**Meeting Minutes of Planning Commission**

**Town of Laytonsville**

**December 21, 2023**

Chair Wenger called the meeting of the Planning Commission to order at 7:32 p.m. Members Brian Kline, Obed Pellegrino, Tom Jackson, Brendan Deyo and Alternate Tim Shortley were present. Town Clerk Mary Burke, Mayor Charles Hendricks, Town Engineer Steve Crum, three representatives of Hope Builders and four citizens were also present.

The minutes of the Planning Commission meeting on September 28, 2023, were approved as submitted.

**Review of Hope Builders Revised Preliminary Plan**: Chair Wenger stated that we will focus on the review of Hope Builders Revised Preliminary Plan and the conditions that were set forth at the public hearing on April 20, 2023. He noted that this was not a public hearing, but a Planning Commission meeting and the public is welcome to observe.

1. **Require that Hope Builders widen Maple Knoll Drive across the frontage to accommodate commercial vehicles**: Member Pellegrino asked if this would impact the trees on Maple Knoll Drive. Mr. Thompson said that any trees that will be removed are accounted for in the landscape plan as new trees. Member Deyo asked if there will be a crosswalk there or will this be a “sidewalk to nowhere”. Chair Wenger said that there couldn’t be a crosswalk there because on the other side of the road it would connect to a drainage swale. Member Jackson asked who would maintain the replacement trees. Mr. Thompson said the developer would. Steve Crum stated that the widening of the road is appropriate.
2. **Require that Hope Builders widen the sidewalks to ADA regulations of 5 feet**: Chair Wenger stated that this is in compliance with the plan.
3. **Signage discouraging truck through traffic**: Chair Wenger stated that this is in compliance with the plan.
4. **Require that Hope Builders stormwater management be brought up to Montgomery County standards and integrate fully with the existing bioswales for Laytonsville Grove**: Mr. Thompson stated that their design will be compliant with Montgomery County standards. They had to compensate for the removal of a swale with 5 bioswales. Steve Crum stated that he has confidence in Montgomery County and their review process.
5. **Require that Hope Builders will dedicate a Public Utility Easement (PUE) along the frontage of their property**: Chair Wenger stated that this is indicated on the plan, but that it will be created when the record plat is recorded.
6. **Require that Hope Builders design and present a more thorough landscape design for screening and buffering for surrounding properties, including 3D renderings of the landscape plan**: Member Kline commented that it is a much better plan, and it makes him feel better for the neighborhood. Chair Wenger said that the Emerald Green Arborvitae is a deer favorite, and that they should be replaced with something else, perhaps something denser. He is happy with the choice of native plants.
7. **Require that Hope Builders present a formal lighting plan showing compliance with Montgomery County lighting requirements and the Dark Skies Initiative**: Chair Wenger stated that it looks good. Steve Crum said that by and large the foot candles at the property line comply. Chair Wenger asked if the town would have any recourse if the lighting ended up bleeding over. Steve Crum said yes if it is a condition in the site plan review.

Chair Wenger stated that the 7 conditions have been complied with. There are several small items, but that is to be expected. He mentioned that we have yet to see the Forest Conservation Plan. Mr. Thompson said that it was being worked on. Chair Wenger said the sooner they can get it to the town, the better.

Chair Wenger stated that he was going to bring this up for a vote with the Planning Commission, and said that Member Shortley, as alternate, was not able to vote since everyone was present.

He asked for a motion to accept the Revised Preliminary Plan with the conditions that were set forth, and that they have been complied with, except for the Emerald Green Arborvitae that may need to be addressed. We subject this to the Mayor and Council, who put forth a directive that the lighting be checked once it is installed to make sure that it complies.

With that being said, do I have a motion from one of the Planning Commission members?

 Member Kline made a motion to accept it. Member Pellegrino seconded the motion. The motion passed unanimously.

Mayor Hendricks asked if there is a motion to move this forward, does that indicate approval of the subdivision application? Chair Wenger said that it is approval that the subdivision application has now met these conditions, but it is not able to move forward because there is no Forest Conservation Plan. Mayor Hendricks said what you're doing is accepting the conditions you set at your April public hearing, but not giving final approval of the Planning Commission for the application for subdivision, correct? To explain his point, Mayor Hendricks said the town's Forest Conservation Ordinance states, in Section 6, the Forest Conservation plan shall be reviewed by the town concurrently with the application for final subdivision or project plan approval. I assume that approval cannot be granted without the approval of a forest conservation plan, and I heard tonight that the desire of the applicant was to have off-site. mitigation or off-site forest conservation, and I believe, under the ordinance, permission to do off-site mitigation is something that's optional on the part of the town, so it might be necessary to substantially reduce the footprint of the development to provide for the 20% forest conservation area within the property if the town so chooses. Chair Wenger agreed with this statement, then said the issue here is that we are approving that the revised preliminary plan has met the conditions that were set at the public hearing. This preliminary plan has not been approved. the conditions have been met, and so that aspect of it has been approved. Member Deyo asked for clarification as to whether they would vote on this again. Chair Wenger said there would be a vote in the future, but not pertaining to these conditions.

**Comprehensive Plan Review**:

Chair Wenger said that the Planning Commission would need to meet monthly in 2024 to achieve the Comprehensive Plan review.

**Old Business:**

Chair Wenger asked where we were regarding the survey going out to the residents of the town. Member Deyo stated that his concept was sharing the document via Google Docs, SharePoint, or Microsoft Teams. The clerk and I tested it but were not successful. We just need to follow that loop so that we can have a mechanism for capturing comments and or circulating the document as well as capturing comments in an organized structure. In terms of the actual request to the citizens, I wasn't anticipating anything more than an instruction letter signed off by Chair Wenger that includes the Comprehensive Plan and a link for comments.

Member Deyo made a motion to adjourn the meeting at 8:36, Member Kline seconded the motion, and all were in favor.

Respectfully submitted,

Mary Burke, Town Clerk

December 21, 2023