. Area covered by gravel, stone, shells, impermeable decking, pavers, or any man-made impervious material. Lot coverage does not include a fence or wall, less than one foot in width, a walkway in the Buffer or expanded buffer including a stairway that provides direct access to a pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.





## TOWN OF CHESAPEAKE BEACH ZONING PERMIT APPLICATION

Permit #: _____
Issued: _____
Fee Paid: Yes / No

### PROPERTY INFORMATION

SEE ATTACHED FEE SCHEDULE

Property Street Address: 8016 Bayside Road, Chesapeake Beach  
 Property Tax ID#: 0503153517  
 Specific Use of Property: Commercial

Water: Well ☐ Municipal ☒ Sewerage: Septic System ☐ Municipal ☒  
 Is the above address within the floodplain? ☒ Yes ☐ No, In the Critical Area ☒ Yes ☐ No  
 (If in Critical Area, please complete page 2 of this application)

### Property Owner Information

Name: Rod & Reel, Inc.  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

### Applicant Information

Name: Rod & Reel, Inc.  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

Description of Proposed Work: Please submit four (4) hard copies of the proposed site plan and one (1) electronic copy with this application and a Grading Exemption Form for any project that involves grading.

Development of a 59 unit Residential Multifamily Building and associated parking facilities.

### Signature of Owner or Authorized Agent

By signing below, I certify and agree as follows: (1) I am authorized to make this application; (2) all information provided is correct; (3) I will comply with all regulations of the Town of Chesapeake Beach which are applicable hereto; (4) I will perform only the work specifically described in this application and my submitted site plan; (5) I grant Town officials the right to enter onto the property for the purpose of evaluating my plan, inspecting the work permitted and posting notices if applicable; (6) I understand that if I choose to appeal, my appeal shall be in writing stating the grounds for appeal and shall be filed with the Board of Zoning Appeals within 30 calendar days of the date of issuance, decision, determination or order and that the right to appeal is waived if not timely filed.

Owner or Authorized Agent: (print) Paul B. Woodburn

Signature: \_\_\_\_\_

Date: 1/28/2021

### FOR TOWN USE ONLY:

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Planning & Zoning Administrator

Is there a supplemental condition letter or notice to applicant: ☐ Yes ☐ No  
 Is this a application for Use & Occupancy: ☐ Yes ☐ No  
 Is there a requirement for Public Works to review prior to breaking ground: ☐ Yes ☐ No

If marked yes, the Public Works Administrator must provide approval prior to breaking ground:

Final Approval Public Works Administrator: \_\_\_\_\_ Date: 1/28/2021

## Critical Area Lot Coverage Worksheet with Zoning Permit

Completion of this form is required for all projects within the Critical Area. If mitigation of any form is required, it shall be noted and/or shown on the site plan. For mitigation in the form of vegetative planting, the site plan or a separate landscape plan must show the location for the proposed planting and include a table that shows the species of the plants and number of each species. Additional information may be required. This form shall accompany a site plan and other relevant plan that shows the proposed work.

### Property Information

Property Address: 8016 Bayside Road, Chesapeake Beach, MD

Critical Area Designation: Circle one: IDA LDA, RCA

Within the 100-foot buffer? ☒ Yes, ☐ No

Total Site Area (square footage): 125, 221 sf

Zoning District: 3

### Lot Coverage Calculations

EXISTING CONDITIONS (square footage)		PROPOSED CONDITIONS (square footage)	
1. Main Building		Main Building	17,600
2. Accessory Structures		Accessory Structures	
3. Driveway/Parking	32,075	Driveway/Parking	15,284
4. Walkways	3,291	Walkways	6,030
5. Patios		Patios	
6. Other	654	Other	3,232
Total Square footage	36,020	Total Square footage	42,146
Percentage of Total Site Area	28.8%	Percentage of Total Site Area	33.7%

**Will trees be removed in the Critical Area?**

☐ Yes ☒ No

If yes, please indicate location and number on the site plan.

## Certification

I certify these statements to be true and accurate and hereby grant the Town of Chesapeake Beach official permission to enter my property to review the plan and conduct inspections.

Owner / Authorized Agent: (print)

Paul B. Woodburn, P.E.

Signature:

**WHAT IS LOT COVERAGE?** The following is counted toward lot coverage:

Area coverage by buildings and structures, accessory structures, (e.g. sheds, garages, swimming pools), parking areas, driveways, walkways, patios, or roads. Area covered by gravel, stone, shells, impermeable decking, pavers, or any man-made impervious material. Lot coverage does not include a fence or wall, less than one foot in width, a walkway in the Buffer or expanded buffer including a stairway that provides direct access to a pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.



## TOWN OF CHESAPEAKE BEACH ZONING PERMIT APPLICATION

Permit #: _____
Issued: _____
Fee Paid: Yes / No

**PROPERTY INFORMATION**

SEE ATTACHED FEE SCHEDULE

Property Street Address: 3840 Gordon Stinnett Avenue, Chesapeake Beach  
 Property Tax ID#: 0503153614  
 Specific Use of Property: Commercial

Water: Well ☐ Municipal ☒ Sewerage: Septic System ☐ Municipal ☒  
 Is the above address within the floodplain? ☒ Yes ☐ No, In the Critical Area ☒ Yes ☐ No  
 (If in Critical Area, please complete page 2 of this application)

**Property Owner Information**

Name: Rod & Reel, Inc.  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

**Applicant Information**

Name: Rod & Reel, Inc.  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

Description of Proposed Work: Please submit four (4) hard copies of the proposed site plan and one (1) electronic copy with this application and a Grading Exemption Form for any project that involves grading.

**Development of a 60 unit Residential Multifamily Building and associated parking facilities.**

**Signature of Owner or Authorized Agent**

By signing below, I certify and agree as follows: (1) I am authorized to make this application; (2) all information provided is correct; (3) I will comply with all regulations of the Town of Chesapeake Beach which are applicable hereto; (4) I will perform only the work specifically described in this application and my submitted site plan; (5) I grant Town officials the right to enter onto the property for the purpose of evaluating my plan, inspecting the work permitted and posting notices if applicable; (6) I understand that if I choose to appeal, my appeal shall be in writing stating the grounds for appeal and shall be filed with the Board of Zoning Appeals within 30 calendar days of the date of issuance, decision, determination or order and that the right to appeal is waived if not timely filed.

Owner or Authorized Agent: (print) Paul B. Woodburn

Signature: \_\_\_\_\_ Date: 1/12/21

**FOR TOWN USE ONLY:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Planning & Zoning Administrator

Is there a supplemental condition letter or notice to applicant: ☐ Yes ☐ No  
 Is this a application for Use & Occupancy: ☐ Yes ☐ No  
 Is there a requirement for Public Works to review prior to breaking ground: ☐ Yes ☐ No

If marked yes, the Public Works Administrator must provide approval prior to breaking ground:

Final Approval Public Works Administrator: \_\_\_\_\_ Date: 1/12/21



## Critical Area Lot Coverage Worksheet with Zoning Permit

Completion of this form is required for all projects within the Critical Area. If mitigation of any form is required, it shall be noted and/or shown on the site plan. For mitigation in the form of vegetative planting, the site plan or a separate landscape plan must show the location for the proposed planting and include a table that shows the species of the plants and number of each species. Additional information may be required. This form shall accompany a site plan and other relevant plan that shows the proposed work.

### Property Information

Property Address: 3840 Gordon Slinnert Avenue, Chesapeake Beach

Total Site Area (square footage): 561,363 sf

Critical Area Designation: Circle one: IDA, DA, RCA

Zoning District: 3

Within the 100-foot buffer? ☒ Yes, ☐ No (BEA)

### Lot Coverage Calculations

EXISTING CONDITIONS (square footage)		PROPOSED CONDITIONS (square footage)	
1. Main Building	<u>1,529</u>	Main Building	<u>17,942</u>
2. Accessory Structures	<u>0</u>	Accessory Structures	<u>0</u>
3. Driveway/Parking	<u>97,994</u>	Driveway/Parking	<u>78,624</u>
4. Walkways	<u>4,910</u>	Walkways	<u>6,898</u>
5. Patios	<u>0</u>	Patios	<u>0</u>
6. Other	<u>0</u>	Other	<u>0</u>
Total Square footage	<u>104,433</u>	Total Square footage	<u>103,464</u>
Percentage of Total Site Area	<u>18.6%</u>	Percentage of Total Site Area	<u>18.4%</u>

Will trees be removed in the Critical Area?

☐ Yes ☒ No

If yes, please indicate location and number on the site plan.

### Certification

I certify these statements to be true and accurate and hereby grant the Town of Chesapeake Beach official permission to enter my property to review the plan and conduct inspections.

Owner / Authorized Agent: (print) Paul B. Woodburn, P.E.

Signature: \_\_\_\_\_

**WHAT IS LOT COVERAGE?** The following is counted toward lot coverage:

Area coverage by buildings and structures, accessory structures, (e.g. sheds, garages, swimming pools), parking areas, driveways, walkways, patios, or roads. Area covered by gravel, stone, shells, impermeable decking, pavers, or any man-made impervious material. Lot coverage does not include a fence or wall, less than one foot in width, a walkway in the Buffer or expanded buffer including a stairway that provides direct access to a pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.



## TOWN OF CHESAPEAKE BEACH

### ZONING PERMIT APPLICATION

Permit #: _____
Issued: _____
Fee Paid: Yes / No

**PROPERTY INFORMATION**

SEE ATTACHED FEE SCHEDULE

Property Street Address: 8617 Bayside Road, Chesapeake Beach  
 Property Tax ID#: 0503042103  
 Specific Use of Property: Residential

Water: Well ☐ Municipal ☒ Sewerage: Septic System ☐ Municipal ☒

Is the above address within the floodplain? ☒ Yes ☐ No, In the Critical Area ☒ Yes ☐ No  
 (If in Critical Area, please complete page 2 of this application)

**Property Owner Information**

Name: Rod & Reel, Inc. & Gerald Donovan  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

**Applicant Information**

Name: Rod & Reel, Inc. & Gerald Donovan  
 Address P.O. Box 99  
 City, State, Zip Chesapeake Beach, 20732  
 Day phone 301-855-8351  
 E-mail GWD@chesapeakebeachresortspa.com

Description of Proposed Work: Please submit four (4) hard copies of the proposed site plan and one (1) electronic copy with this application and a Grading Exemption Form for any project that involves grading.

Construction of 2 sticks of Townhouses, totaling 11 units.

**Signature of Owner or Authorized Agent**

By signing below, I certify and agree as follows: (1) I am authorized to make this application; (2) all information provided is correct; (3) I will comply with all regulations of the Town of Chesapeake Beach which are applicable hereto; (4) I will perform only the work specifically described in this application and my submitted site plan; (5) I grant Town officials the right to enter onto the property for the purpose of evaluating my plan, inspecting the work permitted and posting notices if applicable; (6) I understand that if I choose to appeal, my appeal shall be in writing stating the grounds for appeal and shall be filed with the Board of Zoning Appeals within 30 calendar days of the date of issuance, decision, determination or order and that the right to appeal is waived if not timely filed.

Owner or Authorized Agent: (print) Paul B. Woodburn

Signature: \_\_\_\_\_ Date: 1/12/21

**FOR TOWN USE ONLY:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Planning & Zoning Administrator

Is there a supplemental condition letter or notice to applicant: ☐ Yes ☐ No

Is this a application for Use & Occupancy: ☐ Yes ☐ No

Is there a requirement for Public Works to review prior to breaking ground: ☐ Yes ☐ No

If marked yes, the Public Works Administrator must provide approval prior to breaking ground:

Final Approval Public Works Administrator: \_\_\_\_\_ Date: 1/12/21

## Critical Area Lot Coverage Worksheet with Zoning Permit

Completion of this form is required for all projects within the Critical Area. If mitigation of any form is required, it shall be noted and/or shown on the site plan. For mitigation in the form of vegetative planting, the site plan or a separate landscape plan must show the location for the proposed planting and include a table that shows the species of the plants and number of each species. Additional information may be required. This form shall accompany a site plan and other relevant plan that shows the proposed work.

### Property Information

Property Address: 8617 Bayside Road, Chesapeake Beach  
Critical Area Designation: Circle one: IDA, LDA, RCA  
Within the 100-foot buffer? ☐ Yes, ☒ No

Total Site Area (square footage): 62,143 sf  
Zoning District: 3

### Lot Coverage Calculations

EXISTING CONDITIONS (square footage)		PROPOSED CONDITIONS (square footage)	
1. Main Building	<u>0</u>	Main Building	<u>12,898</u>
2. Accessory Structures	<u>0</u>	Accessory Structures	<u>0</u>
3. Driveway/Parking	<u>50,094</u>	Driveway/Parking	<u>5,603</u>
4. Walkways	<u>0</u>	Walkways	<u>706</u>
5. Patios	<u>0</u>	Patios	<u>0</u>
6. Other	<u>0</u>	Other	<u>0</u>
Total Square footage	<u>50,094 sf</u>	Total Square footage	<u>19,207 sf</u>
Percentage of Total Site Area	<u>80.6%</u>	Percentage of Total Site Area	<u>30.9%</u>

Will trees be removed in the Critical Area?

☐ Yes ☒ No

If yes, please indicate location and number on the site plan.

### Certification

I certify these statements to be true and accurate and hereby grant the Town of Chesapeake Beach official permission to enter my property to review the plan and conduct inspections.

Owner / Authorized Agent: (print)

Paul B. Woodburn, P.E

Signature:



**WHAT IS LOT COVERAGE?** The following is counted toward lot coverage:

Area coverage by buildings and structures, accessory structures, (e.g. sheds, garages, swimming pools), parking areas, driveways, walkways, patios, or roads. Area covered by gravel, stone, shells, impermeable decking, pavers, or any man-made impervious material. Lot coverage does not include a fence or wall, less than one foot in width, a walkway in the Buffer or expanded buffer including a stairway that provides direct access to a pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.

## Exhibit #6

For Exhibit #6, the applicant submitted digital files of site plans, see the link below or scan the QR code for access to the applicant submitted files:

<https://bit.ly/appealex6>





ProjectManager EricBlitz <blitzprojectmgr@gmail.com>

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## FW: B03021 - Submission Dropbox Links

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Chris Jakubiak [REDACTED]

Fri, Feb 5, 2021 at 9:05 AM

To: Paul Woodburn <pwoodburn@bendyer.com>

Cc: ProjectManager EricBlitz <blitzprojectmgr@gmail.com>, Morgan Walubita <mwalubita@bendyer.com>

Hi Paul: This is unprecedented and imposes a significant challenge to the Planning Commission and the Town's planning, zoning and project review functions. No town could reasonably and responsibly handle a load of projects like this without significant delays to or derailing of its comprehensive plan update and/or zoning review and update. Further, these projects if implemented have real potential to compound the challenges the Planning Commission's work on planning and ordinance drafting is seeking to address. Today, in the newspaper is a legal notice of a Public Hearing to be conducted by the Planning Commission on 2/24/21 to consider a resolution recommending to the Mayor and Town Council that they adopt an ordinance creating a temporary moratorium on the processing of major development projects which would include these five plans. Please contact Sharron Humm at town hall if you want to a copy of the resolution. -Chris

[Quoted text hidden]

Christopher N. Jakubiak, AICP

TOWN + CITY PLANNING

Jakubiak & Associates, Inc.

[REDACTED]  
www.JAKUBIAK.net





OFFICE OF THE MAYOR AND TOWN COUNCIL

MINUTES OF THE  
TOWN COUNCIL MEETING  
February 15, 2018

I. Patrick J. Mahoney, Mayor, called the meeting to order at 7:00 p.m. In attendance were: Derek J. Favret, Lawrence P. Jaworski, Gregory J. Morris, and Keith L. Pardieck, Council Members, Holly K. Wahl, Town Administrator, Sharon L. Humm, Town Clerk, Laurie Smith, Town Treasurer, Elissa Levan, Town Attorney, James Berry, Public Works Administrator, Paul Woodburn, Town Engineer, Marilyn VanWagner, Water Park General Manager, Jon Castro, W RTP Superintendent and Lieutenant Naughton. Absent were Dr. Valerie Beaudin and Stewart B. Cumbo, Council Members, Connie O'Dell, Code Enforcement Officer, and Christopher Jakubiak, Planning and Zoning Administrator.

II. **Pledge of Allegiance.** The Mayor led the Pledge of Allegiance.

III. **Approve the Agenda.**

**MOTION:** Councilman Jaworski moved to approve the agenda. Seconded by Councilman Morris, all in favor.

IV. **Public comment on any item on the agenda.** None.

V. **Approval of the minutes of the January 18, 2018 Town Council meeting.**

**MOTION:** Councilman Jaworski moved to approve the minutes of the January 18, 2018 Town Council meeting. Seconded by Councilman Favret, all in favor.

VI. **Petitions and Communications**

A. **Special Presentation** – The Mayor read and presented a proclamation declaring February 28, 2018 Rare Disease Day. Ms. Lydia Seiders, Maryland State Ambassador for NORD, National Organization for Rare Diseases, was present to accept the proclamation and speak briefly on rare diseases.

B. **North Beach Volunteer Fire Department** – Mr. Gordy submitted the attached written report but was not present to give the report.

C. **Deputy's Report** – Sergeant Phelps submitted the attached written report and Lieutenant Naughton was present to address the Council. The Lieutenant briefed the Council on the pedestrian that was struck by a vehicle last evening in Town.

D. **Public Works Report** – Mr. Berry submitted the attached written report and was present to address the Council. Mr. Berry reported the bridge project is still on schedule and gave an update on the oyster cages.

- E. Code Enforcement Report** – Mrs. O'Dell submitted the attached written report but was not present to address the Council.
- F. Town Engineer's Report** – Mr. Woodburn submitted the attached written report and was present to address the Council. Mr. Woodburn reported on the status of the 261 Sidewalk Design RFP and an update on the traffic warrant study. There has been no response back from the SHA on the study. Mr. Woodburn will touch base with the SHA and send an update to the Mayor and Council.
- G. Water Park Report** – Ms. VanWagner submitted the attached written report and was present to address the Council.
- H. Water Reclamation Treatment Plant Report** – Mr. Castro submitted the attached written report and was present to address the Council. Mr. Castro stated a mandatory pre-bid meeting was held on Monday, February 12<sup>th</sup> with five contractors in attendance for the lab renovation RFP. The bids are due February 22, 2018.
- I. Treasurer's Report** – Mrs. Smith had no report.
- J. Town Administrator's Report** – Mrs. Wahl submitted the attached written report and was present to address the Council. Mrs. Wahl reported that the Town is in the process of applying for a \$75,000 community resilience grant with the DNR. This would provide funding towards the Town's comprehensive plan update which would incorporate flood mitigation planning. Mrs. Wahl also gave an update for the delay on the front entry way repairs. Councilman Favret asked Mrs. Wahl to brief the Council on the Kellams Field schedule.
- K. Mayor's Report** –
  - 1. The Mayor wanted to express his thanks and appreciation to Barbara Kete and the Green Team for the research done in regards to the application for the community resilience grant. The Mayor also extended his sincere thanks to all the many talented volunteers the Town is so blessed to have.
  - 2. The Mayor recognized Mr. Buddy Hance in the audience commenting that he will be running for county commissioner and wished him the best of luck.
  - 3. The Mayor wished the ladies a Happy Valentine's Day and though Councilwoman Beaudin was absent due to being ill, wished her a Happy Birthday.
  - 4. The Mayor stated that the Easter festival is being held on March 18<sup>th</sup>.
  - 5. The Mayor recognized a boy scout that was in the audience.

**VII. Resolutions & Ordinances:** None

**VIII. Report of Officers, Boards and Committees:**

- A. Planning & Zoning Commission** – There was a meeting held February 14, 2018. Councilman Jaworski reported that the Commission discussed the upcoming

comprehensive plan update with hopes of having a draft ready by this time next year. Also, with the resignation of Mrs. Reiser, the Commission appointed Jeff Foltz as the new Chairman.

- B. Board of Appeals** – There was no hearing held in February.
- C. Ethics Commission**– Mr. Kete submitted the attached written report and was available to address the Council.
- D. Chesapeake Beach Oyster Cultivation Society** – John Bacon submitted the attached written report and was present to give the report. Mr. Bacon was pleased to report on the great success the Chesapeake Beach Community Mural painting turned out to be. Mr. Bacon introduced and thanked Tracy Bensing, the Beach Elementary School art teacher, who played a huge part in the event's success.
- E. Economic Development Committee** – Councilman Jaworski reported he met with several members of the Calvert County Department of Economic Development to discuss available resources that could possibly help the Town. Also, a meeting will be held on February 21<sup>st</sup> to discuss the next annual Taste the Beaches event and discussions continue between North Beach and the Town on possibly re-instituting a limited trolley service. And as always, anyone is welcome to come join in.
- F. MML Report** – No report.
- G. Twin Beaches Opioid Abuse Awareness Coalition** – Councilman Pardieck stated a meeting was held January 8<sup>th</sup> discussing the December 13<sup>th</sup> forum and preparing for the upcoming January 31<sup>st</sup> forum. Mr. Pardieck reported on the 2017 overdose statistics for Calvert County and was pleased to report that the opioid abuse awareness sign was now in place at the NBVFD and that the Abner's restaurant is now a drug free workplace. The next meeting will be held March 5<sup>th</sup> and added anyone interested in becoming a member to contact Cheryl Greene or himself.
- H. Walkable Community Committee** – Councilman Favret reported the committee met on February 10<sup>th</sup>, welcoming a new member, Ms. Madelyn Blake. Mr. Favret stated after weighing the pros and cons of a committee versus an advisory group, the members collectively decided to be referred to as an advisory group versus a committee. The name will now be the Walkable Community Advisory Group (WAG). The group discussed general goals and their next steps moving forward.

**IX. Unfinished Business:** None.

**X. New Business:**

1. Council to consider the retention of Fred Sussman as Board of Appeals and Ethics Commission Counsel.

**MOTION:** Councilman Favret moved to approve the retention of Fred Sussman as Counsel for the Board of Appeals and the Ethics Commission. Seconded by Councilman Jaworski, all in favor.



2. Council to consider the appointment of Susan Stebbing to the Planning and Zoning Commission.

**MOTION:** Councilman Jaworski moved to approve the appointment of Susan Stebbing to the Planning and Zoning Commission. Seconded by Councilman Pardieck, all in favor.

3. Council to consider approval of a grant letter of support for the Chesapeake Beach Railway Museum.

**MOTION:** Councilman Jaworski moved to approve a grant letter of support for the Chesapeake Beach Railway Museum. Seconded by Councilman Morris, all in favor.

**XI. Public comment was received by:** None.


**XII. Council Lightning Round:**

1. Mr. Jaworski thanked everyone for coming out and reminded everyone of the next Economic Development meeting on Monday the 19<sup>th</sup> discussing the possibility of a limited Beach Trolley, and Wednesday the 21<sup>st</sup> discussing the next annual Taste the Beaches event.
2. Mr. Morris also thanked everyone for coming out and commented "hang in there, Spring is just around the corner!"
4. Mr. Pardieck thanked those that came out for the meeting. Mr. Pardieck stated, with tragic events such as yesterday's Florida school shooting, that things such as that are hard to process for both children and adults and wanted to recommend a site called kidshealth.org which might be helpful. This site provides advice, tips, and great information on numerous issues for both parents and children.
5. Mr. Favret thanked Mr. Bacon and Ms. Bensing for their efforts in bringing about the painting of the mural held at the Community Center. It was a fantastic event, enjoyed by all.

**XIII. Adjournment**

There being no further business, the meeting adjourned at 8:05 p.m. on a motion by Councilman Jaworski. Seconded by Councilman Favret, all in favor.

Submitted by,



Sharon L. Humm  
Town Clerk



OFFICE OF THE MAYOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
MAY 9, 2018**

- I. Chariman Jeffrey Foltz called the meeting to order at 7:00 pm. In attendance were Commission members, Charles Fink, Robert Gray, Cynthia Greengold, Megan Reiser. Susan Stebbing was absent. Also in attendance were the Planning and Zoning Administrator, Christopher Jakubiak and Planning and Zoning Clerk, Fran Addicott.

**II. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Gray moved to approve the Agenda, seconded by Mrs. Reiser, all in favor.

**III. APPROVAL OF THE MINUTES FROM THE APRIL 11, 2018 PLANNING AND ZONING MEETING.**

Mr. Gray requested that changes be made to the minutes to more accurately reflect the discussion of his concerns with the additional parking that Mr. Abner had proposed. The April 11, 2018 minutes are hereby revised as follows. Under the title of "Overview of Plan" the last sentence in the third paragraph is now read as follows:

*Mrs. Greengold and Mr. Gray noted concerns that the parking being provided by the proposed site plan could actually exceed, or be less than, the amount of parking that the previously approved but un-permitted uses required; the Planning Commission could be approving parking without fully knowing what the future expansion of commercial uses might be.*

*Mr. Gray also noted his concern that Mr. Abner could not provide a firm commitment that the neighbors' joint use of on-site parking would continue under the proposed site plan.*

**MOTION:** *With the understanding that the minutes would be revised to address the aforementioned a discussion Mrs. Greengold moved to approve the April 11, 2018 minutes, seconded by Mr. Fink, all in favor.*

**IV. COMPREHENSIVE PLAN REVIEW & DISCUSSION**

Chairman Foltz said that the revising of the Comprehensive Plan will be a regular standing point of discussion on the Planning Commission's agenda for the next one to two years. Mr. Jakubiak delivered a presentation on economic development which included an overall view of land availability for commercial development and an assessment of local market

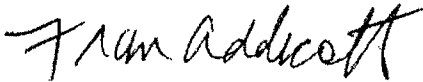
conditions for retailing. He also delivered a presentation on walkability that was first delivered to the Town's Walkability Committee. It addressed the existing network of walk and bike way and a vision for targeting certain areas for sidewalks and street scape improvements and for more town-wide connections.

The Planning Commission discussed the potential for using a web-based approach to the production and or publishing of the plan. Mr. Jakubiak said he would send digital links to a recently adopted web-used comprehensive plan so Commission members can see how it might work. He also asked the Planning Commission members to read the text of the Town's 2002 Comprehensive Plan, which was posted on the drop box account to become familiar with the principles and objectives, which will be discussed at the next meeting.

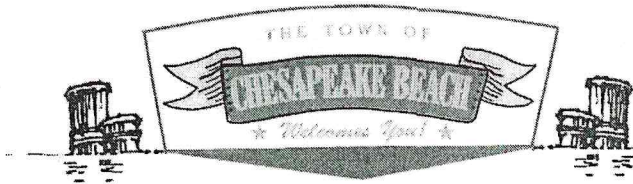
**V. NO PUBLIC COMMENT**

There being no further business, the meeting adjourned at 9:00 pm on a motion made by Mr. Gray, seconded by Mr. Fink, all in favor.

Submitted by,

A handwritten signature in black ink, appearing to read "Fran Addicott". The signature is written in a cursive, flowing style.

Fran Addicott  
Planning & Zoning, Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
JUNE 20, 2018**

- I. Chairman Jeffrey Foltz called the meeting to order at 7:03 pm. In attendance were Commission members, Charles Fink, Robert Gray, Cynthia Greengold, Megan Reiser, and Susan Stebbing. Also in attendance were the Planning and Zoning Administrator, Christopher Jakubiak and the Planning and Zoning Clerk, Fran Addicott.

**II. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Fink moved to approve the Agenda. Seconded by Mr. Gray, all in favor.

**III. APPROVAL OF THE MINUTES OF THE MAY 9, 2018 PLANNING AND ZONING MEETING.**

**MOTION:** Mr. Gray moved to approve the May 9, 2018 Planning and Zoning Minutes. Seconded by Mrs. Reiser, all in favor.

**IV. REQUEST TO EXTEND APPROVAL OF THE HARBOR VISTA SOUTH SITE PLAN.**

Mr. Jakubiak opened by giving the Planning Commission some history about the project known as Harbor Vista South Apartments. In February 2016 the Town's Planning Commission approved a 58 unit Apartment Building by the name of Harbor Vista South Apartments located at the intersection of Harbor Road and Bayside Road, with parking under the building, marinas, boat slips, and sidewalks on Harbor Road. The Applicant is requesting a second one-year extension for the plan. Mr. Jakubiak stated the Town zoning provides that the Planning Commission can consider a request to extend an approval.

Mr. Blitz, Esquire was present on behalf of the Applicant/Owner Rod & Reel, Inc to request a second one-year extension of the preliminary site plan for the Harbor Vista South Apartments that was granted in 2017 by the Planning Commission. He said the reason for the extension is the same as the first. The construction necessary for the development of the Harbor Vista South Apartments cannot begin until the construction of the parking facility on the Rod & Reel property across Bayside Road is complete. The property for Harbor Vista South Apartments is needed for parking during the construction of that parking facility.

The Commission had concerns that they are in the beginning stages of preparing the new Comprehensive Plan and there could be changes to the Zoning Ordinance that would affect the construction of the project in the future. They asked for the legal opinion from the Town Attorney before voting on the approval of the one-year extension of the preliminary site plan to the Harbor Vista South Apartments.

**MOTION:** Mr. Gray moved to continue until our next meeting to seek a legal opinion from the Town Attorney about the Zoning Ordinance before voting to approve a one-year extension for the Harbor Vista South Apartments.  
Seconded by Mr. Fink, all in favor.

**V. COMPREHENSIVE PLAN REVIEW AND DISCUSSION.**

Chairman Foltz thanked the Commission for their commitment and effort they put into the task of preparing the Comprehensive Plan. His goal is to push through and get as much input from the public, so it can be completed and presented to the Town Council for their review and comments prior to a new election.

The Planning Commission read Section 4 of the Town's 2002 Comprehensive Plan report to better understand the starting point for the new plan and discussed their thoughts among one another.

Mr. Jakubiak presented an example of a town comprehensive planning survey with in depth policy questions to get the Planning Commission's feedback on how to approach the survey questions.

Comments were taken from the Commission.

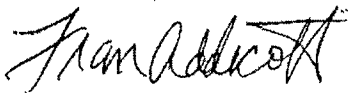
**VI. PUBLIC COMMENT**

Teresa York-7150 Old Bayside Rd, Chesapeake Beach, MD 20732

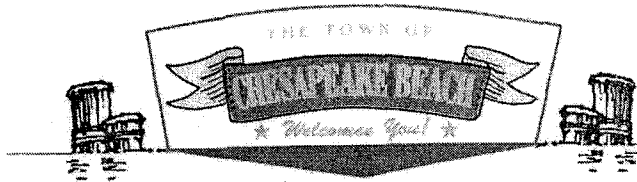
Councilman Larry Jaworski- 8665 Bay Walk Square, Chesapeake Beach, MD 20732

There being no further business, the meeting adjourned at 9:23 pm on a motion made by Mr. Fink. Seconded by Mrs. Greengold, all in favor.

Submitted by,



Fran Addicott  
Planning & Zoning, Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
JULY 11, 2018**

- I. Chairman Jeffrey Foltz called the meeting to order at 7:00 pm. In attendance were Commission members, Charles Fink, Robert Gray, Cynthia Greengold, Megan Reiser, and Susan Stebbing. Also in attendance were the Planning and Zoning Administrator, Christopher Jakubiak and the Planning and Zoning Clerk, Fran Addicott.

II. **APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the Agenda. Seconded by Mr. Fink, all in favor.

III. **APPROVAL OF THE MINUTES OF THE JUNE 20, 2018 PLANNING AND ZONING MEETING.**

**MOTION:** Mr. Fink moved to approve the June 20, 2018 Planning and Zoning Minutes. Seconded by Mrs. Greengold, all in favor.

IV. **CONTINUATION OF REVIEW OF THE REQUEST BY THE ROD-N-REEL PROPERTIES TO EXTEND THE APPROVAL OF THE PRELIMINARY SITE PLAN FOR THE HARBOR VISTA SOUTH PROJECT.**

At the last P&Z meeting, the Commission Members wanted to ask for legal advice from the Town Attorney before they would grant approval of a second 1-year extension. Based on the legal opinion from the Town Attorney, the Planning Commission does not have the authority to extend the preliminary site plan for the Harbor Vista South Apartments. Only a one 1-year extension can be granted §290-23 (D)(1) of the Town Zoning Ordinance (Chapter 290 of the Town Code).

