

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, June 5, 2018, at 7:00 p.m. with the following members present:

Leland Bonneville, Derek Bland, Darlene Kerr, Jason Pearce and Roland Somers.

Also present were:

City Manager John Psota, City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Guests were:

Bob Marvel, Flossie Johnson, Kyla Jester, Andrew Cupp, Eddie Porter and Keith Lackie.

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the May 1, 2018, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mrs. Kerr seconded and the motion was approved five to zero votes in favor.**

OLD BUSINESS

1. Re-open Consideration of Wind & Solar Energy Ordinance

Solicitor Mitchell mentioned that this topic had been discussed previously on several occasions and that an ordinance was drafted and given first reading but was never adopted. He stated that as there have been several solar panel projects implemented within the city, it would be good to have official legislation in place to establish specific guidelines for such applications. He asked the Planning Commission if they were interested in discussing the topic further. It was then asked if other towns had regulations in place relative to solar panels and windmills. Solicitor Mitchell replied that Somerset, Wicomico and Worcester counties currently have legislation established. The general consensus of the Commission was to pursue further discussion upon further review of the previously proposed draft of Ordinance No. 241. Mrs. Kerr later suggested that the City Council could review the proposed ordinance again at a future meeting and then send it back to the Planning Commission for further review and comment. It was finally resolved to follow through with Mrs. Kerr's suggestion.

NEW BUSINESS

1. Peninsula Water Proposed New Building

Mr. Eddie Porter came forward to present his proposed building project. He provided a site plan to the Commission and proceeded to elaborate in detail on the proposed project. He informed the Commission that he would be demolishing two existing structures, a single-family dwelling and a concrete block building currently occupied by D.I.Y. He stated that his original plan was to add onto his existing warehouse, however, due to unanticipated fire code regulations, he decided to build a new stand-alone structure with hopes of being permitted to leave no less than a five-foot space between the existing building and the new building. Since the City's zoning code did not specifically address this issue, he was

seeking clarification as to how much open space would be permitted to leave between the structures so that he could then determine the maximum size for a new building that would be compliant with the required building setbacks.

After his presentation, the Commission asked if the fire marshal or building inspector had any issues leaving only 5 feet between the structures. It was stated that the State Fire Marshal's Office was not responsible for establishing those regulations and that those rules were usually legislated by each municipality. It was further stated that neither the fire marshal nor the building inspector had any issues with the 5-foot space between the structures. Therefore, it was resolved by the Commission that it would be acceptable for Mr. Porter to proceed with his plans as presented (*a minimum 5-foot open space between existing warehouse and new building*).

Solicitor Mitchell raised the question about the number of water/sewer allocations that were being used at the complex as there may be the need to consider whether Mr. Porter would be required to pay for additional EDUs based on the amount of usage by all businesses at that location. Mr. Porter stated that there was only one meter that originally served the residence on site and that it now serves the whole complex. He further stated that since the house is no longer occupied and would be demolished, the overall amount of usage would decrease significantly. Some of the other commissioners provided their comments on the issue as well, however, the discussion ended with a general consensus of the Commission that the City would monitor the water/sewer usage periodically and then access as to whether additional EDUs will need to be purchased.

2. **Special Permit Request to Raise Chickens (806 W. Main Street)**

Ms. Kyla Jester, accompanied by Mr. Andrew Cupp, came forward to present her appeal for a special permit to raise chickens at her residence located at 806 W. Main Street. She stated that she already had six (6) hens, no roosters, that were currently being raised at a different location and that she wanted to get a special permit so that she could relocate them to her present residence. She stated that the chickens will be kept in a coop in the rear yard and they that would not be visible to the neighboring property owners. Ms. Jester also stated that she has plans to fully enclose her rear yard with privacy fencing as soon financing would permit.

After Ms. Jester's appeal, brief discussion ensued among the commission members and as this type of request has become fairly routine, it was quickly established that all the basic guidelines, as were provided by Solicitor Mitchell, would be met by the applicant. After the discussion, there was a general consensus by all to support Ms. Jester's request.

Mr. Bland made a motion that the Planning Commission make a favorable recommendation to the Board of Zoning Appeals to approve the request for a special permit to allow Ms. Kyla Jester to raise chickens at her residence located at 806 W. Main Street, Mr. Pearce seconded and the motion was approved five to zero votes in favor.

General Discussion

Administrative Assistant Powell mentioned a situation that had arose concerning the operation of a produce stand at the corner of Route 13 and E. Main Street and that it was later established that Mr. Vernon Payne was the owner. She stated that Mr. Payne was later approached and asked whether he had obtained any type of licensing or permits to operate a produce stand at

that location. He stated that he had not. He was informed that if he wanted to continue the operation that he should pursue getting the appropriate approval from the city. Since that initial confrontation, it has been confirmed that Mr. Payne has relocated his produce stand. Nevertheless, upon learning of Mr. Payne's business activity, Administrative Powell was still seeking clarification as to whether Mr. Payne's produce stand could have been classified as a retail business or a farmer's market.

Finally, Administrative Powell informed the Commission that she was asked if the City would allow the operation of a food truck on weekends at the corner of Route 13 and E. Main Street. The general consensus concerning that inquiry was that more information would need to be supplied before any decisions could be provided.

With no further business to discuss, **Mr. Bland moved to adjourn and Mrs. Kerr seconded. The motion was approved five to zero votes in favor and the meeting adjourned at 7:45 p.m.**

Submitted by,

Linda J. Powell

Approved 10/2/18