

Minutes
Walkersville Planning Commission
January 24, 2017

Chairman Dick Brady called the meeting to order at 7:30 p.m. with members David Ennis, Gary Baker, Ray Santullo, John Zimmerman, Mike Kuster and Tim Pollak in attendance. Also present were Town Commissioners Mary Ann Brodie-Ennis and Debbie Zimmerman, and Town Planner Susan Hauver.

1. Minutes

Member Ennis made a motion, seconded by Member Santullo, to approve the minutes of November 25, 2016 meeting. The motion passed on a vote of 7-0.

2. Walkers Village Center Preliminary Subdivision Plan and Final Plat

Chairman Brady noted that the Commission members would like more time to review the proposed subdivision. He noted the need for a cross access agreement for parking between the shopping center lot and the proposed new lot, as well as an agreement to ensure permanent and perpetual access from Glade Boulevard to the shopping center lot. The locations of the easement areas need to be identified and the documents need to provide for maintenance.

Member Ennis made a motion, seconded by Member Zimmerman to defer consideration of the subdivision to a later meeting. The motion passed on a vote of 7-0.

3. Draft Monocacy Scenic River Management Plan

Chairman Brady introduced Frederick Planning staff Tim Goodfellow and Steve Horn. He noted that Mr. Goodfellow would present the draft plan, Commission members and Town Commissioners would ask questions, and then public comments would be received.

County Planner Goodfellow presented the recommendations of the plan and reviewed the plan review process. The draft plan was released in October 2016 and the Monocacy Scenic River Board is currently receiving public comment on it. Edits and revisions will follow after the comment period ends on January 31. The final version of the plan will then be officially transmitted to Frederick County, Carroll County, Frederick City and Walkersville for review, information and possible adoption.

Ms. Brodie-Ennis confirmed that a member of the Frederick County Farm Bureau is on the Monocacy River Board. Mr. Goodfellow said there are ten members, one of which represents the Farm Bureau.

Member Zimmerman asked where the information about the mussels Mr. Goodfellow referred to came from. Mr. Goodfellow said that the information about their location came from the State Department of Natural Resources.

Member Santullo asked about the recommended buffer areas, noting that 77% of the buffers consist of floodplains and 32% are Ecologically Sensitive Areas (ESAs). Mr. Goodfellow explained that the ESAs are described and depicted but there are no regulatory measures to protect them.

Member Pollak confirmed with Mr. Goodfellow that the 1990 Plan was accepted and adopted. It was noted that Walkersville and Frederick City did not adopt it because at the time their jurisdictions did not border the river.

Member Baker asked whether all eight scenic rivers in Maryland have management plans and Mr. Goodfellow said that it was a requirement of State law that they do. State agencies provide data included in the plans and also review the plans.

Member Ennis asked how steep slopes are defined in the Plan. Mr. Goodfellow said that steep slopes are 25% and above and moderate slopes are between 15% and 24.99%.

Mr. Brady noted the recommendation that the Town purchase the floodplain area on the Century Center property. He noted that the area is already subject to FRO (forestation) easements and there would be little if no change if the Town owned it.

Mr. Pollak asked if the proposed draft was non-regulatory like the 1990 plan. Mr. Goodfellow said that the recommendations were not binding. The affected jurisdictions can consider, adopt, and implement the plan if they want to, but there is no requirement that they do.

Ms. Brodie-Ennis confirmed with Mr. Goodfellow that the Town and other jurisdictions could accept parts of the plan and not others. It is not "all or nothing".

Mr. Goodfellow said that the ESA boundaries would be removed from the corridor maps.

Mr. Brady asked how the plan meshes with Liveable Frederick, the update to the County Comprehensive Plan. Mr. Goodfellow said that it was hard to say how much influence the River Plan would have on the County Comprehensive Plan.

Member Kuster asked whether the plan would result in a change to best management practices and whether forestation would be required to reduce sedimentation into the river. Mr. Goodfellow said that best practices (not just planting trees) to prevent erosion were being advocated.

Mr. Earl Bell, 148842 Sixes Bridge Road, Emmitsburg, said that the plan proposes a regulatory taking but is not upfront about it. He said that there was not science to justify the width of the buffers proposed. He said only 60 feet is needed for clean water. The plan is a trick to start taking land by regulation and is unconstitutional.

Ms. Lisa Bell, 148842 Sixes Bridge Road, Emmitsburg, presented a statement. She was shocked to learn of the plan and noted that realtors and the Farm Bureau are opposed to it. The plan represents land confiscation through regulation or a "regulatory taking". It is unethical, unjust and Un-American. She urged the Town to oppose the plan now. She noted the enormous setbacks proposed in the plan that in numerous locations extend thousands of feet. She said many studies justify using smaller, more efficient buffers. She noted that the floodplains are already tightly regulated. She said the Monocacy Board needs to do a sensible plan or "send them packing".

Mr. Robert Ramsburg spoke on behalf of the Frederick County Farm Bureau. He said that the Board of Directors wrote a letter opposing the plan, and noted it was government over-regulation. He said that the existing rules and regulations do a good job.

Mr. Matthew Toms, 8901 Crum Road, Walkersville, presented a slide show opposed to the plan. He noted that 350 property owners were affected by the plan and noted that more might be affected if you include areas included in the ESAs (Ecologically Sensitive Areas). The ESAs extend as far as 6000 feet from the river. He said that the River Plan designations could affect the evaluations done to determine rankings for applicants for agricultural preservation programs. He fears changes to best management practices and the financial effects on farmers. He noted that trees are not farmer-friendly. He said that property owners provide a nice viewshed but there is no economic return for that.

Ms. Jacque Jenkins, 8130 Retreat Road, Walkersville, complained about the property notification and accused Mr. Goodfellow of lying. She talked about the effect of the Town's sewage spill on her well and the river.

Mr. Steve "Buzz" Mackintosh, Adamstown, noted his affiliation with the Frederick County Association of Realtors and said he was also an affected property owner. The ESA boundaries go through his property. He said that the ESAs are imprecise areas but the designation can be devastating to property owners and they are having problems selling their properties. The plan has caused confusion and uncertainty.

Mr. Tony Checchia, 8707 Liberty Road, Frederick, said he concurs with the Farm Bureau and Realtors. He said there is no conclusive evidence to justify the plan recommendations. He fears the recommendations will result in new regulations. He feels they should use the tools in place already to protect the river.

Mr. David Stone, Emmitsburg, said he agrees with the previous speakers. He spoke about the mussels Mr. Goodfellow referred to in his presentation and said that they are gone. Sewage killed the river and Toms Creek. He urged the Commission to vote no.

Ms. Pat Baumgardner, Taneytown, noted that she was a member of the advisory board thirteen years ago. She expressed concerns about property rights. She cited articles that questioned the data included in the plan.

Mr. Matt Seubert, 3623 Byron Circle, Frederick, noted his conflicted feelings about the plan. He supports parts of it but dislikes how it pits farmers against non-farmers. He feels that some trees need to be put back along the river to combat climate change and the extinction of species. Riparian buffers are the best thing to do.

Ms. Suzan Thompson, 12 Liberty Street, Walkersville, noted her interests in both agriculture and environmental protections. She is opposed to the plan.

Ms. Paula Toms, 6742 Linganore Road, Frederick, agreed with previous speakers. She said that there are problems in the way the plan has been presented. The River Board has been working on the plan for two years but landowners have only known for 2 ½ months. She said that the concerns expressed in December and January to the Board have gone unanswered.

Ms. Karen Russell, 511 E. Mountain Road, Knoxville, is a master naturalist at the Fountain Rock Nature Center. She spoke in favor of the plan's recommendations, noting that fish and wildlife depend on the river and we have a special responsibility to respect it. She noted the projected effects of climate change.

Ms. Belinda Geisbert, 2001 Buckeystown Pike, Buckeystown, said that her farm was affected by two 200-year floods and that power and gas lines also were put in on it. She felt that citizens need a longer time period to evaluate the plan.

Ms. Betsy Smith, New Market, said she is a major supporter of agriculture and that farmers are good stewards of water. Every land use pollutes and cause sedimentation, which is a major problem.

Ms. Consie Lucey-Meyers, 8110 Clearfield Road, Frederick, asked to finish Ms. Lisa Bell's presentation. The proposed setback are confiscatory and need to be removed. She grew up on the Monocacy at Panterra Manor at Creagerstown Park and saw the vandalism from people having access to the river.

County Councilman Kirby Delauter urged the Commission to vote no on the plan. He won't support it in any way, shape or form.

Frederick County Planning Director Steve Horn noted that the Monocacy River Advisory Board has a lot to think about and noted that the comment period ends January 31. The Board meets on February 1. Written comments received will be included in the record.

Member John Zimmerman made a motion that the Planning Commission recommend that the Town deny the plan altogether. The motion died for lack of a second.

Chairman Brady said that the Commission members will pass on to the Burgess and Commissioners the speakers' thoughts and the exhibits submitted.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver