

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
TUESDAY, AUGUST 11TH, 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, Tim Lung; Town Attorney, Jennifer Keffer; Town Manager, Paul Mantello

APPROVAL OF MINUTES: May 28th, 2020 Regular Meeting

Minutes approved, as presented.

OLD BUSINESS

Preserve at Fox Gap Lots 1-6 & Parcel C (BNFP20-01) – Final Subdivision Plat Review

Chairman Maricle introduces the Final Subdivision Plat. Trevor Frederick representing the developer presents an overview of the proposed subdivision and answers questions from the Planning Commission. Interim Town Planner Lung states that comments presented by the Planning Commission at its May 28 meeting have been addressed and all agency approvals have been received. He states that improvement plans for a new public street called Stiles Place to serve these lots are part of the site plan for the “Easterday Post Office” also being considered for approval at this meeting. Chairman Maricle entertains a motion to approve the final subdivision plat contingent upon approval of a Public Works Agreement addressing public improvements required as part of this development. Motion is made and seconded. Motion Passes unanimously.

Easterday Post Office – Site Plan (BNSP19-03) and Public Works Agreement Review

Chairman Maricle introduces the site plan and public works agreement and states that each will be considered separately. The developer’s engineering consultant, Trevor Frederick presents an overview of the Post Office site plan which also includes improvement plans associated with subdivision plat for Lots 1-6 and parcel C. Mr. Frederick answers questions from the Planning Commission including addressing adequate access to lot 6. Interim Town Planner Lung states that the plans have been revised to address comments from the Planning Commission’s prior review at its November 19, 2019 meeting and to include plans for the construction of a new public street called Stiles lane to serve the proposed new lots. Mr. Lung states that agency review of the revision to include the new street is still underway as well as the public work agreement. Chairman Maricle entertains a motion to approve the Site Plan conditioned upon all agency approvals being obtained and all Town staff and County comments being adequately addressed, including the public work agreement. Motion is made and seconded. Motion Passes unanimously.

Chairman Maricle introduces the draft Easterday Public Works Agreement (PWA). Town Manager Mantello states that the PWA will require approval by the Town Council. Mr. Mantello provides an overview of the PWA and introduces the Town’s attorney Jennifer Keffer. Ms. Keffer provides her assessment of the agreement and outlines the items of concern expressed by the applicant’s attorney Edward Kuczynski. Attorney Kuczynski presents argument in support of his concerns and recommended amendments to the agreement. There is discussion regarding the availability of sewer taps, the annexation agreement, relationship to the approved site plan for a High Convenience store and potential building permit applications. Chairman Maricle requests meeting with Town Staff and Town Attorney to review Draft PWA more closely. Mr. Mantello to schedule meeting.

Sycamore Run – Empty Lots

Chairman Maricle introduces the discussion regarding the “empty lots” in the Sycamore Run subdivision Phase three. Interim Town Planner Lung explains that the Preliminary plat for Sycamore run included two lots (lots 69 and 70) which were not included on the recorded Final Subdivision Plat for Phase Three. The recorded plat indicates this area as “Ex. Part of Phase 1 Residue”. Approval of the number of lots depicted on the recorded final plat was based on consideration

to the Adequate Public Facilities Ordinance (APFO) and the provisions of the annexation agreement. The number of lots shown on the preliminary plat exceeded that number by two, thus the reason for excluding them from the Final Plat. The developer is seeking guidance regarding obtaining final plat approval for these two lots. Town attorney Keffer has reviewed the annexation agreement and has determined that these two lots are not covered by the terms of the agreement in regard to APFO; however, the “remaining lands” depicted on the recorded final plat may be conveyed for the purpose of constructing one single family dwelling. The Planning Commission discusses the matter and determines that final subdivision approval of the two additional lots would need to comply with all the provisions of the Adequate Public Facilities Ordinance.

NEW BUSINESS

AC&T Employee Parking Lot (BNSP20-01) – Site Plan

Chairman Maricle introduces the site plan for the AC&T employee parking lot. The developer’s engineering consultant, Trevor Frederick provides an overview of the project and answers Planning Commission’s questions. Interim Town Planner Lung summarizes the staff report and states that staff recommends a separate pole mounted, shielded, light fixture to illuminate the parking lot for nighttime use. He also recommends additional information regarding the vegetative screen plantings. The Planning Commission discusses the plan including storm water management and recommends the use of an opaque fence in lieu of screen planting and agrees with the Staff’s recommendation for a separate light fixture. Mr. Lung states that Maryland State Highway Administration approval is outstanding. Chairman Maricle entertains a motion to approve the Site Plan contingent up obtaining State Highway approval and revising the plan to provide a screen fence and separate pole mounted lighting. Motion is made and seconded. Motion Passes unanimously.

PLANNING AND ZONING UPDATES

South End Pump Station Updates

Town Manager Mantello informs the improvements are not complete and estimates a month until completion. Mantello informs work is currently underway to schedule/install an electrical upgrade through Potomac Edison.

Temporary Storage Container Ordinance – Public Hearing Update

Interim Town Planner Lung reports that the Planning Commission had previously reviewed and recommend approval of the ordinance. A Public Hearing by the Mayor and Council was held on August 10, 2020. There was no public testimony presented in support or opposition of the Ordinance. The Town Council approved the Ordinance at its regular meeting on August 10, 2020 following the Public Hearing.

ADJOURN

Robert Maricle adjourned the meeting at 9:30pm.

Respectfully submitted,

Tim Lung, Interim Town Planner/Zoning Administrator
Town of Boonsboro