

Minutes
Walkersville Planning Commission Meeting
July 28, 2020

Commission Chairman David Ennis called the meeting to order at 7:30 p.m. with members Dick Brady, Russ Winch, Ray Santullo, Mike Kuster and Tom Gilbert present. Also present were Town Planner Susan Hauver, Town Engineer Shawn Burnett, Burgess Chad Weddle, and Town Commissioner Mary Ann Brodie-Ennis.

1. Minutes

By common consent the Planning Commission voted to approve the minutes of the July 14, 2020 meeting. Chairman Ennis noted six in favor.

2. Site Plan: St. Paul's Lutheran Church, Frederick East Classical Home School Co-op, 12 & 14 W. Pennsylvania Avenue

Planner Hauver reviewed the staff memo for the accessory use that has been established at St. Paul's Lutheran Church. The home school co-op uses the church building, its parish hall across the street, driveways, the church parsonage yard and parking lots intensively on Mondays and Wednesdays throughout the school year. The use was established in the 2019-2020 school year without Town approvals since it was established as an accessory use and no physical changes to the site were made (besides minor interior renovations). The program serves about 130 students and 30 teachers and staff who are parents of the students. While these kinds of programs are not unusual in churches, the scale of this programs relative to the size of the facility has generated comments and complaints from neighbors. Staff requested that the church obtain site plan approval to give the opportunity for the community to comment and to determine what the church and co-op might do to mitigate the impact of the use on the neighboring properties.

Ms. Mary Ann Ferguson, representing St. Paul's Lutheran Church, introduced Ms. Kim Jernigan, Executive Director of Frederick East Classical, and Ms. Patricia Valcarcel of the church council. Ms. Ferguson noted that the church and the co-op take the complaints seriously and want to be good neighbors. Before the school year started, they notified the neighbors by passing out a flyer about the co-op's plans. She said the church has done nothing illegal in establishing the accessory use. She noted that in the fall, due to COVID 19, the school will operate at half capacity, with elementary students attending on Mondays and secondary students on Wednesdays.

Member Gilbert asked about student safety and wondered if students were instructed about fire exits and given active shooter training. He also asked if the church had sprinklers. Ms. Ferguson and Ms. Jernigan said that students are given safety instructions and that the church was not required to install sprinklers.

Ms. Jernigan noted that the co-op is not a school recognized by the State of Maryland. They are a relatively small non-profit organization, made up of a small group of families.

Commission members discussed parking and it was noted that a lot of the teachers park on the street since the parking lot is across Pennsylvania Avenue. They have employed a crossing guard and will make sure he or she is there early enough to assist teachers crossing the road with children in tow.

Member Brady asked how large the co-op might become and Ms. Jernigan said that they accept a maximum of 12 students per class, and prefer to have 10 in the high school classes. They would be happy to explore the other parking options noted in the staff report—near Creamery

Park, on George Street near the parish hall parking lot entrance, or in the lot behind Town Hall. Church administrative staff have two reserved parking spaces in the parish hall lot.

Member Kuster, a neighboring property owner at the corner of Pennsylvania Avenue and Fulton Avenue, noted concerns about parking and the crossing guards. He was concerned about noise at the beginning but he felt that it didn't turn out to be a problem. He said parking on the streets is extreme and suggested that they use the parking lot more. He also recommended that the crossing guards use a two-sided stop sign, rather than a "slow/stop" sign. He noted concerns about the speed of traffic along Pennsylvania Avenue and the safety of the crossing guards and pedestrians.

Member Brady asked whether the church/co-op would be willing to proffer a limit on the total number of students to 156, and 40 staff persons. Ms. Jernigan agreed.

Commission members discussed the intrusion of outdoor recess onto the neighboring lot. Ms. Ferguson and Ms. Jernigan said that they use temporary barriers and that the children have learned where the boundary is. Balls occasionally end up on the neighbors' property. They do not have safety concerns that would warrant installing permanent fencing. Ms. Ferguson also noted that installing a fence might disturb the character of the neighborhood. Member Brady suggested a 2 ½ foot picket fence or temporary fencing but others were unsure whether either would be effective. Ms. Ferguson said that a 6' fence on the property line would cost \$15,000. The Commission did not come to a consensus on the need for additional fencing.

Ms. Jernigan noted that Stauffer informs them of any conflicting funerals so they can cancel their activities. Member Gilbert suggested that they discourage parents from gathering on the property or causing delays in the pickup and drop-off process.

Member Brady made a motion, seconded by Member Gilbert, to approve the site plan for St. Paul's Lutheran Church and Frederick East Classical home school co-op, with the conditions that the applicants are bound by their testimony concerning capacity; the applicant will work with their neighbors to mitigate neighbor concerns; and the crossing guards will use a double-sided stop sign instead of a stop/slow sign. The motion passed on a vote of 6-0.

3. Site Improvement Plan revision: Rock Creek School, 55B West Frederick Street, Stormwater Management Pond Draw-down

Planner Hauver said the engineers for Rock Creek School submitted plans showing a gravity drain system for the stormwater management pond instead of the pump system approved by the Planning Commission.

Mr. Jason Fritz of Adtek Engineers, presented the revised plans. He said that during construction they have been investigating a more economical way to draw the stormwater through the stormwater management facilities. The proposed gravity system would save FCPS \$100,000 and would serve a similar function. It would require more maintenance by FCPS staff.

Commission members and the applicant discussed the proposed system as well as some questions emailed in from neighbors. The following points were made:

- There would be no effect on the downstream facilities, particularly the Mill Run stormwater management facility.
- The proposed system is a siphon system which outlets at a lower grade than the bottom of the stormwater management pond.
- The difference in elevation would be 6 inches.
- The pipe would be fairly straight, with one bend.
- No additional rock breaking or excavating work would be required.
- The flow rate and amount of stormwater would not change.

- The timeline for completion of construction would not change.
- The stormwater pond is currently being used as sediment trap. The stormwater management system will not be fully functional for several more months.
- The pumps were a change order since the plans were put out to bid for construction before they were finalized and signed. The pumps were one of the last things added to the plans.
- The siphon system, those less costly upfront, will be more costly maintenance-wise. The cost of maintaining the pumps is not known since it depends on how long the mechanical/electrical parts last.
- The gravity system would move the water as fast or faster than the pump system.
- The success of the gravity system depends on maintenance staff checking for and removing clogs in the pipes. The flatter the pipe the more likely it will clog.

Chairman Ennis noted that the pipe system would be flatter than industry standards. He is not concerned so much with the design as with its constructability, and with the FCPS staff's ability to maintain it.

When asked his opinion, Town Engineer Shawn Burnett said that either option would work on the site. Both systems would meet the Town concerns about drainage.

Member Winch made a motion, seconded by Member Kuster to deny the request to revise the approved plans for the drawdown system at Rock Creek School, and for the contractor to proceed with the plans as previously approved. The motion was approved on a vote of 6-0.

4. Miscellaneous items

Member Winch suggested that the Town push out more "Did you know?" information about planning and zoning topics. He noticed some misconceptions and misunderstandings in comments on social media regarding the upcoming Dollar General hearing.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver