

Planning & Zoning Commission

March 26, 2009

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on March 26, 2009. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Ferro, Dixon, Boyan, and Slabaugh, Code Enforcement Officer Bounds, Community Development Coordinator Hardin, and Clerk of Council Fisher. Absent: Commission Member Henderson. Guests: Patrick Hurley, Brian Twilley, Kirk Kinnamon, Bill Diakos, Tim Bourcer, and Alix Mowbray.

Call to Order

Chairman Houlihan called the meeting to order and asked everyone who had business with the Commission this evening to sign in.

Approval of Minutes

Chairman Houlihan stated that last month, there had been a question in reference to the January, 2009 minutes and a motion that was made. After some research, the minutes were found to be correct. Commission Member Ferro made a motion to accept the January, 2009 Planning and Zoning minutes as circulated. Commission Member Boyan seconded the motion which passed with 5 ayes and 1 absent, and Commissioner Anderton abstaining, since he was absent for the January meeting.

Commission Member Slabaugh made a motion to accept the February 19, 2009 Planning and Zoning minutes as circulated. Commission Member Dixon seconded the motion which passed with 6 ayes and 1 absent.

Old Business

DB&F- Maryland Comprehensive Plan Update

Tim Bourdier and Alix Mowbray were present from DB&F for an informal sign-off on what they have done so far.

Mr. Bourdier reported that the surveys the Town sent out are now in the tabulating process. He is hoping that by the first week of May, the update to the Comprehensive Plan will be completed. The Plan will then be sent to the State of Maryland prior to the October, 2009 deadline.

There was some discussion of House Bill 1141 and the smart growth ideas for the Town. The future is to grow inward towards the center of Town instead of the sprawled growth

that Delmar is seeing now. He explained the formula that the State uses to arrive at the percentages needed for inward growth. Based on figures from the U. S. Census, and predictions from the Maryland Department of Planning, the Delmar, Maryland population is already above any population data available. Based solely on the amount of building permits, the Town of Delmar, Maryland already has 60 % more population than what the Department of Planning predicted.

There was some discussion on the amount of vacant land that was already approved for building that already had utilities associated with them. Mr. Bourdier said that there would be some logical extension of the water and sewer to some areas just to fill them in. He did say that they have developed a growth map area for the Town along with areas that already have water and sewer in their master plan which would make the most logical extension for development. He said that their goal is to fill in the logical areas on the map. He asked for any feedback or suggestions on any areas that either are not shown on the map that should be, along with any areas on the map that shouldn't be there. There was also discussion on land use and water run off.

Mr. Bourdier stated that basically if the Town did not grow as the State wanted, then the Town would possibly not receive any State funding for any priority areas.

He reported that the plan looks 20 years out for growth potential and is revised every 6 years. Chairman Houlihan stated that based on today's economy and that the plan can be reviewed in 6 years, the plan and map look right. He said that there are projects that are on the books now, but have not been built out.

Mr. Bourdier stated that he will take all this input back and get everything ready for the Commission's review and will be back for the May's Planning and Zoning meeting.

New Business

Kirk Kinnamon- Brigewood Estates- new home construction

Mr. Kinnamon stated that he had not been aware that he had to come before the Planning and Zoning before he constructed a new home in Bridgewood Estates. He said that he has a customer who has selected a lot in Bridgewood Estates. The type of home the client wanted is a Cape Cod that doesn't have dormers in the front. Mr. Kinnamon explained that the dormers would interfere with the heating units and air flow in the house.

Chairman Houlihan asked about the HOA, and if they have presented this plan to them. Mr. Kinnamon responded that the HOA has been developed and are on their own but does not have any input on the architectural designs of the homes. Chairman Houlihan expressed the Commission's concerns that this house does not match the style designed

by Ryan Homes. This house looks nothing like the homes already in the development. He said that the one major setback to this house plan is the large roof. Options for this plan were discussed, such as making the porch bigger and having steps going to the middle. Chairman Houlihan suggested that Mr. Kinnamon redo the house plan and present it first to the HOA to get their impression. Mr. Kinnamon stated that he would do that and then return to the April Planning and Zoning meeting.

Delmar Pizza- Bill Diakos- new sign

Mr. Diakos was present for Delmar Pizza and reviewed the sign plans that he had presented for this meeting. He also stated that the landlord of the plaza, Mr. Silicato, would do whatever was needed to have a sign in place for this business. Mr. Diakos stated that right before this meeting he rode in front of the plaza and noticed that he might have to revise the plans. Due to the shrubbery in front of the pylon sign, the proposed sign for Delmar Pizza would still not be seen, since it would be the last one on the pylon. He is now proposing to raise the pylon sign approx. 33-35 inches to incorporate his sign amongst those already there.

Chairman Houlihan stated that since this is an existing sign, it can be grandfathered in and not have to meet the new restrictions of 10 ft. All Commission Members stated that they were not in favor of having the "little man" as a side sign as the proposed plans suggests. There was also discussion on tearing down the bushes that are around the base of the pylon. It was even suggested that it would be cheaper than raising the sign. There was discussion on removing the Mattress store's sign, since they are no longer in business. Mr. Diakos stated that the landlord wanted to keep that sign space available so that it would be a selling point for the vacant property left by the Mattress store.

Commission Member Slabaugh stated that she would be voting against this since there is a sign ordinance and she feels that this should not be grandfathered. She said that since there are other options for the sign, such as cutting down the bushes. She said that it would be in the landlord's best interest to maintain the bushes.

Chairman Houlihan stated that there would not be a motion made this evening, and Mr. Diakos would have to contact the landlord, and revise his plan and return with that revision.

Hastings Bros.- Demolish and rebuild a house on 305 S. Maryland Ave.

Mr. Brian Twilley represented Hastings Bros. He said that the house at 305 S. Maryland Avenue had been foreclosed on. The inside of the house is a complete mess and is something that cannot be salvaged. He would like to demolish the house and then rebuild. The overall footprint of the new house will match the existing house, but does not include

the proposed deck. His intention is to sell the house, but does not rule out renting it if there are no buyers. He stated that he has spoken with the neighbors and no one has any objection to the style of house.

The Commission did have an issue with the lack of windows on the sides of the house. There was some discussion on the different places that the Commission suggested a window should be able to go.

Commission Member Slabaugh made a motion for Hastings Bros. Inc. for the demolition and replacement of the dwelling at 305 S. Maryland Ave, Delmar, Maryland with the attached drawing. The attached drawing will show 2 windows added on the first floor on the north side and one window added to the master bedroom on the south side. Commissioner Anderton seconded the motion which passed with 6 ayes and 1 absent.

Public Comments

Patrick Hurley asked about Yorkshire Estates and who is responsible for the ditch between his property and theirs. He said that Yorkshire has not maintained the drainage work as promised and flooding is occurring on his property. He said that the ditch needed to be dug out around the perimeter. The State of Delaware has been trying to contact the owner, but he has not returned any phone calls. Chairman Houlihan said that usually the Town Engineer does follow-up inspections on this, but is not sure in this case. He said that he was not sure how to handle this question. Mr. Hurley said that he fears the property will be sold as individual parcels and there will be nothing to make anyone adhere to the restrictions.

Chairman Houlihan concluded by reminding everyone that the next meeting would be Thursday, April 23, 2009.

Adjournment

Commission Member Ferro made a motion for adjournment which was seconded by Commission member Slabaugh. The motion passed with 6 ayes and 1 absent.

Respectfully submitted,

Cindy Fisher

Clerk of Council