

Minutes

Walkersville Planning Commission

March 28, 2017

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

1. Minutes

Member Pollak made a motion, seconded by Member Santullo, to approve the minutes of February 28, 2017 meeting as corrected. The motion passed on a vote of 5-0-2 (Ennis, Kuster).

2. Election of Officers

Member Ennis made a motion, seconded by Member Kuster, to elect Dick Brady Chairman of the Commission. Mr. Brady was elected on a vote of 6-0-1 (Brady).

Member Kuster made a motion, seconded by Member Pollak, to elect David Ennis Vice Chairman of the Commission. Mr. Ennis was elected on a vote of 6-0-1 (Ennis).

Member Brady made a motion, seconded by Member Kuster, to elect Tim Pollak Secretary of the Commission. Mr. Pollak was elected on a vote of 6-0-1 (Pollak).

3. Walkers Overlook Phase 1 Site Plan

Planner Hauver reviewed the staff memo for the site plan showing the existing use of the site. Mr. Lynch needs site plan approval to apply for a permit for the seasonal tent used for events.

Mr. Rick Curry of B&R Design spoke on behalf of the applicant. He distributed copies of a traffic brief prepared by Traffic Concepts. He noted that the repaving and restriping done by State Highway improved the intersection of their driveway with MD 194. He said the intersection operates at a satisfactory level of service. Additional improvements are not warranted. It was noted that the sight distance at the entrance exceeds 1,000 feet in both directions.

Mr. Curry explained that in Phase 2 the owner would be using a barn for events and receptions, and the tent would no longer be used.

Member Ennis expressed concern about parking on the grass within the Town's wellhead protection area. Mr. Curry acknowledged that if the parking were paved, stormwater management would be required. However, they would propose using sheet flow and natural filters, which would not be much different from using grass. Mr. Ennis said that if the stormwater were conveyed to a point source, any catastrophic spill could be contained and cleaned up.

Commission members asked about the use of the house, for which the owner does not have a use permit. Mr. Mark Lynch, the applicant, explained that the County has not cited him or kept him from using the house.

Mr. Lynch acknowledged his mistakes in not responding to the State Highway Administration and in not paving the parking as shown on his site plan. He said that there have not been accidents associated with traffic entering or leaving the site. They have no more than 300 people at their events, except for the Walkersville prom. For the prom, police assist with directing traffic. He feels that asphalt parking will ruin the look of the site.

Mr. Ennis noted his support of the applicant applying for public water and sewer service.

In response to a question about handicapped accessibility, Mr. Lynch said that they have one marked handicapped parking space. Parking attendants also direct older guests to parking spaces closer to the venue.

Commission members continued to discuss parking: whether to move it outside the wellhead protection area and whether it should be paved.

In response to a question, Mr. Lynch said that he would begin hosting events in the barn (instead of the tent) in two to four years.

Member Ennis made a motion, seconded by Member Santullo to grant conditional approval of the Phase 1 site plan, subject to the following conditions:

- 1) ***That the parking areas be paved in the current location or that they be moved out of the Town of Walkersville Wellhead Protection Area. If the applicant chooses to pave, he will be subject to stormwater management/sediment and erosion control plan approval by the Town of Walkersville and Frederick County. If the parking is moved, grass, gravel, and/or millings may be used.***
- 2) ***Review and acceptance by State Highway Administration of the traffic report by Traffic Concepts, Inc.***
- 3) ***Submit a revised site plan in time for scheduling on the May 23, 2017 Planning Commission agenda.***

The motion was approved on a vote of 7-0.

The staff was directed to hold off on issuing a letter in support of the proposed Frederick County Water and Sewerage Plan amendment application until the applicant has satisfied the conditions site plan approval.

4. Concept Plan: Rutter's Convenience Store and Gas Station

Planner Hauver introduced the revised concept plan submitted in response to the discussion at the last Planning Commission meeting.

Mr. David Martineau of Rutter's, Mr. Tom Austin of the Transportation Research Group, and Mr. David Koratich of LSC Design spoke on behalf of the applicant. They explained that they added concrete rumble strips in places on the site to better define the drive connection from Sandstone Drive to MD 194. They described the proposed flow of truck traffic from the Sandstone Drive entrance to the high-speed diesel tanks.

Commission members Santullo and Ennis expressed concern about directing truck traffic on Sandstone Drive, which serves a residential area. They felt that the trucks should be directed to use the signalized entrance on MD 194. Mr. Austin said that the site design provides a safe and efficient circulation for trucks. In response to a question, Mr. Austin estimated that 8 or 9 trucks would visit the site per peak hour, based on the activity at other Rutter's stores. Mr. Santullo does not like the idea of three entrances (two at Rutters plus one at Circle K) within a 400 or 500 foot stretch of Sandstone Drive. The truck traffic should not be directed onto a local street with an unsignalized intersection on MD 194.

Member Kuster said that it makes more sense for the trucks to use the signalized intersection.

Member Zimmerman spoke in support of the use of Sandstone Drive for truck traffic.

Member Kuster expressed concern about traffic speeding through the site to cut to/from MD 194 and Sandstone Drive. The applicants described the traffic calming measures they are proposing on site, including a speed table.

Member Ennis asked about the small gas tank that does not comply with the setback requirement. The applicants explained that it is a required emissions tank and does not contain fuel. Mr. Ennis also said he does not want to modify the front yard setback requirement as shown on the plan and permitted in Section 88-57.2 of the Zoning Ordinance.

Planning Commission members and the applicants continued to discuss the flow of truck traffic and use of Sandstone Drive. Members Zimmerman and Baker said that they did not object to the second entrance (to provide access to the diesel pumps) proposed on Sandstone Drive.

Mr. Steve Stolz, 223 Heritage Court, and the adjoining property owner to the rear of the property, felt that the development comes awfully close to his family's property. When the Exxon was open, they were impacted by air and noise pollution. He noted that the Rutter's will be open 24 hours, as opposed to the 9 p.m. closing time for the Exxon. He is afraid the development will adversely affect his family. He felt that the plan does not show enough of a buffer zone. Mr. Brady suggested that the applicant install a solid opaque fence along the property line. Mr. Santullo agreed, noting that a fence would provide security and litter control. Mr. Martineau also noted that at night the gas canopy lighting is reduced so that only the logo is lighted.

5. Announcements

Chairman Brady noted that a hearing on 15 megawatt solar application on Biggs Ford Road is being considered by a State board in Baltimore. The County Council is still considering how to regulate solar farms in agricultural areas.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver