

**Planning Commission
Meeting Minutes
December 19, 2022**

ATTENDANCE: Jim Baxendell, Julie Rachel, Al Fuller, Sabian Woodard, Ben Malesh, Dianna Battaglia, Mayor Matt Roath and Amanda Paoletti

Meeting called to order at 6:30 p.m.

APPROVAL OF MINUTES:

The minutes for the October 17, 2022 meeting were unanimously approved as written.

New Business:

Preliminary Site Plan – Captain Lee’s – 31 River Road, LLC– 31 River Road - Tax Map 34E, Parcel 721, Zoned RM

Ms. Battaglia introduced the project to the Planning Commission. She noted that the plan received Concept Plan approval in November 2018. She noted that we also have the SWM and ESD plans in the office, but are not the reviewing agency for those plans. She stated that the zoning is RM and the use is consistent with the zoning. The site is fully within the Chesapeake Bay Critical Area, and the Critical Area Commission has reviewed and commented on the plan. Notable items that need addressed for the Critical Area Commission is the “Future Decking” which is currently shown on the plan and Critical Area Commission wants removed. Additionally, Critical Area mitigation and landscaping would need to be addressed. The plan currently shows three different methods to address landscaping, including plantings, fee in lieu, and natural regeneration.

Ms. Battaglia further stated that the project falls within three different Flood Zones. The building, would be constructed in AE10 flood zone, which requires a 2’ freeboard above base level flood. The Town would need an Elevation Certificate as well as a VE Zone Certificate prior to final plan approval. Additionally, MDE needs a joint permit application.

Ms. Battaglia advised that the Water and Sewer Plans were reviewed by Town Engineer, Ralph Ryan, and that he requested a point-by-point response. Mr. Rachel asked if the request was sent to DMVCivil, which Mr. John Vontran advised is their Civil Engineer. Discussion ensued regarding what was needed, to which Ms. Battaglia referred back to Mr. Ryan.

Discussion ensued regarding the required parking for the restaurant and marina. Ms. Battaglia advised the applicant that he was required at least one more handicap spot, and that an agreement will be required for offsite parking. She reminded the applicant that ½ of a parking space is required for each marina slip.

Ms. Battaglia advised that she did not complete the review of the Landscape Plan at this face because Critical Area needs to approve their landscaping requirements. A landscape agreement with surety will need to be received at approved by the Town Attorney prior to final plat approval.

Ms. Rachel asked if Ms. Battaglia could read the staff recommendations, which were as follows:

1. Applicant shall comply with the Special Exception conditions of approval, Resolution dated October 29, 2018.
2. Applicant shall provide required information to the Critical Area Commission for their review and comments. Critical Area Commission approval is required to move forward with Final Site Plan submittal.

3. Applicant shall submit proposed storm water plans to Cecil County for review and approval, with a copy provided to the Town.
4. Applicant shall provide a Foundation Plan showing wall details for review and compliance with Chapter 46.
5. An Elevation Certificate and V Zone Design Certificate is required prior to Final Site Plan approval.
6. Applicant shall submit a plan for the off-site parking lot per Town requirements and must present satisfactory written evidence of permission to use such spaces.
7. Water and Sanitary Sewer service will be provided by the Town of Perryville following Town specifications and details, conditioned upon providing a point-by-point response to comment letter dated December 13, 2022 (attached). Usage as specified on the Municipal Sewage Flow Capacity Report dated 6/20/2022 submitted by David Carey, property owner.
8. Elevator installation in the Special Flood Hazard Zone shall meet the requirements of FEMA NFIP Technical Bulletin 4 June 2019 (copy provided to applicant).
9. Meeting all requirements by Town, Cecil County and State, as applicable and as stated in the Staff Report.
10. Landscape Agreement is executed with Letter of Credit with Final Site Plan approval and prior to construction start.

A slight discussion ensued regarding access from the subject property to the adjoining McMullen's Wharf property, which is private property.

Mr. Jim Baxendell recommended approval of the preliminary site plan with the recommended staff conditions. The motion was seconded by Mr. Fuller and carried unanimously.

Mayor Matt Roath asked the applicant if he had renderings of the proposed site, which he did not.

Old Business:

Critical Area Ordinance Update

Ms. Battaglia advised the Planning Commission that she had received additional comments from the Chesapeake Bay Critical Area Commission in regards to our updated ordinance draft. She stated that she would incorporate those edits into the draft and the new ordinance will once again be reviewed by the Town Attorney. None of the Planning Commission members had any suggestions for edits at this time.

Adjournment:

With no further comments from the community and without objection the Planning Commission meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Amanda M. Paoletti
Planning Coordinator