

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
TUESDAY, JANUARY 28TH, 2020**

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

APPROVAL OF MINUTES: November 19th, 2019 Regular Meeting

The chairman noted that for the two remaining undeveloped lots in Sycamore Run discussed in the November meeting, the commission stated they were required to not move forward with the development of those two lots as opposed to preferred to not move forward as stated in the draft minutes. The chairman asked for the approval of the minutes be contingent upon editing this from “preferred” to “required.” The Commission agreed to approve the draft minutes at the next meeting after the edit was made.

OLD BUSINESS

Planning Commission Vacancy Update

Strickler noted that the Town has received several interest forms, but none for the Planning Commission and several from people who live outside of the Town Boundary. Chairman Maricle stated it would be a good idea to post an ad in the paper. The commission also noted they would post it on social media pages.

Temporary Storage Container Ordinance – Attorney Comments, Needs Revisions

Rob Maricle let the Planning Commissioners know that Attorney Wantz provided Town Staff with a number of necessary revisions to the temporary storage container ordinance. Strickler provided the commission with the Attorney’s recommended revisions and the latest draft of the ordinance that was reviewed by the attorney. Strickler asked the commission whether they wanted to further define temporary storage containers or whether they wanted to treat them differently in different zoning districts. He also let the commission know that, per the Attorney’s recommendation, the ordinance should not define a separate Temporary (T) use, and instead just ensure the word temporary is provided in the temporary storage container definition. He stated that these structures must be defined in the ordinance as an “accessory use.” Rob Maricle asked whether the Town monitors how many accessory uses are on individual properties, citing complaints from around town concerning several sheds and other accessory structures in certain properties. The group suggested this be taken into account for future permit approvals.

The Commission had a discussion about the administrative appeal process, and that the hardship process defined in the ordinance for exceptions to the rule should be taken care of administratively in order to ensure Staff can adequately respond to emergency issues. The Town Planner stated he would change the ordinance to state that the government-owned properties exemption applies to only municipal properties, because the Town does not have jurisdiction over other government properties (County, State, etc.).

With respect to properties with different zoning designations, the commission agreed to have the ordinance applied equally across all zoning districts (i.e. permitted by right in every zoning district). The Commission did discuss Town Center, and whether this area should need a special exception. Strickler reiterated that any temporary storage container placed in Town needs to comply with the setbacks defined in the zoning ordinance. Strickler stated he would make the necessary revisions to discuss at the February meeting, and that he would email the draft of the revisions prior to the meeting so that the commission would have time to prepare.

NEW BUSINESS

Sycamore Run SWM-2 Access Issue (stormwater pond)

The Town Planner explained the access issue at stormwater management pond 2 in Sycamore Run, which lies between West Wing Way and the lots on Young Avenue. He discussed how the homeowner at 202 Young Avenue put up a fence in front of a 15.4' wide alley that provides access to the stormwater pond.

Discussion included how the property has changed ownership a few times in the last year, and that the new homeowner may not have known they were fencing property (the alley) that did not belong to 202 Young Avenue. The dedicated alley is noted on the plans and on the plat research done by the developer's consultant, Steve Oder. Another strip of land directly adjacent to the alley (also newly fenced in) was also identified by the deed research.

Chairman Maricle suggested sending a letter to the new homeowner, giving them the benefit of the Town's information. Strickler stated that, eventually, the County would approach the property owner anyway, as they inspect the stormwater ponds and would need future access to the pond. The group discussed with audience members how, when properties change hands, often times the new property owners do not know their property corners. The chairman recommended that staff explore the benefits associated with owning the additional 25' property to have a wider right-of-way. He also stated that the homeowner should be notified about the situation. David Parmelee stated the letter should state that the fence can only be located on the property owned by the individual at 202 Young Avenue, and that the fence located on the right-of-way needs to be removed. Strickler stated that the letter should copy all of those involved, including the developer, the County, and the Town stakeholders.

Rico Aiello made a motion to send a letter to the property owner to request they remove the fence so that it is only located on their property, Doug Moore seconded, and the motion carried unanimously. The commission furthered the discussion about how the alley was a grass alley, and whether or not it would be worth to mark the alley in some way, shape, or form.

Comprehensive Plan Update – Tentative Scheduling for Next Update (2020 – 2022)

The group discussed how the last comprehensive plan update took almost two years to complete. Chairman Maricle stated that staff changes and difficulty in scheduling meetings led to the extended timeline. The majority of the plan chapter meetings were held during the summer of 2008, a year before the plan was adopted in the summer of 2009. Chairman Maricle stated that they had to work extensively with the consultant during the last update to get the drafts edited properly. Town Planner Strickler stated that he would give the commission an overview of what new chapters the plan will need at their next meeting. He said this would help the commission and town staff better understand whether they would need to hire a consultant to help them with the process. The group wanted Town Staff to identify the weak links or necessary changes in the plan to discuss at a workshop session. Strickler suggested starting their February or March meeting at 6:30pm and holding the workshop immediately prior to one of their new meetings. The group agreed to review their necessary continuing education work at their February meeting and then have their first comprehensive plan workshop before their March meeting.

Sustainable Community Designation – 2020 Application

The group discussed the Maryland Sustainable Community Designation application that the Town Planner distributed to the commission. This is a program of the MD Department of Housing and Community development that helps communities become eligible for grant funding for main street, historic preservation, revitalization, and economic development projects. Williamsport, Hagerstown, and Sharpsburg are other communities in Washington County with this designation. Strickler spoke about one program in particular, the strategic demolition program, that could maybe help us work with different developers in Town. When asked by the chairman of whether there were any cons to the program, Town Staff stated they did not see any because it was a program with little administrative burden. Maricle spoke about how the different grant programs targeted commercial projects in addition to municipal projects.

Town Staff spoke about how the Sustainable Community plan had to be continually updated. Strickler stated that the Planning Commission could easily contribute to all sections of the plan application. Housing, Transportation, and Community Quality of Life were all sections identified by Town Staff as sections that the Planning Commission has some expertise on. Town Staff indicated they were shooting for the June 2020 application deadline. Chairman Maricle noted that the application was extensive, and asked if a special meeting was necessary. He suggested maybe having a joint meeting with some of the other commissions this spring. Strickler noted that Town Staff was looking for idea generation and feedback. The Commission asked staff to send them an email with specific items within the application they would like the Planning Commission to address. Jon Hart suggested using a google doc to compile ideas instead of an email, so that it could be interactive. Strickler stated he would send an email out with a prompt for specific information.

David Parmelee asked if Town Staff has spoken to the other Washington County municipalities with this designation and whether or not they have received any benefit from it. Strickler stated no, but that they would reach out to Sharpsburg and Williamsport, and that the DHCD folks indicated Hagerstown was active with their designation. Maricle suggested having a grant writer or circuit rider on call to apply to some of these types of opportunities (available through the program).

PLANNING AND ZONING UPDATES

South End Pump Station and Ostertag Pass Updates and Plan Changes

Strickler let the commission know that two recent plan changes to the approved South End Pump Station plans included laying a new force main (through a directional bore operation) and moving some of the required improvements from Phase I to Phase II of the upgrades. The Town revised the plans to reflect that Phase II of the upgrades needs to happen after 15 EDUs, not 80 EDUs as was originally proposed.

He stated that the developer did illegal and unauthorized excavation at the South End Pump Station property on January 7th, and that the developer was in violation of Miss Utility laws, and County and State (MDE) regulations. Strickler noted that the developer needed a County Building permit and an MDE waterway permit. The group discussed what development upgrades were necessary for any residential development in addition to what is necessary for commercial development. Town Staff noted that the developer's themselves have been trespassed from the property as a result of the January 7th incident. Staff said they would provide the commission with updates as they come, and that there is now more involvement from the County and State. The commission discussed the new traffic circle and how it was operating. David Parmelee asked about High's and whether this latest incident at the Pump Station would delay them any further. Strickler stated that nothing has changed, and that commercial development of the site (up to 15 EDUs) could take place once Phase I of the Pump Station upgrades were complete.

Town Manager Mantello stated that Town Staff did contact the bonding agency to ensure that the bond was still valid and in effect. The Mayor also noted that at a meeting onsite with MDE present, MDE required that the developer put up emergency silt fence by the pump station in response to the January 7th incident.

Sycamore Run Updates

Strickler let the Commission know that the Mayor & Council approved bond reductions for Phase I and the Young Avenue Pump Station that the Planning Commission had approved this past fall. He noted that there was one outstanding item for each, and that the Town would not send the letter to the bonding agency until those two issues were addressed. Strickler and the commission talked about the continued issues with speeding in the new neighborhood along Monument Drive. He noted that the Town put up 20 mph speed limit signs in Phase I earlier this year, but not Phases II or III because of waiting on construction to be completed. The Mayor brought up putting up the speed camera trailer at the intersection of Monument Drive and Young Avenue again. Town Staff stated they may just go ahead with putting up 20 mph speed limits throughout the rest of the neighborhood without a motion. Chairman Maricle suggested getting a confirmation letter or motion from the Public Safety commission to put up 20 mph speed limit signs throughout the rest of the neighborhood. They also brought up the issue of delivery trucks parking by Vesta and blocking the road at the square in Town. Doug Moore also noted about delivery trucks parking in front of the Inn.

Construction/Excessive Noise Policy or Ordinance (Discussion Only)

The Town Planner noted he looked at some other Town's ordinance regarding excessive noise, and primarily found restrictions against noises above a certain decibel level and only allowing work sunup to sundown. Mayor Long gave some examples of ordinances he knew. The commission asked about how much of a problem excessive noise really was across town. Robert Maricle suggested looking towards DCRA as an example. The group spoke about the importance of a flexible ordinance if they were to adopt one. The Town Planner stated that he would gather some resources from MML. The Town Manager suggested something broad with administrative discretion.

AirBNB & Short Term Rentals Updates (Discussion Only)

Strickler stated that he has begun to gather resources about a short-term rental or AirBNB ordinance, especially after Sharpsburg passed an ordinance regulating them last year. The chairman stated that there are many more Bed &

Breakfasts in Sharpsburg than in Boonsboro. The commission noted that they spoke about this issue around this time last year, and if anything has changed. Strickler stated that the number of AirBNB's in town doubled between now and then (from three to six). They asked to see a copy of the Sharpsburg ordinance and a location map for the AirBNBs in Boonsboro for their research. They asked if there had been any complaints, and Town Staff indicated that they have not received any to date. Jon Hart asked if the Sharpsburg ordinance included any fees. Along with Strickler, he noted it is a great service. Rico Aiello stated that it would be smart to regulate it. The group agreed that it would be good to facilitate the growth of lodging options in Boonsboro.

Gateway Communities Presentation (Information Only)

Strickler gave the Planning Commission a packet for a presentation that was given to the Economic Development Commission at one of their recent meetings. There was a short discussion about the Gateway Communities program. The chairman brought up the Town's Historic Society.

CITIZEN COMMENTS

The Town Planner gave the commission an update on the Weir Wall project at the Keedysville Spring. The emergency repairs to the weir wall will be taking place in the coming month. The commission had a discussion with audience members about the project. Town Staff talked about the Town's effort to have this project be a permanent fix. Some of the utilities commission members in the audience, including chairman Bob Sweeney, spoke about the funding for the project, the project's bids, and the water loss task force being headed by citizen Eric Kitchen (also present). Rob Maricle asked how the project was going to be funded, specifically how the loan would be paid back. The discussion shifted briefly to the wastewater model project being spearheaded by the BMUC. Paul Mantello stated that the wastewater model project, like the water model project, should be viewed as a capital improvement asset. The BMUC members present spoke about the fact that the Town would be developing an asset management and capital improvement plan with the help of the new models. After a question from David Parmelee, the BMUC let the group know that the cost split for the weir wall repair between Boonsboro and Keedysville was 85% to 15%, based upon the two Town's average usage. With the water loss task force members present, the last part of the discussion surrounded the fact that reducing water loss increases the system's capacity, and that this is particularly important in the context of new development. Water pressure was also a part of the discussion, including how the water pressure in the Crestview neighborhood is very high and a problem for many residents.

Mayor Long came before the Planning Commission to address a concern about door to door salesman. Howard stated that it would be a good idea to have an ordinance regulating door to door salesman. Recently, two door to door salesman were around town after dark and the Boonsboro police department was notified. Doug Moore asked if this would be a better topic to speak about with the Public Safety Commission, and the group spoke about how the Planning Commission would need to approve and send forth an ordinance to the Mayor & Council. Howard recommended an ordinance that would require a door to door salesman to get a permit for their activities at Town Hall before they can solicit in Town.

COMMISSION MEMBER COMMENTS

None.

ADJOURN

Robert Maricle adjourned the meeting at 8:58pm.

Respectfully submitted,

Ethan Strickler,
Town Planner / Zoning Administrator