

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
December 15, 2021
Virtual & In-Person Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Sam Tressler, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe; Terry Bowie and Michael Sowell.

Members Absent: None

Staff Present: Mike Wilkins, Director, Development Review and Planning; Kimberly Golden Brandt, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Ashley Moore, Senior Planner; Graham Hubbard, Principal Planner; Rod Winebrenner, Deputy Director, Division of Water and Sewer Utilities and Karen James, Administrative Specialist

The meeting was called to order at 9:31 a.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Mr. Tressler
3. **PLANNING COMMISSION COMMENTS**
None
4. **AGENCY COMMENTS / AGENDA BRIEFING**

Mr. Wilkins provided the Planning Commission with information for upcoming meetings. There are currently three development review items on the 9:30 a.m. January 12th agenda, as well as a Rezoning Procedures Workshop. A 7:00 p.m. January 12th meeting will include a rezoning case, and 9:30 a.m. January 19th there will be a review of the FY-2022 IPP Easement applications by Ag Preservation staff and a Sugarloaf Plan Workshop.

Ms. Mitchell said Public Comment and cross examination would be given following the presentation today and explained the procedure.

Ms. Sepe asked to disclose that she is a member of Saint Joe's and has been a member of its building committee and chairman of its building committee. She said she has not been in a committee meeting or any meetings related to the project about to be presented, nor has she had heard anything from anyone about this project.

Ms. Mitchell then asked to confirm that Ms. Sepe can give a fair and unbiased decision. Ms. Sepe's response, "yes."

5. **PRELIMINARY PLAN**

Quantum Frederick – The Applicant is proposing Preliminary Subdivision Plan approval for 29 nonresidential lots, 3 outlots, and 7 open space parcels located on 1,053.78 acres. Located between Ballenger Creek Pike and New Design Road, along Manor Woods Road. Tax Map: 94, Parcels: 9, 70 & 71; Zoned: General Industrial (GI) and

Agricultural (A); Planning Region: Adamstown. S-1179 (AP# PP266504 APFO# A266569 FRO# F266567)
Ashley Moore, Senior Planner

Staff Presentation:

Ashley Moore

Applicant Presentation:

Scott Noteboom, Quantum Maryland, LLC
Rodgers Consulting
David Severn
Kraig Walsleben

Mr. Hicks asked to clarify the differences between lots, outlots and open space parcels as they pertain to this application. He also asked about landfills on the site, and if subdividing the site would have an effect on how the landfills are monitored or managed. Mr. Wilkins responded that there is a recorded covenant on the property between the State of Maryland and the owner of the property and their successors that sets forth the requirements of monitoring the site – what's allowed to be done and what's not allowed to be done. All the rules and regulations between the owner and the State of Maryland would still be in place.

Mr. Bowie questioned the LOU timeframe. Mr. Mishler said the preliminary plan approval would be for five years, but the APFO approval would be for the 14-year timeframe if the Planning Commission is comfortable with the terms and phasing that are laid out.

Mr. Sowell complimented the applicant for agreeing to invest in resources and infrastructure. He then asked about traffic assessments. Mr. Mishler said the traffic study was very large, almost a regional traffic study. He also asked about the numbering of wells.

Ms. Sepe followed up with questions regarding page 5 of the staff report regarding water/sewer service classification. Mr. Winebrenner responded and Ms. Sepe thanked him for confirming that it was correct. Ms. Sepe then asked about pedestrian access and interconnectivity between the parcels. Ms. Moore and Mr. Mishler addressed the topic. Mr. Wilkins then expounded on interconnectivity and what is currently before the Planning Commission. He continued that the applicant may address this concern and have a solution.

Mr. Rensberger had questions about reforestation plans. Mr. Hubbard explained that the owner is meeting their forest conservation requirements and setting aside an additional 17 acres of additional plantings for future needs.

Ms. Sepe questioned page five phase one stating “the developer should guarantee the following improvements.” The report then goes on to phase two. Mr. Mishler then explained that there are no improvements for phase one; what had been listed there was moved to a subsequent phase and there should be a revision to the LOU.

Mr. Bowie then asked, “where is the additional thousand acres that Quantum has purchased?” Mr. Wilkins said it is contiguous with what is being seen today, some land to the north, some land to the south.

Mr. Tressler invited the applicant to come forward. Prior to the applicant speaking, David Severn requested to ask a few clarifying questions. Mr. Hicks expressed that Mr. Severn

was asking staff to preemptively make a decision about the Planning Commission's ruling in this case. He further stated that this line of questioning was not appropriate. Mr. Severn said he was just asking if staff had taken a position, or whether or not the standards have been met.

Scott Noteboom, CTO, Quantum Loophole, then addressed the Planning Commission, sharing company history. He stated that they do not come into a community seeking to disrupt or re-define the culture of a community. They need to go into an area like Frederick County and determine how to be a part of the culture in that community. He addressed topics such as renewable energy, native trees and native grasses, viewscapes and soundscapes, and support for the local community.

Mr. Tressler thanked Mr. Noteboom for his presentation. Mr. Noteboom then addressed some of the questions asked earlier.

Ms. Sepe said she was not aware of any meetings, and questioned if there had been meetings with neighbors. Mr. Noteboom said they hosted a couple of meetings in the Manor house, and been in several throughout the community, a number of them mainly centered in Adamstown. He then said he has been in maybe at least six community meetings.

Ms. Sepe then asked about the historic parcel and what will be the intended use for that specific parcel, explaining that parcel is very important to the history of Frederick County. Mr. Noteboom said relative to Carroll Manor, a lot of things are going to be figured out relative to restoration of the house. Right now it is to properly maintain; there has been maintenance activity maintaining the integrity of what's there while figuring out the positive way of restoration going forward. He said they have used the house to welcome guests, and that it is a great meeting place.

Ms. Sepe mentioned an agricultural parcel across from St. Joe's, and that St. Joe's had an agreement with East Alco that whenever there was an overflow, they would allow parishioners to park on that agricultural parcel. Mr. Noteboom then asked if Ms. Sepe was a member of the church [this was disclosed at the beginning of the meeting by Ms. Sepe]. After further conversation, Mr. Hicks said he was starting to wonder whether or not Ms. Sepe should recuse herself from the case. He further said that he in no way was questioning her integrity, but his fear was that some of the conversation that they just had as part of the meeting might be perceived by some as an offer of a quid pro quo or more than one. Mr. Tressler asked the other members for their feelings. Mr. Severn then addressed the Planning Commission.

Ms. Sepe then said for the good of the site plan, for the good of the community and of the Planning Commission's integrity she thought it best to recuse herself. Mr. Tressler then thanked her.

Mr. Rensberger re-visited the topic of connectivity then moved on Mr. Noteboom's environmental focus. He encouraged Mr. Noteboom to engage with the Frederick County Landmarks Foundation with regard to Carroll Manor. Mr. Bowie welcomed Mr. Noteboom to Frederick County. He then asked about cooling and water usage. Mr. Noteboom explained their plans including installing a cooling loop. Mr. Sowell also welcomed Mr. Noteboom to Frederick County and had no further questions.

Mr. Hicks expressed his appreciation for all the information the applicant provided. He felt it would be a good fit for this area. He continued that he would reserve judgement until there is a chance to consider public comment and discuss the application further.

Ms. Mitchell reviewed the process of cross-examination.

Public Comment:

Live call-ins: 6

Recorded messages: 0

Texted comments, read into the public record at the meeting: 0

Meeting paused for lunch break at 12:58 p.m.

Meeting resumed at 1:45 p.m.

Mr. Tressler said that the Draft Sugarloaf Treasured Landscape Management Plan workshop would not be held today, but will be held at the next Planning Commission meeting.

The meeting continued with Public Comment.

Public Comment:

Live call-ins: 2

Recorded messages: 6

Texted comments, read into the public record at the meeting: 5

Discussion continued including the topic of street trees. Mr. Sowell said that he felt the applicant was doing more than required. Access to Carroll Manor was also discussed.

Ms. Mitchell pointed out that there was no rebuttal after public comment, and wanted to make sure the applicant had a chance to do that if they need to. Mr. Noteboom said he felt comfortable with the conversations and stated his case and commitments. Mr. Noteboom said, "we're good." Mr. Severn reviewed some additional questions for the record.

Hearing no additional comments or questions, Mr. Tressler said he would be willing to accept a motion.

Decision: Mr. Sowell motion to conditionally approve S-1179, PP266504, F266567, A266569 based on the findings and conclusions of the staff report and the testimony exhibits and documented evidence produced at the public meeting. Mr. Hicks 2nd.

| <u>VOTE</u> | 5-0-1-0 |
|-------------|--|
| FOR: | 5 – Tressler, Bowie, Sowell, Rensberger, Hicks |
| AGAINST: | 0 |
| ABSTAIN: | 1 – Sepe |
| ABSENT: | 0 |

Mr. Tressler declared the meeting adjourned at 3 p.m.


Samuel G. Tressler III, Chair 2/9/22
Date