

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
TUESDAY, APRIL 30<sup>TH</sup>, 2019**

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**PRESENT:** Chairman Rob Maricle, Vice Chairman David Parmelee, Rico Aiello, Doug Moore, Steve Jamison, Carvel Wright, Mayor and Council Liaison Rick Byrd  
Staff Member(s): Town Planner / Zoning Administrator Ethan Strickler

**APPROVAL OF MINUTES: February 26<sup>th</sup>, 2019 Meeting and March 12<sup>th</sup>, 2019 Workshop**

Rob Maricle asked the commission if they had any questions or comments on the February 26<sup>th</sup> minutes for their last Regular Meeting, as well as the March 12<sup>th</sup> minutes from the March workshop. The minutes were approved as presented.

***2019 ELECTION OF OFFICERS – Election of Chairman, Vice Chairman, and Secretary for the following year and overview of Planning and Zoning Commission By-Laws***

Commission member Parmelee made a motion to continue with the current chairman, vice chairman, and secretary for the next calendar year. Steve Jamison seconded the motion. The motion carried unanimously.

***Acknowledgement of Carvel Wright's Retirement from the Planning Commission***

The commission acknowledged the term of Carvel Wright, and presented him with a certificate of appreciation for his service to the commission. The April 2019 meeting was Carvel's last meeting. Carvel spoke to the commission and audience about his time and experience on the commission and serving the Town in other capacities.

**UNFINISHED BUSINESS**

***High's Dairy Store – Site Plan Review BNSP19-01 – Review of Site Plan after Revisions were made following the February 2019 Regular Meeting***

Darrell Volney of Messick & Associates spoke to the Commission about the changes they made in response to staff, engineer, and commission comments. He also spoke about the proposed modifications that they requested (via the modification application) for parking space modification (9' by 18' instead of 9' by 19' required by Town ordinances) and for entrance width modification (47' instead of the 40' maximum as requested by the commission). He included that they amended the exit from the car wash in order to alleviate any traffic congestion that may result from the car wash. Strickler noted that he sent the revised plans to ARRO for their review, and that Mr. Volney made the three adjustments that ARRO requested. He also let the commission know that High's would not be able to open, and possibly pull building permits, until the south end pump station upgrades are completed by the developer. Discussion that followed surrounded the work delay currently taking place at the Easterday development. Strickler provided an update, but relayed that the issue was primarily between SHA and the developer, and that even he does not know all of the details regarding the work stoppage.

Chairman Maricle stated that the commission would be in agreement with moving forward the staff recommendation of site plan approval contingent upon all other applicable agency approvals. The chairman also approved of staff's recommendation to approve the modification requests. High's and the engineer stated that they would get the project started once the developer completed their upgrades, and that their building process is typically a 120 day project period.

Town Planner Strickler reminded High's and the engineer to be sure to communicate with the neighboring property, Griffith, before construction because of the sheer height and property line setback of the retaining wall next to the neighboring property. Chairman Maricle asked if there was a setback issue with the retaining wall. Town Planner Strickler stated that these structures typically need to be 5 feet away from the property line. Maricle stated that the retaining wall and proper setbacks need to be addressed properly, and requested staff to send High's a letter confirming that the retaining wall meets setback requirements.

David Parmelee made a motion to approve staff's recommendations to approve the site plan contingent upon applicable agency approvals and approve the requests for modification, Rico Aiello seconded, and the motion passed unanimously.

## **NEW BUSINESS**

### ***BNAB19-01 - Sycamore Run As-Builts and Bond Reduction Requests for Phase III, Pump Station, and Phase I (75% reduction for Phase III & Pump Station and 95% reduction for Phase I)***

Town Planner Strickler gave a presentation to the Commission on the status of three As-Built reviews that were requested by the developer of Sycamore Run; for Phase I, Phase III, and the Pump Station.

Strickler began by presenting Phase I because the phase is nearly ready for a 95% bond reduction and one-year maintenance agreement. Strickler stated the surety for this phase of development is currently (approximately) \$400,000 (25% of original (reduced by 75%)). He stated that he and the consulting engineer Mike Hicks did their review in mid-April, and that the developers punch list items from the summer of 2018 had all been completed. April's review resulted in a small punch list that includes erosion issues along Monument Drive, and a few issues with stormwater ponds. Strickler noted that the County must give their approval before bond reductions can take place for all stormwater management facilities, and that County stormwater engineers have given the developer a punch list for Phase I. Staff stated that one final home along Monument Drive is still being built in Phase I, and that he recommends waiting until after the home is built to move forward with an approval for reduction. Staff's recommendation was to approve a 95% bond reduction and execute a one-year maintenance agreement for Phase I of the development contingent upon the punch list items being addressed, the completion of the construction of the home along Monument Drive, and approvals from all other applicable agencies (Washington County). Strickler stated that he would do a quick review and re-present this agenda item to the Planning Commission once the three things were completed. The commission agreed that the approval should not go to the Mayor & Council until the punch list, home construction, and agency approvals are complete. The commission agreed that \$80,000 (what would be left after a 95% reduction) would be more than adequate to address any other issues. Steve Oder said that the developer would definitely lay sod down along Monument to address the erosion issue. He noted that the developer uses TRIAD Engineering for all of their on-site civil engineering needs.

For the Pump Station As-Built Review, Town Planner Strickler stated he was relying on EcoLand Solutions review and letter for what needs completed. He also stated that the PWA for the Pump Station states that the bond should be held for one year after the completion of construction within the subdivision, meaning that they should wait to complete and vote on the as-built review for the pump station until after the last home is constructed and occupied in the subdivision. This will likely occur this summer. The commission agreed to revisit the pump station review when it is ready per the public works agreement.

For Phase III of development, which would be reviewed for a 75% reduction, Town Planner Strickler stated that he was going to wait to do a full review until after construction was complete in that Phase of the subdivision. Steve Oder thanked the Planner and the Commission for their time reviewing the As-Builts.

### ***BS2019-002 – Fletcher's Grove HOA Sign Application***

Strickler gave a presentation on the Fletcher's Grove HOA's request to build a sign within the road and right-of-way for Tiger Way at the intersection of Tiger Way and Chase Six Boulevard. Shirley Marriot was present on behalf of Fletchers Grove. Strickler stated that he presented the request to the Mayor & Council at their workshop in February. He decided to present the project to the Mayor & Council first because the project is entirely within a Right-of-Way, which is the jurisdiction of the Town. At that February workshop, the Mayor & Council gave their initial blessing to move the project forward for Planning Commission review. Strickler stated that the applicant submitted a Sign Permit application, and that it was approved pending Planning Commission approval of a site plan and Mayor & Council approval (formal approval) of the final proposed project. He stated the sign ordinance, unfortunately, does not specifically address the rules regarding signs in municipal rights of way.

Chairman Maricle stated that Bill Brennan should be able to give the Town requirements for signs in Municipal Rights-of-Way. The Commission discussed the dimensions and widths of Tiger Way and the proposed curb-cut for the sign project. The Commission approved of the initial idea, but wanted the following addressed; breakaway signage, firetruck access, truck access, crosswalks, road striping, and other issues. They stated that they would need more engineering input, a maintenance agreement, lighting requirements, etc. before giving formal approval of the sign project and sending it back to the Mayor & Council for final approval. They requested more accurate details and proper agency approvals to address their concerns, as well as the Mayor & Council's concerns, before moving forward. Site distance was also discussed as a

potential issue, and it was acknowledged that this would be a better project for site distance issues. Strickler stated they he would prefer to see a more formal plan that included crosswalks, road striping, and other features. Chairman Maricle said the Concept Plan was headed in the right direction, but that they wanted to see a more formal plan.

Carvel Wright made a motion to approve the concept of the sign in the Tiger Way right-of-way, but asked the applicant for a more formal site plan that addressed everyone's concerns before giving their approval, Rico Aiello seconded, and the motion passed unanimously.

### **Planning Commission Vacancy Interviews and Recommendation**

Bertrand Davis, Jr. of 907 Brookridge Drive has his interview for the Planning Commission vacancy. He stated that he has lived in Boonsboro for six years. The commission and Mr. Davis had a discussion about growth in Boonsboro, his credentials for the Planning Commission vacancy, and his availability for attending meetings. Mr. Davis stated he has a particular interest in long-range planning for the Town, and detailed his volunteer interests in Town.

Chairman Maricle stated that the Commission has two vacancies to fill, and stated that he would start an email chain for further discussion about the applicants prior to the Planning Commission's May meeting, and that the Commission would vote on who they would like to choose for those vacancies at their May meeting.

### **PLANNING AND ZONING UPDATES**

#### ***5G Small Cell Ordinance – Update and Recap***

Town Planner Strickler let the commission know that the ordinance was passed, the procedural requirements were passed, and the aesthetic requirements were passed.

#### ***Potential Ordinance Development – AirBNBs, Yard Sale Signs, Revised Regulations and Permits for Fences under 6 feet in Height***

The commission spoke about AirBNB's and the potential to pass an ordinance to regulate them. Strickler stated that Sharpsburg was drafting an ordinance. The Commission requested seeing the draft of Sharpsburg's ordinance at a later date to determine if further action was necessary.

The commission had a discussion on the need for a temporary sign ordinance (also referred to as bandit signs). They concluded no immediate action was necessary.

The commission had a discussion on the need for permits for all fences, not just fences taller than 6ft in height. The commission did not feel an ordinance or permit was necessary. Strickler brought the issue up because of a recent uptick in property line disputes involving fences. The commission agreed that property boundaries are determined by official surveys, and that it is a property owner's responsibility to know their property boundaries.

#### **Development Updates**

Strickler gave the Commission a brief update on the Easterday Development project.

He also informed the Commission that the Town was going to change its process with respect to Building Permits, and that, beginning in FY20, building permit applicants within the municipal boundary of Boonsboro would be applied for at Washington County instead of Boonsboro. Strickler stated that the largest benefits from this change would be a decrease in wait time for applicants with building permits and better reporting and recouping of fees with respect to building permit fees and excise tax. He noted he would give the commission more information leading up to the change.

#### **Comprehensive Plan Update – Status Update**

Strickler stated that the next Comprehensive Plan Update process would begin in FY21, and that we should begin to budget for the update starting in that fiscal year. He also noted he went to a meeting with MDP recently where he was able to get a better idea of what sections of the plan would need a more substantial update. Chairman Maricle stated he would like to schedule a workshop this calendar year to start the process.

## **Planning & Zoning Budget Request Form (FY2020)**

The Planning Commission was happy with the proposed budget that was presented to them (Planning & Zoning Budget). Strickler noted the only major change was building permit fees, which was related to the administrative change taking place in the building permit application process beginning in FY20.

Doug Moore made a motion to accept the draft budget, Rico Aiello seconded, and the motion passed unanimously.

### **CITIZEN COMMENTS**

None

### **COMMISSION MEMBER COMMENTS**

The commission spoke briefly about the joint workshop with the BMUC and Mayor & Council scheduled for May 9<sup>th</sup>. Rob Maricle and Steve Jamison stated they could attend.

### **ADJOURN**

Respectfully submitted,

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Ethan Strickler,  
Town Planner / Zoning Administrator