

## **Minutes of the December 20, 2007 Planning Commission**

Meeting called to order at 6:07 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich and Mickey Newport were present. The following were also in attendance: Joe Mangini, Town Manager; Nancy Gearhart, Town Commissioner; Missy Vanskiver, Asst. Clerk; Zeb and Bea Brodie, and Jill Kubatko, Times Record.

### **Approval of the Minutes**

Toby stated that he had discussed with Missy her definition of ‘official’, which was correct, was based on the Zoning Ordinance. He would like to add to the November 28 minutes his comments about submissions and discussions being an official part of the process or else time is being wasted. Martin said that the content he read in the minutes made sense and made a motion to approve the November 28 minutes, seconded by Mickey, unanimously approved.

### **Town Manager’s Report**

**Building Permits Report** – Joe stated that the building permits are actually rather scarce, since not a lot of things are happening in town. He keeps track of the building permits and the fees that come in and so far in FY08, as of December 15<sup>th</sup>, the town has \$7,687.50 received in building permit fees; the town had budgeted \$25,000. One of the reasons for that budget amount were houses that were expected to have been built by now. Joe reviewed the amount of connection and impact fees received to date, stating that this revenue was received from Mr. Brodie for the shopping center on Rt. 480.

**WWTP Capacity Management Plan** – Joe said this is the most serious issue facing the town. There have been a series of discussions with the state. Joe reviewed the events that lead to the current status. MDE was concerned about the town’s I&I. The study done by URS included figures which were never agreed to by the town. URS has agreed to redo the I&I study at no cost. The town also plans on meeting with MDE within the next 30 days. Joe stated that within the last 24 hours there seems to be a drop back on the state’s position on Ridgely’s I&I situation – perhaps it’s not as bad as they originally thought. The big issue to the state seems to be exactly what the town is working on – filing for a construction permit to begin work on the irrigation, which should be within the next 30 days. This irrigation work has in fact been approved and sanctioned by MDE. This new irrigation will have less restrictive conditions.

**Water Storage Tank** – The County is still dealing with the wetlands issues at the proposed storage tank location.

**Well #4** – The well is up and running.

**Rails to Trails** – At the meeting held last night, the committee decided to recommend a planning consultant to the Commissioners. All three parties which submitted a proposal were very capable; the committee felt that the selected consultant would give the best product and had the lowest bid based on their proposal. Joe stated that Martin is also a point of contact for ESHI for the Ridgely Rails to Trails.

**Mid Shore Regional Business/Technology Park** – The County had to extend the contract an additional 30 days to allow Mike Davidson to finish the infrastructure. The Hayman house has been demolished.

**Cow Barn Restaurant/Dinner Theater Project** – This project is still on hold as well. Toby asked about other projects for that property – is the Cow Barn included in current water/sewer calculations? Joe stated that the 36 town home units are currently included in the calculations, but not the Cow Barn itself because the use of that building has yet to be determined.

Joe also reviewed the Capacity Management Plan and explained the current expiration date of certain projects. Expiration dates for any projects affected by the MDE situation would be extended or adjusted. Mickey asked what Joe's best guess is as far as starting projects after the MDE situation is resolved. Joe said that once MDE gives Don Wilson the ok to sign the plats, the developers who have received final approval can begin. Toby asked about the first 100 homes in Ridgely Park. There was some discussion about final subdivision approval and phase I approval for Ridgely Park. Martin asked if the Cow Barn property had been subdivided. Joe said no. There was some more discussion concerning the Cow Barn/Ali's Cove. Joe stated that the infrastructure for the Cow Barn property/Ali's Cove was based on the Ridgely Park project; they are working together. Joe also said that he thinks that the sewer allocation may increase because most of the town's I&I problems are caused by private lateral issues.

Musselman Building – Joe stated that the building is still vacant. Toby asked about the possible DBED grant. Joe said that there are two parties interested in grant funding – one is a day care, the other is the filmmaker slated to occupy space in the Musselman building for a studio. Joe said he mailed the grant application for an additional \$50,000 today.

### **Old Business**

Though not on the agenda, Mr. Brodie appeared to ask approval for an alternative design for his 204 E. Sixth Street site.

Brodie Shopping Center – Mr. Brodie stated that he can not build the building that he submitted and the Planning Commission approved the previous month; it's not his kind of structure. He said his buildings last, and the pole building that was approved would not last. He presented a new building design which included cupolas. Toby asked if that building still had a porch or an overhang. Mr. Brodie said that there is an overhang over the walk. He also said that he would like to go back to what he builds the best, the original plan submitted in October. Toby asked if there would be cupolas on that building; Mr. Brodie said no. He said he would build the one with cupolas but he said it's not the same building. Martin asked Mr. Brodie to explain why it is not the same building – is it the budget for the materials? Mr. Brodie said no, that the building he wants to build is three times more costly than the one that was approved; but he refuses to put dormers or cupolas on a steel roof because it will be destroyed once it is pierced. Mr. Brodie stated that the best building to be built is still the first one he presented.

The buildings/exhibits were identified as A, B and C. Building A is a brick and block building with a steel roof (original plan). Building B is a brick building with a shingle roof and cupolas (new plan). Building C is a pole building (approved by the Planning Commission 11/07) with cupolas. Martin asked if the exterior treatment resulted in a different building be built; and asked why it had to be a pole building in order to put the façade treatment on it. He said first Mr. Brodie started with a brick and mortar construction or something similar, and when the Planning Commission didn't approve it, he came back with another completely different building; he didn't just change the outside, he changed the means of construction, which was a pole building. Martin also asked if they could see the structure that Mr. Brodie wanted to build with the design that was approved by the Planning Commission.

Mr. Brodie asked about cupolas, and mentioned changing the roof to do it. Toby stated that the reason is because Mr. Brodie doesn't want to put architectural details on a metal roof; Mr. Brodie said that is correct. Nancy asked why so many shopping centers have architectural details on roofs. Mrs. Brodie stated that Mr. Brodie wants to build the building he wants (building A) because he is a master builder and he wants a building he can be proud of, that will last, and will look new for a long time. Toby said that they want him to build a quality building, and what has been proposed in exhibit B is an

improvement over what was actually approved. The building is brick, although it has a shingle roof, it does have some architectural details, and is a better building than what was approved. Mr. Brodie agreed and referred to building A as better than building B.

There was discussion about the existing buildings on Rt. 480. Martin said the Planning Commission is trying to think about the long-term appearance of that area. Toby referenced the ideas in the McMahon book and from the ESLC. Mr. Brodie said that he doesn't need any other ideas, and referred to exhibit A as his idea of what a building should look like. He said that if cupolas were put on a shingle roof, they will rot off in about 10 years, but the metal roof will still look that same. There was discussion about cupolas and their construction. Martin mentioned the overhang at the front of the building, referred to seeing drawings of just one side, and then asked if the original building was going to be brick on three sides. Mr. Brodie said (referring to building A) his original plan was a brick front, and block sides and rear. He also said that he could make all four sides brick. Toby asked about building B being brick on three sides; Mr. Brodie said it's only brick in front. Nancy asked why (building B) would only be brick on the front; Mr. Brodie said because that is the way he would build it. Mickey said it seems there would be a way to have a lasting waterproof penetration to a metal roof. Mr. Brodie said he has not been able to find one and neither have the people Nancy referred to earlier – they are repairing leaks all the time. There was discussion about the construction of the roof.

Joe offered a summary: Exhibit A is the building that Mr. Brodie wants to construct. Exhibit B is what was presented tonight. It includes a brick front, a wood roof with cupolas, and asphalt shingles. Exhibit C is what has been approved, total metal construction. Martin said that it is a process problem for him; Mr. Brodie is not only the only person the Planning Commission has to deal with and that everybody needs to be treated the same before the Planning Commission. What does it say if this design is not approved, and then the commission is asked to consider the one that was previously not approved again? Mr. Brodie said that he came in with the perfect building the first time, but that the town will get whatever is approved. Toby asked if Mr. Brodie could construct building A with a shingle roof with either cupolas or dormers. Mr. Brodie said that in his opinion, building B doesn't deserve brick all the way around. Joe told Mr. Brodie that he thinks he understands what he wants to do, but that isn't going to get through this Planning Commission. Joe said that he knows Mr. Brodie doesn't want to do what he has been approved to do, but he suggested that Mr. Brodie build what the Planning Commission approves. Toby said that it's not quite that simple, and that there is room to talk; Exhibit B is in fact a better building than what was approved. He also said that Martin is correct; the Planning Commission can't be inconsistent. He said that consistency is everything or else people would come back not just irritated, but that they would sue the Planning Commission. He also said that he agrees with Martin that procedure is very important.

Both Toby and Mr. Brodie agreed that building B is a compromise. Toby said that he would like Mr. Brodie to mix elements from exhibit A and mix them with exhibit B, and referenced monetary savings as a result. Mr. Brodie said if he was worrying about saving money, he would have just built a pole shed. Martin asked about beginning site work, considering it is now winter. Mr. Brodie said that as soon as he is issued a permit, he will begin site work. Joe said that there is a 30-day period before a permit can be issued, due DNR approval for forest conservation. There was discussion concerning signs, landscaping, and ornamental benches. The site plan was reviewed. Martin asked if Mr. Brodie might come back with another plan, since he has to wait 30 days on account of DNR. Mr. Brodie said that the 30 days will be up before the next Planning Commission. There was additional discussion concerning exhibit B. A motion to approve exhibit B was made by Mickey, seconded by Martin, unanimously approved.

## **New Business**

Amendment to County Water/Sewer Master Plan – Joe stated that an amendment to the county’s water/sewer master plan needs to be done as part of the requirements from HB 1141. Joe said that in his opinion, and he believes it is Shane’s opinion too, the town will have to go file with the county to get a water and sewer amendment into their plan which is going to include the rest of McNomee farm – but only for service area purposes. In 2004, the town extended the water/sewer service area to include the McNomee farm, when the airport/tech park area was annexed. The only problem Shane saw was the service area numbers representing the number of years in which that area would receive services; the airport/tech park area was not given to the McNomee farm, yet that farm had been annexed. It will require paperwork and a public hearing to change. Toby asked about the possibility of a petition or some other means of delaying the process. Joe asked Toby if he was asking if the county or some other party could hold this up; Joe said yes, it is a public hearing and a public advertisement. Neither Shane nor Joe believes that the county would hold up this amendment. Toby asked if it were possible for this amendment be put to a referendum, subsequently holding up the entire Ridgely Park project; Joe said no. Joe stated that Shane said if the county were to delay the amendment, the town could do its own water and sewer master plan. Toby asked if there would be two hearings – one in Ridgely, and one in the county. Joe said that might be a good idea, even if it isn’t required. Joe said Shane can discuss that next time he’s here, hopefully January 23<sup>rd</sup>.

## **Roundtable Discussion**

Toby stated that he has a few items for the roundtable discussion, one of which being Ridgely’s need for a pattern book. He said the town has access to Denton’s pattern book, whether Denton voted it down or not, it is still available for others to use. Toby feels there is strong support among the Commissioners for a pattern book. Martin said he thinks that Denton’s pattern book may be strictly residential, and is not sure if it contained commercial information. Joe stated that he feels that the Rt. 480 corridor also needs to be addressed. Mickey added that he feels the town may have problems for an entire generation concerning new construction, but the town needs to start somewhere. Nancy recommended tightening the design guidelines until the pattern book is completed. Joe said there has to be a commercial pattern book somewhere.

Toby also stated that Joe and Nancy attended a meeting with Father Carroll (St. Benedict’s Church) regarding a possible expansion. There was discussion regarding parking, zoning and other requirements and concerns.

Martin discussed a letter he received about a planners meeting hosted by Eastern Shore Land Conservancy and the Mid-Shore Regional Council. He said it is basically an invitation to join other planners informally to discuss similar issues. Martin also mentioned APA (American Planners Association) book service which offered resources for planning commissioners.

## **Adjournment**

At 7:48 a motion to adjourn was made by Martin, seconded by Mickey.

Respectfully Submitted,

Missy Vanskiver  
Asst. Clerk