

MINUTES OF A MEETING OF THE PLANNING COMMISSION  
TUESDAY, AUGUST 28, 2018

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**PRESENT:** Chairman Rob Maricle, Doug Moore, David Ambrose, Steve Jamison, Rico Aiello, Carvel Wright, Mayor and Council Liaison Rick Byrd

**Staff Member(s):** Town Planner / Zoning Administrator Ethan Strickler

**Guests:** Eric Kitchen, Marilee Kerns, Tony Nally, Richard DiPietro, Steven Dove

**NOT PRESENT:** Vice-Chairman David Parmelee

**PRESIDING:** Chairman Maricle called the meeting to order at 7:00 p.m.

### **APPROVAL OF MINUTES**

Carvel Wright made the motion to approve the minutes from the July 24<sup>th</sup>, 2018 Planning Commission meeting. Doug Moore seconded the motion. The motion passed unanimously.

### **UNFINISHED BUSINESS**

#### **CONSIDERATION OF REQUEST FOR SPECIAL EXCEPTION – Redemption Towing & Recovery, BZA18-02 – Alternative Proposal (previously on June 26, 2018 meeting agenda)**

Town Planner let the Commission know that the BZA had sent this consideration back to the Planning Commission after it came to light that the original proposal included an area for the tow lot that was on a neighboring property that did not belong to DiPietro & Son, LLC, the owner of 7732 Old National Pike. Richard DiPietro, owner of the property, gave a brief presentation on what his tenant, Redemption Towing & Recovery, put forth as an alternative proposal; to establish a 40' by 80' tow lot for 10 to 15 cars on the side of the building (north side) entirely on the property at 7732 Old National Pike.

Rob Maricle noted that the cars in the photographs in the area were in an assortment of disarray, and that any fence would need to be pretty tall in order to block the view from the road in the case that the cars would be in the lot for quite a while. Carvel Wright noted that there has always been a garage at this location, and that the tow lot would be pretty far from the road (Old National Pike). The Town Planner brought up the point that traffic towards the back of the building to get to Promise Animal League is a potential concern. The proposed fenced in lot would limit the right of way area for vehicles to travel in and out towards the back of the Auction Square building. He noted that 40 feet would be the maximum width for the tow lot to allow for two-way traffic through the area, due to the property boundary being close to the edge of the gravel road.

Doug Moore wanted the Commission to be clear about the nature of the business, and how long cars would be parked in the tow lot. Steven Dove stated that the lot would be for short term accidents, DUIs and other police impounds, etc., not for long term storage. Rob Maricle stated his first concern was vehicular traffic to the back of the building, and stated he would like to see a more defined drawing and more accurate presentation of what was going to take place in this location. He specifically noted a more professional presentation with more accurate lot lines would allow for a more fair decision by the planning commission.

Doug Moore made the motion that the applicant, Redemption Towing & Recovery, needed to give a more professional presentation with official lot lines, dimensions, setbacks, ordinances, traffic concerns (including emergency vehicles), etc. with their presentation before the Planning Commission could make an informed decision in providing an advisory recommendation to the Board of Zoning Appeals. Carvel Wright seconded the motion. The motion carried unanimously.

#### **UPDATE ON Zoning Text Amendment – Temporary Storage Facilities**

Rob Maricle noted that the concern over temporary storage facilities arose after several pictures were taken (last year) of these containers around town that had been in place for long periods of time. The Planning Commission began exploring this topic around this time last year (September 2017). The chairman noted that the Town Council had concerns over drafting an ordinance because the schools in town use them, that they did not seem to be a large problem, and that there

have not been many complaints. The Planning Commission's largest concerns were that these storage containers have become permanent fixtures in some cases, that they represent an eyesore, that they are not appropriate in a residential setting, and that sheds require a permit. The original issue came up because of complaints for storage containers that were setting in place for many months.

The Commission and audience members spoke about all of the language of the proposed ordinance from 2017, including Time Limits, Temporary Uses, Modifications, Storage, Exemption for Government Properties, Appearance, Emergency Exceptions, etc. With respect to government property exemptions, the Town Planner noted that the school board pulled a building permit for HVAC upgrades earlier this summer (at the Boonsboro Schools), but that they likely received a fee waiver from the County.

The Planning Commission stated that Town Staff and the Commission needed to work on the verbiage of the ordinance to some extent before presenting it back to the Town Council. Carvel Wright noted that grandfathering for ordinances should have some type of time limit. The chairman stated that the Planning Commission should be on the lookout in town and send any pictures that they take to the Town Planner. The Town Planner suggested that the permit fee should be \$80, the same as the Town/County charges for a demolition permit.

Carvel Wright made the motion that the commission should more thoroughly review the proposed zoning text amendment for temporary storage facilities before staff amends the text amendment to bring back to the Planning Commission, so that the commission can make an updated, and more formal, recommendation to the Mayor & Council. Steve Jamison seconded the motion. The motion carried unanimously.

## **NEW BUSINESS**

### **MS4 NPDES Permit – Notice of Intent to Comply by October**

The Town Planner gave the same presentation that he had given the Mayor & Council the evening before at their August Workshop regarding the Town's requirement to comply with its MS4 permit, a permit from MDE having to do with retrofitting and upgrading stormwater management in the Town of Boonsboro. He noted that 20% of the Town's impervious surfaces that do not have adequate stormwater management will require upgrades to modern stormwater management through retrofits or through alternative best management practices. In Boonsboro, for the Town's MS4 permit, this equates to approximately 21 acres of impervious surface runoff that needs upgraded stormwater management. In addition, the Town has a plan to meet the permit's 6 minimum control measures.

Conversation centered around the costs, including engineering costs, associated with the Town's ability to comply with the permit, which is going to be significantly expensive and will rely on grant funding and other alternative funding sources. The chairman stated it would be wise to look around town to see what projects (stormwater retrofit projects) would be most pertinent to address first so that we can get RFPs out sooner rather than later.

Council liaison Byrd noted that several areas around town have big issues with their stormwater management, and that it would make sense to prioritize upgrading stormwater management in these areas where there are frequently citizen complaints about stormwater issues. Carvel Wright stated that his neighborhood does not have any stormwater management, and that other areas of town lack stormwater management. Strickler noted that we are not responsible for treating State Highway's stormwater. He also noted that some of the alternative BMPs, such as tree planting, street sweeping, etc., are much cheaper ways to get some credit for stormwater management. He said the Town has to submit their notice of intent by the end of October, and then the Town has one year to put their plan together. With respect to hiring a consultant to help with this plan, the Town Planner stated he could present different options to the Mayor & Council that has different cost options depending on how much consultancy services we would need. The group brought up the idea of sharing the cost for a consultant with other jurisdictions in Washington County, and also spoke about the MOU that was being developed with Washington County (MD).

## **PLANNING AND ZONING UPDATES**

### **Development Updates (Battlefield Estates, Fletcher's Grove, Sycamore Run, Easterday)**

The Town Planner gave a brief update on the developers around Town.

He provided a picture of the new sign that Easterday put up at his property. The chairman offered to meet with Easterday and the Town Planner at town hall if so desired. The Town Planner noted that his SHA permit has been extended.

Strickler noted he had a lengthy phone conversation with Mark Hrubar of Battlefield Estates about building senior housing (whatever could fit, maximum number of units) on the existing slab at the old London Fog building.

The Town Planner talked briefly about the Public Hearing on the Request for Annexation Agreement at Fletcher's Grove. He stated that the requested amendments do not apply to the entire property owned by the developer, but only to the 35 acres annexed into the Town in 2006, which weakens his argument for wanted to eliminate the senior housing component (Paragraph 3) because the developer could still do single family housing on the part of the parcel that was not annexed in 2006. He also noted that, because all of the land owned by the developer is zoned MR, any single family would still need to go through the special exception process and require additional PC and BZA approvals. Strickler passed around the latest communication between State Highway and the developer, and that SHA has concerns over the proposed distance between the intersection of Chase Six/Maple and Campus/Maple.

The Town Planner spoke about the latest updates on King Road's DRRRA request, and the latest on the work that the developer is doing to complete his improvements over at Sycamore Run.

### **Fees Review**

The Town Planner stated that he reviewed all of the Town's fees for development, including for engineering review, and that the Town will start to charge developer's for engineering reviews once again.

### **CITIZEN COMMENTS**

Eric Kitchen, with regards to MS4, noted that, at least within the Federal Government, when presented with an unfunded mandate there is definitely the ability to give some type of pushback to the regulating agency to help out in complying with the permit.

### **COMMISSION MEMBER COMMENTS**

None.

### **ADJOURN**

Chairman Maricle declared the meeting adjourned at 8:34 pm.

Respectfully submitted,

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Ethan Strickler,  
Town Planner / Zoning Administrator