

APPROVED 03/18/09

**THE POOLESVILLE PLANNING COMMISSION  
MEETING OF FEBRUARY 18, 2009**

**PRESENT:** BOB BACHMAN, CHUCK STUMP, CAL SNEED, LINK HOEWING, AND GEORGE COAKLEY. ALSO PRESENT WAS TOWN ATTORNEY, ALAN WRIGHT, AND TOWN ENGINEER, JOHN STRONG.

**Call to Order**

Mr. Coakley: Poolesville Planning Commission meeting of February 18, 2009 is called to order. Present are all Commission Members along with the Town Attorney and the Town Engineer who is also filling in for the Town Manager.

**Public Hearing**

Mr. Coakley: The first order of business we have a public hearing, it is John Speelman Wind Generator Application and to keep it authentic we will go good evening ladies and gentleman tonight we have a public hearing for the purpose of reviewing a site plan submitted by John Speelman Poolesville Hardware, 19961 Fisher Avenue, Poolesville, Maryland. This site plan is for the installation of a wind generator on a monopole tower, the tower height is 50 to 60 feet, this property is located in the Poolesville Central Business District. The application is made pursuant to the Poolesville Subdivision Regulations Appendix A, Section 27, particularly E through J. Copies of this application have been available at Town Hall. Tonight's Public Hearing file contains the following exhibits: Application for a zoning code compliance permit; letter from Henry and Linda Nessul, dated February 9, 2009; copies of the notice of Public Hearing published in the Poolesville Gazette, dated February 11, 2009; and the letter from Huron Consulting, dated February 13, 2009. Any person wishing to do so may now testify after giving their name and address. Written testimony will be accepted at Town Hall, at this hearing, or before the record closes. And John the record closes I believe it is next Friday or something like that.

Mr. Wright: When is the next meeting?

Mr. Coakley: The middle of next month I am not sure what Wednesday off hand.

Mr. Wright: Well you can determine when, when you close the record but it might as well stay open until at or near the time for our next meeting.

Mr. Coakley: Ok maybe it is the Friday prior to the Wednesday meeting that is what it is, I think Wade normally wants it on the Friday before so he has time.

Mr. Wright: Yea a little time before the meeting to get everything in.

Mr. Coakley: Ok so do we have anyone who would like to testify on this? Ok well...

Mr. Wright: Does the applicant want to add anything?

Mr. Coakley: Did you 2 wish to testify on the Public Hearing for the wind generator at the Poolesville Hardware Store? Ok.

Mr. Speelman: These are actual photographs of what (inaudible) the property by the Frederick County line. I think this is a good move for energy conservation and I have said before if there are any complaints I will take it down. But there is issues of ---, when the thing starts to spin at 7 ½ miles an hour the ice will fall within a 15 foot radius based on the --- and that will be in a fenced area so (inaudible) but when it ices up it stops, when it

starts to move whatever is on there will fall down but this thing is not like an airplane propeller (inaudible).

Mr. Coakley: John what is the height of the one in the picture?

Mr. Hernandez: Just so the public can see, this is an old air blower, actually that dome has been converted to produce electricity and then this one is the more, this one is on a 60 foot tower, (inaudible) to produce power around the area because there is big difference in a 30 foot tower and a 50 foot tower there is about a 35% increased output. These are monopole towers they are engineered we have the documentation for that to withstand winds of 140 miles an hour and 180 mile an hour gust, so the base is almost 50 yards of concrete, reinforced concrete, you know anybody concerned about this one I think the structure that is closest to it would probably blow away before (inaudible) because it is engineered that way.

Mr. Strong: John can you say your name and title for the record.

Mr. Hernandez: Yes my name is Carlos Hernandez and I reside at 6663 Dickerson Road, Rt. 28, I am on the Frederick County side. And that is about it.

Mr. Coakley: If you have a question would you please come up and give your name so that the recorder will know who is speaking.

Mr. Eck: My name is Jeff Eck, 20003 Haller Avenue, Poolesville. So does this device make a sound?

Mr. Hernandez: The device does make sound. This is manufactured by Southland Power, it is in Flagstaff Arizona, the company that has been making turbines for the last 30 years. It is one of the biggest in the whole world but there is an American product. The data shows the sound decibel, which is the way you measure sound, it is equivalent to background noise, it is less than the 45 decibels.

Mr. Eck: At what distance?

Mr. Hernandez: At the base of the tower.

Mr. Strong: 60 feet then.

Mr. Hernandez: It is 12 feet in diameter, if you look at this particular picture this one is 12 feet in diameter and this is a air mower that is --- that is only 3 blades so it actually looks smaller because the air mower has 19 blades so it looks more solid as the American icon that everyone would recognize throughout the world. I have 2 of these on my property that we converted for electric and again these are a lot safer, they are all engineered, the --- of the documentation that was submitted with the application was identical to the recently installed turbine same dimensions in Clarksburg, Maryland which is Montgomery County, all the --- are focused on this and the final inspection was done. They were all finished by the 24<sup>th</sup> of December this past year, it was a present from (inaudible). If anybody has any questions or wants to look at them personally we are about 25 minutes from here (inaudible). Three of those turbines --- through an indoor arena that is totally off the grid so this is something that is consistent with what the national --- foreign oil and if we do ours here in producing our own power so we don't have to depend on foreign services for our electricity.

Mr. Coakley: Anyone have any questions? Go ahead Bob.

Mr. Bachman: On the handout that we received, is this also a diagram of the property?

Mr. Speelman: That is the site plan.

Mr. Bachman: And does it include the location of the tower?

Mr. Speelman: Yea it wasn't on the, it was submitted to Wade.

Mr. Bachman: Well the original we got this a couple months ago and it is shown here so it is the same location as before so it is between the two buildings. Are both those buildings in place right now? Using the same diagram John can you tell, I am not very good at reading them I guess but I am trying to figure out where the front of your hardware property is?

Mr. Speelman: This would be 107 and this here would be Elgin Road.

Mr. Bachman: This is 109 and this is 107?

Mr. Speelman: Right.

Mr. Coakley: Where it says stoop is the front porch.

Mr. Bachman: So this is between your old building and your new building.

Mr. Speelman: Right basically behind Jon's Video.

Mr. Hernandez: The location of the property was chosen from a wind analysis where the best winds come from in the area so it would be most efficient of the turbine away from the trees that are on the western side of the property and away from the power lines.

Mr. Stump: John do you know what the setback from the nearest property line is?

Mr. Speelman: Well commercial property they don't have a setback, I could build (inaudible).

Mr. Stump: From the proposed location of the setback.

Mr. Speelman: The property line is right here, Jon's video would be right there. I want to get it as close to the incoming service as possible but I have a lot of wiring.

Mr. Hoewing: How much acreage is in your property John total?

Mr. Speelman: Just under 2 acres the hardware store sits on about 1 acre and then the parking lot where I took the old building down is like 2/3 so the total is 2 acres with both of them combined.

Mr. Coakley: Any other questions?

Mr. Owens: I have a question.

Mr. Coakley: Ok would you please come forward and state your name and address.

Mr. Owens: My name is Chris Owens I live at 8 Haller Court. Several questions are there any rules in the Town about putting up a windmill?

Mr. Coakley: Well it requires a Special Exception.

Mr. Wright: No it doesn't require a Special Exception it requires a site plan.

Mr. Coakley: Site Plan approval.

Mr. Wright: Right.

Mr. Owens: But what about numbers, say if somebody wanted to put 5 on their property.

Mr. Hoewing: There are no --- right now.

Mr. Wright: But it has to meet the criteria for the CBD zone that it is located in, which requires the site plan approval and so the site plan for this property has to be amended to include a wind turbine and there are some general criteria for buildings within the CBD zone but no specific requirements that say a wind turbine is permitted or not permitted.

Mr. Owens: What about for residential zones.

Mr. Strong: That is prohibited by height.

Mr. Owens: Because I live right behind and there could be 5 turbines behind my house.

Mr. Coakley: It is possible.

Mr. Wright: Well if you are in a residential zone there are height restrictions.

Mr. Owens: What is that height?

Mr. Wright: It does not require site plan approval.

Mr. Hoewing: I think it is 2 --- stories if I remember right.

Mr. Coakley: It is either 35 or 45 feet I think it ends up being.

Mr. Owens: That was my main thing, I don't mind wind towers, I just want to have my own.

Mr. Sneed: I think several people feel that way.

Mr. Coakley: Go solar.

Mr. Bachman: With regard to the comment on the residential height restriction those 2 ½ stories but the business district, the commercial district does not have a height restriction?

Mr. Coakley: That is correct.

Mr. Bachman: What is the average height though of the structures in the existing historic commercial district?

Mr. Coakley: The water tower is what?

Mr. Bachman: No, no, I am talking about buildings, the current buildings.

Mr. Hoewing: The CBD no, it is well below this that is for sure.

Mr. Coakley: Oh yea.

Mr. Bachman: But you are talking about residences being 2 ½ stories, somebody can't be higher than 2 ½ stories in a residential area, which means it can't be much higher than the buildings themselves in the residential area, so what is the height of the commercial buildings in the Poolesville Central Business District, what is the average height, 2 stories, 3 stories.

Mr. Coakley: Probably 2, 2 ½ stories.

Mr. Bachman: So if you wanted to be consistent between residential and commercial given the fact that the heights of the residential and commercial areas of Poolesville are relatively the same we probably wouldn't want to be very tall, 2 or 3 stories at the most.

Speaker: (Inaudible).

Mr. Hoewing: Yea St. Peter's is definitely that high.

Mr. Bachman: Right but I don't think that anyone would tell you that the church steeples represent the architectural height of a Town, church steeples are intended by symbolically and by architectural history to be reaching to the heavens but in a very architecturally attractive way so I am just trying to get a sense, my sense is that the center district of Poolesville is about practically the same height as our residential areas, which currently have a very significant restriction on the height of anything you build.

Mr. Coakley: Ok any other questions or comments?

Mr. Stump: I am looking at the two --- that you found plus I probably looked at about 5 or 6 other samples around the country this past week, it looks like various municipalities ranging from ones our size to entire county's are going through this exact same debate pretty much from coast to coast so my initial thought is before we make a decision on a specific case that we should have the Town Staff sort of look at the overall impact of residential wind and what the appropriate regulations that we should consider would be. I found it very telling that one of the more interesting things that came across my research was from a Code Enforcement Official I believe in New York State whose only main complaint about their towns adoption of windmills was he wasn't given enough guidance on things like setbacks, specific noise, heights, so he had nothing to quantifiable to judge any complaints.

Mr. Strong: If you read the New Hampshire guidelines you notice that they have certain things such as flutter and also noise a db rating and you have to have a Db rating from so

far and based upon what they have said we could calculate out at the property line what that db rating would be for any of those.

Mr. Stump: I noticed most of these examples plus the ones I had were in the 55 to 60 decibel range at the property line, does the manufacturer by the way stimulate exactly what the decibel rating is in general?

Mr. Hernandez: This is in the brochure but it is decibels are (inaudible).

