

**Planning & Zoning  
Meeting Minutes  
January 24, 2011**

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

**Meeting called to order at 6:30 p.m.**

**OLD BUSINESS:**

**CP2010-01** – Revisions to Concept Plan Garrett Point; **APPLICANT:** Home Partnership of Cecil County, Inc., Conifer Realty LLC, 626 Towne Center Drive, Suite 205, Joppatown, MD 21085; **PROPERTY OWNER:** Farmers & Merchants Bank, 15226 Hanover Pike, Upperco, MD 21155; **LOCATION:** Charles Street/Richmond Street, Perryville, MD; Tax Map 800, Parcels 634, 696, 805, 732; Zoned R-1, R-3; 10.34 acres.

Mr. Frank Hodgetts indicated I am president of Home Partnership Incorporated, of Cecil County. We are an eighteen (18) year old organization and we've been serving Cecil County actually for sixteen (16) years. Our organization's mission, we're non-profit, is to create successful home-ownership opportunities for individuals as well as create successful developments and combat community deterioration. Our interest in the Garrett Point project is both the preservation interest as well as a new construction interest that we're trying to create work force housing for individuals coming into the Perryville area and this is as you are very much aware there is a vacant site that was reclaimed by a bank, actually bought back by a bank some time ago back in 2007. We've had the site laid out using C.N.A. who has been our partners working on this for quite awhile, and Doug Kopeck is with us tonight and he's here to answer any questions that you may have from a site layout perspective, as well as Mr. Kenneth Schmid with Traffic Concepts and hopefully he will be able to answer any questions that you may have in regards to traffic engineering and some of the information that is being presented before you. Just to reorient people from the last September meeting when we were here, the project actually consists of both the preservation of the Richmond Hills Manor apartments, which are the forty-eight (48) units that are currently owned by Cabell Corporation. That was a bond finance project back in 1986 that is now run down to the point where we would like to rehab it, provide it with a new identity, provide a new vitality and bring it up to new energy efficiencies in the systems. We also propose to acquire the less than ten (10) acre parcel from the bank, which is owned by Farmers & Merchants Bank. We will be acquiring that property, we've got the contracts executed at this point. So this project, I'd like everyone to notice that the last time we were here the thing that we took away with us, was the fact that you wanted more of a neighborhood feel, a neighborhood design to it. And with the parcel situated as is it's like a horseshoe actually. What we tried to do is figure out a way where we would be able to have a way to a central sort of a courtyard area where with this we tried many different variations but

we were unable to accomplish that given the limitations of the site, the limitations being the steep slopes and the Critical Area. We were trying to stay outside of the Critical Area line as well as the steep slopes. We also tried to place the higher density near the current apartment buildings. The units are created to look like mansion like homes. It's a style that is actually being built currently in North East. The builder who is Conifer, is a partner in this project and that along with the thirty (30) town homes, there are thirty-two units in the four-eightplexs. One of the things that we did when we came back, when we looked at the site, we were asked that the round-about was felt that it didn't have particular meaning to the project. We re-laid out and we looked at taking a lot of the parking areas where we would move it to the backs of the units that way people would park behind the rental units and be able to walk around a center courtyard in front but when we did that, every time we did that, that increased the impervious surface to the project. So with the new storm water management regulations which have just come out and we just had some experience with it recently with our planners, we're really tried to increase open space on this as best we could, tried to create a neighborhood design by making sure that there would be plenty plantings along both sides to try to soften it, take the density and move it to the farthest part of the site so that it wouldn't impact these units up here along Charles, as well as we created a community center building. This would be intended to serve the community for functions, we could have health trainings there. Our organization, Home Partnership, will be hosting home buyer education seminars there. We've been certified by H.U.D. since 1995 and we provide what is called foreclosure prevention as well as default delinquency counseling, and we do pre-purchase counseling. Our mission in this type of an endeavor is to make sure that individuals who are in a rental opportunity actually get to have a chance to do home ownership. Because from the studies that we've done, and we've had fifteen (15), sixteen (16) years doing it, we find that individuals if they can be taught how to transition off of rental into home ownership that many people who have the opportunity will take that. So what we would like to do is we would be offering home buyer education along with some trainings, curriculums, financial training, which is another thing that we do. We also provide down payment, closing costs assistance to families who are interested in purchasing. That would all be available to not only the residents of our community but also residents of Perryville and the attempt is to one, bring these services here so people will have a convenient setting whereby they could actually take advantage of those trainings. With that I would like to take any questions if I may. One of the things we would like to try to incorporate working with the Town is to try to find a rails to trails. From our research, it is our understanding that there is part of a dedicated trailway down at the base, although I'm not sure if it is the CSX line but one of them I believe has already been obtained by the Town to create the beginning of a Rails to Trails type of walking pathway. We would love to be a part of that and we would see our parcel as being another part, being able to be an active as well as passive recreational area for people. Up here by the community building, the community center, we would like to have active recreational areas whereby children in the area could come by, a tot lot if you will. And in accordance with some of the other comments that we've had we'd like to make sure that gets integrated as well as we can into the community. So that it's not just the residents of our particular development that are utilizing it but individuals from the existing community as well. So I believe this is an exciting opportunity for people. It

improves the existing apartments that are currently there as well as builds upon that and I think it provides to the community much needed housing that is going to be coming down the road. The other thing that I would just like to underline to the members of the commission, Home Partnership is a locally based, non-profit. We've been active for sixteen (16) years. We've been serving Cecil County since about 1996, 1997, we have many contacts, many individuals who would work with this here. This is part of our mission and we've been around for that long of a time. With that I'd like to answer any questions you might have, and thank you for giving me a chance to come before you.

Mr. Oberholtzer asked you're referred to mansion-like homes, was that what you said.

Mr. Hodgetts replied I called it a mansion-like eightpec. It's meant to look much more like an individual large home than it is to look like an apartment building. But they are individual apartments, eight per building. They will have architectural detail that will be broken up, there will be gables on the roofs. The units will each have their own separate entrance so it's not like they go through one common entrance but it is meant to look like a mansion building, a residential unit. I have seen the units that Conifer has recommended and they do blend in very well and they have nice architectural touches in the area.

Mr. Oberholtzer asked is there anywhere else where these have been built in this area.

Mr. Hodgetts responded to my knowledge no, not in this area. I'm not sure if Conifer is building them in their current Razor Strap project in North East. I know they are building the town houses there that are proposed for here but I'm not sure if the mansion-like buildings are being built up there at this time.

Ms. Skilling indicated there were copies of renderings in your packages from last time and the renderings that we have here are what is being done in North East. North East also has a four-plex which is similar to this where it actually looks like a Victorian house, and there are four rental units in it. They are becoming much more popular because they do look like a house, they don't look like an apartment building.

Mr. Fortner stated we'll be reviewing them more in the next phase, after concept. Any other questions.

Mr. Reich asked where exactly is your open space.

Mr. Hodgetts replied along the steep slope and actually further over to that side where more of the steep slopes are. And then within the site there are also pockets of open space which are integrated throughout and Mr. Kopeck, do you know off hand how many acres have been calculated.

Mr. Kopeck responded it's just under four acres of open space. Just to give you a comparison, the Richmond Hills project that was approved before had about two acres of open space, so there's about double the open space on this project.

Discussion continued about the amount of open space provided on the site. The property has steep slopes along the south east corner of the property and a forested portion is on the south west side.

Ms. Linkey commented I heard something and I just want to get some clarification, is this going to be subsidized housing because I thought initially it was not, but I have heard that perhaps it is.

Mr. Hodgetts asked in terms of subsidizing can you tell me what you mean?

Ms. Linkey responded Section 8, HUD vouchers, things along those lines.

