

**Planning & Zoning Meeting
Minutes
April 21, 2008**

Attendance: Chairman Michael Fortner, Betty Thompson, Priscilla Turgon, Matthew Oberholtzer, Evelyn Hansen, Commissioner James Hansen, Town Engineer Chris Rogers and Planning & Zoning Coordinator Heather Erickson.

Meeting called to order: 7:15 p.m.

APPROVAL OF MINUTES

MOTION was made by Priscilla Turgon and seconded by Betty Thompson to approve the February 19, 2008 Planning and Zoning Meeting minutes as written. **All in Favor; Motion Carried.**

MOTION was made by Evelyn Hansen and seconded by Betty Thompson to approve the March 17, 2008 Planning and Zoning Meeting minutes as written. **All in Favor; Motion Carried.**

NEW BUSINESS

File No. AX2008-01-Request for Annexation of 112 acres of property, more or less, into the Town of Perryville with a Town zoning designation of R1. PROPERTY OWNER: Susquehanna Overlook, LLC; LOCATION: The subject property is situate and lying in the Seventh Election District of Cecil County, Maryland, located at 50 Happy Valley Road, Port Deposit, Maryland 21904; Tax Map 29, Parcel 329.

Michael Fortner asked for any comments from the representatives of the request.

Meaghan Alegi stated that anything the developer has to do they will have to do it in terms of water and sewer, roads, etc. and it will be outlined in the annexation agreement. This property is going to be developed either way and at this point the Town can have a hand it.

Mr. Fortner asked for comments from the Board and Town Staff. He stated that he would like to entertain a motion to recommend to the Town Commissioners the annexation of Susquehanna Overlook. He stated that he believes that one thing that is important is to have them fall under the new Comprehensive Plan since revising the copy the Property Owners could comment on it since it is not done and they could review the comp plan in the draft phase. If they have comments or issues they could bring it up to the Town and we could consider it before the final draft goes out. He reiterated that he would like it to fall under the new comprehensive plan.

Fred Sussman, Town Annexation Attorney, asked Mr. Fortner that just for clarification if he could tell us what he means by wanting them to fall under the new comprehensive plan.

Mr. Fortner replied that in terms of all of the ideas and the vision that they laid out in the comprehensive plan he would like them to fall under. He believes that it is stronger, there is a walking community initiative and it integrates this parcel of land. It reflects their most recent thoughts about what is appropriate for that area. It is also in our growth element too. He would like them to fall under it and for the Property Owners to abide by it. When we view these documents he would like to use the Comprehensive Plan as the justification of the draft in terms of what sort of things they are looking for in the development.

Matthew Oberholtzer added that he thinks that the studies also need to be incorporated into the plan as well in terms of the one that is currently underway and the ones that will be final versions.

Chris Rogers asked if they are requesting that the annexation be delayed until the Comprehensive Plan is adopted.

Mr. Fortner replied no. He was thinking that if it were possible that he would like the guidelines under it to generally apply with the comprehensive plan as it is written now and the final draft.

Mr. Sussman stated that he thinks that part of the problem is that even though the Planning Commission and the Mayor and Council have been talking about a new Comprehensive Plan until it is actually approved and adopted it is not a formal Town policy.

Mr. Fortner asked if they could waive any grandfathering so that they are not annexed under the old plan. Therefore, they could not turn and say that they were annexed under the old plan. He clarified that they would essentially be waiving the right for them to be grandfathered.

Mr. Sussman stated that he thinks that what he hears as Council for the Town what they are asking for and he thinks that they will go back and take a look at what they are asking for and how they might be able to implement that in terms of the annexation agreement.

Mr. Oberholtzer stated that with most annexations a lot of these issues that we are concerned about can be addressed in subsequent meetings as well.

Mr. Sussman added that they can also be addressed during the development review process.

Mr. Fortner clarified that he would like it to comply with the principles that they have laid out. He stated that he would also like the Town to agree with the Fiscal Impact

Study; for the Commissioners to review it. He knows that there are some discrepancies and he would like them to have a realistic view of what the fiscal impact of this development is going to be.

Mr. Sussman replied absolutely and as he said the revised Fiscal Impact Study is under review now by Town Staff. If the Town finds that there are any deficiencies in it from our perspective then we will surely go back to the Developer and request further modifications to the Fiscal Impact Analysis.

Priscilla Turgon asked if they could clarify again what the difference is in the current zoning and the proposed zoning.

Mr. Sussman replied that he thinks that the most significant difference is the minimum lot size. The minimum lot size is 12,000 square feet in the County under SR zoning and 10,000 square feet in the Town zoning. What they find is that the setbacks, lot width and other bulk regulations are fairly similar. Ten thousand square feet versus twelve thousand is certainly within limits of tolerance even under the new law, which does not apply here, the Town could annex land as long as it was not more than 150% more dense than it would be under the County regulations and here we have substantially less than that. Therefore, we do not have any problems saying that the two zoning classifications are substantially similar. They are both primarily single family detached residential dwellings on medium sized lots with substantially similar bulk regulations.

Ms. Turgon asked if they could make changes to the density when they come back before them or they cannot because they meet those guidelines and they could actually put in 155 homes.

Mr. Sussman replied that part of the discussion has been the Developer's financial ability to provide the park and we believe that their financial ability to develop the park is dependant upon their being able to plat it out at 10,000 square foot lots. There had been some discussion about substantially increasing the lot size to perhaps even 15,000 square feet but the numbers just did not work and the Mayor and Commissioners he believes felt it was more important to get this significant public amenity of an improved and furnished public park than to have a relatively small difference in lot sizes and number of lots. As proposed right now the obligation of the Developer to provide the public park would be dependant upon and contingent upon their ability to plat the subdivision at 10,000 square foot lots. They have presented a concept here that shows 155 lots. The agreement will say that they cannot have more than 155 lots. It may be that once they go through the actual design and engineering for subdivision they may find that they can only do 148 lots. We do not know that for certain but what we do know is that they cannot have more than 155 lots.

Ms. Turgon asked if anyone has thought to do an impact study on how that many possible kids would impact the school systems. She asked how this all plays out in the long run.

Mr. Sussman replied that there has been a review and an analysis of that as part of the annexation plan that was submitted by the Developer, which Mr. Glidden has that plan here. His recollection is that this development and the proposed students generated at different levels would not result in overcrowding of area schools.

Mr. Glidden added that the schools do their own analysis as to determining what the anticipated student yield will be. They have formulas that are specific to their policies. What they have discovered in their research was that regardless of whether it was built in the Town or the County the same number of students would be going to those same schools. It is almost a mute point because no matter where it is developed those kids would be going to the same schools.

Mr. Fortner stated that he thinks it is well known that this area is going to be growing and the schools need to be prepared for that.

Mr. Sussman added that all of these homes will have to pay the relevant impact fees.

Mr. Rogers stated that he just wanted to say and he guesses the Planning Commission does not have it is that as part of any annexation the applicant has to submit an annexation plan. It used to be called the Extension of Services Plan but now it is called the Annexation Plan. It looks at the impact of all of these various services and the Mayor and Commissioners look at that and determine if there are any impacts that they want mitigated or if the impacts cannot be overcome. There is a lot of background that goes into the annexation process.

Mr. Fortner asked if Fire and Safety is also put in there.

Mr. Rogers replied yes.

Mr. Fortner asked for further comments. He asked for a recommendation to the Mayor and Commissioners. He recommends approval of the annexation pending all studies.

Mr. Sussman added that he thinks that the most important thing for the area that is really within their purview of the matter of law is a recommendation as to the proposed R-1 zoning. Under State zoning enabling law he believes that the Planning Commission has to make a recommendation to the Town as to whether the proposed recommended zoning of R-1 is appropriate. The annexation recommendation is not mandated by any State law or any Town law but the Commissioners have submitted that to them for whatever guidance and recommendation they choose to give.

