

**POOLESVILLE PLANNING COMMISSION  
MEETING OF JUNE 15, 2011**

**PRESENT:** GEORGE COAKLEY, HARALD EHRENTRAUT, CHUCK STUMP AND BOB BACHMAN. ALSO PRESENT WAS TOWN MANAGER, WADE YOST AND TOWN ENGINEER, JOHN STRONG.

**Call To Order**

Mr. Coakley: Poolesville Planning Commission Meeting of June 15, 2011 is called to order. Present are all Commission members with the exception of Cal Sneed who is out of town on business, along with the Town Manager and Town Engineer are here.

**Announcements**

Mr. Coakley: Are there any announcements?

Mr. Yost: The only one I have is a letter has been submitted for interest in the Planning Commission position that is open and the Commissioners will interview that applicant or hopefully on July 11 now.

Mr. Coakley: Would that mean then if this person is selected we would no longer have to pick up our one Commission member in the pickup truck at the corner?

**Citizen's Comments on Agenda Items**

Mr. Coakley: Ok and on the agenda this evening we have approval of minutes of May 25, 2011. And also the Quito Site Plan under old business, would anyone like to make any comments on the agenda prior to the meeting?

**Approval of Minutes**

Mr. Coakley: Ok hearing none do I hear a motion for the approval of the minutes of May 25, 2011?

Mr. Bachman: I move the minutes of May 25, 2011 Planning Commission Meeting be approved.

Mr. Ehrentraut: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Coakley: Minutes have been approved.

Mr. Stump: It was a short set of minutes.

**Old Business**

Mr. Coakley: Ok no new business. Under old business we have the Quito Site Plan.

Mr. Yost: I wonder if the transcriber will actually write that out like you said that?

Mr. Stump: I was just wondering that. Well we know who it is we can prod her to.

Mr. Coakley: Ba dia Ba dia Ba dia.

Mr. Strong: John Strong. We submitted our comments to the Planning Commission and basically all the engineering issues have been worked out, PIA is still needed, we do not know if there is going to be any off site improvements required. That is not our jurisdiction. The plan is complete, forest conservation is complete, and we have someone from Mr. Quito to present.

Mr. Mack: Hi I am Kevin Mack with Dewbury, I am the planner and engineer for this project. This project has been going on for a while, we had a little delay, and we are

finally wrapping things up now. We've gone through both SHA and the County DOT to work out all the issues on the road improvements on both frontages. And we also have a --- stormwater management approval, concept approval, now these are the new 2010 regulations for stormwater management, which is basically consists of dry wells for the brooks and trenches to treat the water on driveways. The road improvements are done with just the grass across the area, as is the back of the entrance. And pretty straightforward, one existing house remains and the four new lots to be added.

Mr. Strong: Let me walk you through the plan real quick. We still need to do a final water and sewer plan. The sidewalks are going to be built along Westerly Avenue, this is a county right of way here. State right of way sidewalks are already in, don't have to abut into that. The water and sewer service are out in front of these two lots, come down, there is a sewer main and water line in front down through here and up high into here for the connection. The existing house the sewer line, I am sorry the water house connection comes down this way through here is to be abandoned, which would require an establishment of a new sewer and water easement right here. So this house can be served and then (inaudible) this house will be able to buy into water and sewer over here. The final water and sewer plan will be used in order to (inaudible). Forest Conservation is being done by afforestation in the existing forest. There is some clearing that is going to take place, currently there is stormwater --- the road at Westerly Avenue and around that, that will have to be cleared out. We also wanted to have the area over the easement that is currently all wooded, we want that cleared out, so we won't have a problem serving that water and sewer line. The existing --- will bump out forest in this area, that will be cleared but the total combination between the afforestation and the existing forest will qualify for reforestation and afforestation, so that is taken care of. There are no parks or open sites so there will be a fee in lieu for that. Driveways and road accesses are not controlled by the Town, they are actually controlled by the County and also by the State. We did have letters from the state and also the county approving this alignment. For this one you will have an entrance here, an entrance here, and then right here and this is the existing and then come in here.

Mr. Stump: I was trying to remember it has been a long time.

Mr. Mack: In working with DOT we had to arrange some driveways (inaudible).

Mr. Coakley: Now the shaded area in the center is that a flood plain John? Because it is on Slaysman property though isn't it, if I recall.

Mr. Strong: Actually the new redistricting of the flood plain map shows it further down towards the church. They redefined the maps a few years ago.

Mr. Coakley: My memory was that that was like a dividing part of the Slaysman property or something.

Mr. Strong: (Inaudible) the church property.

Mr. Coakley: And the pump house opposite on the other side of Westerly that has been abandoned hasn't it?

Mr. Strong: That is correct, that's abandoned. There used to be a sanitary line that came down here and this existing --- and is now closer. But there was a manhole there and that one has been filled in with concrete and also that manhole was filled a month or two ago.

