**Meeting Minutes of Planning Commission**

**Town of Laytonsville**

**March 23, 2023**

Chair Wenger called the meeting of the Planning Commission to order at 7:36 p.m. Members Brian Kline, Obed Pellegrino, Tom Jackson, and Brendan Deyo were present. Town Clerk Mary Burke, Mayor Jim Ruspi, HDC Chair Charley Hendricks, Civil Engineer Steve Crum, Dave Dassoulas and Tim Birdseye (Hope Builders) were also present.

The minutes of the Planning Commission meeting on December 15, 2022, were approved as submitted.

**Sewer/WSSC:** Member Kline: Letters from businesses in town in support of public sewer have been received. There has been a good amount of support and we have letters from Stadler’s, Hope Builders, and LVFD. We are waiting on the shopping center landlord. The letter to Montgomery County is ready for Town Council approval. We will also be reaching out to MCPS. Mayor Ruspi: We did send a letter to the county contractor that will be working on the septic system at Laytonsville Elementary. This letter should also be used to support the effort. Brian will send the letter to the Planning Commission after the meeting. Member Kline made a motion to send the letter to the Mayor and Town Council. Member Jackson seconded. Member Deyo abstained, and the motion carried.

**Comprehensive Plan Review 2024:** Chair Wenger tabled this for this meeting due to the new business we need to review.

**Review Subdivision Plan from Hope Builders – Set date for Public Hearing:** Chair Wenger: The subdivision plan from Hope Builders has been filed. There are hard copies available at Town Hall. Everyone received a digital copy. We will hold a Public Hearing in 2 weeks.

Steve Crum: In general, it follows subdivision regulations. Maple Knoll Drive was once a dead-end street. With the development of Laytonsville Grove, it was extended. Maple Knoll has an 80’ right of way at Rt. 108 and transitions to a 60’right of way. The Planning Commission should consider Maple Knoll widening due to this being a commercial property. The plan calls for a 4’ sidewalk, but ADA requirement is 5’. The Planning Commission should consider that as well. The building has 3 loading bays, and the only way a truck can get in is by backing in. Also, when trucks are parked in the bays, they will block the traffic flow. The Planning Commission should require that they provide a Public Utility Easement. When Maple Knoll was improved, a bioswale stormwater management area was constructed along the frontage of the subject application. There are 5 street trees in the right of way that will be impacted by the construction. The Planning Commission should ask that they be replaced. There are two old style cobra head lights. The Planning Commission should consider whether street lighting should be required for this project. The plan doesn’t address how runoff from the micro bio retention facilities will connect to the public storm drain system. The Planning Commission needs to consider asking the applicant to prepare a storm drain study. There is a septic system proposed on the east side of the building under the parking lot. We need to see an approved plan from the County. There is limited space on the perimeter of the project to be landscaped. There needs to be a buffer and screening from the residential properties. We need to suggest that the commercial traffic not go further than their property on Maple Knoll Drive. The Planning Commission needs to understand what the event space will be used for.

Chair Wenger: In full disclosure, I am an adjoining property to this project, and I want my Planning Commission members to know that I may have to abstain or recuse myself from this. I need you to be on top of everything because I want to fully disclose that I am an adjacent property owner and am the chair of the Planning Commission. With that, I turn this over to Planning Commission members for questions.

Member Deyo: Is this commercially zoned? Yes. Member Pellegrino: How will this affect traffic on 108? Steve Crum: It is a stop-controlled intersection. We don’t know if Laytonsville has the authority to do a traffic study. Member Deyo: I am worried that truck drivers will learn they can cut through the neighborhood to get on 108 at Golf Estates Drive. Are those roads able to handle that type of traffic? Steve Crum: Yes, the roads are to Montgomery County standards. Member Deyo: Do the trucks parked in the bays pose a public safety situation? Steve Crum: Montgomery County will look at this when the plan is submitted to them. Member Deyo: What about white noise pollution or light pollution? Are there requirements for this? Steve Crum: Yes, the county does have a noise ordinance. You can condition your approval on no idling trucks and on the hours that deliveries can be made. Chair Wenger: Laytonsville adopted the County Noise Ordinance. Member Deyo: How about light pollution? Chair Wenger: I don't know about that, but I can attest to the fact that the former bank building, which had very reasonable lighting, now has what I like to call laser beam lights. It's unbelievable in my yard. Steve Crum: The County Regulation would say .24-foot candles at the property line. And they would also ask that the fixtures be fitted with cut off so that there isn't light passing across the property line and that it adheres to the Dark Skies’ regulations. Member Kline: What about hazardous materials? Is there any indication that there will be storage tanks for use of hazardous materials from any operations or activities? And if so, how are they taking it into consideration. Steve Crum: I'm going to let Hope Builders answer more fully, but I did go by their existing facility in the Airpark, and I didn't see any indication of tanks.