Mr. Fortner clarified that it is an annexation with R-1 zoning and the recommendation that it is within or future growth area that they have under the pending Comprehensive Plan and that it is better for the Town to have control of the land than not to have control of the land. He asked for a motion and a second.

MOTION was made by Commissioner James Hansen and seconded by Evelyn Hansen to recommend approval to the Mayor and Commissioners of File No. AX2008-01 an annexation request of 112 acres into the Town of Perryville with a Town zoning designation of R1 and that they give support to the Police and Fire Department with a four wheel drive emergency vehicle for both. **All in Favor; Motion Carried.**

File No. SP2008-02- Preliminary Plan- Sumpter Woods. PROPERTY OWNER/APPLICANT: Debra Rosenberg; LOCATION: 1308 Frenchtown Road; Tax Map 800, Parcel 479, Zoned R-1, Critical Area Designation LDA, 3.34 acres.

Edward Steere, Frederick Ward Associates, addressed the Board. He stated that this is the second time that they have been before the Planning Commission with this plan. Last year they presented a plan that had six lots on it. They have reduced it by a lot because there were concerns about available impervious surfaces relevant to the Critical Area regulations for each lot. The major revision that we see is they have delineated how much room is on every lot for proposed and future development given their limitations on impervious surface per lot. One of the considerations that they had was that every lot when it gets to the point of platting the lots and transferring them to new owners there would be right on the plat a listing of exactly how much impervious surface is available to build on for that property. The expectation is that one builder is going to take all five lots and build them but still the plat would record exactly how many square feet could be impervious so that the Town would be able to easily monitor permits and make sure it is in compliance with the Critical Area program. The other issue that was left on the table was the potential of adding a bike lane along Frenchtown Road currently it ends several hundred feet down on the next development on the other side of the railroad tracks. It cannot be extended because of the bridge abutments and the power feed and the railroad itself right there to the edges of Frenchtown Road where the railroad crosses the road but they can pick it back up across the frontage of the property up to Sumpter Road.

Michael Fortner asked if there is a buffer between the sidewalk and the road.

Mr. Steere stated to do a full lane like there is further down it would be so far into the property that they would lose the potential to build those three houses so they went with a simple sidewalk type plan rather than the full 10 foot wide lane that we have further down. He explained that this will be a 6 foot sidewalk with a 12 foot space between it and the edge of the road which is a combination of side ditch and shoulder.

Mr. Fortner clarified that there is 12 feet between where the sidewalk ends and where the road begins.

Mr. Steere agreed and explained that you do have the stormwater management feature with the ditch running down. He added that there is no curbing on that stretch of Frenchtown Road.

Commissioner Hansen asked if they will curb this development.

Mr. Steere replied no that it would not function with the ditch structure. If they did put in curbing they would have to somehow go underground with the stormwater that is already there.

Mr. Fortner asked Mr. Steere to explain the argument as to why they cannot put sidewalk on the east side (Sumpter Road) going down to Frenchtown Road.

Mr. Steere replied that it would be difficult. They ran a topo study along the road and it is all steep slope there. He explained the plan and what they would have to grade in order to put in the sidewalk. He added that they drop roughly 60 feet from one end of the property to the intersection with Frenchtown Road. Even with grading they would still end up with a steep sidewalk down Sumpter Road. He explained that he only sketched this up as a demonstration that the impact here totals up to almost a quarter of the property; it is 32,000 square feet, the property is only 3.3 acres. This environmental impact alone would be double or more than what they are proposing with five lots the way that they are proposing them right now. The cost of doing it is out, he did not even consider it. The reason that he cannot do stormwater management is that there is a culvert/inlet there, the ditch comes down the road catches in that and crosses the road and if they were to take that thing down the road you would have to somehow tend to the speed of it coming down that ditch. In reality this is a sketch of what they could do but when they get into the stormwater management for Sumpter Road then they would have to take out even more land to handle it and the runoff from the sidewalk.

Mr. Fortner asked if there is anything else that he would like to share with us.

Mr. Steere stated that the plan is pretty much the same as it was before. They are asking for a design waiver, which Mr. Rogers references in his letter, for the common driveway or mini road to Cecil County Specs.

Chris Rogers, URS, reviewed his comment letter dated April 18, 2008.

Procedural/Administrative

1. *Prior to the Planning Commission Chairman signing the Final Plat, the Town should assure that all of the following approvals have been granted by the following agencies:*

- *Sediment and Erosion Control Plans* -- *NRCS*
- *Stormwater Management Plans* -- *County DPW*
- *Critical Area Requirements* -- *Town Circuit Rider*
- *Road, Grading, Water and Sewer Plans* -- *Town Engineer*
- *Access approval* -- *County DPW*

Mr. Rogers stated that in terms of the access approval both of those roads are County Roads and they will need approval from the County.

2. *In accordance with Section 74-28 of the Town Code, we recommend that the developer enter into agreements with various entities to guarantee the required improvements. All of the following agreements should be executed prior to the Planning Commission Chairman signing the Final Plat:*
 - *Public Works Agreement (PWA) should be executed with the Town that guarantees that the common driveway, water and sewer facilities will be constructed in accordance with the approved plans. The Town Engineer should review the quantities and unit costs in the PWA.*
 - *A Landscape Agreement should be executed with the Town that guarantees that the required landscaping, afforestation and/or reforestation is installed and maintained in accordance with the approved plans.*
 - *A Stormwater Management Agreement should be executed between the developer and the County that guarantees that any stormwater management facility will be constructed in accordance with the approved plans. The agreement should grant perpetual access to the stormwater management facilities to County personnel for inspections.*
 - *Agreements for maintenance and access to the Mini Road serving Lots 4 and 5 should be prepared for review and approval by the Town prior to Final Plat approval.*

Planning/Technical

1. *The R-1 zoning district has the following dimensional standards, each of which is met by the subject proposal:*

<i>Min. Lot Area</i>	<i>10,000 sf.</i>
<i>Min. Lot Width</i>	<i>70 ft.</i>
<i>Min. Lot Depth</i>	<i>100 ft.</i>
<i>Min. Front Yard</i>	<i>30 ft.</i>
<i>Min. Side Yard</i>	<i>10 ft./20 ft. aggregate *</i>
<i>Min. Rear Yard</i>	<i>30 ft.</i>
<i>Max Bldg. Height</i>	<i>35 ft./ 2-1/2 stories</i>

**Subdivision Regulations, Section 74-22.H requires additional 30% depth adjacent to railroad rights-of-way.*

2. *Development proposals in the Critical Area are required by Sections 74-26.C and 74-26.D of the Subdivision Regulations to submit an Environmental Assessment that includes all of the requirements of those sections. We would defer to the Town Critical Area Circuit Rider on the determination of consistency with this requirement.*
3. *A “Common Drive Easement” across lot 5 has been shown to provide access to lots 4 and 5. The actual construction standard for the Common Driveway is proposed as a 12 foot wide gravel or crusher run roadway with 3 foot shoulders*

with adequate drainage ditches. This single point of access for lots 4 and 5 eliminates the need for multiple access points onto Sumpter Drive.

Mr. Rogers explained that the easement and common access drive for lot 4 is physically across lot 5 in that proposed common drive easement. The reason that they are doing that is because they are limited by the grades and the site distance on Sumpter Road and we wanted them to minimize the number of access points onto Sumpter Road. The legal documents that specify the obligations of those two property owners must be prepared by the Applicant and approved by the Town Attorney.

- 4. Construction plans should be submitted for the Common Driveway. These construction plans should demonstrate adequate Stopping Sight Distance in accordance with the Cecil County Road Code for the Common Driveway entrance as well as for the individual driveways of lots 1, 2, and 3. In addition, the construction plans should specify crusher run for the Common Driveway in lieu of compacted gravel.*
- 5. Proposed lots are to provide area for garages, per Section 74-22J. The plan does not indicate if each dwelling includes a garage or if a detached garage is intended. This may impact impervious surface coverage and tree clearing.*

Mr. Steere replied that their presentation to any builders would have the garages inside these homes.

- 6. The applicant should explain how stormwater management will occur on lots 1, 2 and 3 with respect to Note 10 which states that individual on-site stormwater management will be used.*

Mr. Rogers asked if this will be provided via dry wells.

Mr. Steere replied that they have done some preliminary stormwater management work with the County and it was two different types of systems on the top and the bottom. He explained that he does not have the information with him but he believes it was a combination of dry wells and credits.

- 7. The existing topography provided on the Preliminary Plat is from the Cecil County Comprehensive Mapping Program and is shown at 5 foot contour intervals. Because of the presence of steep slopes and forested areas on the site and the need to limit disturbance, the construction plans should utilize site specific topography with 2 foot contours and proposed grading for the individual lots, per Section 74-26.2 (a) of the Subdivision Regulations.*

Mr. Steere stated that he would like to clarify that the topography that they are showing on this other plan they did field survey one foot contours around the entire perimeter of the property but they did not go through the center.

8. *The statement on the Plat requesting a Design Waiver should specify the appropriate section of the Subdivision Regulations subject to the request. Presumably this is Section 74-19.M. which prohibits the use of private streets. In addition, the note should be changed to omit reference to a Lot 6.*

Mr. Rogers explained that the Planning Commission has the authority to modify the requirements of the Subdivision Regulations.

9. *The impervious area calculated for sidewalks needs to be revised. For instance, the 6 foot wide sidewalk area for Lot 1 is noted as 61 square feet, but should be over 600 square feet.*

Mr. Steere explained that the six foot sidewalk is from the driveway to the front door. The public sidewalk does not get included in the impervious surface calculations as part of this development as per Ms. Skilling's comments at the last meeting.

Mr. Rogers asked if it puts this site over the limitations.

Mr. Steere asked if he is speaking of the public sidewalk.

Mr. Rogers replied yes.

Mr. Steere replied that the public sidewalks would blow it out of the water because you would have a six foot sidewalk for that distance of 300 feet. Based on that area it would not but you have to remember that the area excludes the public right-of-way. He added that the calculations of that he cannot do on here too clearly because the area that they are using as their development area is the net after dedicating public right-of-ways, which the six foot sidewalk is a public right-of-way that they are talking about dedicating to the Town. That is another question he has is whether it gets dedicated to the Town or the County if it is a County road. Just looking at the numbers that they have here it would push it to 11% which would then reduce out of every lots impervious surface area.

Ms. Skilling stated that as long as the total impervious surface area is under 15%.

Mr. Steere stated that not to put another item on the table but the right-of-way and the public improvement would affect the available impervious surface on every lot because it would still need to be less than the total. They were trying to gain impervious surface for every lot there and they already lost a lot so that they could have enough room for people to put in sheds and pools if they wanted.

Mr. Rogers asked if they could come back to the impervious surface. Mr. Rogers stated that he may have misspoken he believes that these roads are Town maintained roads.

Mr. Steere stated that he believes so also but he believes Frenchtown Road is listed as a County road.

Ms. Thompson clarified that it is up to the entrance of the water plant and that is the end of the Town maintenance.

Mr. Steere stated that in the County records they are showing it as a County road at this location.

10. Section 74-26.B(4)(g)(4) requires the calculation of the areas of the site that will be temporarily and permanently disturbed.

11. Regarding Water and Sewer:

- *The proposed gravity sewer extension should terminate with a new manhole.*
- *The construction plans should indicate a 10 foot separation between the existing waterline and the proposed sewer line.*
- *The construction plans should indicate a 5 foot separation between the proposed water and sewer laterals serving the lots.*
- *The construction plans should indicate sewer cleanouts and water meters at the property lines for all of the proposed lots.*
- *The applicant should be aware of the recently adopted Supplemental Specifications for water and sewer facilities recently adopted by the Town.*

Mr. Rogers stated that in regards to the design waiver, Section 74-37 of the Subdivision Regulations allows the Planning Commission to modify for unusual circumstances where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions which are not self inflicted or that these conditions would result in inhibiting the achievement of the objectives of these regulations the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured so that such variance, modification or waiver will not have the affect of nullifying the intent and purpose of this chapter or being contrary to the goals and objectives of the comprehensive plan for the Town. In no case shall any variation, modification or waiver be more than the minimum easing of the requirements and in no instance shall it result in any conflict with the proposals of the adopted transportation plan for the Town or the applicable zoning regulations. This is their request for a private road to serve lots 4 and 5.

Mr. Steere added that at the last Planning Commission meeting there was an intense discussion about sight distance and sight lines on this road. Given the embankment and the forest that is out there and their attempt to conserve as much forest as possible because it is a severe limiting factor in developing in the critical area LDA the placement of the driveway or access point is close to the highest point on this property as possible is the most beneficial and safest location than anywhere further down where there is no sight distance. This property is divided by various sharp slopes and you cannot access one side of it from the other and if you could you would be clearing more forest than needs to be cleared.

John Strause asked what the slope is from Sumpter Road to the private drive; what is the slope on that coming down off of Sumpter Road.

Mr. Steere replied that it is roughly 3%. It is nice and flat up there on the property but the road is not.

Mary Ann Skilling stated that they will have to mitigate for the clearing at 1.5 to 1 because they are going over 20%, which is the maximum that they allow so the mitigation is going to be at a higher ratio. She added that this has to be added in a plan just like their landscape plan and show where they are going to put it and what they are going to put in those areas for mitigation and it will have to be incorporated into some sort of surety so that we can make sure it is done. The 2008 critical area legislation and HB1253 changed the critical area regulations to cover some of the concerns that they have had regarding the language of the 15% for the total subdivision and 25% for the maximum lot. The legislation changed to make it much more clear by it saying that a lot can be 25% of the subdivision in the critical area as long as the total impervious surface for the total subdivision is no greater than 15%. That does clarify that and this does meet that requirement. As mentioned the additional impervious surface per lot has been provided, which allows them some flexibility if they want to put other things on that lot as long as they stay within those regulations. She stated that she has calculated that they have 12% right now for the total subdivision. She does not recall ever saying what he said about the public sidewalk. The Town is requiring it. It is an impervious surface no matter how you look at you would have to include it somehow and she thinks that he will still be okay.

Mr. Fortner asked if they could do a cluster instead of having such large lots.

Ms. Skilling replied that a cluster would help make it more compact and not cause as many impacts. She thinks that they tried to achieve some of that by putting in the one driveway system which helped a little bit and they did reduce some of the housing on that side, so they did reduce some of the impervious surface.

Mr. Steere added that he thinks he stated before and he still stands by it that this property wants to be zoned something else other than R-1. He explained that the R-1 zoning is what forces these lots to be the size that they are, not the critical area regulations. The critical area limitation here is on forest clearing and because you are limited to the forest clearing you really cannot put any more lots up there.

Ms. Turgon asked how big the homes are.

Mr. Steere replied that these footprints would roughly represent 2,000 square feet a piece.

Ms. Turgon asked if who the builder would be.

Mr. Steere replied that they do not have a builder on board yet.

Mr. Fortner asked if they cleared forest if they could replant it somewhere else such as somewhere where there is no forest on the lot.

Ms. Skilling replied that they can but we would like to see some happen on-site because it is in the critical area buffer but they potentially could. She added that we have a mitigation requirement now so they could pay into a mitigation fund.

Mr. Steere explained the areas to be cleared and the areas to remain forest. He stated that you would not be able to cluster anymore lots to the forested side of the property and have meaningful yards or room to build anything else on the lot.

Mr. Fortner asked if they could do townhomes there.

Mr. Steere replied that if they can do townhomes on this property then they would see townhomes because it would make a lot more sense. They probably would be able to put houses out there and probably not have to do any forest clearing.

Mr. Fortner asked Town Staff if it would be an option to allow it or if they would have to change the zoning.

Town Staff replied that they would have to change zoning.

Mr. Fortner clarified that there is no way that they can add a provision for cluster zoning where you keep the density, where there are the same number of units. Lets say we get 5 townhouses or maybe a few more so that they can sell them for less. You have the same number of units but they would be using a smaller piece of the land.

Mr. Rogers replied that townhouses are not permitted in the R-1 zone.

Mr. Fortner asked for further comments from the public, the Board and Town Staff.

Mr. Rogers stated that if they were to make a motion he recommends that they make two motions one on the development plan and the other on the design waiver.

Mr. Fortner asked Mr. Rogers if there was a cheaper way to put something like a sidewalk down Sumpter Road.

Mr. Rogers replied that they generally agree with their grading plan on sheet 2 that would require approximately that much grading and that much disturbance to put a sidewalk in. As soon as you start cutting into a steep bank you have to lay that bank back to an appropriate stabilized slope and cut back farther and farther into the property.

Mr. Steere added that the other side of the road lays a lot flatter along the road. He stated that he thinks that it is important to keep in consideration for a master plan that shows a sidewalk on Sumpter Drive is at some future time that side of the road has a shoulder that

pretty much lies with the road all the way up unlike their side of the road which has a steep embankment.

Motion was made by Matthew Oberholtzer and seconded by Priscilla Turgon to approve the design waiver to allow the common mini road/driveway to be considered a private road. **All in Favor; Motion Carried.**

Ms. Skilling stated that usually on these sites where you have a lot of forested areas left or you have to do some reforestation she recommends that they do some kind of signage to make sure the people on those lots realize that this is a forest conservation area or reforestation area.

Mr. Steere explained where he is doing some on-site reforestation. He added that with every passing growing season there are less forests and more invasive vines pulling trees down. They are talking about reforesting within the forest as well to try to get it back to being a real forest.

Mr. Fortner asked if there is anything else that they should get in writing or if they should make a condition where the Use and Occupancy permit will not be issued until the sidewalk design on Frenchtown Road is complete.

Mr. Rogers replied that the sidewalk is shown on these plans, they will be shown on the construction plans and we will bond it with a financial surety and the Public Works Agreement. Therefore, it will be guaranteed just like the construction of the private road and the water and sewer facilities that need to be extended.

Mr. Fortner asked if they should make the signage for the forest part of the motion.

Ms. Skilling replied that it should be shown on the replanting plan and the landscaping plan.

Ms. Erickson recommended that the motion be conditioned upon URS and Ms. Skilling's comment letters.

Evelyn Hansen added that these homes will need to have a sprinkler system.

Mr. Fortner stated that he would like to request that if there is any sort of conceivable way the Town would like to have a walkable community where the people that live in those homes have an option of walking. He suggested some sort of pathway, even if it is unpaved.

Motion was made by Matthew Oberholtzer and seconded by Priscilla Turgon to approve File No. SP2008-02- Preliminary Plan- Sumpter Woods conditioned upon URS comment letter dated April 18, 2008 and Mary Ann Skilling's comment letter dated April 18, 2008. **All in Favor; Motion Carried.**

File No. CP2008-02- Concept Plan- Honaker Woods. PROPERTY OWNER: The Bishop of the Diocese of Easton, Maryland; APPLICANT: eMarc Development, LLC; LOCATION: West of Honaker Street, Perryville, MD; Tax Map 801, Parcels 21 and 799, Zoned R-2.

Michael Fortner asked the representative for the project to address the Board.

John Gonzalez, McCrone Inc, addressed the Board. He stated that he is here to represent Marc Corvino and Ed Sheets whom are the developers of the proposed subdivision. Honaker Woods is located on the east side of the lots along Keesey Lane and the west side of the railroad tracks. They are here with their concept plan which introduces the proposed subdivision of 45 townhouse units. The total lot area is 7.54 acres. His client is in the process of purchasing the lot there to provide access from Honicker Street up to Timber Trail Court. The zoning of the property is R-2, which is mixed residential. The site is currently an existing wooded lot with drainage ditches. Everything drains down towards the railroad bed up in the southwest corner. They would like to point out that the lot is, according to the Town of Perryville and certain area maps, within the critical area and is designated LDA. The property is greater than 1,000 feet from the Chesapeake Bay critical area line. He thinks that it was brought in by virtue because it is a contiguous tract the entire tract was put into the critical area. It is bordered by some IDA properties as well as LDA properties. They will be seeking a growth allocation. His client has been working with Mary Ann Skilling the Circuit Rider for the area and working out some critical area requirements. They have been addressing some of the requirements as well through stormwater management and looking at the impervious areas and how they are going to be addressing those requirements when they get to that point in the development.

Mr. Gonzalez stated that when they get into the Preliminary Site Plan phase they will be looking a little further at water and sewer. They have had some meetings with the Town to go over some of these issues. They did receive a letter today from Chris Rogers, URS and from Mary Ann Skilling. He and his client have discussed those items that came up in the letter and for the most part they see no problem in addressing them at this stage. Like he said they are only at the concept stage. They are seeking concept approval. Pending the concept approval the next thing that they will do is proceed further into the preliminary plan phase and further environmental studies that will be required.

Mr. Fortner clarified that this is the concept plan and they will not be voting on it but they will provide comments. He added that he will open it up to the public soon and they will also be able to make comments on the plan. They will come back in the future with a preliminary plan and they will vote on that as well as the final plan.

Chris Rogers, URS, reviewed his comment letter on this project dated April 21, 2008.

- 1. The parcel is zoned R-2, Mixed Residential District. Townhouses are permitted with conditions in the R-2 Zone as specified in Section 205.2 of the Zoning Ordinance. The applicant should be prepared to review each condition with the Planning Commission and demonstrate the plan's compliance with the same.*

Mr. Rogers stated that they are generally in conformance with the conditions of Section 205.2. The applicant will have to demonstrate more specific compliance as they proceed through the development review process.

2. *As indicated on the Concept Plan, the entire site is designated as Critical Area, Limited Development Area (LDA). The primary limitation in the LDA is a 15% maximum impervious surface coverage. The plan does not appear to meet this requirement. As such, the parcel must be reclassified to Intensely Developed Area (IDA) through the Critical Area rezoning process or the Growth Allocation process. The reclassification to IDA may occur in conjunction with the Preliminary Plat review process. This should be discussed in more detail with the Planning Commission.*

Mr. Rogers stated that though it seems to be outside of the 1,000 foot line it appears that it was conscious decision of the Town to extend that 1,000 foot line to include this property. As he just heard they are going to go through the Growth Allocation process. This is a sort of long, arduous process that starts with the Town, goes to Cecil County and has to go to the State Critical Area Commission. This is not a concept plan for the beginning of that process. He will defer to Mary Ann Skilling, but it is his understanding that another plan will have to be submitted formally requesting growth allocation that goes to the Planning Commission, Mayor and Commissioners, County Commissioners and then ultimately to the Critical Area Commission.

3. *A Townhouse category does not exist for the R-2 Zone in the Schedule of Zone Regulations. For the Concept Plan, the applicant has been advised to use the setback, lot size, etc., requirements for townhouses in the R-3 Zone. We would defer to the Town Attorney on the need to revise the Zoning Ordinance to include the townhouses in the R-2 Zone in the Schedule of Zone Regulations.*

Mr. Rogers stated that it seems to be a mistake in the zoning ordinance. One section clearly allows townhouses in the R-2 zone but when it gets down to the details it is not there. We do not know what the minimum lot size is for a townhouse in the R-2 zone. Therefore, he will defer to the Town Attorney as to whether we can just use the R-3 or whether there needs to be an explicit revision to the zoning ordinance.

4. *We question the need for the 30 foot wide street. This should be discussed in more detail with the Planning Commission.*

Mr. Gonzalez stated that they have been looking into it and they can reduce it down to 24.

Mr. Rogers explained that 30 foot wide seems a little excessive to him but if there are other concerns that emergency responders have then the Town Staff will certainly listen. However, it appears that the County Road Code standard which is the guide for the Town would allow for a 20 foot wide paved travel way, which does not include driveways. The

idea would be to try to limit the amount of impervious surface to reduce the stormwater while maintaining safe access.

5. *Given the proximity to single family detached houses along Keesey Lane, the Planning Commission and the Applicant should discuss the feasibility of reducing the building massing by reducing the number of units in the building blocks along the east side of Timber Trail Court.*

Mr. Rogers explained that one way of allowing more light and open space and minimizing the building massing is to break up the mass of townhome units. There are 8 in a row right now. With the amount of open space in that area and the configuration of the lot it seems that it may be feasible to break up those blocks while generally maintaining the same number of units.

Mr. Gonzalez replied that they began to take a look at that and discussed it when they received Mr. Rogers' comments.

6. *Existing vegetation should be maintained to the extent practical along the rear of lots 1-21 to aid in buffering the adjacent detached dwellings.*
7. *The applicant should describe the nature and intended ownership of the proposed recreational facilities to the Planning Commission.*

Mr. Gonzalez replied that ownership and maintenance would be through the Homeowner's Association. At this time they do not have a playground design in mind.

Mr. Rogers added that their initial read of that with the Town Administrator is that she would agree with that because their initial read is that the Town does not have any desire to take over a small public park in this area. If the Town wants it to be public playground they can require it to be so but right now the initial indication is that it can be a private playground for the homeowners of this development, which would be owned and maintained by the Homeowner's Association.

8. *The proposed right-of-way being extended from Honicker Street should be made contiguous to the Lands of Neff to allow the eventual extension into said property.*
9. *We will be working with the Town staff to determine what, if any, improvements will be needed to Honicker Street to accommodate the proposed development. At a minimum, we recommend that sidewalks be provided off-site along Honicker Street to accommodate the pedestrians from the proposed development.*

Mr. Gonzalez replied that his client has already entered into discussions with the Town on that issue.

10. The Planning Commission must consider the extent to which the Highway Corridor Overlay Zone requirements will be applied to the applicable portion of the development.

Mr. Rogers stated that clearly the intent of that overlay zone does not apply here but it is something that we are going to explicitly deal with one way or another as we proceed through this process. It is clearly intended for residential and commercial properties along Route 40 but it does physically impact this property.

Mr. Gonzalez added that they have been looking through the Highway Corridor regulations and one of the conditions is buffering, which they are going to do and will maximize the buffering in that area.

11. Access easements should be provided along the rear of lots 1-21.

Mr. Rogers explained that this is to allow people to get lawnmowers and sheds to the rear of their lots. All of the other lots have access to the rear of their lots through the open space. To get to an interior townhouse lot you would have to go across someone else's property in order to bring in a lawnmower, lumber and such things. Typically, you see access easements along the rear of townhouse lots to allow you to go across someone else's property to get to your interior.

12. The applicant should generally describe how water and sewer facilities will be provided to the development. At a minimum, the Town Water Model should be updated to include the subject development and a downstream sewer analysis should be conducted by the applicant. These analyses can occur after Preliminary Plat approval.

Mr. Rogers asked if they have looked at how they will get water and sewer to this property. He asked if it appears that a pump station is going to be needed for sewer.

Mr. Gonzalez replied that he has preliminarily started to look into how that is going to work but has not gotten far enough to comment.

13. Anticipated building elevations should be submitted along with the Preliminary Plat.

Ms. Skilling stated that the property owner initially asked her to look into a mapping mistake because of the location of that line. She explained that the original way that this line was determined was by using the non-tidal wetland maps. This is what the Town came up with and this is the old Critical Area map and as you can see there was definitely some decision here to include and exclude properties. If that line was followed it would come across here but as you can see it goes around properties. They have used this map since 1988 and there was no mistake from here to the new map. At the time this map was done obviously people of the Town said that they wanted it included. They can always add more but they cannot do less than the 1,000 feet. For her to recommend anything to

the Planning Commission and say that it was a mapping mistake she would have to have a reason to figure out why the Town made the change. It is clear to her when she looks at that map that the Town made a judgmental decision that they wanted it in.

Mr. Fortner clarified that we don't what the reason was for putting it that way but they need a reason to change it.

Ms. Skilling replied that this is correct. She recommended that if they really want this development to proceed the only way that she can see that they can proceed is by changing from the Limited Development Area (LDA) category to Intensely Developed (IDA) and the way you do that is through growth allocation. She reviewed her letter dated April 18, 2008.

- 1. The project is located in the Critical Area designation LDA. The impervious surface is limited to 25 percent of a lot as long as the overall impervious surface of the subdivision is within 15% (approximately 49, 260square feet). As discussed with the developer, the proposed number of units and impervious surfaces associated with the project would not be feasible within a LDA designation.*
- 2. Prior to any preliminary plan approval, an environmental assessment must be provided.*
- 3. Since this property is within the Critical Area, any clearing must conform to the Town's Critical Area regulations for forest impacts.*
- 4. If the property owner is considering the use of growth allocation to convert the LDA (Limited Development Area) to IDA (Intensely Developed Area) an environmental assessment and an approved concept plan must accompany any recommendation from the Planning Commission to the Mayor and Commissions.*

Ms. Skilling further explained that the County has pockets of growth allocation that is set aside for municipalities. Each municipality has used and Perryville has used it twice or maybe three times. This is something that the County has to take into consideration, how much growth allocation has the Town used. She explained that there are new guidelines for the submission of growth allocation to the Critical Area Commission that was approved in the last State session and these guidelines will need to be followed when requesting growth allocation from Cecil County.

- 5. This property contains a substantial forest that provides water quality as well as buffering of noise from the railroad and major highways. To the extent possible, clearing should be minimized.*

Mr. Fortner stated that essentially this needs to be tabled even though they do not vote on it. He asked if they need to table the concept plan as it goes through this process and then they will need to come back before us with another concept plan.

Mr. Rogers replied that they do not need to table it because they do not typically take formal action on a concept plan. This is for informational purposes for all parties and to let the applicant know of any major concerns. If they do proceed they would come back with a concept/preliminary plat that is the subject of the growth allocation.

Mr. Fortner asked if they would come back in a public hearing.

Mr. Rogers replied that he is not sure that they have a public hearing in front of the Planning Commission. The Mayor and Commissioners would certainly need to have a public hearing.

Mr. Fortner asked if they give a recommendation.

Mr. Rogers replied that this is correct.

Ms. Skilling stated that according to the ordinance the Planning Commission does have to have a public hearing and then make a recommendation to the Mayor and Commissioners. It is not by law that we need to do it but it is how our ordinance reads.

Mr. Fortner asked if the Town Staff had any further comments. He then opened the floor to the public.

John Strause, 657 Keesey Lane, stated that when he bought the property back in 1984 he was told that this was in the Critical Area and that there would be no building back there and what he based buying that property on. Now with all of these townhouses going in he has seen what has happened with the townhouses over there (Old Towne) and it has dramatically dropped the property values there. What he is seeing now is that 141 townhouses will mean at least 65 kids running around the neighborhood back there with no buffer zone, no fencing, no nothing. So everybody is going to be running through his back yard to get from Keesey Lane. He is really concerned about this. They are losing a lot of forestation back there. There are a lot of deer back there as well as other animals. It is a big buffer zone for that railroad and Route 40. Once they start tearing up that road up there it is going to be even worse. It is just going to make a mess back there for everybody. One hundred and forty one townhouses is a lot.

Ms. Erickson clarified that it is 45 townhouses.

Mr. Strause stated that if there are 45 townhouses you have to figure 1.5 children per house. You are going to have a lot of people back there. He does not want to see this thing turn into Beacon Point.

Jane Hautzinger, 669 Keesey Lane, stated that she moved in about ten months ago and she thought that she would share her experiences of living in Perryville with us and how she believes this will affect her. First of all, she was also told that when she moved in that it was a critical area and the church owned the land and that there would be no building back there, so she did move in with that thought. She just moved here from

Harrisburg where she lived in the city for 25 years. She is now working in Baltimore and all she wanted to do is see trees. When they saw that back yard there was no discussion they made an immediate offer on that property. Living in Perryville after living in the city for 25 years has been a very interesting experience for her. She would like them to keep in mind as they are looking at all of these developments that when she moved in one of her first experiences was the Fall Parade. It was great you had this guy in a costume going around and she thinks it was a bear costume and he was hugging everyone along the way and she thought "My God, this is great! This wouldn't happen in Harrisburg!" Then on Halloween night, Trick or Treat night, everybody in the neighborhood turned out. She stated that they have a great community back there. The neighbors, she has only been there 10 months and they are wonderful; they all talk and they all come and see one another. The Halloween Parade was just as much for the adults as it was for the kids. She would hate to lose that small town mentality back there. It is just fantastic. She cannot tell us what it did for her. They sit out there at night and they listen to the tree frogs, she has never heard one. She was amazed; they are fantastic. They are all in the woods and she would hate to lose that. The other night they came down to the carnival and they sat up in the Ferris Wheel and she could overlook Perryville and she thought "this is a very special place." You have a community here that is really special and it's tight and close but yet it accepted a newcomer in 10 months. She does not want to lose her community. It's a great community. It's a great forest. All she asks is that we think about do we really, really need it there.

Georgia Galicki, 605 Aiken Avenue, stated that she gathers that this is going to be the only way in and out of the development. They have enough traffic on Honicker Street just right now with the houses there. That road cannot support more traffic from 45 more houses. There are no sidewalks and they do not even have a sufficient drainage ditch for the water. She and her neighbor are constantly battling water that travels down from this development down the street and the sewer which is an 8 x 8 plastic ring. This would have such an impact on their property. Their property is wet already and this is only going to make it worse. She does not think that they can tolerate another 45 more houses behind them.

Susan TerBorg, 626 Honicker Street, stated that her grandparents owned her home in the 1960's and she moved there in 1974. They were the only house there and things were fine. She stated that she has nice neighbors. When the water was put in for the houses back there the ditch in front of her home was broken and the Town said that they would fix it especially when she had trucks twice pull her out of her driveway and she is still holding her breath on that. The end of her driveway is a lake. When these houses were put in for years from what she can remember from the early 60's to when the houses were put on Keesey Lane right by that house there was a stream that held the run-off from Honicker Street. That stream in the hottest of the summers was full of water and every fall she picked cattails there. Well since you all paved the road she goes back there to the wet spring and it is completely a dry bed. All of that water is lying in Keesey Lane and on Honicker Street and in the woods beyond. The reason that it is a critical area is because it is so wet and we cannot have anymore concrete there. That's why. There is no drainage whatsoever. Since you put in the curb on Aiken Avenue it made everyone on

the Avenue a swamp too. The drains are higher than the land. She also wanted to say that they have had deer twice this year in her yard. There is a lot of wildlife back there. Everybody on Honicker Street once they put the townhouses behind them they had to fence the back. They didn't want to and they love their neighbors but the kids cut through. She didn't care that kids cut through until a ten year old threw one of her lawn ornaments through her back window and she had a fence. She wishes that there was a way to do this that wouldn't cause the water problems. When she looks back there she does not see any buffer for these homes. Also, when she moved in all of this was R-1 and that was the promise that she built her property on, now it's R-2 and you are talking about making it R-3 back there.

Mr. Fortner stated that he would like to disclose that Ms. TerBorg is his mother-in-law so when it comes to votes he will have to decide what to do.

Vicki Strause, 657 Keesey Lane, stated that she is concerned that every time it rains her backyard is flooded. They have to have a sump pump in the basement to the French drain because the land is wet; it floods back through this area. It is swampy. Trees are constantly falling back there because the tree roots are so shallow. A couple of years ago when Isabelle came through they were very fortunate because the tree that was about six foot in diameter fortunately fell into the woods because if it would have fallen on their house and taken it out. They really do like the buffer behind them and the privacy that it gives them. They have a hot tub out on the back deck. She stated that she is also concerned about the traffic there is only one way in and out. Out there on Aiken Avenue is a school crossing for elementary school kids, middle school kids and the high school bus stops there. Are you going to put all of those kids in jeopardy with the traffic? There is no crossing guard at that location; Nadine is all the way up at Good Sheppard and another at Otsego, but none at that intersection. She is really concerned again about the water issue because it is wetlands, the buffer, the trees because it is old growth and the wildlife back there. Even in this area there is a stream and there are a lot of water fowl that land in there. In fact, there were ducks trying to nest in her neighbor's pool. She is concerned about them taking away that noise buffer from the noise from the bridge and the re-decking project that is going to be going on and the railroad. It is getting to be that time when they are going to have their windows open. Also, the construction, the noise of the construction and the noise of the kids. She stated that they are a transitioning community they had the kids and they have the middle aged and older people right now. She knows that there will be kids coming back soon, they have grandchildren, which is fine but to have a whole new development that will most likely be younger people with small children and she does not know about the noise and how it will affect the transitioning community. We too bought under the impression that it could not be developed behind us. If this is approved she would like to see some sort of water mitigation as well as a buffering zone with high shrubs at least 18 foot tall so that the people that live in the second story over there cannot look into her back windows because she values her privacy.

Mary Ann Skilling, Critical Area Rider, stated that they will need to perform an environmental assessment. They cannot have water running off of this property; which is

a State Law. They have to maintain stormwater within the property, which is something you have to do for any development now. The environmental assessment will look at those things and the impacts to the forest and the habitat. It is something that the Planning Commission will have to look at.

Ms. Turgon asked if their task tonight is to approve the concept plan or just to hear the proposal.

Mr. Rogers replied that their role is to let the applicant know of any concerns that they have, no action is required.

Ms. Turgon stated that she thinks that they will have to come back. It is not something that she looks at favorably. She added that she thinks that it is the wrong place to put that type of development.

Betty Thompson stated that she agrees with Ms. Turgon and she has always known that property to be very wet. She was surprised that they were able to build some of the houses on Keesey Lane although it worked out well. It is much wetter back there. If this does go through, she thinks that it is too many townhouses. As Mr. Rogers was saying they need more room there because they are going to be back to back. She asked how wide they are.

Mr. Gonzalez replied 22 feet.

Ms. Thompson recommended that there be fewer units and that they be wider. She added that she is not really in favor of it either.

Mr. Fortner stated that he thinks that the Town is interested in preserving some of that forest or at least keep a field of forest there especially between the people on Keesey Lane. He feels it is important to have a buffer there and it should be shown on the preliminary plan. Density is probably going to be an issue.

Ms. Turgon stated that she thinks that the traffic and the density are going to impact that community in so many ways.

Mr. Fortner stated that density is definitely an issue. One thing that he did like was the park in the center. He likes what they have done there but he thinks it should be a useable area. He suggested that maybe the tot lot should be there. Maybe it could be used as extra parking or they could do parallel parking. He also suggested traffic calming and having the park in the center so that the residents could keep an eye on that area. In regards to density he would like to see them preserve as much forest as possible.

Ms. Thompson stated that in regards to the streets being 30 foot wide, where she lives the street is 24 foot wide and people have to back out of their driveways and with the mailboxes it is too tight to really pass, you would have to stop so somebody could pass you. Twenty foot wide is definitely not enough. Twenty four would be a little better but

there are going to be people parallel parking and you need wide enough access for fire trucks and emergency vehicles in there. She thinks that thirty feet is a good width.

Mr. Fortner stated that he would disagree. He thinks that smaller lanes are better because it offers traffic calming. It is going to be a family oriented community and he feels that traffic calming is going to have to be an important part of the design. Thirty foot roads; take Beacon Point for example, encourage speeding.

Ms. Thompson stated that Keesey Lane used to go all the way to Otsego Street. She does not know what the situation is now.

Mrs. Galicki replied that Fairgreen Apartments is in the way.

Mr. Fortner asked for further comments from the Board.

**File No. GDP2008-01- General Development Plan- Woodlands Perryville.
PROPERTY OWNER/APPLICANT: Perryville Property Holdings, LLC.;
LOCATION: Coudon Boulevard/US Route 40/MD Route 7, Perryville, MD;
Tax Map 800 and 801, Parcels 3, 4, 15, 209, 820, 526, 586, 622, 635, Zoned C-2, R-2.**

Michael Fortner asked the representatives of the project to address the Board.

Doug Hill addressed the Board. He stated that he is here representing Town Point Development and Perryville Property Holdings. They are the applicant for the subject project tonight, Woodlands Perryville and the General Development Plan. As you know, this is the first step in the process in the application for rezoning. First and foremost he would like to say that this plan is the result of many people, such as, residents, some of the property owners along Route 40 that they do not have interest in yet, area agencies, Chamber of Commerce, police department, staff at URS, etc. During the week long design charrette that they held March 10-14 he did see a number of us out there during various times and they had approximately 200 people come through the door at Minker Hall.

Mr. Hill stated that on an administrative note, they have filed a plan since they last met with the Town, which has been reviewed by URS for installation of the off-site sanitary sewer line and water line. The plan has been reviewed and they are working on the comments. The plan generally incorporates numerous parcels. There are a total of seven (7) property owners, which he would like to share the diagram for that because property ownership is an issue for them at this time. He explained that the different parcels and their ownership. At this time he is pursuing the purchase of all the properties and he is at different points with each of the owners. Part of the equation is timing. When can he purchase the property, when does he actually need the property and price of course. At this time it is his hope that when they make submittal for preliminary plan that they will have a clear indication for the Town as to which properties are included and which

properties they may have contract ownership of. He asked if the Board had any questions on ownership.

Mr. Hill stated that with the charrette they had a lot of people through and received a lot of ideas and concepts. They tried to incorporate those concepts to the greatest extent possible and based on the feedback from the general public they feel as though they did that. Overall, the plan from concept did change slightly; they made some modifications. As you know, they provided for a hotel. It was brought to their attention that in Perryville there really is no reasonable hotel. Previously they had sighted a higher education possible medical use there, which they have moved back off of the highway. They are still providing for that just in another location. The buildings that are indicated in yellow are residential uses, which is consistent with previous files. The buildings that are indicated in red are for mixed use. That being retail and/or office on the first floor and office and/or residential on the second floor. The buildings in the dark blue are institutional uses. It came up earlier tonight about school capacity. They are proposing approximately 180 residences here. He is not sure how many students that is going to equate to; it is hard to predict. His guess is, based on the types of housing they propose that being townhouse and apartment style homes, that the ratio is going to be somewhere around 1.5 students per household. They are proposing a charter school for environmental science, which is located in close proximity to the elementary school. The charter school would be a public school and open to all students in Cecil County and would provide for a focused curriculum on environmental studies. Some of the other uses on that side of the road are a community center, which is a need in Perryville and generally western Cecil County. He stated that he has a couple of meetings with Cecil County Community Services and they are working on a grant application with them and pursuing a County operated facility as a community center. Adjacent to that labeled Government Offices, there are no government offices for Cecil County in Western Cecil County and it is something that is needed. There needs to be representation here and they feel as though with the Library as the anchor and the other things that they are trying to create here that it is an appropriate use and is in close proximity to other government uses.

Mr. Hill stated that there a couple of big questions for them on this plan. First, is the pink box, which is labeled as an IKEA outlet. He came before this body before and explained his logic behind an IKEA outlet. IKEA does has some significant, what they are terming, green initiatives in their overall business strategy and they feel that it is an indication of their future as a company and also feel as though it is something that will give more credence to them by opening a modified IKEA store here. Other issues of concern to them is the incubator space, which is a property that they do not have control of yet so that parking garage is primarily dictated by the IKEA because of the parking requirements. It could be the case that they do not have IKEA as a tenant. He wanted to point that out because he knows that the residential lots will be sold, he knows that the retail spaces and the other buildings can be filled over time, but the big box in the corner he does not know. He added that he is focused on it happening but there are no guarantees. Other than that the General Development Plan is something that they hope the Planning Commission and the residents of Perryville see as something favorable for

the Town and its future. They have tried to observe the comments of residents, Maryland Department of Planning, State Highway Administration and the initiatives for walkability and not just for what Perryville has but also in a broader sense with trying to adopt new urbanism principles here for the project. With regard to when they are going to do all of this or when they would like to do all of this as he said earlier they are working to get the lines in to service the parcels along Coudon Boulevard. The phasing plan only incorporates the properties that are in here. They would like with that line in the ability to start construction in June. They would look to break it up after Preliminary Plan and process three plans, three phases. The first phase allows them the opportunity to sell a little bit of office, a little bit of residential and work with the government users. The second and third phase will involve more as they work their selves towards Route 40. They do not have any tenants at this time. He will start really working on tenants when they get through the Preliminary Plan stage. The tenants want to know when are you going too deliver and how much it is going to cost.

Priscilla Turgon asked what the price range will be for the townhomes.

Mr. Hill replied that he believes that the townhomes will sell at a starting price somewhere around \$250,000 and he would anticipate them to sell for as much as \$400,000.

Betty Thompson asked how wide the townhomes will be.

Mr. Hill replied that the townhouses at this time are between 16 and 24 feet wide. It is dependant upon the building. They are to be mixed in each building. In other words, in this building you may have units in it that are 16 feet wide and three stories and homes that are 22 feet wide and two stories or 24 feet wide and two stories or 24 feet wide and three stories. It is really dependant upon additional engineering work and more information about the soils. They would vary in width and height. On the first night of the charrette, a group of residents stated that they did not want any townhouses. Those same people were there on Friday night and when they saw the types of architecture that they were proposing they were not only accepting but they were enthusiastic about the type because of the variety.

Chris Rogers, URS, reviewed his comment letter dated April 18, 2008.

Background

- 1. As you know, the property was the subject of a previous Mixed Use Development (MUD) rezoning application which was conditionally approved by the Mayor and Commissioners in April 2005. The applicant proceeded through the normal subdivision process with the Planning Commission for the residential portion of the MUD, but did not record any final subdivision plat. Nor did the applicant receive final site plan approval for any of the non-residential portion of the MUD. As such, the MUD Zone was never officially applied to the parcel(s). The current application should be considered a new application.*

2. *We applaud the applicant for their efforts undertaken to obtain community input during the charette process and the establishment of clear objectives, strategies and measures.*

Procedural/Administrative

1. *The application is being considered a rezoning application for the use of the MUD Floating Zone per Part IV of the Town Zoning Ordinance. The pending plan is being considered a General Development Plan (GDP) which is being reviewed by the Planning Commission and the Mayor and Commissioners for stage one consideration of the rezoning (Section 99.1 Zoning Ordinance).*
2. *After the Planning Commission's review of the GDP, it should be forwarded to the Mayor and Commissioners. If the Mayor and Commissioners find that the proposal has merit, the GDP can be conditionally approved (Section 99.1.c Zoning Ordinance).*
3. *If the GDP is conditionally approved by the Mayor and Commissioners, the applicant would submit a preliminary plan to the Planning Commission (Section 99.2 Zoning Ordinance).*
4. *The Planning Commission must hold a public hearing on the application and forward the preliminary plan, together with comments and recommendations, to the Mayor and Commissioners for appropriate action (Section 99.2.i Zoning Ordinance).*
5. *The Mayor and Commissioners must also hold a public hearing on the application (Section 99.3.b Zoning Ordinance).*
6. *If the Mayor and Commissioners are in favor of granting approval of the Preliminary Plan/Floating Zone, we recommend that the approval be conditioned upon the following:*
 - *The applicant submitting all appropriate construction drawings for review and approval.*
 - *The applicant executing all appropriate agreements.*
 - *The applicant receiving Final Plat approval from the Planning Commission and recording the residential portion of the MUD.*
 - *Regarding the non-residential portion of the MUD, the Rezoning Opinion would define the general design features of the non-residential portion and could also include reference to the approved Preliminary Plan as an attachment. Any subsequent development of the non-residential portion of the tract that is consistent with the Rezoning Opinion could be submitted directly to the Planning Commission through the normal site plan process. Any proposed development of the non-residential portion*

inconsistent with the Rezoning Opinion would need to be reviewed and approved in accordance with the full MUD process.

- *We recommend that the Preliminary Plan submitted to the Planning Commission mentioned in 3. above, be accompanied with a formal rezoning application with the signatures of the owners for all of the properties subject to the rezoning request.*
- *The applicant should describe the status of the discussions with the various property owners whose parcels are part of the GDP.*

Planning/Technical

1. *The preliminary plan should indicate the cross-sections of the various proposed roads and trails and the anticipated extent of public dedication.*
2. *The preliminary plan should clearly indicate all other areas intended to be dedicated to the Town.*
3. *Given the orientation of the Ellersley Manor House, it may be appropriate to re-orient the proposed 80 room hotel to allow the house to serve as the visual gateway to the site from westbound Route 40.*

Mr. Hill stated that he agrees and he does not see any reason why they cannot do that. It may be more consistent with the Highway Overlay District. It also may give them the ability to create the illusion that the building with its architecture is somehow associated with the other building.

Mr. Rogers stated that it is just a visual anchor waiting to be used.

Mr. Hill explained what you would see when you come over the hill. He stated that it is going to be quite costly to renovate it and it should be a focal point.

4. *The portion of the tract along Route 40 will be subject to the requirements of the Highway Corridor Overlay Zone in the Town Zoning Ordinance.*
5. *The applicant should describe the parking for the townhouses and the meaning of "underground parking" on page 13 of the GDP booklet.*

Mr. Rogers explained that he did not understand the reference in the text nor did he understand the parking entering the sides off of the drives.

Mr. Hill replied that the intent is to have subgrade parking where you would actually park under the building in all of the instances. He explained that it does a couple of things, it decreases the surface paving and impervious surface, it hides the automobiles and it gives you covered parking. The downside is that in some ways they need to make this community entirely full access, which is great if you are handicap and you can have a

modified home that is handicap but if you are handicap and want to go to a friends house then you cannot get in. He is not just speaking of people in wheelchairs but people on crutches and mobility issues. The full access is something that is a priority for him and for the community. It may require then that they provide for some surface level parking and require them to install elevators in the buildings. One elevator inside of a building like that with outdoor access is expensive but if it makes it full access then it is worthwhile.

6. *Is the linear nature of the proposed townhouse blocks intentional, or will be individual units or blocks be staggered?*

Mr. Hill explained that these are really the building envelopes. It represents the outer most edge that these buildings might exist. Certainly those buildings are not going to be those shapes. They may be staggered about two feet or they may not. The Preliminary Plan will include architectural renderings of those buildings.

7. *We recommend that a Traffic Impact Study (TIS) be submitted with the preliminary plan for review by the State Highway Administration and Cecil County.*
8. *We recommend that the preliminary plan be submitted to the County Technical Advisory Committee for review.*
9. *The provision of water and sewer capacity to the proposed development may be subject to a Capacity Management Plan (CMP) to be considered by the Mayor and Commissioners.*

Mr. Rogers stated that he understands that he does not have any formalized tenants but he would like to know the status of discussions with the Town or the County or whoever you would talk to about a charter school.

Mr. Hill explained that in regards to the Charter School operators are Imagine Schools which just received approval to open a school in Woodlawn in Baltimore. They operate 52 schools. They are waiting for the go ahead from Dr. Roberts' office. He is resigning this June so right now is not the right time to make a filing for a charter school application for consideration. By Maryland State law they have 120 days to review a charter school application. Therefore, they do have a tenant for the charter school. The process is to obtain approvals at the County level or the Board of Education and then to come before this body for site plan approval. In regards to the community center they have met three times with Community Services of Cecil County and they are formulating a plan to apply for grants for the construction of their facility. In terms of the office space he would really like to see Lower Susquehanna Heritage Greenway move down here. With a school for environmental studies and having a site that is accessible he thinks that it would really give a lift to their program. He has not had any discussions with any other government offices or users there. In terms of the emergency facility, his project manager Bruce Vanhoy, does have a dialogue with Richard Brooks. He also

participated in the charrette. He is the Director for Public Safety for Cecil County and has expressed interest. Mr. Hill stated that he really has to believe that everything on that side of the road is most likely going to be either developed for or in conjunction with Cecil County. He thinks that will help the Town in terms of their ability to participate whether it is taking a portion of that space or taking all of the space. He thinks it will help the County in that it will give them physical presence here in western Cecil County which they do not presently have. That is really the extent of the discussions there. Most people have the same question and that is when is this going to happen or how are you going to do all of that stuff. His answer is he does not exactly know. He is just trying to continue to seek out the best options for the property, the Town and Cecil County and it seems to be coming along pretty nicely.

Mr. Fortner asked for comments from the public.

Jennifer Ewing asked about the zoning. She is an adjoining property owner and would like to know if her zoning would change from C-2.

Mr. Rogers replied nothing right now. This is the beginning of a possible rezoning process. The applicant has submitted a master plan for the whole area. What our recommendation is that the next stage of the process is a more formal rezoning process and that plan and that application will have to be submitted with the signatures of all of the affected property owners. If you do not want to take part in this plan then you do not sign the application and the applicant will have to figure out how to amend the plan appropriately without you. If you are going to be a part of the plan then your signature will be on the application and then if it is all approved your property would be rezoned to Mixed Use Development. It would then have to be developed in accordance with the plan that was associated with the rezoning.

Mr. Hill stated that he would like to add a point to that and to correct him if he is wrong. In the event that the Mayor and Commissioners at a public hearing do in fact vote in favor of the rezoning to apply the overlay of Mixed Use Development and they process the plans with the cooperation of property owners through signature on the application but they do not do anything then nothing happens. A year from the granting of the rezoning is the time frame that he has to proceed with acquiring financial sureties for the construction of the project. If he does not start construction in one year then there is an option at the Town's discretion to give a one year extension to the Mixed Use Development. If he does not apply for the extension or if he does not do anything and it is granted and he still does nothing then the zoning reverts to the original zoning. In the case of Ms. Ewing who at present enjoys the C-2 zoning if they were to apply for Mixed Use Development and nothing happened then the properties zoning would revert back to C-2.

Mr. Rogers replied that generally he would agree.

Mr. Hill stated that he just wanted to make the point that when the zoning is changed at the recommendation of Planning Commission and the approval by mayor and Commissioners it is not absolute until they actually do something.

Mr. Patel stated that he thinks Mr. Hill's plan here looks pretty good. He is not sure if everyone is aware of what is happening with Harford County and Aberdeen Proving Grounds but there is going to be a Base Realignment. He personally feels that those people are going to be living in Cecil County just because of where they live now. If he lived in Mammouth, New Jersey he does not think that he would live in Baltimore. Therefore, we are going to see some of that come into Cecil County. Something like this is very enticing to live in the area. Another thing is that a lot of their jobs are high paying jobs, which gives us the tax benefit if they live in our County. It would help pay for the new water and sewer plant or things that we have spent money on already and we need to reap the benefits from.

Mr. Fortner asked for further comments.

Motion was made by Matthew Oberholtzer and seconded by Commissioner James Hansen to recommend to the Mayor and Commissioners that they review and conditionally approve File No. GDP2008-01- General Development Plan- Woodlands Perryville conditioned upon URS comment letter dated April 18, 2008. **All in Favor; Motion Carried.**

Motion was made by Evelyn Hansen and seconded by Betty Thompson to adjourn the meeting at 9:45pm. **All in Favor; Motion Carried.**

Respectfully Submitted,

Heather Erickson
Planning & Zoning Coordinator