

**August 2019**  
**Galena Planning & Zoning Meeting**

The Meeting was called to order by Chairman Robert Chipriano at 6:02 p.m. on Monday, August 26, 2019.

Those in attendance were Chairman Robert Chipriano and Members' Ed Macchione, Bud Felty. Also, in attendance, **Council Member Frank Bogdan**, Zoning Attorney Mitch Mowell, Zoning Coordinator Kathleen Billmire, Clerk Pam McCoy and David Dahlstrom, Maryland Department of Planning.

**Motions**

Approval of the July 26, 2019, Record of Minutes: **Member Macchione motioned to accept minutes; Member Felty second motion, all present were in favor. Motion carried.**

Approval of site plan/set-backs for new construction at 112 Laura Lane, contractor Doug Coldwell was present. MDIA approved the construction plans. ~~Zoning Coordinator, Kathleen Billmire and Mayor Carroll measured set back and conclude they are correct. Subdivision encounters a deed restriction. Comprehensive plan requires committee to review. Zoning Administrative allowance to issue a permit.~~ **Member Felty motioned that Planning and Zoning Committee has reviewed site plans for new construction and find it acceptable. Council Member Bogdan second motion, all present were in favor. Motion carried.**

Approval of the August 26, 2019, Audio Minutes: **Member Bogdan motioned to accept minutes as recorded; Council Member Felty second motion, all present were in favor. Motion carried.**

Adjournment: There being no further business to come before Planning and Zoning, **Member Macchione motioned to adjourn the meeting; Council Member Felty second motion, all present were in favor.** Meeting was adjourned at 7:06 PM.

**Recommendations/Comments**

New construction, 121 Dogwood Lane, presented by builder, Ronnie Carpenter a Final Lot Grading Plan from Kent County Soil & Water Conservation District for site drains to an existing stormwater management (SWM) **were approved.** ~~Planning Commission does not need to review these plans.~~

Karen Diane Lee, 211 Lee's Court, Chestertown, Maryland present and requests from the committee approval of Day Care facility at the commercially zoned 104 N. Main St. and owned by Nancy Williams, 100 S. Main Street, also present. Town Zoning Coordinator is awaiting MD State License and approval of Kent County's Health Department's approval and building inspection. Under the Zoning Ordinance it is not a permitted-use, Attorney Mitch Mowell states all permitted uses in R-1 Zoning. He adds if Ms. Lee was a resident of the property she can apply for conditional-use as home occupation. Mitch Mowell advises owner of property she can apply to town for a text amendment. Mitch Mowell explains that the Planning Commission does not have the authority to make any changes, they are there for enforcement. Following the application process, the Planning Commission reviews and gives recommendations, then a public hearing must be held at Planning level then moves to Mayor and Council meeting for the review of Planning Commission recommendations then a public hearing at Mayor and Council level for approval or rejection.

Nancy Williams, 100 South Main Street, wanted to let the Town know how beneficial the façade grant has been for the Oh, So Sweet business that received a new facelift. She would encourage the Town to apply for more grants to help business owners as well as residential.

## Training

On August 14, 2019; Treasurer, Barbara Shaw, Ginger Camp and Zoning Coordinator, Kathleen Billmire received certificates for Planning and Zoning course in Ocean City.

**Comments from Zoning Attorney:** Mitch Mowell informed the committee a new Zoning Administrator with the County has been hired and starts September 1<sup>st</sup> ~~whom~~ who is replacing Amy Murdock.

**Zoning Coordinator's Report:** Reported by ~~Zoning Coordinator,~~ Kathleen Billmire **one permit pending. I don't understand/remember?**

Code Enforcement gave warnings to Dogwood Village residents whom parked on sidewalks or parked on wrong side of street. ~~which evoked a confrontation from a landscaper.~~ On Aug 8, while making rounds, a landscaper drove his vehicle onto the sidewalk and parked on the wrong side of the street. He was asked to move; this area was clearly posted with a 'No Parking' sign. He did comply by moving his truck only after he became belligerent and verbally abusive to the Code Enforcer. ~~Zoning Coordinator.~~ Kathleen filed a police report.

~~Another confrontation took place on~~ Friday, Aug. 23, 2019 a resident from Dogwood Village called to complain about ~~in when it was discovered~~ two vehicles parked on either side at same location **(corner of Cedarwood and Boxwood)** which became inaccessible for other vehicles to pass **or drive through.** Warnings on both vehicles were issued.

~~An incident,~~ **Adding a 2<sup>nd</sup> driveway** - 115 Cedarwood Drive, resident Mr. Krastel on Jan. 2, 2019 who wanted to do the work himself to add a second driveway accessible from Boxwood Lane (corner lot) removing sod and to be replaced with millings, with a 12-inch culvert and a 6' fence and ~~remove moving~~ an existing shed. The Town has no zoning permits for this project. On ~~Jan 30~~ **June 30,** 2019 he presented two site plans being 1- which is original, 1- with his changes.

Mr. Krastel's name is not on the deed, the property is in the name of Doris Linzey.

On Aug 2, equipment was brought in at 115 Cedarwood Dr., on Sat., Aug 3, Mayor John & Kathleen went to the residence and presented a Stop Work Order. ~~This resulted in a 'Stop Work Order', issued August 2, 2019 since~~ Miss Utility was not contacted for markings nor was this project approved by ~~the Zoning Coordinator.~~ This is a state law and safety hazard. Dogwood Village does have deed restrictions, but the Town cannot enforce. Resident's name must be recorded on deed before a permit can be issued and needs to be reviewed by P Z committee for approval before permit can be issued by Zoning Coordinator. ~~Zoning Coordinator,~~ Kathleen Billmire feeling concerned that this resident has clearly disobeyed the town's law, ~~her suggestions,~~ and did not follow her directions, and feels that residents may take matters in their own hands and not apply for permits if no action can be taken. Mitch Mowell advises this is not a Zoning issue.

This becomes a dispute concerning property rights. The Courts can also decide if injunction to be put in place. This can be an issue between Mayor and **Counsel** and the person who wants rights to property, such as an executor of the estate and or the property owner which is in the estate of Doris Linzey, however, at this time the estate needs to be reopened and for Mr. Krastel to be reappointed as executor of the estate. The Courts can also decide if injunction to be put in place.

Ginger Camp of 101 Boxwood Lane, present and addressed committee about the issues she was having with her neighbor Mr. **Krastell.** Her concern with millings spilling in over to her yard, no place for a fence

as her neighbor intends to put directly on property line. She informed her neighbor of her propane tank buried on her property. She only received a text message from her neighbor's wife regarding his plan to do yardwork within a short period of time prior to him working in his yard. She also attended Mayor and Council Meeting on August 5, 2019 and ~~argued~~ stated that Dogwood Village has a deed restriction for section II-C. Zoning Attorney, Mitch Mowell advised Zoning Coordinator that a town engineer should also review the application to ensure the safety of the entrance including site distance and culvert construction to relay to Mr. Krastel his option to apply to Mayor and Council an application to access Boxwood Lane. Further research lead Zoning Coordinator to state's and county's process and access for entrance application. The forms can be revised to fit our Town's needs and information.

The next Planning and Zoning meeting will be Monday, September 30, 2019 at 6:00pm.

Respectfully submitted,

*Pamela L. McCoy*

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Clerk