

**TOWN OF EMMITSBURG PLANNING COMMISSION
MEETING MINUTES of November 30, 2020**

ATTENDING BY ZOOM CALL: Keith Suerdieck, Chairman; Mark Long, Vice Chair; Joyce Rosensteel, Bernard Franklin, Ph.D., and Joe Ritz, Town Commissioner liaison.

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: When we vote tonight, we will do so by roll call. And when we need to speak, please identify ourselves since we are in a Zoom meeting. We will have a “show of hands” for the vote to adjourn the meeting.

4. DISPOSITION OF MINUTES: A motion to approve the Minutes of October 26, 2020 was made by Mark Long, second by Joyce Rosensteel. The Chairman asked for a review of a statement in the minutes, “conditionally outlined”. It should have read, “conditionally approved”. Also, there were no reference to two gentlemen that spoke for the new housing project. The minutes should also reflect that public comments were made by John Demmitt from FJD Development; and John Mazelon of Fox & Associates, Inc on the Brookfield project. Both items were accepted to be reflected in amendments to the minutes of October 26, 2020. The Minutes were unanimously approved with these corrections by roll call vote.

5. OLD BUSINESS: None.

6. NEW BUSINESS:

A. Irishtown Road:

Mark Long made a motion to recommend approval of proposed Phases 1 & 2 of the Irishtown Road traffic detour plan as presented. Joyce Rosensteel seconded the motion. The motion passed 4 – 0, with Mr. Ritz abstaining.

Mark Long made a motion to conditionally approve the Irishtown Road Improvement Plat with the following conditions:

1. If the closing of Irishtown Road and the detour plan is approved by the Mayor and Board of Commissioners, the applicant shall:
 - A. Obtain a street closure permit from the Town and pay the associated fees in accordance with Town Code Chapter 12.22.

- B. Provide the proposed street closure and detour plan to Frederick County for review and comment. County comments shall be provided to the Town for consideration before issuing a street closure permit.
2. It shall be specifically noted on the landscape plan, sheet 15 of 15, that only “cottonless male” London sycamore trees shall be permitted in accordance with Town Code §8.20.020.B. Female London sycamore trees are prohibited.
 3. The 10’ landscaping easement documents shall be prepared and recorded at the office of the Clerk of Court in accordance with Town Code §16.08.010. A copy of the document and recording receipt shall be provided to the Town.
 4. A letter of credit / bond in an amount to be approved by the Town Engineer, guaranteeing installation of the improvements, shall be provided to the Town in accordance with Town Code §16.12.040.F.
 5. Permanent property corner monuments and pipes are required to be installed, and they shall be shown on the plan in accordance with Town Code §16.20.020.G.
 6. Each utility shall submit a plan for installation of their underground utilities to the Town for review and approval prior to beginning construction in accordance with Town Code §16.20.020.J.
 7. The applicant has stated that there is no street ROW on the Purtell property. The applicant shall obtain a ROW on the property before constructing the road improvements in accordance with Town Code §16.16.030.P.
 8. Two street trees are proposed within the clear sight triangle on Lot 12. The placement of the trees shall adjusted in order to be located outside of the clear sight triangle in accordance with §17.08.160.A.
 9. The clear sight triangles are shown for the two intersections of streets with streets, but the clear sight triangles for all intersections of driveways with streets and private roads with streets shall be included as well in accordance with Town Code §17.08.160B.2. Street trees shall be adjusted accordingly to be located outside of the clear sight triangles.
 10. The legend on sheets 7 & 8 shall be corrected from “PROP. 8” W.” to “PROP. 10” W.”
 11. The proposed light pole symbol is missing on Lots 5 & 17 (sheets 3 & 4) in accordance with the approved 1995 lighting plan.
 12. A note shall be added to the plan that states: “The street lights shall be updated to an LED bulb equal to the approved 150W HPS bulb per §16.20.030.E.1.”

13. Space shall be provided for the owner's certificate to be notarized. The engineer certification shall include the items in §16.28.040.B.
14. A note shall be added covering Frederick County Code §1-10-17(B)(8)(h). The construction sequence shall be revised to include contacting the Frederick County Department of Permits and Inspection or its agent upon completion of the installation of perimeter E&S controls.
15. The plan shall include the surveyor's certification in accordance to Frederick County Code §1-16-72(B)(6) and §1-16-88(B)(17). The provided Engineering Certifications are in reference to the soil erosion and sediment control plan and have no reference to the survey.
16. The zoning district shall be provided in accordance with Frederick County Code §1-16-72(B)(14) and §1-16-88(B)(29).
17. The sidewalk width has increased from 4' as previously approved, to 5' on the current submission. Provide evidence that the added impervious will not cause an issue with the existing SWM facility.

Joyce Rosensteel seconded the motion. Motion passed unanimously by 5 total votes.

B. Miss. B's Childcare Facility:

Mark Long made a motion to approve the proposed reduction in the number of required parking spaces from 12 to 11. Joe Ritz seconded the motion. The motion was approved 5-0.

Joe Ritz made a motion to waive the requirements of Town Code §16.16.110.B., buffer yard 2 screening, on the western property boundary with the following conditions:

1. A solid 6' fence must be maintained on the western property boundary at all times.
2. This waiver does not include §16.16.110.B.5 (loading space screening) & §16.16.110.B.6. (dumpster screening).

Mark Long seconded the motion. The motion was approved 5-0.

Mark Long made a motion to waive the requirements of Town Code §16.16.110.C. Joyce Rosensteel seconded the motion. The motion was approved 5-0.

Mark Long made a motion to conditionally approve the Brittany Fritz Site Plan with the following conditions:

1. The applicant shall submit to the Town the total proposed number of water and sewer fixtures from a Maryland certified plumber in accordance with Town Code

- §13.04.041 and §13.08.111. The Town Planner has provided the fixture charts to the applicant. The property owner has provided a certified existing sewer and water fixture count. This property is currently allocated 24 fixtures for water (1.6 taps) and 24 fixtures for sewer (1.6 taps). The applicant shall pay the current tap fee rates if the proposed sewer and water fixture counts are in excess of the numbers stated in the previous sentence.
2. The sewer lateral shall be replaced with PVC and cleanouts installed in accordance with Town Code §13.08.140. A Town alteration of infrastructure permit is required before this work takes place.
 3. Adequate Public Facility Ordinance approval is required in order to determine if a traffic impact analysis/study is required in accordance with Town Code §14.04.140.A.
 4. “Chairperson” shall be changed to read “Planning Commission Chairperson” on the Site Plan’s certificate of approval in accordance with Town Code §16.12.040.D.2.
 5. Landscaping Plan:
 - A. The planting symbol “Proposed Leyland Cypress” under “Symbols” does not match the proposed planting types under “proposed plant schedule”.
 6. Permanent property monuments and pipes shall be placed on the property and shown on the plan in accordance with Town Code §16.20.020.G.
 7. Dumpsters shall be completely enclosed within a sight-tight masonry or fenced enclosure equipped with a self-latching door or gate in accordance with Town Code §17.08.240.B. More details are needed on the plan for the proposed trash enclosure to ensure it meets the requirements of Town Code.
 8. The plan shall identify the location of existing utilities lines with sizes in accordance with Town Code §17.48.050.B.6-7.
 9. A scale shall be provided on the Lighting Plan in accordance with the Town Code §16.24.020.B.3.
 10. The name, seal, and signature of the registered engineer responsible for the lighting plan shall be provided in accordance with the Town Code §16.24.020.B.5.
 11. The applicant must apply for and obtain the following permits through the Town:
 - Alteration of Infrastructure – due to sewer alterations (Chapter 13.08).
 - Cross-Connection Control - A testable backflow prevention device shall be installed on the sprinkler system (if applicable) 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.

12. 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.

Joyce Rosensteel seconded the motion. The motion was approved 5-0.

7. OTHER BUSINESS

1. Next Meeting: December 28, 2020 at 7:30 pm.

8. PUBLIC COMMENT: None

9. ADJORNMENT: A motion to adjourn was made by Mark Long and second by Joe Ritz. Motion to adjourn was unanimously approved by a show of hands. Meeting was adjourned at 8:51 pm.

Submitted by Bernard Franklin, Ph.D., Secretary.