Mr. Stump: Right but does the manufacturer specify exactly what the decibels to be expected are at various distances.

Mr. Hernandez: But only a distance of, well the distances at the base of the tower.

Mr. Coakley: Carlos would you mind when you talk come up to the mike otherwise the young lady who does the transcription always sends me nasty notes.

Mr. Hernandez: Southwest Wind Power it is not on this particular brochure there used to be a 6 page brochure now it is 4 page but there is specific data and this is a scatter gram of many tests of many turbines so it falls into the decibels which is related to the wind speed that would be the higher the wind speed the increase in the volume, but the volume that also increases as the wind goes through branches of trees and you know background noise from cars and airplanes and all these other things just like your voice is different than mine it is recognizable because it is a different pitch, however the yes this...

Mr. Strong: 45 at 40 feet.

Mr. Hernandez: At 40 feet in that particular brochure. So the background noise is the same, in our farm we have 20 horses there and they play around this thing it doesn't bother them at all, it is just a matter of if you are looking for it you will hear it, just like you will hear the truck running down Rt. 28 and slamming down on the brakes. This is one of the things like you said all the counties in the country are going through this particular process, a lot of these issues have been resolved in different ways, Montgomery County which is the County you are in is addressing it as an accessory structure as opposed to trying to, probably the right word is to waste 2 or 3 or 4 years studying something that has been studied in --- for the last 24 years, 25 years, these are not new questions, these have been around for a long, long, time. This particular turbine was engineered for residential use, engineered so that the noise level would be reduced to absolute minimum, this is actually very low db level and this is designed because it uses a low rpm generator. The maximum rpm of the shaft of this particular generator is 325 rpm's. You know the ones that are high pitched, whiny noises are the ones that are generating power at 800, 900 rpm's so this is the design, also the particular shape of the blades are curved, because this is a passive down wind turbine typically that particular design when the wind hits the tower and the blade is behind the tower as it goes behind the tower it creates that flutter sound you know helicopter sound, the design of these blades are curved so when it hits you know that wind in the back of the tower it does not make that noise. So this is physically engineered to be in areas where there are residences with people around. I don't know if that answered your questions.

Mr. Coakley: Two items I thought were interesting in the Ordinances that our Town Engineer got for us and I went on the web on the internet and looked up a few too and stuff and they mention, John mentioned flutter which is when you have a fan blade going around and you get the flashing if the sunlight is coming through it, you get the flashing on the ground and I guess if that is coming in your window or something that could be a nuisance I don't know and the other thing...

Mr. Hernandez: I could tell you by personal experience...

Mr. Coakley: Well no let me finish and the other interesting thing I thought was that I think I looked at 6 Ordinances and 2 of the 6 had I guess it was like a fallout restriction zone that was 1 ½ times the height of the tower, now whether that is warranted or not I don't know, I have never heard of any falling and causing damage but...

Mr. Hernandez: Yea if you look at Howard and Carroll County for residential they are using the height of the tower plus 20 feet. And again because at that time when the Ordinance was written they had no guidance on what type of tower you could put up so they wanted to make sure that if you erect your own tower in your own garage that if it fell it fell on your property not on anybody else's property but that is changing because for example now Howard County and Carroll County which are the only ones in the State that have Ordinances specific for wind turbines, they are required that the footer have a structural engineer stamp from a licensed Maryland engineer and like I said these are engineered in such a way that they will stand 140 mile an hour constant winds and 182 mile an hour gusts so the chances of this falling down are very small and therefore Montgomery County when we got the permit for the one in Clarksburg the only setback was 15 feet which was the standard setback for accessory structure in that particular location and they were ok with the fact that we provided the engineer documentation to make sure that the chances of falling on the neighbors would be nil.

Mr. Speelman: This is all new. I haven't been able to figure out (inaudible) I am trying to run a business in town and I don't want to lose customers over this either but I think it is a step in the right direction to lower my energy cost and (inaudible) I have --- too you know.

Mr. Hernandez: And John has a good point these towers are removable. They do come with a hinge capability so they can be easily removed, the concrete will stay there but I think his suggestion and from his side if there are any issues that come up which are real as opposed to just perceived that he doesn't have any problem taking it down.

Mr. Speelman: I feel confident enough to try it and I getting back to the sewer treatment plant that \$30,000.00 worth of electricity a month where Poolesville is I want to be the guinea pig here, you know this thing is up and running in other places.

Mr. Hernandez: The way Allegheny Power charges customers either you are residential or non-residential and residential has the lowest charge per kilowatt but if you are non-residential which means everybody else your fees are double or more, so therefore it makes a lot more sense that if you are going to produce your own power you produce where you will get your best bang for your buck and that is why John and I have been talking about this for almost 2 years and again if you have any questions you can always come and visit and look at these monsters. You know Frederick County for 2 years had been holding back on these things all except for one Commissioner actually came to visit and the next day was the first public hearing they all voted unanimously in favor of it. Because they were afraid of what the media and all these things that typically relate to this big mega turbines, you know the 1.5 megawatt turbines, real wind farms, these are not those monsters these are different.

Mr. Hoewing: John knows I am one of his biggest fans I think probably it is fair to say if I am here in Town every weekend I am in his store and the only time I don't go there is if I have to get a big bunch of wood or something which he wouldn't have, but as a Planning Commission we have got a little challenge in my view because we have a list to

the question the gentleman asked earlier, we have a list of things that are either permitted or not allowed or you can only do them with Special Exception and when I looked at the Special Exception list in the CBD and a lot of the residential areas a lot of the things that have to get a Special Exception in other words they are not permitted unless we allow them to be permitted are towers, they are not wind towers but they are cell towers and they are power towers so that is a precedent to some extent we can't totally ignore for one thing and second we do have also in the Vision Statement and also in the regulations for the Town a statement about trying to keep the Towns small town image and the height issue that was raised earlier is one of those issues, does that conflict with that, does that raise concerns about are we going to set a precedent that we have to think about going forward, so those are 2 things I am concerned about. A lot of these other issues when I read a lot about this, I went on the website for the device and I am pretty confident the engineering is good and it is probably a very safe device and probably doesn't make a lot of noise, but I do think we have to worry about the precedent. And Alan can explain this but the difference between a Site Plan and a Special Exception is significant, I think with a Site Plan it means that basically all you have to do is submit something and we could keep on asking for revisions but he can do it with a Site Plan, isn't that the difference between a Special Exception and a Site Plan?

Mr. Wright: He has to meet the criteria in the CBD for buildings in the CBD and they tend to be rather general.

Mr. Hoewing: Right.

Mr. Wright: I have a memo, which I quoted some of them and compatibility with other buildings is one of the criteria so the general landscaping or the architecture is of some importance.

Mr. Hoewing: What I was getting to is that it might make more sense because it is a unique structure that we haven't looked at before and I agree with you again that I don't think the safety issues and all those are that significant in my view but the precedent is to decide whether or not this ought to be something that we ought to list specifically as a device that ought to be looked at in the future because other people could come in and ask for approval for something like this and rather than just set a precedent without really knowing what that means in the future that might be the way to approach it, and it may take more time John but I think it might make more sense.

Speaker: What page is that on?

Mr. Hoewing: When you go to tab 4, which is the Regulations on page 4, 5, 6, and 7, it lists all the different things in different parts of the town.

Mr. Hernandez: Can I just make one comment regarding this, if you look at the air motor turbine it has been around since 1888 and has been part of the landscape of this country for well over 100 years. It has disappeared because what it does is pumps water and doesn't produce electricity and at least in my personal view I don't see a lot of difference in how we are using a turbine because this has been around for a long long time as part of the landscape of the entire country including Poolesville and the areas around it so that is something to look into and consider when you make a decision, this is not a telecommunication tower.

Mr. Speelman: And once I get mine I don't care what you do.

Mr. Coakley: I think the biggest question is like Link said not the engineering aspects or anything but is it compatible with the character of our downtown area, our central

business area and I agree the old rural farm windmill is an icon but it is not an icon for a central town location, it is an icon for ranches and farms in the rural area surrounding them.

Mr. Speelman: Personally I don't think this thing is any more ugly or different than the McDonalds and Tad's business side by side that are different colors. I mean I think once it is up it will blend in, it is something like it isn't going to be day glow with sparklers on it, I mean once it is up it is just going to be another part of the Town and I want to have the first one to make it, I mean I think it is a win-win situation so what is next?

Mr. Coakley: Well next we keep the record open until the Friday before our next month's meeting and see, I know we received the one letter from the Nessul's that are in opposition to it.

Mr. Speelman: Can I get a copy of that?

Mr. Coakley: Pardon?

Mr. Hoewing: Sure absolutely it is public.

Mr. Coakley: But to my knowledge that is the only input that we have received from any other residents in the Town.

Mr. Speelman: --- come in the store I thought --- doing it and if it is going to be a negative impact for my business I wouldn't do it but nobody has, it is the opinion that everybody thinks it is a good idea. It is the direction this country has to go to conserve.

Mr. Hernandez: And I would suggest that whoever wrote that letter to so that the letter and their concerns are based on fact and not on --- invite them to my property to look at these things face to face to see if their concerns are real or not.

Mr. Coakley: Well that would be up to John to invite them, if I had to drive them up to your place that wouldn't fall in our (inaudible).

Mr. Hoewing: But reading the letter the Nessul's are very, this is a very calm letter, it is not critical, and they like John and they like him as a neighbor too so they are not critical I think they are just expressing the view that it doesn't fit in with the Town's, they don't think with the Town's Central Business District.

Mr. Coakley: Yea it is not an anti John letter.

Mr. Hoewing: It is not, it is very supportive.

Mr. Coakley: But we don't want to see something on the horizon.

Mr. Speelman: And that is what I said I would be willing if there is a negative to it I will take it down I mean I think that is a pretty good offer, I think that is fair on everybody's side, if it is noisy or causes a problem, my customers are worth, they are going to bring me more business than this.

Mr. Coakley: And I will say in an unofficial poll I asked 4 individuals what they thought and much to my surprise none of them were opposed to having a wind generator in the downtown area and like I said it sort of surprised because I thought at least a couple of them would...

Mr. Speelman: 10 miles out of Town you won't see it and when you get underneath it you won't see it. I mean you have to be looking for it. Now the towers sitting down there on Partnership you can't miss them but there is no structures around the base of it where you won't see unless you had to look up.

Mr. Coakley: Ok anyone else have any additional comments, Mr. Klobukowski your name and address please.

Mr. Klobukowski: Jerry Klobukowski, 17300 Fletchall Road, Poolesville, Maryland. I was hoping I would hear something about, I heard something about the structure of the base and the amount of concrete that is going to be poured but I was hoping I would hear something about what other municipalities are doing, I was hoping I would hear with respect to regulations specifically like the picture shows the old windmill and the new windmill are out of a farm you don't see them, we are talking about something that is directly adjacent to the residential area, so my concern is, I was hoping to hear something with respect to was there some sort of radius that had to be around this thing in order to if it did come apart you know prevent it from falling directly on a house or an outbuilding on someone else's property and I assume you guys as you said are already looking at regulations that are from around the country but I think long term something should be crafted to address this issue so that either it is a yes or a no so people don't have more questions about it, but I also know and Link has heard me say this before at the meeting, that I saw in Newsweek a couple years ago some drawings of green homes and one of them was a pop up turbine that came out of the roofline when the wind reached a certain height and it was on a structure on a row of townhouses and each one had one or something, now whether it is feasible or not due to aerodynamics or wind dynamics etc., I don't know but also I know that Fox News had something about turbines making a turbine that doesn't look like a turbine in the shape of a Model T or something that you can mount on your roof and it will generate power as well those are maybe a few years off yet I think I saw that last year on Fox News Online but anyway I think these sort of things need to have a long term look at because if people wanted to put something like this and attach it to their chimney which would be less intrusive than these large blades because the blade configuration is completely different you know some people may want to do this so I think we need to take a long term approach and a long term look and come up with a long term solution and that is all I have to say thank you very much.

Mr. Coakley: Ok any other comments? Ok then we will conclude the Public Hearing on the Speelman Wind Generator Application.

#### **Announcements**

Mr. Coakley: Ok anyone have any announcements for this evening? Anything John?

Mr. Strong: Nothing regarding planning.

#### **Citizen's Comments on Agenda Items**

Mr. Coakley: Ok. And next we have the Stoney Springs Model Home Zoning Permits and I don't believe Longshore is here. So are there any citizen's comments on any of the agenda items?

#### **New Business**

Mr. Coakley: Ok hearing none then we will get into new business, the Stoney Springs Model Home Zoning Permit.

Mr. Homley: Good evening Commissioners, Mike Homley, I am the Vice President of Land Development with Winchester Homes, we are happy to be here with our first building permit application for Stoney Springs, actually that is a slight misstatement, this building permit to my knowledge was actually issued and we are asking it to be reissued, I think it changed slightly in its configuration over the course of time we didn't get it started as we had originally planned. I think it is a pretty much a perform process that we are here on a permit request that is though this agenda says a zoning permit we are in conformance with the zone, we are in conformance with the lot coverage requirements, in

fact it is the same unit that we showed this Planning Commission probably a year or so ago, we actually brought a board with us today.

Mr. Shigert: Vincent Shigert, this is what the model home will look like Mike could you turn that so that the Board can see it.

Mr. Coakley: See if you can angle it so we can all see it.

Mr. Homley: We will share it with both, we'll have to turn it one way and then the other so everybody can get the benefit of it, but that is going to be as you come in our entrance the first home that you see on the right hand side as you come in, directly across from the Pool. It is our Belmont Model it is about base square footage is about 3900 square feet. I would like to know kind of what we can do in terms of moving forward, I wasn't real involved with the permitting process when we were building in Tama but I don't think to my knowledge we came to the Board or to the Planning Commission for each and every permit, we've got 98 to go on the Schraf property and I think there is a finding by the Town Engineer for conformity with the lot coverage requirements and setbacks and those sorts of things and if those are complied with I think it is a little bit more of a performance process that we have enjoyed in the past. So I would like some guidance on that point just so we can move efficiently in the project. And I really have nothing else for you, I would be happy to answer any questions, I would like to introduce behind me Butch Feddix, Butch is the Construction Superintendent, he will be out there handling the sticks and bricks, one of Winchester's best. And next to him is Mike Clemen, Mike Clemen is the Development Manager and he will also be working on some of the land development issues at Stoney Springs moving forward.

Mr. Coakley: Well just for a little background Mike I don't think any of us on the Commission had been on the Planning Commission since we have ever issued a building permit that is going to connect in, so we are going to sort of be...

Mr. Homley: Fair enough, we are sort of going through it together for the first time.

Mr. Coakley: Yea.

Mr. Homley: Well it has been quite a few years since we had a larger subdivision coming through. I am sure most of your permits are onesies and twosies and that kind of thing and this is going to be more of a process as we sell a house and we would be happy and I am sure many of you have our offerings, this is a compilation of our product offerings at Stoney Springs, I have got several of these if the Planning Commission would like to have it they are more than welcome. These are our product offerings you can see the character of neighborhood that we are creating, we are creating a quality environment these are beautiful homes shown in the brochure. As we sell a home we need to get effectively a voucher from the Town of Poolesville to go get the building permit at DPS and my understanding is the Town Engineer needs to review the application to make sure the house fits properly, the grading is proper, drainage is proper and in conformity with the site plan, the lot coverage is proper or within the guidelines and so forth, John if you have anything else to add.

Mr. Strong: Check to make sure it is in the building envelope basically.

Mr. Homley: Right so assuming we are building one of these houses it would meet all the requirements, the technical requirements, we would like to be able to expedite a process so that we don't get hung up for weeks waiting for the Planning Commission to meet once a month, to continue with the permit process at the County.

Mr. Coakley: Well the way we do it now I sign most of the permits in Town that we consider to be the mundane, additions, tool sheds, those sorts of things that is just a matter of looking at the site plan and making sure that the setbacks are correct and the height restrictions are like John said are within the envelope and stuff and everything, rather than me holding them and waiting for the entire Commission to meet once a month and stuff. So we will probably end up doing the same thing with this that once we as a Body approve the entire Site Plan that the Town Engineer will check as you go along and everything and then with his recommendation but I will probably go ahead and sign off on them.

Mr. Homley: With the stipulation that the Site Plan is already approved?

Mr. Coakley: Yes.

Mr. Homley: As we all know we are developing the site. Ok so just sort of in an ongoing way and some sort of process working with Wade and John we'll be able to get through that process with you. That would be great, again it just gave us a little bit of angst of having to tell a homebuyer that we have to factor in a one month delay to get the voucher if you will to apply for the building permit because we just missed the Planning Commission meeting, that is very helpful and we appreciate your consideration and everything. Any other questions I did bring 4 copies of these so I am going to go ahead and hand them out, sorry I didn't bring more.

Mr. Strong: Can I get one for the record please?

Speaker: As it says in here products and prices are subject to change.

Mr. Bachman: Do you have an estimate of when...

## **SECOND TAPE STARTS AT THIS POINT**

Mr. Coakley: Drafts of the Municipal Growth Element and the Water Resource Element Amendments for the Master Plan. So I am assuming it will be on next month's agenda so I would...

Mr. Hoewing: Are you trying to get to a final at that point?

Mr. Coakley: It would be nice.

Mr. Hoewing: I'm just asking.

Mr. Coakley: Yea so if you haven't please try to take the time and go through it and I had a few comments and a couple grammatical mistakes that I found, so go ahead and do that and Wade will be able to get a final version together hopefully. Ok prior to adjournment do we have any comments from any attendees?

Mr. Barnes: Good evening I am Don Barnes, 19735 Selby Avenue and my wife is here also. In January we were here discussing the text amendment to the Code and we were just wondering what the status of that is and if anything has been done with it?

Mr. Coakley: No we haven't done anything with that yet.

Mr. Barnes: Ok.

Mr. Coakley: But it is not forgotten.

Mr. Barnes: Just checking.

Mr. Coakley: No we hope to within the next 6 months or something go through and I know the Town Attorney is looking at parts of the zoning and subdivision regulations to make suggested changes and stuff and it will just be included with that.

Mr. Barnes: Ok that is good. And we provided Wade an analysis of the application for Special Exception made by Mevissen and McInnes and we were wondering if you all received a copy of that yet?

Mr. Coakley: I haven't no.

Mr. Hoewing: No.

Mr. Barnes: We didn't plan to read it in the record or anything we just thought that you might want to take a look at what we came up with.

Mr. Wright: I believe this is just a copy that Bobbie left for me, the February 16 letter.

Ms. Barnes: No that is something else. This was to Wade and it was the analysis of the February 13 meeting where the Application was presented to you.

Mr. Coakley: There are 10 items in here.

Mr. Wright: Well I didn't get a memo, I got a letter that was addressed to Wade and it was dated February 16 so that, is that what you...

Ms. Barnes: No we sent that to...

Mr. Wright: So that is not what you are talking about.

Ms. Barnes: No it is not.

Mr. Coakley: John I will give this to you and then this is the only copy.

Ms. Barnes: No we submitted one to Town Hall but since Wade is gone we thought maybe you hadn't received it, that it all.

Mr. Coakley: Ok well I will keep this and if you would please ask Wade to make copies.

Mr. Strong: I'll get Bobbie to.

Mr. Coakley: Copies for everybody else.

Mr. Barnes: That is it.

Mr. Hoewing: Thank you.

Mr. Coakley: Thanks. Mr. Gole.

Mr. Strong: George just as a passing note, Longshore did not present today.

Mr. Coakley: Ok.

Mr. Gole: Rudy Gole, Oxley Farm Road. I live adjacent to the Jamison property that is right off of West Willard Road and during the last 2 weeks they have cleared the brush and the trees from that property and they have made an access road off of Oxley Farm Road onto that property so I suppose this is in advance of development. You previously received a preliminary plan for that site and my neighbors and I would like to present the Planning Commission with a petition in this regard. We the residents of Oxley Farm Road in the Westerly Subdivision respectfully request that you adhere to the 1990 to 1996 and the 2005 Master Plans and the 1995 Poolesville Transportation Study all of which state that for improved access and traffic circulation Bodmer Avenue should be extended to West Willard Road when development occurs. The Jamison Preliminary Plan does not include that extension, rather it connects Bodmer Avenue to Oxley Farm Road, we believe it is more desirable to make Bodmer Avenue the feeder road to West Willard Road as all the Master Plans and the Transportation Study recommended rather than create a dogleg with Oxley Farm Road, Westerly Avenue, and West Willard Road causing traffic congestion through 2 residential streets. Thank you for your consideration in this matter. I will give you copies of the petition that are signed.

Mr. Hoewing: Rudy as far as I know unless there is something that is going on John there is no site development approval or anything like that that has happened yet.

Mr. Strong: No that hasn't happened yet. It is our understanding that Mr. Jamison is planning to farm that land now, probably the next 5 years at least.

Mr. Hoewing: Ok.

Mr. Gole: Yea I have heard that he is farming too but in the meantime...

Mr. Bachman: George Mr. Gole made a reference to a Preliminary Plan that had submitted regarding that property, has there been a Preliminary Plan submitted to the Planning Commission regarding that Jamison property?

Mr. Coakley: Yes probably a year and a half ago, quite a while ago.

Mr. Bachman: Since he has brought this up at this hearing could we have a copy of that Preliminary Plan distributed at the next Planning Commission Meeting, I have no context for his comments and I think I will need to have a context if we are going to hear about this again.

Mr. Strong: I'm not sure it was a Preliminary Plan it may have just been a Concept Plan.

Mr. Coakley: One of those two, we will pull it up.

Mr. Bachman: Thank you.

Mr. Coakley: Yea originally there was talk of extending the road straight out to West Willard and then when we looked at it originally and I am not sure I think the Parks Board may have, we may have had a joint session looking at it also, it was at least preliminarily decided to connect it into Oxley Farm Road where Mr. Gole lives and take the traffic out and dump it onto Westerly Avenue and then just have the one exit onto West Willard Road instead of having 2 streets coming out and then you have Westerly Avenue on the other side also, plus there was some confusion with the practice soccer field and the other well house with some land swap potential and stuff and everything so there are several factors going on that we still need to look at.

Mr. Strong: That plan was not an official Preliminary Plan, it was a Concept only, I know that to be because no stormwater concept was submitted so it wouldn't have fallen into a Preliminary Plan.

Mr. Bachman: So it was a concept?

Mr. Strong: It was just a concept, discussing what the Town was looking for.

Mr. Coakley: But I am sure there is a map somewhere.

Mr. Strong: Yes there is a plan available.

Mr. Hoewing: Rudy's got it.

Mr. Coakley: Mr. Hartz.

Mr. Hartz: Good evening, Gary Hartz, nice duds I am impressed, nice space too. I know you gentlemen have been working for a long time on the comprehensive Master Plan revision and I know I am delinquent in getting here but I'm lucky to make it even tonight before you adjourn. I've got kind of a general question. We have gone through a number of Master Planning efforts over a multitude of years in the Town and it never really has addressed the true master planning and outlining the use of all of the land within the perimeter of the Town in accordance with any specific zones that exist within the subdivision regs. Is this master planning effort going to actually address land use and zoning within the perimeter of the Town?

Mr. Coakley: Well yes and no.

Mr. Hartz: That sounds like a beaurocratic answer.

Mr. Coakley: To my knowledge we are probably not looking at any kind of rezoning, so the zoning would stay the same and a lot of the zoning just based on what it is, is relegated to what can go there so I am not really sure what you are driving at here.

Mr. Hartz: You have a lot of property in the Town that isn't zoned.

Mr. Coakley: Well it is all zoned.

Mr. Hartz: It is all zoned?

Mr. Coakley: Yes.

Mr. Hartz: So when you have, what do you have the properties that were annexed in 89?

Mr. Strong: The RDT zones you are talking about?

Mr. Hartz: Yea you have an RDT zone in the Town, but you don't have the capability for transfer development rights.

Mr. Coakley: Actually it should to be I guess grammatically correct be an RD zone and not an RDT zone because there is no T because we do not have transfer ability.

Mr. Hartz: Right and that in essence is the question. I don't believe its necessarily the semantics of getting rid of the T or not to make everything master planned for the future and not just 5 years down the road, whether you are talking 10 years but whether in fact there is going to be a true master planning effort and determine whether nothing will be larger than  $\frac{3}{4}$  acre for all of the property within the perimeter of the boundaries of Poolesville or if you will have 2 acre, 5 acre, you know whatever, is that part of a true, your true comprehensive master planning effort because that piece has been skipped for numerous iterations of master planning, it has just been dodged but you can't do a Master Plan in its entirety unless you really lay out the planned use for the long term for all property, and I know the RDT issue has been dodged for 2 decades and I was just hoping for a change, it would be fully addressed and the whole perimeter would be looked at.

Mr. Coakley: Well to my knowledge the Master Plan is supposed to be redone every 6 years, some items in there we look at in a longer period of time because you have to. Now one of the things that we are working on now, the State of Maryland passed a House Bill last year that requires us to look at the growth municipal growth element and a water resource element, basically telling the State of Maryland what do we anticipate in the foreseeable future in land that can be developed based on the resources we have and then what impact is it going to have on any kind of water taken from the ground, and affluent put into our streams and stuff along with wastewater or stormwater management. And as part of that we are basically telling the State of Maryland that within the next 15 years we don't foresee any additional building to be able to take place based on our resources with the exception of the approximately 400, 403 homes that were under our last water and sewer allocation list. So it doesn't seem real feasible now to do what you are talking about and say well gee what should we do with the RD zoning because we don't anticipate any kind of development taking place on that for a minimum of the next 15 years.

Mr. Hartz: I can understand the position of the Town with the well system that it has in place to make that statement.

Mr. Coakley: Wastewater is probably more significant than the wells actually.

Mr. Hartz: Ok and I saw that in the minutes that you had back there that there was a new approval element that was part of it on the Growth Management Plan and I presume that was a recent enactment. But that still doesn't address the long term basis for comprehensive master planning that outlines the utilization of land for the long term, whether it is 15 years or 50 years, I mean the Commission and the Planning Commission has really dodged an issue that does not comprehensive planning and you know and your predecessors and you folks you already mentioned that none of you have been on the Commission before where you approved a building permit so I mean you haven't dealt with that yet.

Mr. Hoewing: I don't know though Gary because RD just says real use, that means that you can't use it for development so that is a use, it is a designated use and I remember the last revision of zoning regulations we did, we did look very carefully at all those issues including whether we keep the existing RD's or not, we didn't change the RDT to RD but the use was the point, we knew we didn't have transfers, so it is a use and it was looked at I know comprehensively the last time and the decision was made not to change that, that is appropriate for a Town to do that. They don't have to be ¾ or 5 acres or anything, you can just say this is a rural area and we are not going to change that. So if in the review we are doing people want to submit ideas on that and why they should change sure that is part of the process.

Mr. Hartz: Ok because I thought that there was discussion not only I don't know if it occurred 6 years ago or not, but I thought there was that discussion to take a look at a zone between ¾ acre and the 25 acre...

Mr. Hoewing: There was discussion about it.

Mr. Hartz: And I was maybe, maybe I assumed something, but I assumed that that was going to be looked at and addressed through this particular process and determine whether ok because we want a transition area we will outline that to be no less than 2, no less than 5, or whatever it is, but it actually does layout a complete picture of the planned use within the Town as opposed to an inherited brought in County zone that has been inappropriate for 20 some years and if nothing more Link than to get rid of the T or George I mean but I mean that is semantics that is window dressing it is not substance to really doing help with land planning.

Mr. Coakley: The Town Commissioners asked this Body to look at about a year ago I believe to look at our recommendations on whether we should create or consider creation of a transition zone currently in the RD whether or not it should be like 2 acre lots or 5 acre lots as opposed to the current 25 acres that is there and at that time the Planning Commission decided not to make any recommendations other than to retain the 25 acre zone.

Mr. Stump: Didn't they also at that time was it last Spring or Summer if I remember correctly, say that let me go back over the minutes, that we would take a look at that again in more depth when we got into doing the more detailed review of the Master Plan later this year.

Mr. Coakley: Yes.

Mr. Stump: There has been quite a few discussions and a public testimony on that.

Mr. Hartz: Did I miss some opportunity, I mean it would have been my fault if I missed it because I travel a lot, an opportunity for public testimony?

Mr. Coakley: Well actually when we discussed it last time I believe you made some comments and Mr. Kuhlman made some comments at our meeting, so you didn't miss it, you just didn't remember it.

Mr. Hartz: No I was talking about something that was more eminent than a year ago.

Mr. Coakley: No.

Mr. Hartz: Oh ok, all right, well gentlemen I...

Mr. Coakley: I believe it was last summer.

Mr. Hartz: Gentlemen thank you very much and I if the opportunity does come up...

Mr. Coakley: Well it will again when we, during the Master Plan Review.

Mr. Hartz: I would certainly like to present regarding some thoughts on that because I have looked at comprehensive land planning around the entire country and it is just land use planning and trying to layout exactly what the thoughts are of the Body for the entire perimeter and I think we have dodged that for enough decades now, good luck, thank you.

Mr. Coakley: Any other comments?

Mr. Hoewing: Question just about the agenda for the Commission since I am still relatively new on the Commission again. The Full Commission asked for you guys to take a look at basically green issues, how the Town can actually do more to save energy and those kind of, is that on the agenda at some point for the Commission this year?

Mr. Coakley: I'm not aware of a formal request...

Mr. Hoewing: You weren't asked to do that?

Mr. Coakley: Being made to this Body.

Mr. Hoewing: Ok.

Mr. Strong: It was the Town Engineer and Staff have been asked to start looking at it.

Mr. Hoewing: Ok you got asked, ok, but that will come back to this Body then?

Mr. Strong: That may come back to the Commissioners because it didn't come through, it came from the Commissioners to the Staff so it may, unless the Commissioners tell Staff to report to Planning.

Mr. Hoewing: Ok. There was discussion about how to do more if we can to make the Town more green essentially and how to use energy and so forth, ok so I will follow up on that.

Mr. Bachman: George I have a question with regard to the application of the proposal to establish this turbine wind generating tower, is that topic or that request been brought to the attention of the Economic Development group as well, they have some concern about the Town Center, the Business District?

Mr. Coakley: To my knowledge it hasn't been an agenda item, it hasn't been discussed and last months meeting we didn't have a quorum so we didn't meet.

Mr. Bachman: Would it be possible to get their comments on this since we are leaving the record open until our next meeting, would it be possible to give that group a chance to imagine a wind turbine or wind turbines, many of them, in the Business District.

Mr. Coakley: I can ask.

Mr. Hoewing: Anybody can submit comments.

Mr. Coakley: Yea I can ask them if they would like to submit comments.

Mr. Strong: George you still have one item to take care of, approval of minutes.

Mr. Coakley: I did not receive any minutes.

Mr. Hoewing: They are not in here.

Mr. Sneed: No minutes.

Speaker: Gary will you approve them please.

Mr. Hoewing: He changed your comments we will reconsider the RDT zone, it's in there.

Mr. Coakley: Well it is relatively lengthy so I would suggest that we...

Mr. Strong: We were wondering about that because that may be the meeting...

Mr. Coakley: This says November 12...

Mr. Strong: We were wondering if the recording mechanism worked. I just saw approval of minutes was on the list of things to do. So Bobbie I know you are listening I need some type of comment letter or something thank you.

Mr. Coakley: Well I know there was a problem the meeting that Mr. MacKenzie, but that was 2 months ago, so I haven't heard anything about last months meeting not recording properly.

Mr. Strong: They have had a running problem with the sound system and the recording mode, this one appears to be working, we will find out tomorrow.

Mr. Coakley: Ok but do make sure that we get copies of the minutes for next months meeting because I don't want to be untimely with approving the minutes.

Mr. Gole: The minutes for the Planning Commission don't get on the website very often.

Mr. Hoewing: That is not acceptable.

Mr. Sneed: What happens if there is no minutes?

Mr. Strong: What the process in the State of Maryland is as long as there is a sense of what is taking place in an abbreviated format that is acceptable.

Mr. Wright: Minutes don't have to be verbatim transcript so if we mess up the recording we just have to put together items that were discussed, any decisions that were made, basically that is enough for the minutes.

Mr. Coakley: Well it could be handwritten in outline form but it is preferred having it verbatim. And it is preferred having them timely otherwise the State of Maryland dings you for it under the sunshine laws or something. Ok any other questions or comments? Do I hear a motion to adjourn?

### **Adjournment**

Mr. Hoewing: So moved.

Mr. Coakley: No I can't make a motion.

Mr. Hoewing: I said so moved.

Mr. Hoewing: Want me to say second.

Mr. Bachman: I would like to make a motion that we adjourn.

Mr. Coakley: All in favor?

All: Aye.