

## Minutes

### Walkersville Planning Commission Meeting

March 28, 2023

Commission Chairman David Ennis called the meeting to order at 7:00 p.m. with members Mike Kuster, Gary Baker, Dick Brady, Nathan Shatto, Ray Santullo and Russ Winch present. Also present were Town Planner Susan Hauver, Town Manager Sean Williams, Town Attorney Leslie Powell, and Communications Specialist Ashley Bailey. 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 February 28, 2023 meeting. The minutes were approved on a vote of 5-0-2 (Santullo, Baker abstained).**

#### 2. Election of Officers

**Member Brady made a motion, seconded by Member Winch, to re-elect those currently serving as officers and to close nominations. The motion passed on a vote of 7-0, and Mr. David Ennis was re-elected Chairman, Mr. Mike Kuster was re-elected Vice Chairman, and Mr. Ray Santullo was re-elected Secretary of the Commission.**

#### 3. Site Plan: Calvary Assembly of God, 8234 Woodsboro Pike, building addition

**Member Brady made a motion, seconded by Member Kuster, to take consideration of the site plan off the table, in accordance with Robert's Rules of Order. The motion passed on a vote of 7-0.**

Planner Hauver reviewed the submissions and correspondence received by staff since the site plan was reviewed by the Planning Commission in 2022, noting the following:

- The applicant has been working with Frederick County staff to determine whether stormwater management review would be required. The applicants are proposing to limit the area of disturbance to less than 5,000 square feet, which would exempt them from the need for a grading permit or stormwater submission. A paved area proposed on previous plan to remain paved, is now shown to be remained paved and covered with Astro-turf. They also are proposing a building technique that limits ground disturbance to a trench outlining the foundation of the addition. This technique is acceptable to Frederick County staff.
- The applicant submitted a letter from Mr. Joe Caloggero of The Traffic Group stating that since the church is not planning to expand seating capacity, that a traffic study is not needed or warranted. The letter also provided interpretation of crash data in the site vicinity.
- The applicant submitted an email from the church pastor about their efforts to reach out to neighboring property owner Mr. Andrew Toms, about obtaining an easement to build an entrance to the rear of their site connecting to Stauffer Court.
- The applicant submitted evidence that two wells on site had been sealed and abandoned in accordance with Health Department requirements. Chairman Ennis noted the second well was just abandoned in 2022.

Mr. Jeff Holtzinger, P.E., spoke on behalf of the church, along with Mr. Charlie Smith, and Pastor Benny Ferguson. He explained his methodology for calculating square footage of the disturbed area. He will show the limits of disturbance on the plan, and pledged to clean up the notes on the plan, particularly with regard to contradictions noted by staff. He will obtain the electronic site plan from the previous consultant and provide a plan under his signature.

Member Winch clarified that Mr. Holtzinger is representing the applicant as an engineer, not as legal counsel. He corrected Note 15, which should indicate sewer is provided by Frederick County.

Chairman Ennis noted that having to submit a redevelopment application would require a lot of work in terms of stormwater management, because the church would have to bring the stormwater management facilities up to modern standards. He also noted that the plan should indicate that the well on the property was abandoned.

Mr. Smith thanked the Commission members for their patience in working with the church and its representatives, noting that as laypeople they did not realize what they needed to do.

Mr. Brady referred to an easement filed by Frederick County in 2020 at liber 13495 folio 390, and said it should be noted on the site plan. He thought the stormwater management area was expanded in front of the property. Mr. Holtzinger said he would research it and add it to the plan. Mr. Smith said he did not think it represented an increase in the stormwater management area, but that it had to do with maintenance of the facility. (After the meeting it was determined that the easement was a water and sewer easement, not a stormwater management easement).

Mr. Brady asked about the discrepancy in the accident data, noting that one report said there were 21 accidents at that address and the Traffic Group report said there were 5. Mr. Smith said that he entered the coordinates of the accident locations and none of them are in front of the church address. Mr. Holtzinger said that he could map the coordinates. Mr. Kuster said that an accident could be related to the entrance but not be right at the entrance. Only one accident occurred on a Sunday morning. There were no angle crashes at the site entrance.

Member Shatto described his experience on a Sunday where traffic is controlled by troopers, and traffic can back up very quickly on MD 194, indicating that the church entrance has an impact on a long section of the road. Member Santullo said that the data indicates that there are a lot of accidents in that section of 194, even though the cause of each accident is not known.

Mr. Santullo noted that Sheetz, Dollar General and Rutters all needed to make improvements on 194 to reduce the number of accidents, and questioned why the church should not need to make any improvements. Mr. Smith said that Mr. Scott Newill of the State Highway Administration said that modifications to 194 in that area such as restricting left turns in and out of the site would force drivers to make a U-turn at the Sheetz or at the light at MD 26. Mr. Santullo said there were other improvements that could be made, including adding acceleration/deceleration lanes, turn lanes and merging lanes. Mr. Holtzinger said they were not adding more seating or more traffic on 194. Mr. Ennis said that they have been trying to get improvements for 20 years. Mr. Kuster would like them to obtain the easement from Mr. Toms but they can not force the issue.

Member Winch noted that activity at the church is not just limited to Sundays. Mr. Smith said they were open to engaging the police to direct traffic at other times in the week, although there is never a time that is as busy as a Sunday morning. He said that they would be open to provide Troopers if a threshold is set as to the number of vehicles entering and exiting the site. Mr. Brady asked if they had a regular large event or activity during the week, and Mr. Smith said that youth activities are held on Wednesday or Thursday evenings.

Mr. Brady also asked what the church will do when they dualize the road. Mr. Smith said that when they increase the capacity of the church, they will need the rear entrance. They feel they have a right to the easement on their neighbor's property.

Mr. Baker asked about their interaction with Mr. Toms. Mr. Benny Ferguson said they had a cordial meeting with him in 2022, and Mr. Toms said that he would need to consult his attorney. Mr. Ferguson said they never discussed a dollar amount. Mr. Baker asked Mr. Ferguson if they wanted to purchase the easement and Mr. Ferguson said he would want to consult with his deacon board about that. In the past, they unanimously supported it.

Mr. Ferguson said they bring out State Troopers whenever they have a large event comparable to Sunday mornings.

Member Winch suggested professional mediation with Mr. Toms, noting that there will be a day they will definitely need the back entrance. Mr. Ferguson said they would be open to that. They want the church to grow. Mr. Winch suggested the Town could help with the acquisition of the easement, and requested that Town Commissioner liaison Gary Baker look into it with the Burgess and Commissioners. That would be up to the Burgess and Commissioners. Mr. Smith said that they want to get the easement resolved.

Mr. Brady said that they could approve the site plan, deny it or approve it with conditions. He felt they had heard all they could hear from the church, and he understands they would like to move forward. He asked about a condition to require traffic control by State Troopers at larger events. Ms. Powell said that they could require a threshold, but it would be difficult to enforce. Ms. Powell said that their findings need to have a basis in the record, and that she had not heard anything in the record that would justify a threshold for requiring additional traffic control by State Troopers. The applicant could proffer a threshold.

Mr. Holtzinger said that they would clean up and correct the site plan and notes. He proffered if they have more than 100 cars at an event, they will provide traffic control by law enforcement. Mr. Baker asked about their typical attendance. The peak Sunday in 2023 (including both services) had around 800 attendees. After discussion, Commission members and the applicant representatives agreed on a threshold of 70 vehicles.

***Member Winch made a motion, seconded by Member Brady, to approve the site plan with the following conditions: 1) the applicant clean up and correct the site plan and notes as noted in the discussion; 2) the Commission will accept the proffer of the applicant to provide traffic control by a law enforcement agency for events and activities at which over 70 cars are expected to enter the site; and 3) the traffic engineer sign and seal his traffic letter. The motion passed on a vote of 6-1 (Santullo opposed).***

#### **4. Site Plan: McDonald's**

Planner Hauver presented the site plan to modify the drive thru lanes and parking at the McDonalds.

Chairman Ennis noted that the applicant was not in attendance.

By common consent, consideration of the item was continued to a meeting when the applicant would be present.

#### **5. Rules of Procedure amendments**

***Member Winch made a motion, seconded by Member Kuster, to introduce the amendments to the Rules of Procedure for consideration at the meeting on April 11. The motion passed on a vote of 7-0.***

#### **6. Comprehensive Plan Update status**

Planner Hauver hopes to have a draft plan completed in April.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver