

**Planning & Zoning Public Hearing  
And Meeting Minutes  
December 15, 2008**

**ATTENDANCE:** Chairman Heimberger, Commissioner Hansen, Michael Fortner, Evelyn Hansen, Betty Thompson, Priscilla Turgon, Town Attorney Keith Baynes, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

**Public Hearing called to order: 6:30 p.m.**

Chairman Heimberger started the public hearing.

**File No. R2008-02** – Rezoning from R2/C2 to Mixed Use Development Floating Zone (MUD), which shall include institutional, commercial and townhouse residential development. **PROPERTY OWNER:** Perryville Property Holdings, LLC; **APPLICANT:** Town Point Development; **LOCATION:** Both sides of Coudon Boulevard between Route 40 and Route 7, Perryville, MD; Tax Map 800, Parcels 4, 622, 635, 820; Total Gross Area 81.30 acres.

Ms. Skilling stated that she wants to discuss the plan that is being presented tonight as part of a public hearing. There have been some modifications to the original plan that you reviewed last time and made recommendation to Mayor and Commissioners to approve as a General Development Plan. This plan now has some of the recommendations the Mayor and Commissioners made, as well as the Planning Commission made, so the MUD zoning would include some of the things there were originally in the General Development Plan that you looked at. And the changes, Mr. Hill will explain them a little more thoroughly, but the changes are some amenities that were in the original plan, the General Development Plan, which were the bowling alley, movie theatre, and he has put those back in and there are also, the Mayor and Commissioners expressed a concern that the Route 40 corridor was an area for commercial development and it did not appear that much of the commercial was there. Now there is more commercial, and the building on Route 40 has been moved closer to Route 40. So those have been incorporated in this plan. So the plan before you now is a plan that you should consider, that have some of the amenities that were in the original General Development Plan that originated this whole project.

Chairman Heimberger asked Mr. Hill to come up front to explain the project.

Mr. Hill stated that I am sorry I was a little bit late. I stopped in at the Studio 432 and I lost track of time. This is the plan that we looked at last time in early November. Since then I took some notes and I worked with Staff since that time we made the presentation to Mayor and Commissioners and received some more recommendations. So I tried to incorporate some changes. Just to highlight the areas of concern, this area again right on Route 40 and Coudon Boulevard is over here. Being part of the Highway Corridor Overlay District, this body and Mayor and Commissioners expressed concern that it would just be a sea of parking. We all understand that these black lines indicate a buffer

that we intend to establish a landscape buffer around the property and you would be walking past, through that area. So it won't be just parking lot and curbing, but it will still not be just construction. So that was the first area, and something we've kind of grappled with throughout the design process is how do we make a pedestrian oriented community and have buildings against the road. The second area of concern is that because we removed the properties that we do not own and have not been able to come to an agreement with the property owners for contract, we lost square footage that was primarily retail and office space, given that those uses are generally oriented toward the highway and those properties along the highway, there is disappointment loss of retail versus residential. We do hope that those properties will come back into the plan at some point. As I expressed last month, this is not the preferred plan. It's the plan that we can process and we can get the project started, which is about time. One of the retail components as Ms. Skilling stated that was removed was the movie theatre and the bowling alley. That was number two on the list when I got here in 2003, and a grocery store was number one. And so I've thought about that a lot, and talked with Ms. Skilling who actually had some very good suggestions and kind of opened our minds a little bit more and on the plan I'll show you in a minute here, we have incorporated that use back in to the plan. Other than those changes, the plan that I'm about to show you, other than those changes this is the base plan that we looked at from the very beginning, and of course, it's more than changed with some alternatives and now I think we're at a point where we're pretty well good in terms of the infrastructure design and the phasing for the entire project. Does anyone have any questions on this before I show the revision?

Chairman Heimberger asked building fifteen, where is the front of that building?

Mr. Hill commented building fifteen, you mean where would the entry points be. It depends on the use. Building fifteen originally up here was sited for a hotel but it doesn't seem as though we are going to be able to attract the type of hotel that we would like to have here. And hotels I think will favor other opportunities in this market as they come about. The orientation, I think, is that this building will be double sided. In other words, you would have entrances on both sides. So it's not designed to have, say a back to the wall, or a back to the parking lot. Because one of the things that we liked about these buildings and this configuration was the visibility to these buildings. Whether it's an office tenant or a professional or a medical professional, they need to have people be able to see the building. By changing the use from hotel to retail, we've reduced the square footage in accordance with the parking and we would have a one story building versus what was previously a three story building. So, this is really the high point of the property. It's about one hundred twenty five (125) feet above mean sea level and of course it kind of falls down towards Coudon Boulevard and Mill Creek. So having a one story building there I think would be more appropriate and then it's against the road. Any other questions.

Ms. Thompson said so now the plan is for building fifteen to stay where it is in that plan or are you going to change that.

Mr. Hill replied we're going to show that plan in a minute. If there are no other questions on this plan, we'll take a look at this one. This is a copy of the eleven by seventeen (11x17) that you have in front of you. It's obviously just a larger version. Just to cover the points again, we addressed the issue of the Highway Corridor Overlay District by bringing the building forward and changed the use from hotel, a sixty room hotel, and the parking is on the opposite side, and now it is retail building. And its orientation would be double sided. We provide for a drive aisle around, but no parking in front of the building. So that is this area. The impacts were the change in parking. We did meet the parking requirements as per your code under this new configuration, but the number of spots are less in accordance with reducing the building size which was a forty eight thousand (48,000) square feet. Any questions on that area of the plan.

Ms. Turgon asked it was forty eight hundred (4,800) or it is?

Mr. Hill responded that it was forty eight thousand (48,000). I don't want to misspeak. Now it is sixteen thousand five hundred (16,500). So three stories became one.

Commissioner Hansen stated this piece, what you call the buffer that you're going to put in front of Route 40 there. In front of fifteen. You're going to make that retail. How is that retail place going to try to get the customers off of Route 40 to come in there if you're putting a big buffer like that in front of the place, in between the retail store and Route 40. How are they going to attract customers like the volume that goes down Route 40. You can get quite a few customers. And by you putting a big buffer along side of this property it's just, I don't know, it's going to kind of look a little funny compared to these other businesses that are already there, because they can see Route 40 and the people that ride up Route 40 and down Route 40 can see those businesses. But in your case here, you're putting a big buffer right in front of Route 40. How high is it going to be?

Mr. Hill stated that the intent isn't to create, let's say a screen of arborvitaes. The intent is to carry the nature of what is in the balance of the community and the walking trails that are such a big part of this plan. So the overall width is planned at forty feet to give us enough distance from the highway to establish rustic guard rail for open road section which is part of the Green Highways Partnership Program which this project has been accepted. The overall height of the mature trees would be thirty (30) to thirty-five (35) feet, I would imagine. Some of the trees that I like aren't available under your code.

Commissioner Hansen responded you can understand where I'm coming from. If you're going to have a retail business there, you're going to want to get the business to come in there and if you got all of that stuff right in front of Route 40 between you and Route 40, it's going to make it a little difficult to attract customers, isn't it. Would you like it if you had, if you decided to put your business there, knowing you got a two lane road with all kinds of cars going up and down it every way and a developer decides to put in this piece of buffer here, it's going to put you in seclusion. Realistically how is he going to attract his customers.

Ms. Skilling said I just wanted to explain that. This project and all projects along Route 40 are in what we call the Highway Corridor Overlay zone and the intent is not to totally block out but the intent is to make it look more attractive. All the new construction on the other side of the street where the Food Lion is and that whole area is in the buffer area and Principio is also. They will be doing plantings as well. It's not meant to screen out or block. It is meant to provide a nice atmosphere, a landscape atmosphere, and it really does enhance the property and it enhances the value of the property. So that is the main intent. And it's not to screen and if it's done right you can also accentuate an opening or an area. So that's really the intent, but it is part of your ordinance. They have to address that overlay zone.

Chairman Heimberger stated I imagine there are going to be signs there.

Mr. Hill responded well actually the Town is pretty limited on signs.

Chairman Heimberger commented I am aware of that but something on the building.

Mr. Hill said there will be signs on the building.

Commissioner Hansen said in other words, it won't be a high buffer. Is that what you're trying to tell me.

Ms. Skilling replied that it won't be a big one, no. It will be a buffer that has to be there but it is not the intent to completely screen out what is there. And there will be signage. If you look on Route 40 on the other side, it will look similar to that.

Mr. Hill asked if there were any other questions on the buffer or just this area in general. The balance of the design remains the same as what was previously looked at last time. We're focusing that the residential development is along here, what is now the R-2 zone, and we've still have provided for office space here. Again, we've reduced the buildings from three stories to two stories, because we've eliminated some structured parking. So this area remains the same. This area before also remains the same. This building, the footprint remains the same because I don't have a footprint for what might be an entertainment venue like your bowling alley and movie theatre or a combination of both. But the parking requirement for the retail are very close, so we left the footprint alone just to minimize the number of things that we changed on that plan. So the use has changed from what was proposed as an Ikea store to theatre or some type of entertainment venue.

Chairman Heimberger said there are two restaurants here, one looks like a McDonalds. Am I right in that assumption?

Mr. Hill replied, no there is no McDonalds. Are we talking about these two buildings?

Chairman Heimberger said no, I wish I could see this plan.

Mr. Hill asked what number is the building.

Ms. Skilling said it is hard to see. We apologize for that, we just received that.

Chairman Heimberger said I think one of them said it had limited seating. Does that ring a bell to you?

Mr. Hill asked is it buildings twenty three (23) and twenty four (24).

Mr. Fortner said retail restaurant, building twenty three (23) and twenty four (24).

Commissioner Hansen stated building fourteen is a restaurant/retail with limited seating.

Mr. Hill said that's right, fourteen has limited seating.

Chairman Heimberger asked what does that mean.

Mr. Hill responded that means it is more for a tenant like a, limited seating, an example for that would be like a coffee shop, similar to Dunkin Donuts. The truth is, I don't know why it was indicated as limited seating, because the parking here is based on the full twenty-seven hundred (2,700). I think the land planner felt that would probably be something like a coffee shop.

Chairman Heimberger said I didn't want it to be a McDonalds. I was just wondering, because it struck me as odd.

Mr. Hill said those are the changes from our last meeting. Again, it's the change in use from what was a hotel to now a sixteen thousand (16,000) foot building. Also, I wanted to point out that this building is oddly shaped and we did that for a reason. We wanted to have visibility from westbound Route 40 so it wasn't just the back of a building. And then again we changed the use on twenty-one (21) up here in the corner. The same footprint as the Ikea, the same parking but with the change in use to entertainment.

Commissioner Hansen said I have a question for Ms. Battaglia or Ms. Skilling. Is it required with the development on Route 40 here now that they put in sidewalks like we are requiring them to do on the other side of Route 40?

Ms. Skilling replied yes, I would imagine there has to be. Now, they are doing a walking trail through the property. But that would be up to Mayor and Commissioners. Right now there have been requirements for everything along Route 40 to do sidewalks so it would be how, how they incorporate that with their walking trails and whether they'll use the walking trails in lieu of sidewalks and as long as they can get to these sites because this whole community is based on a whole series of connections between buildings, residential, commercial site. So it would be for you to review at the planning stage as well as to the next step whether that recommendation would be to put the sidewalks in or that the trails would suffice by providing those connections. Because there aren't any, on

this side, right now of anything on Route 40. So we're going to have to look at that when we get to that stage, and look at whether the trails will accommodate or be in lieu of.

Commission Hansen asked do you know what the surface is going to be on your walking trails, or do you know.

Mr. Hill said we have a couple of options. One, when we get to it, what we get for the Towns is rubber sidewalks from California. They manufacture what looks to be a normal sidewalk with texture on it, in fact they were used around Raven stadium, if any of you have been there at the Raven or the Orioles complex. That's one option. The other option is to use, it's called a hex tile that locks together. The intent is not to use concrete sidewalks all around. The preference is to use rubber sidewalks which uses recycled materials that adds to our points for our neighborhood design certification and it has storm water management channels under the rubber tiles which are two by two (2x2). You can actually add utility chases. So you can access the utility chase by simply lifting them up. As a matter of fact, New York City municipality is now buying exclusively their product and using it for remove and replace because when they say rubber, the first question is crack. And New York City has been using it and they wouldn't if there were problems. That would be the first choice. The intent is not to create a linear sidewalk like you have across the street at the Food Lion. It's to create something that is a path that people will use and as Ms. Skilling stated, is a pedestrian oriented design. We would like to see people out and about policing the activity for our retail.

Ms. Thompson asked is there any chance that in one of the retail shops that Ikea may want to have a store.

Mr. Hill replied the truth is I haven't talked to Ikea yet. But, I would like to see Ikea come into the project but until we have a, let's say a design that we know we can move ahead with, we don't want to get ahead of ourselves.

Mr. Fortner said that if these other parcels don't come into the project or another developer would come in to design them, is there places with access to those properties, where this property can be developed further. Is there like curb cuts or something, or is there kind of like a conceptual plan of how you would visualize how the rest of that, that triangle there would look.

Mr. Hill responded good question. I need to address the staging process first. To give you a little bit of background, this portion of the project is going to be the easiest in terms of site work and development. It is already largely cleared, there are some utilities there. And it has the greatest visibility to attract people with the signs for prospective tenants. So while we don't know for sure, we feel as though this triangle, the mobile home park, will be the first part of the project that will be developed. The second part of the project that we felt, would be here and along Coudon Boulevard. Again, visibility and access to utilities and utilities that will exist once we get started here on the offsite sanitary extension from Route 7. And the core of the project and by far the most expensive to develop because of the existing grades, and so that would be the last to develop. So, my

hope is that this is not the plan that is ultimately built. My hope is that we would go backward and develop this, as accepted by the people of Perryville at the design charette. However, to answer your question, we have terminated this road here and allowed for a connection here in the event that those properties do come back in to the project. There would be an opportunity for access. By having the uses out here and not having it connected to our project, it's kind of cutting off your nose to spite your face. Because the customers that are out and buying things or someone has an office there would sooner drive through or walk through then if it was just a buffer of some sort. So the answer to your question is yes.

Chairman Heimberger asked if there was anything else. Anything from the floor. I'm reading the task of the Planning Commission and the primary task of the commission is whether the plan meets the standards set forth. Section 109 states the MUD Floating Zone shall, and I'm going to read these off and stop me if you think it hasn't:

- a. Provide an attractive and varied living environment.
- b. Provide a variety of building types and an overall more efficient use of land providing residential, commercial, services, and public uses within a well planned project.
- c. Provide a comprehensive approach to utilities, roads, storm water management, and landscaping.
- d. Provide linkages and improvements where possible to adjoining streets and pedestrian systems.
- e. Provide for design characteristics that promote integration of the development with downtown Perryville.

