

Planning & Zoning Commission Meeting
December 15, 2022
MEETING HELD IN-PERSON & VIA TELECONFERENCE

The regularly scheduled meeting of the Planning & Zoning Commission was held at Delmar Town Hall and via teleconference. Those in attendance: Deputy Mayor, Jack Lenox, Vice Mayor Odell Jones, Commission Members: Beverly Wilson and Shawn Johnson. Key personnel: CDC William Hardin, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Kesha Bailey, E. Ray Beauchamp, Joseph Hunt, via teleconference Chris Brown. Absent: Commission Member Rochelle Outten.

Called to Order:

Deputy Mayor Lenox called the meeting to order at 7:00 p.m. and performed the pledge of allegiance.

Approval of Minutes –

A motion was made and seconded (Wilson/Jones) to approve the November 17, 2022 meeting minutes as circulated by roll call vote with 4 Ayes 1 Absent (Outten).

Old Business –

None.

New Business –

1. **Elton Beauchamp – Accessory Building – 8760 Ocean Highway, Delmar, MD** – Mr. Beauchamp presented a concept for an accessory building. Mr. Beauchamp said right now he has a couple of properties here in Delmar. The property that he has on Bi-State Blvd.in Delmar has a car lot and inspection station. Mr. Beauchamp stated he would like to do the same with the new property presented in Maryland because he just needed to expand.

Mr. Beauchamp further said he is aware that there is no sewer in that location right now but he would like to build the building, put in two restrooms and use a minimal amount of water by using a self-contained septic holding tank. The tank would be sealed and he would have it pumped out every month or whenever is necessary until water and sewer are available. He mentioned he would put an irrigation system on the property as well.

Deputy Mayor Lenox responded this is the first time this Commission has seen this. He mentioned as a citizen one day they drove by and there was an empty field, the next day there was a fence in the middle of the field and then later on there is a lot of cars inside of the fence. Mr. Beauchamp responded there are two lots there.

Deputy Mayor Lenox asked Mr. Beauchamp was he asking for an accessory building and why? Mr. Beauchamp answered no, he was asking for a building permit. Commission Member Johnson asked Mr. Beauchamp if he wanted an automotive shop? Mr. Beauchamp answered yes, he would like an automotive shop with minimal use as far as septic. He said he would post a sign up that read no public restrooms and they would pump it out into a self-contained unit.

Mr. Beauchamp said he could start using it now and wait until septic becomes available. Deputy Mayor Lenox responded that will be a hefty expense. Mr. Beauchamp further said he checked with Carter Machinery, Car Store and Affordable Business Services and they have sewer but they do not have water, they all have their own wells. He suggested putting porta potties outside and a self-contained tank in the ground sealed.

Deputy Mayor Lenox said it sounds like we have a long way to go at this point as far as a site plan and everything that would normally go with the application. The part about the holding tank is going to be dependent on the County Health Department. Mr. Beauchamp responded he called the County Health Department on a number of occasions and they said they have no jurisdiction in the city limits. It was explained that the Town would be seeking some guidance from the Health Department.

Deputy Mayor Lenox asked CDC Hardin if private septic systems were allowed in the Town? CDC Hardin answered not without approval from the Utility Commission. If they are they are all grandfathered in. Mr. Beauchamp said the business that he has on Bi-State Blvd. in Delmar he built 30 years ago and it was the same issue. He further said he put a small car lot there and the Town gave him approval because no sewer ran to that location but water was there. He mentioned he received approval to put a holding tank in and he just had it pumped off as needed. As soon as sewer became available, he got a right of way through a neighbor's property, tied into it and had the holding tank removed.

Deputy Mayor Lenox asked CDC Hardin was there anything that would make this different than any other commercial development in terms of a site plan? CDC Hardin answered no. He said he was not fully aware of all the aspects that were being sought. One of the things here and now would be, in his opinion, Mr. Beauchamp is proposing a principal structure or a use under community business for which he is seeking to build a structure. In looking at the use by special exception this Commission would have to determine whether Mr. Beauchamp's use falls into any of the uses that he is proposing.

Deputy Mayor Lenox further responded if it does, he needs a fully designed site plan. CDC Hardin added he will also need to get a business license through the State of MD for whatever the structure or business will be designated as.

Mr. Beauchamp responded he has no problem with getting a business license or doing whatever he has to do. He suggested there is a site plan with the paperwork submitted but maybe it is not detailed enough. He said he called Soil Conservation and there is not enough disturbance to the soil and they told him he was dealing with the Town of Delmar and it is the Town's decision, Planning and Zoning.

