

# LAYTONSVILLE BOARD OF APPEALS

## MEETING MINUTES

February 3, 2020 – 7:30 p.m.

### **Roll Call**

A meeting of the Laytonsville Board of Appeals was called to order by Chair Cecere at 7:30 p.m. Board Members Foster, Ols, Kerns, and Ryan were present.

### **Guests**

Mr. Brian Kline, Applicant; 6720 Olney-Laytonsville Road; Laytonsville, MD

Mr. John Connors, 6830 Warfield Road, Gaithersburg, MD

Mr. Charles Hendricks, 7011 Brink Road, Laytonsville, MD

### **Minutes**

The minutes for the Board of Appeals Meetings of December 2 and December 9, 2019, were submitted for approval. Chair Cecere asked for a motion to approve the minutes. Member Foster presented a motion to approve both minutes and seconded by Member Ryan. Motion passed unanimously.

### **Old Business**

#### **Special Exception SE-01-19 – Mr. Brian Kline, J.B. Kline Landscaping (Applicant)**

As decided at the Board of Appeals meeting of December 9, 2019, Special Exception SE-01-19 was approved by the Board with the stipulation that parameters would be set in place. The granting of the special exception is subject to the following conditions as previously outlined in the Board of Appeals for Montgomery County, Case No. S-2807, under Zoning Ordinance 59—G-2.30.00, approved December 11, 2011:

1. Applicant shall be bound by all of his testimony and exhibits of record, and by the testimony of the witnesses and representations of counsel to the extent that such testimony and evidence are identified in the Hearing's report and in this opinion.
2. A maximum of 100 employees are permitted on site at any one time.
3. Regular hours of operation are limited to Monday through Saturday: 6:00 a.m. to 6:00 p.m.; except for snow removal operations and early morning projects which may occur as needed. Up to three customers are permitted on site.
4. Vehicles are limited to the following:
  - a. 22 work trucks
  - b. 15 management vehicles
  - c. 22 trailers
  - d. 3 rubber tire loaders
  - e. 5 skid loaders.

Onsite parking is limited to a total of 45 employee (non-company) parking spaces, which includes one handicapped parking space.

5. All deliveries and pick-ups must occur between 7:00 a.m. and 4:00 p.m., Monday through Saturday.
6. No materials classified as hazardous waste may be stored on the property, and no pesticides, manure, or chemicals may be stored on site at any time with the exception of fertilizer and “Ice Melt,” which must be stored in bags, within a building and off the ground. No manufacturing of mulch or compost, or selling of plants will take place on-site.
7. Tree chippers or splitters must not be used on-site with the exception of by Applicant’s own property maintenance or sub-contractors.
8. There must be no outdoor lighting, except that which exists in the vicinity of the residence, office building, and storage building. Parking lot to be lit by LED lights, with a downward focus.
9. Signage to comply with Laytonsville Town sign ordinance for C-1 Zone.
10. Gravel parking spaces must be designated by wheel stops.
11. Trucks must be loaded and reversed in place in the afternoon to pull forward in the morning without backup beepers.
12. Applicant must continue to comply with the terms of the Preliminary/Final Water Quality Plan (Exhibits 21(o) and (p), approved by DPS on September 1, 2011 (Exhibit 27), and the Planning Board on October 20, 2011 (Exhibit 31(a), as conditioned therein).
13. The storage of fuel is permitted in the existing fuel station area identified on the site plan, but it must be stored and maintained in accordance with all applicable federal, state, and local regulations.
14. Applicant must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Applicant shall at all times ensure that the special exception use and premises comply with all applicable does (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives, and other governmental requirements.
15. Applicant shall install 65 broadleaf evergreen shrubs and 50 conifer trees (variety of species) for screening purposes and for the benefit of neighboring properties.
16. Business operations shall comply with all applicable noise ordinances.

Chair Cecere asked for a motion. Member Ols presented motion to approve the two year Special Exception with specified conditions and requirements. Motion seconded by Member Foster. Motion passed unanimously.

### **New Business**

Family Room, 6820 Olney Laytonsville Road, Laytonsville, MD 20882, requested a two-year extension for their Farmers Market. Chair Cecere asked for comments from the Board Members. Member Foster presented a motion to approve the extension of the Special Exception. Member Kerns seconded. Motion passed unanimously.

## **Adjourn**

There being no further business, Member Kerns made a motion to end the meeting. Motion passed unanimously. The meeting adjourned at 9:34 p.m. The next Board meeting will be held on March 2, 2020.

Respectively Submitted,

Charlene Dillingham