

Town of Emmitsburg Planning Commission Minutes

July 25, 2022; 7:00pm

Present: Mark Long (Chair), Kevin Hagan (Vice-Chair), Amy Boehman-Pollitt (Secretary), Joe Ritz (Commissioner Liaison) **Absent:** Glenn Blanchard, Terri Ray (Alternate)

Staff Present: Zach Gulden (Town Planner) & Amy Naill (Code Enforcement Officer)

Public Present to Speak: Joe Ceci, Chuck Karfonta, John Talcott, Mike Battern

Call to Order

- a. Chair Long called the meeting to order at 7pm

2. Opening

- a. The pledge of allegiance was held.

3. Review and Approval of Minutes for May 31, 2022

- a. Motion to approve minutes by: Mr. Ritz
- b. Second by: Vice Chair Hagan
- c. Changes: none
- d. Approved: The minutes were approved unanimously.

4. Public Comment: none

5. Old Business: none

6. New Business:

a. Christ's Community Church, Addition Plat, File No. 2022-09

- i. The old barn on the property was labeled as a "WALL" by mistake when the aerial survey was completed, but this will be corrected.
- ii. Mr. Gulden stated that since there are two properties being combined, it negates the grandfather clause to allow the barn on the property to remain with less than 10' side yard setback for all structures within the B-2 zoning district, which is why it will be removed.
- iii. **Motion** to approve Christ's Community Church's Addition Plat with conditions 1-7 was made by Secretary Boehman-Pollitt.
 1. Second by Vice Chair Hagan.
 2. Motion approved unanimously.

Conditions:

1. The addition plat cannot be recorded until the existing barn shown as “WALL” on Parcel A is demolished in accordance with Town Code 17.08.080. After demolition, the plan shall be updated accordingly. A demolition permit shall be obtained from Frederick County before the start of demolition.
2. The applicant shall prepare and record a Confirmatory Deed to Public Use document. This shall incorporate the 267 sq. ft. of Creamery Road right-of-way to be dedicated to the Town of Emmitsburg and information as stated in NOTE #9. Town staff has provided the applicant a sample document.
3. The owner’s certification and dedication appears to have illegible writing under paragraph 3. Revise as necessary.
4. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.
5. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.
6. The owner 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.
7. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.

b. Christ’s Community Church, Forest Stand Delineation Plan, File No. 2022-10

- i. Mr. Gulden stated that a copy of the 1998 Delineation Plan would be needed.
- ii. Secretary Boehman-Pollitt asked if there were results of the critical habitat study from Fish & Wildlife. Joe Ceci stated they are waiting for the official letter, but no endangered wildlife was found to be on the property itself. Vice Chair Hagan was interested in the results from the Department of Natural Resources since he found phragmites on the property when he walked the area previously.
- iii. **Motion** to approve Christ’s Community Church’s Forest Stand Delineation Plan with conditions 1-12 was made by Mr. Ritz.

Second by Secretary Boehman-Pollitt.

Motion approved unanimously.

Conditions:

1. Update owner's information for 500 East Main Street, 502 East Main Street, 504 East Main Street, & 17550 Creamery Road.
2. Update MDOT/SHA's "PROPOSED ROW" along East Main Street to include actual ROW dedication information.
3. Update "General Business" to "General Commercial" under general notes & narrative.
4. Include a statement about critical habitat, provided by a letter from the Maryland Department of Natural Resources Wildlife and Heritage Division.
5. Add property boundary symbology to the legend.
6. Note that K-value of concern for soils is 0.35 and higher.
7. Update the square footage in the "AREA TABULATION" table.
8. The acreage of Parcel 1891 is different in the AREA TABULATION table and the FSD Narrative.
9. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.
10. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.
11. The developer 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.
12. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.

c. Christ's Community Church, Preliminary Forest Conservation Plan, File No. 2022-11 and Christ's Community Church, Final Forest Conservation Plan, File No. 2022-12

- i. Secretary Boehman-Pollitt asked for clarification as to why the ridge of trees behind Mr. Sloane's house would need to be removed during construction only to have the builders replant trees there afterwards. Mr. Ceci clarified that those trees are not considered a forest and they need to be removed so they can grade the property during construction.

- ii. **Motion** to approve Christ's Community Preliminary and Final Forest Conservation Plan with conditions 1-14 was made by Mr. Ritz.

Second by Vice Chair Hagan.

Motion approved unanimously.

Conditions:

1. Update owner's information for 500 East Main Street, 502 East Main Street, 504 East Main Street, & 17550 Creamery Road.
2. Update MDOT/SHA's "PROPOSED ROW" along East Main Street to include actual ROW dedication information.
3. Update "General Business" to "General Commercial" under general notes & narrative.
4. Provide the previously approved FFCP plan from 12/7/98 with documentation that mitigation was completed.
5. Update the plan to show the current parcel boundaries and ownership.
6. Add the proposed planting container stock sizes and proposed spacing into the plant schedule.
7. Planting specification Note 4 indicates mulch should be incorporated into the top 12 inches of soil. RK&K recommends changing mulch to compost.
8. The owner shall enter into a two-year maintenance agreement that shows how the areas designated for afforestation will be maintained to ensure protection and satisfactory establishment in accordance with Town Code §16.48.080.B.10. The Town has provided the owner with the Town's agreement template.
9. The owner shall enter into a long-term binding protective agreement with the Town in order to provide protection for areas of forest conservation in accordance with Town Code §16.48.090.B.5. The Town has provided the owner with the Town's agreement template.
10. The owner must provide financial security in a form acceptable to the Town, in an amount of the estimated cost plus administration and inspection costs of 20 percent in order to guarantee afforestation as shown on the plan in accordance with Town Code §16.48.180. The financial security shall contain a provision that the Town shall be informed in writing 45-days before the expiration date of any letter of credit or bond provided as a condition of approval. The Town has provided the owner with the Town's bond

template.

11. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.
12. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.
13. The developer 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.
14. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.

d. Christ's Community Church, Site Plan, File No. 2022-13

- i. No commercial kitchen is included in the plan so a grease trap is not needed at this time. Mr. Gulden commended the applicant on adding 2 electric parking spaces.
- ii. Chair Long suggested the applicant consider using pervious surfaces in the parking lot because it is more aesthetically pleasing if possible.
- iii. Mr. Ritz inquired about adequate lighting at the corner of Creamery Road and East Main Street even though the applicant is not required to provide it. Mr. Gulden indicated that the planning commission can require the applicant to add additional lighting even though it is not on their property.
- iv. If a dumpster or trash cans are placed on the property, the applicant needs to add a fenced enclosure for these items. John Talcott indicated that they do not have a need for trash cans or a dumpster in the foreseeable future.
- v. Timeline for resubmitting the site plan could be another 1-2 months per Joe Ceci.
- vi. **Motion** to allow an increase in the number of parking spaces from 40-75 in accordance with Town Code 17.08.140.C with the condition was made by Vice Chair Hagan. Condition: Provide some understory planting to adhere to the purpose of landscaping in parking lots, as well as planting along parking spaces adjacent to Creamery Road in accordance with Town Code 17.08.220.C.5.

Second by Secretary Boehman-Pollitt

Motion approved unanimously.

- vii. **Motion** to table Christ Community Church's Site Plan so the applicant can 1) address the addition plat comments and record the addition plat; and 2) address conditions #1-63 as listed in the memo made by Mr. Ritz.

Second by Secretary Boehman-Pollitt

Motion approved unanimously.

Conditions:

1. The project requires an Adequate Public Facilities Ordinance application and staff review in accordance with Town Code Chapter 14.04
2. The owner shall add "no parking" signs along the street.
3. Show wheel stops at each parking space.
4. A stop sign and stop bar shall be added at the exits of the lot.
5. Add Grid Ticks to three corners of plan.
6. Update owner's information for 500 East Main Street, 502 East Main Street, 504 East Main Street, & 17550 Creamery Road.
7. Update MDOT/SHA's "PROPOSED ROW" along East Main Street to include actual ROW dedication information.
8. Change the name of the plan from "Concept Plan" to "Site Plan".
9. If the modification request is approved, a note shall be added stating: "A modification to increase the number of parking spaces from 40 to 75 was granted by the Planning Commission on 07/25/2022 with the following condition: Provide some understory planting to adhere to the purpose of landscaping in parking lots, as well as planting along parking spaces adjacent to Creamery Road in accordance with Town Code §17.08.220.C.5.
10. Update "General Business" to "General Commercial (B-2)" under "zoning regulations".
11. Once the addition plat is recorded, the site, landscape, & lighting plans shall be updated accordingly. i.e. General Note #1, update property boundaries, etc.
12. Show all survey information in gray and proposed in black.
13. Add an existing condition's legend.
14. Add a proposed conditions legend, hatchings, shading, line types, etc.
15. The loading zones in the rear of the property shall be clearly delineated by painting or signage.

