

**Planning & Zoning
Meeting Minutes
August 16, 2010**

ATTENDANCE: Priscilla Turgon, George Jack, Matthew Oberholtzer, Michelle Linkey, Ray Ryan, Matt Roath, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to order at 6:35 p.m.

APPROVAL OF MINUTES

Motion to approve the July 19, 2010 Meeting Minutes failed due to a quorum not present. Ms. Linkey and Mr. Jack abstained; Ray Ryan and Matt Roath are new members. Will add to the next meeting's agenda.

New Business

Welcome to new members:

Ms. Turgon announced at the Town meeting on August 3rd the Mayor and Commissioners appointed Mr. Ray Ryan to replace Ms. Brock and they also elected to appoint Mr. Matt Roath to serve as an alternate member.

Ms. Skilling indicated and I want to let everyone know Mr. Ryan has already completed the training course and received his certificate. We welcome both of you to the board.

Grose Subdivision:

Ms. Skilling asked Mr. Perry Grose do you want to discuss your project, as it was in the past and present.

Mr. Grose replied we purchased the property in 2005 and we intend to subdivide it into four lots. Due to engineer problems, and the market downfall the plan was put on hold. Now with BRAC coming in we wanted to get the plan moving again. We plan to sell the lots but my daughter is going to build one house there and we're going to build there also. We have everything complete for the stormwater management as well as sediment and erosion control. They will be accessed by a common drive and we will provide water and sewer to all the lots.

Ms. Skilling stated originally Mr. Grose, some time ago, submitted the subdivision plan and went through the entire process. Time had passed and now they are ready to move forward. The subdivision plat includes four lots, and there is a fifth lot that is part of the project but it is already a separate parcel so the subdivision plat only includes four lots.

Mr. Grose indicated we made provision in the subdivision for water and sewer to the fifth lot which is located on Ellis Court. The existing line that goes back Ellis Court is inadequate to tie in.

Ms. Skilling commented Ellis Court is a private road that is maintained by the property owners.

Mr. Grose stated there is a recorded easement for this lot for access to Ellis Court.

Mr. Roath asked have the property owners on Ellis Court been notified.

Ms. Skilling responded they know or they are aware of that lot but we would have to notify them officially. If there is any damage to the existing road from construction it will need to be repaired by Mr. Grose.

Ms. Turgon questioned is this the development where the residences have the shared driveway.

Mr. Grose replied yes, a common driveway.

Ms. Skilling indicated tonight is for approval of the subdivision plat which may not be recorded until all public utilities are installed. We've looked at it for water and sewer and a Public Works Agreement will need to be implemented and bonded for the public improvements. The reason being you can not sell a lot without water and sewer.

Ms. Turgon asked will you have to come back to us.

Ms. Skilling responded they won't if you approve the plat but the public works agreement and all the public infrastructure will need to be put in. There is a very similar situation across the street, Hawkins Court. They have a public works agreement, all the public improvements were put in, and they are issued a Zoning Certificate for each lot.

Mr. Roath questioned the reforestation area, is that retaining the forested area there.

Mr. Grose replied no, the trees there are going to be removed and we have to reforest back.

Ms. Skilling stated we have to record that also for the forest retention plan. The property owners will need to be made aware of that, because they will not be able to cut down any trees.

Ms. Turgon asked these are single family homes, four.

Mr. Grose replied there are four here yes. They are 1/2 acre lots and the one in front is about a 1/3 acre. The fifth lot is subdivided lot already. It was purchased separately; it was a separate piece of the property but just happened to adjoin the other. It has always

been a separate parcel. We included it in our stormwater management and sediment and erosion control and also we will be bringing water and sewer to the lot.

Ms. Skilling stated this will provide water and sewer from Broad Street back to the fifth lot. The requirement was you had to provide water and sewer back to that lot because it is not available at the other end.

Mr. Grose explained the four lots will be accessed by a common drive and the fifth lot will be accessed by the existing Ellis Court.

Mr. Roath commented in regards to the individuals on Ellis Court, obviously they have been there for years, do they know about this.

Mr. Grose responded I have talked to them some time ago and they are aware of the plan. I spoke with Mr. Ellis, but I haven't talked to the other people, but they were aware, when we put the silt fence initially when we began in the area. And we had a little issue here where we had to give a little bit of property back. At the Lidum's property, when we ran the property line we were over two foot on their property so we're going to revise that.

Mr. Roath stated the only reason I ask is because obviously when you have people living there for a long time just communicating your plans ahead of time to them is good.

Ms. Turgon asked are there any Fire Department concerns or anything.

Ms. Skilling stated they looked at the plan some time ago.

Mr. Ryan indicated there were some concerns by the Fire Chief but what those concerns were, I don't know.

Mr. Grose replied initially there were concerns about having a big turnaround down here and then all that went away.

Discussion continued regarding fire hydrant locations. Mr. Grose has no problem with installing a fire hydrant if required, as long as the available water line is adequate to add it. There is one on the other side at Maryland Avenue already.

Ms. Skilling stated there is a concern on Ellis Court too because that is a very small water line going back in there, and it's private too. We have to check with our engineers to make sure that source would be able to supply a water line at that point. Sprinkler systems are also a requirement for each new residence. It is a Town of Perryville requirement. We will be working with the property owners on Ellis Court to look at this plan and discuss it, and you have to have a pre-construction meeting for anything that happens here and we need to let them know what's going on. I think they are very aware, at least Mr. Ellis is aware, of that easement that has been there for some time.

Ms. Turgon asked would our next order of business then be to approve the plat, pending a public works agreement being implemented, bonding, and all public improvements.

Ms. Skilling responded correct. We do have an approved Sediment and Erosion Control Plan so once we get the Public Works Agreement, shop drawings for all the water and sewer, and then a pre-construction meeting for all public improvements to be put in. State Highway has approved an entrance onto the state highway. We do have an application from SHA.

Mr. Grose stated I think they waived that because there were no issues with that.

Ms. Turgon asked is that still pending.

Ms. Skilling replied no we have the entrance permit. I think the SHA access permit is still good on Broad Street. We'll check to make sure. That is part of our checklist. So you are approving the plat as submitted and the water and sewer infrastructure must go in prior to final recordation. I also have to send a letter to Cecil County Health Department for water and sewer, that we have water and sewer available to this subdivision. What needs to happen is they have to approve the plat but you can't record that plat until we get in all the infrastructure and a public works agreement is signed for that infrastructure and I need to get engineering costs for the infrastructure to be installed. So I need the cost estimate and we'll review it to make sure it's adequate to install the infrastructure, and shop drawings will need to be provided for all the public improvements. So once that's approved and the public works agreement is in place that infrastructure needs to be installed prior to. You can't sell lots unless it has water and sewer available to those parcels.

Discussion continued regarding the remaining requirements for the site. The project will be reviewed again for fire hydrant locations and have URS determine if the line is adequate for that.

Motion was made by Ms. Linkey and seconded by Mr. Jack to approve the Subdivision Plat for the Grose property pending implementation of the Public Works Agreement, installation of water and sewer infrastructure, approved engineering costs for public improvements, and approval by the Health Department, explore the possibilities of fire hydrant with Perryville Fire Company and infrastructure must go in before recordation of the plat. **All in Favor. Motion Passed.**

Old Business

Woodlands Final Major Site Plan Phase I:

Ms. Skilling commented I wanted to update you on the project. At our last meeting when we looked at Woodlands, you made a motion to approve the Final Site Plan for Phase I based on URS comments. Duffield came back with some revisions based on the comments that were provided at that meeting when you approved it. These are additional

comments. We're still going over some road and drain issues with curves that are on the site plan. So once those are addressed in the comments you have right there, the water and sewer was only a few things which are minor, but the other things for the curvature on the plans which are being addressed now, we will be able to move forward and we will only be moving forward on Phase 1A. The whole site plan was for all of Phase 1, it has now been broken down to Phase 1A. (The submitted plan was shown to clarify the phasing, with Phase 1A shown as the white area, and the shaded area for future phase.) He's moving forward with the residential because he has people who are ready to move into the residential part. All the stormwater, the road, all the water and sewer, Public Works Agreement, bonding, everything, just like anything else. In order to meet the parking requirement the parking lot across the street will also be done because there is shared parking with all the buildings. The curves need to be revised to be able to accommodate large truck traffic moving through the site. Eventually Phase 1B will need to be redesigned for truck traffic once they know what is going there. Until that is determined it's hard to design the site because the use may be retail or offices, or something else.

Mr. Jack commented it is my understanding that these buildings (in Phase 1A) will be stores and living space.

Discussion continued regarding the live/work units to be built. Parking is underneath the buildings and will be able to accommodate residential use. Buildings 10 and 11 have one way in with a turnaround inside. Buildings 12A, 12B, are accessible in 12A through and out 13. When building 13 is built first there will initially be access directly off the entrance road from Route 40, but when the connecting building (building 12A) is completed that access will be closed off for right in, right out only and the road median will be extended. There is a trail to extend all the way down to Coudon Boulevard. Discussion continued regarding the phasing of the entire project. The sediment pond has been constructed already as part of Phase 1A and eventually will be the stormwater pond for the site. There are a lot of bio-retention areas. The Town is only taking over the roadway and none of the stormwater management. Rubber sidewalks are to be installed in the project, together with green roofs and other techniques. All the stormwater management is being watched closely by Cecil County and MDE because of the new regulations. If it doesn't work they will have to correct it.

Review of changes to Permissible Use Table for L1 and L2 zoning:

Ms. Skilling indicated some background information for our new members; right now our zoning has two industrial areas: the L1 district and the L2 district. There are no areas in the Town that are currently zoned L1. We do have an L2 and it is primarily Ikea, which was the old Firestone site, and the Frenchman Land Company which is the piece on the corner of Route 7 and Ikea Way. And what brought this to our attention, as we were reviewing the uses for Frenchman Land we discovered the section for Industrial Uses was missing in our Zoning Ordinance. We researched further and added the missing pages, but we discovered the uses included in the L2 would be logical to be included in the L1 and particularly the use of an office building. If you read the description of a L1 and L2

it appeared you could have an office building in either industrial area. So it was recommended to the Planning Commission to go back to the Permissible Use Table and put in there to have it Permitted With Conditions which would say you would have to look at it and there would be certain specifications you could look at or you could put conditions on an office building in either L1 or L2. And as we did that, there were other things that we saw that we thought was a little inconsistent with the Permissible Use Table in both of those two zones. So the Planning Commission went through this at the last meeting and what you have there, the added uses are in red, what we discussed should be permitted in the L1 and L2. We didn't want to change anything yet until you verify the changes. We changed what we thought would be practical to change and we looked at each one of these. The Planning Commission needs to confirm that the changes are correct from what was discussed to change. I reviewed Article 66B. These changes are not considered an amendment. The Planning Commission has an option to review things that they think are not consistent or based on a reevaluation of the uses permitted in a district. We have basically reevaluated just the Permissible Use Table. We haven't changed anything in a zoning district. We haven't changed the zoning; we haven't changed any official text in the zoning district. All we said now is we think, the Planning Commission believes that the Permissible Use Table should be changed, based on good planning practice. And what you do is make a recommendation to Mayor and Commissioners to that effect and the Mayor and Commissioners hold the public hearing and we make the changes on this. It is not considered a text amendment. It changes it but it really is the Planning Commission reevaluating what was in that Permissible Use Table. It's not an official mistake, it's really just reevaluating.

Ms. Turgon asked so tonight we're just making a recommendation to Mayor and Commissioners.

Ms. Skilling replied correct, to accept the revisions to the Permissible Use Table based on the reevaluation of the Planning Commission review of that table and the inconsistencies you saw in the table. Also in Article 66B, just for your information, one of the purposes of a proposed amendment is to change the zoning classification and we're not doing that. The legislative body shall make findings of fact, but what they are going to make findings is we've looked at this and reviewed it but there are no facts here to change based on the zoning district. We're not changing any district. We're not changing anything that would major affect any zoning in the Town. It's all going to be the same. It's what you can do in the L1 and L2, of which L1 we don't have in the Town, yet, only L2. And the real major use in L2 is it will allow office buildings in the L2 where it didn't before. Frenchman Land Company would be allowed, eventually once this is all done, to put an office building where they were proposing in their original plan.

Motion made by Mr. Jack and seconded by Mr. Ryan to recommend to the Mayor and Commissioners acceptance of the revisions to the Permissible Use Table for the L1 and L2 industrial zoning district based on the reevaluation by the Planning Commission's review for inconsistencies within the Table. **All in Favor. Motion Passed.**

Discussion continued regarding the Planning Commission's role with changes or revisions to the Zoning Ordinance. Peter Johnston was consulted, who did our Ordinance, and there should be no reason why the Planning Commission can't periodically recommend revisions to the text of the Zoning Ordinance that is consistent with good planning practices. And so you can make recommendations to change it. The change in the State criteria only applies to zoning classification, if you were changing a major thing in the text that would change the zoning classification or a mapping change.

Motion was made by Mr. Oberholtzer and seconded by Ms. Linkey to adjourn the meeting at 7:35 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator