

## Minutes

### Walkersville Planning Commission

September 26, 2017

Commissioner Chairman Dick Brady called the meeting to order at 7:30 p.m. with members David Ennis, Tim Pollak, Mike Kuster, Gary Baker, John Zimmerman and Ray Santullo in attendance. Also present were Town Planner Susan Hauver, Town Attorney Ian Bartman, and Town Engineer Scott Longstreth.

#### 1. Minutes

***Member Kuster made a motion, seconded by Member Pollak, to approve the minutes of August 22, 2017 meeting. The motion passed on a vote of 5-0-2 (Ennis, Zimmerman).***

***Member Ennis made a motion, seconded by Member Baker, to approve the minutes of September 12, 2017 meeting. The motion passed on a vote of 4-0-3 (Kuster, Santullo, Pollak).***

#### 2. Site Plan: Lonza Remediation

Planner Hauver presented the site plan for a 12,592 square foot addition to the front of the main building at Lonza and two smaller building expansions. The building renovations are needed to bring the facility into compliance with Food and Drug Administration requirements. She also noted that Frederick County had determined that the applicant was exempt from stormwater management and grading permit requirements.

Member Ennis asked if the County exemption determination had been put in writing. Mr. Fran Zeller of Harris, Smariga and Associates, representing the applicant said that it was discussed in a meeting and that he would get a follow-up letter to that effect.

Mr. Ennis noted that the boiler room backs up to a parking lot and asked whether bollards should be added. Mr. Patrick Smith of Lonza said that they could be added. Member Brady asked about the fuel source and Mr. Smith said it was natural gas, that there was no oil tank and that the boiler capacity was not be expanded.

In response to a question about the Wellhead Protection Ordinance application, Mr. Zeller said that Lonza's architectural and construction contractor IPS would be submitting it.

***Member Kuster made a motion, seconded by Member Pollak to approve the Lonza Remediation site plan, pending submission of the Wellhead Protection Phase 1 application. The motion passed on a vote of 7-0.***

#### 3. Preliminary/Final Plat: The Glades townhouse development

Planner Hauver presented the preliminary/final plat for 20 proposed townhouses on the west side of Glade Road opposite Winter Brook. She noted that the plan meets the schools and water requirements of the Adequate Public Facilities Ordinance. She also suggested that the name of the development be renamed Longley Green to match the street name and avoid a commonly used name in town. She noted that common area should be provided between lots 5 and 6 and lots 14 and 15 to improve pedestrian access to the rear of the interior units.

Mr. Ron Thompson of VanMar Associates, Inc., spoke on behalf of the applicant. He said he would consult with the developer about the name of the development. In response to a question, he said that the name does not have local significance.

Chairman Brady noted that the homeowners' association would be responsible for 1.6 acres of open space and stormwater management areas as well as the stub street leading to the back of the property.

Mr. Thompson offered to add an 8 foot wide pedestrian easement between lots 5 and 6 and lots 14 and 15.

Mr. Ennis asked about the horizontal bend in the proposed water line in Longley Green Drive and noted that the easement would be outside the road right-of-way. He also suggested an alternative using fillets where Longley Green Drive intersects with Glade Road.

***Member Baker made a motion, seconded by Member Santullo, to approve the combined preliminary/final plat subject to the comments made by the Commission and the inclusion of walkways between the buildings. The motion passed on a vote of 7-0.***

#### **4. Site Plat: Heritage Farm Park Activities Building**

Planner Hauver presented the site plan for the proposed activities building at Heritage Farm Park. Member Ennis said that the Town never responded to his concern about the plans needing to be reviewed by a third party, since they were prepared by the Town's plan review engineer.

Mr. Scott Longstreth, design engineer for ARRO, noted that the plans had been reviewed by Frederick County for utilities, stormwater management and forestation requirements. Mr. Ennis said that the County does not review the plans for compliance with Town Code requirements.

Mr. Brady asked when it would be determined whether sprinklers would be required in the building. Mr. Longstreth said that the fire marshal said they were not necessary.

Mr. Ennis said that the paved parking requirements were not met. Mr. Pollak noted that there were other paved parking spaces by the adjacent softball fields. Ms. Hauver said that the zoning ordinance does not set forth parking standards for parks and playing fields.

Mr. Ennis asked about the trees on the disk golf course and suggested a note be added specifically stating that the trees will not be removed. He also said a note should be added to the plans stating that the asphalt path would be repaired and that the stockpile in the septic area would not disturb any trees and would be removed at the completion of construction.

Members discussed the issue of having an independent engineer review the plans.

***Member Santullo made a motion, seconded by Member Pollak, to conditionally approve the site plat subject to notes being added that the walkway would be repaired, that the stockpile removed and that the trees on the disk golf course would not be disturbed; and that Commission would ask the Town Burgess and Commissioners to respond to Mr. Ennis' question as to the need for an independent engineering review. The motion passed on a vote of 6-1 (Ennis).***

#### **5. Site Improvement Plans: Richard Winn Lane**

Planner Hauver presented the improvement plans for the new road to be located behind the Sheetz store, connecting Stauffer Court to Fountain Rock Road. The road will be built as part of the Sheetz CLI development, which Sheetz paying one-third and the Town paying two-thirds. The road exceeds the Design Manual's specifications as to thickness. Mr. Longstreth, design engineer, noted that the heavier design would better accommodate truck traffic.

Member Ennis suggested that the culvert at the intersection of Fountain Rock Road and Stauffer Court could probably be removed now that the Sheetz lot is developed and very little water will be draining that way.

Commission members discussed how Stauffer Court would be finished off once the Richard Winn Lane is built.

***Member Pollak made a motion, seconded by Member Kuster, to conditionally approve the improvement plans subject to the engineer investigating the feasibility of eliminating the culvert. The motion passed on a vote of 7-0.***

#### **6. Site & Site Improvement Plan: Rutter's store and gas station**

Planner Hauver presented the staff report for the proposed store and gas station to be located on Woodsboro Pike. She noted that comments Frederick County traffic engineer Ron Burns had just been received and the applicant had not received them. Mr. Burns said in his comments that the method used for evaluating the level of service of Sandstone Drive with MD 194 was not appropriate for unsignalized intersections.

Mr. David Martineau and Mr. Neal Metzger of Rutter's, as well as Mr. David Koratich of LSC Design and Mr. Tom Austin of Transportation Research Group spoke on behalf of the applicant. They noted the following:

- They removed the truck entrance on Sandstone Drive and re-designed the parking around the store to comply with the front yard setback requirement.

- The gas tanks were moved to comply with setback requirements.
- They would be willing to provide variety in the landscape buffer on the north side of the property.
- They are requesting a waiver regarding the slope of the storm drain since they cannot go any deeper with the drain.
- With regard to lighting, it was noted LED lighting is adjustable to minimize the impact on the neighbors.
- With regard to noise and fumes, anti-idling laws restrict trucks from idling on site for long periods of time.
- As to the traffic study and comments from Frederick County, they used the standards set forth by the State Highway Administration.
- With regard to the staff comment about adding a green space to the plan, they explained that the paving was needed to allow trucks more leeway in making turns. They don't want to box vehicles in when making turns. Also, they paving is needed for truck drivers to park temporarily while visiting the store.
- The use is permitted and their plans are in compliance with Town ordinances.

Member Ennis asked about General Note 8 and the lack of a geotech study. He wondered what they would do if they hit rock. Mr. Koratich said they would avoid blasting. The underground storm system will be 3 ½ feet deep, and the tanks will be 15 feet deep. In response to a question, Mr. Koratich said that the sidewalks will be heavy duty because they expect trucks will drive over the curb.

Mr. Ennis asked about the signage prohibiting trucks from using Sandstone Drive, noting that it needs to be visible before trucks make the turn off MD 194. He wants the signage to indicate that trucks over 10,000 pounds are prohibited, to reflect the Town Code and allow the State Troopers to enforce it.

Mr. Ennis asked about the landscaping plan and the privacy fencing planned for the northern property line. He noted that no landscaping was proposed along Sandstone Drive. Mr. Koratich said that they were keeping that area clear due to the utilities located underground.

Mr. Ennis also said that trucks should be prohibited on Sandstone Drive during construction.

Mr. Ennis noted that the Town Sinkhole Ordinance requires immediate action when sinkholes are discovered in stormwater areas and structures. Mr. Martineau said that their company has a lot of experience with limestone in central Pennsylvania.

It was noted that the fire hydrants will be located within 300 feet of the gas pumps. The need for sprinklers would be determined by Frederick County Life Safety office.

With regard to the request for a waiver of the Design Manual requirement regarding drainage, Mr. Koratich said they would otherwise have to raise the site to get positive drainage. Frederick County reviewed and approved their stormwater management plans, providing safe conveyance for a 100 year storm study.

Mr. Ennis asked about the drainage easement that would be extinguished, noting that it should be shown on page 22.

Mr. Brady asked about the surveyor's submission showing the setback of the pumps from the Victoria Park apartment building. He noted that the distance between the building and the lot line is not indicated on the submitted plot. Mr. Koratich said that Mr. Brian Mohler, surveyor, attested to the location of the building and that the pumps are shown to be 250 feet or more from the apartment building. He explained that the location of the building had originally been sited using GIS data and aerial photography, but the survey had resolved the issue of its location they had settled on the exact location of the pumps.

Mr. Brady asked about the height of the pylon sign on MD 194, noting that the it cannot be more than 25 feet above the grade of site or street, whichever is lower.

Mr. Brady asked about the lighting plan, wondering that if the site is "underlit", what that means: how much? In how many places? Who sets the limits. Mr. Martineau said it was underlit by Rutter's standards, but would not be hazardous or dangerous.

Mr. Brady asked about Frederick County traffic engineer Ron Burns comment on method used to determine the level of service at the unsignalized intersection of Sandstone Drive and MD 194. Mr. Tom Austin said that the alternate method suggested by Mr. Burns would show that there are significant delays at the intersection. However, use of the Rutter's drive to get to the signalized intersection will provide relief to the delay.

Mr. Doug Sass, 273 Maplewood Court, Walkersville, said he values the peacefulness of the area and his concerns relate to the amount of noise and its effect on the town and community. He noted that if the tanks are 15 feet underground, there is the risk of blasting. He thinks there will be more traffic than what is foreseen. The right lane on southbound 194 will now include vehicle veering off to go to Rutter's. It will be harder for residents to turn on 194 at Sandstone Drive where there is no light. He didn't think the answers from the Rutter's representatives were very convincing. Rutter's must expect traffic to justify their choice of the site. There will be changes in traffic noise and aesthetics.

Ms. Ann Moldenhauer, 258 Deer Run Drive, Walkersville, noted concerns about traffic, noise and pollution and the answers from Rutter's were not satisfactory. The Town doesn't need Rutter's and she won't patronize the business. She noted that the online petition drew 697 signatures online and 480 signatures on paper. The use is not welcome in Walkersville, and she suggested they find another place. She reminded Commission members that they represent the citizens of Walkersville. She expressed safety concerns about MD 194 and said they need to protect the citizens. She also asked that the Town firmly hold the applicant to the requirements.

Ms. Kathryn Troupe, 105 Polaris Drive, Walkersville, said that Sun Meadow would be directly affected by the use and is concerned about its effect on her and her family. She doesn't want Rutter's, doesn't want a truck stop. Trucks are disruptive. The applicants gave no answer to concerns about the impact of light and noise on area residents. The trucks will be there at 2 a.m., 3 a.m., and 4 a.m. She felt the answers given were vague. She emphasized that she was not in favor of a truck stop.

Ms. Gail Summers, 129 Adams Court, Walkersville, said she is familiar with Rutter's stores in Pennsylvania and that they have a clean, friendly atmosphere. However, she was surprised and concerned about the location they chose in Walkersville, where the use doesn't fit in. She invested in her townhome and is concerned about its value. She is concerned about residents of Victoria Park with COPD and the impact a trucking center could have on them. She notices a lot of families walking in town and feels that a constant parade of trucks and flow of strangers will cause a personality change in the community. She also felt there was no need for another gas station in the community. She also asked when consideration of the plans started, noting that she never heard anything until September. She feels the study of truck traffic is incomplete and is also concerned about the depth of the gas tanks.

Ms. Mary Loudin, 124 Adams Court, Walkersville, said that Rutter's is not welcome here in Walkersville. She loves the town and said it is quiet and peaceful. MD 194 runs behind her house. She hears trucks on 194 at 1 and 2 a.m. She thinks the use could bring in prostitution and drugs and the town will need more officers. She enjoys sitting on her quiet and peaceful deck. The use will make a big difference on the Town. She noted that that the Commission handled everything well. She also expressed concern about potential blasting, noting that her dog is afraid of thunder.

Ms. Judy Katz, 332 Copper Oaks Drive, Woodsboro, said she comes down MD 194 every day. She said that the brand-new Sheetz is truck stop and there is already Circle K. She noted recent traffic study showing that 10% of traffic is southbound and 90% is northbound.

Ms. Celeste McNiesh, 253 Deer Run Drive, Walkersville, thanked the Commission for the questions they asked. She has safety and environmental concerns. She noted the volume of traffic on 194 and felt the use would attract more traffic. She felt that the volume of traffic could be delayed by the trucks. On a 50 mile per hour road, trucks have a hard time slowing down. She felt an increased police presence would be needed, that the decision to increase the number of troopers from 3 to 5 was made before Rutter's was proposed. She is concerned about the "underlit" gas station, noise pollution and air pollution from idling trucks. She is not comfortable with the paving tying the stormwater management into the existing system. She is afraid the road

will flood. She asked about one of the gas pumps which appears to be closer than 250 feet to the nearest residence.

Ms. Ginny Simoneau, 213 Sandstone Drive, Walkersville, noted that she is also owner of the Children's Center of Walkersville. She said there are already trucks on Sandstone Drive. Signs will add to the challenge of the intersection and the use will affect the flow of people trying to get out onto MD 194 from Sandstone Drive. Despite prohibiting overnight parking and truck parking the neighbors will be breathing the fumes and hearing the noise from trucks on the site. The use will attract truck traffic. She presented the paper petitions containing 486 signatures.

Mr. Jeff Ciocco, 317 Fallsworth Court, Walkersville, spoke in support of the use, noting that competition is good for keeping the price of gas down.

Ms. Mary Ann Brodie-Ennis, 118 Challedon Drive, Walkersville, asked how trucks would enter and exit the site. She wondered what will prevent trucks from coming in and out on Sandstone Drive. Signs don't work, as evidenced by the damage done by vehicles to area covered bridges. She felt the traffic study should address the number of trucks coming in and out at all times of day, not just during the peak hours.

Mr. Kris Anderson, 207 Cobble Way, Walkersville, noted that he is also the President of the Fountain Rock Manor homeowners association. He feels he kept an open mind about the use as he appreciates the company and wants to see the site re-developed. He noted that the residents are very much against it. He expressed concern about the intersection of Sandstone Drive and MD 194, and feels it is dangerous. Lefts and rights out of Sandstone Drive was difficult. He said that their HOA has learned the about the reality of sinkholes. You can't just hope that blasting won't have an effect, as blasting causes sinkholes to form. He thinks the signage restricting trucks is a bad idea since you can't have a 24 hour police presence. You can't assume people will obey signs.

Mr. Ken Waters, 220 Diamond Drive, Walkersville, opposed Rutter's for the reasons stated by others. We don't need another gas station or 24 hour business. Traffic, safety, noise are problems. He appreciated questions from Mr. Ennis and Mr. Brady. He asked about the 250 foot setback requirement and wondered if it meant to the property line of adjacent residences. He would like the town to work on a plan to make the town more walkable. A gas station goes against this and he wonders if the kids will be safe.

Ms. Gail Summers, spoke again and noted that she hears trucks all night and asked about the depth of the gas tanks.

The applicants responded to the public comments, noting:

- The gas tanks at Sheetz and Circle K would also be 15 feet deep. This is not abnormal. Most of their sites are in karst.
- With regard to traffic, convenience stores do not bring in new traffic. They rely on existing traffic. Two-thirds of the anticipated site traffic is already on 194.
- With regard to making left turns from Sandstone Drive, the Town Plan envisioned a connection through this site. Residents can exit through the Rutter's site and enter 194 at the light. It should be a safety improvement.
- The geotech work is done and they will provide copies of the study. The stormwater management basin will be lined as required by the Town.
- Lower level lighting is proposed to better integrate the use into the surrounding residential area.
- They would like to put in the best landscape screen for height and the long term.
- They do not expect to draw traffic off U.S. 15 to the site.

Member Pollak asked about the estimate of trucks expected to visit the site. Mr. Brady noted that the traffic study included actual counts of trucks during the peak hours.

Mr. Brady noted that concept of the connection to the light at Glade Boulevard through this site had been discussed many times by the Commission when the Comprehensive Plan was being considered. Several in the audience said it would be a parking lot, not a road.

Member Santullo asked if alcohol would be sold and it was noted that Frederick County does not permit it.

**Member Ennis made a motion, seconded by Member Kuster, that the waiver request be denied, the applicants have not demonstrated that they cannot comply with the slope requirement. The motion passed on a vote of 7-0.**

Town Attorney Ian Bartman reviewed the possible actions that the Commission could take: approval, conditional approval, disapproval or continuance.

Commission member noted the following outstanding issues or information needed:

- Response in writing to the County traffic engineer Ron Burns' comments.
- All agency review comments satisfactorily addressed;
- Add signage regarding truck access to Sandstone Drive;
- Design the stormwater management facility in accordance with the Town Design Manual;
- Remove the pylon sign at the Sandstone Drive entrance;
- Eliminate stabilized construction entrance on Sandstone Drive.

Member Pollak asked if the stormwater management plan could be redesigned without the waiver. Mr. Koratich said that they will have to raise the site. Mr. Ennis said that he would like to see the implications of meeting the requirements of the Design Manual. Mr. Metzger said that the design is meant avoid the accumulation of sediment in the pretreated stormwater. Mr. Brady noted that the water needs to flow. Mr. Scott Longstreth said that the Design Manual standard is an industry standard.

Mr. Baker asked if the decision were to be postponed whether more testimony would be taken. It was noted that the record would be closed at the end of tonight's meeting.

**Member Kuster made a motion, seconded by Member Ennis, to close the record effective at the end of the meeting and continue the final decision on the site plan to the October 24, 2017, with the following issues to be addressed by the applicant:**

- **Demonstrate the impact on the site if the waiver is not granted;**
- **Respond to Mr. Ron Burns traffic comments;**
- **Provide test boring results;**
- **Confirm that all agency comments have been addressed;**
- **Remove the construction entrance on Sandstone Drive;**
- **Remove the pylon sign on Sandstone Drive.**

**The motion passed on a vote of 6-1 (Zimmerman).**

**7. Addition Plat: Remainder of Lot 132, Fountain Rock Manor addition to Lot 3A Nikirks Subdivision (Rutter's lot consolidation)**

**Member Santullo made a motion, seconded by Member Kuster to continue consideration of the plat to the October 24, 2017 meeting. The motion passed on a vote of 7-0.**

#### **8. Announcements**

Chairman Brady reviewed the upcoming meeting dates.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver