

Planning & Zoning Meeting Minutes - June 4, 2024

Virtually - Jade Klauvuhn

In-person - Jamee Robinson, Debby Burgoyne, Paul Gilligan, Kevin Cromer (arrived around 7:15PM)

- Meeting called to order at approximately 7PM
- Robinson called for a motion to approve the agenda
 - Burgoyne motioned to approve, Gilligan seconded
- Robinson introduced the May meeting minutes Gilligan motioned to approve, Burgoyne seconded
- Robinson introduced the Comprehensive Plan, section 2
 - All members of P & Z reviewed the Comp plan. No one found any major errors, but Robinson suggested that language summarizing the Town's move to become a historic district be included in Section 2 so as to reiterate the Town's desire for preservation. Burgoyne & Gilligan agreed that language should be included
- The Rental Ordinance was next discussed. Robinson summarized three changes to the ordinance discussed in May - the removal of the repetition of the term "Property Owner," to grandfather in existing properties, but not able to pass that right along. Burgoyne questioned whether that right could be inherited - Robinson said the way the current language was written was that it would not be passed down via inheritance. Robinson noted that Jeanette Delude was supposed to be researching whether a map existed showing that Burkittsville had already been zoned as single family or other designations. Robinson suggested that the way the current language was written was that properties operating as rental units would remain as is and then revert to single family once ownership changed hands. Burgoyne questioned how this would apply to properties in a trust. The final change was to add a definition of "corporation." Robinson researched the definition of corporation and opted to include the Maryland definition of corporation. Gilligan suggested that the definition was not comprehensive enough as it excluded LLCs. Gilligan suggested adding LLC to the corporation language. Robinson asked if, given those changes were to be made, P & Z could vote on it to present to Mayor & Council in July. Burgoyne made a motion to approve it, Cromer seconded. All voted in favor.
- Robinson moved on to the Septic Ordinance. She included all current references to septic systems in current ordinances. She mentioned that the language used to refer to septic systems is different throughout the current ordinance and that there was a need to unify that language. Other than that, there seemed to be no current ordinance that specifically mentioned septic systems. Burgoyne brought up the concern that the ordinance as currently written calls for the septic to be inspected every 3 years. Gilligan queried where the original proposed septic language came from; Robinson replied that it had been suggested by Jeanette Delude and amended to try to fit Burkittsville's needs. Robinson emphasized that the purpose of the septic system was for the Town to learn about the health of the septic systems through a "carrot and stick" approach - the county incentivizes homeowners to get their systems pumped via a rebate program and the town wants to make sure that homeowners are having their systems checked at recommended intervals and then use that information to connect them to septic-related

government program. An example was given about a property in town that had a prominent, septic-like odor after a hard rain. Robinson then proceeded to read the ordinance aloud section by section and proposed language regarding the Town rebate be struck as the Town could not guarantee the rebate program would remain the same in coming years. Robinson suggested striking language from the ordinance that was pedantic instead of missive. The next discussion was how often homeowners would need to have the septic pumped - the original language called for 3 years and Robinson noted that some residents had expressed concern that the size of their household did not require a septic clean out that regularly. Burgoyne also clarified the requirements for the people hired to clean out the septic. Gilligan and Burgoyne both suggested the time frame be changed to 5 years. Robinson noted that the EPA requirements are every 3 years and Burgoyne suggested that might be more appropriate for the Town. Cromer suggested that all of the timelines mentioned in the ordinance be aligned throughout. Cromer questioned whether a septic being inspected needed to be delineated from a septic being pumped; both Robinson and Burgoyne did not think that was necessary. Gilligan and Cromer questioned what type of evidence would be acceptable and Cromer suggested that it should be the septic inspection report. Gilligan was concerned that it would just be a receipt. Next, the committee discussed the penalty section of the septic ordinance and Robinson noted the language was confusing which seemed to suggest that the Town would levy a \$350 fine on a property who did not comply annually. Cromer emphasized the need for both the homeowner and the Town to have mechanisms and communication in place to enforce the ordinance on a regular schedule. Robinson pointed out that the fine should not be levied annually, but should be one time as the purpose would be to reimburse the Town for emptying out the septic itself. Cromer suggested that the rationale behind this language should be added to the septic and that it would also force the Town to enforce the septic. Robinson brought up the issue of "septic failure" and when this term would be applied, but noted that time did not allow for a fuller discussion of that issue that night.

- The next issue is approving the sign for Jayme Marshall's shop. Burgoyne brought up the issue of whether Marshall needed a business license to operate within the Town. Burgoyne then said that the county will not allow the Town to have a business due to health department restrictions and that any industry in Burkittsville now counts as a "cottage industry." Robinson also noted that there was no specified about for a business license within the current ordinance and that the penalty was \$100, noting that it was a poorly written ordinance. Robinson then suggested that P & Z focus on approving the sign for the cottage industry. The committee reviewed the proposed image and dimensions proposed by Jayme. Robinson suggested that the sign be approved as long as it was hung in accordance with the ordinance. Burgoyne made a motion to approve, Gilligan seconded and all voted in favor.
- Robinson reviewed the next meeting dates and asked for a motion to adjourn the meeting. Gilligan motioned and Burgoyne seconded. Meeting was adjourned at 7:56PM.