Member Kline: I have one question and Stephen I'll direct this to you. It appears what Hope Builders is trying to do is within compliance with the building regulations of the town of Laytonsville. A lot of what you're talking about, and I greatly appreciate that, is what some of the county requirements would be. I feel like we're kind of at a point where we can say this works for the Town of Laytonsville and we turn it over to Montgomery County for their permitting purposes. Is that a fair statement? And again, I appreciate your recommendations and I think all of them are great. But again, we do depend on Montgomery County to keep us in compliance, if you will. Steve: I think you certainly can rely on Montgomery County to deal with the storm water issues. But I think because Maple Knoll Dr. is a Town street, it's within the purview of the Planning Commission and the Town Council to say that this road section needs to be improved and widened to keep vehicles from having to cross the center line when maneuvering in and out.

Member Jackson: Looking at the drawing, where is the fire hydrant? Steve Crum: It is across the street. Member Deyo: Eric, when we started working on the master plan, we had a lot of discussion about the desired usage of the property, so we had preferred uses of commercial property and the development, and the types of businesses we were looking to attract into town. Is this business in line with that plan? Chair Wenger: In my opinion, it would be an excellent addition to the Town, provided they comply with all the compulsory things that go with the ordinance that we have. If they go with the architecture that they have previously presented, it's going to be an attractive building as well. It's not just going to be some block building and they are incorporating some rustic elements. I think it's a good use of the property and I think that it's a good company. Member Deyo: It wasn’t a question of the quality of the company. When we started this thing, we had a lot of discussion about the types of businesses we wanted. Chair Wenger: We didn't want storage facilities and things of that nature. This is an office building and their operations center. In my opinion it's a good use of the land, and it would be a good addition to the Town.

Mayor Ruspi: Can you repeat the information about the Public Utility Easement? Steve Crum: The State of Maryland passed a law to get most utilities underground. Montgomery County adopted a 10” PUE, free of sidewalks. It is where power and utility companies can run their lines. Mayor Ruspi: Are you saying there is no PUE? Steve Crum: When the bank was built, it wasn’t a requirement. There isn’t one on Maple Knoll until you are in Laytonsville Grove. Charley Hendricks: The Zoning Ordinance for commercial maximum density is .30 and they are at .28. have you verified this? Answer: No, but the plan was done by an engineer, and we trust that it is correct.

Chair Wenger: I would now like to open this up to Hope Builders.

Dave Dassoulas, Hope Builders: I am not surprised by anything that was shared by the Town engineer. I would be asking the same questions. Before I answer any questions, I want to make sure that I understand the process. No one knew that this needed to be subdivided until we submitted the Building Permit application. And so we had to go back and address the zoning ordinance for the town of Laytonsville, and our engineer has done that for the most part. But is this a one step process or is it a two-step process? Chair Wenger: This is the 1st opportunity for the Planning Commission to review the Preliminary Plan at this meeting. The next step is a public hearing. Once we get a plan that we can sign off on, it goes to the Mayor and Town Council.

Dave Dassoulas, Hope Builders: To answer some of your questions, we were under the impression that we had a Public Utility Easement. There are a limited number of trucks and they come and go at different times. There are 15-20 cars for employees. Traffic would be scattered – not everyone arrives and leaves at the same time. We calculated the density requirements and verified that it was correct.

Mayor Ruspi: Will trucks be parked and running all night long? Dave Dassoulas, Hope Builders: No. Will any cars park on Maple Knoll Drive? Dave Dassoulas, Hope Builders: No. Member Kline: Do you have any tractor trailer trucks? Dave Dassoulas, Hope Builders: We do not but may receive deliveries from one.

Chair Wenger: The large maple trees out front are heritage trees. You’ll need a permit to take the trees down. You will need a landscape plan. Dave Dassoulas, Hope Builders: We asked the engineer to try and save the trees. Chair Wenger: Why are the building plans flipped? Dave Dassoulas, Hope Builders: The rejection of the first plan allowed us to rethink. The septic wouldn’t work on the left side of the property. It also puts the prettier part of the building towards Rt. 108.

Chair Wenger: We will be scheduling a Public Hearing. Thank you, Steve Crum, and thank you Planning Commission.

**Adjourn:**

Member Deyo made a motion to adjourn the meeting at 8:53 p.m. Member Jackson seconded the motion. **The motion was unanimously approved.**

Respectfully submitted,

Mary Burke

Town Clerk

March 23, 2022