



Approved: 1 September 2021

Peter Nagrod called the meeting to order at 7:30 p.m. Because of the Coronavirus pandemic, this meeting took place via ZOOM videoconference. In attendance were Commissioners Jon Cohen, Georgette Cole, Robert Johnson (Alternate), and Deb Mehlferber. Also in attendance were John McClelland, Jane Seegal, and Mimi Styles.

**Approval of Agenda:** Georgette Cole moved to approve the agenda. Deb Mehlferber seconded the motion. The Commission moved JJB Contractor for Comcast Cable from #3 to #7 and removed "Use of Cherry Avenue by Residents at 108 Ridge Road" from #7 spot. Approved: 5-0.

**Building Permit Applications:**

- 412 4<sup>th</sup> Avenue – Relocation of Shed – Update. Jon Cohen talked with the resident who is still have difficulty placing his shed. The Commission will recommend Bryant go to the Board of Zoning Appeals. The neighbors are in agreement with the current placement. Moving it to a place in between 412 4<sup>th</sup> and 414 4<sup>th</sup> will cause the resident at 414 to lose a considerable amount of natural light. There was a discussion about BZA criteria. Jon Cohen moved to deny the building permit application for the shed placed in the rear of 412 4<sup>th</sup> Avenue. Georgette Cole seconded the motion. Denied: 5-0. Jon will call the resident.
- 123 Chestnut Avenue – lawnmower shed. Jon Cohen explained the plans for a lawnmower hut on the rear of her garage. As presented, the placement of the hut would increase a non-compliant wall on the North side of the garage. The resident needs to move the hut so that it meets the 7-foot side setback. The resident will find another location and present the building permit application at another meeting.

**Public Ways & Property Permits:**

- 315 Grove Avenue – Georgette Cole explained the plan for repair and replacement of a brick walk. She noted the section that will exist on Town land. The Historic Preservation Commission believes this work is ordinary maintenance and repair. Jon Cohen stated the work is not changing the character and doesn't need a permit. Robert Johnson stated residents have no authority to do things on Town property and a permit is necessary. The Commission discussed the subject of residents putting things like bricks, stone, and plants on Town land and the potential for creating a trip hazard. Jon Cohen moved not to approve or disapprove this permit but to write up an opinion and send it on to the Council. The motion died for lack of a second. Robert Johnson moved to approve the PW & PP for a brick path at 315 Grove Avenue. Deb Mehlferber seconded the motion. Approved: 4-1; (Jon Cohen opposed).

**Public Appearances:**

John McClelland – came to discuss the recent Board of Zoning Appeals hearing. He started with a brief history of permitted uses at the Commercial Corner including use by a church. He also brought up the following:

- Noise from a church being inherent by design

- Article VII, Section 11.324 (f) (h), inconsistency in application of the law
- Fear of litigation
- Why is a BZA exemption required?
- Differing opinions
- Expansion of allowable uses at the Commercial Corner

John talked more about previous hearings and compared them to the recent one. Peter asked John what he wanted the Commission to do. John wants a better understanding of the Planning Commission's position in 2017 and 2019 (hearings on church use in Commercial Corner) and why Article VII, Section 11.324(f)(h) doesn't seem to apply to him and/or his business. Robert Johnson stated the Planning Commission is not involved in BZA decisions. Jon Cohen suggested the documents back to 2017 be reviewed and discussed again. John McClelland asked to be placed on the PC agenda for September. The Commission committed to reviewing John's paperwork and having another discussion.

**Cator Property – Large For Sale Sign:** A real estate professional inquired about any sign restrictions for this property. The Commission agreed per Town ordinance Article VII, Section 6.323, the largest allowable sign is six (6) square feet. Peter will call Mr. Campbell (the real estate pro) and Mayor Compton.

**Approval of the Minutes – July 7, 2021:** Georgette Cole moved to approve the July Planning Commission minutes. Deb Mehlferber seconded the motion. A few administrative corrections were made. Approved: 5-0, as amended.

**JJB Contractor for Comcast Cable – Brown Street /Railroad Street:** The Commission reviewed the proposal, including maps. They determined the work proposed on Washington Grove Lane and Railroad Street requires a Public Ways & Property Permit. The original PW&PP indicated there would be no effect on trees in the work area. The Commission does not agree with that opinion. Because of potential tree damage and additional damage to Town land by the work vehicles, a bond may be required as well. Georgette will obtain additional information from the contractor and Robert and Deb will do another review. The HPC will review this as well.

Georgette Cole reminded the Commission that she volunteered to review PW&PP applications pertaining to driveways and walkways. She asked for a volunteer to cover the utility related PW&PP applications. Robert Johnson volunteered to do these reviews. It was also decided that all PW&PP of any type will be sent to the entire Planning Commission and Historic Preservation Commission.

**Report from Town Council:** There was no report.

**Border Committee – Update:** Chairman Nagrod reported the following:

- RFP for the Welcome Signs is in the hands of the Town Council.

- Montgomery County acknowledges there are issues with the placement of the dumpster in the Commercial Corner. Dumpster will be relocated. More to come.

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- Identity fences are up in four places. Peter is receiving positive feedback.
- A little walkway off Hickory Road near the crosswalk to the lake needs a name. Peter would like to present this to the Town Council. He would like to call it Hutch's Way. The Commission supports Peter's suggestion.

**Comprehensive Plan Work Session Report (formerly called Master Plan) – Update:** Georgette Cole reported a meeting with the Maryland Department of Planning took place and went well. Peter reported it was a great event, with good discussions, and a good tour.

**Other Business:** There was none.

There being no further business, the meeting adjourned at 9:45 PM.

Kathryn L. Lehman, Town Clerk