Mr. Johnson added this Commission would have to see the entrances and exits either off of Rt.13 or Stage Road and where they are going to be. Mr. Beauchamp responded there is already an approved entrance. The gas company has put a right away in there with an approved entrance off of Stage Road and that is what they intend on using until the property is fully developed for the car lot. There is an entrance in front of the property over by the fruit stand which is over where the Car Store is. The property is accessible through Stage Road.

Commission Member Wilson said there is currently no Town water or sewer and there is no entrance marked on the site plan that was submitted. Deputy Mayor Lenox added it's having a formal engineered site plan done like any business would have to do. Mr. Beauchamp described his site plan. Commission Member Johnson informed Mr. Beauchamp everything that needed to be shown on the site plan.

Vice Mayor Jones responded we have to have a formal site plan before this Commission will give Mr. Beauchamp approval. Deputy Mayor Lenox explained to Mr. Beauchamp how the site plan is shown very conceptual and making sure the use would be okay. A conversation ensued.

Deputy Mayor Lenox stated to Mr. Beauchamp he is not saying that he can't do what he wants to do. It's zoned commercial and the Commission encourages commercial but he has to do a formal site plan to see how it would sit. He further stated what has to be shown on the plan is pretty specific in the code. CDC Hardin added in the recent past it was determined that if the property was in Town it was supposed to tie into the Town services. A conversation ensued.

Deputy Mayor Lenox informed Mr. Beauchamp that he was unaware if he could have a commercial building open to the public, having customers without restrooms. There are other jurisdictions as well, County Fire Marshal, etc. and there has to be a plan to review.

Deputy Mayor Lenox asked Town Mgr. Fleetwood did he know of anyone within the Town in this jurisdiction that has the septic/portable system? Town Mgr. Fleetwood answered he did not. He further answered he and CDC Hardin had to research his question. A conversation ensued.

Deputy Mayor Lenox informed Mr. Beauchamp that the Planning and Zoning Commission does not have the authority to tell him reliably that he can install a holding tank. That authority would come from the administrative arm and the Mayor and Commissioners.

Mr. Beauchamp said he could speak with Town Mgr. Fleetwood. Deputy Mayor Lenox mentioned Mr. Beauchamp needed to figure out who has the jurisdictions then he could get an answer that he could rely on. A conversation ensued.

Deputy Mayor Lenox called for a motion to table this submittal. A motion was made to table this submittal (Jones/Wilson) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

2. **Kesha Bailey – Addition – 602 Maryland Ave., Delmar, MD** – Ms. Bailey presented an addition as referenced per the attached drawings. Deputy Mayor Lenox said it appears the setbacks are in order. Commission Member Wilson noted the rear setback is not on the site plan but it appears to be well within reason.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Kesha Bailey – Addition – 602 Maryland Ave., Delmar, MD, as submitted with the condition that the rear setback be noted on the site plan. A motion was made/seconded (Jones/Johnson) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 84, 9423 Rolling Green Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted everything is in order for the setback lines. She further noted there is a Hudson on one side and a Pisa Torre on the other side.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioner for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 84, 9423 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Johnson) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 369, 9311 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the setbacks appear to be in order. She further noted there are existing dwellings built by others on either side.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 369, 9311 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Jones/Wilson) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation C – Lot 335, 9379 Mulligan Way, Delmar, MD** – This submittal was withdrawn.

Deputy Mayor Lenox asked Ms. Brown to relay to the powers that be the home under construction on Clubhouse Drive adjacent to the clubhouse has a very large pile of stone in the middle of a town street. He said they have heard from a couple of people and if it's raining it will flatten out, really, it's a hazard. Ms. Brown agreed to do so.

Deputy Mayor Lenox informed Ms. Brown that the next Planning and Zoning Commission meeting is scheduled for January 9th.

6. Joseph Hunt – Additions – 9131 New Bridge Drive, Delmar, MD – Mr. Hunt presented home additions as referenced per the attached drawings. Mr. Hunt described that the customer has an existing paved driveway which is cracked and wanted to remove that and add a paver driveway.

He said they are not touching the leadwalk. Also, they have an existing sidewalk that they just want to update by removing it and replacing it with a paver sidewalk to their main door and then some steps and a landing. Also, they would like to add an open 11 x 5 porch with no electric or plumbing.

Deputy Mayor Lenox asked if Bridgewood had an HOA? CEO Peek answered she had the HOA approval which is in writing. CDC Hardin responded before the permit is issued the HOA letter is presented or else the permit can't be issued.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Joseph Hunt – Additions – 9131 New Bridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Johnson) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

Public Comments –

None.

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Johnson/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

Submitted by:

Vondell Spencer

Clerk of Council