

TOWN COMMISSIONER'S MEETING
CHARLESTOWN, MARYLAND
September 25, 2018,

The Town Meeting was called to order by President, Joseph Letts at 7:00 pm. Commissioners present were Joseph Letts, Jeffrey Fields, Karl Fockler, Loucretia Wood and Patricia Clements. Also present was Mr. Wib Pumpaly, Town Administrator.

Pledge of Allegiance was led by Commissioner Lou Wood

Approval of the Minutes of September 11, 2018 Commissioner Fockler moved to accept the minutes, seconded by Commissioner Wood. Approved 5-0.

Approval of the Minutes of September 19, 2018 Commissioner Fockler moved to accept the minutes, seconded by Commissioner Clements. Approved 4-0 with one abstention.

Accounts Payable Review – Accounts payable in the amount of \$27, 903.14 were presented for approval. Commissioner Fockler moved to approve, seconded by Commissioner Wood. Approved 5-0. Commissioner Clements asked about employee health insurance. The explanation was that it has been renewed for October 1, 2018 with the same company United Health Care for four of the employees. Mr. Pumpaly's health plan renews at a different date.

TOWN ADMINISTRATOR'S REPORT

OLD BUSINESS

Cool Springs Bridge Repairs Commissioner Fockler moved to proceed at a cost of \$17,800.00 to replace both expansion joints on the bridge, seconded by Commissioner Clements Approved 5-0.

Lighting at Foot Log Park Mr. Pumpaly is in discussion with Delmarva to have them install electric service for the Foot Log Park area. It is conceivable that the installation may be done gratis and will only cost the town for the electricity. Commissioner Fockler thinks that signage explaining that the park is closed from dusk to dawn should also be installed. Commissioner Letts explained that their used to be signs there and they were removed by the Board some time ago. Mr. Pumpaly was asked to ask about motion sensor activated lighting options. He is meeting with a Delmarva representative tomorrow and will report back at the next meeting on the results of the meeting with Delmarva and choices for lighting.

Parking Issues in Cool Springs Development Cool Springs HOA has sent a letter to the residents asking residents to park on one side of the street only and not across from each other. This is to facilitate the street being available for ambulances and fire trucks should the need arise. A Cool Springs resident stated that he has heard no push back from residents over the new parking regulations.

Street Repairs & Paving Mr. Pumpaly stated that we are nearing the point where we will no longer be able to pave. He suggests the western end of Caroline Street from Ogle to the end. He also suggested four other areas. KCI Engineering will be doing a study, but that will take some time. If that is a consideration in the decision Conestoga has already had storm drainage work done. We have an \$80,000 budget from which the

repair of the bridge and speed hump will or has come. Speed bumps/humps are \$4,200 each, but the price will come down if more than one is done. Mr. Pumpaly also feels that if speed bumps are put in they need to be more aggressive than the one previously installed. He presented an estimate from McGuirk Construction for the end of Caroline Street for an estimate of \$11203.00. Commissioner Clements asked if we need to get more bids. Are we required to get additional bids? Anything possibly over \$10,000 yes. Commissioner Fockler would like to get the speed bumps done and Commissioners Wood and Clements would like to see Caroline done. Commissioner Wood moved to have Caroline Street done using McGuirk Construction, seconded by Commissioner Fields. Commissioner Fields stated that there is a lot of run off there and it needs a drain or at least a ditch put in to keep it from being undermined. Commissioner Fields stated that he thought McGuirk could put in a ditch or even possibly our own maintenance men with the Kubota. Mrs. Sexton stated that the water lies in her son's yard. Approved 5-0.

Commissioner Fockler asked if we had any more money left in the budget for the speed bumps? Mr. Pumpaly was asked to get an estimate on how much more money we will have left.

Public Comment

Winnie Hull – She has talked to Mr. Larry Metz about his buying the property at 125 Conestoga Street. Mr. Metz stated to Ms. Hull that he is going to buy the property to live in and not to turn it into a wedding venue. So Ms. Hull and her brother want to go on record as being in favor of the sale.

Pauline Bryant – She has no objection to Mr. Metz buying the proposed property but would like to see traffic controlled. She has trouble getting out of her driveway during weddings.

Gisela Payne - She is wondering if Trinity Woods could get some speed bumps. She sees lots of cars speeding and running stop signs. Commissioner Letts stated that they could ask the Sheriff's Department to do a speed control duty in that area.

Debbie Sexton - She came here to encourage the Commissioners to pave Caroline Street. She thanked the Commissioners for their service. She went on to state that because the road had not been paved her son's car has been damaged. She mentioned that over the years the street has been overlooked even when the funds were available, other streets took priority. She stated that the Commissioners have made her life so much better with the decision to pave the end of Caroline Street. The width of the road will be determined and will probably need to take down some trees. She asked when the work might be started. Mr. Pumpaly will check with McGuirk Construction to schedule the work.

Sean Durgin The residents don't think that the existing speed bumps are aggressive enough, but he would like to see some type of traffic calming control near the bridge as drivers seem to be using it for a drag strip.

Tom Kelly 115 Conestoga He hopes that Mr. Metz will live at 125 Conestoga and be a very good neighbor. He is wondering what happens if Mr. Metz starts having weddings? That would be a Planning and Zoning issue. He is against Mr. Metz having a business in the home.

Patricia Kelly - She is also against a business being run out of 125 Conestoga.

Nancy Schnell – From 408 Calvert. If there is any choice on Larry's part to hold weddings they are opposed. She was asked to submit a letter by David Ashworth 408 Calvert. She then read the letter (attached to

these minutes) which stated objections to having weddings at the Conestoga residence at 125. The letter went on to state where Mr. Ashworth thought the Planning and Zoning Code would support his objections.

Craig Schnell – From 408 Calvert. If there is any choice on Larry’s part to hold weddings they are opposed. They have owned property for 25 years and have enjoyed the quiet of the neighborhood and do not wish to see that changed.

George Gavotos - 235 Conestoga Street He came in to state that he is trying to sell his house and across the street it looks like a junkyard. He would like the town to look into it and to correct it. The yard is full of boats, a motor home and two or three vehicles. This looks to be against the code. Commissioner Letts stated that he would look into it tomorrow.

Bart Rommell – 409 Calvert Street – He opposes Mr. Metz having a party venue at the residence he intends. The “Temporary Tent” has been there for 16 years and he keeps expanding. He will sue the Welwood and the town if this goes through and Mr. Metz uses the residence for the rumored use. He wants that on the record.

Commissioner Letts stated that this all speculation at this point and we cannot do anything until he violates an ordinance or a code. He appreciates everyone coming out and wants them to know that they have been heard.

There being no further business, Commissioner Wood moved to adjourn the regular meeting seconded by Commissioner Fockler at 8:05PM. Approved 5-0

Respectfully submitted by: Debbie Myers, Town Clerk I

David & Kathleen Ashworth
408 Calvert Street
Charlestown, MD 21914

9/18/2018

Town of Charlestown
P.O. Box 154
241 Market Street
Charlestown, MD 21914

Attn: Wib Pumpaly and Town Commissioners

RE: 125 Conestoga (Eagle Point)- Wedding business

Dear Wib and Commissioners,

It has come to our attention that Larry Metz is in the process of purchasing 125 Conestoga St. (Eagle Point) with the intent of holding wedding ceremonies as part of his business at the Wellwood. While we would welcome Larry and Angela as neighbors, we strenuously object to the property being used for such business purposes.

Our family has owned the property at 408 Calvert Street across from Eagle Point for over 25 years. We love Charlestown and have embraced and supported many of the improvements to our community. Our children grew up enjoying the wonderful residential community surrounding the Conestoga/Calvert area which we are now sharing with our grandchildren. Allowing a commercial venture of the type proposed would not only change the residential character of 125 Conestoga St. but adversely impact the entire neighborhood forever.

My understanding is that 125 Conestoga St. is zoned R-3. As §175-18 of the applicable Charlestown Code notes, the R-3 District is residential in character but permits the wide variety of dwelling types suitable to urban living. In addition, all uses permitted in the Low-Density Residential District R-1 are permitted.

My review of the applicable Charlestown Code confirms that using the property for a wedding business is not a permitted use. Specifically, §175-15 notes, in pertinent part, that permitted uses include:

- (7) Accessory uses or structures customarily incidental to any permitted use, including:
 - (a) **Home occupations which employ no more than two assistants** on the premises and **which do not change the residential character** and appearance of such dwelling.

Home occupation as defined in the Charlestown Code §175-1 is: "A business conducted entirely within an enclosed dwelling unit, by the resident, which is **incidental and secondary to residential occupancy and does not change the residential character of the dwelling.**"

I respectfully submit that no reasonable interpretation of this language would support an argument that the proposed wedding business fits within this definition. Running a wedding business would certainly not be "incidental and secondary to the residential occupancy of the home." Weddings would have to be held entirely within the enclosed home (we are told the intent is to expand the outside deck to hold 100 people) and, more importantly, the entire "residential character" of the dwelling would be changed.

To the extent that the owners of 125 Conestoga St. would seek a SPECIAL EXCEPTION, I note that the Charlestown Code definition of SPECIAL EXCEPTION (§175-1) states that an exception would only be granted if it "would not affect the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare".

I have spoken to nearly all our neighbors in the area of Conestoga and Calvert Streets and without exception everyone is opposed to allowing Eagle Point to be used as a commercial wedding venue. The increased traffic, noise, parking, not to mention the sheer volume of people would destroy the residential community we all love and enjoy. Frankly, in my experience, if someone is forced to manipulate and distort the language of an ordinance or regulation to achieve their desired goal they have a weak argument to begin with. Furthermore, if the town permits this proposed use it will set a dangerous precedent which would enable others to seek similar exceptions/uses.

It must also be mentioned that as Charlestown home owners who have paid taxes for over 25 years we would object to the Town incurring unnecessary legal expenses defending or being embroiled in the litigation that will result should the proposed business be permitted to operate on the property.

To be clear, we support and enjoy the Wellwood and all the other businesses in town and hope to continue to do so. We respectfully submit, however, that appropriate limitations MUST be placed on the proliferation of business activities within the residential areas of our town. Otherwise, we will lose the character and charm that has made Charlestown such a wonderful and happy place in which to raise our families.

We remain convinced that as Commissioners you strive to make decisions that are in the best interest of all those you were elected to serve - the residents of Charlestown. As stewards of our community, we know you have the town's best interests at heart and trust you will make the right decision. We implore you...please do not allow our wonderful community to be ruined.

We would welcome the opportunity to speak with you at anytime
Respectfully,

Dave Ashworth
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Charlestown, MD 21914
(717) 203-5353