

**Minutes**  
**Walkersville Planning Commission Meeting**  
**July 26, 2022**

Commission Chairman David Ennis called the meeting to order at 7:00 p.m. with members Mike Kuster, Dick Brady, Ray Santullo, Russ Winch, Nathan Shatto and Gary Baker present. Also present were Town Planner Susan Hauver, and Town Manager Sean Williams. The meeting was also live-streamed on the Town's website.

**1. Minutes**

***Member Winch made a motion, seconded by Member Brady, to approve the minutes of the June 28, 2022 meeting. The motion passed on a vote of 6-0-1 (Ennis abstained).***

**2. Site Plan: Calvary Assembly, 8234 Woodsboro Pike, building addition for gathering space**

Planner Hauver presented the staff memo, noting issues with the parking aisle width and parking layout and concerns that have been voiced for many years about the safety of the church's entrance on MD 194. There were also a number of typographical and minor errors that need to be corrected on the plan.

The church was represented by Mr. Jose Hernandez (deacon), Mr. Brian Crane (deacon) and Mr. Charlie Smith (member). Mr. Dan Lavelle was also present to represent Mr. Dustin Lavelle, project engineer.

Mr. Hernandez said that the plans could be adjusted to meet the aisle width requirements. He noted that about 65% of the parking spaces are filled during the church services. The church lobby and sanctuary entrance get crowded and are a bottleneck to the flow of people within the building, so they would like to expand that space. The small addition to the back the building expands the same interior space. They are not expanding the capacity of the sanctuary, just the gathering space in the lobby. They plan to remove eight trees but, overall, there is no loss of green space. The proposed covered walkways will cover areas which are already impervious.

Member Winch noted that he was a member of the Commission in 2002, when the safety issues related to the church entrance were first raised by the Town. There have been too many accidents at that location. The Town has been reluctant to approve plans for the church that do not involve providing a second entrance on Stauffer Court. He wondered what the church had done to get access to Stauffer Court. He noted that the traffic hazards are only going to get worse.

Mr. Charlie Smith spoke to the issues with the entrance and noted that the plat for the Walkersville Light Industrial Park refers to a temporary easement for a church entrance. No one knows how to interpret the term "temporary". The church has met with Mr. Toms over the years. The issue boils down to money. He wondered the extent to the which the Town would force the issue, noting that the amount the church is willing to pay for an access easement and the amount Mr. Toms would accept are not close. Member Winch said he hopes negotiations between the two parties will continue.

Member Kuster noted that his wife was rear-ended in front of the church and hates to see a dollar amount placed on improving the safety of the entrance. He felt the church should value the lives of church and community members.

Mr. Smith questioned the ethics of the Town denying the church's plan or requiring them to put in an entrance on land they do not own.

Mr. Brady asked about the well shown on the site plan and asked whether it had been abandoned in accordance with Health Department requirements. He also requested that Richard Winn Lane be added to the site location map.

Mr. Brady also expressed concerns about the entrance and traffic safety. He noted that the church had grown over the years, and expanded at least once. He suggested the entrance should be right-in, right-out. He feels the situation is worse in the evening, when traffic is heavier than Sunday morning and they do not have the Maryland State Police directing traffic in and out. He noted that at dusk and in the evening, lighting is very limited. When MD 194 is dualized, the church will be forced to have a right-in, right-out entrance, and he suggested that they convert the entrance now.

Mr. Smith again questioned the ethics of the Town forcing the church to do something they can't afford to do. He suggested that the Town could assist the church with the expense or utilize power of eminent domain. He argued that the proposed addition did not represent an expansion and also said that they had consulted with State Highway (SHA) officials who said that a change to entrance would require surrounding intersections to be modified.

Mr. Santullo requested they continue the discussion with SHA to see what might be done to the entrance. Commission members noted that SHA had approved Fountain Rock Road being converted to right-in, right-out, and left turns being restricted to and from Sandstone Drive. Member Winch said the goal was safety.

Mr. Shatto noted that they were speculating about solutions to the entrance issues. He also noted that the clerical issues related to the plans and parking layout needed to be addressed.

Mr. Smith again suggested that the Commission was denying their plans and questioned whether it was ethical.

Mr. Andrew Toms said that his attorneys had reached out to the church but had been ignored. He said he was willing to hear an offer for the access easement, but that an offer had not been made, nor had there been any negotiations.

Mr. Brady said that the errors on the plans alone justified a denial. The plans could not be approved as submitted.

By common consent Commission members agreed to table consideration of the plans to allow the church to consider the issues discussed and to make the necessary corrections to the plans. Mr. Ennis said they needed to confirm that there would be no net loss of landscaping and that the well had been abandoned properly.

### **3. Frederick Kitchens and Bathrooms: Site Plan for Sea Containers & Parking**

Planner Hauver presented the staff memo for the proposed 8'x40' accessory structures to be installed to the rear of the property at 47 West Frederick Street. The Code does not address sea containers specifically but staff is requiring that the applicant meet the standards for accessory structures. The property is zoned Old Town Mixed Use, which allows the Planning Commission to consider the appearance of the proposed changes and their impact on the neighborhood.

Commission members discussed the plan with the property and business owner, Mr. Nick Simmons. They expressed concerns about the visual impact of the structures on the adjoining property owners and felt that the proposed site plan did not provide enough information as to the appearance of the containers. They also felt that Mr. Simmons should have approval from his adjacent neighbors. Mr. Simmons explained that he needs to remove a dilapidated barn on the property and needs storage space. He would prefer to build a pole barn, but the cost was prohibitive. He also said that the containers he plans to purchase would not be brand new, but were "New One Trip". He offered to plant trees to screen his property.

***Member Winch made a motion, seconded by Member Shatto, to table discussion of the site plan until the applicant provides additional documentation. The motion passed on a vote of 7-0.***

#### **4. Public Comments**

There were no public comments.

Chairman Ennis reviewed the upcoming meeting schedule. Member Winch said he would not be in attendance on August 23.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver