

**Planning & Zoning Meeting
Minutes
January 22, 2008**

Attendance: Chairman Jack Heimberger, Betty Thompson, Priscilla Turgon, Matthew Oberholtzer, Commissioner James Hansen, Town Engineer Chris Rogers, Critical Area Rider Mary Ann Skilling and Planning & Zoning Coordinator Heather Erickson.

Meeting called to order: 6:30 p.m.

APPROVAL OF MINUTES

MOTION was made by Betty Thompson and seconded by Commissioner James Hansen to approve the September 17, 2007 Planning and Zoning Meeting minutes as written. **All in Favor; Motion Carried.**

MOTION was made by Betty Thompson and seconded by Commissioner James Hansen to approve the September 17, 2007 Planning and Zoning Public Hearing minutes as written. **All in Favor; Motion Carried.**

NEW BUSINESS

**File No. CP2007-02- Perryville Yacht Club, Phase II. PROPERTY
OWNER/APPLICANT: DFW, LLC.; LOCATION: 31 River Road,
Perryville, MD; Tax Map 801, Parcels 721 & 834, Lots 1 & 35, Zoned RM.**

Jack Heimberger asked the representatives of the plan to address the Board.

Bob Wilson, Wilson Deegan & Associates addressed the Board. He passed out plans to the Board, which he stated would be clearer for them to read. He stated that most people here are familiar with Phase I, which is essentially everything from River Road up to Roundhouse Drive and is partially constructed. The base paving is down and the infrastructure is in and the buildings are beginning to be constructed.

Mr. Wilson stated that they previously had preliminary approval for Phase II, which was two to three years ago. The difference is that they staggered the buildings, whereas the previous plan had the buildings next to each other. He added that the rest was left for marina use. The contract purchaser is Mr. Linkous, whom is also building Phase I. Mr. Wilson stated that Mr. Linkous expressed that it would be nice to get a building closer to the water thus they came up with this plan where the one building is closer to the water. He thinks that another thing it does is it opens it up somewhat for the people who are coming down River Road for more of a view of the water. They would relocate the house and marina office to the other end of the property. One thing that they have talked about before in the previous plan was to keep a walkway available to the public, which they had agreed to and still agree to. In talking with

Mr. Rogers they may eliminate a portion of it, but he will wait for comments from him. The plan incorporates a continuation from McMullen's, which Fred Linkous is developing and is under construction now.

Mr. Wilson stated that another difference in this plan from the other one is that they completely kept the marina use and the condominium use separate. In this plan they can do that as far as parking accommodations and that sort of thing. Part of their agreement with Mr. Linkous is that they would dedicate a certain number of slips to condo users/purchasers if they so desire to secure a slip, which from what they hear is somewhere around 20-30%. It is not written in the contract, but it is something that is available for him.

Mr. Wilson stated that the parking lot that is underneath of the power lines which is currently and would continue to be used for boat trailers and storage. In this plan for section two, access would be off Old River Road. The buildings would be like in architecture with parking underneath in a similar fashion to the first phase. The difference being that these would be completely elevated because they are in the floodplain. He pointed out where the parking for the remainder of the marina would be, which they did not detail. There is a proposed pavilion and bath house.

Mr. Wilson pointed out the old inlet. He stated that they have spoken with Mary Ann Skilling but have not received comments back from her yet. They propose to fill it because they feel that it has no value as it is now. It is too shallow to get a boat in and really all it does is silt in. It really serves no purpose. They would prefer to fill it in and just bulkhead across it and use it as open space for marina and condominium use.

Mr. Wilson explained that another part of the contract (with Linkous) is that the entire bulkhead would be redone in a similar fashion to what Mr. Linkous did across the front of McMullen's Landing. The entire waterfront would be completely redone.

Chris Rogers reviewed his comment letter dated January 16, 2008 to Denise Breder regarding this plan.

