

**Planning Commission
Meeting Minutes
November 17, 2014**

ATTENDANCE: Pete Reich, George Jack, Larry Souder, Commissioner Ray Ryan, Robert Ashby, Brian Williams, Benjamin Malesh, Director of Planning & Zoning Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

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

Mr. Reich welcomed new members to the Planning Commission: Robert Ashby, Brian Williams, and alternate, Benjamin Malesh.

APPROVAL OF MINUTES:

Without objection the minutes for the October 20, 2014 Planning Commission were approved as written by quorum of attending members.

NEW BUSINESS:

MPCA 2014 Fall Conference – report by Pete Reich (attached). Mr. Reich indicated it was an interesting conference and included the mandatory training for Board of Appeals and Planning Commission members that is offered online. The Town should consider sending two representatives as there were dual sessions so the report only has half of the topics and the presentations are to be put up on the website:

- Rural Maryland's role in planning for a stronger Maryland and the Rural Maryland Investment Fund; fund is managed by the Rural Maryland Council, which has five separate areas in the State, and is an agency under the Department of Agriculture. It brings State and Federal funds together to help distribute funds to rural communities and the issues with infrastructure, starting businesses, and health care, to get that infrastructure out in the areas where it's needed. One of the issues they mentioned was the lack of broadband in rural areas. Larger towns in the State don't have that issue with broadband but again it's the rural communities and small towns that don't have it and what the presenter was trying to say was the Comprehensive Plan for counties should include this. They are also really interested in farm preservation.
- TMDL (Total Maximum Daily Load) Credit Trading: this is regarding the nitrogen and phosphorus that is getting into the Bay and the standard set to reduce these loads is set by the Government and is a requirement to be completed by 2025. A graph was presented that show nitrogen levels dropping and they are of the opinion the next thing that needs to be done is storm water. The idea of trading is to look at the cost to reduce the load in one area verses the cost to reduce it in another, and the area with the higher cost would pay for the lower cost in the other to implement its best management practices (BMP). Maryland does have a web-based nutrient trading tool so they can determine, based on cost, what areas should pay in what areas instead of making everybody. The big thing about this trading is it's just in the early stages and it hasn't become law yet.
- Infill & Parking by Leonardtown Town Administrator and how they improved their downtown. One of the things I thought we could do in our town was instead of using brick pavers or asphalt, use grass pavers. Now I don't know what the cost of that would be but putting in grass pavers, if there's an oil spill you may have to replace that grass but the whole issue was to reduce waste water from non-pervious surfaces. Another issue was

getting a lot of small shops into their downtown area. The way that town is designed, their downtown is a lot bigger than ours but it was interesting how they try to reach out to get small shops in the area.

- Keynote speaker at lunch, Maryland Farm LINK: stressed how important farming is to the State of Maryland and this gets into farmland preservation and an increase in farmer's markets, with local farmers and tradespeople. Another interesting fact is some of the local farmers are getting a distribution system for local produce. Another thing he was talking about was he thinks towns and cities should be flexible enough to allow farming within their jurisdictions. I am almost positive he meant vegetable farming or an orchard, not chickens and cows because the health department wouldn't put up with that kind of thing. I know Baltimore city is starting urban gardens, neighborhood gardens, and obviously we have a lot of neighbors who garden in their backyards. And the big idea was we ought to buy local because we know how it's produced.
- Wind Energy & Planning Panel: offshore wind and the biggest areas you can see wind turbines is out in western Maryland, west of Frederick. They were saying for right now they would buy them from Europe and showed pictures and they are absolutely huge. The transmission, you could drive a car into; the turbine housing is huge, they weigh a lot and they have to be put together in the water before they're moved to wherever they're supposed to be. So they have an assembly area being designed where they bring all the components on barges and put them together. The idea is that there is a strong coastal resource, the wind, to generate electricity, and at Ocean City the wind is blowing all the time. I saw these two years ago at Easton and they showed where the best places in Maryland for these wind turbines and Perryville is in one of the worst places if not the worst. During this presentation they said there are some places that have light winds at low altitudes but you get up eighty meters, two hundred feet, the wind speeds are a lot higher and could be able to generate electricity using wind turbines. He also mentioned that communities should look into wind projects as a good source of power with some eventual payback. It was a good meeting with lots of information and hopefully they will be available on the website for downloading.

Ms. Battaglia explained the Maryland Planning Commissioners Association hold the conferences every year in a different location. This year was held in Solomon's Island however last year it was in Aberdeen at Ripken Stadium and many members from both the Planning Commission and the Board of Appeals attended. When it's close to home we can get a lot of members to attend the training and to interact with surrounding towns.

Mr. Reich commented during the time for election of officers, they were talking about where to hold the conference next year and they are considering the Inner Harbor or they are also talking out west, maybe to Frederick.

Ms. Skilling indicated I'm sure they try to rotate locations. I have to get budget approval for funding to do those types of things so it would be something for next year; I have to look at that. It is worthwhile going because you learn a lot, networking.

Mr. Reich stated Leonardtown did a lot of different things to revitalize downtown and I thought the ingenious ideas to make a parking lot using grass pavers for impervious surfaces to help with storm water management seems interesting to me. It would be good to look into the cost of that and what is the upkeep cost.

Ms. Skilling commented we offered to do that at the boat launch along the water front for Critical Areas because it was impervious area there and presented this honeycomb system where you put

the sand and gravel underneath for infiltration and then you plant it but Critical areas wouldn't give us enough credit for it so it was just paved. So if you're not going to get credit for it then it's not worth it because it is more expensive to do, it's a lot more to construction, and can support heavy trucks if designed right. Along the waterfront is where you get the most benefit with nutrient removal.

Discussion continued regarding the nutrients coming into the Bay with a lot of runoff from New York and Pennsylvania. Another alternative for energy is solar and the potential for tax credits to encourage solar panels, either in the Town or the County. The State provides incentives and if we encourage it with some tax breaks or something that would show we're proactive.

Mr. Ashby asked is there anything in place, you're talking about wind energy but is there anything in the Town for personal wind towers? The ones where people would put them out on their house, in town it's not going to be economical for a wind mill on the top of your house but they're running in that same problem in Baltimore City, but is there anything that would stop them? If that's the future then we should think about it now, the small ones that just run a house which aren't that expensive but still yield a return.

Ms. Skilling stated on Route 50, the Chesapeake College, they have one that is huge and it generates electric for a lot of those buildings. And it's not like you think, running constantly, it does have a cycle, and it doesn't create a lot of noise. That's what people mostly complain about, is the sound it might make. But there are a lot of other smaller, power generators that homeowners can purchase.

Discussion continued we may not have anything in our ordinance or anything that allows or disallows it either, if the question comes up and how do you really fit that. You talk about it being a structure but are more like a tower. There are different kinds of structures: towers, homes, and things like that. Now is the time while talking about making provisions for the future, before the first person comes in here we may want to put it in the law.

Mr. Souder commented there is something else that we do have here that people in Denmark and Sweden do, and while they are big into wind power, anywhere there is moving water, and we have tides twice a day and we also have very deep water around Garrett Island and reasonably very deep water near the Amtrak bridge and even under the Hatem bridge. When currents happen, and they go back and forth every day, and most of the current isn't what you're measuring with your visual sight, it's moving underneath. You don't hear anything, it turns huge turbines that are far under the water, they're very stable, and they generate power, power that can be saved and stored and used. And while we may not be the perfect place for wind we may be a very good place for that.

Ms. Skilling indicated the whole energy thing is evolving because they realize we have to look at all these alternatives: water power, wind power, solar, they're big now and they're looking into different ways we can do it, to do away with nuclear power and other generating plants. The Conowingo is a great example of generating power but management seems to be the problem right now, and the silts that seem to be getting down there from above. That is a large drainage area.

Mr. Reich commented we've seen a lot in the paper about the Conowingo Dam putting 20 percent of the loads in the Chesapeake Bay and does that mean the loads in the whole Bay or only the top 20 percent of the Bay. One article in the paper is talking about dredging behind the dam but then another article says it would need ten thousand acres, ten foot deep to put the dredging in. And I keep thinking to myself about where they put the dredging from the C&D Canal and contaminated the water supply of the wells. Where are we going to put this sediment from the dam and do we

really think that Exelon is going to spend a billion dollars to do that, and that's not a billion dollars only once. The article also said a lot of that sediment is coming down different tributaries, not just down the Susquehanna and then going into the Bay.

Discussion continued regarding debris and other substances coming down the river, no screening of any kind at the dam gates so oil tanks, storage drums, and whatever else coming through. They have talked about cleaning that out, all the debris backed up above the dam, they did go back last year and clean it all out but now it's back there again. And what we hear from Exelon is the cost of cleaning it up. It's not our problem but becomes our problem later and adds cost to the consumer with higher rates.

Mr. Ashby indicated but if we don't do something, who is going to do it, because this is the last line of defense. Everything comes down and it ruins part of the economy of this town: boating, and if you can't get a boat out on the water because there's trees and rocks and torpedoes coming down the river, we're losing.

Mr. Reich stated excellent point, but I have the same issue with the dam, we are the last defense but I don't think we should have to pay for the cleanup.

Ms. Skilling commented as we review site plans the storm water management is going to continue to be big and it's going to impact everything we do in the town. It has already impacted the Police Department and Lower Ferry Park, we did finally get through that with some bio-retention areas. So with everything you do, you have to do something, at least make an effort to do some minor areas. Pennsylvania and New York do have requirements but Maryland took a more proactive stand setting limits, with the EPA the agency which controls that. Pennsylvania has some but not as stringent as we have. We've set some pretty high standards and its impacting municipalities more than anywhere. The loads need to be reduced but the problem is that it is easier for a developer to buy one hundred acres for new houses and a storm water management plan, but that's not considered smart growth. But for us to do something in town by just putting four or five new homes in town or a Police Department, we are a built community, how can you do that? Do you have to tear up things, literally, to do that. We're all willing to do something but it's how to do it when you have a built community verses someone going outside of town to build a development where it's so much easier. That's why developers did what they did and created the sprawl, created the problem and now we are all paying. A built community should be given more consideration for what they can do to upgrade infrastructure and do the things we need to do before we get in a situation of pipes bursting, different kinds of illicit discharge. We can't repair something because we don't have the ability to put up that kind of money for major infrastructure repairs.

Discussion continued regarding the Chesapeake Bay, built communities, and other locations in other States creating problems in that large water shed, such as with snow removal in Baltimore's Inner Harbor. Street snow includes what's on the ground: oil, salt, gravel....all going down the storm drains and eventually into the Bay. It takes lots of money to repair infrastructure and many areas have let it go, until it's an emergency situation and then you can get it done.

OLD BUSINESS-review of report for HCUD Special Exception:

Ms. Skilling explained your task was to approve a site plan and in order to have a unified development following the criteria for Special Exception in the Highway Corridor Unified Development, it also had to follow the Highway Corridor Overlay Zone. If you took the underlying zoning, if you take away half of a building and leave a part of a building traversing lot 1, it no longer meets those requirements. It has to be a site-wide development and it has to be consistent

throughout. Subdivision can't happen because I can't subdivide lot 1 off with that part of the building because it's not conforming and there are a lot of issues with that because a motel is considered permitted with conditions in the C-2 district but it doesn't meet those requirements when you just have part of it. The report to the Board of Appeals will include all of your comments and the meeting minutes because it's important that they read your discussion. To approve the subdivision plan for three lots and the only way Dollar General can build on lot 2 is the subdivision has to be recorded plus the covenants, easements, joint easements, the circulation has to be approved, and all that has to be approved. The final item is a Public Works Agreement, for Dollar General, and at that point they have two years to fulfill all the requirements, put the infrastructure in: the water, the sewer, all those things before Dollar General can be issued a Zoning Certificate. You cannot build on a parcel until it is recorded as a subdivision, of which you will have to approve as a Planning Commission. But in order to record that subdivision with the Special Exception provision that motel has to go away. The provisions are that it had to meet all those requirements in order to get a Special Exception for the Highway Corridor Unified Development and it did meet it in as much as many things except for lot 1 could not leave part of the motel. It wouldn't be a legal subdivision because what you're leaving would be nonconforming. You can't create, through the subdivision process, a non-conforming building on a lot. It wouldn't conform to the requirements of the Highway Corridor. It also does not even conform to the Highway Corridor Overlay Zone nor does it conform to the subdivision regulations because those regulations indicate it has to be consistent with the surrounding properties. That is what we look at for consideration and it doesn't agree with the Comprehensive Plan. They have to do the subdivision first and it will take time to get through the process and they still don't have storm water approval yet and that could be another year before they get through that.

Mr. Ryan asked can you approve the subdivision for three lots, with the motel there the way it is now, so that one part is on lot 1 and the other part is on lot 2.

Ms. Skilling replied no, because you can't create a non-conforming lot.

Mr. Ryan commented so no matter how we look at it, in order for it to be compliant at all we have to tell Mr. Patel to tear down his entire motel.

Ms. Skilling stated I understand this dilemma, but Mr. Patel knew this from the get-go. When we did that amendment with Mr. Sussman and in the various conversations we had, they were told. The ideas come across for some nice development, Dollar General is ready to go, and we hope at some point in time the others are ready to go. I don't understand where Mr. Patel went astray and maybe it's the bank but that's not my charge, that's his responsibility. What I am charged with is trying to get this through and see Dollar General there.

Discussion continued regarding the Planning Commission's recommendation for the Board of Appeals. Staff has prepared the report and received legal advice to ensure accuracy.

Ms. Skilling continued it met some of the requirements, but when they changed their whole vision to leave a portion of the Relax Inn on lot 1, now I have a concern.

Discussion continued regarding the site plan submitted but the owner's actual intention of leaving part of the motel in place. Proposed are Dollar General and the potential for a fast food restaurant and a car care facility.

Mr. Reich commented and with those three lots, they discussed the traffic movement, and that concept met the criteria, it did meet the requirements. But then after they showed us that they

said, oh by the way we don't want to get rid of lot 1 yet. Leaving the motel there changes storm water management there.

Ms. Skilling responded you did approve the site plan and that was true, you could approve that site plan. I have addressed every condition that had to be met for approval, just to get the Special Exception, because that's what's going to be important to get that Special Exception. It needs to be clear to the Board of Appeals, now whether they agree or not, it's not up to me, that decision is on them, but I think we need to make it clear what we are asking them to do. It is incumbent upon the developer/property owner that all the regulatory requirements for the Special Exception be met. The Planning Commission agreed with the Staff Report and stated in order to meet the purpose and intent of the Highway Corridor Unified Development and standards for granting a Special Exception the existing structure on the site must be razed in order to provide visually harmonious pad sites. The setting of a time frame for the motel to be razed will be difficult to enforce and does not meet the intent and purpose of the Highway Corridor Unified Development. It's going to take time to get it through, time to come back to you for subdivision approval. A motel is permitted with conditions in the C-2 district and leaving part of the Relax Inn does not meet the provisions of Article XI, Section 194 Hotels and Motels. Leaving part of the motel creates a non-conforming situation and an awkward situation of land use as part of the proposed subdivision. So that's my dilemma, and I know it's really complicated but in this case I'm going through different things. I'm looking at the Highway Corridor Overlay District, the Highway Corridor Unified Development, the subdivision, and the site plan that had to be reviewed. I talked to the Town attorney and he had talked to their attorneys and told them exactly what I'm telling you. So the discussion was there and that's what's so frustrating.

Mr. Reich commented we did agree with the concept plan for the three different businesses there, we all agreed on that.

Ms. Skilling indicated it was very confusing and it could have been I didn't explain it as well. I think they were trying to muddy the waters when it got down to the end because they wanted to get what they wanted. I was trying to steer to the requirements, and all of you expressed the same thing until we got to the time frame. Many take a long time to get through the process. I'd like to see Dollar General, I'd love to see some development in this town because unfortunately I've been here over six years now and haven't had a lot.

Mr. Jack asked how quickly he could get approval for that if he was to yield to razing the motel at the same time as everything else was cleared up.

Ms. Skilling responded we could ask the County to speed up the process because we'd like to see it happen, and they get their Special Exception, the subdivision comes back, the site plan comes back, they can get it all approved because you've only approved the concept at this point, I'd say probably the spring of next year we could probably have them moving forward. I've been working with Mr. Davenport for a couple of years. We've been trying to get him to come in town. To start building, it depends on how fast we can get through the process, probably late spring because they just submitted storm water so you're talking by the time they get through subdivision and all, it's going to be while yet.

Discussion continued regarding subdivision and the requirements to be met, including circulation on the site. If the portion of the motel is left in place it is very close to the proposed property line, would not meet setbacks and parking requirements, circulation would be tight, and also consideration of the fire department and access for emergency equipment.

Ms. Skilling indicated this is even more complicated situation. I will send you a copy of the staff report for the Board of Appeals.

Mr. Ryan reported he is now a member on the Susquehanna River Railroad Bridge Project Advisory Board, put together by the Mayor of Havre de Grace, to represent the Town of Perryville. The purpose of the board is for comments and suggestions while keeping track of what the railroad is doing and what they can do to help the towns. So far we're down to nine out of eighteen possible bridges for how they are going to build it. Most of the options start with the first bridge on the south side of the current bridge, with very little impact on the town, unless they have to raise the tracks to a certain height which they may have to do and if so it will affect us right here and could affect the Train Station, so we're keeping an eye on that. If anyone has any comments for what they'd like to see us take a look at, anything: roads, infrastructure, whatever this may involve, please forward to me as quickly as possible and we'll forward it to the Commission for additional things to look at. The first advisory should be coming to this side of the river, hopefully by December 10th. One of the things we're looking at for discussion is for a walking bridge, that the Greenway Trail and other trails what to get involved with, and will be one of our discussions in the next two upcoming meetings. One of the things this Advisory Board is going to look at are what kind of possibilities, could it include walking, could it be cars, could it be bikes, one of things we discussed was what if the railroad doesn't want to do that, what if they don't want to spend the money, can we entice them to do it, or what is the alternative to get people back and forth across the river. And as much as this sounds crazy right now, but it works in Baltimore, is a water taxi; is there going to be enough ridership for a water taxi; so we have a lot of things to look at. Members sitting on the committee are looking at how these bridges affect the boating traffic and the waterway. We want the bridge to look architecturally beautiful with smooth lines to portray a good image on the Bay, Havre de Grace and the Town of Perryville, and to consider putting accent lighting for nighttime so it looks good coming up the river. Also, concern with that accent lighting and how that will affect the condos along the water and on the other side. Not sure what they will do with the old bridge but my personal opinion is to see the first bridge on the south side of the current bridge, then they'll tear down the current bridge and basically build another one close to or right in its place, with all new pilings. A separate project, but timed at the same time, is for the granite from the old pilings be used for a jetty on the other side to extend their piers out. They have some grand ideas and we may be missing the boat because we haven't talked about it. I spoke up and asked what about Perryville's half of the granite. They even suggested in one of their advisory's already sent in, and the railroad already shot this down, they want to put in a commuter rail station in Havre de Grace again. As an advisory board member I can see why you want that but as a representative for the Town of Perryville I can't go for that because you could be taking riders that may stop there and aren't going to stop in my town anymore. That was an advisory that was already done and submitted and that's a whole separate project. Today they put in a request that said when they're building this bridge they could actually close off some of those small tunnels that go from River Street over to Water Street and that opens the way for future building of the train station, they would have a place to put a station underneath and have a platform up top. They have to raise the bridge up eight feet and have to raise these rails to make it an easier climb, a more steady climb for the trains coming around the corner here, and may require them to have to reconfigure this, instead of a Y they may need to do a S, and that would squeeze our train station to the point where it may have to be moved, and we fought against that. I like the idea to make a smaller parking lot and turn it into a museum with another train station near the MARC maintenance facility. I don't want to lose what's important to us, to have that commuter rail station, and if we can keep it downtown to keep people in the area is even better. At a briefing last week they're not going to do anything here. When they put the bridge up eight feet there will be enough of a slope coming off and enough land here that there won't be any problems. They're actually talking about putting the pilings two hundred foot wide where right now it's not that wide

so they're taking suggestions now. The old pilings are still there and that belongs to the State, and my guess is all those old piers will all be pulled out. And that's one thing we even put in our advisory to have those old pilings torn out to beautify the area. One of the things I thought about was when they're planning the bridge over here could we do something different with that curve to make a smoother transition coming into Perry Point. One of the things they're talking about in Havre de Grace is to have the abutments moved back so the turn is more direct coming off Otsego and more of a direct shot to their downtown area. So I finally sat up in the meeting and said I appreciate what you guys are doing on this side but what are we doing for Perryville. They're even going as far as to look at what happens if SEPTA is annexed by MARC and how that would affect ridership and they want it to work as well as everything else. Meanwhile, please send any suggestions for things we need to look at.

Adjournment:

Without objection the meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator