

Minutes of the September 24, 2008 Planning Commission

Meeting called to order at 6:07 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich, Margaret Haven, and Jeff Garrett were present. The following were also in attendance: Chuck Hunter, Commissioner; Kathy Smith, Commissioner; Joe Mangini, Town Manager; Missy Vanskiver, Asst. Clerk; Joanne Stepp; Jack Hall, Town Attorney; Dan Divilio, Times-Record; Archie Carroll; John & Carol Balderson; Shawn McMahan; Tony Herrold; Tom Morris; Kevin Thomas; Shane Johnston; and Nancy Gearhart.

Approval of the Minutes

A motion to approve the minutes of August 27, 2008 was made by Martin, seconded by Margaret, unanimously approved.

The agenda was slightly revised to accommodate other scheduling issues.

New Business

Tom Morris – 29 Lister Lane – Tom Morris provided information to the Planning Commission about the Right-of-Way adjacent to his property at 29 Lister Lane. Mr. Morris is interested in purchasing this area from the developer. He is also interested in creating a walkway from Lister Lane to the Ridgely Elementary School property. After some discussion including the ownership of the property, possible transfer of the property, and related issues, it was decided that more information was needed. Jack Hall recommended that Mr. Morris speak with an attorney.

Cow Barn Subdivision Update – Toby said the agreement that Shane Johnston had prepared covers all the items that have been discussed. Martin asked about Section 9.5 of the agreement – if that item states that the town, after receipt of the easement, as the grantee, can transfer the maintenance of the agreement to another qualified entity. Shane said that is correct, and provided an overview of the draft agreement; stating that when considering all the various things that were available, this seems to work best. Shane stated that there is a both a conservative side and a liberal side to this kind of approach. The conservative side would be selecting a Maryland Historic Trust easement, which includes the support of the State, the laws of the state, precedent money, etc. The constant of this as a façade easement for a locality is to provide flexibility to deal with these types of issues on more of a case-by-case basis. There was discussion concerning legal remedies, tax credits, and the Maryland Historical Trust. Martin stated that he thinks that item “O” on page 5 looks like it is restricting the use of the barn to residential use and asked if that applies to the entire property or just the barn; Shane said that section probably needs some additional language. There was additional discussion about open space and parking. Martin asked Shane to look at Article 6B on page 8, and asked if it would be possible to revise that to give the Planning Commission a little more say as far as the type of ‘historic structures.’ Mr. Carroll asked about the possibility of subdivision if the barn were to be destroyed; there was some more discussion. Toby said that the agreement needs a little revision before being voted on at the next meeting and then being recommended to the Commissioners.

Comprehensive Plan Update – Shane stated that the draft of the Comprehensive Plan will most likely be finished in late October. He distributed a couple chapters to the Planning Commission members for their review.

Jack mentioned the revisions to Chapter 30 of the Zoning Ordinance, and asked if Shane had any comments on that before he left. Shane said he had just a few suggestions on language that might clean things up a little bit. There was some discussion.

12 Central Avenue – Building Permit Application (Sign) – The building permit application was reviewed for a business sign at 12 Central Avenue. A motion to approve the permit application was made by Margaret, seconded by Jeff, unanimously approved.

Ordinance #315 – Joe stated that this is on the agenda to let the Planning Commission know that a public hearing will be scheduled regarding the revision (wording) to this Ordinance. The public hearing will most likely be scheduled to include Ordinances #242, #298, and #315.

Cyberidge – Toby reviewed the status of the project, stating that both the town’s attorney and Mr. Brodie’s attorney, Mr. Braden, have met and incorporated the concerns of the Planning Commission and the public into a ‘Conditions of Use’ document. Toby read the Conditions of Use. There was discussion concerning the maximum amount of a municipal infraction (\$100). Jack stated that he doesn’t believe that the Brodie family has had a chance to review the document. He said that after the corrections/revisions are made, tell the Brodie family that they can move in if they agree to the listed conditions. Toby recommended adding “illumination shall be shielded from residents” to section D on page 3 of the document. There was more discussion. A motion to table the subject was made by Martin, seconded by Jeff, unanimously approved.

Ordinance #242 – Jack said that he is recommending a different way in which the Planning Commission’s controls are more specific. Toby asked if that ordinance should be repealed. He also mentioned the businesses/properties that are ‘grand-fathered.’ Margaret asked why Ordinance #242 was needed. There was some discussion. Joe said he can prepare a repealing ordinance. A motion to recommend repealing Ordinance #242 was made by Martin, seconded by Margaret, unanimously approved.

Medifast Distribution Center – John Balderson stated that the business is growing and asked if two trailers could be temporarily placed in front of the building at 601 Sunrise Avenue. The trailers would house the call center for a period of three to twelve months.

11 N. Maryland Avenue – Building Permit Application (Sign) – The building permit application was reviewed for a home business sign at 11 N. Maryland Avenue. A motion to approve the permit application was made by Jeff, seconded by Martin, unanimously approved; Margaret abstained.

Town Manager’s Report

Joe reviewed the Tech Park sewer allocation issue. There is no new information concerning the Weese Town House, Walnut Farms, and 128 Walnut Street projects. Ridgely Park will be progressing once the WWTP upgrade is done. The WWTP upgrade should begin around

October 15th; there was a recent pre-construction meeting and financing is in place. There is still an issue regarding the land for the Water Storage Tank. The sub-lease approval from the Board of Public Works, the approval of the plans by DNR, and the removal of the trails are the only three outstanding issues for the Rails to Trails project. A letter and some diagrams were sent to Blades Construction; a rendition and a cost estimate have been requested from the same. Joanne has filed an application for the Community Parks and Playground grant for the renovation of the Railroad Station. The bandstand/gazebo project should start around October 1st. The Telephone Building project is still underway. There has been discussion to see if the Carriage House can be moved to and stored on private property for a period of two years.

Toby asked about the status of the Raikes house. Joe said permission had been received from Ms. Raikes to have someone board up the house; she will be billed for that work. Joe also spoke with Ms. Raikes about the revolving loan fund. He said that a commitment from her on the insurance check and estimates are still needed.

There was some discussion concerning Kiddie Kastle. A motion to approve the use was made by Martin, seconded by Jeff, unanimously approved.

Adjournment

A motion to adjourn was made by Jeff, seconded by Martin. Meeting adjourned at 8:42.

Sincerely,

Missy Vanskiver
Asst. Clerk