

February 6, 2023

Via Hand-Delivery

Honorable Commissioners of St. Michaels
300 Mill Street
P.O. Box 206
St. Michaels, MD 21663

Re: Request to Enact an Ordinance or Amend the St. Michaels Town Code

Dear Honorable Commissioners:

We respectfully urge you to enact an ordinance or Code amendment to address glaring omissions endangering public safety and threatening the St. Michaels Nature Trail, the Nature Trail Extension, and the surrounding area. Although we submit this request solely on behalf of ourselves, we believe our concerns are shared by many other St. Michaels residents.

As you are aware, an "Applicant" has filed an application for a preliminary site plan to build a hotel at 906 S. Talbot Street. We do not oppose a hotel as such at this location. Rather, our concerns stem from particular aspects of the hotel design and layout as currently proposed. To correct such deficiencies, we are requesting that the Commissioners enact an ordinance or amend the Town Code to ensure, unambiguously, that the safety, welfare, and use and enjoyment of the tax-paying residents of St. Michaels and its visitors are protected.

Outlined below are the dangers to public safety and the threats to the St. Michaels Nature Trail posed by this hotel design and layout. Thereafter we propose actions that you can immediately take to remedy these problems.

1. Public Safety

By way of background, the Applicant has submitted at least four hotel designs to the St. Michaels Planning Commission over the course of the past year. Yet, since at least May 13, 2022, when the Planning Commission conducted a Technical Advisory Committee (TAC) meeting for one of the earlier hotel designs, the Applicant has known that the St. Michaels Fire Department has serious concerns about the inability to access all sides of the hotel in the event of an emergency. This concern is directly a result of the hotel's 73 room footprint, which spans the entire width of only a 1.8 acre tract of land. Specifically, Fire Chief Cooper has stated his desire that any hotel provide at least an 18 foot wide pathway on each side of the building that is stabilized to support the weight of a fire truck. Likewise, he acknowledged the inability of an ambulance to enter the hotel's parking area because the proposed ceiling is too low. These concerns were most recently reiterated at the January 26, 2023 TAC meeting to review the hotel's most recent proposed design. Of particular note are the following Chief Cooper statements and one statement by Town Code Compliance Officer Eric Knapp.

Q: Mr. Cooper, do you have comments on access for emergencies underneath the building or around the back?

A: **"I have a lot of concerns. Accessibility, there's very, very little. TAC Meeting Zoom recording @ 23:20.**

"You've got collapse zone issues... I don't know if it meets [the standard]....NFPA Standard 1500-216, Article 8.7.4.4.4 is you have to allow a certain amount of area around a building for what they call a "collapse zone" if it is to collapse. I would encourage you to look into that. It is not a code but it is a recommendation....And insurance companies do tend to take their recommendations you know, highly. I don't know that you may meet it - you may not." *TAC Meeting Zoom recording @ 23:40.*

"Your height to access the parking garage, at 9 foot, nothing we have other than the pickups are gonna fit through there. So we will be hand-jacking lines if anything happens in the back parking lot, [or] on any floor. It's not that we can't access it, but it is going to be difficult. We can't get to either side or the back, so it's going to be by hand. We would have to ladder all the sides except for the front. Our ladder truck is 105 feet and we would have to set it up in the middle of Talbot Street just to utilize that piece of machinery. And, uh, [by] my measurements, you can only access the front part of the roof at that point." *TAC Meeting Zoom recording @ 24:40-25:33.*

Q: What would be your preferred design solution?

A: **"On access, in a perfect world, we could get down both sides [of the building]....As far as ambulance [access], if we were to have a medical emergency, you're not going to get the ambulance inside the garage [because the ceiling is too low] so you're going to have to wheel them out there [to the street]."** *TAC Meeting Zoom recording @ 24:45-26:39.*

Q: What is the [garage] clearance needed then, is it 10 feet?

