

**TOWN OF EMMITSBURG PLANNING COMMISSION
MEETING MINUTES of December 28, 2020**

ATTENDING BY ZOOM CALL: Keith Suerdieck, Chairman; Mark Long, Vice Chair;
Joyce Rosensteel

NOT IN ATTENDANCE: Bernard Franklin, Ph.D. and Joe Ritz, Town Commissioner liaison.

STAFF: Zachary R. Gulden, MPA, Town Planner

1. Meeting was called to order by Chairman Keith Suerdieck at 7:30 pm.

2. OPENING: Pledge of Allegiance.

3. REVIEW AND APPROVAL OF MINUTES: A motion to approve the Minutes of November 30, 2020 was made by Mark Long, with a second by Joyce Rosensteel. The Minutes were unanimously approved.

4. PUBLIC COMMENT – See comments by Bob Mellor in New Business Item #2.

5. REVIEW AND CONSIDERATION OF AGENDA ITEMS:

A. OLD BUSINESS – None

B. NEW BUSINESS

- 1. SPT Land, LLC. &
Maryland State Highway Administration
Addition Plat
File No. 2020-09**

After a presentation by Town Planner Gulden, and some brief comments by Joe Ceci of Fox and Associates and Tim Bieber of Rutter’s, Mark Long made a motion to conditionally approve the SPT Land, LLC. & Maryland State Highway Administration Addition Plat with the following conditions.

1. MDOT/SHA and Frederick County Health Department comments shall be incorporated into the final plan.
2. The approval of the addition plat does not invalidate the requirement of Rutter’s installing public improvements previously required by the approval of the Rutter’s Improvement Plat.
3. The Applicant must provide financial security in a form acceptable to the Town, in an amount to be approved by the Town of Emmitsburg, Frederick County and MD/SHA, in order to guarantee construction of the improvements shown on the plan in

accordance with Town Code §16.12.040.F. The sewer and water improvement's financial security shall contain a provision that the Town shall be informed in writing thirty (30)-days before the expiration date of any letter of credit or bond provided as a condition of approval. The water and sewer improvement financial security shall be provided before recording of the addition plat.

4. The applicant shall pay such fees that are charged from time to time by the Town of Emmitsburg for further reviews or permits as may be required concerning the proposed development.
5. The Zoning Ordinance was recently amended. Note 1 shall be revised to reflect the name change of the B-2 zoning district to "General Commercial" [Ord. No: 20-09, October 5, 2020].
6. The plan shall provide a signature box for the Town Mayor in accordance with Town Code §16.12.040.D.2.
7. The FEMA floodplain boundaries shall be shown on the plan in accordance with Town Code Chapter 17-42.
8. A right-of-way dedication shall be provided along where the resultant lots adjoin the public road in accordance with Frederick County Code §1-16-7(B)(3).
9. The scale shall be no smaller than 1" = 200' since the resultant lots are greater than 3.01 acres in accordance with Frederick County Code §1-16-7(D)(1)(b).
10. The lot to which the addition is to be added shall be shown at the scales mentioned in §1-16-7(D)(1)(b) in accordance with Frederick County Code §1-16-7(D)(2).
11. The vicinity map scale shall be no smaller than 1" = 2,000' in accordance with Frederick County Code §1-16-7(D)(4).
12. The owners' names and liber and folio deed references for all adjoining properties shall be provided on the plan in accordance with Frederick County Code §1-16-7(D)(5).
13. The Applicant shall provide a note stating that a 6-foot drainage and utility easement is to be reserved along all resulting external lot lines in accordance with Frederick County Code §1-16-7(D)(17).

The motion was seconded by Joyce Rosensteel and unanimously approved.

2. Staff presentation of proposed Ordinance 21-01 – Town Code §16.16.100.
 - A. Recommend approval of proposed Ordinance 21-01 with comment **OR**
 - B. Recommend approval of proposed Ordinance 21-01 without comment **OR**
 - C. Recommend denial of proposed Ordinance 21-01 with comment **OR**
 - D. Recommend denial of proposed Ordinance 21-01 without comment

Town Planner Gulden presented the proposed ordinance and indicated that the ordinance was developed with input from the Maryland Municipal League, Maryland Planning Department and the Frederick County Planning Department. Mr. Gulden discussed three specific items that the Mayor and Board of Commissioners asked for specific guidance from the Planning Commission.

Town resident, Bob Mellor of 3 University Drive submitted written comments that indicated his support for multiuse trails, and in particular a natural surface alongside paved trails.

After questions and discussion by the Planning Commissioners, Mark Long moved to Approve proposed Ordinance 21-01 with the following comments:

1. Planning Commissioners recommended changing the computation for the amount of required parkland for each development to a ratio of 10 acres for every 1,000 residents.
2. The commissioners recommended paved only trails.
3. The commissioners recommended increasing the Fee in-lieu to \$1,200 per unit.
4. The Planning Commissioners asked that the language for Section D of the proposed ordinance, “REQUIREMENT OF DEDICATION OF PUBLIC PARKLAND”, be re-examined and language added to account for requirements of parkland that will not be dedicated as public and will remain in private ownership by the HOA of the development.

Joyce Rosensteel seconded the motion and it passed unanimously.

6. OTHER BUSINESS:

1. Chair Keith Suerdieck announced that his term on the Planning Commission was complete and that this was his last meeting on the commission. Mr. Suerdieck’s leadership, experience and expertise will be missed by the other commissioners and town staff.
2. Next Meeting: January 25, 2020 at 7:30 pm. Agenda items will include Reorganization of the Planning Commission and the Annual Report.

7. ADJORNMENT: A motion to adjourn was made by Joyce Rosensteel and seconded by Mark Long. Meeting was adjourned at 8:45 pm.

Submitted by Mark Long, Vice Chair.