

TOWN OF EMMITSBURG PLANNING COMMISSION

MEETING MINUTES of October 28, 2019

ATTENDING: Keith Suerdieck, Chairman; Mark Long, Secretary; Joyce Rosensteel; Bernard Franklin; Joe Ritz, Town Commissioner liaison.

ABSENT: None

STAFF: Zachary R. Gulden, MPA, Town Planner

1. Meeting called to order by Chairman Keith Suerdieck at 7:30 pm.

2. Pledge of Allegiance.

3. OPENING STATEMENT: Mayor Don Briggs introduced new Planning Commission member, Bernard Franklin and Joe Ritz, Board of Town Commissioner's liaison. Chair Suerdieck followed with a welcome to Mr. Franklin and Mr. Ritz on behalf of the planning commission.

4. VICE-CHAIRPERSON POSITION VACANCY and vote for new vice-chairperson:

The position of Vice-Chairperson became vacant due to the election of former vice-chair, Frank Davis, to the Town Board of Commissioners and subsequent appointment of Joe Ritz as the Commissioner Liaison. Mark Long nominated Joyce Rosensteel to this position and no other nominations were received. Joyce closed the nominations. Joyce Rosensteel was unanimously elected to the position of Vice-Chairperson and will hold this position until the annual officer elections in late January 2020.

5. DISPOSITION OF MINUTES: A motion to approve the Minutes of September 30, 2019 was made by Joyce Rosensteel with second by Joe Ritz. The Minutes were unanimously approval.

6. OLD BUSINESS: None

7. NEW BUSINESS: Consideration of Dunkin' – Silo Hill Lot 3, Site Plan, File No. 2019-04.

Town Planner Zach Gulden made a presentation of the project and site plan. Representatives from Dunkin'; Rick Curry, B&R Design; Shital Patel, Franchise Owner; and Jason Scott, Architect, were on hand to elaborate on the plan and to answer questions.

The applicant requested two modifications to requirements.

1. A modification to allow a 13' by-pass drive aisle instead of a 15' drive aisle on the west side of the building.
2. A modification to allow 15 parking spaces instead of 16.

Town ordinance allows these modifications with approval of the Planning Commission and the town staff supports both modification requests.

Mr. Gulden read through and discussed the 21 conditions for approval that staff wants to include for approval of the site plan, as outlined in the October 16 staff memo. In addition to the 21 conditions outlined in the memo, Mr. Gulden also noted that the Vigilant Hose Company wants assurances a standpipe with correct fittings is installed for fire suppression. There was also discussion by commissioners to require some type of barrier between the patio area and traffic lane to prevent someone, especially children, from stepping into traffic.

After discussion by commissioners with questions asked and answered, the following two (2) motions were made.

1) Mark Long moved, with a second from Joyce Rosensteel, to approve the two requested modifications as stated in Town staff's memo dated October 16, 2019.

- a. A modification to allow a 13' by-pass drive aisle instead of a 15' drive aisle on the west side of the building.
- b. A modification to allow 15 parking spaces instead of 16.

The Motion passed unanimously.

2) Mark Long moved, with a second by Bernard Franklin, to conditionally approve the Dunkin' - Silo Hill Lot 3 site plan. The conditions of approval are:

SUBDIVISION & ZONING

1. In accordance with Town Code §17.20.090 A & B, General Note #12 shall be corrected to read:

- in-kind landscaping shall be installed and/or replaced where absent and screening via six-foot tall solid fence shall be installed along the entire rear lot line to the Town's satisfaction.

Approximately 40' of landscaping behind Lot 6 is absent (see image on site plan - area shaded in green) and 16 tree stumps are located behind Lots 1, 2, 3, 4, & 5 (shaded in blue). The applicant shall install and replace with in-kind landscaping to match surrounding area.

There are sections of existing 4' - 6' tall fencing scattered on or near the rear property line that are owned and maintained by the neighboring property owners; therefore, it cannot be counted as credit under §17.20.090.A. A new 6' tall solid fence shall be installed on the entire rear lot line (shaded in red) and maintained in order to meet Town Code.

2. Clearly delineated pedestrian crosswalks shall be provided to allow safe and convenient access in accordance with Town Code §17.08.140.G. The applicant shall add crosswalks to the following areas:

- From the sidewalk to the outdoor patio area / front door.
- From sidewalk to sidewalk at the entrance/exit.

3. A site lighting photometric plan sheet shall be added to the plan in accordance with Town Code 16.20.30.E.

4. A site landscaping plan sheet shall be added to the plan in accordance with Town Code 17.48.050.B.9.

5. Building restriction lines shall be added to the plan.

6. A stop sign and stop bar shall be added at the exit of the lot.

7. All existing easements shall be shown, and Liber/Folio referenced on the plan.
8. Parking spaces are labeled as 9' x 20'; however, three spaces only measure 17' on the short side. The spaces shall be 20' in accordance with §17.08.140.B.
9. ADA access from the public right-of-way to the front door shall be provided.
10. ADA access from the ADA access aisle to the front door shall be provided.
11. The entire lot shall be shown on the plan.
12. The site shall be shown on the vicinity map.
13. Horizontal and vertical datum as well as boundary and topographic survey sources shall be referenced on the plan.
14. A "compact vehicle only" sign shall be placed at the rear of the compact parking space.

TRAFFIC

15. The applicant shall paint the curbing in front of the lot and along the street yellow, add no parking signs, and remove the white parking line markings.
16. The applicant shall comply with and construct all traffic improvements as are required by MD SHA.

FREDERICK COUNTY CONSERVATION DISTRICT

17. An erosion & sediment control plan shall be submitted to and approved by the Catoctin and Frederick Conservation District to ensure protection of the SWM pond during construction. A copy of the plan and approval letter shall be supplied to the Town.

ADMINISTRATION

18. A note shall be placed on the plan stating, "Written notice of intent to start work must be provided to the Town no later than ten business days prior to the proposed start date."

19. The required ADA sidewalk improvements and landscaping requirements as stated on the plan must be completed or a satisfactory guarantee of completion (financial security) must be submitted prior to the issuance of any zoning certificate for such building development in accordance with Town Code §16.12.060. The applicant shall provide financial security in a form acceptable to the Town in the amount to be estimated by the applicant and approved by the Township Engineer to ensure construction of the ADA sidewalk improvements and landscaping shown on the plan. The financial security shall contain the provision that the Town shall be informed in writing at least thirty (30) days before the expiration date of any letter of credit or bond provided as a condition of approval. The improvements shall be completed before an occupancy permit will be issued.

20. The applicant shall pay such fees that are charged from time to time by the Town of Emmitsburg for further reviews or permits as may be required concerning the proposed development.

21. The applicant must apply for and obtain the following permits through the Town:

- Alteration of Infrastructure – due to water/sewer alterations (Chapters 13.04 & 13.08).
- Cross-Connection Control - A testable backflow prevention device shall be installed on the sprinkler system and directly after the water meter (Town Code Chapter 13.17).
- Zoning permit- signage (Town Code Chapter 17.38).
- Zoning permit - change of use (Town Code §17.48.020).
- Zoning permit -- construction (Town Code §17.48.020).
- Non-Domestic Pre-Treatment of Wastewater - A grease trap and/or grease interceptor system shall be installed (Town Code Chapter 15.36).

A Frederick County building permit is also required as with any other local, state, or federal permits required by law.

22. The applicant must install a fire suppression standpipe, along with correct connections, as per Vigilante Hose Company requirements.

23. The applicant must install a barrier, with vegetation and/or hard barrier, between the patio area and traffic lane to prevent patrons from inadvertently stepping in front of traffic.

Motion was unanimously approved.

7. PUBLIC COMMENT: None

8. A motion to Adjourn the meeting was made Joyce Rosensteel with second by Joe Ritz. Meeting was adjourned at 8:19 pm.

Next Planning Commission Meeting is tentatively scheduled for November 25th, 2019 at 7:30 pm to discuss Rutter's Improvement Plans.

Submitted by Mark Long, Secretary