

**MINUTES
POOLESVILLE PLANNING COMMISSION
September 18, 2019**

Call to Order:

Commissioner Bupp called the meeting to order at 7:30 PM. Commissioners Radigan, Schramm and Tims were in attendance as well as Town Attorney Jay Gullo, Town Manager Wade Yost and Town Engineer John Strong.

Citizen's Comments on Agenda Items:

None

Announcements:

None

Approval of Minutes:

Commissioner Schramm motioned to approve the minutes of August 14, 2019. Seconded by Commissioner Tims. Motion carried 4-0.

New Business:

Variance 001-19 – 16800 Budd Road

Property owners Francis and Marilyn Romero presented the site plan of the subject property. Mr. Romero explained that the property which is zoned PTR2 and is 15 acres is different from typical residential properties in that the house is set-back from the roadway much farther from the typical residential units in Town. The purpose of the request for a six-foot fence around the property is for security and reduced deer damage. The fence would be constructed out of black wrought iron along Budd Road (front of house) where the variance is requested and black chain link elsewhere.

The P.C. discussed the request and requested insight from Manager Yost. Manager Yost explained that on larger parcels such as this, six-foot fences have been allowed in the front of homes. He also stated that the Town's well currently under construction on an adjacent parcel

will be constructed with a six-foot wrought iron fence along the roadway and surrounded by a six-foot chain link elsewhere.

Commissioner Schramm motioned to recommend approval of the variance request to install a six-foot fence in the front portion of the property. Seconded by Commissioner Tims. Motion carried 4-0.

Beaulieu Concept Plan

Jennifer Beaulieu and her Land Planner Charles Grimsley presented a concept plan for a 6-lot subdivision of a 15-acre parcel in the PTR2 Zone.

The Commissioners discussed the concept plan and asked for any citizen input. Laura Eckert, who owns the adjacent property raised concerns regarding the requested change in an existing forest conservation easement to facilitate the development.

Engineer Strong advised the P.C. that the existing forest conservation requirements of the PRD Zone were used prior to the property being rezoned where much greater than are now required for the PTR2 Zone. The P.C. discussed concerns over deforestation and reducing water percolation and quality for the aquifer.

The P.C. recommended that the applicant revise the proposed concept plan to accommodate more forest area prior to any consideration to recommending a release of the existing forest conservation easements.

Lennar – Westerly Grove

Louis Gonzales and Brendon Cox from Lennar Homes request that the P.C. revise the existing PIA. The current agreement requires the developer to complete construction of a municipal well and offsite sewer pump station prior to the sale of any home. Louis explained that the well and pump station are tied up with permitting and they do not expect completion of the improvements until next summer. They requested that the P.C. allow them to sell up to 15 homes prior to the completion.

After a short discussion with staff, Commissioner Tims motioned to amend the PIA to read, “developer shall complete the municipal well and sewer pump station prior to the sale of the 15th home”. Seconded by Commissioner Schramm. Motion carried 4-0.

Water and Sewer Allocation

Manager Yost presented the following:

Background

The existing Allocation Plan which was good for 3 years expired in January 2019. Due to the excessive rainfall and high flows at the WWTP, the board has decided to not act right away in developing a new plan and wait until sources of I&I are identified and/or repaired and to see how 2019 flows calculated into the three-year rolling average required by MDE in the annual wastewater capacity report.

Current Wastewater Capacity

2018 proved to be a challenging year with over 75" of rain and an annual WWTP effluent flow of 763,000 gallons per day (GPD). Permitted effluent discharge is 750,000 GPD. However, using our three-year rolling average of 581,000 GPD it creates the illusion that we have plenty of capacity. Consideration should also be given to the commercial allocation of over 12,000 GPD and the approximately 110 homes or 35,750 GPD that has already been allocated, but not yet built.

As of August 30, 2019, Poolesville has received 39.12 inches of rain and the average daily WWTP discharge in 682,000 GPD.

Identifying I & I

In the 2020 Budget that started in July 2019, funds were appropriated for the deployment of smart meters. These units are placed in strategically placed manholes and monitor real time flows along with real time rainfall via satellite. These monitors should be installed within the next month. Of course, the success of the metering and identifying the I&I is predicated upon rainfall.

Allocation & Plan Review Strategies

I recommend the Planning Commission stay the course and wait for the 2019 wastewater capacity report, which will be released in January 2020. While there may be plans coming forward for subdivision and development in the next few months, nothing will require allocation prior to then.

It is procedurally correct to allow potential developers to go through the planning process and even receive a conditional approval on a preliminary plan. We operate this way now as conditional approvals are typical when waiting for other jurisdiction approvals like stormwater. Water and sewer availability will become part of the conditional approval and final approval will not happen until available allocation is granted by the Commissioners.

While there may be some uncertainty to what the WWTP availability will be, an allocation plan needs to be in place. We believe that there will be at least three residential subdivision plans coming forward soon. One within the commercial zone and the other two in the PTR2+ zone.

If you recall the recently expired plan included provisions for priority areas and percentage breakdowns. The areas were as follows: **Allocation Capacity Calculation**

- A. Every January, the Town determines, in accordance with the MDE, available wastewater capacity utilizing a three-year rolling flow average minus previously allocated, unused taps.
- B. Beginning in 2016 and every three (3) years thereafter, the Poolesville Planning Commission will review and recommend to the Commissioners of Poolesville potential gallons per day allocatable capacity for that period as follows:
 - a) 60% Downtown Target Investment Zone & special uses as identified in the Poolesville Master Plan.
 - b) 30% Town use/set aside buffer.
 - c) 10% Other residential (4 and under lots outside TIZ).
- C. During each review period, the Planning Commission will ensure that the percentage allocations are in conformance with current growth and economic goals of the Town.
- D. The Commissioners of Poolesville will review, revise and approve the recommendations by resolution.
- E. In the event of unforeseen circumstances which limit or reduce the capacity, the Commissioners of Poolesville may reduce, limit or cease allocation granting.

I recommend the Planning Commission begin deliberating on the appropriate allocation priority percentages and types of developments by January, when the next wastewater capacity report is due. Whatever capacity is available, the 30% figure should remain for Town use/set aside buffer.

Old Business:

Chicken Ordinance Request.

Resident Lexie Huber presented the P.C. with a petition to change the existing code language to not include the prohibition of “bird of any kind” including raptors and poultry.

After a lengthy discussion Ms. Huber presented a plethora of information that she had researched and collected on the topic. The Board to discuss further.

Adjournment:

Commissioner Schramm motioned to adjourn. Seconded by Commissioner Radigan. Motion carried 4-0.