**MOTION:** Mr. Gray moved to deny the applicant's request for a second extension to the Harbor Vista South Apartments preliminary site plan approval, based upon the advice of the Town Attorney, the Planning Commission only has the authority to grant one 1-year extension. Seconded by Mrs. Reiser. Ayes, Mrs. Reiser, Mr. Gray, and Mrs. Stebbing. Opposed, Mrs. Greengold and Mr. Fink. Motion passed.

V. **COMPREHENSIVE PLAN REVIEW AND DISCUSSION.**

The Planning Commission discussed ideas for the Comprehensive Plan Public Information Hearing that will be scheduled for September 12<sup>th</sup> at 7:00 pm at the NE Community Center. The Commission will also have a Public Information Workshop that is tentatively scheduled for September 18<sup>th</sup> at 7:00 pm in the Chambers at Town Hall.

Chairman Foltz mentioned that Mayor Mahoney received a letter of interest from Mr. Larry Brown for the vacancy position on the Planning Commission. Mr. Brown will be before the Town Council for approval at the next Town Council Meeting and be a new member to the P&Z Commission.

**VI. PUBLIC COMMENT**

Teresa York-7150 Old Bayside Rd, Chesapeake Beach, MD 20732

Councilman Larry Jaworski- 8665 Bay Walk Square, Chesapeake Beach, MD 20732

There being no further business, the meeting adjourned at 9:23 pm on a motion made by Mr. Fink. Seconded by Mrs. Greengold, all in favor.

Submitted by,

A handwritten signature in cursive script that reads "Fran Addicott".

Fran Addicott  
Planning & Zoning, Clerk





OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
AUGUST 8, 2018

- I. Chairman Jeffrey Foltz called the meeting to order at 7:00 pm. In attendance were Commission members, Larry Brown, Charles Fink, Robert Gray, Cynthia Greengold, Megan Reiser, and Susan Stebbing. Also, in attendance were the Planning and Zoning Clerk Fran Addicott. The Zoning Administrator Mr. Jakubiak was absent.

II. APPROVAL OF THE PLANNING AND ZONING AGENDA.

**MOTION:** Mr. Gray moved to approve the Agenda. Seconded by Mr. Fink, all in favor.

III. APPROVAL OF THE MINUTES OF THE JULY 11, 2018 PLANNING AND ZONING MEETING.

**MOTION:** Mrs. Reiser moved to approve the July 11<sup>th</sup> 2018 Planning and Zoning Minutes. Seconded by Mrs. Greengold, all in favor.

IV. INTRODUCE THE NEWEST MEMBER OF THE PLANNING COMMISSION MR. LARRY BROWN.

*The Planning Commission introduced Mr. Larry Brown. Mr. Brown is married and lives on C Street. He is a retired Naval Officer who worked for the Department of Energy.*

V. DISCUSS THE COMPREHENSIVE PLAN AND UPCOMING SEPTEMBER MEETING WHICH INCLUDES THE PUBLIC HEARING.

*Plans have been made for the Planning Commission to hold a Public Work Session to kick off the new Comprehensive Plan that will be held at the NE Community Center on September 12, 2018 at 7:00 pm. For those who cannot attend, a recap and review of the work session will be held at Town Hall on September 18, 2018 at 7:00 pm. Over the next six to twelve months the Planning Commission will seek input and involvement from Town residents, businesses, community groups, and governmental agencies.*

*Chairman Foltz scheduled a Work Session to be held on September 5<sup>th</sup> at Town Hall to allow the Planning Commission to review and discuss the material before the Comprehensive Plan Public Work Session on September 12<sup>th</sup>.*



**VI. PUBLIC COMMENT**

Val Cawood- Treasurer, Locust Grove, Chesapeake Beach MD

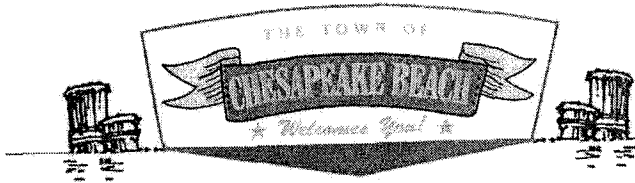
John Bacon- 8717 C St. Chesapeake Beach MD- *Mr. Bacon made a presentation in regard to the relocation of the old bridge railing sections.*

There being no further business, the meeting adjourned at 8:20 pm on a motion made by Mrs. Greengold. Seconded by Mr. Fink, all in favor.

Submitted by,

A handwritten signature in cursive script, appearing to read "Fran Addicott".

Fran Addicott  
Planning & Zoning Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING  
COMPREHENSIVE PLAN WORK SESSION  
SEPTEMBER 5, 2018**

- I. Megan Reiser, Commission Co-Chair, called the meeting to order at 7:00 pm. In attendance were Larry Brown, Charles Fink, Cynthia Greengold, and Robert Gray, Commission Members, Christopher Jakubiak, Planning and Zoning Administrator and Fran Addicott, Planning and Zoning Clerk. Absent was Susan Stebbing, Commission Member.

Mrs. Reiser stated Chairman Foltz would be late.

- II. **REVIEW AND DISCUSS THE COMPREHENSIVE PLAN WORK SESSION SCHEDULED FOR SEPTEMBER 12, 2018 TO BE HELD AT THE NORTHEAST COMMUNITY CENTER AT 7:00 PM.**

Mr. Jakubiak briefed the Commission members on the schedule for the upcoming Comprehensive Plan Public meeting on September 12, 2018. It will be as follows:

- There will be a sign-up sheet upon entering the meeting.
- The Mayor will open the meeting, Chairman Foltz will introduce the members and Mr. Jakubiak will speak on the "creation of a vision." He will explain the Comprehensive Plan, and the process to set policies for the Town.
- The power point presentation on "Community Vision" will begin.
- The public will be assigned into small groups with a Commission member to assist them in answering four major questions about their "vision" of the Town of Chesapeake Beach for the next 20 years.

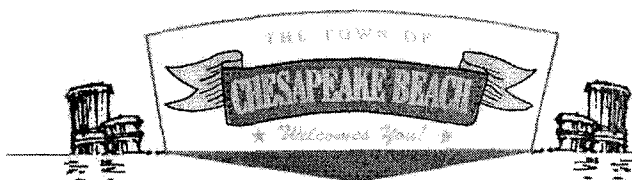
III. **PUBLIC COMMENT**

Amenda Brown – 7537 H St. Chesapeake Beach, MD

There being no further business, the meeting adjourned at 8:20 pm on a motion by Mr. Gray. Seconded by Mr. Fink, all in favor.

Submitted by,

Fran Addicott  
Planning & Zoning Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING  
COMPREHENSIVE PLAN WORK SESSION  
SEPTEMBER 12, 2018**

- I. Jeff Foltz, Commission Chair, called the Work Session to order at 7:10 pm. In attendance were Larry Brown, Charles Fink, Cynthia Greengold, Robert Gray and Sue Stebbing, Commission Members, Christopher Jakubiak, Planning and Zoning Administrator and Fran Addicott, Planning and Zoning Clerk.
- II. **REVIEW PLANNING AND ZONING COMPREHENSIVE PLAN WORK DISCUSSION.**

The Comprehensive Plan Work Session was held at the North East Community Center. There were 42 people in attendance. Mayor Mahoney, Councilwoman Beaudin, Councilman Jaworski, and Councilman Favret were present.

  - *The Mayor opened- up the work session by thanking everyone for coming out and participating. Chairman Foltz introduced the Commission Members.*
  - *Mr. Jakubiak began the power point presentation on "Community Vision." He explained the Comprehensive Plan. A survey was passed out to everyone with one question titled, "What attributes attracted you to and/or keep you in Chesapeake Beach." He asked everyone to break into groups and have one Commission Member lead the discussion. Each group answered three questions about their vision of the future for Chesapeake Beach. All the information was collected and submitted to the Planning Commission.*
  - *Mr. Jakubiak thanked everyone for their input and participation.*
- II. There was no public comment and the meeting adjourned at 8:45 pm.

Submitted by,

Fran Addicott, P&Z Clerk



**MINUTES OF THE PLANNING AND ZONING  
COMPREHENSIVE PLAN WORK SESSION  
SEPTEMBER 18, 2018**

- I. Jeff Foltz, Commission Chair, called the Work Session to order at 7:05 pm. In attendance were Larry Brown, Charles Fink, Cynthia Greengold, Robert Gray and Sue Stebbing, Commission Members, Christopher Jakubiak, Planning and Zoning Administrator and Fran Addicott, Planning and Zoning Clerk.

- II. **APPROVE THE SEPTEMBER 5 & SEPTEMBER 12, 2018 COMPREHENSIVE PLAN WORK SESSION MINUTES.**

**MOTION:** Mr. Fink moved to approve the September 5<sup>th</sup> and September 12<sup>th</sup> Comprehensive Plan Work Session minutes. Seconded by Mr. Gray, all in favor.

- III. **DISCUSSION OF THE COMPREHENSIVE PLAN WORK SESSION AND THE PUBLIC INPUT.**

- IV. Chairman Foltz opened the meeting by thanking everyone for attending. He stated that this meeting was a follow up to the September 12, 2018 work session for the ones who were not able to attend. Fourteen people signed in, but more were present.

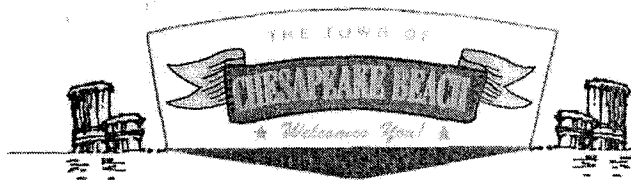
Mr. Jakubiak showed the "Community Vision" presentation and encouraged the public to discuss the four questions from the presentation. Some ideas included, more parking, steady growth, and more sidewalks. Some things to think about were the infrastructure for the rising water and sewer lines in the future and making the town more energy efficient.

Chairman Foltz thanked everyone for coming out and sharing their input.

- V. There was no public comment and the meeting adjourned at 8:45 pm on a motion made by Mr. Gray. Seconded by Mr. Fink, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
OCTOBER 10, 2018**

- I. Chairman Jeffrey Foltz called the meeting to order at 7:10 pm. In attendance were Commission Members, Larry Brown, Charles Fink, Cynthia Greengold, and Megan Reiser. Also, in attendance were the Planning and Zoning Clerk Fran Addicott, and the Zoning Administrator Mr. Christopher Jakubiak. Commission Members Robert Gray and Susan Stebbing were absent.

II. **APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the Agenda. Seconded by Mr. Brown, all in favor.

III. **APPROVAL OF THE MINUTES OF THE AUGUST 8, 2018, PLANNING AND ZONING MEETING AND THE SEPTEMBER 18 COMPREHENSIVE PLAN WORK SESSION.**

**MOTION:** Mrs. Greengold moved to approve the August 8<sup>th</sup> Planning and Zoning Minutes and the September 18, Comprehensive Plan Work Session. Seconded by Mr. Fink, all in favor.

IV. **WORK SESSION ON THE COMPREHENSIVE PLAN UPDATE.**

Mr. Jakubiak took the comments from the comprehensive plan work sessions and consolidated them into a narrative and created a draft titled "Chesapeake Beach Comprehensive Plan 2040 Vision", which he presented at the meeting. He discussed each topic under the major themes. He presented a slide show on the rising sea levels and sea level projection that showed the existing conditions and the roads and neighborhoods in town that would be impacted in the year 2100. There was public input and discussion.

Some ideas included:

- Creating a town center and community gathering place. The participants said the Town should grow in a steady and controlled manner.
- Preserve the "small town atmosphere, town charm, sense of place", and promote education and mentioned improvements like placing utilities underground and reducing sign clutter.
- Connecting communities and promoting "cohesive" development.
- The need for bikeways and sidewalks, expanding trails.
- Safeguard the town from flooding and erosion, restore streams, and stabilize the cliffs along the Boardwalk.
- Water taxi service and faster internet service were also stressed.

Chairman Foltz talked about getting a link on the Town's website for the public to access the "Comprehensive Plan Survey" questionnaire. The Town Hall office will post the meetings on the Town website and send reminders out in the "Happenings".

**PUBLIC COMMENT**

Laurie Blackwelder-3256 Cannoncade Ct. Chesapeake Beach  
Susan Webster Page-3907 27<sup>th</sup> St. Chesapeake Beach

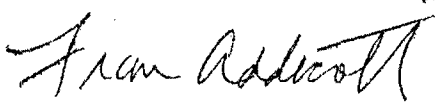
**V. ACCEPT COMMISSION MEMBER MEGAN REISER'S LETTER OF RESIGNATION**

Chairman Foltz told the Planning Commission that Megan Reiser is resigning from the Board. She has been a Commission Member for over ten years. Chairman Foltz talked about her hard work and expertise and thanked her for her service.

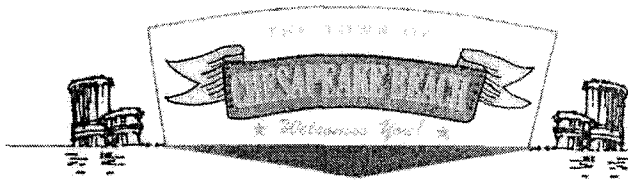
**MOTION:** Mrs. Greengold moved to approve Commission Member Megan Reiser's letter of resignation. Seconded by Mr. Fink, all in favor.

There being no further business, the meeting adjourned at 8:20 pm on motion made by Mrs. Greengold. Seconded by Mr. Fink, all in favor.

Submitted by,



Fran Addicott  
Planning & Zoning Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
NOVEMBER 14, 2018**

Commission member Charles Fink called the meeting to order at 7:04 pm. In attendance were Chairman Jeffrey Foltz, Commission members; Larry Brown, Robert Gray, and Susan Stebbing. Cynthia Greengold was absent. Also, in attendance were the Planning and Zoning Clerk Fran Addicott, and the Zoning Administrator Mr. Christopher Jakubiak, Town Engineer Paul Woodburn and Public Works Director James Berry.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Gray moved to approve the Agenda. Seconded by Mr. Brown, all in favor.

**II. APPROVAL OF THE MINUTES OF THE OCTOBER 10 2018, PLANNING AND ZONING MEETING.**

**MOTION:** Mr. Brown moved to approve the October 10, 2018 Planning and Zoning Minutes. Mr. Gray and Mrs. Stebbing abstained. Seconded by Mr. Fink, all in favor.

**III. RE-APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN AND APPROVAL OF RECORD PLATS, SECTION II, BLOCK S, RICHFIELD STATION, RESIDENTIAL PLANNED COMMUNITY. THE REMAINING SECTION OF THE TOWNHOUSE DEVELOPMENT CONTAINS 48 FEE-SIMPLE TOWNHOUSE UNITS.**

Mr. Jakubiak explained that the Town received an application and a site development plan for Section II, Block S. It is the last section of the townhouse development in Richfield Station. The proposal would add a final group of 48 townhouse units. Crest View Lane would be extended southward with houses fronting it.

*The applicants received approval in 1991 when the developer submitted a zoning map amendment and an overall development plan to the town under the provisions of zoning ordinance, section 290-16, Residential Planned Community (RPC) District.*

The land was zoned RPC and the developer was authorized to proceed with a phased development. The Planning Commission approved the entire phase known as Block S in March 2012, but circumstances prevented the developer from finishing the project. The stormwater management pond and other structures and facilities were installed, the land was cleared for development and mass grading was done, also the Railway Trail ends at the property and will connect to Crestview Lane with a sidewalk.

In July 2016, the development plan was approved by the Planning Commission but due to the time and lack of progress, the approval expired. The Developer Mike Roepcke and his

Attorney Joe Devlin were present and are now seeking to obtain a new approval, or a re-approval for what remains of Block S, as well as the final subdivision plat.

Joe Devlin spoke about the history of the project. He stated that they had a development plan approved in July 2016, to allow 48 fee simple townhouses, previously they were 48 condo townhouses, but in July 2016, the development plan was changed to authorize and allow 48 fee simple townhouses. They want to get plats to go along with that and a revised development plan. Mr. Jakubiak had asked him about an access easement to be added to the development plan. Mr. Devlin said they have done that.

The history of the project is that the Section S is in the critical area and it has been under development since 2009 and has gone through phases. He took the planning commission through the phases to Section S.

Questions from the Commission members were answered by Mr. Devlin.

Some had concerns about the increased traffic from the new development. Mr. Woodburn said that a light on Route 260 and Richfield Station will be installed within the next 2 years.

Councilman Morris spoke on behalf of the Homeowner President Mr. Kelly Krick about the existing conditions of quality control on the construction, i.e. valve covers coming out from the ground, storm water management drains and asphalt issues that should be inspected. HOA and Town responsibilities were also discussed. He said everyone is anxious to get past the development stage and is in favor of approving the plan.

Mr. Jakubiak mentioned that in moving forward with the project the Town will require that before the County issues a Use and Occupancy permit, the Town will certify the construction standards. Mr. Jakubiak said that the most important conditions are the grading approvals, building permit, wetland approvals and storm water management and erosion and sediment control approvals.

Upon Mr. Fink's recommendation, Chairman Foltz agreed to forward the public concerns to Mr. Woodburn and Mr. Berry as they work through the public works agreement.

**MOTION:** Mr. Fink moved to approve the Preliminary Development Plan and the Plats for Section II Block S, Richfield Station as discussed. Forward the notes to the Engineer and the Public Works Director and follow the standard Public Works Agreement. Seconded by Mr. Gray, all in favor.

#### **PUBLIC COMMENT ON RICHFIELD STATION DEVELOPMENT PLAN**

Councilman Greg Morris- 2425 Woodland Ct.  
Leslie Trevethan- 8205 Tartan Ct.  
Charlotte Allison- 8232 Bayside Rd.  
Kevin Farrell- 2548 Crestview Lane.  
Laura Blackwelder-3256 Cannoncade Ct.



## **PUBLIC COMMENT ON THE COMPREHENSIVE PLAN**

Susan Webster-3907 27<sup>th</sup> St.  
Councilman Greg Morris-2425 Woodland Ct.  
Bernard Gibson-8725 C St.  
Yolanda Hipski- 8503 Tartan Ct.

### **IV. COMPREHENSIVE PLAN DISCUSSION.**

There were eleven residents that signed in for the Comprehensive Plan Discussion.

Mr. Jakubiak was happy to announce that the Comprehensive Plan Survey is now live on the Town's website. In addition, an email blast was sent out to the residents that have signed up for it. There are five questions at this time, after a set time period, five more questions will be generated and added to the questionnaire.

Mr. Jakubiak reviewed historic and projected household and population data and the Planning Commission discussed forecasting growth.

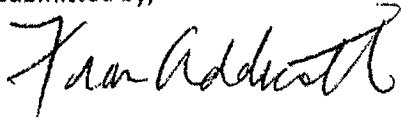
The Town growth has slowed drastically during the past decade, it has only grown 3 %. Calvert County growth management had slow growth following 2000.

The Maryland Suburban Washington Region grew at less than 1% per year between 2000 and 2020. The Town has increased its share of the County population, as planned.

There are about 170 housing units expected in the remaining sections of Richfield Station and The Heritage which will add about 475 new residents to the Town.

There being no further business, the meeting adjourned at 10:04 pm on a motion made by Mr. Gray. Seconded by Mr. Fink, all in favor.

Submitted by,



Fran Addicott  
Planning & Zoning Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
DECEMBER 12, 2018**

Chairman Jeffrey Foltz called the meeting to order at 7:05 pm. In attendance were Commission Members; Larry Brown, Charles Fink, and Robert Gray. Cynthia Greengold and Sue Stebbing were absent. Also, in attendance were the Planning and Zoning Clerk Fran Addicott, and the Zoning Administrator Mr. Christopher Jakubiak.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Gray moved to approve the Agenda. Seconded by Mr. Brown, all in favor.

**II. APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 2018 PLANNING AND ZONING MEETING.**

**MOTION:** Mr. Fink moved to approve the November 14, 2018 Planning and Zoning Minutes. Seconded by Mr. Brown, all in favor.

**III. COMPREHENSIVE PLAN DISCUSSION**

Mr. Jakubiak presented a slide show and discussed the first responses to each question from the Comprehensive Plan on-line survey.

**IV. NOMINATE AND ELECT A NEW VICE CHAIRMAN TO THE PLANNING AND ZONING COMMISSION.**

**MOTION:** Mr. Gray moved to nominate Mr. Fink for Vice Chairman. Seconded by Mr. Brown, all in favor.

**PUBLIC COMMENT**

Charlotte Allison - 8232 Bayside Rd.  
Vince Cutcher - 8232 Bayside Rd.  
Laura Blackwelder - 3256 Cannoncade Ct.

There being no further business, the meeting adjourned at 8:47 p.m. on a motion by Mr. Gray. Seconded by Mr. Brown, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
FEBRUARY 13, 2019**

Chairman Jeffrey Foltz called the meeting to order at 7:04 pm. In attendance were Commission Members; Larry Brown, Charles Fink, Cynthia Greengold, Robert Gray and Sue Stebbing. Also, in attendance were the Planning and Zoning Clerk Fran Addicott, and the Zoning Administrator Mr. Christopher Jakubiak.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the Agenda. Seconded by Mr. Brown, all in favor.

**II. APPROVAL OF THE MINUTES OF THE DECEMBER 12, 2018 PLANNING AND ZONING MEETING.**

**MOTION:** Mr. Fink moved to approve the December 12, 2018 Planning and Zoning Minutes. Seconded by Mr. Brown, all in favor. Mrs. Greengold and Ms. Stebbing abstained.

**III. RICHFIELD STATION COMMUNITY SIGN DISCUSSION REQUESTED BY THE ZONING ADMINISTRATOR.**

Mr. Jakubiak has received an application from the HOA for Richfield Station for a new sign and structure. It would replace the existing Richfield Station Community Sign that is there and will include three flags positioned behind the sign. Since the current zoning ordinance doesn't list the types of signs that are allowed in residential districts or reference this type of community entrance sign, Mr. Jakubiak wanted to bring the application forward to the Planning Commission for review.

Mr. Jakubiak introduced Mr. Joe Nicosia, the Vice President of the HOA in Richfield Station to present the new sign proposal. He stated that the current sign is dated and is in disrepair. The new sign is more modern and made of stone. The HOA wants to add three flags, the American flag to honor the veterans in the Community, the Maryland flag, and a Richfield Station flag. Mr. Nicosia said he seeks the Planning Commission's approval.

Mrs. Greengold had a question about the fencing along the sides of the current sign. Mr. Nicosia said that it would be eliminated, and new landscaping and lights will be in place. The height of the sign will be 90 inches. Mr. Gray asked about the positioning of the lights and if the location of the sign would be in the right of way of the state highway regulations.

Chairman Foltz and the Planning Commission discussed the three types of flags that are being proposed and thought it would be better to have a Chesapeake Beach flag instead of a Richfield Station flag, since the Richfield Station lettering is already on the sign.

**MOTION:** Mr. Brown made a motion to approve the proposed sign permit application, providing the three flags represent the United States, Chesapeake Beach, and Maryland, and to include the State Highway provision that the sign meet all the limitations of the Highway Administration. Seconded by Mrs. Greengold, all in favor.

**IV. COMPREHENSIVE PLAN DISCUSSION/PRESENTATION GIVEN BY THE WALKABLE COMMITTEE.**

Councilman Favret, Chair of the Walkable Committee Group was present along with several members of the group to give a presentation on their "vision" for the future. Mr. Favret stated that "walkability" has been a big recommendation from the residents that have attended the comprehensive plan meetings and workshops. Mr. Favret stated the group has worked very hard to develop a vision for all areas of the Town and welcomes any feedback from the Planning Commission and the public, both positive and constructive. The group received and addressed comments, questions and concerns from the Commission and the public.

**V. PUBLIC COMMENT**

Councilman Morris- 2425 Woodland Ct, Chesapeake Beach Md

There being no further business, the meeting adjourned at 9:20 p.m. on a motion made by Mr. Gray. Seconded by Mr. Fink, all in favor.

Submitted by,



Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
APRIL 10, 2019**

Chairman Jeffrey Foltz called the meeting to order at 7:05 pm. In attendance were Commission Members; Larry Brown, Charles Fink, Cynthia Greengold. Robert Gray and Sue Stebbing were absent. Also, in attendance were the Planning and Zoning Clerk Fran Addicott, and the Zoning Administrator Mr. Christopher Jakubiak.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Brown moved to approve the Agenda. Seconded by Mrs. Greengold, all in favor.

**II. APPROVAL OF THE MINUTES OF THE FEBRUARY 13, 2019 PLANNING AND ZONING MEETING.**

**MOTION:** Mrs. Greengold moved to approve the February 13, 2019 Planning and Zoning Minutes. Seconded by Mr. Fink, all in favor.

**III. MINOR SUBDIVISION PLAT REVIEW SUBMITTED BY GREG SHELTON 8310 BAYSIDE RD.**

Mr. Jakubiak introduced the Applicants Mr. Greg Shelton, Mrs. Annette Taylor and their Engineer Mr. Kevin Shaver from Wilkerson & Associates, Inc.

The Applicants Mr. Greg Shelton and Mrs. Annette Taylor are proposing to sub divide a lot they own located at the corner of 8310 Bayside Road and 28<sup>th</sup> Street. The lot would be buildable for one home only. The lot size is a minimum of 6,000 square feet in the Residential Village district. There is a sidewalk along Maryland 261. The applicants placed a 10-foot easement along 28<sup>th</sup> Street for utilities and a sidewalk. The sewer lines are protected by an easement as well. All the setbacks are in compliance with the code.

Questions and concerns were taken from the Planning Commission.

**MOTION:** Mr. Fink moved to approve the preliminary site plan. Seconded by Mr. Brown, all in favor.

**IV. COMPREHENSIVE PLAN DISCUSSION.**

Mr. Jakubiak presented a draft document with the first three chapters of the Comprehensive Plan for discussion and feedback from the Planning Commission.

- I. Introduction- Appraisal of current Comprehensive Plan.
- II. Growth -The Population of Chesapeake Beach
- III. Municipal Growth

**V. PUBLIC COMMENT**

Councilman Greg Morris-2425 Woodland Ct.

There being no further business, the meeting adjourned at 10:20 p.m. on a motion made by Mr. Fink. Seconded by Mr. Brown, all in favor.

Submitted by,

A handwritten signature in cursive script, appearing to read "Fran Addicott".

Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
May 8, 2019

Chairman Jeffrey Foltz called the meeting to order at 7:04 pm. In attendance were Commission Members; Larry Brown, Robert Gray, Cynthia Greengold, and the Planning and Zoning Clerk Fran Addicott. Absent were Commission Members, Charlie Fink and Christopher Jakubiak, Planning and Zoning Administrator.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the Agenda. Seconded by Mr. Brown, all in favor.

**II. APPROVAL OF THE MINUTES OF THE APRIL 10, 2019 PLANNING AND ZONING MEETING.**

**MOTION:** Mrs. Greengold moved to approve the April 10, 2019 Planning and Zoning Minutes. Seconded by Mr. Brown, all in favor.

It was noted that Commission Member Sue Stebbings had submitted a letter of resignation in April.

**III. DISCUSS THE CONSIDERATION TO REOPEN THE 18<sup>TH</sup> STREET ENTRANCE.**

Chairman Foltz opened the meeting by stating that he was notified by the Town Administrator that the owners of Roland's Grocery Store had requested that the 18<sup>th</sup> Street entrance behind the store be reopened.

Chairman Foltz stated the Planning Commission would receive public comments and concerns from the community regarding the request to reopen the 18<sup>th</sup> Street entrance. The public comments received will allow the Commission to give recommendations and guidance to the Mayor and Town Council for their consideration to reopen the 18<sup>th</sup> Street entrance.

Chairman Foltz explained that in 2008 the Mayor and Town Council adopted an Ordinance #0-08-5 to close and abandon a portion of 18<sup>th</sup> Street running between MD Rt 261 and proceeding east along the northern right of way line of 18<sup>th</sup> Street 100.52 feet, and east along the southern right of way line of 18<sup>th</sup> Street 96.69 feet, between block 76 and 79 of the Chesapeake Beach Subdivision.

Ms. Shirley Pelletier, the owner of Roland's came before the Planning Commission to represent the Grocery Store. She listed the interests of having a second egress out of the parking lot.

- The growth of the area and the 700-car parking garage that is under construction at the Rod n Reel, Mears Ave will be congested. In case of fire or emergencies, vehicles will need more than one way in and out of the parking lot.

- 18<sup>th</sup> Street would be used for the community only. Deliver trucks will not be allowed.
- The heavy traffic from the Rod n Reel that is open 24 hours, and the 4<sup>th</sup> of July events will bring many more cars, making it worse to exist onto Mears Ave.
- The landlords of the shopping center are willing to put an opening onto 17<sup>th</sup> Street.
- Wants safety for the businesses and the people that shop there.

Ms. Pelletier said that reopening 18<sup>th</sup> Street would be greatly appreciated by their customers and thanked the Planning Commission for their time.

**PUBLIC COMMENT WAS RECEIVED BY THE FOLLWING:**

**Wayne Gordy**- 3913 18<sup>th</sup> St. – Spoke in opposition.

**John Muller**- 7787 C St. – Spoke in opposition.

**Margaret Miller**- 7840 C St. – Spoke in opposition.

**Paul Dougherty**- 4000 Arcade Ct. – He said that having a second entrance to the shopping center wouldn't be that unreasonable if the configuration of 18<sup>th</sup> & C Street could accommodate the traffic.

**Mary Mathis** -7778 C St. – Spoke in opposition.

**Jim Everett** - 3917 18<sup>th</sup> St. -Spoke in opposition.

**Pamela Johnson** – 7731 C St- Spoke in opposition.

**Scott Rine** – 3910 18<sup>th</sup> St.- Spoke in opposition.

**Sven Thulin**- 4007 Arcade Ct – Spoke in opposition. He recommended better traffic control.

**Jim Boekstein**- 4004 17<sup>th</sup> St. – Spoke in opposition.

**Jennifer Parmalee**- 7700 C St. – Spoke in opposition.

**Cindy Greengold** – 7629 C St. – Spoke in opposition.

**Councilwoman Valerie Beaudin** – 8307 Bayside Rd. – Councilwoman Beaudin said that if the consideration to reopen the 18<sup>th</sup> Street entrance would come before the Town Council; it would come before them as an ordinance.

Chairman Foltz thanked everyone for their comments and concerns and said that there would be an opportunity for the public to speak again at the June 12, Planning and Zoning meeting. Finally, Chairman Foltz said that there wasn't anything to add on the Comprehensive Plan at this meeting, but we are still collecting input and encourage the community to fill out the Comprehensive Plan online survey if they haven't already at [www.chesapeakebeachmd.gov](http://www.chesapeakebeachmd.gov).

There being no further business, the meeting adjourned at 8:04 pm. on a motion made by Mr. Gray. Seconded by Mrs. Greengold, all in favor.

Submitted by,



Fran Addicott, P&Z Clerk





OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION

JUNE 12, 2019

Vice Chairman Charlie Fink called the meeting to order at 7:11 pm. In attendance were Larry Brown, Robert Gray, Cynthia Greengold, and Laura Blackwelder, Commission Members, Christopher Jakubiak, Planning and Zoning Administrator, and Fran Addicott, Zoning Clerk. Absent was Chairman Foltz.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Gray moved to approve the Agenda. Seconded by Mrs. Blackwelder, all in favor.

**II. APPROVAL OF THE MINUTES OF THE MAY 8, 2019 PLANNING AND ZONING MEETING.**

**MOTION:** Mrs. Greengold moved to amend the May 8, 2019 Planning and Zoning Minutes to include in the record that she spoke in opposition of reopening the 18<sup>th</sup> Street entrance. Seconded by Mr. Gray.

Commission members Brown, Gray and Greengold in favor. Abstained, Commissioner Members Fink and Blackwelder. Motion Passes.

**III. INTRODUCE AND WELCOME NEW PLANNING COMMISSION MEMBER LAURA BLACKWELDER.**

Vice Chairman Fink introduced and welcomed new Commission Member Laura Blackwelder.

**IV. PUBLIC COMMENT TO BE RECEIVED, DISCUSSION REGARDING A REQUEST TO REOPEN THE 18<sup>TH</sup> STREET ENTRANCE BEHIND ROLAND'S GROCERY STORE.**

Due to the absence of some Planning Commission Members and the Zoning Administrator at the June 12<sup>th</sup> meeting Vice Chairman Fink asked Mr. Jakubiak to give a recap of the discussion to reopen the 18<sup>th</sup> Street entrance behind Roland's Grocery. Other commissioners added their comments to the discussion.