16. A clear sight triangle shall be added to both entrances/exits in accordance with Town Code §17.08.160.B.
17. The development is currently proposed out of the “effective” FEMA floodplain mapping, but it will be located within the floodplain based on the new “preliminary” FEMA mapping. The Town’s floodplain ordinance requires the use of the preliminary data in accordance with Town Code §17.42.030.C.5. The new preliminary floodplain area shall be added to the plan and replace the effective mapping. Since the proposed parking lot is proposed within the new floodplain, the applicant/owner shall consult with MDE and obtain the necessary permit(s). All permits shall be provided to the Town before issuance of a zoning permit.
18. Include the name, seal, and signature of the registered engineer and surveyor responsible for the plan in accordance with Town Code §17.48.050.A. & §16.24.020.B.5.
19. Provide a notarized statement to the effect that Christ’s Community Church, Assembly of God is the owner of the land proposed to be developed and that the improvements shown are made with the owner’s free consent in accordance with Town Code §17.48.050.A. & §16.24.020.B.30.
20. A location map for the purpose of locating the site in relation to the surrounding neighborhood and community shall be added to Sheet 1 in accordance with Town Code §17.48.050.B.1. The location map should be at a scale of not less than 2,000 feet to 1 inch in accordance with Town Code §16.24.020.B.12.
21. Proposed height of the structure shall be added to the General Notes in accordance with §17.48.050.B.3.
22. The nature of materials to be used on the structure’s exterior (brick, concrete, etc.) shall be added to the General Notes in accordance with Town Code §17.48.050.B.4.
23. The location, size, height, and design of signs shall be provided in accordance with Town Code §17.48.050.B.10.
24. Garbage collection point(s) shall be added in accordance with Town Code §17.48.050.B.12. The dumpster(s) shall be located within a side or rear yard, screened from adjoining roads and

properties, and completely enclosed within a sight-tight masonry or fenced enclosure equipped with a self-latching door or gate. A detail shall be added to the plan to ensure compliance with Town Code.

25. The fire hydrant located on the north western property boundary shall be replaced. All fire hydrants shall be the M&H Model 929 with a five-inch Stortz connection on the pumper nozzle/steamer connection or as approved by the Town. The hydrant shall be installed flush with the sidewalk.
26. Add Grid Ticks to three corners of plan.
27. Replace Ivory Lilac in parking areas with higher upper canopy shade trees to better provide clearance for vehicles and more shade canopy. *Syringa Reticulata* has a lower canopy habit which over time may require aggressive pruning to provide clearance ultimately leading to the death and removal of the tree.
28. Provide standard general notes for planting, maintenance, warranty, etc.
29. Provide plant schedule for bio facilities and incorporate natives that thrive in full sun and wet conditions to better facilitate biodiversity and visual appeal, if applicable to stormwater facility design.
30. Update owner's information for 500 East Main Street, 502 East Main Street, 504 East Main Street, & 17550 Creamery Road.
31. Update MDOT/SHA's "PROPOSED ROW" along East Main Street to include actual ROW dedication information.
32. 4 shade trees, 5 evergreen trees, and 8 deciduous or evergreen shrubs are required within the buffer yard 2 area (abutting the Sloane property) and shall be arranged as shown in Exhibit A in accordance with Town Code §16.16.110.B.1. At least 60% of the shrub plantings shall be of the evergreen type. This area is short of the required number of plantings. The Landscape Buffer Plant List shall be updated accordingly.
33. Update the "size" sections under the landscape buffer plant list and future street tree list to include the following minimum planting sizing in accordance with Town Code §16.16.110.B.3.:

- a. Evergreen trees, including arborvitae trees or shrubs: minimum five-foot planting height.
 - b. Deciduous trees: minimum two-inch caliper and six-foot planting height.
 - c. Evergreen or deciduous shrubs: minimum eighteen (18) inch planting height, reaching a minimum of thirty (30) inches within two years. All shrubs must have a minimum spread of twelve (12) inches when planted.
 - d. Minimum planting width: ten feet.
34. Screen stormwater facilities that can be viewed from Creamery Road in accordance with Town Code §16.16.110.B.8. A buffer yard 3 shall be implemented (§16.16.110.B.8.e.).
35. 11 street trees are required along Creamery Road & 5 along East Main Street in accordance with Town Code §16.16.110.C.7. Place the trees within the required 10' landscape easement as described in a below condition. Species shall be chosen from Town Code §8.20.020, placed a minimum of 40' apart, a minimum of 2" caliper / 6 foot planting height, and no species shall compose more than 25% of the entire number of street trees in accordance with Town Code §16.16.110.C. Add a street tree key similar to the Landscape Buffer Plant List & Parking Lot & Building Plant List.
36. Once garbage collection area is provided, dumpsters shall meet the following screening: one shade tree per forty (40) linear feet and one evergreen tree per five linear feet of visibility. In addition, all trash disposal areas shall be effectively screened with no less than a six-foot solid fence so as not to be visible from parking areas, roadways, or adjacent properties in accordance with Town Code §16.16.110.B.6.
37. A clear sight triangle shall be added to both entrances/exits in accordance with Town Code §17.08.160.B.
38. Label all existing trees and plants to be preserved on site in accordance with Town Code §17.08.220.C.1
39. Provide some understory planting to adhere to the purpose of landscaping in parking lots, as well as planting along parking spaces adjacent to Creamery Road in accordance with Town Code 17.08.220.C.5.

Lighting Plan

- 40.** Add Grid Ticks to three corners of plan.
- 41.** Show all lighting and electrical conduit to lighting on plan.
- 42.** Provide information on any luminaries proposed for mounting to the building and include them in the photometric calculations.
- 43.** n zones shown on the site plan for Parking and Street by outlining them or using color coding. There does not appear to be any point-by-point lighting data currently shown for the street surface itself.
- 44.** The proposed luminaries do not appear to be equipped with photocells. Please advise the proposed method of control for the lighting and submit information for review.
- 45.** Advise the means of connecting the ground conductor for the lighting poles to the ground rods. Exothermic welding is recommended.
- 46.** Provide manufacturer and model number of proposed Type C luminaires and poles.
- 47.** The height of each style of light pole shall be provided to ensure compliance with Town Code §16.20.030.E.3.
- 48.** Photometrics shall be provided for Creamery Road to ensure compliance with Town Code §16.20.030.E.8.C.
- 49.** Minimum average lighting level for the parking area should be 2.0 footcandles in accordance with Town Code §16.20.030.E.8.d.
- 50.** Minimal lighting level for the parking area shall be 0.2 footcandles in accordance with Town Code §16.20.030.E.8.d.
- 51.** Street lights shall be extended through and past Quality Tire (Mort property) to the edge of the southern property boundary in accordance with Town Code §16.20.030.E.9. Photometrics shall be shown. The quantity of street light “C” shall be updated accordingly.
- 52.** A clear sight triangle shall be added to both entrances/exits in accordance with §17.08.160.B.

53. Photometrics shall be provided for all properties bordering the site to ensure compliance with Town Code §17.08.230.A.5. Clearly identify the property line and add it to the legend.

Administrative

54. The owner shall pay the current connection fee rates at time of zoning permit application. Connections are not guaranteed for the project until such connections are purchased, or a multiyear tap agreement has been executed between the Town and the Developer. The applicant shall provide the total proposed number of water and sewer fixtures from a MD certified plumber in order to confirm the sewer flow and sewer pipe size and slope.
55. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.
56. A utility deed of easement shall be prepared and recorded in accordance with Town Code §16.16.060. This shall include the 15' sanitary sewer deed of easement being abandoned by the Town. The Town will provide the owner the Town's utility deed of easement template, which includes abandonment language.
57. A stormwater management deed of easement shall be prepared and recorded for all stormwater management infrastructure in accordance with Town Code §16.16.060. The Town will provide the owner the Town's SWM deed of easement template.
58. A 10' wide landscape deed of easement shall be provided along Creamery Road & East Main Street for the street trees. The easement shall be placed between the street ROW and building setback line. The Town will provide the owner the Town's deed of easement template.
59. A riparian stream buffer deed of easement shall be prepared and recorded for the 25' stream buffer along Flat Run stream in accordance with §16.16.060.C. The Town will provide the owner the Town's deed of easement template.
60. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.

61. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.
62. The developer 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.
63. It is the owner's obligation at its cost to repair Creamery Road and any associated roads for any damage arising out of development.
64. The applicant must apply for and obtain the following permits through the Town:
 - a. Cross-Connection Control - A testable backflow prevention device shall be installed on the sprinkler system (if required) and directly after the water meter (Town Code Chapter 13.17).
 - b. Non-Domestic Pre-Treatment of Wastewater – A grease trap and/or grease interceptor system shall be installed (Town Code Chapter 15.36).
 - c. Zoning permit – signage (Town Code Chapter 17.38).
 - d. Zoning permit – construction (Town Code §17.48.020).
 - e. A Frederick County building permit is also required as with any other local, state, or federal permits required by law.

e. Brookfield Parcel's "C", "D", & "E", Forest Stand Delineation Plan, File No. 2022-14

- i. Vice Chair Hagan expressed concern over the run-off that would occur when the trees are removed near the cemetery. Mr. Battern is hoping to have a 3:1 incline.
- ii. **Motion** to approve Brookfield Parcel's "C", "D", & "E", Forest Stand Delineation Plan was made by Secretary Boehman-Pollitt with the following 16 conditions listed below.

Second by Mr. Ritz

Motion approved unanimously.

Conditions:

1. General Note #1 shall be updated to include the information for all three parcels.
2. Include a statement about critical habitat, provided by a letter from the Maryland Department of Natural Resources Wildlife and Heritage Division.

3. Add property boundary symbology to the legend.
4. There appear to be two forest boundary line types in each forest stand that do not match. Please correct.
5. The stream symbology on the legend and plan do not match. Please correct.
6. Add wetland symbology to the legend.
7. Label soil boundaries on the plan.
8. Make the boundaries of Parcel's "C", "D", and "E" more defined.
9. Note that K-value of concern for soils is 0.35 and higher.
10. Add shading for areas with steep slopes to the plan and legend.
11. Fix the typos in "tree of heaven" and "cherry" in the forest stand delineation narrative.
12. Label the "AREA TABULATION" table.
13. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.
14. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.
15. The developer 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.
16. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.

f. Brookfield Parcel's "C", "D", & "E", Preliminary Forest Conservation Plan, File No. 2022-15

- i. **Motion** to approve Brookfield Parcel's "C", "D", & "E", Preliminary Forest Conservation Plan with the 15 conditions listed.

Second by Secretary Boehman-Pollitt

Motion approved unanimously

Conditions:

1. Apply comments from the Forest Stand Delineation Plan.

2. Show the existing forest boundary on the legend and plan.
3. Show a proposed forest boundary on the legend and plan for each of the forest conservation areas.
4. Clearly label proposed versus existing features on the plan.
5. Add tree protection fence where the LOD is immediately adjacent to the Forest Conservation Areas 1 & 3. Add Tree Protection Fence detail to Sheet 3.
6. General Note #1 shall be updated to include the information for all three parcels.
7. Forest Conservation Area's 2 & 3 cannot be placed over the code required riparian stream buffer easement. Move the forest conservation areas out of the stream buffer easement and recalculate the forest conservation tabulations on pages 2 & 3 as needed.
8. The fee in-lieu calculation cost per SF shall be updated from \$0.30 to \$0.305 and total fee required from \$15,681.60 to \$15,942.96 in accordance with Town Code §16.48.140.B.1. The fee in-lieu total may be increased based on conditions 2 & 3.
9. Page 3, Forest Conservation Worksheet Y.2 – Update the payment of fee in-lieu to \$0.366 for a project outside of a priority funding area and \$0.305 inside of a priority funding area in accordance with Town Code §16.48.140.B.1 & 2.
10. The owner shall enter into a two-year maintenance agreement that shows how the areas designated for reforestation will be maintained to ensure protection and satisfactory establishment in accordance with Town Code §16.48.080.B.10. The Town has provided the owner with the Town's agreement template.
11. The Applicant shall contribute to the Town's Forest Conservation Fund in the amount of \$15,942.96. This contribution to the Fund shall be paid within 90 calendar days of the approval of the preliminary subdivision plat in accordance with Town Code Section §16.48.140.C.
12. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.
13. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.

14. The developer 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.

15. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.

g. Brookfield Parcel's "C", "D", & "E", Preliminary Subdivision Plat, File No. 2022-16

- i. Mr. Gulden indicated that the town of Emmitsburg does not want the added responsibility to maintain the open spaces and it should be the responsibility of the Brookfield HOA. The HOA has not responded with a response as of yet although they plan to be at the next town meeting.
- ii. **Motion** to approve Brookfield Parcel's C, D, and E APFO application was made by Secretary Boehman-Pollitt
 1. Second by Vice Chair Hagan
 2. Motion approved unanimously
- iii. Mr. Gulden recommended changing the name from Gabe's Circle to Gabe's Court to be consistent with the rest of the neighborhood, and Mr. Karfonta did not have a preference to using *Circle* or *Court*.
- iv. **Motion** to approve Brookfield Parcel's C, D, and E Preliminary Subdivision Plat with the 26 conditions listed was made by Secretary Boehman-Pollitt.
 - Second by Mr. Ritz
 - Voted Aye (3): Chair Long, Mr. Ritz and Secretary Boehman-Pollitt
 - Voted Nay (1): Vice Chair Hagan
 - Motion carries.

Conditions:

1. The application states that the proposed street name is "Gabe's Circle". To remain consistent with other cul-de-sacs in Brookfield and other parts of the Town, the name shall be changed to "Gabe's Court". "Street A" shall be updated on the plan accordingly.
2. The proposed HOA open space lots do not meet the minimum requirements set forth in Town Code §16.16.100.D.3.; therefore, the owner shall pay the required park fee in-lieu in accordance with Town Code §16.16.100.G. 10 single-family dwelling units x \$3,898.00 per

single family dwelling unit = \$38,980.00, which is due upon final subdivision plat acceptance.

3. The James T Welty, Jr. Trustee parcel's zoning shall be changed from VZ to R1.
4. Community association (HOA) documents shall be provided to the Town for review and approval in accordance Town Code §16.24.020.C.4. If the Brookfield HOA will accept ownership of the three HOA lots and be responsible for the maintenance of the new stormwater treatment structures, a legal agreement in accordance with Town Code §16.24.020.C.4., shall be provided to the Town for review and approval. If not, a newly formed HOA will be required and documents, in accordance with Town Code §16.24.020.C.4., shall be provided to the Town for review and approval. Ownership of the open space lots shall be reflected on the final subdivision plat in accordance with Town Code §16.16.100.D.1. The plat shall be notated as to the date of approval and acceptance of the articles and shall reflect that the open space lots are private and owned by the association in accordance with Town Code §16.16.100.D.4.
5. Add a signature block for the Frederick County Department of Health in accordance with Town Code §16.24.020.D.3.
6. Lot 2 is a corner lot; therefore, shall have 2 front yards and 2 side yards in accordance with Town Code §17.32.070.(1).
7. Add existing condition's legend on overall layout.
8. Show proposed condition's legend on overall layout (hatching, line types, utilities, etc.).
9. Show horizontal and vertical datum note.
10. Show 4 & 40 scale bars on road section plan.
11. Show grid ticks at three corners of the plans.
12. Show dimensions of sidewalks.
13. Show dimensions of all utilities including storm drain.
14. Show location and sight distances of driveway access points.
15. Use a more distinguishing shade for the turn around. The existing and proposed roadway shades look too close in color. Make one darker or

lighter.

16. Include a legend for all abbreviations and symbols to identify proposed components.
17. The closed end of all proposed cul-de-sacs must include a 20' x 10' easement to stockpile snow for winter road maintenance in accordance with Town Code §16.16.060.D. The deed of easement shall be prepared, recorded, and shown on the final subdivision plat. The Town will provide the owner the Town's deed of easement template.
18. A riparian stream buffer deed of easement shall be prepared, recorded, and shown on the final subdivision plat for the 25' stream buffer along Flat Run stream in accordance with §16.16.060.C. The Town will provide the owner the Town's deed of easement template. The stream buffer easement cannot overlap the forest conservation easement.
19. A stormwater management deed of easement shall be prepared, recorded, and shown on the final subdivision plat for all stormwater management infrastructure in accordance with Town Code §16.16.060. The Town will provide the owner the Town's SWM deed of easement template.
20. A utility deed of easement shall be prepared, recorded, and shown on the final subdivision plat in accordance with Town Code §16.16.060. The Town will provide the owner the Town's utility deed of easement template.
21. A 10' wide landscape deed of easement shall be provided along the cul-de-sac and Timbermill Run for the code required street trees. The easement shall be placed between the street ROW and building setback line. The Town will provide the owner the Town's deed of easement template.
22. A public works agreement, between the Town and owner, shall be executed for the cul-de-sac dedication.
23. Planning Commission approval is conditioned upon the acceptance of an improvement plat in conformance with the Town of Emmitsburg and all other governmental agency requirements.
24. No permits will be issued until all regulatory requirements have been met, including but not limited to: adequate public facilities ordinance (APFO), forestation, water, sewer, etc.

25. The developer 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.

26. The applicant shall provide the Town 2x paper and 1x PDF copies of the signed plan.

7. Other Business: None

8. Next Meeting Date: There is no meeting in August. The next meeting will be determined at a later date.

9. Adjournment

a. Chair Long adjourned the meeting at 7:51pm.