Chairman Heimberger asked if there were any questions on that. Would anyone like to make a recommendation.

Mr. Fortner said he would like to recommend that we.....

Ms. Skilling interrupted excuse me, if I may make one comment. As part of this whole, the process that you are going through right now for the rezoning, there were some supplemental recommendations added to your paperwork tonight, whatever is recommended now I would like to suggest that these recommendations, the supplemental recommendations, be added to that and would be eventually, as it is sent to the Mayor and Commissioners would be part of the zoning opinion when Mayor and Commissioners review this. It's something I gave to the Planning Commission, its dated today, 12/15/08. I can read them if you like.

Mr. Baynes said these would be supplemental to the conditions that were previously outlined by URS.

Mr. Heimberger said URS comments, is that what you are talking about.

Mr. Baynes replied they are additional comments.

Ms. Skilling said there were two things; I made comments last time, URS made comments from the engineer. These are supplemental to those. It would be those two recommendations as well as the supplemental.

Chairman Heimberger asked Ms. Skilling to go ahead and read them.

Ms. Skilling began reading:

*Supplemental Recommendations 12/15/08:*

1. *After receiving the approval of the designation as a MUD Floating Zone and the General Development Plan (identified as the Preliminary Plan), 15 copies of a Preliminary Site Plan shall be filed with the Planning Commission and site plan review fees collected setting forth preliminary information as identified in Appendix A of the Ordinance.*
2. *Written and/or graphic material pertaining to the general design standards discussed for the overall project including the use of innovative storm water management (this can included by referencing the April 28, 2008 Preliminary Plan booklet).*

Ms. Skilling said if you remember correctly, there was a booklet that was prepared as part of the charette. That should be attached to this because there are design standards in there that should be at least somewhat adhered to when the projects are being built, the buildings per se.

3. *The results of the Traffic Impact Study and Signal Warrant Analysis dated April 2008 must be submitted to State Highway Administration and the Cecil County Roads Department for comment prior to Preliminary Site Plan approval. Copies of comment letters must be provided to the Town.*
4. *A development phasing plan that includes by phase a schedule of construction or timetable and a detailed tabulation of land uses, building area, open spaces, site amenities, parking, utilities and other site improvements to be built and dedicated.*
5. *A preliminary development control plan that outlines the means by which coordinated development and long term management of the overall site will be achieved such as deed restrictions, covenants, by-laws, cross-access easements, joint use agreements, master lease agreements between the master developer and tenants, or other instruments designed to provide for continuing maintenance and control of common areas.*
6. *The plan must make adequate provisions for annual maintenance, security and public conveniences either with individual tenants or as the responsibility of the developer and a management statement governing the design, construction, operation, and maintenance of:*
  - a. *Sanitary and storm sewers, water mains, culverts, and other underground structures.*



- b. Streets, alleys, driveways, curb cuts, entrances and exits, parking, joint use parking areas and loading area, and outdoor lighting systems.*
- c. Parks, bike ways, playgrounds, open spaces, fences, walls, screen planting, and landscaping and signs.*
- 7. A master sign plan defining how signs within the proposed development will be managed and controlled as defined in Article XV, Section 272.*
- 8. A preliminary landscape, lighting, furnishings and amenities plan defining the design for the development's circulation areas, usable open spaces, recreational areas, other common open space and pedestrian circulation areas.*

Ms. Skilling replied it's just a lot of things that have to be done as part of the opinion that has to be done for Mayor and Commissioners. These are things that are required in our plan for a MUD. Which is a very complicated system and there are a lot of uses here that are going to be managed by an entity. We need to know those things. A lot of these things were in the original master plan that he (Mr. Hill) did in that booklet. So I just want to make sure that these are identified so that when Mayor and Commissioners get this and know that these need to be done as part of the original zoning opinion.

**Motion** was made by Mr. Fortner and seconded by Ms. Hansen to recommend to the Mayor and Commissioners to approve the General Development Plan as noted as Major Preliminary Site Plan for the Mixed Use Development Zoning with the conditions that the Supplemental Recommendations of Ms. Skilling dated 12/15/08 and recommendations from URS dated 11/14/08 be addressed as part of the rezoning opinion. **All In Favor. Motion Passed.**

Public Hearing was closed.

**Planning & Zoning Meeting called to order at 7:05 p.m.**

## **APPROVAL OF MINUTES**

**MOTION** was made by Ms. Hansen and seconded by Ms. Turgon to approve the November 17, 2008 Planning and Zoning Meeting minutes as written. **All in Favor. Motion Carried.**

## **NEW BUSINESS**

**File No. SP2008-04** – Perryville Yacht Club Phase II. **PROPERTY OWNER:** DFW, LLC; **APPLICANT:** Perryville Yacht Club; **LOCATION:** 31 River Road, Perryville, MD; Tax Map 801, Parcel 721, Zoned RM, 2.72 acres.

Mr. Bob Wilson, with Wilson Deegan & Associates, stated and also I am one of the principles of the project that you have before you called the Perryville Yacht Club that most of you are somewhat familiar with, and we looked at several months ago. I have a copy here that I want you to take an opportunity to take a look at and it's a little less

confusing without the easements and this is actually a copy of the landscape plan that pretty much shows just the proposed improvements to the buildings, parking lots, landscaping and that type of thing. I think it might be a little bit easier to read. It doesn't have all the easements and I think it's easier to read. I'll give you a couple copies if you'd like to look at it also. And also, I have a rendering up here that I will refer to as I go through the proposal. Again, this is Phase II of the Perryville Yacht Club which would consist of thirty-three (33) condominium units in these two buildings here which will be located on the west side of Old River Road, which is currently improved with macadam which was part of Phase I. Phase I, which is under construction, and probably ninety percent (90%) complete, is the building up on Roundhouse Drive. We had an open house last weekend and I think things went well. Also here in attendance I just would like to introduce Mr. Fred Linkous who is Linkous Builders the contract purchaser of Phase II and the purchaser of Phase I who is building the condominiums. If anybody has any questions about the building we can go through that later. Parking requirements for Phase II, the proposed thirty-three (33) units would require eighty-three (83) spaces and we are providing one hundred and nine (109) which include eight (8) handicaps. They are done in three areas. Two in front of the buildings. There is a parking detail on this plan, which show the parking garages underneath the buildings to provide additional spaces along with spaces in the rear of building number two. The marina, which exists and is currently ninety-six (96) slips, would remain. We would be improving the waterfront with a proposed walkway, a five (5) foot walkway, as part of the Greenways Trail. That walkway would be a continuation of the existing walkway on Roundhouse Drive. Phase I, we had proposed to construct a walk along this property line and this property line to the beginnings of Phase II. I think in our previous meetings we had talked about eliminating the walkway along the south side but we have put it back into our plan because it certainly adds a flow from the condominiums to get to the water, especially from this building, so we want to put it back into the plan. So we would have a sidewalk system in front of this building that connects to the trail over here and it would come down to the waterfront and go around the waterfront all the way over to connect to the existing condominium building which was part of Mr. Linkous' last project on the water to connect that. This building would have access to a walk out front which connects it to this proposed walk on the southern property line to the water also. In addition to the improvement of re-bulkheading the waterfront, we would also be relocating the existing house, the marina office, moving it over to the southerly property line to allow for a better view from the proposed condominium building number two. We would also be demolishing the existing bathrooms that are where the relocated house is going to be, and propose a new bathhouse as part of the marina improvements. In addition we would construct a parking lot in here which would allow for access to the existing boat ramp. We have made this area in here unobstructed to allow for boats to get in and out of the water, out of any parking areas that there would be pedestrians and people from the condominiums. The open space calculations for Phase II require, which is thirty percent (30%) in the new regulations, which would be a total of thirty-five thousand five hundred thirty-five (35,535) square feet based on 2.72 acres which is the total area of Phase II. We are going to provide for forty nine thousand four hundred ten (49,410) square feet of open space with twenty five percent (25%) of that required for active open space. To meet the active open space requirement, we're going to provide

for a proposed swimming pool over behind building number one and in addition to that we have the walkway system which connects the entire project completely around the perimeter and across the frontage and in addition to that we have open space area here that we are showing for proposed picnics, just an area to sit down by the water which would be for the marina use and over here would be a combined use. We're going to make that open too and it's going to be on marina property, on condominium property but there would be an allowance in the condominium documents for marina boaters to join in the pool, if they so desire. I think it's similar to what is in existence over at Owens Landing currently. It is our intent at this time to keep the existing boat ramp public. I think that we're going to address that as it goes. If it doesn't become a problem we would certainly like to keep that access available to the public. It is something that doesn't get a large amount of use. Usually maybe a half a dozen people on the weekend will come in and unload a smaller boat and use the parking lot which is in existence which was part of Phase I, to park their trailers, which we have allocated for that. However, if the traffic were to become an issue with the condominiums, that is something that we can always terminate if it comes to that. We think that is an asset and is certainly nice for the public.

Ms. Turgon asked how they would launch their boat then. They would come in front of the condos.

Mr. Wilson replied they would come in the entrance here and you always want to be able to back up at the boat ramp. So you would pull over into here and you have this whole area right there to back up to the ramp.

Ms. Turgon said so you've moved the building, right.

Mr. Wilson replied yes, absolutely. The two buildings are here now.

Ms. Turgon said before they were.....

Mr. Wilson stated there was one here and one down here. We're going to keep the marina operation down here and the condo operation up here, separated completely. On this plan, they are actually going to be two completely separate properties. The property line for the proposed condominium regime will come across, go around the bulkhead here, across this line, down to include the pool, back up to the westerly side of Old River Road, along Old River Road to McMullen's Landing and back to this point here. This will be the actual, a completely separate piece of property that the condominium regime will own.

Ms. Turgon asked could you do that again on the board.

Mr. Wilson said I don't have a line showing this but I can certainly try. It would start at the edge of the existing Old River Road, come down Old River Road on the west side to this southerly property line at McMullen's Landing, come down McMullen's Landing to a point right below the parking lot, and across the parking lot to a point on the bulkhead,

around the bulkhead to a point at the edge of the proposed pool area, down and around the pool area and up along to the property line to here. So this area right here would be a separate lot, which I believe is proposed as lot 2, which will be the condominium property. There will also be allowances in the condo documents as there was in Phase I that they have the rights and ability to walk across the marina property and enjoy the waterfront as long as they don't interfere with marina operations. The marina itself, as far as the activity goes, once the boats are in the water, other than the few people who come in to use the boat ramp on the weekends with the smaller boats, the boats stay in the water pretty much, not year round, but of course during season. The only time they are ever taken out of the water is for repairs, which is rare. There is not a lot of boat activity as far as movement on the property once the season starts. When the season ends, the boats are pulled out of the water, they are stored, and pretty much the activity stops, the only person who is there is the person running the marina during the off season. So really, the activity on the marina is limited to the people driving to their boats on the weekends and parking their car. There is not a lot of actual boat activity, movement and that type of thing. We don't have on site repairs so if there are any repairs that are done, it's just minor stuff when the boats are taken in and out of the water. If it's a major repair, they have to be taken to an off site. Storm water management originally was set up to be where the pool area is in Phase I, so we're obviously going to have to rework that. And the way we propose to do that is these two buildings will be done by sand filters in the island up top which we show with this location and this location. From there the outlet would be through a storm drain system into an existing pipe that was part of Phase I, to an outlet and existing pipe down this property line here. Building number one, we're proposing an underground sand filter in front of the building which will also access this existing pipe as an outlet once the water is clean. Building number two again would be done by an underground sand filter in this area. We propose an outlet pipe here with a pipe down to the property line here, and out to the Susquehanna. The area in here we are proposing a water quality bio-retention facility in the island here that would handle the marina property with an exit pipe out to the main going down the property line here. Of course the entire site lies within the Critical Area, the intensely developed area, which is the IDA. Phase I, when it was approved, required parking spaces that were required were sixty (60) and we provided sixty eight (68) so we have excess parking for both the marina and the condo units. The parking spaces located behind building number two would be handled the same way as we did the parking spaces located here for building one and building two in Phase I in that we have an agreement with the condominium association up here that in the off season they have use of these parking spaces. That same scenario would work for these parking spaces right here. We would have an agreement that the marina gets the use of them during the season, and then in the off season the condos would get use of them. Even without these parking spaces we're well over the requirements no matter which way we go. So there are additional parking not necessary for the marina in one scenario or for the condominiums in the other. The parking requirements are met no matter who they actually go to. I think it just makes more sense that the condominiums get use of them in the off season and the marina gets use of them during the season with these configurations. And also with me tonight are Mr. Joe Snee, and of course he was here at the last meeting, he's with Gessner, Snee, Mahoney & Lutche and he represents the owners, and myself, DFW, from the law firm

on Main Street in Bel Air, and also, Mr. Stanley Campbell, if anybody has any technical questions regarding the condominiums, he's the expert. I think with that, I'll turn it over to you all.

Ms. Skilling stated in the previous letter that I sent to you last month, I'm going to go through some technical things that were put in here:

*PLANNING COMMISSION MEETING – 11/17/08  
Perryville Yacht Club – Phase II, Lot 1  
Reviewed by: Mary Ann Skilling*

*I have tentatively reviewed the above noted plan prepared by Wilson Deegan and Associates, Inc. and dated 10/1/08. The Preliminary Plan for Phase II has changed from the plan previously reviewed. Based on the information provided, I offer the following for Planning Commission consideration:*

***Procedural/Administrative (Per URS 3/17/08 comments)***

*The Preliminary Site Plan must provide information on the plan that allows the Planning Commission to determine whether the development is appropriate for the Resident/Marine District (RM) as well as the Critical Area Overlay District. This includes evaluating the adverse impacts on a sensitive area as well as residents in the vicinity. Once a Preliminary Site Plan is approved by the Planning Commission, the applicant could submit construction plans to the various agencies for review and approval and changes made to the plan prior to final site plan review. All approvals must be submitted to the Town. We believe this will reduce the number of reviews and provide the Planning Commission with more complete overview of the status of a development project. Staff will verify required agency approvals as part of the report to the Planning Commission.*

***Planning/Technical***

- 1. On September 2, 2008, the Town Commissioners passed an Ordinance amending Subsection 1.320 of Section 161 of Article X, Table of Permissible Uses to permit multi-family apartments in the RM zone with conditions (PC). The preliminary plan for Phase II proposes two additional residential buildings providing 33 condominium units on approximately 2.7 acres on the west side of River Road. The notes should indicate the number of units being provided in each building.*

Ms. Skilling asked I know it has been noted but you said thirty-three (33), what is in each building.

Mr. Wilson replied that he believes it is on there, it is fifteen (15) and eighteen (18).

Ms. Skilling said it wasn't on the original plan.

2. *The developer must address the conditions set forth in Section 205, 3 for apartments and other multi-family development units with conditions.*

Ms. Skilling said there were conditions to allow for the apartments and condo units.

3. *Article XI Supplemental Use Regulations, Section 196. Marinas and Yacht Clubs states: "Marinas and yacht clubs, including related repair and service activities, may be permitted by the Board of Appeals as a special exception in the RM District". The relationship of the marina and the residential component should be addressed in respect to this section. Although the marina is an existing use, given the change in relationship of the marina with residential uses and the nature of the improvements, it is my opinion that a special exception with the stated conditions be required.*

Ms. Skilling said I noticed you did mention that there is no maintenance on this property, I mean as far as your marina is concerned.

Mr. Wilson replied that is correct. What we have tried to do with the new plan is to keep the marina activity in this area and the condominiums up along Old River Road to keep them separate. The only real change to the marina would be the improvements to the bulkhead, the walking trails, and of course a much more defined parking lot, with parking aisles and defined parking spaces. As far as the activities themselves, it would remain the same. There never has been any on site boat maintenance and mechanical businesses of any type. The boats come in and out of the water once a year, they are in the water for the season, and out of the water in the off season in storage. But other than that, there is no activity or any change proposed for the proposed marina.

Ms. Turgon asked doesn't Kurt Lang keep his little business running out of there, or does he just keep his boat in a slip there.

Mr. Wilson replied that Kurt Lang is who runs the marina and the only business that he runs out of there is winterizing boats, which is something that is done before it is put in storage. He's not a boat mechanic. There is no mechanical work done on site. If you didn't have somebody on site that winterize boats, then someone would have to come in for something like that. That is what his business does. He provides the winterization of the boats, which is the wrapping. Mr. Campbell can probably answer that question better than me.

Mr. Campbell said Mr. Lang is a mobile service anyway.

Ms. Turgon replied yes, he has a mobile service because he's worked on my boat.

Mr. Campbell said he has no facility as such at the Perryville Yacht Club.

Ms. Turgon said no permanent facility.

Ms. Skilling said I think that would address some of the concerns that we have under that RM where you are talking about the maintenance issue and the mingling of residential with that type of operation. Because there is a safety issue there and that was, I think, one of the reasons that it was under the RM zone for when they talk about, actually where maintenance is concerned as part of a marina. I think that addresses the fact that there is not going to be maintenance concerns here.

4. *In order to determine the uses on the lots, the marina uses and residential uses should be clearly defined.*

Ms. Skilling stated that is what happened from the plan to this plan, from my original comments here, we had suggested that the marina actually be divided separately from the residential. Now you have a residential area and you have a marina that is going to be subdivided as just a marina and a water dependent facility. If you were all part of some of my comments years ago about Owens Landing where we had mingling of residential and marina, it became very complicated when you're trying to look at zoning because a marina is handled differently as a water dependent facility for Critical Area purposes and other uses, and residential differently. This way it is being divided separately, except for the parking that is being part of the entire lot.

5. *Because the project has been reconfigured, the site must receive Critical and Buffer Mitigation (planting plan) must be updated.*

Ms. Skilling stated the ten percent (10%) calculation and the buffer mitigation must be updated. We do have a letter here and I will read that in a minute.

6. *Since comments from URS were provided for the previous Preliminary Site plan (dated March 17, 2008), the items on page 2 under Planning/Technical 4-15 must be addressed.*

### ***Engineering***

*Comments provided by the Town Engineer will have to be addressed prior to approval of the Preliminary Site Plan including the provisions of water and sewer capacity for Phase II.*

*Due to the nature of outstanding issues in relation to this project, staff may have additional comments for Planning Commission consideration.*

We do have URS comments here, and I'll read this. (Copy of URS comments dated November 14, 2008 is attached separately for reference.) URS comments:

***Technical/Engineering***

1. *The provision of water and sewer capacity to the proposed development may be subject to a Capacity Management Plan to be considered by the Mayor and Commissioners.*
2. *If the Mayor and Commissioners are in favor of granting approval of the Preliminary Plan, we recommend that, at a minimum, the approval be conditioned upon the following:*
  - a. *The applicant submitting all appropriate construction drawings to the various agencies for review and approval.*
  - b. *The applicant executing all appropriate agreements.*
3. *The Town water model was previously revised by URS Corporation to include this project. No additional modeling is required. Adequate water capacity is available to serve this project.*
4. *An analysis of the Riverside Pumping Station (at Owens Landing) was performed by Morris and Ritchie Associates, Inc. dated July 11, 2005. The analysis indicates that adequate sewer capacity is available to serve this project. The 3 additional units that have been added pose insignificant increase in sewage flow.*
5. *General construction plan notes must include reference to the Town of Perryville, Maryland, Water Distribution and Sanitary Sewer Collection Systems Supplemental Specifications, April 7, 2008. These specifications are attached to the letter for reference.*

Ms. Skilling asked if you have received the specs.

Mr. Wilson replied yes we did.

6. *The construction plans indicate water and sewer service connections to proposed buildings. Easements must be provided for all utilities that will be dedicated to the Town and for meter pit access.*
7. *The water meter pit detail for Building 1 and Building 2 must be in accordance with Town of Perryville Detail W-5A.*
8. *The location of any existing and proposed sewage pump-out facilities for the marina should be shown on the construction plans. Assuming the use of the Town's sewer system, the Town and applicant should discuss appropriate means of metering and payment for said usage.*

Ms. Skilling asked will there be a pump-out facility on this site?

Mr. Wilson replied there is an existing pump-out facility that was part of a State program, it's portable, its on the dock. So, it's probably two years old.

Ms. Skilling said so you don't use the Town's pump-out.

Mr. Wilson replied no.



Ms. Skilling stated I do have Critical Area comments. The Critical Area has recommended, and I do believe you may have a copy of this as well. (Copy of Critical Area Commission letter dated December 11, 2008 is attached separately for reference.) This was sent to the Critical Area Commission as required and they have written back indicating that there are still some information that is required for this plan. One of the things, they have concerns about the storm water management. The storm water management for Phase I is being changed in Phase II and so they have not, the ten percent (10%) calculations were not quite clear. They are requiring, the Critical Area Commission is requiring, that construction drawings for storm water management be provided. Now, this plan has not received any storm water management approvals for Phase II and Phase I is being redesigned, basically, to accommodate Phase II. So that is the current concern of the Critical Area Commission and the Town still has to review and make sure the County will be reviewing that. We have not received any storm water management approvals and they have not officially been sent to the County yet, have they.

Mr. Wilson replied that's correct. From an engineering standpoint it is difficult or not generally a wise thing to do, to start a design until you have at least Preliminary approval. That is something of course that we know we have to meet and that is part of the construction drawing phase which we have to get approval before we certainly can get final approval. It is something we are prepared to do hopefully after we get through this phase. We have done enough preliminary work that we are confident that we can certainly meet the ten percent (10%) rule and all county approvals as necessary to move forward with this site.

Ms. Skilling said the project can be conditioned; well it's going to have to be conditioned. There is no, beyond the preliminary stage, any additional approvals, so it has to be conditioned upon getting all the storm water management and sediment/erosion controls in place and that will have to be done prior to final site plan approval, which is normal for your process. It is part of the site plan approval. One other thing that the Commission, in their letter, indicated that the buffer management plan that was submitted had species that were not native. That will have to be addressed. In the waterfront area there was a buffer management plan for the setback. This is the buffer exception area. The five (5) foot walkway was allowed in the Critical Area buffer, which is unusual, but what we did is, if you remember in the past we recommend a five (5) foot buffer and then give twenty five (25) more feet which is the normal setback, so really there is a thirty (30) foot setback back here instead of the basic bottom line twenty five (25) foot, which is in your ordinance. But within that twenty-five feet, there has to be plantings. There is a planting plan that was submitted but it would have to be revised because they did not agree with the plantings because they were not native. So you will have to address some of those issues. The last thing was that there was a planting plan for Phase I that needs indication it has been provided. The DNR Heritage letter had to be updated and that could be provided prior to final site plan approval. But those conditions are still outstanding with Critical Area and it could be conditioned, the approval of the project can be conditioned that those things are addressed prior to any final approvals.

Chairman Heimberger stated the motion should include those conditions.

Ms. Skilling replied that is correct.

Chairman Heimberger asked if you have anything else to add.

Mr. Wilson responded just that the plan you have in front of you, that's the landscape plan that shows the plants that Ms. Skilling was referring to along the waterfront, and of course the plantings proposed for the condominiums. They are significant plantings. We are going to provide a nice waterfront. I think the total number is over four hundred (400) plantings with the majority of them being in the twenty five (25) foot buffer and again Ms. Skilling was saying they do make a special allowance to put the five (5) foot walk along the waterline and we give them their twenty five (25) foot buffer from the walk. So it's a total of thirty (30) feet.

Chairman Heimberger said it appears to be a lot cleaner there.

Ms. Turgon said I have a question for Ms. Skilling or whoever. You referenced an Environmental Assessment Report.

Ms. Skilling replied yes there was one done and we did look at it. Part of that environmental assessment had the ten percent (10%) reduction in it. There was one in here; if you want to review it we do have copies of it. We did look at it for the buffer, the ten percent (10%) reduction, and then there are other issues that have to be addressed, the habitat areas of which there are none, and the buffer and they do have to address that as far as we are concerned. They had to mitigate, in some cases two to one (2:1) mitigation because they were actually going to disturb in the buffer even though it is a buffer exemption area. You did meet the requirements for plantings in that buffer and there was one common area about the plantings in the....

Mr. Wilson asked are you talking about at the boat ramp.

Ms. Skilling replied, yes at the boat ramp. And mitigation was done elsewhere on the project for that. It wasn't done explicitly on the waterfront but they have included additional plantings in the project for mitigation for that area.

Mr. Wilson said Ms. Schillings' talking about this area along in here. It's really impossible to place a twenty five (25) foot planting strip in addition to the walkway and still have access to the existing boat ramp. So the calculations for our plantings are denser to make up for where we couldn't plant there.

Ms. Turgon stated I have one more question. What did you say about the open space? I got confused.

Mr. Wilson replied we're providing, I guess, in three ways. One would be the pool area, the other would be this picnic area here, and the other is we get credit, and I think Ms. Skilling agrees with me, for the walkways.

Ms. Turgon asked so you met your thirty percent (30%)?

Mr. Wilson said actually that is the active open space. A portion of it, which is twenty five (25) of the thirty percent (30%) open space. There are two requirements. One is you have to have thirty percent (30%) in open space, I believe, and of that thirty percent (30%) you need twenty five (25) to be active. So the active open space requirement we're meeting by the pool, the walkway, and the picnic area.

Ms. Turgon responded but you still meet the overall thirty percent (30%).

Mr. Wilson replied oh yes. We're in access of both.

Ms. Turgon said that's what I thought you said.

Ms. Skilling said they have included all the walkway areas because they are going to be responsible for, but there is going to be public access. It's all going to be public access. And the pool area will be accessed for residential as well as the marina users.

Ms. Turgon stated you've gotten creative.

Mr. Wilson replied we try.

Ms. Skilling commented that one other thing I wanted to mention is that the building, there has always been a concern regarding the height, so we suggested that he show and demonstrate what it is going to look like, with the height restriction, and how the parking is going to be underneath these buildings, so that the height does not exceed the limit. So we've asked him to give the Planning Commission at least an idea that you can incorporate that so we know what this is going to look like, the height of the building and there is no mistake.

Mr. Fortner asked if this was going to be, are you bringing in more dirt to raise it, or is it going to be at the same level as now.

Mr. Wilson replied a combination of two things. The original plan was the buildings were going to be elevated and look like the back of the existing building that is there now. In other words the parking, the basement, or the floor of the garage would have been the existing ground and then the whole entire building would have been above that. And of course we couldn't accomplish that with the same layout as before with the one building down on the water because we didn't want to bring a bunch of dirt in and it wouldn't have looked very attractive. So by bringing them up on to the roadway, the road itself is around twelve (12) feet above sea level and down by the water is around four (4) feet, it gave us the ability to do two things on how to accomplish it, by both

sinking the buildings in the ground and a little bit of dirt in the front. From the front of the building it will look like this, the building itself is going to be the same architecture and similar in color scheme to the one that is there. The difference between this building and the one up there is we've got to modify the roof to about half the height of the one down there, as this drawing shows and as you enter into the site along the access way between the buildings you'll go down and go underneath of them. The buildings are sunk into the ground. Again we have that ability by moving them up to the road, getting them up to a higher elevation. So we don't have a lot of dirt in front of the building. This exists at twelve (12), the ground right outside the building is going to be about fifteen (15) so you have about a three (3) foot rise, which is not uncommon. And of course the backs will be sunken about four (4) feet. So if you take the average of the two along with the roof height we can accomplish the forty (40) foot roof height.

Chairman Heimberger said they will be walkout basements in other words.

Mr. Wilson replied actually they aren't even walkout basements, because they are sunk in. It's about four (4) feet in the ground. So it's not even, they're sunk in, even in the back. It's not like the ones that are there now. So that's how we're going to accomplish keeping the buildings lower.

Ms. Turgon asked are you worried about, what's the time line on it. If everything, if all the stars align when would it, is it like a year out, a year and a half, two years?

Mr. Wilson said approvals; generally unfortunately take at least a year. Once we get into the construction phase, with all the approvals from the Town, the county, and the state, so we would probably be ready for a building permit portion in approximately a year.

Mr. Linkous stated probably more than that. By the time you look at structure and all that. You're probably looking at closer to two years, one and half to two years before the building can be done.

Ms. Turgon said let's hope there will be people to buy them.

Mr. Linkous stated that it can't get any worse. That's why I said it has to get better.

Commissioner Hansen said don't listen to the news then. Because it's going to get worse before it gets better.

Ms. Skilling said the cross sections for that building, as part of that plan you want to make sure that if there are variations with elevations.

Mr. Wilson stated absolutely. Of course the architectural plans when they come in for review and approval we'll show details, cross sections, showing how we meet the height requirements.

Mr. Fortner asked from the roof line of the new proposed condominiums and the existing one, what is the difference in height? As I'm standing right here in the picnic area or if I'm in a boat on the dock, how much more of the building behind will I be able to see? Just some basic elevation difference between those buildings.

Mr. Wilson said the elevation at the water is about four (4) to five (5) feet down here. At the back of this building we're proposing nine (9) feet in elevation. So there's about a four (4) foot difference in elevation between here and here. And of course you have the building height.

Mr. Fortner said I am talking about the new buildings to the existing one, starting from the roof line.

Mr. Wilson said the difference in height between this one and this one?

Mr. Fortner said taking into consideration its location lower on the ground, what would the, how much more, if you were to stand on top of the new building and go straight across, how much higher would the back building be? I know it would be lower, but how much lower.

Ms. Turgon said the existing building will be lower?

Mr. Fortner said no, the new building will be lower.

Mr. Wilson said the back of the buildings up front is around eighteen (18). The front of the buildings down below are around fifteen (15). The walkout, which is the basement elevation of the ones out front are right around eighteen (18), elevation eighteen. The front of the new would be down low at elevation fifteen (15).

Mr. Fortner said there's only a three (3) foot difference.

Mr. Wilson said you have a fifty-three (53) foot height building up here and a forty (40) foot height down here.

Mr. Fortner said so there is about a fifteen (15) foot difference.

Ms. Skilling said you will definitely see the building behind.

Chairman Heimberger asked if there was anything else.

Commissioner Hansen said I have a couple more questions. You said that the proposed building here is going to be in the ground. Is the living spaces going to be in the ground there or is that the parking garage that will be in the ground?

Mr. Wilson replied the parking garages will be in the ground. We have to be elevated above the one hundred (100) year flood plain by a minimum of a foot. It takes flood

elevation in this area as well and the first floor shown on the plan is at seventeen (17). So we are well above the base flood elevation of twelve (12).

Commissioner Hansen commented that when you were talking about the pump out station, I didn't quite understand or hear that. You said there is one that is existing right there but with this new project here, you're not going to have one, are you. Yes or no.

Mr. Wilson replied yes. It's a portable system that we actually got through a State program where they paid for it. I think we've only had it for, this will be our second season. It's a small portable machine that you roll around on the dock.

Commissioner Hansen said and that's going to be hooked up to the Town's sewer system, right?

Mr. Wilson replied no, it's portable.

Commissioner Hansen stated it gets pumped out by a truck and then it's hauled away. Ok.

Ms. Thompson asked what is the approximate square footage of these units.

Mr. Wilson stated I'm going to let Mr. Linkous answer that.

Mr. Linkous said they range from fifteen hundred and fifty (1,550) square feet to eighteen hundred and fifty (1,850) square feet. They are big units. They are as big as what is up there now. The model is open, you'll have to come down and see it.

Ms. Thompson said I want to come down to see them.

Mr. Linkous replied they are open now. I'll give you the grand tour.

Mr. Fortner said they do provide some nice green area and I want to ask about the parking. At Phase II condominiums you have extra parking and actually have twenty six (26) parking spaces. And then the marina with ninety-six (96) slips, required is forty eight (48) spaces, but you provide seventy-six (76). So that is twenty seven (27) extra spaces so my quick math shows about fifty three (53) extra parking spaces for this site. I did a quick count of this and that would represent the entire area right here of excess parking. These are suburban parking requirements. They are very adequate, and I would like you to consider providing less parking, less extra parking. You could turn it into green space. You could either, one is to add more of a buffer yard right here, or even create a yard right here, giving these condos, you have people backing up almost into the condominium. You could create extra space there. And extra space with this common area there, and still not eliminate all of the extra parking spaces you have there that you seem to be concerned about, about extra people parking there. But a lot of times you were saying earlier, a lot of times these boats are going to stay out here so a lot of these slips are going to be unused and so you don't need them. These are what is used in the

off season, so you have a lot of pavement over there not getting used and you already mentioned you're going to have shared parking spaces that the condos can use these spaces during the off season but yet you're giving everyone more than enough parking. On Phase I you've only done, you only gave them an extra eight (8) parking spaces which is more, I think, of a proportion which would be more reasonable.

Mr. Wilson said the main incentive for providing parking down below here we also need to provide areas for folks who are just visiting the marina.

Mr. Fortner said but you don't need ninety-eight (98) though.

Mr. Wilson replied and they are but that's not enough area for those. We need this combined with this for boats. It's really not that big of an area. Most of the additional parking is in this area, what is already there for Phase I. It's really not a very big parking area.

Ms. Turgon stated thirty-three (33) spaces are required but you have eight nine (89). I don't know, I just wrote that down.

Ms. Hansen said I think the parking is fine.

Mr. Wilson said in Phase II we have thirty three (33) units and eighty-three (83) were required, this is for the condos, with one hundred and nine (109) provided and you take them away with the parking underneath and these, you can meet the requirement, but you just meet it. So these are really conditional spaces here in Phase II. But again you also have to consider the area and room for boats in the off season to store.

Mr. Fortner said but this says ninety-six slips, where are the ninety six slips?

Mr. Wilson said that is out on the water.

Mr. Fortner repeated it's out on the water, ok.

Mr. Wilson said there is a requirement for parking for each slip, a half I believe per slip.

Ms. Skilling said that as part of your storm water management, will you be doing some bio-retention, because bio-retention will require some plantings potentially, where they could be doing additional plantings as part of that bio-retention area as far as storm water management goes.

Mr. Wilson said this is bio-retention facility. It has plantings incorporated in it.

Ms. Skilling said so maybe some could be incorporated if the county allows bio-retention, and, whether this area is suitable for a bio-retention area. And that's to be seen yet. Because bio-retention areas are like rain gardens so they allow them either to plant these areas so the runoff, the actual storm water gets absorbed by the plants. So they

allow those to be planted sometimes. Now that needs to be seen whether the county will allow. We can make recommendations but I've tried to work with the county to do that more in towns than to build ponds. To me they are much better than having ponds in the Town, is to have bio-retention areas where the actual plants are performing the storm water management, which is what they are supposed to do. So that is something to consider. I tried to contact the county today about storm water for this site but unfortunately they didn't return my call. But I would like to pursue more of that here on this site. Again, I've seen some of the storm water management ponds in Town and they are not functioning like they should. Whereby retention areas can be planted, looks more attractive, and can be managed a little bit better if it's done right. But just to answer your question for plantings, I agree, there is a lot of pavement here. A lot of pavement.

Mr. Fortner asked how can that change the dynamics of the pavement.

Ms. Skilling said it's just the areas that he's got to use for storm water, can be planted. There has to be some kind of storm water facility here. Ponds are not the real best method. But if we can incorporate some good bio-retention you'll get some plantings which will make this look better. It will break up the parking area a little bit more than what it is now. Because those bio-retention areas would be planted and make it a lot softer. It's going to be a hard area with all the parking in both areas. That's what causes the problems along the waterfront, as you well know. It's the boat storage areas that take up a lot of space. And I don't remember the number of boats but I can show you a picture. This is what is down there now. It doesn't include the building that is being constructed now, but you can look at that. There are boats that are being stored there already on the waterfront.

Ms. Turgon said the green area of the parking.....

Mr. Wilson replied that is one of the facilities that Ms. Skilling is talking about. That will be a bio-retention area that has plantings in it. We don't show it on the plan but that is what that is designed for.

Ms. Skilling stated and it has not been approved yet. So we can encourage its use, fortunately, but unfortunately as it is, the county is responsible for storm water management. We can make recommendations that they use bio-retention and plant it but I don't know if the county is using it more now because it is a preference to use bio-retention now. And I think the county is trying to use it more and more but I have not seen a whole lot in this county.

Chairman Heimberger asked anyone else.

Commission Hansen stated just to comment. I can see where the developer wants a couple of extra parking spaces because in the summertime when the marina is hopping you're always going to get plenty of visitors saying let's go down to the boat and go out. You've got two cars, instead of one car, and you need a little extra parking space. If you don't have the parking spaces, then people park any where and every where.



Mr. Fortner responded well I don't care for a lot of traffic going through our Town center and if it restricts that, people will car pool, come in one car. Everyone who is going out on that boat doesn't have to come in an individual car. And there is parking on the street. There are other kinds of parking; they don't have to park right on the marina. I think there are other options. That's why I would like to see a reduction in parking spaces to the requirement, which is a very liberal requirement. It provides for plenty of parking. And also at the condos, I mean the condos alone have an extra twenty-six (26) parking spaces. There are two cars per unit. There's twenty six (26). That seems to be excessive. There's green space there.

Ms. Hansen stated it's not excessive. I think we need that parking.

Mr. Hansen said in addition to what she said is there is no parking on the street.

Ms. Hansen replied there is no street parking.

Ms. Skilling said there is on street parking on Roundhouse, you can park on Roundhouse.

Ms. Hansen replied no you can't.

Ms. Skilling commented I thought there were some areas where you could park.

Ms. Hansen said there is no parking on Roundhouse.

Mr. Fortner said it should be. It's a pretty big road.

Ms. Thompson said that was in the original plan for no parking.

Ms. Hansen agreed there was no parking on Roundhouse Road.

Mr. Hansen said they tried parking in front of the townhouses and that got stopped.

Ms. Thompson said and not only that, the people that come and go, they are going to be carrying coolers and stuff. They don't want to be too far away.

Mr. Fortner said there could be a loading area.

Ms. Thompson answered yes that's right.

Mr. Fortner said you are talking about the most picturesque beautiful property in Perryville and we're by and large paving it. I mean, this is gorgeous property and I don't see these kinds of developments in other towns where there are massive pavements. I don't see this in other developments in Havre de Grace. I don't see it in Port Deposit. I don't see it in Charlestown. I don't see these kinds of massive parking lots of pavement. There are specifically boats parking.

Ms. Hansen said they don't have the massive boating that we do.

Mr. Wilson replied that we have tried to minimize the pavement compared to Phase I, the majority was already approved for parking space requirements and again, a lot of this site is open.

Ms. Hansen stated I like the plan.

Mr. Wilson said the largest part of the parking lot is so the boats can get in and out. Some of these boats are thirty (30), thirty-five (35) feet long and you have to have the room to get them in and out. If you can't get them in and out then you can't operate. That's one thing we do have here is deep water which attracts the bigger boats and once these people get a slip, they stay. It's the first time in a long time that has happened.

Ms. Turgon stated I have a question. Mr. Linkous if we are making this a walkway on the water that will be there and it is going to go in front of McMullen's, is the plan to also do something in front of Owens II to keep, with that sidewalk, the flow going.

Mr. Linkous replied I'm not sure

Ms. Turgon said at the bulkhead. Owens Landing II and I, will that all connect.

Mr. Linkous said there will be a walkway through there, yes.

Ms. Turgon stated that is in the grand plan as well.

Mr. Linkous replied that once we put the new bulkhead in that will be, but that whole access in front of Owens, in front of the condos is not public.

Ms. Turgon stated it's not public, that's the difference. But you would still put a sidewalk in there.

Mr. Linkous replied that yes, there will be a sidewalk in there. And at McMullen's there has to be an agreement that the Town will assume the liability. That's the other thing. We said as long as they say they are responsible.

Ms. Skilling stated just for a little of history for that. When the Greenway Project started, Owens Landing had already been built out and because the condo association had been taken over on that part, the condo association was not in agreement to allow that to be public. The Town chose to make sure that other development projects along the waterfront had some kind of walking trail connecting it, in the hope that maybe some day it would be included.

Ms. Turgon said but there is nobody up there prohibiting anybody from the Town using it, because then really you could walk the whole waterfront.

Mr. Linkous said once we are finished with the bulkhead.

Ms. Turgon said I'm just trying to address what Mr. Fortner is saying is that if at some time it all ties together. That would be helpful.

Chairman Heimberger said we need a motion and we need to incorporate conditions.

Ms. Turgon said so our task tonight is to approve the preliminary site plan.

Ms. Skilling said in this particular case, there are still Critical Area approvals needed so the conditions we would need are the Critical Area requirements and the comments from myself and URS.

Mr. Fortner stated I make a motion to accept the Preliminary Plan with conditions of approval from the Critical Area Commission, comments by Ms. Skilling and URS and also with a reduction of total number of parking spaces by twenty-six (26) parking spaces. That's half of the additional parking spaces that they had. That's my motion.

Chairman Heimberger asked if anyone seconds.....then I need another motion.

Ms. Hansen said she makes a motion the same as Mr. Fortner, but we do need the parking spaces. The parking is needed. I mean when you go down into that marina, those parking spaces are needed. It's very heavily used in the summer.

**Motion** made by Ms. Hansen and seconded by Ms. Thompson to approve the Preliminary Plan with conditions of approval from the Critical Area Commission, comments by Ms. Skilling and URS and approvals are received for storm water management. **4 In Favor, 1 Opposed (Mr. Fortner). Motion Carried.**

## **DISCUSSION**

Chairman Heimberger said Ms. Skilling has some comments regarding the Comprehensive Plan.

Ms. Skilling stated you have before you some additions to the Comprehensive Plan for some proposed additions. They are not quite final but I am incorporating some of these as recommendations for various changes in the Town. I would like to get some of these incorporated into the Comprehensive Plan so we can send it out for sixty (60) day review, which I have been trying to accomplish over the last, ever since I came here. And every time I do, it seems there are new things coming up. I would like for you to look at these proposed recommendations. These are just proposals that we have to have in the Comp Plan. So if you can look at it and if you have any concerns, I just wanted to let you know that when we put it in there this still has to come back before you. It will go out for sixty day review to all the state agencies. Their comments will be collected, as well as Planning Commission comments and you'll still have a chance through the public hearing process, well, prior to the public hearing to make changes because you're going to have

to look at it when we get all the comments back from the agencies. So there will still be time to make changes.

Ms. Skilling said there will be public hearings for all aspects of it. I just wanted to let you know what it is, what is proposed, all those things that will be added. But again, if you have concerns, questions, please feel free to address them and send them to me. Again we will be looking at this when it comes back from sixty (60) day review because we're going to have to look at those comments as well. And I have addressed as well all your comments. Mr. Fortner, I have put some of your comments in there, and at the maps, and we'll be looking at those too.

**Motion** was made by Ms. Hansen and seconded by Ms. Thompson to adjourn the meeting at 8:10 pm. **All in Favor; Motion Carried.**

Respectfully Submitted,

Dianna Battaglia  
Planning & Zoning Coordinator