

**Planning & Zoning
Meeting Minutes
October 19, 2009**

ATTENDANCE: Chairman Michael Fortner, Priscilla Turgon, Matthew Oberholtzer, George Jack, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

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

APPROVAL OF MINUTES

MOTION was made by Ms. Turgon and seconded by Mr. Jack to approve the September 21, 2009 Planning and Zoning Meeting minutes as written. **Four (4) in Favor. Motion Carried.**

New Business

File No. FP2009-05 – Final Site Plan Concord Apartments-Mill Creek Court;
PROPERTY OWNER: Kathy Ebner, Case Edwards Management; APPLICANT:
Matt Tyrell, Frederick Ward Associates; LOCATION: Mill Creek Road,
Perryville, MD 21903; Tax Map 802, Parcel 821, Zoned R-3.

Mr. Lou Schaffer stated I am with Frederick Ward and Associates and I'm here to present the Final Site Plan for Concord Apartments. We were here before the Planning Commission on July 22nd which we reviewed the plan and got a tentative approval based on getting Board of Appeals approval. There was a situation that needed to be worked out and at the Board of Appeals we requested relief from Article XI, Supplemental Use regulation, Section 205.3.d, *All buildings...shall be set back a minimum of fifty (50) feet from the right-of-way line of any public street or adjacent property lines. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.* And this was approved by the Board of Appeals on August 24, 2009. So what we have before you today is a composite site plan showing the Board of Appeals new setback line, the landscape adjustments that were requested by the Planning Commission back in July as well as some active open space amenities. Those active open space amenities have been moved to be adjacent to the proposed twenty one hundred fifty (2,150) square foot community building. There are some picnic tables and some grills as well as a new enhanced tot lot that will be included on the facility as well as some other cosmetic improvements that are being made to the site: sidewalk repairs, overlay of paving, and drainage improvements. The drainage improvements are not shown on that particular plan, but they are shown on the Site Plan before you and these drainage improvements are more of a maintenance item. There are places with standing water; it is relatively a flat site, behind these buildings as I explained before. We're putting in some small basket type drains that we can move around the site and discharge it back towards the existing storm water management pond that is adjacent to Mill Creek Road. Construction plans for this project have been submitted to the Town

of Perryville for review, and we have received some comments from the Town's engineer which were implemented in those plans as submitted to Ms. Skilling for further review by the Town Engineer as well as storm water management construction documents have been submitted to Cecil County for their review and approval as well as a Standard Erosion and Sediment Control Plan has been submitted to Soil Conservation. What we're here for this evening is for Final Site Plan approval and we understand that things as far as construction not much can occur until we get the final permits necessary such as storm water management, sediment control, and grading permit and then our client will be moving forward.

Mr. Fortner indicated we'll turn it over to Town Staff for comments.

Ms. Skilling stated just some comments to follow up:

Project Review – October 19, 2009 – Final Site Plan Concord Apartments

Planning/Technical Comments:

- 1. A copy of construction plans for the proposed clubhouse must be included with specific dimensions of building including building height. These are also necessary for a Zoning Certificate from the Town. **PLANS HAVE BEEN RECEIVED AND ARE BEING REVIEWED BY URS.***
- 2. A copy of Sediment Erosion Control and Stormwater Plans must be submitted to the Town and approval received prior to issuing a Zoning Certificate. **OUTSTANDING.***

Ms. Skilling continued the plans must be submitted to the Town, the final approved plans must be submitted to the Town. We understand that you have sent it forward, anything you send to DPW or Soil Conservation you can do it by transmittal as long as we also get a copy of the plan being submitted and the Final Plan that is approved as reviewed by those agencies is sent back to the Town so we have copies, otherwise we don't know what's been approved and we can't approve it until we have that.

Mr. Schaffer responded we'll definitely make sure you get a copy of those approved plans.

- 3. Landscape plans for the new facility must be submitted with the site plan in accordance with Section 300. If additional site lighting is proposed, it should be included on the landscape plan and comply with the standards of Section 150. **PLAN SUBMITTED.***

Ms. Skilling asked in the Landscaping Plan is there any site lighting being proposed.

Mr. Schaffer replied no.

Ms. Skilling stated it would need to be included on the plan if there were.

4. *A profile and specifications of sidewalks must be provided. **NEEDS TO BE PROVIDED.***

Ms. Skilling asked did you include the profile for the sidewalks.

Mr. Schaffer responded they are in the construction documents.

5. *Article XI Supplementary Use Regulations, Section 205, 3, b. Open area-A minimum of thirty percent (30%) of the total tract area shall be maintained as open area. This required open area shall not be devoted to service driveways, off-street parking, or loading space. It is further provided that twenty-five percent (25%) of the above referenced open area be suitable for usable recreational space and each such recreational space shall be at least fifty (50) feet in the least dimension with a minimum area of five thousand (5,000) square feet. Information verifying whether this section has been met must be provided. **TOT LOT IS BING UPGRADED AND BENCHES ADDED-THIRTY ONE PERCENT (31%) OPEN SPACE IS BEING PROVIDED.***

Ms. Skilling stated they meet the requirements for open space. The tot lot will add a nice amenity for this community.

6. *Article XI Supplementary Use Regulations, Section 205, 3, d. Setbacks-R-3 District – All buildings and structures shall be set back a minimum of fifty (50) feet from the right-of-way line of any public street or adjacent property lines. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area. The proposed clubhouse is approximately thirty (30) feet from the property line. A variance to the setback requirements under this section would be required for the building in this location. **BOARD OF APPEALS GRANTED RELIEF, RECOMMENDATION MADE TO INCLUDE BUFFERYARD B IN THE SETBACK AREA FROM THE ADJOINING PROPERTY.***
7. *No information is provided regarding plant or seed groundcover on disturbed areas. This information can be provided as part of the landscape plan. **PROVIDED.***
8. *The proposed private storm drain noted on the site plan outlets in the existing stormwater system. A note and profile should be included regarding the reason for its inclusion and its impact on the existing approved system. Will Cecil County DPW be reviewing this plan? If so a copy of the plan, as stated above should be submitted with the site plan. **CECIL COUNTY DPW APPROVAL REQUIRED. A COPY OF THE APPROVED PLAN MUST BE PROVIDED TO THE TOWN.***

URS comments need to be addressed. WATER AND SEWER PLAN MUST BE APPROVED BY URS.

Ms. Skilling indicated I do have some new comments that I would like to go over:

Additional comments:

- 1. A statement regarding the Equivalent Dwelling (EDU's), as mentioned in the URS letter, must be provided to the Town for the new building to determine connection fees.*

Mr. Schaffer indicated those computations for EDU's as well as fixture counts will be provided to you as part of, when we submit the building plans for your review.

Ms. Skilling replied we have to keep track of those now very closely.

- 2. Section 83-2 of the Code of Perryville referring to Sprinkler Systems indicates that "every new residence, including single-family, multi-family, and duplex dwellings, and modular homes, mobile homes, and trailers constructed within the Town of Perryville on all existing lots and future lots, or proposed new subdivision, for which a Zoning Certificate has not been issued as of the effective date hereof, shall have an interior sprinkler system installed." Our Code does not require a sprinkler system for this use.*

Ms. Skilling stated I want to reiterate that our Code only requires a sprinkler system in single family, multi-family, and duplex dwellings and modular homes. This particular use does not right now require any sprinkler system. So we don't have a commercial building or any building like this in that category under a sprinkler system, so it's not required, whether it is required by the State is not known right now.

Mr. Fortner commented we're talking about sprinklers with a change because it's not a change. We don't require sprinklers in a building like that.

Mr. Jack asked are we looking to change that. I don't mean with this. Are we looking to change that in our Code.

Ms. Skilling replied no, I'm just clarifying to you because it was brought up that we needed to get the Fire Company to look at that. Our Code does not make that requirement so it's very difficult unless there is some real substantial reason why we need to put a sprinkler system in this building, which is not a residential, it doesn't meet the category. There has always been discussion about whether certain commercial buildings should have a sprinkler system, but right now our Code does not require a sprinkler system for this type of use.

Mr. Jack responded I understood that. I'm looking to see what would justify the placement. When you get a bunch of people in a building like that.

Ms. Skilling stated it has to meet certain fire codes for the number of people that could be in that building and that has to be posted. Usually in a public building like that, just like here, there are a number of individuals that are supposed to be there to meet fire regulations but right now we do not. We have discussed numerous times for commercial buildings but right now our Code does not require that. I'm just making this for clarification because it was brought up.

Mr. Schaffer indicated I have had discussions with our internal architects with regard to this requirement and this site, this building does not meet the need based on the State Fire Marshal regulations. We're not the architects of record on this project and that's all stuff that certainly there is a sign off by the Fire Marshal that will have to happen during the building review process and if for some reason they would say it was needed then that would be something certainly we would have to address from that review and those comments.

Mr. Fortner asked is there a kitchen in the facility.

Ms. Ebner responded it has a kitchen, it is a warming kitchen. It does not have a stove. It has a sink, a refrigerator, and a microwave. So it's just a location for the residents to have parties.

Ms. Skilling continued with comments.

3. *Construction drawings for the proposed clubhouse must be submitted and reviewed prior to issuing a Zoning Certificate.*
4. *The Final Site Plan should mimic the landscaping being provided on the Landscape Plan.*

Ms. Skilling stated there was a little discrepancy; just make sure they mimic the other.

Mr. Schaffer indicated that was a direct copy. I'll look at that.

5. *A detail of the proposed sidewalks needs to be provided on the plan.*
6. *A Landscape Agreement must be executed between the developer and the Town which guarantees the required landscaping.*
7. *A Public Works Agreement (PWA) must be executed with the Town that guarantees that any public water or sewer facilities will be constructed in accordance with the approved plans.*
8. *If site lighting is to be provided near the clubhouse, it should be noted on the landscape plan.*

Ms. Skilling stated this was discussed previously and you indicated there would not be any additional lighting.

9. *A Site Plan for improvements at Concord Apartments at Aiken Avenue must be submitted and reviewed independent of the Concord Apartments at Mill Creek Court Site Plan.*

Mr. Schaffer indicated those plans are strictly just sidewalk repairs and paving of the parking lot where needed. It's more maintenance. We've met with Cecil County and from the storm water management, sediment control, they looked at it as maintenance and no permits were required with regard to that.

Ms. Skilling asked could you please just submit those separate with that information from the County because it's better to have these as separate projects.

Mr. Fortner asked any questions from the Commissioners. Any public comment.

Mr. Ray Ryan, from the Perryville Fire Department, stated just a couple of questions regarding the sprinkler system issue. Is this building for assembly use? There are categories that it fits into under the standards of what type of building, what type of use and occupancy it's going to be. Are we talking an assembly or are we talking about an office type building.

Ms. Ebner responded it will be both. There will be offices and there will be the activity room for residents.

Mr. Ryan responded I know this is probably hard to say right now but what do you think is going to be the maximum number of people that will be in the building at one time.

Ms. Ebner replied maybe about thirty (30). The building is approximately twenty-one hundred (2,100) square feet. There are three offices, a computer room, and an exercise room. Each of the offices would hold one (1) each, a couple in the computer room, and the exercise room could hold three or four.

Mr. Ryan stated under the standard code and I'm not sure and I've asked this question before and I never really got an answer except that we're using the same fire code as the County uses, or I'm assuming what the Fire Marshal uses, because the Fire Marshal signs off on it, and I'm still waiting to get an answer. One thing that I am going to propose for the future is that we adopt a set of Codes here in this Town in addition to what they are. Basically I'm probably assuming that's in the Code but I just want to make sure as we review these projects that they're all reviewed the same.

Ms. Turgon asked is there one entrance only, or is there a back and front entrance.

Ms. Ebner answered there are two, one in the front and one in the activity room at the patio.

Ms. Skilling stated just for clarification, I do want to mention that we do follow the County Code. The County actually reviews all construction drawings of our buildings

because they are the approving authority. They actually come out and inspect everything under construction. So we follow their development Code for that purpose. We just look at it for the zoning aspects.

Mr. Jack commented one of the reasons I brought that up is it seems to me that we have a Code for houses because people sleep in them. They have a Code for churches I understand now that anything constructed like that, that is an assembly of people and there are sprinkler systems in that and I'm sure the retail buildings would probably have sprinkler system requirements. I'm trying to figure out what constitutes having a sprinkler system and not having one. It's just a question I'm trying to figure out.

Ms. Skilling responded according to our Code, residential is the only thing right now that is covered in our Zoning Ordinance for sprinklers.

Ms. Turgon asked can we change it.

Ms. Skilling replied there has been discussion that we want to have commercial buildings because that was the discussion of why it seems some commercial, for instance Principio Health Center I don't think they have sprinklers. I don't think they have a sprinkler system. So that's where the discrepancy is. I didn't review the plans for Principio. And that's where we need to look at, whether we need to. Now the bank did not have a sprinkler system, it was not required and no one suggested it should be required. Maybe we need to look at our Code and see whether it should be updated or changed.

Mr. Fortner commented so we follow the County Code.

Ms. Skilling responded the County doesn't require sprinkler systems in residential though.

Mr. Fortner replied so that is part of our Code.

Ms. Skilling stated that is correct.

Ms. Battaglia commented from my research of sprinkler systems for various projects, on the State Fire Marshal's website one of their criteria was if there were sleeping facilities in the building, that's when they would require a sprinkler system, because someone would be sleeping there.

Ms. Turgon indicated but the Town Code or the County Code mandates alarms, right, that are hard wired?

Ms. Battaglia replied that is the County Code, the smoke alarms.

Ms. Skilling commented that is a standard under the building code requirement.

Mr. Fortner indicated for all buildings.

Ms. Turgon asked is the main door entrance a single door or is it double doors.

Ms. Ebner replied it is a single door.

Ms. Skilling indicated it is also only a one story building so it is more accessible for resident egress.

Mr. Ryan stated there are a lot of questions going on and earlier I mentioned about us adopting a Code here in the Town, a fire code and one of the things we would look at would be a thing called Life Safety Code. All these questions would be addressed, what you are asking. It tells you a minimum number of people you can have in certain types of buildings, or what can happen in that building, how you have to build that building, how many square feet you have to have based on the number of people. To answer your question about a single door, if there's a certain number of people in there and they have to meet what they call exit widths, the total amount of width for the doors, and it'll help you figure out according to that Code how many doors and what kind, and whether it's two doors or just one. It's all in this Code. And I was talking to a gentleman from Elkton Fire Company who also does this for the Town of Elkton, and they're going through the same issues. They are basically waiting for these sign offs and when they are signed off on the building plans that they are good to go, meeting these Codes, I'm assuming they are the local codes and the international building code and the actual building code. And what is happening, what they were finding out, even at the County level, there is no one looking out for the County. They're building a four story Comfort Inn right now in Elkton, right outside of town limits and no one has told this guy what he needs. He doesn't have fire hydrants, he doesn't have sprinklers, he doesn't have anything in this four story Comfort Inn. No one is here looking out for the fire company or the citizens for fire protection for almost anything in this County.

Ms. Skilling indicated that should be handled by the County.

Mr. Ryan responded there is nobody in an inspector division to make sure things are getting done from what I can see. But we can start it I think with future looking here at the building plans now as far as the fire codes at our level.

Ms. Skilling replied while I can tell you right now that the Life Safety Code is being required for the new gaming facility is pretty substantial and it has been at the County for some time just doing that. So they do review it at the County and they have been doing the reviews for this Town. I think for the sake of the record we probably should look into looking at that section of our Ordinance.

Mr. Fortner asked you say the County is strict at looking at Life Safety Code but they let, but a hotel got built without the review.

Mr. Ryan responded we don't know where the review fell. That's the problem. There is no second review to check on this hotel and how did it get approved at the County level,

and that's one of the issues we can address at the local level. Obviously if anything is happening outside of Perryville town limits you can't deal with it, but to make things better for us, like I say, it will answer all these questions we have if we have someone with familiarity with the Code and has that Code, and can say this is the Code we follow and I'm sure if you were in Baltimore City trying to do build this same thing they'd be all over it with building codes. They have that and it is an issue at their planning meetings and all that.

Mr. Fortner asked is there any more comments or questions from the public. We'll move on to discussion.

Motion made by Mr. Jack and seconded by Ms. Turgon to approve the Final Site Plan for Concord Apartments at Mill Creek conditioned all comments by the Town and URS are addressed. **All in Favor. Motion Carried.**

File No. FP2009-06 – Final Site Plan Phase I Woodlands Perryville; PROPERTY OWNER & APPLICANT: Perryville Property Holdings LLC; LOCATION: Route 40/Pulaski Hwy to Coudon Blvd, Perryville, MD 21903; Tax Map 800, Parcels 4, 635, 820, and 622, Lots 1-6, 8-10; Zoned MUD (Mixed Use Development).

Ms. Skilling indicated this should be considered as a major Preliminary Site Plan that we will be reviewing tonight. Because of all the, a lot of the design features of this project has not been finalized for this Phase I. We need to go through the process of looking at all the design features of this project, because this Phase I is crucial along the Route 40 corridor. So this is a Preliminary. We will look at it, and we still have comments pending from URS and then also, I apologize, my comments.

Mr. Fortner asked we do not have URS comments.

Ms. Skilling replied we do not have URS comments, no. My suggestion was for Mr. Hill to come in and discuss the changes to the site plan. The changes mainly to the uses and to discuss some of his storm water facilities that he is going to implement some bio-retention type areas which are actually an asset to the whole project and its key to the whole project as a green project. So he has brought some things for demonstration so I think we'll have Mr. Hill discuss some of these changes and then we'll look at some of the comments that we need to have answers later on.

Mr. Doug Hill and I'm here tonight representing Perryville Properties Holdings and Town Point Development. We've been working with Town Staff and Mayor and Commissioners now with this iteration of Woodlands Perryville for about two (2) years. In December 2008 this body recommended what is on this plan for Preliminary Plan approval to the Mayor and Commissioners as a mixed use development. Subsequent to that in April 2009, the Mayor and Commissioners voted to approve the mixed use development zoning and the Preliminary Site Plan for Woodlands Perryville. Since that time we've been working with a new engineer, and Stacy Ziegler, who is project

manager, is here tonight. She is a resident of the Town of Perryville and they are doing a great job. One of the things that we talked about during the preliminary phase of the initial design with the Planning Commission and Town Staff was it needs to be a mixed project. There is approximately eight hundred thousand square feet on this plan and it is a lot of buildable area to work through and it's going to take some time. Since the planning process it has evolved, and we have elected to propose some changes. Specifically we had changed what we proposed as medical/office space in buildings twelve and thirteen. Each building would be a two-story office building very similar to that of what was constructed at the Principio Health Center. The plans that you have before you are the amended plans and again building twelve and thirteen, that is the biggest change that we made today. We are proposing as twelve and thirteen are separated to make three buildings and those three buildings will be what we are calling our live/work units. The live/work units are main street retail concept. I have some diagrams to share with you. Essentially the live/work units are designed to be a small office on the first floor and have a commercial application and the second and third floors would be a two or three bedroom townhouse. Parking for the residents is under the building with on street parking as well as parking across the road in the parking lot for patrons. The type of business that we anticipate are the professionals, people that are looking for a small office space because they have a small business. A company that wants a satellite office, who wants to have a presence here in Perryville. We do have mass transit and we are close to Aberdeen Base and you are in a growing market base. So we have a total proposed for these live/work units of forty-six (46). There are no other offerings like this in Cecil or Harford County, as new construction, in part because the zoning doesn't allow it. In part because some developers feel like they want to get a tenant like the Union Hospital, and its one tenant that is taking twenty thousand (20,000) square feet and that's great but there's not that many twenty thousand square foot tenants available and looking in the Perryville marketplace. This is a small market place in that there's just not a lot of people here. And so it's hard to attract that type of user for smaller space. We're not going to attract a lot of medical users. Again originally these two buildings were proposed for medical/office space. There was a need identified during the public design charrette but since that time the Principio Health Center has been partially completed and I think they've done a good job and I think they have a much better chance of attracting a second tenant and fill their second building than I do to attract that type of user here. The other thing that changed is that Upper Chesapeake Health has purchased some property at Maryland Route 155 just off Bulle Rock Parkway. They purchased thirty (30) acres there and they intend to develop that as a hospital campus as a replacement for Harford Memorial Hospital. Part of their program will be to build medical office space so again between Principio Health Center and their second and third building and the Upper Chesapeake Health System in Harford County, I have no confidence that we are going to be able to compete, and our objective is to build this out. The last thing we want to look at is dirt, that's the only thing worse than looking at trees. So, that's sort of what we propose over here.

Mr. Fortner asked are they proposed to be retail, the first floor is going to be retail and the second floor office, or are they just going to be office type, like a law office.

Mr. Hill responded there will be a professional office on the first floor and the second and third floor is going to be residence, one residence in each.

Mr. Fortner asked but not retail.

Mr. Hill replied it could be retail; it could be a small shop.

Explanation continued about the proposed live/work units as one professional/commercial/retail/office space on the first floor and residence above on the second and third floors, in each. So for instance if you look at this building number thirteen there will be five what we call main street units and five of what we call the park side units. Park side, they look into the Coudon woods and Main Street looks onto Main Street. You can get something like this is North East or in Elkton if you were a small business person but it's not going to be new construction and it's not going to have modern amenities.

Mr. Hill explained these buildings function well I think because they provide again underground parking for the residents so they're keeping their cars off of the street. And there is a separate entrance for the residence and the office. And the buildings are going to be serviced by elevator. They are full access buildings. They are designed so that, because of the change in grade. It's pretty steep here and it wouldn't be very attractive to have a huge building sticking up out of the ground with a walkout basement, let's say like a townhouse. We want it to have a commercial feel because they are going to be visible from the road, from Route 40. They do fall within the five hundred (500) foot Highway Corridor Overlay District so they have to have a commercial look to them, but I don't think they have the need to look like the typical office building per se.

Ms. Turgon asked what is the rent going to be for the apartments.

Mr. Hill responded the apartments are going to start at seven hundred ninety dollars (\$790.) a month for one bedroom and the live/work units start at twenty-five hundred dollars (\$2,500.) per month.

Mr. Fortner indicated they go around the back too, there's going to be some sort of office. It looks like, this is going to face the main road going through the development, and then it looks like there is something behind it. So are they going to be accessed by walkways or is there a road going in there.

Mr. Hill responded there will be a sidewalk for access to each of the offices for the businesses. There is also vehicular access underneath the building that is one way so this is one continuous parking garage under.

Mr. Fortner commented so customers drive in and go through.

Mr. Hill replied customers will either park here or there is parallel parking on the street. There is also a common corridor between the front and the back units as indicated on

your plans. The common corridor would be for foot traffic, so you would be able to walk between and you would have a front and a back door to the building, so if you lived on the Main Street unit and you bought one and you wanted to rent out the first floor because you went out of business, so in order to have access to your home above you would have a separate access and you would have a joint access. Sort of like a hotel suite where you have adjoining rooms with a door between that have dead bolts. So even if you are working there and you have some employees and you want to live there as a resident.

Ms. Turgon asked are the price points the same for the park side units.

Mr. Hill replied the park side units are two bedrooms and two baths and I expect them to sell somewhere in the upper three hundred thousand dollar price range and the street side units, the Main Street units, I expect them to sell in the upper four hundred thousand.

Mr. Oberholtzer asked so each unit basically the person would own the office space on the first floor and the living space above it. So it wouldn't be like someone owns the business below separate.

Mr. Hill responded I don't see that happening. You could rent them separately but they have to be held as condominium regime and we don't want to do horizontal and vertical condominium regime. I'm afraid there would be too many problems and also if I'm a resident and renting to someone and I don't want them to be there any more there is nothing I can do. But if I'm the resident and I own it and there are problems then I can ask them to leave. And vice versa. If it's a professional who wants to have a law office here but maybe doesn't want to live there and wants to rent the upper floor to a tenant, likewise.

Ms. Linkey commented and you are going to have some furnished units available as well.

Mr. Hill replied actually IKEA is going to be supplying all the furniture, appliances, some of the flooring, wall finishes, things of that nature. Pretty much anything they can supply.

Mr. Oberholtzer asked so for classification purposes these are going to be considered condominiums then, the live/work units.

Mr. Hill responded the live/work units will be held in condominium regime. You will actually own them as a condominium regime. You can't own them fee simple because the park side units don't have road access to the public street. They are not fronted on the public street so we can't subdivide.

Mr. Fortner asked can you explain condominium regime.

Mr. Hill replied condominium regime simply means that it is held in common so you own everything inside your building, inside your structure, but you don't own the land. The

condominium regime owns the land. If I sell you something fee simple, say your home, you get title to your home. You own the construction and the land it sits on. Most people identify condominiums with apartments in the sky, a high rise building, but you can have a condominium regime, like I've seen condominiums in Montana where they can't subdivide the land so they take five hundred (500) acres and they make ten (10) fifty (50) acre lots and it is still held as a condominium regime. They might be single family but they don't own the land, the land is owned collectively.

Discussion continued regarding local development as condominium regimes and condominium association.

Ms. Skilling indicated in the State of Maryland you have to record those as condominiums, there are certain guidelines to which you have to abide by when you have a condominium regime and it is regulated by the State of Maryland.

Mr. Fortner commented so it is a condominium regime.

Discussion continued about live/work units to be sold and the buyer can either have an office in the building and live above, or the owner has the option to either rent the business space to some sort of commercial tenant, or the living space, or both. It is a mixed use building. The apartments will not be sold but will be rented like typical rental apartments.

Mr. Hill indicated the park side units, they are smaller and would work if the spouse has a part time business. The park side units are three hundred fifty (350) square feet. That's a pretty small space but would work for an accountant, an attorney, or someone who is maybe a spouse with a part time business or wants a part time business. But we will have restrictions that it will have to be used for some type of commercial venue. We don't want them used as a residence just because somebody likes the building and likes the look of it.

Mr. Fortner questioned so there is an apartment in the front and an apartment in the back.

Mr. Hill replied there are two, yes.

Ms. Turgon asked what is the living space square footage for the park side units.

Mr. Hill responded the park side units are one thousand seven hundred and fifty (1,750) square feet for both levels.

Ms. Turgon asked and then the Main Street units.

Mr. Hill replied three thousand (3,000).

It was mentioned by Ms. Skilling that similar type of units were successful in the Town of Centreville. They actually took a whole street, some of which the buildings were

already there and turned them into these work/residential units and found them to be very successful. One of the successes is you that have someone living there all the time in a commercial building where it provides some sort of protection and security. They actually sold and rented very quickly. It was an entire street actually along the old railroad in the Town, a very similar look.

Ms. Turgon asked how many different apartment layouts will be available.

Mr. Hill replied there are five different units. They start at six hundred and seventy-five (675) square feet and they top out at twelve hundred and twenty (1,220) square feet. We have a mixture of one and two bedrooms, with one third being one bedroom as opposed to two thirds as two bedrooms. We're also proposing in one of the apartments, we are proposing a fitness facility and they'll have gardens for the residents. They will be able to use garden plots, in this space which is approximately three thousand (3,000) square feet, we're proposing individual garden plots. Some people call them dutch plots. They would be small plots, four by eight plots with raised bed. Are there any other questions regarding the live/work units, it is hard to conceptualize.

Mr. Oberholtzer asked when you set that condominium regime up, will there be some sort of condominium association that will enforce all the restrictions so that people won't be turning the work units into residences and that they are responsible for the maintenance of the common areas and so forth.

Explanation was given regarding the creation the homeowner's association documents and part of that is setting up the Covenants and Restrictions for the homeowners association and the condominium association. For instance, I live here and a shutter falls off my house, I would call the condominium association and they fix it. But if a tree falls down in front of my house, I would call the owners association, the management. If it's attached to the building then it is the responsibility of the condominium association, and everybody who lives in that building is going to be paying their part for those types of things. If it's not attached to the building, such as a tree, then it is part of the common area. That's all spelled out in the documents.

Mr. Oberholtzer questioned going back to what we were talking about the fire protection issues, have you looked at that for the work/live units and what category that falls into for fire protection.

Mr. Hill replied these buildings will be sprinklered. Everything in the entire project is going to be sprinklered, whether it's in the Code here or not. We have a meeting tomorrow with the Director of Emergency Services to start working on an emergency evacuation plan and the Fire Safety Officials Operation Manual for this district. That is something we committed to during the public design charrette. We had fire safety officials at the beginning at the various focus meetings and now we're at a point where we can take the next step. We haven't reviewed the buildings for Code, for the Cecil County Code, for the construction that we propose.

Ms. Turgon asked once you get so many, a certain percentage sold, then it gets turned over to the association, correct.

Mr. Hill replied correct.

Ms. Turgon stated but the apartments, those aren't for sale, right?

Mr. Hill responded those are rental only. Some people contacted me about buying the apartments and I had a couple of meetings but they said it looks really great but it doesn't really fit their program. They want their own complex and this doesn't really fit in with everybody's perfect model in terms of large scale apartments. For instance they own fifteen thousand (15,000) apartments across the country, that's what they do, just apartments. That's why they might like to go here and check it out but that doesn't really fit in their box. Our preference is to build it anyway as part of the development. We really want people here who are independent, business owners that are going to be living there and working there. That's the whole idea with the live/work. If it's the case that an investor says well I'm going to buy it and have my own business there and then rent out the upstairs, we can't turn that away. Again, there is only twenty-three (23) of each type, it's not that many. The other significant change on this plan, is that these buildings five through eight were all sited to be back to back townhouses. So just like the live/work except there is no work part. The total number of residential dwelling units on the approved preliminary plan was two hundred fifty eight (258). The total number of residential dwelling units on this plan is two hundred forty six (246) residential dwelling units. We looked at the area and found the grade was not what we thought it was based on the information we had and after we started looking at the topography and looked at the areas where we wanted to create the bio-swales as part of the storm water management there is no way we could accommodate back to back town homes there. So that's the other change. So my live/work mix has changed but my units now also changed by decreasing. Incidentally we had a show this weekend up in Fort Monmouth, New Jersey and we had fifty-three (53) people sign up this weekend to either rent or buy. At the last show we had eleven (11). We had a better display this time and we're further along in the process. People are really excited about what they saw here. It was in a town called Red Bank, New Jersey and the images in our project were very similar to what I saw in Red Bank last spring. It's a pretty neat town and people liked that because they could make the association. And this is a unique offering, there is nothing like it inside of Cecil or Harford County in this market place. So those are the big changes to the site plan. I wanted to talk a little bit about storm water management. I met last week with Town Staff and with Stacy Ziegler and we went through our overall concepts with the storm water and it was suggested I share some of these things with you. The first thing I'll show you is what these are. There are three, called rain tanks, this is a rain tank, a small version. Essentially what happens is the water is collected in a catch basin. It is then put into a pipe and put in here, into the tank which will be underground, under the parking lot. It sort of looks like an egg crate and it's really strong and what it does, the idea is that the tank fills up and it absorbs the water in a forty-eight (48) hour period and the ground is recharged. So we're recharging locally verses taking what is in here, putting it in pipes and bringing it all the way down the street into a pond. The pond fills

up, overflows, and then into the creek, untreated. In this case it goes into the tank and it goes into the ground much like a septic system. The same thing except you use these crates. So it's an alternative to using storage in a pond and it's recharging the ground water where it is falling which is most important.

Mr. Fortner asked how long does that system last, or do you have to rehab it, rehabilitate it every twenty years or something, or do you have to dig it up because so much silt will get in there?

Mr. Hill replied there is a filter which requires maintenance. I'm not exactly sure which one we're going to use yet. The filters do require maintenance annually and some of semi-annually, and the tank units are pretty much going to outlast all of us. They are hard plastic and it's encased, after filters and stone are placed, it's pretty tight in there. You might have seen a chamber system, large pipes, and the pipes are laid horizontally, put stone in, and that is a different type of system than this. The idea here is we're putting the rain water back into the ground a lot faster. These tanks are outside of the public right-of-way so the maintenance obligation falls on the homeowners association. It's one of the things the County and Town asked us to use best management practices and keep storm water outside of right-of-ways. The other product we are using is for sidewalks. This product is made out of tires, recycled content. On the underside there are these channels, a channel system. The idea is that the water goes through the cracks between the sidewalk tiles and is channeled to an underground drain which is stone. The reason I really like these is because if you have a problem with a tree or utility pipe, you take these up. If its concrete it would have to be saw cut, break it up, put it in a truck to haul away, then fix it and come back. These are being used exclusively now in New York City and I think Chesapeake City is going to start using them. Again its recycled content made from tires. Right now they come in three different colors. You can also add directional's within the sidewalk system, such as if I wanted to add a directional to the new transportation center, and it was a line or an arrow, or just a sign, I could do that right in the sidewalk. Right now they are in California but it looks like they are going to be opening an east coast plant here pretty soon.

Mr. Fortner asked is this just for the Route 40 area or is this for all sidewalks in the development.

Mr. Hill replied it will be used everywhere in the development.

Ms. Turgon asked where can I look for these.

Mr. Hill responded just go to rubber sidewalks dot com and you can see it there. They are a lot easier on your feet because its rubber. I started looking for these about a year ago and the guy selling these is located in Chestertown. These are now being used by the National Park Service, and they're talking about using them on the National Mall.

Mr. Fortner asked how long do they last.

Mr. Hill replied I don't know, indefinitely.

Mr. Fortner questioned they don't wear out like cement.

Mr. Hill responded no.

Ms. Skilling commented I would imagine they would be pretty durable.

Mr. Hill stated I started looking at this for a lot of reasons and first and foremost was maintenance. As we're building these invariably someone is going to drive across the sidewalks. If it's concrete, it's going to crack and it's going to have to be replaced. And when somebody moves in, they drive across it, the moving van or whatever and crack it, and if nobody reports it to the Town, guess who's going to pay to repair it. The Town, not the moving guys. They're not going to come down and say they did it, maybe they would but most likely that's not going to happen that way. So long term maintenance was key.

Mr. Fortner asked so if somebody drives over that it's not going to crack. What about the curbs. Is that going to be cement or something else.

Mr. Hill responded I didn't bring that in but I want to use granite curbs from Massachusetts. I'm going to use cobble brand curbs.

Mr. Jack asked what about the possibility of movement of the sidewalk tiles after they are installed.

Discussion ensued about how the rubber sidewalks are installed, with a stone base underneath, just like you have for a sidewalk and they lock together and then you attach them to the ground. There are guides on either side, and they float as a unit.

Mr. Hill continued the other thing that we're going to do here for our water quality is shown on the plans in orange, proposed rain gardens. The idea is that we are treating the water and not using a sand filter underground but filtering the water using actual plants. Duffield Associates has produced I don't know how many projects like this and another reason why we choose Duffield with constructing bio-retention. Our hope is that we can use things like bio-retention here, with signage to educate people about the environment and why they should pick up their trash, and plantings, and things like that. We want to make this attractive. Having just grass back here to mow isn't that attractive. Having a nice landscaped environment, a nice place to take a walk, to sit outside in a chair, that's what we want. We want people to be out and around, not sitting in their houses watching television. That's kind of it on the storm water management. Again you have rain tanks to store. You have the rain gardens and bio-swales to treat the water, and we also have green roofs, some, on the public buildings. It's more for quality because you don't get a lot of storage out of a green roof, not like with the tanks. This building will be constructed as a one story building for multi tenant retail and we'll have some solar panels on the roof as well as the green roof. So when you drive by up here on Route 40

it's high enough so the people can see. The finished floor elevations here, back here are fifteen (15) feet and existing and proposed up here is at one hundred twenty (120) feet so as you're coming up the hill here you're going to see portions of that roof. We want to communicate what it is we're doing. One other thing, the open space, this is kind of important. In the first stage we don't have a whole lot of open space, only a portion. In the second and third phase we do. We have the town commons in the second phase which is almost an acre. And then we have our proposed habitat restoration that is about twenty-eight (28) acres. So we really wanted to do something in the initial phase that would be special for people, so right here we have about fifteen thousand (15,000) square feet of area on the circle and so we're proposing an outdoor amphitheatre. Has anyone been to Pell Gardens in Chesapeake City? It's a place where people can go, take in a little music. I met with Arts and Entertainment folks up in Elkton and they are very excited to have an opportunity on this end of the County because they don't. There's nothing down here for live performances. Then we have a child care center in here and it could be pretty exciting for the child care center to have a place to go outside to play on nice days and things like that. That's sort of an amenity that is unusual; it's not a gym, it's not a park. It's not really appropriate here on this circle. I want to build a stage down here because it slopes down and underneath the stage have a public bathroom so when events are happening Mom can change children and people can use the facilities right there. I think you could maybe have about one hundred (100) people there.

Mr. Fortner asked what are the dimensions of that area, the width, the plot of land where you plan the amphitheatre. And it's surrounded by roads, right?

Mr. Hill responded it's about two hundred (200) feet at the widest point.

Mr. Fortner questioned and on the north side of Liberty Street, is that just going to be open space or is that just for storm water retention, or rain gardens.

Mr. Hill replied I think I want to do some green parking there. I don't really know. Because of this building being shaped like this we had to orient the parking lot this way. I want this building to be shaped like this because I don't want to see a blunt end as people are traveling westbound. So this needs to say hi, come in here, not this is the end of the building.

Mr. Fortner asked what is the purpose of Liberty Street right there, what does that serve, do you feel you need that I guess or why can't they go to the round-about, or do you feel you need to offer that convenience.

Mr. Hill responded that is a good question. And the answer is because the original plan calls for a connection to the other side but we don't own those properties yet so we can't make the connection. If we didn't own those properties then absolutely we would need to look at that. If we didn't plan to acquire those properties. The people all want to sell their properties, and we want to buy their properties, but we can't buy the properties until we do something here.

Mr. Fortner asked so you want to hold off building and just reserve the right-of-way of it and not build it or do you think it has a traffic flow use?

Mr. Hill responded that is a good question. If someone comes down here are they going to make a left here or are they going to go all the way down this way. That is a good question but I don't know what the answer will be.

Ms. Turgon asked but those other property owners are ready to sell?

Mr. Hill replied they want a price that we can't meet right now that's all. When we have a tenant we can meet their price. And that's what they know and they know what we're doing here and they like what we're doing here and again they want to sell their property but they know we just can't buy the property. I mean I don't want to buy the Perryville Motel just to rent out the motel. And then across the street is the Relax Inn. Once we have a tenant over there, we get our first tenant then we can buy the property and rid the Town of that use. For now we're just kind of moving along. And just one more thing on our uses. These uses and the apartments here are going to make the project a lot more believable for retailers. We do have some interested people here. We aren't looking at Applebee's and T.G.I. Fridays but we are looking for local restaurants and people who are from the area. And we want local businesses rather than national. Across the road where it's going to be very narrow, it's going to be car oriented, stop at the bank, maybe a gas station, a sit down restaurant like an Applebee's, that might be more appropriate over there but this has to be, on this side, local businesses.

Mr. Fortner asked for comments from Staff.

Ms. Skilling stated one thing I really must apologize to Mr. Hill and the Planning Commission, our Planning Department staff has been quite overwhelmed over the last couple of weeks, to be honest with you. And so I have not been able to finalize the review of this project. I do have comments on some of these things so I will get those comments back as soon as I can within the next couple of weeks. This is all subject upon obviously all the meeting of approvals from Appendix A, which is the storm water, sediment and erosion control, of which I know Mr. Hill has already going through that process, and it looks like you have Forest Conservation already. The following are comments:

Project Review – October 19, 2009 – Woodlands Phase I Major Preliminary Site Plan

Background: The General Development Plan (GDP) was approved as a Mixed Use Development (MUD) Floating Zone.

Administrative/Procedural: When the GDP is being constructed in phases, each stage shall be processed as a separate development. Therefore, the present plan is being submitted as a Preliminary Major Site Plan detailing more specific aspects of the development project. Items stated in Appendix A of the Zoning

Ordinance must be provide prior to final site plan approval. Due to the substantial workload placed on the Planning Department staff, additional comments will be provided after a more thorough review can be completed and review of URS comments. Considering changes being made to Phase I, discussion of the major changes to the project should be clarified to the Planning Commission.

Planning/Technical:

- 1. Article IX, Part VI Highway Corridor Overlay District (HCOD) – Phase I is within the HCOD. The site addresses the HCOD and plantings provided. Final approval should be conditioned upon final review of the landscape plan.*

Ms. Skilling commented from what I looked at it looks like they have met the requirements but I will finish that and get you any comments.

- 2. A walking trail has been provided within the HCOD and should be considered with the comments from SHA for a sidewalk in their ROW from Coudon Blvd to the Phase I entrance. It is my recommendation that the proposal for a walking trail be in lieu of a sidewalk in the SHA right-of-way. The timing for construction of the entire walking trail to Coudon Blvd should be addressed.*

Ms. Skilling indicated one thing I did want to mention too is there is a walking trail in the Highway Corridor Overlay District along and actually ultimately goes down from the east to the west of the property and it is included. A four (4) foot walking path that is in the design of the project and has always been designed as part of this project. And recently I have given you a copy from State Highways has called and talked to me about sidewalks in their road right-of-way. I would really like to have a discussion with State Highways because I believe the way it is designed is the way we wanted it as far as the walking trail to provide that connection to ultimately get down to Coudon Boulevard to be able to cross the street. With that said, I think the timing of the construction of that walking trail needs to be discussed a little more in detail because it really will be an integral part of moving about in this particular development. And Mr. Hill, I will give you these comments.

- 3. The street names for the development must be approved by Emergency Services and the Mayor and Commissioners. Recommendations from the Planning Commission should be provided.*

Ms. Skilling stated one thing we looked at is the use of Main Street here going through this development and that is a consideration. I know that was looked at in the beginning and I think it's been Main Street for some time as discussed, so we need to get them approved before we can move forward because they actually get put on the Site Plan and then eventually on the Final Plan. So we have to get those approved, the names and through Emergency Services. So if the Planning Commission agrees with those and I'll

run it by Mayor and Commissioners and then Ms. Battaglia would send that to Emergency Service to make sure there are no other names to that effect.

4. *The use of bio-retention areas (rain garden, bio-infiltration islands) are an important attribute in the design of this project. It is assumed the Development Association will be responsible for maintenance. Final Stormwater approval must be received prior to Final Site Plan approval.*

Ms. Skilling commented it is gaining a lot of support from a lot of people from the State, MDE, as a major type of amenity to a project like this. It is basically a lot of these things are what is being included now in the new storm water management provisions that are going to be adopted next year so it's kind of a nice thing for Perryville to be at the forefront of a lot of these new innovated things. With that said I think it should be mentioned that the Development Association is very important that the Development Association is charged with the care and maintenance of these things because they are somewhat, they may require a lot of maintenance.

5. *Comments from the Perryville Fire Company should be received. Fire hydrant placement must be reviewed and approved by the Fire Marshal.*
6. *Article IX, Section 114.1 "The overall residential density of the MUD shall not exceed two units per gross acre of the entire MUD tract. The total acres of the site are 81.30. The General Development Plan was approved for 258 residential units. The existing plan has been changed to 246 residential units with a larger percentage of apartments. This change should be justified since it does not meet the original intent of the MUD approval.*

Ms. Skilling indicated the major change in that is from townhouses to rental units for apartments.

7. *Water and sewer plans and road and drainage plans have been submitted to URS for review and will be provided to the applicant and Planning Commission when received.*

Ms. Skilling commented we have not received comments back from URS and quite honestly we've been keeping them a little busy too. Unfortunately for Mr. Hill he submitted at a time when this office was pretty busy. We will get this done very quickly and the Planning Commission will have your review and we will get them to you digitally so you can review and what I suggest or recommend is approval of the Preliminary Plan conditioned upon a review of Town comments and URS comments.

Additional comments will be provided subject to a more detailed review of the Major Preliminary Site Plan and comments from URS.

Ms. Skilling stated this will come back to you as a Final Plan and then hopefully we will have those all addressed. And actually we'll have everything received so that there would be Final approval at the November meeting.

Mr. Fortner asked for public comments.

Mr. Ray Ryan stated I just have two. First of all on your plan, buildings ten and eleven, I see one way going in for underground parking, is that the only way in or out?

Mr. Hill responded that is correct. We really wanted to provide a second out here but the grade is such that we can't.

Mr. Ryan commented I'm just trying to think things through in my mind for our fire apparatus and the second was, can you explain to me what the green roof is all about, and how they work and what is the benefit to it. I'm looking at this as a fire protection issue so I just want to make sure I understand the concept.

Mr. Hill replied actually we have the first green roof in Cecil County. It's on our information center on Route 40. When you drive out of Perryville on Route 40 at the top of the hill, right across the street from the Relax Inn, directly across the road is an information center about the project. There is a green roof on that. The green roof, the purpose is to treat the water that falls out of the sky by putting it through soil of which the plants grow in and it then is transported down through a pipe into a rain tank. It's (rain) not always going to sit on the roof and the secondary purpose is that it insulates the roof. It's a great insulation value, so you go from an R-18 value on the roof to let's say an R-40 value. So it extends the roof membrane: it's rubber, filters, soil, plants.

Mr. Ryan stated back to the fire protection issue. Keeping the plants green year round, so they don't cause a fire burning issue so that's why I assume that by the trapping of the rain that stays in the soil year round that will help take care of that issue.

Mr. Hill responded the plants are sedum. They are what is called a succulent and they are designed to go months without rain fall. Actually they are right here in Harford County and it's really funny about that because here in Cecil County you have Stancills and they supply green roof media throughout the country, but there's no green roofs here. And then across in Harford County we have (www.greenroofplants.com), Emory Knoll Farms, and they supply plants all over the world, but not in Harford County. Like the Maryland Department of the Environment on their Montgomery Park building, that's a green roof, those are his plants. Germany, he sells plants in Germany. Washington D.C. he just put some on the National Mall, a couple of weekends ago he put a new green roof down there. So they supply plants all over the country and actually all over the world but they're not supplying locally. So it's good for me because I can go look at the product and see how it functions and it will save on shipping costs too.

Ms. Skilling stated I have one other thing I wanted to mention to the Planning Commission with regard to the use of the abandoned line on the Phase I site. And I did mention earlier that Public Works Agreement has been looked at by Mayor and Commissioners and Mr. Hill and his attorney have looked at it I presume. And hopefully we've ironed out all the glitches. It will be tied to this site for on-site improvements as

well as ultimately off site improvements. So because this whole Phase I basically is conditioned upon getting both things done within a reasonable amount of time.

Mr. Fortner commented I take it these green roofs and the access points when you're on the roof so it's going to be a recreational area or patio area for them.

Mr. Hill responded actually what we have decided since that diagram is that the park side units are in the back and the residents here, the street side units will have access to that. But the units on this side will not have access from that. One, you want people on the Main Street side to have outdoor space because if you're here, on the park side they already have outdoor space.

Ms. Turgon stated with the forty-six (46) live/work units and I think there is eighty-one (81), so where are all the other units.

Mr. Hill replied they have apartments on top of retail and there's twelve single family and there are the senior apartments down in here. These were always planned to be senior apartments because it's next to the transportation center and close to the library and the community center.

Mr. Fortner commented so this diagram, the green roofs are going to be on the back there and so there will be a doorway or something to these from here. And then these folks will be able to, the brown units on this diagram, they will come up through the ceiling, and then the rain that falls on this, the green roof system. Are there any more questions.

Ms. Skilling stated once we receive those comments we would review them and all the comments that we would have, we would come back to you in the Final Plan and hopefully they will have been addressed at that point.

Ms. Turgon commented we are just making a motion to approve the Preliminary with a final review of comments and URS final comments.

Motion made by Ms. Turgon and seconded by Mr. Jack to approve the Preliminary Site Plan for Woodlands Perryville Phase I conditioned all comments by the Town and URS are addressed. **All in Favor. Motion Carried.**

Motion was made by Mr. Oberholtzer and seconded by Mr. Jack to close the meeting at 8:10 pm. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator