

Planning and Zoning Minutes

In attendance: Paul Gilligan, Jamee Robinson, Jayme Marshall, Paul Goldstein, Jillian Savage, Kevin Cromer, Rachel Carballo

Date: 11/01/2021

Notetaker: Rachel Carballo

Location: Online – Zoom

Welcome Jamee Robinson

Call to order at 7:03pm

Agenda Approved

Approval of September Minutes was tabled. Rachel will email the September and November minutes to the Commissioners after the meeting. They will review them and vote to approve them at the December meeting.

Zoning Administrator Report & Discussion: Paul Goldstein

South Mountain Creamery Farm Subdivision: The Frederick County Agricultural Preservation Advisory Board – approved it. They are leaving the size of the lot up to Burkittsville to determine, which gives P&Z room to think about the proper subdivision configuration and size.

Process – two hearings. First considers applicants' preliminary plat. P&Z will review for consistency with Comprehensive Plan and the ordinances. 2nd hearing – The applicant will respond to changes requested by P&Z and submit a final plat.

30 days of advertising prior to the P&Z meeting and notification of neighbors is required.

Substance – P&Z will have an application for subdivision that prompts the applicant, and future applicatns, to address a number of issues.

Paul still needs to determine fees. The county, which we follow, has a complex level of fees.

It is subject to discussion whether the subdivision uses up SMC's right to build an additional home on the remaining farm lot.

Some people on P&Z would prefer to maintain the original/historic footprint of the town and not have more homes built in town.

It is understood that Denise Guyton's lot has sold, so another home will be built, just outside of Burkittsville.

Paul Gilligan, who is not a member of P&Z but participated in the discussion, expressed his views of the Rural Legacy program.

Gilligan - I helped create the Rural Legacy program. The intent of the program was and still is for it to be a preservation program. It was given to Frederick County to oversee. It may be inappropriate for the County to fill this role.

Gilligan - If a principal residence is damaged, it can be re-built. This does not apply, because with SMC they are taking off the principal residence, but there is no development right allowing them to build a

new residence in a different location. The principal residence didn't burn down or deteriorate, they are choosing to remove it.

Gilligan -Livable Frederick was supposed to be involved in decisions, headed by Kim Brant, though the Rural Legacy review was handed down to Amanda. Amanda is stripped of any real power. The County is not operating in good faith at this point. The County has changed the rules of the game. Amanda doesn't have plats or photographs. Amanda cannot review cases any longer.

Gilligan – I spoke to Jerry Donald and he did not know that Amanda was not able to review cases. I would like Livable Frederick to take over the Rural Legacy program. The county has limited properties to 50 acres. It shouldn't matter what the acreage is, we are buying the development rights.

Next Steps: Gilligan is thinking of doing things independent of P&Z, but he suggests this should be a town effort. He wants the program to be moved out of the County's hands and into Livable Frederick's hands.

The Mayor can send a letter to the County to Janice Gardner or Jerry, not to Anne Bradley. The letter will lay out the issues. The Town Attorney may need to help write the letter. Gilligan will assist with drafting this letter. There may be a record of the history and original intent of the Rural Legacy program. Grant Dehart, former Director of DNR and Senator Ron Young, who was the Deputy Director of Planning – were both present for those discussions and can back up the intention of the Rural Legacy program.

The Ag Board evaluates for inclusion in a MALF program. Rural Legacy is paying for residential rights and is for historic and cultural reasons. They are not an ag program we already have an ag program in this County – that is why Rural Legacy is misplaced in this County.

Beaver demolition request – Paul reached out to the Beavers to let them know the process. The Mayor and Council approved the rearrangement of the order that steps will occur. Now, first the applicant consults with the Legacy Foundation, then they go to the Mayor and Council, then to get a zoning certificate from the County. The Beavers reached out to the Legacy Foundation and the man who viewed the property- exterior, and began to research its history, retired and never issued an official recommendation, so now the Beavers will work with that man's replacement. The man who retired had never looked inside the home or spoken to the Beavers. If they need a subdivision, P&Z will handle that.

Frederick County Planning meeting (10/29) There wasn't much at this meeting that pertained to Burkittsville. They are having a Brownfield conference – on formerly industrial sites. Paul Goldstein raised the issue at the meeting of short-term rentals, like AirBnBs, and no one said they had dealt with it. The Mayor asked P&Z to take another look at a potential short-term rental ordinance.

Ordinances – There were two edits. One was to Procedure Section 9.18.

The second change was to the draft ordinance number 03-2001/ Sect 9.11 Demolition. There was a section reference that changed. Kevin will look into legal review by Municode. Cross-checking references and numbering may be reviewed by Municode free of charge. He never heard back from the Mayor regarding ordinance edits. The Council approved the ordinances.

Kevin will email the code of ordinances to the commissioners so they can review them one last time before he submits it to Municode.

Jayne - Please think about areas of focus that each commissioner wants to specialize in, in order to plan and be proactive. Jayme wants to focus traffic calming. Rachel has the lead on the comprehensive plan.

Kevin is interested in specializing in noise, particularly the noise from illegally altered motorcycles.

Upcoming Meetings

- Town meeting: Monday, November 8, 2021
- December Commission meeting: Monday, December 6, 7:00 pm