1. *The zoning of the property is RM, Residential-Marine District. The applicant should describe the nature of the proposed dwellings. "Multi-family apartments" are not permitted in the RM zone. "Multi-family townhouses" are permitted in the RM zone as a Special Exception with conditions according to Section 161 of the Zoning Ordinance; however, there are no references to the conditions in the Supplementary Use Regulations. Reference is made to Townhouses as permitted with conditions in the "CM" zone which was eliminated as a zone. Assuming a similar dwelling type as Phase I, we would consider the proposed dwellings as Multi-family apartments. As such, it appears that a revision to the Zoning Text or a rezoning is necessary. It should be noted that Phase I was approved under the previous Zoning Ordinance.*

Mr. Rogers added that as we may remember this was one of the more difficult zones that we dealt with in the redoing of the zoning ordinance. It appears that this type of dwelling unit in this zone is not permitted under the language that is in today's zoning ordinance. He stated that he is not sure if it was an oversight or what, but he knows that the Residential Marine zone went back and forth numerous times at the tail end of adopting the zoning ordinance. He added that we may remember that we had the same conversation with Mr. Linkous when

he submitted his concept plan a couple of years ago that showed similar dwelling units as is down here just to the south of this. This same issue was brought up at that time. Without a change to the zoning ordinance text or a rezoning of the property, this project cannot happen. This is something that we need to discuss with the Mayor and Commissioners and Town Staff to see how or if they want to proceed in amending the zoning ordinance.

2. *The applicant should describe the extent and nature of both the waterside and landside improvements associated with the marina. Marinas are permitted in the RM zone as a Special Exception with Conditions per Section 161 of the Zoning Ordinance, Table of Permissible Uses and per Section 196, Supplementary Use Regulations. Per Section 90, the existing Marina can be considered a "conforming use." Depending on the extent of the Marina improvements, a Special Exception may be required.*

Mr. Rogers stated that he believes Mr. Wilson covered some of this. He asked if they are increasing the number of slips from what is there today.

Mr. Wilson responded no, that they would not. He explained that there are no plans to increase the number of slips.

Mr. Rogers explained that what he is trying to get at is if there is a need for special exceptions. Marinas are permitted in the RM zone as a special exception. So depending on the number of improvements to the marina it may require a special exception to be approved by the Board of Appeals.

Mr. Wilson stated that he believes that the original plan had shown 109 slips. He explained that when they purchased the property from the Ward's they actually had small boats in the inlet. He added that they have never been able to get a boat in the inlet. At this point in time they have never been able to use those slips. If they are allowed to fill the inlet then they would actually be reducing the number of slips from what they original had. If they are not allowed to fill the inlet they would certainly pursue dredging, which even at that point he still feels that they will have less than the original amount because of the narrowness of the inlet itself. He stated that he does not see any plans for additional slips.

Mr. Rogers stated that they are going to redo the bulkhead. He asked if all of the pier structures are going to remain as configured.

Mr. Wilson responded that the floating pier will certainly stay the same. However, he is not sure about the other piers because the planning has not been done yet; would they be modified somewhat? They might be. Even at that, re-bulkheading it is not going to allow for anymore slips to be permitted. If they do upgrade and do some of the piers on the waterfront he does not see the possibility of additional slips.

Mr. Rogers stated that he would ultimately defer to the Town Attorney to determine whether a special exception is needed. There are interpretations on intensifications of uses and those types of things that determine whether a special exception is required. It depends upon how much the marina is intensified or expanded. The Town Staff will be talking to the Town Attorney to get his opinion on whether or not the owner needs to go through the special exception process for marina.

3. *The applicant should describe the relationship of the existing marina and the proposed and existing residential development.*

Mr. Rogers asked if this is all going to be one property.

Mr. Wilson responded that it would not, that it would actually wind up being three properties. There would be two condominium regimes and the marina.

Mr. Rogers asked if he meant two in Phase II or if he meant Phase I and Phase II.

Mr. Wilson responded that it would be Phase I, Phase II and the marina. In Phase I, there are shared easements and agreements between the association and the marina, which would continue to Phase II.

4. *If the boats are typically stored on land in the winter, subsequent site plans should indicate the boat storage area(s) while allowing for adequate pedestrian and vehicular circulation.*

Mr. Rogers stated that Mr. Wilson mentioned the large square area behind the building closest to the water. He asked if this is going to be for boat storage.

Mr. Wilson replied that it would be a combination of this area and underneath the power lines. He added that with the number of boats that they have had down there in the last few years that they probably would not need both of them. But they will have the two areas to store the boats in the off season.

Mr. Rogers stated that with the marina with the new bulkhead and being fixed up he would imagine that there would be more boats than what they have historically had in the past four years. He asked if there is enough room for the people to get around and through the parking lot with decent circulation in Phase II and still have boat storage in that area behind the building.

Mr. Wilson replied that he thinks that there is more than adequate. Again, they were not quite full this year but they were at what he believes was 85% capacity. Next year they will be full. With the number of boats that he has seen down there, they have never used the parking lot up under the power lines to store them; they always just kept them down below. It was not any type of a structured parking lot; they just put boats wherever they could. Without having an actual number and if they were to have to store the amount that they have been storing he states that there is not an issue with that at all.

Mr. Rogers stated that his point of #4 is just to raise the issue now and if and when they submit a preliminary site plan we would recommend that it be more delineated as to where the boat storage is as opposed to having boats stored all over the place. Somehow without a whole lot of quantification, somehow quantify how much area they think that they are going to need and somehow confirm that they have enough area so vehicles, pedestrians and emergency vehicles can get to these buildings.

Mr. Wilson replied that he understands.

5. *The applicant and the Planning Commission should discuss the need for a public access easement along the waterfront of the proposed development and the relationship of such an easement with other existing and potential access easements. This discussion should also include the need for a sidewalk along the west side of Old River Road extending northward from the sidewalk to be constructed as part of Phase I.*

Mr. Rogers stated that this is a comment that Mr. Wilson touched on. He added that we have been dealing with this one with every project that comes in along the water. We get easements where we can and sometimes they don't match up and sometimes they do. In Phase I, the Town has a public access easement down here along the side. The plans call for a sidewalk and the documents have an easement for public access. He explained that the easement runs down the side, turns and stops. He explained that we got that before Mr. Linkous was in with McMullen's Landing. McMullen's Landing has a public access easement from Old River Road, down, and then along the waterfront. He asked if we need this to get people down from Roundhouse to the water. Mr. Linkous' easement that was given to the Town starts at Old River Road. He stated that he does not have an answer except that we will have to look at it closer. He thinks that he has heard tonight that they are amiable to an important component to this which is providing a public access easement across the waterfront of this property. He explained where Mr. Linkous' easement ends and stated that they would have a public access easement that would cross the two properties. The tricky part is how they would get in and how they would get out.

Mr. Rogers stated that what they have talked about in the past is some sort of master trail plan that is specific to this area so that we can start piecing it together. Ideally, making it feel like if you are a member of the public that you are welcome to be walking where you are walking. He stated that he is not sure that we are achieving that because everything is so tight down here that you are walking close to buildings and parking lots. They have the major components along the river but getting down to it you have to zigzag through parking lots. He stated that his point is that on subsequent plans we should start to piece all of these things together. He added that he and Ms. Erickson were talking tonight about possibly having the Town put some sort of Master Trail Plan together and using resources from Wilmapco. He thinks that they have an agreement with the developer to provide the major components, the foundation easement along the river; it is just a matter of piecing it together with the other easements that we have obtained already. All of these easements have to be accepted by the Mayor and Commissioners and they have to be satisfied and that it is something that they want to get involved in.

Mr. Rogers stated that he believes that the language on the Phase I easements states that the Town can take dedication of those areas at their discretion.

Mr. Wilson replied that he actually has a copy of the plat, but it is also in the Public Works Agreement. He read off the plat that the sidewalk easement shall be dedicated to the Town of Perryville upon request and is subject to the terms and conditions of the Public Works Agreement dated and recorded among the Land Records.

Mr. Rogers explained that if the Town wants in the future that they can even take ownership of these areas. It is a Mayor and Commissioners call. We are just trying to at least provide

public easements where someone else owns the property but the public has a right to use it to enjoy the river. His recommendation is that as the project proceeds that we think about how all of these things are going to connect and maybe even talk to Wilmapco about seeing if they can assist the Town in putting together some sort of sub-area Master Trail Plan, maybe connecting Rodgers Tavern. He believes that Owens Landing is done and there is not a public access easement along the river there. Where we can get easements, where we have gotten easements and where it makes sense to get easements should be put down on a plan.

6. *The proposed 23 parking spaces along River Road should be relocated to avoid conflicts with through traffic.*

Mr. Rogers stated that this is something that we brought up at either preliminary plat or concept plat for the whole thing, but it was parking adjacent to the other building along Old River Road. We are recommending that those 23 spaces in front of the northerly building be removed or relocated because of conflicts with through traffic.

Mr. Wilson replied that his recollection is that it was brought up and the same concerns were discussed, but it was his recollection that the Commission said that they were okay based on the number of people to the north and it is your typical condominium townhouse access road, which is standard for having to drive out into the middle of parking on both sides and that dividing the traffic would not be a problem. It is somewhat critical to the layout, but he is not saying that they could not put the parking somewhere else but the practicality would be somewhat questionable. This is typically how parking is done for townhouses and condominiums. The other thing that they did in Phase I was mountable curb. Portions of this are constructed with Type A curb and portions are mountable curb. The mountable curb was done in areas to allow for driving over top of the curb.

Betty Thompson asked how many parking spaces will be underneath the buildings.

Mr. Wilson replied 30 and 26.

Ms. Thompson asked if these will be three story buildings similar to what is at McMullen's Landing.

Mr. Wilson replied yes.

Ms. Thompson stated that except they will be higher because of the parking underneath.

Mr. Wilson replied that he does not think that the height would really change. He added that it would be minimal if it did but he does not know the exact number. The Owens Landing buildings are elevated too because of the Floodplain. They would just utilize the space under these like they did on the buildings in Phase I.

Ms. Thompson asked if there would be elevators.

Mr. Wilson replied that they are elevator buildings.

Mr. Rogers asked if they would be on piers where you can see through.

Mr. Wilson replied that he knows that the one up front is open in the back somewhat. He would assume that it would be partially, it is not going to be completely wide open, but the buildings have not been designed yet.

Mr. Rogers asked if they could have preliminary building elevations submitted with their preliminary site plan.

Mr. Wilson replied yes, he would think so. He believes that if they can get a conceptual approval agreement on the layout and the building type then certainly because at that point in time Mr. Linkous would start the preliminary design on the buildings and then they would have something to work with the next time around.

Mr. Rogers stated that in regards to those 23 spaces Mr. Wilson is correct that it is typical for a townhouse regime where you have a central cart way and then mountable curbs to parking spaces. He explained that his comment is generated from the fact that the road although it is private it provides access to a few other properties. If that was just internal to a proposed development then it would be typical, but the fact that this road goes through and provides access then those people that use that private road would be hindered somewhat if a car was backing out.

Mr. Heimberger asked how critical the 23 parking spaces are.

Mr. Wilson replied that he thinks that it is very critical.

Mr. Heimberger asked what the possibility be that instead of head on parking it was parallel parking. It would reduce the number but it would eliminate some of the safety problem.

Mr. Rogers added that they would need some place to turn around because there is no way out to the north on Old River Road.

Mr. Wilson stated that in order to get in them then they would have to go down and turn around in order to park.

Ms. Thompson added that they could pull into the trailer parking lot if it is empty.

Mr. Heimberger stated that it was just a thought. Just roughly looking at it, it would reduce it by around 10 spaces.

Mr. Wilson stated that the idea and concept behind the 23 spaces was to have all of the necessary parking for that building. If they move it to another location it would certainly be less desirable for the condominium owners.

Mr. Rogers replied that this is a concept. If they feel strongly about it then it could stay, if you feel strongly about it let them know now so that they can take it under advisement in preparing the next plan.

Matthew Oberholtzer asked if they are planning for boat storage under the buildings as well.

Mr. Wilson replied that it would not be underneath the buildings. There are two areas that are designated for boat storage.

Mr. Heimberger asked how they base how many parking spaces are necessary as far as the tenants are concerned.

Mr. Wilson explained that they are required to have 2.5 spaces per unit.

A small discussion took place regarding the number of spaces required between the two buildings and what is shown on the plans.

Mr. Heimberger stated that they are right on the number needed.

Mr. Wilson added that parking is critical.

Mr. Rogers asked how many residences are located north of River Road.

Ms. Thompson replied that there are three that reside there and then another one that has traffic in and out all the time but they do not live there.

Mr. Heimberger asked if anyone had any ideas.

Mr. Rogers stated that he would suggest that they just come back and demonstrate to the Board that they have tried other things and it does not work any other way.

Mr. Heimberger asked how wide the road is.

Mr. Wilson replied that he believes it is 40 feet. To reiterate what he said in the beginning they have done 90 townhouse and condominium developments where the access roads and the number of buildings far exceed this in that past this would be another set of buildings and another access road. He understands what Mr. Rogers is saying in that there are additional properties but it is not uncommon to have that type of parking.

Mr. Heimberger replied that they understand that but they are looking at the safety factors. He stated that they should go with what Mr. Rogers says at this point. He asked if they could demonstrate some other ways if they can.

7. *We would defer to the Critical Area Circuit Rider on Critical Area issues.*
8. *The applicant should describe the vehicular circulation pattern for the parking under the proposed buildings.*

Mr. Rogers asked if there is going to be an in and out or if they will have to do three point turns under the building in order to get out.

Mr. Wilson replied that they would have to do three point turns. There will be a center aisle with parking on both sides. The exact layout will not be determined until the buildings are designed but there will be a turn around at the end of each. The buildings are wide and they

can certainly accommodate it. Width wise they are over 60 feet, which is your typical double parking lot.

Mr. Oberholtzer asked if there would be some sort of barrier or barricades separating the two parking lots or if it will just be open.

Mr. Wilson replied that it would be open and would not be any different than the other double parking lot where you have a 20-24 drive aisle down the middle with 18 foot parking spaces on either side.

Mr. Rogers asked that they somehow show on future plans the parking patterns for underneath the building.

9. *Subsequent Site Plans should demonstrate compliance with the Town Floodplain Regulations.*

Mr. Rogers added that the real details of that you get into when they submit the architectural plans that show the electrical above the elevation and the vents, etc. There are certain site plans things also that need to be shown to show compliance with the floodplain regulations.

10. *Subsequent Site Plans should indicate any proposed or existing retaining walls.*

Mr. Rogers added that there is a lot of cutting and filling going on and we have had quite a number of retaining walls on other projects down here.

11. *In order to facilitate the Planning Commission's review of the project, the applicant should reformat the plan for the January meeting showing just existing and proposed improvements such as building, roads, parking, walkways and green areas with no utilities or easements or references thereto.*

Mr. Rogers thanked Mr. Wilson for bringing in a color copy of the plan.

12. *The purpose of the proposed "sheet asphalt paving" should be described.*

Mr. Wilson replied that it was a mistake and it should just be "paving."

13. *Vehicle and trailer maneuvering space at the existing boat ramp is questioned. If the boat ramp is available for non-resident use, appropriate parking should be provided.*

Mr. Rogers asked if they are looking at this right that they will continue to use the existing boat ramp.

Mr. Wilson replied yes and that the plan would be to improve the boat ramp and continue to use it. Most of their boats are in and out of the water. He stated that Mr. Rogers is correct in the fact that they cannot actually turn around in the boat ramp area and that they would have to use the parking lot and back in. This would be for boats that are not staying at the marina. All the boats that come in and out of the water at their marina they use a lift for, which is also how they park the boats around their marina. The access can be widened. Of course, it is all

dependent upon the ability of what they can do in and out of the cut or the inlet area, which at this point in time they still do not know whether or not that is going to be a possibility.

Mr. Rogers asked how often a person uses that. Are these boats in the water all season and only use the ramp to get out of the water in the winter? Or is there usage of that ramp during the marina season?

Mr. Wilson replied that there is use of the ramp during the marina season, which is usually used by people who do not stay at the marina. Those that rent slips are in year round, they do not come in and out of the water unless there is a maintenance problem or that type of thing, which again they are taken out by the boat lift.

Ms. Thompson asked if it is all lift and not a ramp.

Mr. Wilson stated that it is both. People do come in and use the ramp.

Priscilla Turgon asked what the traffic pattern would be like.

Mr. Wilson pointed out that they would have to pull into the parking lot and back in.

Mr. Oberholtzer asked how they would be able to get through there if there are a bunch of boats stored up in that area at that point in time that there happens to be a large amount.

Mr. Wilson replied that they would demonstrate that on the next plan. There has to be drive aisles that would be designated. They will keep that access open and you'll be able to get in and out of that building and the other building.

Ms. Turgon asked if they could have people dumping their boats in and impacting those residents because they are both using the same area.

Mr. Wilson replied that for the time that it takes to pull up and back up, sure, but they are not going to park there. They will be utilizing the drive aisle. There will be a designated 24 foot wide or 30 foot wide drive aisle for shared use.

Ms. Thompson stated that she understands that this is not their landscaping plan but the bushes that they have on the right side of the ramp maybe could be an area where they could back into.

Mr. Wilson replied that the plan can certainly be modified if they have the ability to fill in that cut (inlet).

Mr. Heimberger stated that he boated once in his life and backing up is not his forte.

Ms. Thompson added that it is not a lot of people's forte.

Mr. Wilson stated that he understands.

Mr. Rogers asked if it will be open to the public as a commercial boat ramp.

Mr. Wilson replied that at the present time it is, they allow the public to come in and they charge a small fee to use the boat ramp. It has not been a problem. They have not had any issues. He certainly thinks that it is a good thing if they continue to allow the public in and out of the water there.

Mr. Heimberger stated that he does not have a problem with it as long as there is some way for them to turn around. There could be a back up there especially if someone starts jackknifing.

Mr. Wilson stated that again even with the previous plan the house sits there and they would have to do the same thing. They would have to pull up and back in. You always have to back in. It is a little bit different but the concept is still the same.

Mr. Heimberger replied that here we are talking about making a turn while they are backing in.

Mr. Wilson stated that this is how he had to do it when he had jet skis.

Ms. Turgon stated that she is an Owen's Landing person and a boat owner. She stated that she has a small ski boat and she knows what it takes to get that in the water. She stated that this concerns her because they have the parking spaces there and there is a lot going on in that area.

Mr. Wilson replied that if they have the ability to use more of the space (inlet area) they can certainly move things around and expand the parking.

Ms. Turgon asked what governs that.

Mr. Wilson replied that he hopes Ms. Skilling will have some comments.

Mr. Rogers stated that he did not understand that this was going to be a public boat ramp. People are going to put their boats in and go park their vehicle. He asked if there was going to be enough parking spaces for the boat trailers and the trucks.

Tom Close responded that they do not get that much public use. He added that they may get maybe one or two a day.

Mr. Wilson responded that they have the parking lot under the power lines designated for that.

Mr. Oberholtzer asked if they have a final estimate as to how many boat slips there will be once it is fully completed.

Mr. Wilson replied that the amount of boat slips will not change. There were originally 109.

Mr. Rogers replied that they show 96 on the parking schedule.

Mr. Wilson responded that is how many they really have.

Mr. Oberholtzer asked if that is going to remain the same.

Mr. Wilson replied yes.

Ms. Turgon stated that just from what she sees at the condos is that a lot of them that live there do have trailer boats there as well, meaning that they keep the boats on the trailer. So when they go to dump them in then they have to do something with the trailer and their vehicle as well. And that is residents. We as residents, it can get a little dicey when you are maneuvering around and trying to figure out where your going to put your trailer at.

Mr. Wilson replied that again they do have the parking lot above that has at least twenty parking spaces. Again, it has never been full to this point in time, but it is a good point.

Ms. Turgon stated that if they start making it attractive down there then it may become fuller.

Mr. Wilson replied that they certainly have the ability to make it not public access, although it is something that they do not want to do.

14. *Proposed drives and/or sidewalks serving the residential buildings, pool, bath house and office should be shown.*
15. *Wastewater capacity is subject to the Capacity Management Plan adopted by the Mayor and Commissioners.*
16. *We are currently investigating the need to update previous water and wastewater studies done in this area to reflect the subject development.*
17. *The location of any existing or proposed marina sewage pump-out facilities should be shown on subsequent plans.*

Mr. Rogers asked if they are going to go right into the Town sewer.

Mr. Wilson stated that he believes that it is already in existence. It is a portable. There is a line that runs out onto the pier and goes out to the public system. The machine is probably a year old and they got it through a State program.

Mr. Heimberger asked for comments from the floor. He asked Mary Ann Skilling for her comments.

Ms. Skilling stated that she would like to apologize because although Ms. Erickson stated that she sent it to her she did not get this plan. She added that there are still some things that are outstanding from what they discussed the last time they met. First, it still appears that in some areas that the 25 foot minimum setback needs to be put on there particularly since they are going to put a walkway in. Since the walkway is going to be along the waterfront she would suggest that it be 25 feet away from the walkway because they need at least a 25 foot setback. It is going to be an issue. She is trying to rewrite a lot of the proposals because a lot of the connectivity that they deal with in the small towns is the public walkways. If you look at the buffer requirements right now, it could be an issue. The other thing is the pool in the buffer. She does not think that is going to fly because they are going to have a hard time

understanding why there needs to be a pool in the buffer. It is actually farther forward than most of the existing buildings that were there. She believes the regulations state that you use the existing buildings as the potential setback. In the meeting that they had together they discussed talking with MDE about filling in an area. She stated that she did send that information to MDE. She did talk to them today and they have not looked at it. She added that she sent photographs and everything and he is supposed to get back to her.

Ms. Skilling stated that the other thing that they have always had problems with is when they are mixing marina and condos and whatever together. A marina is handled a lot differently than a condo because it is a water dependent facility. It becomes a problem because what is marina, what is condo and where is the parking. She believes what she is looking at is that the marina is on the north end of the property.

Mr. Wilson agreed that he thinks it is confusing and it is not defined at this point in time because he does not know exactly. In the end it will be defined by property lines. As in the first phase, the dividing line of what was actually sold for development does distinguish what property and what land is under condominium and that will continue in the next section. On the final plan it will be definite and confined within the property that they buy.

Ms. Skilling replied because access to and parking for all becomes an issue of allowable in the buffer more so than the condos. Until she has that defined it is hard for her to say what is going to be allowed under the regulations. The proposed bathhouse for the marina should be back 25 foot. The proposed marina office building should be out of the buffer, which she thinks it is here. Pump outs and those sorts of things of course are water dependent and need to be close to the water. She pointed out that the corner of the south building is really close to the setback line, it doesn't look like it meets the 25 feet.

Mr. Wilson stated that it should, but if it doesn't then they can certainly move it.

Ms. Skilling replied that it states in the regulations that they would have to mitigate for anything forward by square footage twice the square footage for anything under 25 foot. If you put the walkway in unfortunately you are going to have to mitigate for it. Other than that she would like to get her comments in before they do the plan because she thinks it would be worth it for them to have it in writing. She would like the Planning Commission to have those comments too before they do the Final Site Plan.

Mr. Wilson stated that filling in the inlet is one issue obviously that could be somewhat time consuming. He asked about the process of replacing the bulkhead where it exists.

Ms. Skilling replied that they can replace bulkhead, which she is saying this today but she cannot say what it is going to be tomorrow because the rules and regulations change each day, but wherever there is an existing bulkhead you can replace it. She added that they must make sure that they are really clear up front and to make sure that wherever they say they are going to put it is where they want it. Usually when you pull out a bulkhead there is a lot of space that they have to deal with, so they are allowed to go 18 inches.

Mr. Wilson clarified 18 inches in front of the old bulkhead. He asked what the permit process is like in terms of time.

Ms. Skilling replied that anything through MDE right now is going to take some time. If they are going to do it and they want to get it done, which it should be done prior to doing any of the other work. She suggested that they get it in as soon as possible. The bulkhead permit is not difficult you just have to do cross-sections to show where it is going to be. If he wants to fill it, she suggests putting it on the actual permit to show that is what he is going to do and they will get back to him.

Mr. Heimberger stated that they have the walkway, but what happens when the people get up to the boat ramp.

Mr. Wilson replied that this was an issue even in phase I. His concern is the safety. Obviously they cannot walk across the boat ramp so they will have to come out to the parking lot. Not saying that they cannot construct some sort of walk around the boat ramp, but they certainly cannot go across it.

Mr. Oberholtzer asked if the underground sand-filters on the east side are the extent of the stormwater management for this project.

Mr. Wilson replied that they still have to do the final design but he thinks typically that is going to be how and where quality is going to be handled.

Mr. Oberholtzer asked what the capacity is of the proposed fuel tank.

Mr. Wilson stated that he believes that the existing tank is 3,000 gallons. They would like to increase it. The one there was underground and old. The new one would be above ground and a dual double walled tank, which is much safer.

Mr. Oberholtzer asked about the dispensing area and what sort of protection or containment would be provided there. He added that he is not familiar with the whole process.

Mr. Wilson replied that he is not either, but he is sure that MDE has guidelines that are pretty strict.

Mr. Oberholtzer asked if there are any concerns about the above ground tank being located in the floodplain.

Ms. Skilling responded that they will have to have it anchored properly and on a concrete pad. A concern that they have is the size of these tanks and the closeness to the residential. She is not sure if MDE has as much of an issue with it as the Town. These tanks are large.

Mr. Close clarified that he believes the tank proposed is 6,000 gallons.

Mr. Wilson stated that he believes that the tanks these days are generally made where you are not going to have a problem with spilling; he believes that they have accomplished that just in the construction of the tanks itself.

Ms. Skilling added that there are restrictions now on how you put it in and even on who pumps it, you have to be certified.

Mr. Rogers added to remember from the local level not so much on the spillage but on the safety issues that subsequent plans will be reviewed by the local fire chief to get their comfort on this.

Ms. Skilling suggested that where they have areas that they might have to do parking, which would create more impervious surface that they may want to look at some of the new systems out there where you do not have to pave an area. It could benefit and be credited towards what they have to do for mitigation.

Commissioner Hansen stated that he is experienced in backing up because he drove tractor trailers. If a person was going to use the boat ramp, he could come in straight and then back in. That way he could use the driver's side to see instead of the passenger's side where it is a blind side when trying to back a trailer in.

Mr. Wilson stated that what this plan does not show really well, and the reason that they don't do that on this plan is because that would involve area that is currently part of the inlet. If they get permission to fill that inlet in then this issue will completely go away. He understands that it is tight, but that inlet line is there and they do not want to be dependent on that.

Mr. Heimberger asked for any further comments.

Mr. Rogers explained that this is just a concept, a stepping stone to get discussions started. Therefore, they do not need to take any formal action.

MOTION was made by Priscilla Turgon and seconded by Betty Thompson to adjourn the meeting at 7:45pm. **All in Favor: Motion Carried.**

Respectfully Submitted,

Heather Erickson
Planning & Zoning Coordinator