

**POOLESVILLE PLANNING COMMISSION
MEETING OF FEBRUARY 17, 2010**

PRESENT: LINK HOEWING, CAL SNEED, AND GEORGE COAKLEY. ALSO PRESENT WAS TOWN MANAGER, WADE YOST, TOWN ENGINEER, JOHN STRONG, AND TOWN ATTORNEY, ALAN WRIGHT.

Call To Order

Mr. Coakley: The Poolesville Planning Commission Meeting of February 17, 2010 is called to order. Present is Mr. Sneed, Mr. Hoewing and Coakley. Mr. Stump may show up later depending on his work schedule and Mr. Bachman is out of Town. Also present is Town Engineer, the Town Attorney, and the Town Manager.

Announcements

Mr. Coakley: Are there any announcements?

Citizen's Comments on Agenda Items

Mr. Coakley: Hearing none we will go on the agenda tonight is approval of the minutes of January 13, 2010, under new business we have a review of Variance No. 001-10, an allocation time extension request from Jamison, we are not going to do the review of the Special Exemption for the gas station tonight are we?

Mr. Yost: That is correct.

Mr. Coakley: Ok and under old business we have Fisher Avenue sidewalk site plan, bandshell site plan review, and underground storage ordinance, are there any comments before we get started or anyone want to say anything about the agenda items?

Approval of Minutes

Mr. Coakley: Ok hearing none we will go to approval of the minutes of January 13, 2010.

Mr. Sneed: I make a motion to approve the minutes of January 13, 2010.

Mr. Hoewing: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Coakley: Minutes have been approved.

New Business

Mr. Coakley: New business review Variance No. 001-10 request to exceed 15% of the lot coverage.

Mr. Yost: Ok the homeowner is here, please step forward Sir and please state your name and address into the record please.

Mr. Bocek: Good evening I am Dr. Petr Bocek, my residence is 20236 McNamara Road.

Mr. Yost: Ok I think in your package you got a copy of the variance application which as you can see the shed is just slightly bigger than what the allocation is for the 15% lot coverage, and the shed itself other than being a little bit larger than the lot coverage, the location of the shed itself the offset to the side is in compliance, the shed itself needs to be pushed back according to the Code to the rear of the property, right now the

application as it is located on the side yard, did you guys get a copy of the, ok you can see what that looks like, so that is what we are here to look at this evening.

Mr. Sneed: So the homeowner has been advised he has to move it to the rear already?

Mr. Yost: No tonight we will touch on the subject here.

Mr. Sneed: Did you understand that?

Mr. Bocek: Does it mean all the way to the end of the property because the half of my property is an easement.

Mr. Yost: The Code says that if the rear property line where the --- are between that is the rear yard, so the shed has to be located at least right behind that.

Mr. Coakley: Ok so that leaves a request for an additional I believe it is 171 square feet to come into compliance with the 15% lot coverage size and it seems like a nominal amount.

Mr. Hoewing: Yes I would agree.

Mr. Sneed: I have a couple questions, I don't remember hearing one of these since I joined the Board so I just have a couple questions. This would be considered a fairly routine request right?

Mr. Wright: Yes I guess so.

Mr. Sneed: And in terms of the overage above that he is asking the exception for the 171 what happens if it is granted and then future requests come in, if this is approved then future requests are considered as an issue that would be a mounting issue right, there is no, it continues to add up.

Mr. Wright: Any additional percent lot coverage would be added on to this one.

Mr. Sneed: Right so there is no, we don't go back to zero right?

Mr. Yost: Oh no, no.

Mr. Sneed: Ok. And is this the sort of thing that we talked about in the past of notifying the adjacent property owners would this be something that would fit into that category.

Mr. Yost: And we did and right now they are no adjacent property owners, Winchester Homes has been notified and I think one other person down the street but otherwise there is not another house located around it right now.

Mr. Coakley: The lots haven't been sold yet.

Mr. Yost: Right. And if you look at the lot sizes you can see that he is over 2200 square feet and there are some lots that are 2100 and some square feet, so his lot is a little bit larger than some of the other lots too so that makes sense.

Mr. Sneed: Ok thank you.

Mr. Coakley: But to put this in perspective the last request we had was for a 1/3 acre lot in Westerly where someone wanted to put a I believe it was like a 2700 square foot stand alone garage in the rear of their yard.

Mr. Yost: 2 story.

Mr. Coakley: Yeah with a hydraulic lift for working on cars and stuff.

Mr. Sneed: Did we grant it?

Mr. Coakley: No.

Mr. Hoewing: That was a little extreme.

Mr. Coakley: That is why I said 171 square feet seems rather nominal. Do I hear a motion or any other questions?

Mr. Hoewing: I move we approve the Variance.

Mr. Sneed: Second.

Mr. Coakley: Well we have to mention...

Mr. Yost: Recommend to the Board of Zoning Appeals to approve the Variance.

Mr. Hoewing: Ok recommend the Board of Zoning Appeals approve the request for a Variance.

Mr. Coakley: With the stipulation that it not be in the side yard.

Mr. Hoewing: Yes with the recommendations that we have to make sure it is placed in the correct position.

Mr. Coakley: All in favor?

All: Aye.

Mr. Bocek: Thank you.

Mr. Yost: Thank you Sir.

Mr. Coakley: Ok next is the allocation time extension request for Jamison's and I don't see them.

Mr. Yost: He is not here. This is one of the ones we actually talked about last time that we were just going to do but let him ask for it and he has asked for it now so do you want to just grant it or you want to wait for them they may show up tonight or put it off, I mean really there is nothing he can do this is the one that is very much --- that this water line is out past the creek down off Cattail Road that we were saving money toward in the budget, we had a couple hundred thousand dollars a year going toward it plus we were collecting impact fee, it is about a million dollar project to bring it on and bring that well online and to the property, with the economic situation as it is right now all those funds were taken out of the out years so we don't even have it on our radar besides just a blank line item right now so it is definitely not going to happen in the foreseeable future.

Mr. Coakley: Well I lean toward going ahead and just approving it now.

Mr. Yost: Similar to what we did last time we said once the infrastructure is in place that starts the time clock.

Mr. Sneed: Do we need a motion for that?

Mr. Coakley: Yeah.

Mr. Yost: Definitely.

Mr. Coakley: The infrastructure is getting closer.

Mr. Hoewing: Yeah we have seen a lot of money since then. Do we need to specify, I don't think we do that nothing happens until the time clock issue we don't have to specify that just say...

Mr. Yost: Mainly what you are going to be doing is granting an extension on the time requirement until such time that the infrastructure is in place.

Mr. Hoewing: Ok.

Mr. Coakley: That is what we did for Brooks and Pierce.

Mr. Hoewing: So I move that we approve the request for extension from Frank Jamison for his property on Cattail Road as requested in his letter of February 1, 2010.

Mr. Coakley: Do I hear a second?

Mr. Wright: With the understanding that the time period will begin to run when the...

Mr. Hoewing: Infrastructure is available.

Mr. Wright: Is in place right.

Mr. Sneed: Second.

Mr. Coakley: All in favor?

All: Aye.

Old Business

Mr. Coakley: Ok Fisher Avenue Sidewalk Site Plan.

Mr. Yost: This is a Site Plan that the Commissioners have not seen. The Parks Board did see it and they had a recommendation to take down some trees, we invited all the owners along Fisher Avenue to come to the meeting to give their input and the only one said go ahead and take down the trees, they are in the right of way they will probably die because of the sidewalk, so other than that there was no other comments from folks along the whole route.

Mr. Coakley: Just as an aside I happened to notice with the heavy snow and the winter that a little further down on Fisher Avenue there actually is a small brick rambler behind the foliage.

Mr. Yost: Yes there is. We are working on getting that cleaned up.

Mr. Sneed: Where is the sidewalk on Fisher Avenue where?

Mr. Strong: This is part of the Master Plan we are going to put in a part of a trail and we are using trail money to do it from funds that have already been collected, it will be 6 foot wide and will run from Wootton to Tom Fox on the south or Westerly side of Tom Fox I mean Fisher Avenue. All right this area here that is Wootton intersection this is Fisher Avenue and these are the townhouses as you know them and the current sidewalk is it runs in front of townhouses and up here and then dies at Fisher Avenue. What we plan to do is the State is requiring us to rebuild all these handicap ramps that are at corners currently because their standard has changed again, it is a bit of a moving target it changes every couple of years.

Mr. Hoewing: What could they do that is significantly different than what is already there?

Mr. Strong: It is actually the grading it is the slope, the steepness of the slope and also the I don't recall if that one has the bumps or not the textile we are going to put those when we build new ramps put those in. It will continue along the edge of the road along Fisher Avenue and up this side of the trees the existing trees, there will be a handicap ramp here and a handicap ramp there and a handicap ramp here and a handicap ramp here. The currently there is a series of three marker signs yellow dots so that you don't run into the hill, we are actually going to be construction a accel lane out so it is properly aligned, curbing will go in from basically this point down the road and this hill will disappear. This hill which this is Luhn street, this slope will be cut back to the property line and if you have been down there, there is a telephone pole that exists right about here, that is how far that slope will come back, it will be a 3 to 1 slope, there will be a small retaining wall of 18 inches on this side of the property so that we can create the sidewalk down lower. Originally we had a retaining wall going in completely right along the roadway to give this person a little bit better yard grading but the State chose to pull the slope back and it is a maintenance issue for them more than anything else. This isn't a right of way so they are happy to allow us to do certain things. Then we have some drainage features down through here that will bring the water through. Right here we will create another slew, a slew to go underneath the sidewalk and pick up the drainage and improve this structure a little bit and that process will convey the water and the State is happy with that. Then as we move down past Luhn we will be picking up the sidewalk the curb and gutter goes away and that is what the Master Plan calls for to take place, its

the transition zones into the rural nature. So we run along there we will also incorporate the driveways that exist with new state standard driveways...

Mr. Yost: Apron not the whole thing.

Mr. Strong: Apron right.

Mr. Coakley: John before you turn what is between the sidewalk and Fisher Avenue where there is no curb and gutter?

Mr. Strong: That will be a grass strip.

Mr. Coakley: How wide?

Mr. Strong: It varies because the sidewalk varies but roughly 5 to 6 feet.

Mr. Coakley: Oh ok.

Mr. Sneed: But further down Fisher Avenue we pick up sidewalks again right.

Mr. Coakley: Not on that side.

Mr. Strong: You don't pick any sidewalk up until you get down to Tom Fox.

Mr. Sneed: Right so are you saying the transition zone is between Tom Fox and this?

Mr. Strong: The rural transition zone are you talking about curb and gutter or are you talking...

Mr. Sneed: Yes.

Mr. Strong: The curb and gutter the State put in the accel/decel lane for Tom Fox and why they required, why they put the, its like they didn't look at what our plan was, but according to the Master Plan there is not supposed to be any curb and guttering down that stretch.

Mr. Hoewing: You are talking about in front of the church?

Mr. Sneed: Yeah because I had thought that when we talked about Tom Fox when we went around on what side to bring that sidewalk in there...

Mr. Coakley: You mean Budd Road?

Mr. Sneed: Yeah that there was going to be a sidewalk eventually coming up Budd Road to Tom Fox.

Mr. Strong: There is.

Mr. Sneed: But not curb and gutter?

Mr. Yost: Correct.

Mr. Sneed: Ok all right and then what about the one side of the street all the way down this whole section, isn't there future plans to put a sidewalk on both sides, or just one side? So why the south side with the berm that you have got to cut out and not the north side?

Mr. Yost: Because we haven't got any easements, right of ways and that was the biggest thing, we get one where that hill is the house is up on the hill that is about the only one we need to get.

Mr. Sneed: And what are the property owners saying about this anything?

Mr. Yost: They were fine. That particular property owner didn't come to the meeting last time, we are trying to get ahold of him because we want to show him the plans, show him the grading and what the State is going to require. He was requesting that it be graded back initially because he has a very hard time mowing it right now because it is so steep so it is going to be to his advantage also.

Mr. Strong: And the slope will actually be only a change of elevation of 4 feet compared to probably closer to 10 feet.

Mr. Sneed: What is the retaining wall going to be made of?

Mr. Strong: Concrete but it is only 18 inches so it doesn't require a great deal.

Mr. Sneed: And I take it the roundabout is out in the intersection?

Mr. Yost: Right what was voted on for that particular intersection well of Wootton and Fisher is an extra turn lane on Wootton Avenue going towards Wesmond, it will be widened right there so it will be 3 lanes similar to what Cattail Road is coming out onto Fisher Avenue, it will be right turn, left turn only and then one lane going into the subdivision.

Mr. Coakley: However there is still room to put a roundabout in that intersection.

Mr. Sneed: What you just talked about though that addressed the traffic issue?

Mr. Yost: Yes.

Mr. Sneed: How does it do that? Explain that to me again.

Mr. Yost: Because it backs up coming out onto Fisher Avenue not going onto Fisher so you will have 2 lanes basically exiting.

Mr. Strong: You will have a right turn and a left turn.

Mr. Yost: Just like Cattail by the school, 2 lanes coming out.

Mr. Sneed: Oh right turn coming out ok there.

Mr. Yost: That way people making a right turn just keep going and keep going.

Mr. Sneed: Well I think considering the long term aspects of this whole thing I think when we talked about this a couple years ago those in favor of the roundabout or circle or whatever you call it is in contrasted with this idea that some people want 4 way stops and or a light, a traffic light considered there and the opposition to it as I recall was to a traffic light ever being there, given that we don't have a traffic light in Town and a lot of people don't want a traffic light in Town, so ever and so just considering from the long term aspects is it has that been talked about or considered or are you saying that the roundabout is something that down the road could be a traffic control mechanism that would still be under consideration?

Mr. Strong: We talked to the State about this and the traffic light being in this intersection and the traffic counts are fairly low...

Mr. Sneed: Right but that was then, right that was then before Winchester goes in and when Winchester goes in...

Mr. Yost: Well they have the count and they also count the number of homes, Winchester's and Kettler's and some from Loudoun County too I believe.

Mr. Sneed: You mean they factored in the future homes?

Mr. Yost: Right.

Mr. Strong: And they can come out and redo a count but based on the model that they use the traffic flow is going to be too light, it is too up and down.

Mr. Yost: No a roundabout we could have still worked a roundabout, they weren't going to pay for it.

Mr. Sneed: Ok the point I guess is we won't be doing that soon so we are not going to tear up the ramps that we are putting in now anytime soon to put a roundabout in.

Mr. Yost: Well right and plus the it was adopted into the plan itself was adopted with the turn lane and the roundabout concept out.

Mr. Sneed: And that is not on the table?

Mr. Yost: Right I mean it is not even an open issue right now.

Mr. Sneed: Is that an issue that was taken off the table by the Commission?

Mr. Yost: Yeah you guys sent it up and we had all the roundabouts in the presentation we gave and I don't recall but it seems like by the time they did the adoption the roundabouts were gone, we had farmers come in.

Mr. Hoewing: A lot of farm opposition.

Mr. Coakley: Wait we digress a little. My memory is that originally we had suggested a roundabout at Wootton and Fisher...

Mr. Hoewing: Yeah we did.

Mr. Coakley: Then the Town Commissioners somehow or another decided it would be a good idea to have another one down near the pool.

Mr. Yost: Yeah that was part of it.

Mr. Coakley: Which to me sort of blew it way out of perspective cost wise and everything else but I still think and the way that the developer of the townhouses on the corner have configured their plan so that there is ample open space that if you ever wanted to do it and there are certainly ways of just using flush cobblestone that gives a visual affect and also directs the traffic but still allows farm equipment, there are certainly ways to have it work and hopefully within my lifetime it will.

Mr. Sneed: So the issue is how much are we spending to do this short possibly short term project at that intersection is that money that could be set aside toward a future if George he dies you know...

Mr. Coakley: I don't believe it is imminent enough to be a concern.

Mr. Sneed: Ok that is my question.

Mr. Coakley: Hopefully either.

Mr. Sneed: And the other question I have is what is our purpose tonight is this just a informational presentation.

Mr. Yost: It is a Site Plan approval process.

Mr. Sneed: We are going to be voting to approve tonight ok.

Mr. Yost: But that improvement on Wootton Avenue is not even part of this package, we are not doing that right now, we are not widening lanes, we are not doing anything on that side of the road we are just doing the sidewalk right now because we are using impact fee money which has to be spent directly on the trail because of the segment of the trail the 6 foot sidewalk to the trail so that is how it works.

Mr. Strong: Ok down here at Luhn intersection you will have just a piece of curb here to keep people from mounting the curb or mounting the grassy area. Aprons here and here and...

Mr. Coakley: And the Luhn intersection also has the ramps?

Mr. Strong: Yeah each intersection has the ramps and Tom Fox will get a ramp on both sides because the State is requiring that. Down at the Westerly Avenue intersection you have the guardrail and the large tree that everybody knows is a big tree that is kind of a landmark of that corner. We had a sidewalk section that we are going to use that protects the tree roots for that tree right here and that tree right there, the tree right here and here so that the trees can live and grow and there is not impact process. The guardrail will be cut and turned so that access can be gotten into the walkway but the guardrail stays in place. Then we continue down through here and there is proposed driveways a proposed plan we matched those up we will fix the sidewalks in those areas just as if we were constructing the apron, the developer had that...

Mr. Yost: Yeah the homeowner and the developer were at the meeting.

Mr. Strong: Yeah to piggyback onto the contract for aprons that will have to be decided. It makes sense, the developer will have to get permits from the State to allow access points, whether his plan is approved with locations of those aprons...

Mr. Yost: Right if you recall I think I think he has conditional approval from this Body, this is the Quito property, the 4 homes and the rest of them are on the Westerly side across that swale area.

Mr. Strong: And come down you start to impact the horse farm that sits there, the fence line will have to be relocated because it does, the fence line is a little bit too close to the roadway so that will have to be reset or offset, that will be dealt with. As you come down toward where the speed cameras are there is a slight slope and there is a drainage swale that runs along Fisher right through here so what we are going to have to do is move the sidewalk up the slope and actually that alignment works the best because there is a change of elevation right at the horse farm and the church property. There is a easement through here already that exists the sidewalk will bend around and go behind the tree at the top of the slope, coming back down to where the sign is and there is some brush in the way it will have to go down past the sign over here, it will go right past the sign down to the corner of Tom Fox and a handicap ramp will go here and also over here and this one exist actually already.

Mr. Yost: Didn't they just redo that one 2 years ago?

Mr. Strong: Yes.

Mr. Yost: That is what I mean they change it so quick.

Mr. Strong: They change it quite a bit.

Mr. Sneed: How much time do they give you to make the change when...

Mr. Yost: If you have a construction project or something in the hopper they make you change it.

Mr. Strong: Actually the State has a designated person that rides around and measures the handicap ramps to make sure they are in compliance. The project is --- it doesn't have any trees in it, it is basically sidewalk, curb and gutter, apron and the pavement that will go from the --- and the roadway, fairly straightforward.

Mr. Sneed: When we discussed that where your pointer just was that corner property when the gentleman came in and we looked at that site 2 years ago, weren't there water issues in that corner where the guardrail is and we are not putting curb and gutter there right?

Mr. Strong: That is correct.

Mr. Sneed: Where does the runoff go there?

Mr. Yost: The steep hill right there I would think it drains out to the creek.

Mr. Strong: Yeah it runs to the creek there is a little flap in here around that tree and it will sheet flow out it has been designed to sheet flow across and then the stem that holds the sidewalk up is porous in nature so water passes through it.

Mr. Sneed: But it is not going to sheet over the sidewalk and...

Mr. Strong: It may sheet over the sidewalk.

Mr. Sneed: But we don't think it is going to pool.

Mr. Strong: No.

Mr. Yost: Basically that sidewalk is being lifted up to preserve that tree.

Mr. Strong: That is correct.

Mr. Yost: He did say that tree has large splits in the center of it, he thinks it is going to die.

Mr. Strong: That is correct if it dies...

Mr. Coakley: What kind of tree is it John?

Mr. Strong: I'm not a tree guy. I've tried to figure that tree out, I almost want to say it is a type of Elm but I can't find it anywhere. It is a broad leaf but that is all I can tell you.

Mr. Sneed: So the handicap ramps they come in different, they come with a rubber mat glued to the ramp sometimes.

Mr. Strong: You install the ramp and the dimensions have changed, it used to be that they were just a narrow slip and now they have wings and there is a degree of it is 112 that you are not allowed to exceed and there is a whole cascading problem with the retrofitting of a lot of different sidewalk sections but the rubber mat is simply a, it used to be glued down now it is almost like a --- piece of leather except it is plastic and you just sit it down there and it has lips and anchor points that bind the concrete but you set it while it is wet.

Mr. Sneed: Ok.

Mr. Yost: That is what we did with the other ones too.

Mr. Sneed: Because I have seen those mats come up.

Mr. Strong: Yeah the mat ones have come up and everybody you see uses the mat ones and I am assuming that was one of the things that changed, the fact that you can go out here and look right out in front of town hall you will see one that is not a rubber mat it is a set one.

Mr. Yost: Oh yeah right here.

Mr. Strong: Any other questions?

Mr. Coakley: And that one inlet was the only...

Mr. Strong: I'm sorry?

Mr. Coakley: That one inlet where you are running the water under the sidewalk that was the only...

Mr. Strong: Yeah.

Mr. Yost: And collecting the money back from the 2 property owners who want to develop, that will be in the Public Improvement Agreement or we still have to work that out. It is part of their development but we are doing it just because we want to complete the project. And the impact fees we are spending are from when Spates Hill, Hersperger and Hunters Run II were developed, we have just been hanging on to those impact fees for a long time.

Mr. Sneed: What is your estimated completion date of this project?

Mr. Strong: We have 90 days on the construction schedule, so whenever the, whenever we award it there will be 90 days for the contractor to finish it up. There will be some traffic inconvenience in the area where the it is actually a back --- but there will be a couple places where there will be some traffic inconvenience that the contractor will have to supply Maryland State Highway with a traffic control plan, and the good thing is if we catch this just about right the traffic load will be down because people will be vacationing and schools won't be in but the construction period will be by State law they can't enter the roadway until 9 and they have to be off the road by 3, and they can work off the shoulder area as long as they are not affecting traffic.

Mr. Sneed: Is it a practice this may be a really un-smart question but do we have a practice of checking with utilities in advance to see if they are planning to do any digs in an area that you are proposing a project so that they don't come by the month after you complete the project and dig up your new concrete.

Mr. Yost: Each year we send out to Washington Gas, Allegheny Power, Verizon, if there are any road projects and we send it out every year.

Mr. Sneed: And obviously nobody is telling us they are planning to dig any?

Mr. Yost: And if they do, well sidewalk is fairly easy but the roads we worry about more so and we have a Utility permitting process that doesn't allow them to cut any road in the event they would have to provide a service they would have to find an alternative way to cut it and we have those things in place.

Mr. Coakley: Ok do I hear a motion to approve the Site Plan?

Mr. Sneed: I'll make a motion to approve the Fisher Avenue Sidewalk Site Plan as presented.

Mr. Hoewing: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Coakley: Ok Bandshell Site Plan review.

Mr. Yost: We didn't do anything as far as the plans and then you guys were talking about some different aspects to consider so we have not touched the plan yet.

Mr. Coakley: Well I know Bob had some concerns about the façade facing out onto Whalen Commons and using my little engineering rule at home and the plan that we had I got based on the height of the roof in the front to put any kind of dormers in there it looks like there is only 3 feet.

Mr. Yost: That is probably about right isn't it John?

Mr. Strong: Yeah.

Mr. Coakley: Of elevation from the front lip to the peak and I made a few 3 foot dormers on there and in all honesty it didn't look very good, so my suggestion would be possibly putting a copula in the center to maybe add a little bit of interest to it, hopefully that wouldn't change the cost factors any great amount and I did notice there is also one with the over on the old CVS building in the center of the shopping center across the street, it has the running horse it looks like it was the identical to the old Potomac Valley Country Club symbol logo whatever, so I think something like that would probably be a nice compromise that it would break up the plainness of it a little bit and also fit in with some of the features that are surrounding the Whalen Commons area.

Mr. Yost: One consideration which John and I both looked at and really when you look at the front of the building right here this lower section here, you are going to see a big wall, it is not going to be brick actually you will see a portion of a wall but up in Frederick where they have at Baker's Park and around there...

Mr. Strong: Yeah Baker's Park if you go also go up to their Bandshell...

Mr. Yost: Right cuz they were actually painting it when we went up, they can do a mural that looks like different types of stone board and really breaks up that pattern, you can make it whatever you want it to be.

Mr. Sneed: What is the pattern now, what is it, what do we see now?

Mr. Yost: Right now you will see, actually it is going to look like a block.

Mr. Strong: It will look like block, it is almost like a stucco block, this portion right here looks like stucco block, it is a stucco finish and it's painted.

Mr. Yost: Just on the lower part of that because the top part is the part of the roof, just right here, but this top here is the roofline actually you will see it coming down like this in the back, so all we are looking at is this piece right here but it is 38 feet wide and 8 foot tall. We did receive \$40,000.00 for the Bandshell that collapsed so we might be able to add to this project so something to consider. And maybe you have something to look at and think about once its built and you can kind of see what its like, I mean it is going to be an afterthought anyway, like Baker Park was doing when they painted, it is amazing cuz you have to walk up and touch it to see that it is not real, even the flowers.

Mr. Sneed: Well you have to I guess consider that how that contrasts with your performers. You may not want, you may want blandness back there when they are performing.

Mr. Yost: True.

Mr. Sneed: So I don't know which is worse what you give up. What are the dimensions of the stage area?

Mr. Strong: 20x40.

Mr. Yost: Yes it is yeah that is right.

Mr. Strong: So it is 40 feet this way and 20 feet deep. It has beams that go across this way that are 40 feet long.

Mr. Yost: They are actually steel beams, that was the biggest problem because we couldn't make a gable because the gable would have been this huge...

Mr. Strong: Yeah actually it has a single steel beam that runs across the front here and then steel beams that run down that way.

Mr. Sneed: But it is 800 square feet of stage area.

Mr. Yost: It's a medium sized one really. It is really a medium sized bandshell.

Mr. Hoewing: So the roof itself is actually one beam to it, so a welded beam that sits on a front piece.

Mr. Strong: It is not welded it is bolted.

Mr. Hoewing: Bolted.

Mr. Strong: Near the top.

Mr. Hoewing: Ok.

Mr. Sneed: Is there overhead lighting or just the front?

Mr. Strong: Yes.

Mr. Sneed: Inside or just the front.

Mr. Yost: All up on the ceilings.

Mr. Sneed: I spent a little time Googling these and I printed off a bunch of pictures and made a bunch of notes and yes they are at home in my study, but looking at the picture a couple of things I noticed were that they do range, the sizes are very variable and most of them are much more open, the larger you get it seems the more open they are and I also noticed that with certain photographs they made them for more multiple uses like for example I saw one that was big enough where they hosted a wedding ceremony in it, but it was almost like our old the one that collapsed in that sort of shape but maybe much, much bigger so in that particular photograph I mean it is open all the way around now we lose that with the bathrooms but I mean that is the back wall so but I just wondered I was more interested I don't have any design recommendations other than the cupola but I was

just curious about the discussion that took place when this, how this developed and whether those things were considered you know how many multiple uses were considered and I don't even know if that is a question you want to address here or not but in other words is it in anyway limiting the dimensions or the yeah the dimensions is it limiting in any way for example for how many I know we want to be able to show movies and have performers music performers are the primary uses that we have had in the past, do you know if other uses were suggested and if this would fit or accommodate other uses.

Mr. Yost: No other uses were suggested but we did have one wedding in the gazebo over the 10 years.

Mr. Sneed: Small one.

Mr. Yost: Yeah it was a small one but you could have a similar thing if you wanted to.

Mr. Sneed: But you couldn't put an orchestra, a symphony orchestra there but you could put...

Mr. Yost: We could put a high school band or a play, we looked at those, we did look at the high school plays and the high school bands and what else, we did research...

Mr. Sneed: And those would fit?

Mr. Strong: Yeah.

Mr. Sneed: Well that is good.

Mr. Yost: And then we also used the sound engineer.

Mr. Sneed: Brian.

Mr. Yost: Yeah Brian Gross he was involved with this with the lighting schemes and the shape of the roof and on the inside for acoustical sound quality, and as far as electrical also, so we did reach out and have a lot of input from people.

Mr. Sneed: Now did they discuss, the ones I was looking at the traditional bandshells are the rounded things, did we consider something like that and if so why did we choose not to have that.

Mr. Yost: Because they wanted it to be open and they want it to match the style of this building that was the biggest thing.

Mr. Sneed: Right so on balance how much do we give up in the acoustics or the sound radiation etc.

Mr. Yost: Well supposedly using a sound engineer, see how the roofline drops down, I forget exactly what degree it is but it's directly built for acoustic sound quality.

Mr. Sneed: But it is only one dimensional you don't have the sides.

Mr. Yost: And the back wall was not straight up and down there was also a slight slope to that and it is for the same thing it carries the sound out.

Mr. Sneed: And the only other thing I remember seeing, I can remember seeing was that many of them incorporate seating in there benching, benches or concrete pads or things of that nature.

Mr. Strong: Well the reason that this is an elevated stage by that it is only 2 feet above the ground, when you look at the site, the site traverses a little bit, move it up this way and...

Mr. Yost: Down as you come to this corner.

Mr. Strong: So if you set up your chair out front you would have a fairly good site line.

Mr. Yost: Yeah we did talk about being able to have those stones that you put in that has grass in them but then some people did use them to pick up Krispy Kremes and things too so is that going to create a hazard but that was discussed also.

Mr. Hoewing: The only other thing you could do if you don't want to change the roofline and that was the reason we didn't change it because of the sound is to build sort of a faux wall up in the front with --- or something along it to make it look old fashioned if you wanted to do, it has to come across the side so it would meet right where the peak is there and you wouldn't notice it from the back.

Mr. Strong: See these walls that are all --- walls down here.

Mr. Yost: And in the middle it is hard to see from the elevation here but the stairs come down nicely around the whole stage, it really gives it a grand kind of appearance.

Mr. Sneed: Except for that roofline. Not much you can do with that roofline.

Mr. Yost: Well you can kind of see it but that really doesn't do justice to it at all.

Mr. Sneed: So if you go back, as far as the front view a cupola I think certainly adds a lot.

Mr. Yost: You are right.

Mr. Sneed: But the ends of the roof is there any architectural way or engineering way to finish off the ends, I don't mean the side view but the front view in other words the pointed ends of the roofline can they be cantered in so that the roofline goes up and then canters out on either end in some way without interfering with the acoustical design inside.

Mr. Coakley: That would be tough.

Mr. Strong: It might change some things.

Mr. Sneed: I mean if you look at that and then the cupola and something like that would be the only thing that would change that very bland appearance from the front and I did something like that on a porch I saw here in town where the ends were made that way and it made all the difference in the world but I don't know if that is something that can be considered here.

Mr. Coakley: With a cupola on it, it will have the square appearance of an old barn.

Mr. Wright: The only thing when you were talking about plans I wondered if there would be doorways from the sides so that people could come in and out because you don't have any wings in there for actors to come in and out.

Mr. Hoewing: Well you have the wall you see where the wall is behind that is actually stairway so...

Mr. Wright: Yeah but can you come into the...

Mr. Hoewing: Yeah you can come into the stage that way.

Mr. Wright: You can come into the stage.

Mr. Yost: Or it would be easy enough to have a partition of some sort.

Mr. Wright: Is that end of the building open?

Mr. Strong: Yes.

Mr. Yost: But for that front elevation that would be cool.

Mr. Coakley: Ok are we going to go with the cupola?

Mr. Yost: With the horse on it?

Mr. Coakley: Yeah that is nice but I mean I am not certainly locked into that. Do we need a motion on this?

Mr. Yost: Yes Sir.

Mr. Sneed: So we want to make the recommendation as part of the motion?

Mr. Yost: Approve the Site Plan with the recommendation to add a cupola.

Mr. Hoewing: With the design or do you want to look at it before they put it on or you don't really care what it looks like.

Mr. Sneed: Well I am assuming it is not going to be put on because it's going to be too much money and it won't be done.

Mr. Yost: No I would rather I think we could afford to get the cupola on the building, I would hate to go to the architect and have him redo the drawings and charge us another thousand dollars.

Mr. Hoewing: So we just add that on ourselves.

Mr. Coakley: We'll put Preston up there.

Mr. Yost: No but I think it is a good idea and I think it will fly.

Mr. Sneed: Well that is good to hear. So I will make a motion to approve the elevation drawings of the bandshell with the recommendation that a cupola be added to the roof of the bandshell.

Mr. Hoewing: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Coakley: Underground Storage Ordinance.

Mr. Yost: All right I worked with Kathy and Alan and John even looked at it and back and forth a few times and came up with, so what I did we had it in Ordinance format to begin with and it was a lot of questions of what about small tanks, what about oil tanks so I put it back into the Ordinance that it is going to be in, the Wellhead Protection Ordinance so you can see how it kind of fits all together and what else is in that Ordinance. There are some new members here since we adopted that. Everyone had a chance to go through it and is there any questions?

Mr. Coakley: I had a question on my old copy and I forgot to bring my old copy and I forgot to write it on my new copy.

Mr. Yost: You will see there was changes and changes and changes and it was difficult even for me to keep up with some of the edits and so we really cleaned the whole thing up also. But most of it is new language anyway we were just editing new language.

Mr. Wright: One thing we did change was we changed the State's, the State just talked about gas and we changed it to fuel and that raised some questions about whether the other standards would apply and Kathy has reviewed it and I understand that we think it is ok.

Mr. Yost: And the update thing was requirement for we said well what was the best way for us to really sample, we have vapor systems and all kinds of stuff but what we are looking for is to protect our groundwater so definitely said ok for ground monitoring wells would be the best case scenario for any station in Town. And so that is what it reads now it doesn't have alternatives of other types of --- it must have wells drilled so it is for our own protection.

Mr. Coakley: Oh I remember I think Kathy was going to check to see if kerosene components were very similar to gasoline.

Ms. Mihm: (Inaudible).

Mr. Yost: I think we addressed all the concerns about the chlorine. One thing Kathy, she said that the cost probably could be \$1,000.00 to \$2,000.00 a year for these stations to do

these sampling regimens and report to us, just so you know that the cost of it was going to be for these stations.

Mr. Hoewing: Places like dry cleaning outfits, they have all kinds of chemicals do they have a recycling system that they have a company that comes and picks up this stuff, what happens?

Mr. Yost: They probably do. Here in Poolesville it is not allowed, the guy ships it out to somewhere.

Mr. Hoewing: I thought the one over here did, they don't do anything there.

Mr. Yost: Not allowed to no. Maybe if they had a water-based product or something to do some minor cleaning but none of the chemicals are allowed.

Mr. Sneed: In the enforcement provision the violations are set this was something we didn't settle on but I guess it was researched and this language was put in on page 12, top of page 12, so the violations are misdemeanors so those would be county crimes, is it a county crime then Alan.

Mr. Wright: It is a municipal crime.

Mr. Sneed: Well the county is the municipality but that polices it right?

Mr. Wright: No.

Mr. Coakley: We are.

Mr. Wright: We police it.

Mr. Sneed: Ok so it is us.

Mr. Yost: Yes.

Mr. Coakley: And we may actually go to jail...

Mr. Sneed: Well that is why I said that jail was in there I know we don't have one.

Mr. Wright: Well if it was jail time we would use the County jail.

Mr. Hoewing: We'd rent facilities.

Mr. Sneed: So the \$1,000.00 is per violation?

Mr. Wright: Right.

Mr. Sneed: But the municipal infraction can be daily right?

Mr. Wright: It can be yes daily each day that the violation continues is considered a separate violation. And as a municipal infraction the violation first violation is \$500.00 and then for repeat violations it is \$1,000.00.

Ms. Mihm: (Inaudible).

Mr. Coakley: Ok do I hear a motion to accept the Ordinance as revised?

Mr. Sneed: I will make a motion to accept the Underground Storage Ordinance as revised.

Mr. Hoewing: Second.

Mr. Coakley: All in favor?

All: Aye.

Mr. Yost: Thank you Kathy you did a good job it came out nicely. And it will go forward to the Commissioners now and they will have a Public Hearing and adopt it.

Mr. Coakley: Ok anyone have talk for the good of the Planning Commission or anything?

Mr. Yost: We probably need to start thinking about devising a plan for doing the Master Plan, we have one year to do it and as soon as summer gets here people want to go on vacation and we are going to lose some time so. Last time I think we broke it down in

sections and did redline versions and discussed it. So maybe you and I could come up with a battle plan or start tackling that.

Mr. Coakley: Well I think the hardest part is probably revising the Vision Statement, the visionary and that should probably have input from all of us so I think we should all start looking at that and deciding what is in there now that you like or don't like and what you would like to see added and then we will figure out where to go from there.

Mr. Hoewing: Did you all see the minutes from the Focus Group we had that's useful there is some good stuff in there.

Mr. Sneed: I am embarrassed to say it is sitting by my bed.

Mr. Coakley: Does it help you get to sleep? Ok anything else.

Mr. Sneed: Well I know the Maryland Department of Environment document...

Mr. Yost: Which one you have there?

Mr. Sneed: Was this in this packet maybe this is from another packet.

Mr. Yost: Oh this was actually taken off the agenda.

Mr. Sneed: Right but I didn't understand that this oil control program the County...

Mr. Yost: State, it is a State program.

Mr. Sneed: Yeah this is an issue that is ongoing they are investigating it now right?

Mr. Yost: Exactly that is what brought this whole underground storage tank ordinance up.

Mr. Sneed: So this will be...

Mr. Yost: And she just gave you all the background information and I told her to give you the work plan because Mr. Jamison is going to come in he wants to open up the station again, so he has to go through this work plan and comply with all of this and he has done some of the work already, before the State will even let him open it. So he will go through a Special Exception process but we definitely want to get the underground storage tank passed right here before we move forward with him and we can put more stipulations and controls on it.

Mr. Coakley: Now is the existing service station monitored, how do they monitor their storage?

Mr. Yost: They have some type of monitoring system on it but I don't think they have wells or they do samples or anything like that so they will have to comply with it when it falls in the timeframes.

Mr. Sneed: But they are testing the wells, the adjacent wells in this investigation right?

Mr. Yost: Yeah the State did, our guys went around with them and tested all the private wells that were around that area and only 1 of them really had MTBE results, which was directly across from the Getty Station. But MTB hasn't been used for several years now so it could have been in the ground from who knows which station but even the smaller wells we tested, right at Jamison's Real Estate Office there is a well behind his house, there is one next to the church, those were all tested and didn't have MTE's in those at all, so it could have been a ground spill, some gasoline 5 years ago, it is hard to say.

Mr. Sneed: Well there is runoff there right. The Nessul's letter and I had a chance to talk to some neighbors about the long standing problems with respect to noise and it turns out runoff into the swale, the Nessul's talked about it, they think they lost a pet and a tree and so on and other neighbors have complained that in a rainstorm runoff forms in that swale back there and they said you could just see the film on the swale that goes right back behind the homes and I guess Nessul's says and I don't want to drag this out

because I guess we will get an opportunity to do this another time but the one thing the Nessul's said was he saw that drain being installed and it doesn't go tie into our system and it daylight into the swale. So for the future can we determine whether he is right about that for the future?

Mr. Yost: Yeah we will do that. George was also asking about some type of oil grid separator or something, how that would be installed on something that is already in place. So that is something we definitely will.

Mr. Sneed: Because that doesn't seem right to me if that is true.

Mr. Yost: No you are right.

Mr. Strong: It should discharge correctly. There should be an interface, now assuming there is an oil grid separator there if they don't maintain it, it just fills up and bypasses...

Mr. Yost: But we will definitely investigate that before the next meeting and we will discuss it and have some answers.

Adjournment

Mr. Coakley: Ok anything else? Do I hear a motion to adjourn?

Mr. Sneed: Motion to adjourn the February 17, 2010 Poolesville Planning Commission Meeting.

Mr. Hoewing: Second.

Mr. Coakley: All in favor?

All: Aye.