A: **"I would recommend 10 feet [for ambulance clearance]."** *TAC Meeting Zoom recording @ 26:40.*

"All of our fire trucks [will not fit in the garage]. We would pull up front and hand-jack lines through. So if you have a car fire in the back parking lot, we're pulling lines all the way through to access that." *TAC Meeting Zoom recording @ 27:20.*

"Next [issue] is trash. That seems to be another problem...the refuge catching fire. We go to dumpster fires all the time so that is a concern." *TAC Meeting Zoom recording @ 29:40.*

“One concern as far as accessing, even by ground ladders, is on the Higgins and Spencer side, you’ve got power lines or communication lines or whatever going back there. If it weren’t for those, we could back up there close enough with a ladder truck and access at least that one side and part of the back. But those power lines and all that already, we don’t get close to that stuff. So, shy of burying in and [the Applicant] giving us access on that side to help [it will be difficult for the Fire Department].” TAC Meeting Zoom recording @ 31:05-32:04.

“We can’t do anything [on the south side], even from that parking lot, I don’t know how far away you are from it, but you’ve got trees over there [and] we can’t get through them.” TAC Meeting Zoom recording @ 32:02-32:12.

“And obviously the back, which I call Charlie side of the building, is completely inaccessible for us.” TAC Meeting Zoom recording @ 32:12-32:21.

And this relevant comment from Eric Knapp:

“One thing to add...access of apparatus...if you can’t get to it [the building] with a [fire] truck, you are going to need to look at a full exit system from the top floor down....I don’t remember seeing any fire escape plans. So you’re going to need to go all the way from the top to the bottom, **especially for the back which can’t be accessed by a ladder truck.” TAC Meeting Zoom recording @ 30:33-31:05.**

Although it is obvious from Chief Cooper’s statements that public safety dictates that fire trucks and ambulances require access on all sides of the building, he apparently lacks the authority to compel the hotel to provide such access. This is likely because there is no specific provision in the Town Code either granting the Fire Chief such authority or specifying the minimum distance a commercial building should have on each side to allow emergency vehicle access. Instead, the Town Code contains a general acknowledgement that zoning in St. Michaels is designed to, among other things, “secure the public safety.” See: St. Michaels Zoning Code § 340-3.

A related problem that the size and design of this hotel creates is the detrimental impact it will have on St. Michaels traffic. The Applicant relies on an outdated 2017 traffic study to support its plans. While there was a request at the January 26, 2023 TAC meeting for a new traffic study, the Applicant declined to provide one and instead argued that it would seek to find some updated information to supplement the outdated study.

Contrast the Applicant’s position with the written comments submitted by the Talbot County Public Schools (TCPS) and the verbal comments presented by Kevin Shafer, the TCPS head of operations requesting a new traffic study. *TAC Meeting Zoom recording @ 49:12*. Moreover, St. Michaels Police Chief Smith likewise requested current, “real time data after Covid” rather than the dated, pre-Covid 2017 traffic study. *TAC Meeting Zoom recording @ 35:48 and 36:30*. In particular, Chief Smith noted that since 2017, with the confluence of the YMCA having been built and Covid, the traffic pattern has changed and “when you add the hotel into it, it is just going to

make it worse.” *TAC Meeting Zoom recording at 39:00*. Separate from the problems that the hotel will cause on daily traffic in and out of St. Michaels, in the absence of access on the hotel property, fire trucks will have to locate on Route 33 itself in the event of a fire, causing traffic to shut down completely on Route 33.

It is apparent from Chief Cooper’s comments that the proposed hotel size is simply too large for this particular building site to allow fire truck or ambulance access on either side or to the back of the building or for an ambulance to drive into the parking area. Thus, to protect the safety of residents of St. Michaels as well as guests and employees at this or any other proposed new hotel or commercial building, it is incumbent upon the Commissioners immediately to enact an ordinance or amend the Town Code to provide, expressly, that any new commercial construction in St. Michaels must provide a minimum of 18 feet of paved surface, sufficient to hold the weight of a fire truck, on every side of the building and that if vehicles are to be parked within the building, the ceiling height must be sufficient to allow passage of an ambulance.

2. Use and Enjoyment of the St. Michaels Nature Trail, Nature Trail Extension and Surrounding Area

The most recent hotel design -- reflected in the Applicant’s sketch plan presented to the Planning Commission on December 1, 2022 and accompanying its December 23, 2022 Application for a Preliminary Site Plan -- proposes an outdoor hotel swimming pool and open terrace deck on the hotel’s upper story. The open floor plan faces the St. Michaels Nature Trail and the Nature Trail Extension, separated only by an open railing system.

This hotel design, if approved, will conflict with the intent of the St. Michaels Comprehensive Plan. Specifically, it will negatively impact the wildlife in the vicinity of the hotel, including colony nesting birds and bald eagles, and produce excessive noise and light with its elevated open terrace and unenclosed pool. This negative impact in turn will undermine the very purpose of the St. Michaels Nature Trail, which was created for the public’s use and enjoyment of the abundant wildlife and nature within St. Michaels. Indeed, current and future generations will suffer from the failure to protect the environment and the public’s use and enjoyment. See: St. Michaels Comprehensive Plan Preface pp. 3-4.

3. Amendment Proposed Language

It is within the Commissioners’ purview to adopt one or more ordinances to address the concerns outlined herein. In the event the Commissioners are instead inclined to amend the Town Code to address these concerns, you may do so pursuant to Section 340-195. Although you have discretion to send a proposed text amendment to the Planning Commission for review, you do not need to do so. You may make Code amendments directly after proper notice and a public hearing as required by Section 340-200.

a. Emergency Vehicle Access

To ensure public safety by allowing emergency vehicle access to new commercial buildings, and consistent with model fire code requirements in the United States,¹ you may consider amending Zoning Code Section 108 (Building Construction) by adding the following as a new Code Section:

§ 108-7 Fire Apparatus Access Road

The requirement for a fire apparatus access road shall apply to any new commercial building for which a building permit has not been issued as of the effective date hereof. To qualify as a fire department access road, the road must include the following: (1) be at least 20 feet in width; (2) have a vertical clearance of at least 13 feet, six inches; (3) be designed to withstand the imposed load of fire apparatus; (4) be designed as an all-weather surface; (5) have a turning radius adequate to permit fire apparatus to negotiate any turns; (6) have no dead-ends greater than 150 without adequate turn-arounds; (7) have grades no greater than specified by the Fire Marshal; (8) have angles of approach and departure consistent with the requirements of the Fire Marshal; (9) provide access to all sides of the building; and (10) be within 50 feet of at least one exterior door of the building.

This suggested Code amendment does not prevent the Applicant or any other applicant seeking to build a hotel or other commercial building from doing so. Rather, it ensures that in the event of an emergency, fire trucks and ambulances are able to access all sides of the building in order to save lives and protect the surrounding area from the spreading of a fire. The Commissioners may also consider amending the code to provide for minimum ceiling heights for any parking area within a commercial building so that ambulances may access the parking area.

b. Swimming Pool Facilities

To remedy the negative impact of having a hotel commercial swimming pool and open terrace abutting the St. Michaels Nature Trail and surrounding area, the Commissioners may amend Zoning Code Section 340-48.J.(1), by adding the following:

“, but shall not include a swimming pool or its swimming pool deck (together “pool facilities”) within four hundred (400’) feet of the St. Michaels Nature Trail right of way, unless the pool facilities are fully enclosed inside a secure building structure. The four hundred foot (400’) setback shall be measured perpendicular from the Nature Trail right of way along the ground to the point next to, or directly below or above the pool facilities if they are located above or below grade.”

¹ For an article discussing Fire Department Access Requirements and the model fire codes applicable in the United States, see: <https://www.firefighternation.com/firerescue/fire-department-access-requirements/#gref>.

This suggested Code amendment also does not prevent the Applicant or any other applicant seeking to build a hotel from having onsite pool facilities. Rather, it protects the public's use and enjoyment of the St. Michaels Nature Trail, the Nature Trail Extension, and the surrounding area by requiring that a hotel fully enclose its pool facilities.

In conclusion, we again urge you immediately to adopt an ordinance or Code amendments addressing the threats to public safety and the St. Michaels Nature trail posed by the current design and layout of this hotel. Thank you for the opportunity to submit this request.

Sincerely,

Mark Berman
960 Marea Terrace
St. Michaels, MD 21663

Langley Shook
P.O. Box 4
St. Michaels, MD 21663

cc: Mr. Rob Straebel, Town Administrator