Vice Chairman Fink opened the floor for public comment.

Paul Doherty- 4000 Arcade Ct. Chesapeake Beach commented that having a second exit out of the parking lot would be a good idea but road re-design would be needed to make it work.

Shirley Pelletier of Roland's Grocery commented that in speaking with the other shopping center tenants, the consensus was that a second ingress/egress would improve the congestion that currently exists. Ms. Pelletier also stated that having only one way in and out of the parking lot presents a safety hazard.

A letter from the property owner of the Shopping Center was submitted to the Town and to the Commission Members stating that they are aware of the concerns that the residents and tenant businesses are facing. They agree with the Planning Commission and the residents from the community that the single means of ingress/egress to the center at Mears Avenue has become a challenge as a result of the garage construction at the Rod n Reel. They also realize that reopening the rear of the shopping center to 18<sup>th</sup> Street is not a desirable solution. They are willing to work with the Town and the Community to mitigate the current traffic issues at the shopping center.

The Commission recognizes the concern of vehicular safety at the shopping center. Mr. Gray commented that in an effort to try and resolve this issue, to the satisfaction of all, the property owners would need to present to the Commission a plan for consideration.

**MOTION:** Mr. Gray moved to recommend the property owners of the shopping center present to the Commission a plan addressing the matter for consideration. Seconded by Mr. Brown, all in favor.

#### **V. COMPREHENSIVE PLAN DISCUSSION.**

Mr. Jakubiak and Chairman Foltz propose that the Planning Commission hold two work sessions in July. One on July 10 at the regularly scheduled meeting and another on July 31<sup>st</sup> to review and move forward with the draft plan. Mr. Jakubiak has completed the first three chapters of the comprehensive plan. Vice Chairman Fink added that what Mr. Jakubiak is producing is more elegant than the old plan. It is designed to be consumed digitally, being more readable and having more graphics.

In closing, Mr. Jakubiak commented that the Town, along with the Walkable Advisory Group, met with four different design firms today, in an interview process, to select and make a recommendation to the Mayor and Town Council. The product coming out of that will essentially be a master plan for streets, from sidewalks to bike paths throughout Town. This will be presented to the Planning Commission for their review and adoption as an amendment to the comprehensive plan.

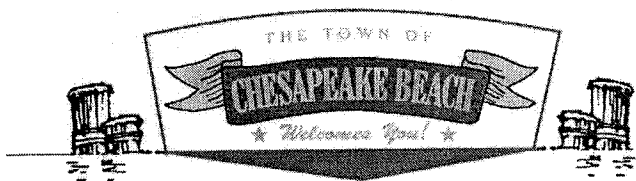
**PUBLIC COMMENT:** No further comments were received.

There being no further business, the meeting adjourned at 8:10 p.m. on a motion by Mrs. Blackwelder. Seconded by Mr. Gray, all in favor.

Submitted by,



Fran Addicott  
P&Z Clerk



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION  
JULY 10, 2019**

Chairman Foltz, called the meeting to order at 7:05 pm. In attendance were Commission Members; Larry Brown, Robert Gray, Cynthia Greengold, Laura Blackwelder, and Charlie Fink. Planning and Zoning Administrator Christopher Jakubiak, and Planning and Zoning Clerk, Fran Addicott.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Gray moved to approve the Agenda. Seconded by Mrs. Greengold, all in favor.

**II. APPROVAL OF THE MINUTES OF THE JUNE 12, 2019 PLANNING AND ZONING MEETING.**

**MOTION:** Mrs. Greengold moved to approve the June 12, 2019 Planning and Zoning Minutes. Seconded by Mr. Gray, all in favor.

**III. COMPREHENSIVE PLAN AND WORK SESSION.**

Mr. Jakubiak guided the Planning Commission through a power point presentation on the Land Use Plan.

There was an open discussion on the three kinds of main strategies for ways of organizing any changes that might occur over the next 20 years.

They are Commercial mix use center, Conservation of resource lands and Focus on conserving and protecting existing neighborhoods.

Commercial mix use was identified as a Gateway Center, which would be located at the entry of Rt 260 heading into the Town where there is commercial development today. Town Center is where Town Hall is located, and The Hilltop Center is just south of Town where there is commercially zoned property on both sides of the road and is partially developed. This is where public capital improvements can have the greatest benefits for creating conditions supportive of businesses. Mr. Jakubiak shared the following key principles for these Commercial mix use centers.

- They should be compact and walkable
- It should allow residences to live above commercial property to capitalize on the scenic views of the water.
- Manage traffic and parking. For instance, have an area that is shared by multiple development sites, allowing density close together so people can walk and have a compact walkable community.

- Create a unified center with landscaping, signage and building design for a broad design and planning principles that would be recommended in the Comprehensive Plan.

The next topic was the Planned Resource Conservation. Mr. Jakubiak showed areas on the map with quite a bit of woodland forest lands like major HOA's, environmental set asides, and forest conservation areas in Bayview Hills, Richfield Station and Chesapeake Village. There is also quite a bit of steeply sloped and wooded terrain areas. The key principle would be to protect underlying environment and the natural functions. To protect public safety by limiting use of steep slopes and floodplains. Acknowledge conversions underway due to sea level rise.

The last topic was Focusing on conservation and existing neighborhoods by improving infrastructure and residential amenities. Encourage development that is compatible with its location. Focus on allowable "housing types" rather than more abstract notions of "density". Encourage a variety of housing types suitable to the location within the Town and lifecycle housing needs.

In closing, Mr. Jakubiak said that the plan is a low-density measured restricted plan for the Town. The consensus from the Planning Commission spoke in favor of it and supports the plan. Commissioner Blackwelder had concerns with the density involved in the proposed plan and the high-density types of housing.

A draft of the plan will be sent out to the Planning Commission soon.

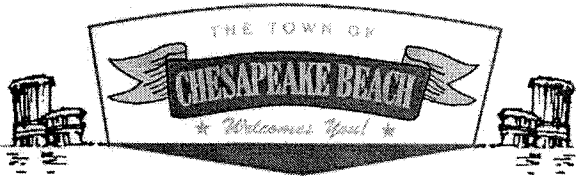
**PUBLIC COMMENT:** No public comments were received.

There being no further business, the meeting adjourned at 9:55 p.m. on a motion by Mr. Gray. Seconded by Mr. Fink, all in favor.

Submitted by,



Fran Addicott  
P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION  
JULY 31, 2019**

Chairman Foltz, called the meeting to order at 7:05 pm. In attendance were Commission Members; Larry Brown, Robert Gray, Cynthia Greengold, Laura Blackwelder, and Charlie Fink. Planning and Zoning Administrator Christopher Jakubiak, and Planning and Zoning Clerk, Fran Addicott.

Chairman Foltz called the Comprehensive Plan work session to order at 7:00 p.m.

**WORK SESSION – COMPREHENSIVE PLAN:**

Mr. Jakubiak discussed Chapter 4- The Natural Environment. He went over how he incorporated the Planning Commission's comments from the last meeting into the plan. He also talked about some changes he would like to introduce to the initial concepts about the sea level rise issue.

Mr. Jakubiak mentioned that sensitive areas like steep slopes, shorelines, wetlands, and flood plains are required under state law to be in the Comprehensive Plan. The Comprehensive Plan will be different from the previous Plan because it will address sea level rise. The Natural Environment Chapter satisfies that. There will be five or six key recommendations that the Town can commit to and work to achieve over the next twenty years.

Mr. Jakubiak received comments and feedback from the Planning Commission.

Chapter 5- Land Use Section will be finished and will be discussed at the September Planning and Zoning meeting, it will be put in drop box for the Commission to read.

**PUBLIC COMMENT:**

Councilwoman Valerie Beaudin-8307 Bayside Rd. Chesapeake Beach MD

Mrs. Beaudin spoke about dredging, sea level rise and the Town's population. She commended the Planning Commission for doing a great job with the Comprehensive Plan.

**MOTION:** Mr. Brown moved to cancel the August meeting due to the absence of Mr. Jakubiak. Seconded by Mr. Gray, all in favor.

There being no further business, the meeting adjourned at 10:15 p.m. on a motion by Mr. Gray. Seconded by Mrs. Greengold, all in favor.

Submitted by,

A handwritten signature in cursive script, reading "Fran Addicott". The signature is written in dark ink and is positioned above the printed name and title.

Fran Addicott  
P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION  
SEPTEMBER 11, 2019

Chairman Foltz, called the meeting to order at 7:05 pm. In attendance were Commission Members; Larry Brown, Robert Gray, Cynthia Greengold, Laura Blackwelder, and Charlie Fink. Planning and Zoning Administrator Christopher Jakubiak, and Planning and Zoning Clerk, Fran Addicott.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Brown moved to approve the Agenda. Seconded by Mr. Fink, all in favor.

**II. APPROVAL OF THE MINUTES OF THE JULY 10, 2019 PLANNING AND ZONING MEETING.**

**MOTION:** Mr. Gray moved to delay the approval of the July 10, 2019 Planning and Zoning Minutes until re-issued with added comments from Commissioner Blackwelder concerning density and high-density types of housing in the proposed plan. Seconded by Mrs. Greengold, all in favor.

**III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2019 PLANNING AND ZONING MEETING.**

**IV. COMPREHENSIVE PLAN DISCUSSION / WORK SESSION.**

Mr. Jakubiak brought back the Land Use "draft" plan from Chapter IV and shared with the Planning Commission. There were many changes made to the draft. He went over adapting to Sea Level Rise and Flooding Vulnerabilities. The plan adopts basic principles to guide Chesapeake Beach for 100 years, recognizing that once every 10 years, the Town would revisit them and the recommendations that flow from them. Mr. Jakubiak worked with the Eastern Shore Regional GIS in Salisbury University to compile maps which show the expected and predicted sea level rise in 2050 and 2100 and the extent of flooding in those years.

Several Planning Commission members had recommendations for the plan: Mr. Jakubiak noted each one and will incorporate them into the plan.

Mrs. Blackwelder is concerned about the growth and would like to have another discussion on it. Mrs. Greengold shared feedback from neighbor's regarding multi-levels of multi-use and the potential of high intensity areas. Mrs. Greengold encourages more public attendance to our Planning Commission meetings to share in the discussion and voice their ideas.

Mr. Jakubiak said that the forecast this plan is aiming to achieve is marginally higher than what is likely to happen. He said most of the growth is already planned as houses are being built now, and its far lower than any decade of growth in Chesapeake Beaches history. He said that the proposals we are discussing would effectively limit development well beyond 20 years, which is slow and restricted growth.

Mr. Fink said he is very comfortable with the draft as it stands right now.

Mr. Gray said to preserve the areas that are at high risk of flooding, we must move that density somewhere. It's a value decision that he said the planning body must make. He thinks a no growth scenario or reduced growth scenario will kill the Town and that there needs to be commercial development where the tax revenue comes from.

There was a dispute about low growth/ high growth and how much the Town needs. Mr. Jakubiak will have another discussion on growth at the next PC meeting.

Mr. Brown would like to see better maps being used in the Comprehensive Plan report to give residents better knowledge of a specific area of their concerns. His view of the plan is a slower growth approach.

In closing Chairman Foltz mentioned that there will be a Regional Planning Commissioner Workshop in Leonardtown on Sept 25. A few members will be attending.

He mentioned that "Taste of the Beaches" will be held on Sept 14, The Walkable Committee will have a booth with a planning professional to get feedback from the public.

Chairman Foltz encouraged the Planning Commission to take the time to listen when engaged with the public and try to recognize their visions for the town, and to encourage them to attend the meetings and or watch the meetings live on YouTube Livestream.

He stated that the planning body is not in the position of buying property or encouraging developers to build in the Town. He said that the Planning Commission is trying to create an environment that makes the Town successful from a zoning and development perspective. More amendments are needed within the Comprehensive "draft plan".

**PUBLIC COMMENT:** No public comments were received.

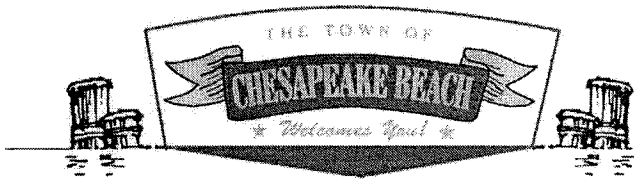
There being no further business, the meeting adjourned at 9:45 p.m. on a motion by Mr. Gray. Seconded by Mrs. Greengold, all in favor.

Submitted by,



Fran Addicott, PZ Clerk





OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
WORK SESSION-WATER & SEWER DRAFT MANUAL  
OCTOBER 9, 2019

Commission Member Robert Gray, Larry Brown, Laura Blackwelder, Planning & Zoning Administrator Christopher Jakubiak, Clerk, Fran Addicott, and Councilman Lawrence Jarowski were present. Chairman Jeffrey Foltz, Cynthia Greengold and Charles Fink were absent.

Commissioner Gray opened the meeting at 7:00 pm. This was an informational meeting. Due to the absence of a few Members there was not a quorum and therefore no action was taken.

Councilman Jarowski was present to provide the Planning Commission with information on the "Water & Sewer Draft Manual". He addressed the Commissioner's questions and concerns.

There being no further business, the meeting adjourned at 7:45 p.m.

Submitted by,

Fran Addicott  
Planning & Zoning Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
NOVEMBER 13, 2019

Chairman Foltz called the meeting to order at 7:00 pm. Also, in attendance were Commission Members Larry Brown, Laura Blackwelder and Cynthia Greengold. Planning & Zoning Administrator Christopher Jakubiak, and Planning and Zoning Clerk Fran Addicott. Commission Member Robert Gray was absent.

I. APPROVAL OF THE PLANNING AND ZONING AGENDA.

**MOTION:** Chairman Foltz proposed to amend the order of the agenda, by moving the "Recommendation of the Water and Sewer Manual" item to be discussed after the approval of the minutes out of respect for Councilman Jaworski who attended the meeting and was present to help the Planning Commission with this matter. Mrs. Greengold moved to approve the amendment, seconded by Mr. Brown, all in favor.

II. APPROVAL OF THE PLANNING AND ZONING MINUTES FROM THE JULY 10, 2019 MEETING.

**MOTION:** Mr. Brown moved to approve the Planning and Zoning minutes from the July 10, 2019 meeting. Seconded by Mrs. Greengold, all in favor.

III. APPROVAL OF THE PLANNING AND ZONING/COMPREHENSIVE PLAN WORK SESSION MINUTES FROM THE SEPTEMBER 11, 2019 MEETING.

**MOTION:** Mrs. Blackwelder moved to approve the Planning and Zoning minutes from the September 11, 2019 meeting. Seconded by Mrs. Greengold, all in favor.

IV. APPROVAL OF THE PLANNING AND ZONING MINUTES FROM OCTOBER 9, 2019 WATER & SEWER MANUAL WORK SESSION.

**MOTION:** Mrs. Greengold moved to approve the minutes from the October 9, 2019 Water and Sewer Manual Work Session. Seconded by Mrs. Blackwelder, all in favor.

**V. RECOMMENDATION TO THE MAYOR & TOWN COUNCIL ON THE DRAFT WATER & SEWER MANUAL.**

Councilman Jaworski was present and thanked the Planning Commission for its input on the changes to the Water and Sewer Manual. He received comments from the Planning Commission and answered questions regarding impact fees and growth.

**MOTION:** Chairman Foltz requested a motion be made signaling that the Commission recommends forwarding the draft Water and Sewer Manual to the Town Council for adoption. Mr. Brown moved to forward the draft Water and Sewer Manual to the Town Council with favorable recommendation for Council adoption. Seconded by Mrs. Greengold, all in favor.

**VI. ACCEPT CHARLIE FINK'S LETTER OF RESIGNATION FROM THE PLANNING AND ZONING COMMISSION.**

The Planning Commission accepted Charlie Fink's letter.

**VII. COMPREHENSIVE PLAN DISCUSSION – PARKS & OPEN SPACES**

Mr. Jakubiak presented on the topic of planning for parks and open spaces. The Planning Commission agreed that it is very important to be specific about requesting that the Tennis Court at Beach Elementary School be retained when redevelopment design begins and be added to the Comprehensive Plan.

General consensus also centered on the development of a pier via an expansion of Veterans' Park, expanding Bayfront Park into the adjoining Natural Heritage Area, the development of Kellam's Field into a major year-round Community Park and tourist destination, the development of more mini-parks/tot-lots, building more bike paths, and amending zoning and subdivision regulations to require that future projects include open space for park land and recreational amenities.

**VIII. PUBLIC COMMENT**

Theresa York emailed her comments to Chairman Foltz and the Planning Commission because she had to leave the meeting early.

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:45 p.m. on a motion by Mrs. Greengold. Seconded by Mr. Brown, all in favor.

Submitted by,



Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
DECEMBER 11, 2019

Chairman Foltz called the meeting to order at 7:00 pm. In attendance were Laura Blackwelder, Larry Brown, Johnathan Evans, and Robert Gray, Commission Members, Paul Woodburn, Town Engineer, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk. Absent was Cynthia Greengold.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mr. Gray moved to approve the Agenda.  
Seconded by Mr. Evans, in favor.

**II. APPROVAL OF THE NOVEMBER 13, 2019 PLANNING & ZONING-COMPREHENSIVE PLAN WORK SESSION.**

**MOTION:** Mr. Brown moved to approve the November 13, 2019 Meeting Minutes. Seconded by Mrs. Blackwelder. Ayes, Commission members Brown, Blackwelder, and Evans, Mr. Gray abstained, all in favor.

**III. INTRODUCE JONATHAN EVANS TO THE PLANNING COMMISSION.**

Chairman Foltz introduced and welcomed Jonathan Evans to the Planning Commission.

**IV. CONFIRM THE CHANGE IN THE DAY OF THE REGULAR MONTHLY PLANNING & ZONING MEETING FROM THE 2<sup>ND</sup> WEDNESDAY OF THE MONTH TO THE 4<sup>TH</sup> WEDNESDAY BEGINNING JANUARY 2020.**

Chairman Foltz proposed to change the meeting date beginning January 2020 to the 4<sup>th</sup> Wednesday of the month. There were no objections from the Town Council. The Planning Commissioners consented.

**V. REVIEW AND ACT ON A REQUEST TO REVISE SECTION II, BLOCK "S" OF THE TOWNHOUSE SECTION IN RICHFIELD STATION, TO CONVERT FROM A PUBLIC SEWER PUMP STATION TO INDIVIDUAL PRIVATE GRINDER PUMPS.**

Mr. Joseph Devlin, the Attorney representing Michael Roepcke, the Developer for Section II, Block "S" in Richfield Station was present seeking approval to revise the development plan and final plat for the last section in Richfield Station consisting of 48 townhouse units. The revision would replace the proposed Town owned and maintained sanitary sewer pump station with individual whole house grinder pumps. He also presented a revised landscaping plan featuring a pocket park on the site of the pump station.

Paul Woodburn the Town Engineer was present to give his input to the Planning Commission.

Mr. Woodburn stated that each house will have their own grinder pump with its own backup generator that will pump to the gravity system which is located on Crestview Lane. The grinder pump will be private and will be maintained by the individual homeowner. Mr. Woodburn commented that the system has worked well for Chesapeake Village and some other locations in Town and would recommend the Planning Commission's approval with the following conditions:

- Each Townhouse unit would require a privately owned propane backup generator to run the whole house pump unit.
- The applicant will be required to install a system with the gravity discharge manhole to eliminate potential odors to the satisfaction of the Town.
- All sewage system design elements, including the backup generator & pumps, shall be approved with the initial sewer design permit plans. Installation permits can be by others.
- The area of the original Town pump station shall be nicely landscaped and approved by the Zoning Administrator for dedication to the HOA.
- The Developer shall include a notification, to be signed by each new homebuyer, that outlines and describes the whole house pump and backup generator including manufacturer recommended maintained & warranties. Such notifications shall be approved by the Town with the initial sewer design permit plans.
- All fees associated with design sewer plans shall be paid prior to approval of a Public Works Agreement (PWA).

Mr. Woodburn addressed questions from the Planning Commission.

Mr. Jakubiak described the improvements to the Landscape Plan for the proposed HOA area which include a fence, shrub border, a sidewalk connection to the front of the lower block of three townhouses, and two benches.

**MOTION:** Mr. Gray moved to approve the revisions to the plats, grading, site plan and landscape plan with the conditions previously presented by Mr. Woodburn with the modification of #4 to read: "The area of the original town pump station shall be nicely landscaped with a plan to be approved by the Zoning Administrator for dedication to the HOA provided the HOA concurs with the improvements". Seconded by Mr. Evans, all in favor.

Chairman Foltz requested that Mr. Jakubiak keep the Commission up to date in regards to HOA discussions.

**VI. REVIEW AND ACT ON A SUBDIVISION PLAT FOR 3906 27<sup>TH</sup> STREET, CREATING TWO LOTS FROM ONE LOT IN THE MIDDLE SUBDIVISION.**

Mr. Jakubiak introduced William Watson who is representing the Applicant Christina M. Harbison for a Minor Subdivision Plat located at 3906 27<sup>th</sup> Street. The Applicant is proposing to subdivide the property into two lots. Mr. Watson presented a supplement to the preliminary plan that showed proposed private sewer easements.

**MOTION:** Mr. Gray moved to approve the Subdivision Plat located at 3906 27<sup>th</sup> Street with the following conditions, that the plat contain a note stating that there should be no structure erected within the 15-foot proposed storm drain easement or within the 5-foot storm drain easement, and that the owner convey a right of use of those easements to the Town of Chesapeake Beach, with the existing notes that are also contained on the Subdivision Plat. Seconded by Mr. Brown, all in favor.

**VII. PUBLIC COMMENTS**

Councilman Greg Morris – 2425 Woodland Ct, Chesapeake Beach MD.  
Councilman Morris would like to see a playground in combination with the development in Richfield Station.

Commissioner's Blackwelder and Gray would like to have agenda items available with more time to review.

Chairman Foltz announced his resignation from the Commission effective next week.

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:55 p.m. on a motion by Mr. Gray. Seconded by Mr. Evans, all in favor.

Submitted by,

A handwritten signature in cursive script, appearing to read "Fran Addicott".

Fran Addicott, P&Z Clerk



**MINUTES OF THE PLANNING AND ZONING COMMISSION  
JANUARY 22, 2020**

Commission Member Robert Gray called the meeting to order at 7:00 pm. In attendance were Laura Blackwelder, Larry Brown, Jonathan Evans, and Cynthia Greengold, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mrs. Blackwelder made a motion to approve the Agenda.  
Seconded by Jonathan Evans, all in favor.

**II. APPROVAL OF THE DECEMBER 11, PLANNING & ZONING MEETING MINUTES.**

**MOTION:** Mr. Brown made a motion to approve the December 11, 2019 Meeting Minutes. Seconded by Mrs. Blackwelder. Mrs. Greengold abstained, all in favor.

**III. NOMINATE AND ELECT A PLANNING COMMISSION CHAIRMAN.**

**MOTION:** Mr. Brown nominated Mr. Gray for Chairman of the Planning & Zoning Commission. Seconded by Mrs. Greengold, all in favor.

**IV. NOMINATE AND ELECT A PLANNING COMMISSION VICE CHAIRMAN.**

**MOTION:** Mrs. Greengold nominated Mr. Brown for Vice Chairman of the Planning & Zoning Commission. Seconded by Mrs. Blackwelder, all in favor.

**V UPDATE ON THE COMPREHENSIVE PLAN.**

Mr. Jakubiak updated the Planning Commission with a report of what has been accomplished thus far on the Comprehensive Plan. The main accomplishments to date has been to design a land use framework that addresses the creation of commercial centers, a limited amount of new residential growth, the protection of forested and steep slope areas, while incorporating the broad implications of predicted sea level rise and the extent of future flooding. The Planning Commission has reviewed five chapters of the updated plan so far and are summarized below.

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**Chapter 1- Introduction** – The “vision” statement was drafted from the ideas drawn from the public and shared at the work sessions.

**Chapter II- The Population of Chesapeake Beach-** Discussion on the demographics, economic income, and the population. The Town’s median household income is estimated to \$102,700, which is high relative to Maryland as a whole, where the median household is about \$78,900. Today, about 46% of Town residents commute outside of Calvert County to work. 12% of the workforce works within the Town limits.

**Chapter III-Municipal Growth-** This chapter notes that the Town, under its current zoning, has room for 315 potential housing units on vacant or underutilized but developable land. There are 174 housing units that are now being developed in the Heritage Subdivision on Cox Road, Crestview Lane and Stream Walk way in sections of Richfield Station.

**Chapter IV-Natural Environment-** Discusses the existing floodplain and the extent of sea level rise.

**Chapter V-Land Use-** The Land Use chapter describes existing conditions with respect to how the land is being used. It addresses, residential, commercial, natural, and recreational land uses. It describes the multiple housing types that are in Chesapeake Beach using photos and exhibits.

The Zoning Administrator addressed comments and suggestions from the Planning Commission regarding these chapters.

Commission member Mrs. Blackwelder requested that the Planning Commission revisit the Land-Use section at the next meeting.

## **VI. PUBLIC COMMENTS**

There was no public comment.

## **VII. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:05 p.m. on a motion by Mrs. Blackwelder. Seconded by Mr. Brown, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk

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## MINUTES OF THE PLANNING AND ZONING COMMISSION

June 24<sup>th</sup>, 2020

Vice Chairman Larry Brown called the meeting to order at 7:00 pm. In attendance were Cynthia Greengold, Laura Blackwelder, Jonathan Evans, and Jeff Larsen Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

### I. APPROVAL OF THE PLANNING AND ZONING AGENDA.

**MOTION:** Mrs. Greengold moved to approve the June 24<sup>th</sup>, 2020 Agenda. Seconded by Jonathan Evans, all in favor.

### II. APPROVAL OF THE JANUARY 22<sup>ND</sup>, 2019 PLANNING & ZONING MEETING MINUTES.

**MOTION:** Mrs. Greengold made a motion to approve the January 22<sup>nd</sup>, 2019 minutes with the following amendments. Add Mrs. Blackwelder's comment that the PC will "revisit the Land Use Section" of the Comprehensive Plan as was discussed in the meeting and to amend the word "elected" to read "nominated" in Item III & IV. Seconded by Mr. Evans, all in favor.

### III. WELCOME AND INTRODUCE THE NEWEST COMMISSION MEMBER JEFF LARSEN.

Mr. Brown introduced Jeff Larsen to the Planning Commission. Mr. Larsen has lived on C Street in Chesapeake Beach for twenty-five years; he works in a family business manufacturing Glue. His children and grandchildren live in Chesapeake Beach as well.

### IV. ACKNOWLEDGE THE RESIGNATION OF ROBERT GRAY.

The Planning Commission acknowledged Robert Gray's resignation letter.

### V. NOMINATE & ELECT A NEW PLANNING & ZONING CHAIRMAN.

**MOTION:** Mrs. Greengold moved to nominate Mr. Brown for Chairman to the Planning & Zoning Commission. Seconded by Mrs. Blackwelder, all in favor.

### VI. NOMINATE & ELECT A NEW PLANNING & ZONING VICE CHAIRMAN.

**MOTION:** Mrs. Greengold moved to nominate Mrs. Blackwelder for Vice Chairman to the Planning & Zoning Commission. Seconded by Chairman Brown, all in favor.

### VII. THE COMMISSION TO SCHEDULE THE JULY & AUGUST PLANNING & ZONING MEETINGS.

Since some of the Planning Commission members will not be available to meet in July, they agreed to meet on August 5th, 2020 via Zoom. The next meeting will be determined at that time.

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## **VIII. COMPREHENSIVE PLAN DISCUSSION.**

Mr. Jakubiak presented a power point presentation titled "Outline of Report" from the drafted Comprehensive Plan and discussed with the Planning Commission.

1. Introduction -drafted
  2. Population of Chesapeake Beach
  3. Municipal Growth
  4. Natural Environment
  5. Land Use and Housing
  6. Transportation
  7. Community Facilities
  8. Water Resources
  9. Implementation and Development Regulations.
- There was a lengthy discussion on Beach Elementary School and the Wastewater Treatment Plant and the capacity available there.
  - The Planning Commission will review and be able to modify the draft Natural Environment and the Land-Use and Housing chapters. During that review, the Commission will have the opportunity to make changes to the plan. The consensus plan will be presented to the public for further discussion.
  - The presentation showed a table from the Calvert County master plan on the population and pupil enrollment over the next decade. The table projected a decrease in public enrollment.
  - Another slide showed the redistricting of the elementary schools in the northern part of Calvert County, including Beach Elementary. Northern High School's expansion was complete in 2019. Northern Middle School will be expanding in 2024 and 2025. There are no changes planned for Windy Hill Middle.
  - Phases and target completion dates for the "Implementation of Beach ES Replacement" is August 2023 and estimated to cost \$32 million
  - A representative from Calvert County School Board will submit a special zoning exception to the Board of Appeals seeking approval for "permitted by right use" in the residential zoning district.
  - The concept review of the site plan will be brought to the Planning Commission for review in August.
  - The Planning Commission asked Mr. Jakubiak to invite a representative from Calvert County Public Schools to a future meeting to discuss the concept plan for the expansion for Beach Elementary School.

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- Next, Mr. Jakubiak reviewed the Wastewater Treatment Plant capacity that is owned and operated by the Town. The Plant's processing capacity is jointly owned by North Beach, Calvert County, Rose Haven, and Holland Point in Anne Arundel County.

Mr. Jakubiak feels that public sewer capacity will not be an issue for the Town during the next 20 years under the new Comprehensive Plan. He estimates that there is adequate capacity to meet future requirements.

#### **IX. DISCUSS THE PROPOSED SCHEDULE FOR COMPLETING THE COMPREHENSIVE PLAN**

- Mr. Jakubiak suggested that the Commission schedule working meetings in September, October, and November devoted to completing the draft Comprehensive Plan.
- Following those working meetings, he postulated this draft P&Z schedule:
  - 1) A special work session, if needed, in December.
  - 2) An informational public meeting for feedback on the draft plan in late January 2021.
  - 3) A meeting to incorporate public input into the draft plan in February 2021, public report.
  - 4) A public hearing in April or May 2021.
  - 5) The final meeting to approve the Comprehensive Plan; transmit to the Mayor and Town Council in May or June 2021.
  - 6) The Mayor and Town Council to hold a hearing in the summer to consider adopting the Plan.

After the outlined discussion, Mr. Jakubiak took questions and comments from the Planning Commission.

#### **PUBLIC COMMENTS**

There was no public comment

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:56 p.m. on a motion by Mrs. Greengold. Seconded by Mrs. Blackwelder, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk

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**MINUTES OF THE PLANNING AND ZONING COMMISSION  
AUGUST 5, 2020**

Chairman Larry Brown called the meeting to order at 7:00 pm. In attendance remotely were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, and Jeff Larsen Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

**I. APPROVAL OF THE PLANNING AND ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the August 5, 2020 Agenda. Seconded by Mrs. Blackwelder, all in favor.

**II. APPROVAL OF JUNE 24<sup>TH</sup>, 2020 PLANNING & ZONING MEETING MINUTES.**

**MOTION:** Mrs. Blackwelder made a motion to approve the June 24<sup>th</sup>, 2020 Planning and Zoning minutes. Seconded by Mrs. Greengold, all in favor.

**III. INTRODUCE AND WELCOME THE NEWEST MEMBER OF THE PLANNING COMMISSION  
KATHLEEN BERAULT.**

Chairman Brown introduced Kathleen Berault to the Planning Commission. Ms. Berault has been a long-time resident of Chesapeake Beach and has had years of Public Service. She looks forward to working with the Planning Commission.

**IV. REPRESENTATIVES OF THE CALVERT COUNTY PUBLIC SCHOOLS WILL BE PRESENTING  
PRELIMINARY PLANS FOR THE BEACH ELEMENTARY SCHOOL FOR THE PLANNING COMMISSION  
REVIEW OF SPECIAL EXCEPTION REQUEST PRIOR TO ATTENDING A BOARD OF APPEALS  
HEARING, AND TO OBTAIN COMMISSION INPUT ON A CONCEPT PLAN FOR THE NEW SCHOOL  
DEVELOPMENT.**

The following were present remotely: Ran Ilkovitch, SEI Architects, Shuchita Warner, ALEP, LEED AP Director of Calvert County Public School, Dr. Shisler, Principle Beach Elementary School, and Esra Soytutan, Landscape Architect Site Resources Inc.

Mr. Jakubiak opened the meeting by stating the purpose of the presentation is to brief the Planning Commission and receive comments on the proposed concept plan submitted by Calvert County Public Schools to replace and rebuild Beach Elementary School in preparation for the Board of Appeals hearing on August 18, 2020, seeking approval of a variance to exceed the maximum building height of 35-feet. The Planning Commission's recommendations or comments would be considered by the Board of Appeals.

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Ran Ilkovitch from SCR Architects was present to represent Calvert County Public Schools as well as the Beach Elementary School. The school is currently zoned medium density residential. He explained the need for an expansion to a new building and site work. He acknowledged that a special exception to continue the use and rebuilding of a school in the residential zone will be needed and that a Board of Appeals hearing on August 18, 2020 is scheduled.

Mr. Ilkovitch shared a schematic design of the project with the Planning Commission. The site plan development showed the building design, building height, pedestrian, and vehicle circulation. Amenities, playgrounds, sidewalks, and pathways to the school were also reviewed. The tennis courts are part of the plan and will remain on site.

Mr. Jakubiak indicated that the Fishing Creek Connector has been on the Town's master plan for 20 years to connect directly to the school. He would like to see the plan embrace the Town's master plan to implement the Fishing Creek Trail on the site plans. Shuchita Warner spoke on sidewalk connections and does embrace the 2040 vision for the Town and the Safe Routes to School Projects.

The Principal of Beach Elementary Dr. Shisler spoke about the nature trail being developed by Eagle Scouts. He also said the school districts policy is that children come to school and depart by bus or car. Walking to school is not permitted for safety reasons. Mrs. Blackwelder would like to see the design team incorporate an official entranceway to the Fishing Creek Trail system to the school.

The School Board answered questions from the Planning Commission.

After the presentation was over, Chairman Brown stated the Commission received favorable comments.

**MOTION:** Chairman Brown made a motion to recommend that the Board of Appeals approve the special exception use within the zoning district and grant the variance to exceed the 35-foot height limit in the zoning district zoning and grant the variance for disturbance of the critical area. Seconded by Mrs. Blackwelder, all in favor.

**V. REVIEW OF THE NEW CHESAPEAKE BEACH ETHICS ORDINANCE**

Chairman Brown made the Planning Commission aware that some changes were made to the previous Chesapeake Beach Ethics Ordinance. The Chairman of the Ethics Committee has agreed to attend the next Planning & Zoning meeting to provide training and answer questions about the new Ethics Ordinance.

**VI. PROPOSAL TO REVISE THE FIRST SENTENCE OF PARAGRAPH THREE OF THE DRAFT VISION STATEMENT FOR CHESAPEAKE BEACH COMPREHENSIVE PLAN TO READ "IN EMBRACING SLOW**

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**RESIDENTIAL GROWTH AND FOCUSING ON DEVELOPING RECREATIONAL AND COMMERCIAL AMENITIES.”**

**MOTION:** Mrs. Blackwelder made a motion to change the first sentence to read “slow residential growth and focusing on developing recreational and commercial amenities.” Seconded by Mr. Evans. After discussing the motion, it was agreed to table the motion until the August 26<sup>th</sup> P&Z meeting. Chairman Brown stated that if the Commissioners had any specific suggestions about the wording, they could email him, and the proposal would be added to the agenda for the next meeting.

Mrs. Greengold had a concern with the parking for the new Library in North Beach.

Mr. Jakubiak suggested having another discussion on Growth and The Land Use chapters.

**VII. PUBLIC COMMENTS-** No public comments were received.

**VIII. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:51 p.m.

Submitted by,

Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

MINUTES OF THE PLANNING AND ZONING COMMISSION  
SEPTEMBER 23, 2020

Chairman Larry Brown called the meeting to order at 7:00 pm. In attendance remotely were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, and Jeff Larsen, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

I. APPROVAL OF THE PLANNING & ZONING AGENDA.

**MOTION:** Mrs. Greengold moved to approve the Agenda. Seconded by Mrs. Blackwelder, all in favor.

II. APPROVAL OF THE AUGUST 26<sup>th</sup>, 2020 PLANNING & ZONING MEETING MINUTES.

**MOTION:** Mrs. Blackwelder moved to approve the August 26<sup>th</sup>, 2020 Planning & Zoning minutes. Seconded by Mrs. Greengold, all in favor.

III. REVIEW THE COMPREHENSIVE PLAN DRAFT "LAND USE" SECTION. DISCUSS ANY MODIFICATIONS IF NECESSARY.

Chairman Brown received comments from the Planning Commission on the "Land Use" section of the "draft" Comprehensive Plan.

- Mr. Larsen had no comments
- Mrs. Greengold believes there is a conflict with the Vision Statement and the plan that is being recommended on the height of buildings. She is against the zoned areas that allow for housing types and buildings to be 50 ft in height. She asked the Planning Commission to re-evaluate the maximum height limit to 35 ft. throughout the Town. She would also like to add a specific program to the land use section to prevent the erosion issues at Brownies Beach and the boardwalk areas. Mrs. Greengold recommends "underground utilities" to be added to page 18. She would like to include in the plan who is responsible for the maintenance of the public right of ways and alleys. Lastly, she recommends adding a community theme and identity as well as a sign program to the Revitalization of Commercial Development properties.
- Mrs. Blackwelder agrees that the building height level should be lowered and her opinion is if residential development is added she feels that any residential development going up to any level should have ground floor amenities that the town residents are seeking, such as waterfront dining, eye doctors, and coffee shops. Mrs. Blackwelder believes that the Planning Commission should pursue formal design standards. She would like to see the

lowest density plan with everything additional a bonus overlay with design standards. Mrs. Blackwelder expressed her concern regarding the two vacant lots along Bayside Road north of the Fire Department that are designated Resource Conservation.

- Mr. Evans agrees with the Commissioners on the building height limit but feels if a variance is requested, it could be addressed at that time. He also agrees that having residential above commercial and not exceeding 35 ft would be beneficial. He would like to include Short Term Rental properties to the Land Use section in the Comprehensive Plan.
- Mrs. Berault agrees with the 35 ft building height restriction and having residential above commercial. She is also concerned with the erosion issues on B Street and Brownies Beach.

Mr. Jakubiak continued with the Land Use discussion. He stated that a land use plan map was very important because it designates what the preferred or desirable use of all properties are in the Town, like Residential, Commercial, or Industrial.

He showed a slide show of many lots in the Resource Conservation zone that have not been developed yet, which are all privately owned or water open space and marsh. There was a lengthy discussion on two vacant lots on Bayside Road, north of the Fire Department in the Resource Conservation area.

Mr. Jakubiak recommended that a complete mapping survey of the town be done to have a strong base for planning and zoning and the development of real estate and property dispute resolution.

Mr. Jakubiak pointed out the residential areas and what housing types are allowed in the area today. He showed the different lots and housing types within the residential areas. He moved on to mix use (neighborhood mix use) where Mamma Lucia's and two adjacent lots are. These areas would allow for commercial development and the mix of use development such as ground floor retail with apartments or condos above it.

He showed pictures of what the Town Center looks like today that includes Town Hall, Traders, Fast Stop and Kellam's Field. He then showed two other alternative concept designs of what it could look like with amenities to include coffee shops, and or bike shops. The other alternative could have amenities like water view buildings, restaurant and outdoor open space, or a variety of housing types.

Following the discussion of alternative visions for the town center and the options presented by Mr. Jakubiak, the consensus of the Commission was that lower building heights, a mix of shops and restaurants, and outdoor amenities was preferred over an option that included taller residential apartments or condominium buildings and more intensive commercial development.

There was a lengthy discussion on zoning in the residential village area. The area of Cox Road along 260 currently allows certain housing types in the area. Mrs. Blackwelder recommends changing the zoning so no townhomes can be built. Mrs. Greengold is against building these types of homes without having parks and play areas nearby. She believes the Town should try



to purchase any land that is for sale in the appropriate location and to be used for parks. She would also like that to be added to the Comprehensive Plan.

Chairman Brown moved on by asking the Planning Commission to give their thoughts on the following questions.

- 1) Does the Planning Commission want to allow developers to do what they want with the two areas of properties showed by Mr. Jakubiak as Resource Conservation?
- 2) The existing zoning for the "village" area between Cox Road and 260 can be much denser. Does the Planning Commission want to change that in the draft Comprehensive Plan to make it impossible to have denser building in that section?

Mrs. Berault is in favor to keep the area shown as Resource Conservation and not develop that plot of land. As for the area along Cox Road she is in favor of making it less dense.

Mr. Evans is in favor of keeping the area shown as Resource Conservation and to keep the density lower on Cox Road.

Mr. Larsen is in favor for keeping the area Resource Conservation and the other area less dense.

#### **IV. COMPREHENSIVE PLAN DISCUSSION "TRANSPORTATION"**

The discussion on "Transportation" will be on next month's agenda.

Concerns about parking and the accessibility for the new Library came up. Mr. Jakubiak will check with Holly for the plans.

Jenny Plummer-Welker with Calvert County Planning Commission is scheduled to meet on Oct 28, 2020 to discuss the Comprehensive Plan. Representatives for Beach Elementary School will be back for review and approval of the Elementary School project.

#### **PUBLIC COMMENTS**

Joshua Larsen/Tracy Bensing, 8721 D St. Chesapeake Beach, MD 20732

There being no further business, the meeting adjourned at 9:50 pm on a motion made by Mrs. Blackwelder. Seconded by Mrs. Berault, all in favor.

Submitted by,



Fran Addicott, P&Z Clerk



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
OCTOBER 28<sup>TH</sup>, 2020**

Chairman Larry Brown called the meeting to order at 6:59 pm. In attendance remotely were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, and Jeff Larsen, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

**I. APPROVAL OF THE PLANNING & ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to amend the agenda to remove Item IV, Calvert County School Board. The notices regarding the school project were not sent out to the adjoining property owners and therefore the School Board could not present their site plan. Seconded by Mrs. Berault, all in favor.

**II. APPROVAL OF THE SEPTEMBER 23<sup>RD</sup>, 2020 PLANNING & ZONING MEETING MINUTES.**

**MOTION:** Mrs. Greengold moved to approve the September 23<sup>rd</sup>, 2020 Planning & Zoning minutes. Seconded by Mrs. Berault, all in favor.

**III. JENNY PLUMMER-WELKER PRESENT FROM CALVERT COUNTY PLANNING & ZONING TO DISCUSS THE COMPREHENSIVE PLAN.**

Chairman Brown welcomed Jenny Plummer-Welker. Mrs. Plummer-Welker presented a slide show that showed the process in which the Calvert County Comprehensive Plan was developed and adopted in August 2019. Their mission was to maintain and or improve the overall quality of life for all citizens of Calvert County. She discussed population growth, adequate public facilities for schools. Roads and parks.

Mrs. Plummer-Welker received comments and questions from the Planning Commission.

That concluded the discussion on the Comprehensive Plan. Mrs. Plummer-Welker thanked the Planning Commission for the opportunity to meet, and thanked Holly Wahl for her work on the Census outreach.

**IV. ADMINISTRATIVE DISCUSSION (SCHEDULE OF MEETINGS)**

Chairman Brown discussed his concern about the lack of public attendance at the Planning & Zoning meetings. The Town Administrator agreed to post the draft agenda to the Town's website at an earlier time so the public would know what was being discussed ahead of time. An email link [planning@chesapeakebeach.gov](mailto:planning@chesapeakebeach.gov) has been added to the Town's website for the



## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

public to comment or ask questions. They will be answered by the Commission Chairman, or the appropriate Planning Commission Member will monitor the received questions or comments and direct them to the appropriate person when action is required. The Planning Commission also gave their ideas on how to get more participation from the public.

The next item for discussion was scheduling the next Planning Commission meeting to have the School Board back to present their site plan. The notices to the adjoining property owners will be out mailed out on October 30. The following meetings were agreed upon by the Commissioners: The Calvert County School Board will meet on November 12th, a Comprehensive Plan Work Session is scheduled for December 2<sup>nd</sup>, and a subsequent meeting scheduled on December 15<sup>th</sup>. The public can comment at any of the zoom meetings by web or phone. The Commission will take up the issue of short-term rentals at the January 27<sup>th</sup>, 2021 regularly scheduled meeting.

Planning & Zoning Commission meetings can be joined via web click <https://us02web.zoom.us/j/8697557180>. To join via phone please dial **(929) 205- 6099** and enter the **Meeting ID: 869 755 7180**.

Finally, Mr. Jakubiak showed an illustration of the "Vision of a Town Center". The Planning Commission shared their thoughts on the ideas.

### **PUBLIC COMMENT**

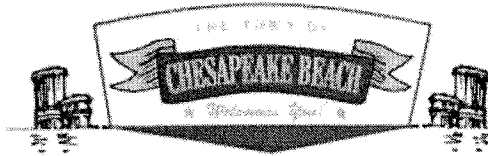
Councilman Greg Morris – 2425 Woodland Ct. Chesapeake Beach Md 20678

Councilman Morris commented on the 35ft height limit on high rises. His other concern is with rules being enforced on Airbnb's and short-term rentals in Town.

There being no further business, the meeting adjourned at 9:25 pm on a motion made by Mr. Evans. Seconded by Mrs. Berault, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk



## MINUTES OF THE PLANNING AND ZONING COMMISSION

NOVEMBER 12<sup>TH</sup>, 2020

Chairman Larry Brown called the meeting to order at 7:04 pm. In attendance remotely were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk. Commission Member Jeff Larsen was absent.

### I. APPROVAL OF THE PLANNING & ZONING AGENDA.

**MOTION:** Mr. Evans moved to approve the November 12, 2020 Agenda.  
Seconded by Mrs. Blackwelder, all in favor.

### II. APPROVAL OF THE OCTOBER 28<sup>TH</sup> PLANNING & ZONING MEETING MINUTES.

**MOTION:** Mrs. Berault moved to approve the October 28<sup>th</sup>, 2020  
Planning & Zoning minutes. Seconded by Mrs. Blackwelder, all in favor.

### III. CALVERT COUNTY SCHOOL BOARD PRESENTATION ON THE SITE PLAN FOR BEACH ELEMENTARY SCHOOL.

Mr. Jakubiak opened by giving a brief overview of the project. He stated that the Planning Commission made a recommendation to the Board of Appeals supporting a special exception and a variance to exceed the maximum allowed building height which is set at 35-ft. The Board of Appeals approved the special exception since the school has been on the site since 1953 and the variance was approved. Representatives from Calvert County School Board are back with the preliminary site plan for approval and to be permitted.

The Applicants Architect Ran Ilkovitch and Rochelle Cusimano with S.E.I, along with Joe Kadjeski with Collinson, Olliff & Associates Inc, Shuchita Warner, Director of Calvert County School Construction, and Dr. Shisler, Principle of Beach Elementary were present remotely.

Ran Ilkovitch presented a site analysis and discussed the background of the project. He addressed the minor changes to the concept plan that were recommended by the Planning Commission. Questions and concerns were received by the Planning Commission and answered, also Mr. Jakubiak read comments and concerns from resident's online in a chat room. Chairman Brown asked Mr. Jakubiak how many bike racks were required by the zoning code for the proposed Beach Elementary School facility. Mr. Jakubiak stated that the code requires one bike rack for every ten students. The proposed site plan includes a token bike rack of eight to ten spaces, which basically ignores the code requirement. Because the current school board policy does not permit students to ride bikes to and from school, Mr. Jakubiak

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recommended that the Commission be on record as waiving the one bike rack for every ten-student requirement on the condition that the proposed eight to ten space bike rack is provided. Chairman Brown asked the Commissioners for their comments, no objections to Mr. Jakubiak's recommendation was made by either Commissioners or the public. Chairman Brown asked Mr. Jakubiak to make a recommendation for the preliminary site plan approval.

**MOTION:** Chairman Brown made a motion to approve the preliminary site plan for Beach Elementary School with the following conditions: (1) All local, county, state and federal permits are obtained, and all agency plan review comments are addressed. (2) Before final approval, the applicant addresses any technical comments that the Town Engineer or the Department of Public Works may have regarding the final Utilities Plan. (3) A Photometric study will be provided to show that light will not trespass off the property. Seconded by Mrs. Berault, all in favor. Mr. Larsen was absent.

#### IV. DISCUSSION ON ZONING & HEIGHT LIMITS.

At the last Planning Commission meeting there was a long discussion on building height restrictions. Commissioner Greengold drafted a proposal to put a 35-foot cap on all new construction permits in all building zones. Mr. Jakubiak shared her proposal with the Planning Commission. She provided the history of it and the objectives that are intended. Mr. Jakubiak showed the current zoning ordinances and defined each one. He talked about the process for review and approval of zoning text amendments.

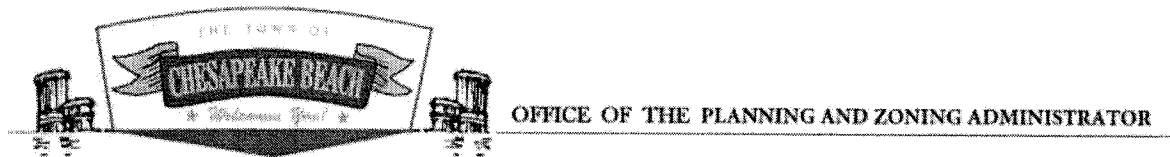
In Mrs. Greengold's presentation she started out by saying the neighbors and the residents are concerned about losing the small town feel and the goal is to retain the lower density, small town feel, and the openness like the town is right now. She gave examples of other cities and towns which have 35-foot height restrictions. Mrs. Greengold suggests Mr. Jakubiak writes language to reduce the 35-ft building height restriction in all zones, and to start at grade level, instead of starting above a garage.

Mrs. Berault commented that she would like to see the height limit be reduced to 32-35 feet with a maximum of 35-feet.

Mrs. Blackwelder believes that the building height limit should be lowered to 25 feet with no parking underneath in some areas. She recommends architectural design standards be addressed to preserve the small-town charm.

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Mr. Jakubiak stated that putting a cap on building heights is not simple. He said there are many variables with the different neighborhoods and housing types throughout the town.

That concluded the discussion on building height restrictions.

Mr. Jakubiak mentioned that a revision to the Rod n Reel's existing site plan would be submitted to him soon and possibly be on the agenda for the December 15, Planning & Zoning meeting. Notices to adjoining property owners would be given a 10-day notice in writing.

The Planning Commission will hold a Comprehensive Plan work session on December 2<sup>nd</sup>, 2020 to review the Land Use Transportation.

Lastly, residents are encouraged to join the Planning & Zoning meetings. See below for instructions.

Planning & Zoning Commission meetings can be joined via web click <https://us02web.zoom.us/j/8697557180>. To join via phone please dial **(929) 205- 6099** and enter the **Meeting ID: 869 755 7180**.

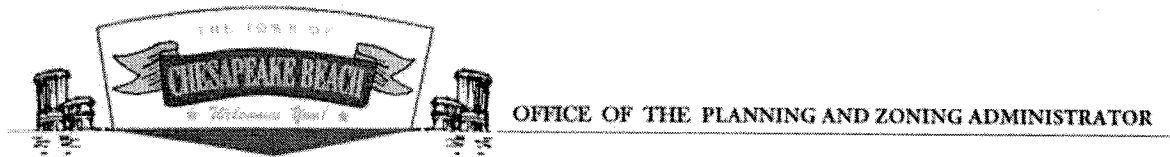
There being no further business, the meeting adjourned at 10:34 pm on a motion made by Chairman Brown. Seconded by Mrs. Berault, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk

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**MINUTES OF THE PLANNING AND ZONING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION  
DECEMBER 2, 2020**

Chairman Larry Brown called the meeting to order at 7:00 pm. In attendance remotely were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, Jeff Larsen, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

**I. APPROVAL OF THE PLANNING & ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the December 2, 2020 Agenda with the modification to remove the Transportation Review. Seconded by Mrs. Berault, all in favor.

**II. APPROVAL OF THE NOVEMBER 12<sup>TH</sup> PLANNING & ZONING MEETING MINUTES.**

**MOTION:** Mrs. Berault moved to approve the November 12<sup>th</sup>, 2020 Planning & Zoning minutes. Seconded by Mr. Evans, all in favor.

**III. REVIEW THE COMPREHENSIVE PLAN LAND USE CHAPTER V.**

Mr. Jakubiak presented the draft Land Use Chapter that showed maps and exhibits and discussed the existing land use conditions both outside and within Town limits and a future land use plan. He talked about the Greenbelt of preserved lands, which feature open space on the Town's western border; land that is permanently preserved through programs administered by Calvert County and the County's planning policy that would allow housing outside of Town limits at a density of 4 units per acre. The Commission requested that a future growth area boundary be designated beyond the current Town limits, which would make properties within the boundary eligible for annexation, and that recommendations for the future use of these properties be provided in the plan including the clustered development of houses and the recreational use, such as trails, on publicly held lands.

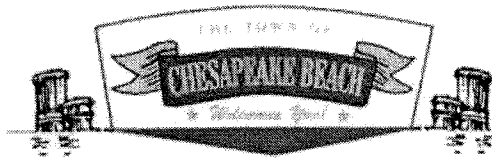
He discussed each topic in the draft plan. During the presentation of Land Use Objectives, the Planning Commission gave their suggestions for changes. They were noted by Mr. Jakubiak into the draft document.

Mr. Jakubiak moved on to Map 3. The map showed the Town Center, the Gateway Mixed Use Commercial Focal Point, the Maritime District, and the Hilltop Commercial Focal Point.

The Planning Commission had concerns regarding the recommended Hilltop Mixed Use area (the commercially zoned lots fronting Bayside Road generally between 15<sup>th</sup> & 16<sup>th</sup> Streets), including concerns that there would be a lack of space for parking and that traffic congestion could be a problem. The

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Commission decided that this area should not allow for the possibility of having a dwelling unit in a commercial building. Mr. Jakubiak recommended leaving the commercial zoning as is in this area and noted that eliminating the possibility of apartments above street level commercial would require a change to the zoning ordinance. He encouraged at least retaining the ability for a business property owner to have an accessory apartment.

After further discussion, Chairman Brown suggested this specific matter be addressed further at a future meeting. Overall, the consensus was that a modification to the draft plan should be made to eliminate in general terms housing in combination with a Commercial Use (mixed use) from the area designated Hilltop Mix Use Area.

The next topic was the 2040 General Land Use. Map 4 Land Use Plan. This map showed Resource Conservation, Residential, Institutional and Mixed-Use areas. Mr. Jakubiak described each category and the recommended land uses allowed. Changes were made to the map. Changes to the building height in the Town Center and the Maritime Mix Use area were discussed.

### Commissioners concerns

The sewer connection for areas of Summer City and the Highlands.

The lack of neighborhood parks.

Parking problems in some areas of Town.

Alley ways being used as bike paths.

There was a lengthy discussion about single family duplexes, tri-plexes , quadplexes and multifamily structures. The draft plan recommended retaining the ability to have duplexes, tri- and quadplexes in the Residential Village zoning district provided they were approved by the Planning Commission and complied with the proposed building and set design standards. Chairman Brown asked Mr. Jakubiak to send him information on the State's planning law regarding the new requirements that local comprehensive plans must have a house element with a plan for workforce and low-income housing.

Mr. Jakubiak moved on to the Community Character section which explained promoting compatibility between new buildings and traditional ones with the objective of protecting the Town's essential character. There were no changes suggested to this section.

The last topic discussed was Adapting to Sea Level Rise and Flooding Vulnerabilities. Mr. Jakubiak said he made minor changes to the language in the plan since he first presented it in 2019. He mentioned the recommendation that the Town prepare a Master Plan for Flood Risk Reduction at the

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earliest date possible and said that preliminary work on that is underway now in coordination with North Beach of the State of Maryland.

After considerable discussion about removing options for new housing, Chairman Brown asked Mrs. Blackwelder if she wanted to make a motion for consideration by the Commission. She made a motion as follows: to remove residential development allocations in the Town Center and Marina areas and to remove all multi-unit housing types in the residential village areas to preserve the ability to accommodate recreation and potential future commercial amenities in and near the Town Center. Chairman Brown tabled the discussion of the motion until the December 15th meeting to allow Commissioners to review and consider the issue.

The next Planning & Zoning meeting will be held on December 15<sup>th</sup>, 2020 to review revisions to the Rod & Reel's final site plan for lot 1, & Residue Tract One, and to discuss the Commissioner's requested amendments to the building height standards.

Planning & Zoning Commission meetings can be joined via web click <https://us02web.zoom.us/j/8697557180>. To join via phone please dial **(929) 205- 6099** and enter the **Meeting ID: 869 755 7180**.

There being no further business, the meeting adjourned at 10:34 pm on a motion made by Mrs. Berault. Seconded by Mrs. Greengold, all in favor.

Submitted by,

Fran Addicott, P&Z Clerk

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**MINUTES OF THE PLANNING AND ZONING COMMISSION  
DECEMBER 15, 2020**

Chairman Larry Brown called the meeting to order at 7:04 pm. In attendance remotely were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, and Jeff Larsen, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Fran Addicott, Zoning Clerk.

**I. APPROVAL OF THE PLANNING & ZONING AGENDA.**

**MOTION:** Mrs. Greengold moved to approve the December 15, 2020 Agenda with the following amendment: Delete Item V. b Height Discussion and defer to a future meeting. There were no objections, the motion passed. Mrs. Blackwelder made a motion to amend Item V. c to reflect her stated and written motion from the December 15, 2020 meeting minutes. There were no objections. The motion was passed.

**II. APPROVAL OF THE DECEMBER 2, 2020 PLANNING & ZONING WORK SESSION MEETING MINUTES.**

**MOTION:** Chairman Brown moved to approve the December 2, 2020 Planning & Zoning minutes. Seconded by Mrs. Berault, all in favor.

**III. REVIEW OF REVISIONS TO THE FINAL SITE PLAN FOR LOT 1 & RESIDUE TRACT ONE, ROD & REEL INC., HOTEL AND RESORT REDEVELOPMENT PROJECT.**

Mr. Jakubiak gave an overview of the proposed revisions that the Applicant, the Rod & Reel, Inc. brought forth to the Planning Commission. On September 17, 2017, the Planning Commission approved a site plan for the Chesapeake Beach Resort and Spa project which included a variety of restaurants, gaming facility, conference space and added hotel rooms. The Applicant has proposed two revisions to the final Site Plan Lot 1 & Residue Tract One.

The first revision involves a set of architectural and building design changes to Phase 2 of the project. The details of this proposal had been received and reviewed by the Planning Commission and made available to the public prior to the meeting. The revisions consist in lowering the proposed five-story part of the proposed building to two stories and repositioning the floor space atop the existing Rod-n-Reel Restaurant which would raise it to 4 stories and reconfiguring the internal floor plan and space resulting the net addition of 14 hotel rooms over what was previously approved. There is also a change proposed to the atrium structure which would become smaller.

Mr. Blitz, Attorney for the Rod & Reel, Inc., Mr. Donovan, Owner of the Rod & Reel Inc, Paul Woodburn, PE, and Jeremy Klein with WGM Architects were present remotely and gave presentations by showing the currently approved plan and the amended plan through illustrations of the building

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complex and discussed the changes. Mr. Blitz moved on to request two revisions to the existing approved sign plan. The details of the sign proposal had not been received or reviewed by the Commissioners nor made available to the public prior to the meeting. The first proposal being to remove 13 lighted banners that hang down along the garage with flags. The second proposed change involves replacing both the current 1936 Bar & Grille sign and one that has been approved but has not been installed with one large sign that would hang from the corner column of the parking garage. Mr. Blitz presented two illustrations of each sign options. Option A is 41 sq. ft. and Option B is 31.5 sq. ft.

Throughout the presentation, the Planning Commission asked questions of the presenters and opined on the proposals. Following the presentation and discussion, the public provided comments. That concluded the review of the revisions to the final site plan for the Rod & Reel redevelopment project. The Chairman then asked Planning & Zoning Administrator Jakubiak, if the proposed revisions to the site plan met the requirements of the Chesapeake Beach Zoning Code, to which Mr. Jakubiak replied that the revisions complied with the Code.

**PUBLIC COMMENT**

Councilman Greg Morris- 2425 Woodland Ln. Chesapeake Beach MD

Kelly Hahn- 7965 Eagle View Dr. Chesapeake Beach MD

Ken (unknown) Windward Key, Chesapeake Beach MD

Shad Montague- 6201 Norwood Rd., Prince Frederick MD 20678 -Mr. Montague did not get a chance to comment. Chairman Brown gave him the opportunity to make a presentation on Short Term Rentals at the January 27<sup>th</sup>, 2021.

**MOTION:** Chairman Brown made a motion to approve the proposed revisions to the approved final site plan, Rod & Reel Properties, Inc. for Lot 1 & Residue Tract One. Commissioner Berault, Evans and Larsen voted Aye, Commissioner Greengold and Blackwelder opposed. The motion to approve the revisions to the approved final site plan, Rod & Reel Properties, Inc. passed.

- IV. **ADJOURNMENT: AT 9:00 PM THE CHAIRMAN WILL PROPOSE A MOTION TO ADJOURN SUBJECT TO COMMISSION APPROVAL. ANY UNFINISHED BUSINESS WILL BE DEFERRED TO THE JANUARY 27<sup>TH</sup>, 2021 MEETING.**

**MOTION:** Chairman Brown made a motion to adjourn at 10:34 pm. All members of the Planning Commission agreed. The motion passes.

Submitted by,

Fran Addicott, P&Z Clerk

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**MINUTES OF THE  
PLANNING AND ZONING COMMISSION  
JANUARY 27, 2021**

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

**II. APPROVAL OF THE PLANNING & ZONING AGENDA**

**MOTION:** Commissioner Berault moved to approve the January 27, 2021 Agenda as presented. Seconded by Commissioner Evans, all in favor.

**III. APPROVAL OF THE DECEMBER 15, 2020 PLANNING & ZONING COMMISSION MEETING MINUTES**

**MOTION:** Commissioner Berault moved to approve the December 15, 2020 Planning & Zoning meeting minutes. Seconded by Commissioner Evans, all in favor.

**IV. SHORT-TERM RENTAL DISCUSSION**

Chairman Brown stated this portion of the meeting is intended to give the Commissioners an opportunity to ask about the zoning issues. Mr. Jakubiak explained for the Commission, the distinction between a Bed and Breakfast Establishment and a short-term rental as provided for in the zoning code. Currently in the code, a Bed and Breakfast establishment is a legally permitted use of property, with conditions, short-term rentals are not. Mr. Jakubiak addressed questions and concerns from the Commission.

**V. SHORT TERM VACATION RENTAL PRESENTATION**

Shad Montague presented a power point presentation to the Commission on vacation rentals and conveyed how he thought they can benefit a community. Mr. Montague stated he, along with other property holders, who are advocating for making short-term rentals permitted in residential zones, desire to work with the Town in a way that will benefit everyone.

Josh Johnson of the Chesapeake Beach Tourism Coalition was also present and spoke in favor of allowing short-term rentals in residential zones. Mr. Johnson stated, he thinks his petition signed by 600 people and local businesses, and the next door survey that was taken with 65 to 75% in favor of vacation rentals, indicate to him that there is more support than not. Mr. Johnson hopes to find a way to move forward with allowing short-term rentals in residential zones in a way that is beneficial to all.

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**VI. PUBLIC COMMENT**

1. Aaron Warren – spoke in support
2. Randy Getman – spoke in support
3. Anne Morgan/Bill Chambers – spoke in support
4. Ellynne Davis – spoke in opposition
5. Christopher Steiner – spoke in support
6. Col. Chris Martinez – spoke in support
7. Susan Allen – spoke in opposition
8. Gerald Robertson – spoke in opposition
9. Wes Donovan – spoke in support
10. Montique Lighthart -spoke in support

Chairman Brown thanked everyone for their input in tonight's meeting and stated the next Planning and Zoning meeting is scheduled for February 24<sup>th</sup>.

**VII. ADJOURNMENT**

There being no further comments, the meeting adjourned at 9:17 pm on a motion by Commissioner Blackwelder. Seconded by Commissioner Greengold, all in favor.

Submitted by,

Sharon L. Humm  
Commission Clerk