

TOWN OF EMMITSBURG PLANNING COMMISSION

MEETING MINUTES of November 25, 2019

ATTENDING: Keith Suerdieck, Chairman; Joyce Rosensteel, Vice Chair; Mark Long, Secretary; Bernard Franklin via telephone; 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: Chair Suerdieck made some general comments about the Rutter's Improvement Plan that was before the Commission, and the importance of not becoming too bogged down in the details of the plan.

4. DISPOSITION OF MINUTES: A motion to approve the Minutes of October 28, 2019 was made by Joyce Rosensteel with second by Mark Long. The Minutes were unanimously approved.

5. OLD BUSINESS: None

6. NEW BUSINESS: Consideration of Rutter's Store #84 Improvement Plan, File No. 2019-05.

Town Planner, Zach Gulden, gave a presentation on the Improvement Plan.

The proposed project consists of creating an 8,380 square foot Rutter's convenience store. The proposed facility will include seven (7) gasoline fuel islands and five (5) diesel fuel bays along with a truck scale, twenty-eight (28) short-term tractor-trailer parking spaces and fifty-nine (59) passenger vehicle parking spaces. Full buildout of Rutter's is expected by 2021.

A sanitary sewer pump station will be built and paid for by the applicant. It will ultimately serve up to 500 single-family homes, 50 acres of commercial development, including retail, restaurants, and one convenience store. The pump station will be turned over to the Town for operation and maintenance.

The proposed use of the subject property is consistent with the Town of Emmitsburg Zoning Ordinance and Comprehensive Plan.

COMMENTS

The Town of Emmitsburg's staff has reviewed the Improvement Plan and have issued the following comments. Comments are not meant to be all-inclusive. Additional comments or suggested conditions may be presented at a later date.

1. Demonstrate that adequate sight and stopping distance exists for westbound Maryland Route 140 traffic using the worksheet from Frederick County / Maryland SHA considering the western entrance of the site will be used predominately for semi-combined traffic entering and exiting the property.
2. Demonstrate the dumpster enclosure complies with the Frederick County dumpster enclosure guidelines issued in 2010.
3. Approval of the improvement plan does not constitute an approval of the sewage pumping station. The staff, Mayor, and Board of Commissioners still must approve a public works agreement.

SUGGESTED MOTION

Move to conditionally approve the Rutter's Store #84 Improvement Plan with the **following conditions:**

Forest Conservation

1. The Applicant shall provide financial security in a form acceptable to the Town in an amount to be estimated by the applicant and approved by the Town's Engineer / Forester for the cost-plus administration and inspection costs of 20 percent in order to guarantee afforestation / reforestation as shown on the approved forest conservation plan. The financial security shall contain a 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 (Town Code §16.48.180).

Sanitary Sewer

2. The manhole cover name shall be changed from "Frederick County Sanitary Sewer" to "Town of Emmitsburg Sanitary Sewer" on sheet 29 of 35.
3. Provide a minimum of two parking spaces inside the pump station fencing and all curb radii shall be ten feet minimum.
4. Provide Frederick County or Maryland SHA standard detail numbers for all sewer and storm drain structures.
5. Reference the Liber/Folio of the easement for the sanitary pump station to be dedicated to the Town as well as all other utility easements shown for water and sewer.
6. Add a manhole with air release between stations 11+60.42 and 13+48.34.
7. Add a valve on sewer line outside head works near station 10+16.09.

8. Add a standard resilient wedge valve between stations 10+76.23 and 11+00.39.
9. Sewer lines shall be pressure tested after construction by applicant.

Water

10. Provide buttress and anchorage details for all water mains constructed in fill to standards and details for Frederick County.
11. A blow off valve shall be added to each side of the creek near station 19+71.82.
12. Water lines shall be pressure tested and chlorinated after construction by applicant.

Subdivision / Zoning

13. Curbs, gutters, & sidewalks shall be installed in front of all non-residential lots in accordance with Town Code §16.16.030.Q. Curb, gutter, and sidewalk shall be extended an additional 65 feet to the east of the two-lane entrance/exit (along all property owned by SPT Land, LLC).
14. Clearly delineated pedestrian crosswalks (§17.08.140.G.) and ADA ramps (MD Accessibility Code) shall be added at the two stub streets off the two lane entrance/exit.
15. A street lighting plan shall be submitted with the improvement plan per Town Code §16.20.020.H.
16. Three bicycle racks are required per Town Code §17.08.140.H.1. One additional bicycle rack shall be added to the plan.
17. The “Accessible Parking Space with Curb” detail on sheet 30 of 35 shows an 8’ minimum width and 18’ minimum length. Parking spaces shall not be less than nine feet wide, nor less than 20 feet long in accordance with Town Code §17.08.140.B.
18. Revise the ESAL’s & CBR values used for determining the super pave thicknesses and types for MD Route 140 & 15.
19. Show Maryland SHA’s standard detail plate number for curb and gutter.
20. Provide the elevation of the 100-year floodplain on the drawings.
21. Reference the Liber/Folio of the conservation easements and stream restoration easements.
22. Provide the MDE & US Army Corps of Engineer’s permit numbers and approval references on the drawings.
23. Provide a Frederick County specification on the drawings for structural fill.
24. Show minimum clearances for crossing utilities.
25. Relocate the 18-inch RCP storm drain outside of the pump station easement.
26. Label the concrete pad shown northeast of the car air station.
27. Provide sign height from grade to bottom of sign plate.

Administrative

28. The applicant shall pay the improvement plan review fee for \$7,600 in accordance with Town Code §16.20.050.
29. The applicant shall correct the following General Notes on Sheet 1 of 35.
 - The numbering shall be corrected to read 1 through 39.
 - “All construction methods and materials shall be in strict accordance with the Town of [Walkersville] EMMITSBURG, Frederick County....”

- “Contractor shall notify Miss Utility at 1-800-257-777, Town of [Walkersville] EMMITSBURG DPW at [(301)-845-4500] (301)-600-6300....”
- “All construction stationing is approximate and may be adjusted in order to meet field conditions. Contact [the Frederick City Department of Engineering Inspector and] Fox & Associates, Inc. AND THE TOWN’S PROJECT ENGINEER ARRO CONSULTING, INC. AT (301-791-1100) prior to making any modifications.
- “Contractor shall not tap or otherwise penetrate existing sewer mainlines without prior approval from Town of [Walkersville Inspector] EMMITSBURG’S DIRECTOR OF PUBLIC WORKS AND/OR SEWER/WATER SUPERINTENDENT.
- Revise note 7 to state that the location for disposal of unsuitable materials shall have an active permit that allows for disposal of each category of material being disposed of.

30. The signature block on sheets 1 through 35 shall be changed from Town Manager to Chairman of the Planning Commission & Town Mayor per Town Code §16.28.040.C.

31. The Applicant must provide financial security in a form acceptable to the Town, in an amount to be approved by the Town of Emmitsburg & Frederick County, in order to guarantee construction of the improvements shown on the plan in accordance with Town Code §16.12.040.F. The financial security shall contain a provision that the Town shall be informed in writing thirty (30)-days before the expiration date of any letter of credit or bond provided as a condition of approval.

32. 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 – 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.

33. The Applicant must obtain approval of the Erosion and Sediment Control Plan from the Catocin/Frederick Soil Conservation District and furnish to the Town a copy of the approval in accordance with Town Code Chapter 15.20.

34. The Applicant must obtain approval of the Stormwater Management Facilities Plan from Frederick County and furnish to the Town a copy of the approval in accordance with Town Code Chapter 15.21.

35. The Applicant, to the Town’s specifications, shall install all water and sewer lines and infrastructure in the development. The Applicant shall make all taps, and the regular tap fees currently in force shall be imposed.

36. 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 in accordance with Town Code §16.20.020.L.

Mr. Gulden noted that the applicant had already fulfilled Condition #28.

During the presentation and discussion, Rutter's Representative, Mr. Tim Bieber, made a proposal to eliminate some of sidewalks in the area near or adjoining the property owned by the SHA. The proposal differed from previous agreements with the Town Planner and differed from the drawings, dated 10/24/19, that were presented to the Planning Commission as part of the improvement plan.

After some discussion, and in order to give time for staff, the Mayor and Rutters to clarify the proposal and the implications of the proposal, the Planning Commission decided to table the improvement plan.

Joyce Rosensteel made a motion to table consideration of the Improvement Plan and it was seconded by Joe Ritz. The motion passed unanimously.

7. PUBLIC COMMENT: None

8. ADJOURNMENT: A motion to adjourn the meeting was made by Joe Ritz with second by Joyce Rosensteel. Meeting was adjourned at 8:33 pm.

Next Planning Commission Meeting is scheduled for December 17th, 2019 at 7:30 pm.

Submitted by Mark Long, Secretary