Mr. Coakley: Was that one of the ones that was leaking badly?

Mr. Strong: So there is still some piping, we aren't sure where it goes, but we will figure it out.

Mr. Coakley: Now that section of Westerly is owned by the County, that last block or whatever. That tends to be a little narrower than it is where the Town owns it, we are not encroaching any with the curb and sidewalk and stuff are we.

Mr. Strong: We are moving that roadway a little bit. We will be widening the road half section up to the county section.

Mr. Coakley: That would be good.

Mr. Mack: The one in front is about 4 and the other one is about 3 and (inaudible) so we can pick all that up and tie all that storm drain plus the one that comes off of Fisher, which dumps out right next to the shoulder (inaudible).

Mr. Coakley: What are the lot sizes?

Mr. Strong: Your lot sizes are 3,067, 27,310, 27,262, 31,140 and 3,536.

Mr. Coakley: Or 30,000.

Mr. Strong: 30,000 sorry or a very small house.

Mr. Coakley: Anybody have any questions? Ok thank you very much.

Mr. Yost: So I think they are looking for a conditional approval on a preliminary plan this evening, conditioned on the PIA, the county approvals and the state approvals.

Mr. Coakley: Ok.

Mr. Bachman: Is that the recommendation of the Town Manager and the Town Engineer?

Mr. Strong: Yes Sir.

Mr. Coakley: Is there a motion?

Mr. Stump: I move we grant a preliminary approval with the, conditional upon approval of the site plan and the --- of the Town Engineer recommendations.

Mr. Coakley: PIA include that.

Mr. Stump: PIA, state and county approval.

Mr. Coakley: Do I hear a second?

Mr. Ehrentraut: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Coakley: Thank you.

Mr. Bachman: Is the taping system working Wade?

Mr. Yost: Yes, says it is.

Mr. Stump: So what is your estimate, guestimate on breaking ground?

Mr. Mack: As soon as we can get all the engineers plans finished.

Mr. Stump: Is that realistically this year or next year?

Mr. Mack: Well with the record plat and everything else it will probably be spring.

Mr. Stump: That is what I was thinking, I was curious, springish.

Mr. Coakley: Ok any other business?

Mr. Stump: I have got a question.

Mr. Coakley: Ok.

Mr. Stump: One I ask all the time. Any word on the townhouses or the gas station, anything new and interesting?

Mr. Yost: I know Mr. Bobby Jamison on the gas station issue was trying to work a deal, work a way he could get stormwater management offsite through the County and he is finding some stumbling blocks along the way, because we talked about doing a pretreated system before it left the site, so he is trying to use the existing structure, the county is really not going for it at this point. So he is still trying to work out the plans with MDE as far as the piping, installation, he had the other stuff removed that the state had told them to remove, he's not started any installation as far as I know yet, I know he has been working on the building, the roof of the garage shop next door and things but we have not heard anything else at this point, no submittals or anything. As far as the townhouses go, the last time we did talk to Mr. Jamison he still said that they were waiting for a final from the county to waive certain fees, so it is not a done deal yet.

Mr. Coakley: On site treatment, was that passive like a sand filter?

Mr. Strong: Stormceptor probably or a diversion device which would, it's an oil grid separator, it would have to be cleaned and maintained. The county tends to be leery about having to clean somebody else's material, as we would be.

Mr. Stump: The oil grid separator wasn't that in the plan the last time.

Mr. Strong: There was talk of it but they hadn't done the engineering yet.

Mr. Yost: We had told him, that was the recommendation from the Planning Commission to bring back a site plan to show how you would treat the water before it leaves the site and that is what we had told him to do.

Mr. Stump: I just remember somebody walking us through an eval and they used some graphs on how those things work and I assumed it was maybe you guys (inaudible).

Mr. Strong: It was internal, we brought it forth just so you all would be up to speed.

### **Adjournment**

Mr. Coakley: Ok hearing no other business do I hear a motion for adjournment to move into a Master Plan work session?

Mr. Stump: So moved.

Mr. Coakley: Oh I am sorry. Would you like to come up and give us your name and address please.

Mr. Yarmas: My name is Jeffrey Yarmas, 17209 Whites Road. And I am not sure whether you guys handle this or whatever. You guys grant building permits is that correct?

Mr. Coakley: Yes.

Mr. Yarmas: And you handle the review with the issuing and all that and the fees and all that right. I have a couple questions, its getting a little involved here, let me explain something. (Inaudible) in Town and at that time I had Hoss Metz build a deck for me and he got a permit, at the time I also bought a shed, I asked him at the time he was getting the permit for the deck, get me a permit for the shed, we will get one permit and we are done. He didn't. I called up to the Town when he was done and saw the permit and got everything and said Hoss was supposed to get this shed permit and I spoke with Bobbie. And she said he didn't put it on there and I said could it be added and she said no and said it doesn't really matter basically. Well several years later we are having a problem with the neighbor and I am getting out there and I got the Code Enforcement coming out there and they are telling me I

don't have a shed permit and actually I brought it up to them and said look, I did this, like I told you, so a \$10.00 shed permit is now \$30.00 and I relied on the Town who told me it doesn't really matter, not a big deal, but now they want me to straighten it out so I said ok, so I go to straighten it out, I ask the Town Manager said ok at the time I also had a fence permit, I put up a fence a chain link and I said that Wade that ok I took down the chain link because I also built two additions on the house, all the permits, all with the county and everything, then I took down the chain link, I put it up because I had dogs, didn't want to keep it so I put up cedar, looked a heck of a lot nice, and in talking with Wade at the office here I said by the way this is what we know, change of material you are supply for another permit, but a county permit you can maintain or change the fence as long as you stay within the same confines, I'm like ok well I am applying for this shed permit to get this straightened out because the problems going on, can I add it to it, yes Sir just add it to it, come to the end I get a bill for \$40.00, oh the Commissioners have said you have to pay for a second permit, --- the fact to improve the look for my neighbors and the town, which kind of irritates me. Now I relied in good faith both times on the Town personnel and they informed me incorrectly. I object to the increase in fees, I talked to Wade about it and he said well (inaudible). I would like to know what can be done to help me on this, I mean this is really ridiculous, I asked straightforward and talked to people, was told no problem on the permit, then it comes out different, oh well we changed this and didn't know about it, you have a right to rely on the Town Manager to know this sort of stuff, not to advise me that ok we can put it on it will be a single permit, its only 10 bucks, it is not a huge deal, but it is kind of irritating, it is also kind of irritating that a number of years later, maybe the Town Clerk didn't have the authority to tell me not to worry about a shed permit, but not to tell me about it so my \$10.00 shed permit is now \$30.00 and I object to this, it is not right, is there anything that can be done to assist me?

Mr. Coakley: Not to my knowledge by us. The Planning Commission doesn't set the fee schedule or anything for the Town. That is certainly done by the Town Commissioners and the Town Staff and I mean what transpires, I mean if a member of the Planning Commission had told you that and we were on record as saying that or something than I would say yes, that we would approach the Town to try to redress it in a fair way or something like that but...

Mr. Yarmas: Its not a big lot of money, it's the irritation factor and I have got a couple of neighbors who have been bugging the hell out of me and they got Code Enforcement came out and we talked to James and I did exactly what they complied with and they didn't like that so they called the County, four times. I haven't done anything wrong, I am sick and tired of it, and then when I ask questions, I ask in a straightforward manner, I come to people and ask for guidance and people are supposed to know and I am told wrong. That leaves a sour taste in my mouth, it really does and it is not on record, I haven't walked around with a voice recorder, getting signed anything, this is getting absurd, we are supposed to be a reasonable small town, we are getting to be Rockville City, it is ridiculous. Let me ask you another question on a different matter.

Mr. Coakley: Well before you go on to that though, I would think though that \$10, \$30, or \$40.00 or something would be a rather nominal fee for being able to tell your

neighbors to go jump in the lake if they give you a hard time about not having your permit or something.

Mr. Yarmas: I already told Wade I am going to pay for it. I just wanted to be heard on it because its just, you know you rely on people who you are paying to know things and they tell you wrong, not once, not twice, several times and then I don't know it is just irritating, it really is, it is not right. I am more into right and wrong, say oops I made a mistake let me see what I can do for you, I wasn't offered to talk to the Commissioners or talk to anybody, nope won't be any fee waiving, pretty much a verbatim quote, that is not right. You guys handle Code Enforcement or is that a Town function?

Mr. Coakley: That is also a Town function.

Mr. Yarmas: Does --- into the Town and I spoke with the people in the office, they took a complaint about an illegal shed that was built without a permit, Wade told me that as far as he knew it was in code and I have been trying to reach James but I haven't heard from him in weeks, the shed is still there, the water is running across my driveway and this is the neighbor who called the county on me four times, but I am just a jerk. Ok well I will take it up with the Commissioners then at their next meeting in public, because this kind of stuff just isn't right, we are turning into worse than Rockville and nobody will back you up and nobody will do anything, It is outrageous I think so thank you.

Mr. Coakley: Ok any other comments on anything.

Speaker: What part of Westerly are they building on?

Mr. Coakley: The corner of Westerly and Fisher Avenue.

Speaker: Oh the little yellow house.

Mr. Coakley: Ok do I hear a motion for adjournment to move to a work plan session?

Mr. Stump: I move we adjourn and move to a working session for the Master Plan.

Mr. Bachman: Second.

Mr. Coakley: All in favor?

All: Aye.