

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
TUESDAY, FEBRUARY 26<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: January 15th, 2019 Meeting and February 5th, 2019 Workshop**

Rob Maricle asked the commission if they had any questions or comments on the January 15th minutes for their last Regular Meeting, as well as the February 5<sup>th</sup> minutes from the February workshop. The minutes were approved as presented.

**UNFINISHED BUSINESS**

**Easterday Zoning Map Amendment, BNRZ18-01(Rev) – Discussion following the Mayor & Council Public Hearing and February Regular Meeting, Recommendation on Planning Commission Map Amendment Proposal**

Strickler let the commission know that the Mayor & Council approved BNRZ18-01rev at their February 4<sup>th</sup> meeting, and that an ordinance and findings of fact would be introduced at the March 4<sup>th</sup> Mayor & Council meeting. The group then discussed controlling density on other portions of the property, specifically that area at the eastern boundary of the property where the Planning Commission and the developer came to an agreement to re-zone approximately 13 acres of land from Town Residential to Suburban Residential. Strickler stated that he received feedback from the Town's Attorney that it would be better to do this second re-zoning (13 acres from TR to SR) during a Comprehensive Plan update and reference the aforementioned BNRZ18-01(rev) when making the change. This is due to the optics of having a Planning Commission submitted proposal being subsequently recommended in public meetings and public hearings by the Planning Commission (the body that submitted the request). Strickler recommended that the Commission make the change during the next Comprehensive Plan update, which the Town would be doing in the very near future. The Commission agreed. They agreed to reference their meeting minutes from the meetings with BNRZ18-01(rev) during the Comp Plan update. Strickler stated the Comprehensive Plan Update would take 12 to 18 months, and stated that the development of the area of the property being discussed (13 acres adjacent to the County) would be very unlikely in that time. Strickler noted that Suburban Residential had been thought about for this area of the property at the time of the property's annexation, which is evident by its inclusion as Town Residential/Suburban Residential in one of the exhibits in the annexation agreement documents.

**NEW BUSINESS**

**High's Dairy Store – Site Plan Review BNSP19-01**

Darrell Volney, one of the engineers for the High's project (Messick & Associates), gave a presentation on the High's property. Darrell and a representative from High's explained their project in detail and began to address staff comments and the comments of the other review agencies. The representative from High's stated that they would be submitting building permit applications once their site plan was approved and signed, and once the Ostertag Pass / State Highway Improvements were complete. Mr. Volney stated that the landscape plan comments and adjustments that Staff provided / suggested, and that the changes would be easy to make. Mr. Maricle stated that the sole entrance to the property was not sufficient as presented, and that something needed to be done to fix the entrance. He asked if there has been a traffic study presented for the High's property, and continued to express his concern on the issues of turning radius, parking space size, and truck / trailer parking. He noted that a few places in Frederick that are designed similarly are very congested and difficult to navigate through. Mr. Parmelee asked if there was any reason why they could not expand the entrance. Mr. Volney stated that the entrance was a part of the Easterday's Ostertag Pass plans which have a shared access for the High's Lot and the adjacent lot. Mr. Maricle stated that something needs to be done, and that there is a similar situation in Town in the Antietam Spirits lot where the engineered numbers work, but the traffic situation in reality is difficult.

Discussion continued with a focus on the adjacent lot, where a Post Office is planned to go, and the coordination between the engineers for High's and the engineers for the Post Office. Mr. Maricle stated that the other issues were the size of the

parking spaces and addressing truck / trailer parking and usage. He stated Boonsboro's standard was for a 9' by 19' space, and the plans indicate a 9' by 18' space size. Strickler stated that striping crosswalks for sidewalks was also an issue not addressed in the plans that should be addressed before final approval. Discussion on landscaping centered around site line issues, visibility, and avoiding above and below ground utility infrastructure. Mr. Parmelee asked if there were any comments that were particularly difficult for the applicant. Mr. Volney said that they would like to see if they could get a modification to the parking space requirement (from 9' by 19' to 9' by 18'). Carvel Wright said he would prefer if the applicants went through all of the staff and agency comments and came back to the commission to present the revised plans.

*Chairman Maricle entertained a motion to have the corrections and issues addressed and to re-present to the commission with preliminary approval of the site plan as presented (addressed by all of the agencies required). Carvel Wright made the motion, Doug Moore seconded the motion, and the motion passed unanimously.*

### **Recommendation to the Board of Zoning Appeals – Special Exception BZA19-02 – Discussion on request at 23 S Main Street for a Convenience Store in the Town Center (TC) Zone, Requires Special Exception**

Michelle Vining presented on behalf of this special exception request for a convenience store in the Town Center zoning district at the property at 23 S Main Street. Michelle stated that she owns the Karote Studio in town, and that she had received past Town approvals (special exception) for the Karote Studio several years ago. She noted that the building on the property in question is the Old American Legion (23 S Main Street). She stated that her and her husband have put nearly \$48,000 in improvements in the building to run the Karote Studio, and that they have rented part of their space to a dance studio in the past. In thinking about a future for the property, the applicant said that she asked people in the community what they would really like to see downtown, and that those people indicated to her that a convenience store would be something they would like to see. She stated that, in her research, the current traffic counts for cars passing through Boonsboro is surprising, 5,823 vehicles per day that travel Alt-40 / Main Street (west bound) and 5,358 vehicles per day (east bound). Michelle noted that she has 36 parking spots to the rear of her building, and that she has access to the lot from both Main Street and St. Paul Street. She stated that she is ready to open the store if she can get approval for it, and that its name is My Mini Mart & Spirits. The spirits aspect of the business (beer & wine) may not happen because the liquor board has not granted her a liquor license at this time. Michelle stated that there was a rear entrance to the building as well (with a handicap entrance), making the store accessible from the parking lot. Her main goal and focus would be to sell typical convenience store items, such as bread, milk, toilet paper, cereal, eggs, etc.

Mr. Moore asked Michelle what kind of hours she envisioned for her store. Michelle stated that she is not sure yet, but that the hours would not be unreasonable. Carvel Wright stated that it would be helpful to see plans and a layout for the property that describes everything. The group discussed the health board, and Michelle stated that she had been in touch with the health board and that they would be coming in to review the space. She stated the County has already given her a business license for the store, pending town approval. Strickler stated that, unless there were structural changes to the building, the Town really only controls the zoning and uses of the property, not anything pertaining to business licensing, the health department, etc. The group then discussed the fact that the parking in front of the applicant's property has been eliminated, and that all customers would have to park in the back.

*The chairman entertained a motion to the Board of Appeals. Carvel Wright made a motion to approve the special exception request, Rico Aiello seconded the motion, and the motion passed unanimously.*

### **Recommendation and Vote to Schedule Planning Commission Workshop to Review the Boonsboro Comprehensive Plan (tentative date 03/12/2019)**

The chairman stated that the group had settled upon this date at their February workshop. Rico acknowledged that he will be out of town on March 12<sup>th</sup>. The Commission agreed to have the workshop at 7pm on March 12<sup>th</sup>. Because of the environmental commission meeting, the commission agreed to have the meeting in the second floor conference room. Carvel Wright let the commission know that his last formal commission meeting would be the March 26<sup>th</sup> meeting, and that it was time for him to retire from the commission. Strickler noted that this resignation would mean that the commission would have another vacancy in the near future.

### **Planning Commission Vacancy (Interviews)**

Tom Nittinger stated his desire to withdraw his candidacy for the position due to lack of time. Strickler stated that BJ Davis was not available for this meeting, and that he could be interviewed at the next meeting. Jon Hart was the first of three people to be interviewed.

Jon Hart (206 Potomac Street) stated he moved to Boonsboro from Austin, Texas last year. He detailed his non-profit experience. He explained that he is a software engineer, but that he has project management experience in the start-up business realm. He stated he has a B.A. and several different licenses. Jon stated that his strengths were in logistics, events coordination, etc. He stated they moved to Boonsboro because of its location, their love for old homes, the schools, and their proximity to outdoor amenities.

Benjamin Thomas (103 Green Fern Circle) stated that he and his wife have lived in Boonsboro for several years now (8 years). He stated he works for United Bank as a branch manager doing community banking (with his local branch being the United Bank branch on the Dual Highway in Hagerstown). He stated that he has two children in school locally. Ben stated that he does not handle the commercial side of banking, but that United Bank likely does have commercial clients in Boonsboro. He stated he only handles personal accounts and small businesses. He acknowledged that, if he were to be chosen for a commission vacancy, that he would recuse himself from voting on any issues, developments, commercial activity, etc. in Boonsboro that would represent a conflict of interest. Ben stated that he understands the development process from the perspective of a lender. His interest in the commission lies in the fact that he has young children and that he has an interest in the future development of the community. He stated that he supports responsible growth, and that he has heard about some of the proposed development around town. Ben stated that, on his end of town, it would be nice to have another restaurant option.

Stu Mullendore (3 Maple Avenue) stated that he is a lifetime resident of Boonsboro, and that he thinks that this is important because of his perspective on the Town. He stated that it has been difficult to watch the growth in Boonsboro while understanding many of the issues that come about because of that growth. He stated his qualifications, including the fact that he was formerly the Mayor of the Town of Boonsboro. His concerns were traffic, infrastructure development, and the delivery of services with respect to future growth. Stu stated that the Town has not given enough attention to roads and bypasses, and that the traffic issues are a huge problem in Boonsboro. He also stated that sewer collection and water distribution were major issues in this particular town. Rick Byrd commented that Stu has been an active participant at both Public Safety Commission meetings and Mayor & Council meetings. Strickler asked Mr. Mullendore, as a local resident, how he feels about Fletcher's Grove and the connection of Chase Six Boulevard to Maple Avenue. Stu reiterated that there are huge stormwater management issues in that area of Town, and that hopefully future development of the property fixes the issues.

## **PLANNING AND ZONING UPDATES**

### **Recap and Follow-up from the Planning Commission February 5th workshop**

Strickler noted that, as discussed during unfinished business, the map amendment issue with remaining portions of the Easterday / Preserve at Fox Gap, LLC property will be addressed during our next Comprehensive Plan update.

### **5G Small Cell Ordinance**

Strickler noted the impact of the FCC regulations regarding 5G and its impact on the control of the process. The Commission noted it might be in the best interest of the Town to hire a contractor to do a study on 5G implementation. Strickler added that the Mayor and Council will have the 5G ordinance on their March 2019 workshop agenda. The Planning Commission will provide input to the Mayor and council after the Planning Commission's March Workshop. The group agreed to add it to the agenda. Discussion also included that becoming certified as a smart city could provide additional controls on the process.

### **March 2019 Regular Meeting- Sycamore Run As-Builts and Bond Reduction Requests for Phase III, Pump Station, and Phase 11 (95% reduction for Phase 1).**

Strickler noted that the Town and its consulting engineers will review bond reduction requests for Sycamore Run in March. He also noted that there are currently several sinkholes near storm water ponds in the development. Discussion amongst commission members included a recommendation that a cost estimate on correcting the sink hole problems should happen prior to releasing the bond. Strickler noted that he will send in engineers to provide and estimate prior to

any other bond reductions. Strickler also noted Phase III bond reduction requests were submitted, but that the developer has several things to complete in that phase of development.

**Other Development Updates – Sycamore Run Update, Fletcher’s Grove Update (February Board of Zoning Appeals – February 19th @ 7pm)**

Strickler noted that the BZA approved Fletchers Grove 3 to 1. Plans should be forthcoming to the Planning Commission.

**CITIZEN COMMENTS**

None

**COMMISSION MEMBER COMMENTS**

None.

**ADJOURN**

Respectfully submitted,

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Ethan Strickler,  
Town Planner / Zoning Administrator