

St. Michaels Planning Commission

St. Michaels Town Office

300 Mill Street

Virtual Session

December 2, 2021 - 1:00 P.M.

Present: Planning Commission Chairman Jefferson Knapp and Commission Members Carol Parlett, Cynthia Allen, and Helen Herman, Zoning Officer Kym Kudla, Assistant Codes Enforcement Officer Bill Gilmore, and Commissioners Aida Khalil and Tad duPont. Member Chris Thomas was absent.

I. Call to Order

Chairman Knapp called the Planning Commission's remote workshop to order at 1:00 p.m. via Zoom.

II. Items for Discussion

- Use of Fire Pits

Chairman Knapp said the Planning Commission is keenly aware that there are quite a number of fire pits/heating units at restaurants in town that are close to public sidewalks and under and near tents and that they are a serious hazard to public safety. Chairman Knapp continued that the fire codes require that open flames need to be at least three meters (or 10 feet) away from a tent or other combustible materials. He continued that while the tents may be fire retardant, tablecloths, napkins, chairs or people's clothing are combustible. Chairman Knapp said he had two goals for this meeting, namely he wanted the Planning Commission to recommend that the Zoning Enforcement Officer enforce the applicable sections of the Town Code immediately and inspect and address public safety violations, and have the Commission begin work on a text amendment to Chapter 108 of the Code to further clarify fire safety regulations.

Member Parlett asked about the Fire Marshall's role in inspections for fire safety. Codes Enforcement Officer Bill Gilmore said the Fire Marshall inspects public facilities – restaurants, schools, nursing homes, etc. - on an annual basis for safety compliance, but that the local authorities have responsibility for temporary structures in place for less than 180 days (6 months). Chairman Knapp and Member Parlett suggested that Zoning Consultant Peter Johnston be asked to weigh assist with the Code revisions.

Chairman Knapp then read a formal recommendation that he had drafted. "The Town of St. Michaels adheres to the International Building Code (IBC) for Building and Zoning Codes. Also, the National Fire Prevention Association (NFPA). We hereby **direct** the **Code** Enforcement Officer to enforce these codes as they pertain to public safety for the protection of the public."

Specifically, **we, the Planning Commission**, hereby directs immediate review **and removal** of **non-conforming** outdoor fire pits along public sidewalks, in tents and other locations as may be determined by the local Authority Having Jurisdiction (AHJ) as these may be creating public safety issues.”

He said that he would send the statement to the members, Zoning Officer Kym Kudla and Codes Enforcement Officer Bill Gilmore. Zoning Officer Kudla and the members then discussed how the directive would be enforced. Commissioner Aida Khalil reminded those present and listening that the Town could be severely liable if an accident occurred involving the open fire pits or open flames underneath tents.

Zoning Officer Kudla said that Chapter 108 of the Town Code needs to be revised via text amendment to be more specific regarding open fires and the enforcement of the regulations by the certified authorities.

Member Parlett agreed that Peter Johnston, as well as the Town Attorney, and the Fire Department should be consulted for their expertise on this matter.

Responding to suggested changes in the draft directive, Chairman Knapp said he had added “and removal” to the language to provide enforcement authority, along with other clarifying word changes.

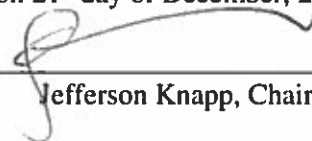
After some additional discussion, Member Cynthia Allen made a motion to approve Chairman Knapp’s draft directive as amended. Member Parlett seconded it and the motion passed on a voice vote of 4.0 in favor.

Chairman Knapp said he would put an “effective immediately” date on the letter, sign it and distribute it. Zoning Officer Kudla said she would add discussion of open fires and revision of Chapter 108 of the Town Code to the agenda for the next Planning Commission meeting on December 7, 2021.

III. Adjournment

The meeting was adjourned at 1:50 p.m.

Minutes approved by 4-0 vote in favor on 21st day of December, 2021.



Jefferson Knapp, Chairman