

## Town of Emmitsburg Planning Commission Meeting Minutes of September 27, 2021.

**Attendance:** Mark Long-Chair, Kevin Hagan, Joe Ritz-Commissioner Liaison, Glenn Blanchard-Secretary, Bernard Franklin.

**Absent:** Joyce Rosensteel.

**Staff:** Zachary Gulden, Town Planner

1. **Call to order:**

The meeting was called to order at 7:00.

2. **Opening:**

The pledge of allegiance.

3. **Review and Approval of Minutes:**

August 30, 2021

The minutes were approved unanimously.

4. **Public Comment:**

No public Comments.

5. **Review and Consideration of Agenda Items:**

**A. Old Business**

**1. Village Liquors & Plaza Inn**

**Site Plan**

**File No. 2021-12**

Bernard Franklin made a motion to approve the proposed increase in the number of required parking spaces from 41 to 42. Kevin Hagan seconded the motion. The motion was passed unanimously 4-0.

Bernard Franklin made a motion to approve the Village Liquors & Plaza Inn Site Plan with the following conditions of approval:

Traffic Impact Analysis

1. A queuing analysis shall be completed for northbound intersection #3, due to the close proximity to the southbound US 15 ramps.
2. Provide storage lengths for the signalized intersections (eastbound and westbound MD 140) in Exhibit 11.
3. Additional conditions (mitigation) may be required once conditions #1 & 2 are addressed.

Site Plan

4. The owner's certification & dedication and Surveyor's certification shall be added to the plan.
5. Electric vehicle parking only signs shall be added to the two level two electric vehicle charging station parking spaces. The Town greatly thanks the property owner for adding the charging station in order to support environmental sustainability within the community!
6. The applicant shall add no parking signs along the entire property boundary on Silo Hill Parkway.
7. The applicant shall make the following correction:
  - a. Site Data – "General Business District" shall be changed to "General Commercial District".
8. An increase in the number of required parking spaces must be granted by the Planning Commission in accordance with Town Code §17.08.140.C. If a parking waiver is granted, a note shall be added to Sheet 1 of the plan that states "A parking increase from 41 to 42 spaces was granted by the Planning Commission on 09/27/2021".
9. The handicapped parking specification on sheet 3D (8' x 20' parking aisle & 8' x 20' parking space) does not match the site plan (9' x 20' for both). This shall be corrected.
10. ADA access from the ADA access aisle & route to the front door shall be provided (ADA ramps).
11. All existing easements shall be shown and Liber/Folio referenced on the plan. The plan is missing the Liber/Folio for the Sewer & Water Easement and Existing 10' Drainage & Utility Easement.  
Landscape Plan
12. All plantings shall be the same color to clearly show what is proposed (green).
13. Clearly show level of disturbance & add to legend.
14. All plant material shall have a callout with abbreviated scientific name & quantity (i.e., JV-1).
15. Do not place trees and shrubs directly in front of storm outfall in bio retention facility.
16. Wild plum is too large for the bio retention facility. Please remove.
17. There are 23 existing pine trees shown on the plans. Show existing pine trees as gray like survey. They appear dark and proposed.
18. Incorporate native perennials into the bio retention facility that thrive in full sun and wet conditions to better facilitate biodiversity and visual appeal. This is a suggestion to provide a better operating bio retention facility. If perennials are to be used, please identify the species and quantity with some form of callout or legend. The same symbol for bulbs is used for arborvitae and is confusing. We also do not suggest bulbs in a bioretention facility as they will have a significantly harder time acclimating to the area. We suggest 1gal perennials at 12-24" o.c. These issues can be alleviated easily by just providing plant callouts as suggested in comment #11 above.
19. Bulbs and arborvitae are the same symbol, please differentiate.

20. The dumpster shall be screened with a minimum of 2 shade trees and 15 evergreen trees in accordance with §16.16.110.B.6. The plan only shows 8 evergreen shrubs. The shrubs shall be removed and replaced with the trees.
21. The transformer shall be screened with a minimum of 1 shade tree and 5 evergreen trees in accordance with §16.16.110.B.6. The plan only shows 4 evergreen shrubs. The shrubs shall be removed and replaced with the trees.
22. Since the bio retention pond borders a public road, the area bordering the road shall be screened with a minimum of:
  - 4 shade trees.
  - 12 evergreen trees.
  - 12 deciduous or evergreen shrubs.in accordance with Town Code §16.16.110.B.8.
23. A minimum of 12 street trees are required along Silo Hill Parkway in accordance with Town Code §16.16.110.C. Street trees shall be placed a minimum of 40' apart and the species shall be chosen as outlined in Town Code §8.20.020. Trees shall be planted within ROW and planted to avoid any utilities existing or proposed.
24. Once the additional required plantings are added to the landscape plan, the key shall be updated to include 1) key symbol, 2) common name, 3) botanical name, and 4) planting sizes to ensure compliance with Town Code §16.16.110.
25. Bulb spacing at 4' is too far. 12"-24" for 1gal perennial is acceptable.
26. The landscape plan shall be designed and stamped by a State of Maryland landscape architect in accordance with Town Code §17.08.220.C.
27. A clear sight triangle shall be provided on the plan at the development's entrance/exit in accordance with Town Code §17.08.160.
28. Include standard landscape notes or provide specs to address plant materials, soil, soil treatment, general installation materials, etc.
29. Low juneberry & American filbert are not on the recommended plant list. While they may get approved, to better guarantee acceptance, recommend selection of plants on the pre-approved lists provided by the County.
30. Any nonresidential use adjoining a residential use in any zone shall meet the buffer yard type and width requirements. Buffer yard type 2 with a 25' buffer is required in the General Commercial (B-2) zoning district in accordance with Town Code §16.16.110 & §17.08.220.D. 143.76' of the rear yard property line adjoins a residential district; therefore, the following are required to be planted in the buffer yard:
  - a. 4 shade trees.
  - b. 5 evergreen trees. This area includes 23 existing pine trees; therefore, the evergreen tree requirement is fulfilled. A note shall be added to the plan that the 23 existing pine trees shall be maintained and not disturbed.

- c. 8 deciduous or evergreen shrubs.

#### Lighting Plan

31. The lighting plan shall include an overall site plan with photometrics that shows glare or direct illumination does not exceed 1 foot-candle beyond the property line in accordance with 17.08.230.A.5.
32. A clear sight triangle shall be provided on the plan at the development's entrance/exit in accordance with Town Code §17.08.160.
33. Pages 3C.2 & 3C.3 - There is a light pole proposed within the ADA accessible sidewalk route, which doesn't match its placement on the site plan. This shall be corrected.

#### Administrative

34. The applicant shall evaluate the adequacy of emergency services (Fire, EMS, & Police) with the assistance of Frederick County Emergency Services and/or other Frederick County Departments. Documentation from these agencies shall be provided to the Town stating adequate coverage is available for the proposed project in accordance with §14.04.140.E.
35. Since the land disturbance is over 5,000 sq. ft., the applicant must obtain approval of an Erosion and Sediment Control Plan from the Catoclin/Frederick Soil Conservation District and furnish to the Town a copy of the approval in accordance with Town Code Chapter 15.20.
36. Since the land disturbance is over 5,000 sq. ft., the applicant must obtain approval of a Stormwater Management Plan from Frederick County and furnish to the Town a copy of the approval in accordance with Town Code Chapter 15.21.
37. The applicant shall submit to the Town the total proposed number of water and sewer fixtures from a Maryland certified plumber in accordance with Town Code §13.04.041 and §13.08.111. The Town Planner has provided the fixture charts to the owner. 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.
38. The applicant shall provide the Town 2x paper and 1x PDF copies of the engineered certified as-built after project completion in accordance with Town Code §16.20.020.I.
39. 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.
40. 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.
41. The applicant must apply for and obtain the following permits through the Town after the approval of the improvement plat:
  - Alteration of Infrastructure – due to water/sewer alterations (Chapter 13.08).

- 2x Cross-Connection Control Permits - Testable backflow prevention devices shall be installed on the 1) fire sprinkler system 6" line and 2) 2" domestic water lines directly after the water meter (Town Code Chapter 13.17).
- Zoning permit – signage (Town Code Chapter 17.38).
- Zoning permit – construction (Town Code §17.48.020).
- Non-Domestic Pre-Treatment of Wastewater – A grease trap and/or grease interceptor system shall be installed (Town Code Chapter 15.36).

A Frederick County building permit is also required as with any other local, state, or federal permits required by law.

Glenn Blanchard seconded the motion. The motion was passed unanimously 4-0.

## **B. New Business**

### **1. New Creamery Road Pump Station**

#### **Improvement Plat**

**File No. 2021-14**

This item has been tabled to a future meeting.

### **2. Village Liquors & Plaza Inn**

#### **Improvement Plat**

**File No. 2021-15**

A motion was made by Joe Ritz to approve the Village Liquors & Plaza Improvement Plat with the following conditions of approval:

1. The fully executed site, landscape, and lighting plan sheets shall be added to the improvement plat package once all conditions are met. The development shall be updated on Sheets 2 & 3 per the approved site plan.
2. The owner's & surveyor's certification shall be added to Sheet 1.
3. Label grease trap on plan.
4. Clearly distinguish between existing utilities (e.g., water and sewer) and proposed utilities. Most lines appear bold and it is difficult to distinguish what is new vs. proposed.
5. Site Data on Sheet 1 references existing zoning: "General Business District". Change to "General Commercial (B-2)".
6. Note 4 on the Soil Erosion Maintenance Schedule, Sheet 5, references the Department's Solid Waste Management Regulations at 25 Pa. Code 260. Note 4 on the General Plan Notes, Sheet 5, references Appendix A of the department's policy "Management of Clean Fill". Update to remove reference to PA regulations, as required.

7. In the event that the water meter, backflow devices, valves, etc. are added to the building's utility room as recommended by the Town, update the plans. In the event that the fire service vault is maintained, include a detail of the vault and piping, water meters, backflow devices, valves, etc.
8. The proposed sewer appears to join the Town's sewer system at a tee. Include a manhole for the connection or connect the proposed sewer at an existing manhole. Provide inverts.
9. The proposed sewer lateral crosses the water main. Confirm the sewer line is below the water line and confirm sufficient distance in accordance with Frederick County's Design Manual.
10. Provide additional information to address below:
  - a. Water meters (sized 2" and under) shall be according to Town Code Chapter 13.04, Water System. A jumper wire shall be installed across the meter (from pipe to pipe) to provide for an uninterrupted ground should the meter be removed. All water meters are to be installed pursuant to the direction of the Town in accordance with Town Code §16.20.020.B.6.
  - b. "L" copper service lines are not permitted in Emmitsburg. "K" copper or an acceptable equal is required in accordance with Town Code §16.20.020.B.7.
  - c. Copper house connections from the main to the curb stop shall be bedded and covered with sand when suitable rock-free backfill is not available in accordance with Town Code §16.20.020.B.8.
  - d. Unless permission is otherwise granted, all service line taps shall be made by the wet tap method (water main under pressure) in accordance with Town Code §16.20.020.B.9.
  - e. Emmitsburg is underlain by a hard-red shale which in many areas is close enough to the surface to interfere with utility installation. Due to the frequency of rock excavation requiring undercut and backfill, all trenches for pipe installation shall be undercut six inches below subgrade and backfilled with crusher run or stone dust. Use crusher run or stone dust as trench backfill to a point one foot above the top of the pipe. From this point on, backfill as specified in the "Frederick County Standard Details for Water Mains, Sanitary Sewers, and Related Structures" in accordance with Town Code §16.20.020.B.10. & §16.20.020.C.4.
  - f. Sanitary sewer lines shall be PVC, Schedule 40, or SDR 35.2. in accordance with Town Code §16.20.020.C.1.
  - g. Emmitsburg requires the "A-loc" type of gasket to seal the sewer pipe to the manhole (or as approved by the Town), in accordance with Town Code §16.20.020.C.3.
11. Provide and/or reference all applicable details for the water and sanitary sewer and manhole installation as provided in the Frederick County, Maryland Standard Details for Water Mains, Sanitary Sewers, and Related Structures.

#### Administrative

12. An irrevocable letter of credit or similar agreement from a lending institution or any recognized lender satisfactory to the Town, guaranteeing installation & payment for the installation of the public improvements from the point of ingress into the development to and in front of the lot in question, shall be provided prior to the issuance of a zoning permit in accordance with Town Code 16.12.040.F.

13. Street trees are to be maintained and guaranteed for a minimum of two years by the developer in accordance with Town Code §16.16.110.C.8. The Town will provide the applicant a letter of credit template once requested.
14. Since the land disturbance is over 5,000 sq. ft., the applicant must obtain approval of an Erosion and Sediment Control Plan from the Catoclin/Frederick Soil Conservation District and furnish to the Town a copy of the approval in accordance with Town Code Chapter 15.20.
15. Since the land disturbance is over 5,000 sq. ft., the applicant must obtain approval of a Stormwater Management Plan from Frederick County and furnish to the Town a copy of the approval in accordance with Town Code Chapter 15.21.
16. The applicant shall submit to the Town the total proposed number of water and sewer fixtures from a Maryland certified plumber in accordance with Town Code §13.04.041 and §13.08.111 in order to determine the sewer flow and sewer pipe size and slope. Note: Piping in service connections has a minimum slope of 2%, based on the Standard Specifications (Frederick County Design Manual, Paragraph 3.2.4.3.3). The Town Planner has provided the fixture charts to the owner. 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.
17. The applicant shall provide the Town 2x paper and 1x PDF of the fully executed Improvement Plat.
18. The applicant shall provide the Town 2x paper and 1x PDF copies of the engineered certified as-built after project completion in accordance with Town Code §16.20.020.I.
19. 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.
20. The applicant must apply for and obtain the following permits through the Town after the approval of the improvement plat:
  - Alteration of Infrastructure – due to water/sewer alterations (Chapter 13.08).
  - 2x Cross-Connection Control Permits - Testable backflow prevention devices shall be installed on the 1) fire sprinkler system 6" line and 2) 2" domestic water lines directly after the water meter (Town Code Chapter 13.17).
  - Zoning permit – signage (Town Code Chapter 17.38).
  - Zoning permit – construction (Town Code §17.48.020).
  - Non-Domestic Pre-Treatment of Wastewater – A grease trap and/or grease interceptor system shall be installed (Town Code Chapter 15.36).

A Frederick County building permit is also required as with any other local, state, or federal permits required by law.

The motion was seconded by Kevin Hagan. The motion passed unanimously, 4-0.

## 6. Other Business:

The next meeting is scheduled for Monday, October the 25<sup>th</sup> at 7:00.

**7. Adjournment:**

The meeting was adjourned at 7:20.