Mr. Hodgetts replied because of the financing nature of this, we cannot not accept anybody based on their income. If somebody comes in who has a voucher we would have to accept them. If somebody comes in without a voucher we would accept them too. But we are not seeking Section 8. We would be compelled because of our financing to have to accept it if they came in but that doesn't mean we have to go out and find them with Section 8.

Mr. Fortner stated any apartment complexes have to accept Section 8 vouchers.

Mr. Hodgetts responded you don't but you have to make sure you can pass the HQS's (Housing Quality Standards) inspection and you have to agree to them. You have to sign up as a landlord to be part of the program and agree to be reviewed and inspected I think by the Cecil County Housing Agency who administers Section 8. So we would have to pass HQS inspection and then we would also be asked or sign up with the local Cecil County Office of Housing and Community Development.

Mr. Fortner asked are you required to take a certain percentage of lower and moderate income families, or do you take low income tax credits.

Mr. Hodgetts replied if you take tax credits generally what you are trying to do is make sure you've got a range of incomes that you are eligible for. Richmond Hills Manor is probably not going to be tax credit eligible. The incomes there are too high and there is a rule within CDA which says if more than twenty percent (20%) of the people in your project would be displaced by your financing you can't apply. So that's probably going to be a bond financed acquisition and rehabilitation. We have doctors who are living there now. In fact the income there, we did a way-to-average income in there, and it was closer to ninety to one hundred percent over the median income. I think the reason they are living there is actually because it's convenient, they're involved with BRAC, they're on the base, they might be here in Perryville, and it seems to me it's based on the convenience of many of the people who live there.

Mr. Reich asked what do you mean you did a way-to-average, what do you mean.

Mr. Hodgetts responded we looked at all the incomes of the people who live in that area, we calculated what their incomes were, then we divided by the number of people that we had statistics for and we came up with an average.

Mr. Reich replied an average, not a way-to-average, there is a difference. And the other thing is how are you going to renovate, are you going to move people out of each one of these buildings while you renovate, how are you going to do that.

Mr. Hodgetts indicated when we did it at Cedar Hill, which was about a three point one million dollar (\$3,100,000) rehabilitation, what we would do is we would create one or two units where the residents could go to during the day so that they would have a place for them to go to during the daytime. There's a lot of communication that has to go on between us and the tenants, advising them what the schedule is. We work real close with management so they know what the scheduling is as well as what type of work will be done in their home. Most of the work that we're going to be doing is going to be energy efficiency and then making sure the outside of those units are going to match what we're going to be putting into the new units. So we want them to look compatible. We don't want to have something that doesn't look like anything in the area. We wanted it to be so people when they come into that subdivision that this is one area, it's one community. So the answer to your question is there is phasing that has to work with each of the tenants, and it's very intense, there's a lot of hand holding but that's how we did it at Cedar Hill.

Mr. Reich stated but nobody is moving out of the building.

Mr. Hodgetts responded if they move out of their own volition that's fine, but we're not forcing people out.

Ms. Skilling mentioned this was just done at Concord Apartments and it was very efficient. They worked with the residents there and totally renovated both complexes on Aiken and Mill Creek, and renovated interior and exterior, and also put in a community center. That was part of their rehab for that whole development and they worked with the residents very closely.

Mr. Hodgetts stated that was Homes For America. We did what was called Cedar Hill which is now called North Bay.

Ms. Linkey asked did you think about or design for more of a community feel or a Town feel type thing, to get rid of some of the units, to be able to do what they were talking about.

Mr. Hodgetts replied yes, the block of units right here, we had looked to take that away but one of the problems we're having is the price that is being negotiated by the bank at this point. It's been pretty difficult to just pull units out. We did look at that and our preference would be not to have to lose the density if we didn't have to. But we did look at that to answer your question.

Ms. Skilling began review of the project. Some of these comments are similar with what we discussed prior to this meeting at the previous concept plan:

*Planning Commission Meeting  
January 18, 2011*

**GARRETT POINT CONCEPT PLAN**

***Procedural/Administrative***

*The Concept Plan is being resubmitted for review with some modifications and reevaluation of the Signal Warrant Analysis. If the Planning Commission approves the Concept Plan, it must be submitted to Cecil County Department of Public Works for tentative stormwater approval and Cecil County Technical Advisory Committee for comments prior to preliminary site plan submission.*

***Planning Review***

*The project consists of 32 apartments and 30 town homes.*

1. *Property fronting Charles Street is zoned R-1; remaining property zoned R-3. R-3 zoning is primarily for multi-family dwellings and supporting uses at a higher density. A variety of housing type mixes including single-family, two-family, duplexes, town houses, and apartments are encouraged in order to provide for a mix in housing prices, household size, age groups, and lifestyles. The proposed development provides for town houses and apartment clusters. Architectural designs for both types were included.*
2. *Per Section 205 Building requirements and relationship*
  - *F(4) No townhouse structures shall be closer than twenty feet to any interior drive or closer than fifteen feet to any off-street parking area. **This has been met on the townhouses.***
  - *(10) The front and rear facades of dwelling units in a townhouse shall be varied by changed yards of not less than three feet and variation in materials or design so that no more than three abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and rooflines. **(Rendering provided)***
  - *A minimum of twenty percent of the site shall be maintained in common open space areas exclusive of front, side, or rear yards in a location approved by the Planning Commission. **Proposed 35.5% open space is provided.***

Ms. Skilling indicated there is a lot of common open space in reference to the area in the back here, what they are going to call the forest retention area. Some of that is already forested. It does drop off in the back but some of that is not really that steep behind there, the south west portion of the property. It's only a B slope and that's not really that

step but it does get steeper in the back where it goes down to the railroad track. It is in the Critical Area and it already got IDA approval, Intensely Developed Area. They'll still have to do the 10% reduction for the Critical Area and probably reforestation if they move into that area.

3. *Per Section 205.3—Apartments and other multi-family development residential units shall be permitted in the R-3 with conditions. As a condition, the minimum of 30% of the total tract area shall be maintained as open area. Of the above 30%, 25% of the open area should be suitable for usable recreational space. This is particularly important due to the lack of recreational space in this area of the Town and the number of dwelling units.*

Ms. Skilling commented again some of these areas, a lot of them, could be used for recreational areas whether by trails or just be able to have an area where people can congregate. This is one of the reasons that this is really important in this area, basically there's no recreational area in this community. Not only this community that is being developed but in the whole community in the Franklin Street area. Not necessarily because of this but for some reason over the years those types of recreational areas were never put in as those areas were being developed.

4. *Per Section 238—Front yard setback for apartments is 25 feet, side yard 20 feet. **Adjustments need to be made for three of the apartment buildings.***
5. *Per Section 239—Neighborhood Parks Required*  
*The plan proposes a community building. It is recommended that the rate of .015 acre per dwelling unit be used due to the number of units and potential for school aged children in the community. Section 240 and 241 should be used as guidance to determine the type of facilities appropriate for the development and ownership.*

Ms. Skilling continued these are things that we've always addressed for potentially tot lots and things for young children who might be in this area. Those sections of the regulations give you appropriate type of things that need to be put in the community of this type.

6. *Article XVI Parking, Section 275. Flexibility in Administration Required: Based on observations of known apartments primarily, there are areas of excessive parking not being utilized. Consideration should be given to the reduced parking being requested.*

Ms. Skilling stated we've been out there numerous times. We also looked at that at Concord Apartments. There's a lot of parking area out there and they're not being utilized for regular parking. We checked at different times, during the day, at night, and the parking lots are not full. One of the other things we have to start looking at is, because of impervious surface, parking where we would have a lot of impervious areas,

we're really going to have to look at our parking standard of two point five because impervious surface is becoming a real critical thing when it comes to doing stormwater management. The regulations are getting much more strict with impervious areas and we're going to have to look at ways to reduce where possible parking or look at other types of methods, pervious pavers or whatever.

7. *Article IX Zoning Districts: Part V Critical Area: The property is designated Intensely Developed Area-IDA. An environmental assessment must be submitted for the area within the Critical Area. The criteria set forth in conjunction with the Critical Area require that any development within the IDA be accompanied by practices to reduce water quality impacts associated with stormwater runoff that reduce pollutant loads from a development site to a level at least 10% below the load generated by the same site prior to development. The worksheets demonstrating this reduction must be submitted for that portion of the project in the Critical Area.*
8. *The Garrett Point project proposes to connect to Mansion Drive as an alternative ingress and egress to the site.*
9. *A Traffic Impact Study should be performed prior to preliminary site plan approval. An updated Signal Warrant Analysis has been prepared and the intersection at Franklin Street and MD222 does not meet the warrants for a signal.*
10. *The internal roads should be consistent with the Cecil County road code.*
11. *The preliminary plat should clearly indicate the entire road sections proposed for the development. Sidewalks should be provided along both sides of the internal road as well as street trees. Designated cross walks should be delineated.*

Ms. Skilling indicated with sidewalks on both sides again we should be able hopefully to be able to provide those without having to increase impervious areas.

12. *If open space is not dedicated to the Town, a homeowner's association should be formed for maintenance of these areas.*
13. *The use of the proposed community building should be clarified. Will it be available to residents other than Garrett Point?*

Ms. Skilling commented Mr. Hodgetts had discussed the possibility of that and how that plays out. I guess it's something we need to work out if other people in the community could use the community center and potentially the recreational areas that will be provided on the site.



*14. The Concept Plan should be submitted to Cecil County Technical Advisory Committee (TAC) prior to Preliminary Site Plan review.*

Ms. Skilling added it also shall be submitted to Cecil County Department of Public Works as the criteria now for stormwater management with the new regulations, the requirement is to review the plans at concept so this plan could change and modifications would have to be made between now and preliminary, and they may have to come back if there are major or significant changes.

*15. It is recommended that a bus shelter be placed on Charles Street.*

*16. In the prior approval of Richmond Hills, a \$20,000 contribution was agreed upon for improvements to Charles Street. It is recommended that this contribution be considered as part of the final site plan approval.*

Ms. Skilling stated obviously this is a totally new project. It is recommended and I did discuss this with Mr. Hodgetts the possibility of this contribution to be considered as part of the final site plan approval. One of the possibilities of use of that would be to work with the community in resolving some of the drainage concerns and problems in the area. Or be put in a fund that could be used toward potentially some sidewalks. I find that a little more problematic in this area because there is no right of way, that I'm aware of, set aside on these streets.

***General:*** *The Town has been working with MDOT on planning for the MD222 and I-95 as well as US40 upgrades. It has become evident that the issues regarding the traffic at US40 and MD222 are directly related to vehicles avoiding the toll on I-95 and the volume of traffic from the VA. This along with the repair of the 40 bridge causes problematic traffic volume at peak times of the day. These issues create concern for revitalization and infill development in the Town of Perryville.*

Ms. Skilling indicated there is an ongoing investigation and plans right now on what can be done there. We do have concerns and problems. It is evident that there are traffic issues at US40 and MD222 and some of these are directly related to I-95 and what has been done by the Toll Authority as well as the toll booths. And one of the other concerns we have right now is the impacts from the VA at 40 and 222. Most people don't think about it because it's sort of natural to see cars going in and out of Town but that is a major impact in that area and those cars are being counted in any kind of inventory that is being done. Those are my general comments for this, again it is concept, the concept is how these things are laid out right now generally whether you approve or agree with some of the conceptual street designs. Again it would move forward to preliminary at this point but it has to go through a lot before it even gets to preliminary.

***Recommendation:*** *Approval of the Concept Plan with the following conditions.*

- *Meeting current stormwater regulations from Cecil County Department of Public Works prior to proceeding with the Preliminary Site Plan.*

- *Submission of Concept Plan to Cecil County TAC.*
- *Providing Traffic Impact Study for MD222 and US40.*

Mr. Fortner asked did you say they had a Traffic Impact Study based on this proposal.

Ms. Skilling responded it was a Traffic Signal Warrant Analysis that was done. We had it as provided by Traffic Concepts and basically they looked at it, an intersection capacity analysis, and pretty much indicated that the various percentages, the warrants that are allowed by SHA. Actually someone is here from Traffic Concepts if you would like some additional information. They did the analysis and it's based on counts and what SHA allows and would require to be able to have a signal where Franklin comes out, the cross over between that and the development. That had also been done at the time of Richmond Hills, the previous project, and it did not meet the warrant then as well. It doesn't mean we couldn't do it if we pressured SHA but right now it doesn't meet those requirements.

Mr. Reich asked you say in here in your comments that we need to do a Traffic Study yet you included a Traffic Study I thought.

Ms. Skilling replied all this is a Warrant Analysis. The traffic study that has been done, I've had about five of them and they all say pretty much the same and various projects are all used in the background for all those concepts. We have Woodlands, we have Cedar Corner, we have the CEMUD, now we have Garrett Point, which was Richmond Hills at one time which had numbers and counts. Of course the VA is not a development but we do look at those numbers because obviously they are in the count. And other projects are included in the counts.

Mr. Schmid stated there is probably about twenty some developments.

Ms. Skilling commented there are a lot of them and many of them are not in Town but unfortunately they get counted as background. Again these are all being used right now by SHA as part of this study with I-95/US40 knowing that there are considerable concerns in a growth area which this is a primary growth area and something needs to be done.

Mr. Reich asked Mr. Schmid isn't it problematic to put a light there because of the turn at 40 is so close.

Mr. Schmid replied that signal warrant could be coordinated. Obviously there is heavy movement from 40 heading towards 95 and you can tell that's generated by an outside source because the same returning volume isn't there, you don't have the same amount of heavy right turns coming down 222 turning on 40. Generally you see reverse, people leave in the morning, but that doesn't happen and the fact there is no toll going south on 95, that leads one to believe pretty easily that is a generated volume, not locally, but people going to 95.

Mr. Fortner asked do you know what percentage that would be, the percentage of traffic being caused by the toll. Would you be able to calculate that.

Mr. Schmid responded I would think that half of the vehicles that make a left. I mean you have nine hundred cars making that left during peak hour and based on what I see along 40, it should be half of that, so there is a lot of traffic using that route. That's the major problem you have at that intersection and that's the major problem you have along all the side streets along 222, the thousand cars coming up and taking up the available gaps to make left turns off of. Right now we did the study, our study for Woodlands we did a ten or twelve intersection study for that and basically what we've been doing is providing information to the Mayor and Commissioners on our impact on those numbers we counted back in 2008 for the Woodlands study and regardless of the traffic signal, there are Federal guidelines that the State has to follow and the main thing is volume. You have to have a certain amount of volume on the main road and a certain amount of volume on the side roads throughout during the day. There's plenty of volume on the main road but the side roads don't meet those thresholds. Now if you get into a more in detail warrant study, we basically took peak hour volumes from our 2008 study and they didn't meet the peak time volumes, didn't meet any of the warrants. But we didn't go in to look at accidents and delays and those things. When you get a more detailed warrant study we try and look at accidents because accidents factor into that. We look at delay, we look to see if people aren't making left turns or trying to make left turns but can't so they're turning right and going down and turning around and coming back up. Those things would factor into it with more details for the site. You could put a light there and coordinate it with the other one.

Ms. Skilling indicated one other thing I want to mention when you talk about accidents, we did check with the Police Department and according to them there have not been any accidents, at least not reported, at that intersection.

Discussion continued regarding some occurrence of accidents at 222 and Franklin Street.

Ms. Linkey stated you were talking about the parking, so according to the plan I have you have one hundred twenty eight (128) spaces which would be thirty-four (34) less than what the Town of Perryville recommends, is that what you are looking at as far as parking in this development.

Mr. Hodgetts responded we are looking at less, yes, than what the Town requires.

Ms. Linkey replied but you are looking at one hundred twenty eight verses the one hundred sixty two that the Town Code recommends. So it's down thirty four spaces which seems like a lot.

Mr. Jack asked will you be able to use the existing parking lot.

Mr. Hodgetts replied yes that would be our hope. If there is anyone here who lives in the apartment complex I'd sure like to hear from them because my understanding is a lot of

those spaces aren't being used and we've gone there at different times both during the day and at night to see what the count is and we're not seeing a lot of the parking spaces being used down there. We have plans to work with the people who live there and get their input on it.

Discussion continued regarding the amount of parking proposed is an average of two spaces for each unit.

Ms. Jenene Carrick-Avig of 623 Franklin Street stated I've lived in this development my entire life. Where they are proposing to do this my sister, who lives on the property that I grew up on, it is in her backyard. The Town essentially at one point in time had taken part of our front yard to put the road in to go to the Manor, to the new apartments and so forth. At that time we were supposed to, the entire community itself was proposed when they were putting all this in that they were going to do these new apartments behind it, essentially more so than what they have with Richmond, we were supposed to have sidewalks, drainage, and another outlet. Unless you live in this development they are doing forty and fifty miles per hour up and down our street with one outlet. You have children playing, you have people walking their animals. That is one of my first major concerns because I live on Franklin Street and everybody's going to be driving past my house. There're no sidewalks, and the problems with the drainage, that's essentially another problem, I understand that, but it was also proposed years ago that we would have sidewalks put into this development. And still to this day that's not been done. Now they come in and fix the roads, I don't know who does that, but they come in and put more pavement down and essentially has raised the road up above the property. So it's all becoming a major problem. You're going to bring in more homes and more people and if you look at this neighborhood everything flows this way. The only place that water goes is in everybody's basements, and yards, on top of which you are going to put more in there. I think it's a fantastic idea of a community center. Don't get me wrong, I'm not opposed to putting something in that's better, but you're putting another community inside of a community that already exists. And instead of, before you propose to do something like that somebody really needs to stop and think about what is existing there and fix it first. Because all we're doing is just creating more and more problems and making it more difficult for the ones who live there and myself, I've lived in this neighborhood all my life, born and raised, and I'm just seeing it deteriorate but yet they're fixing up really nice houses in the back. To me it's not making any sense because of the people who have been there. There's a lot of elderly people in there who are trying to get out and walk more often and you can't control the vehicles going in and out of there, it's horrific. And when I go out to check my mail I can't tell you how many times I've had to jump out of the way. My mail box is this far away from the road and you still have to jump out of the way because people speed past you. It's a fifteen (15) mile an hour zone and that's an issue. But again, there's only that one outlet. There's no other place that anybody can come in and go out and where they're saying there is no need for a light, there is the need. You have people going this way and people coming this way and now you have the Food Lion shopping center so people are coming out, something's gotten give there. That is a nasty intersection, maybe not so much as a light but I don't

know how they could fix it but it really needs something there. If you're going to put something else in there, I'm just asking somebody to think.

Ms. Jackie Sample of 620 Franklin Street stated I pretty much ditto everything that she said. I've also lived here all my life, not there all my life but I've been there for nineteen years. I know what used to be there and I know what it is now and it is a freeway coming down that road. And I hate to say this but the majority of them I know are coming from the apartments. I know people in that community. You have elderly people and you do have children there. And I have sat there and I have watched from my home, I've seen them go down that road and I've seen them barely stop to go around that corner and go back to those apartments. I've had my mailbox wiped out because somebody was speeding and went right over it. So I have a problem with ingress and egress, one way in and one way out of there. I have no problem with rehabbing those apartments and I have no problems with progress in Town but that is a small community that's got elderly people in there, it's got people who care about their community. We get stuff thrown, trash thrown in our yards at times, and you can hear people coming down. You don't know what it's like at certain times trying to get out of that community, don't get me wrong, I love it there, I know my neighbors, I like how it is now but this putting a whole other set of apartments, I'm not for it, I'm sorry. And yes there have been accidents at that intersection. I passed one one day coming home from lunch so I know there have been accidents there.

Mr. Louis Avig of 623 Franklin Street asked would there be more police presence around in that area if you put more houses back there, that would be my question. My house was robbed last year and I live smack in the middle of the community where you're going to put two hundred more people or so whatever it may be. Back in that area would there be more police presence. Would there be better drainage. I know water comes down my road and when it comes down to make the turn there it hits that side and shoots directly across in my property which is basically draining down the full front yard and all that water sits there.

Review of a map was done of the area in question. Discussion continued regarding the water runoff. Road repaving has been done which raised the road bed and water continues to flow across yards. The storm water is coming from the road that comes out of Richmond Hills apartments, down Charles at the top of the roadway to Franklin Street. There is no drainage for the water to run down.

Ms. Skilling commented may I make a suggestion. These are very good points and we know there are problems with drainage in there but it is definitely something that we really need to bring up to the Mayor and Commissioners.

Ms. Carrick-Avig indicated essentially why we're saying this is because you're wanting to push forward to do another development and yet you haven't fixed the problem to begin with.

Ms. Skilling responded but it is not this board that can fix the problem.

Ms. Carrick-Avig asked they can go to bat for us can they not.

Ms. Skilling replied we have Ms. Linkey here who is a Commissioner but my biggest thing is these types of problems, of paving the road that is higher, really are major capital improvements that I think should come before the Mayor and Commissioners. And the Mayor and Commissioners need to start addressing. We do have drainage problems, and it needs to be put on capital improvements...

Ms. Carrick-Avig interrupted but you're getting ready to approve something.

Ms. Skilling replied I'm not saying one way or another to move forward.

Mr. Reich stated but Ms. Skilling what they are saying to us as I understand it is what is coming out of Richmond Hills when we talk about stormwater management, they want to make sure that the stormwater management coming out of that area in Richmond Hills doesn't increase the problem they already have. So what they are saying to me is when we look at the stormwater management plan it better be one that does not let the water come off Richmond Hills down on Charles and across and down to Franklin.

Ms. Skilling responded understood, and the fact is that any plan that does stormwater management, it cannot leave the site legally. Now in the past, obviously in this whole development, that's not what happened and I can't go back and change that. I can, we only can as a Planning Commission because of the regulations now, site specific type of stormwater management is to be retained on a piece of property. It can not run off on any other adjoining property.

Mr. Reich interrupted you didn't hear what I said. They said to me to make sure that the stormwater management plan for the new development does not allow the water to come off that site. Which is what you just told me. You just told me it has to be contained on the site.

Ms. Skilling responded that is correct. Under regulations that is the way we approve plans. Stormwater management cannot move off that site. If it does then the property owners legitimately have a complaint against a developer for that particular purpose. And I agree, this development and other areas in Town have drainage problems and we need to address them as capital improvement projects within the Town and that is an issue that I think all of you who are coming in here really need to look at addressing that with the Mayor and Commissioners because they really have the authority to do something and put in for capital projects. I understand your concerns of the area. It does have some problems and shortcomings. Again traffic yes is a problem, getting ingress and egress because they cut off, how that ever happened several ingress and egress to this community by way of over the railroad track and then also down the Aiken Avenue Extended, that has been cut off. We're looking at avenues of trying to address that.

Ms. Carrick-Arig commented with that traffic and again this was before when they decided to do this project and I know the project's changed since, but when they did establish a project there it was said to this community, of which you're putting another one into, you're going to get sidewalks. With the sidewalks it'll help with the drainage problems obviously, but that is another part of the issue from the traffic. And that's another thing that we also need to address because someone is going to get killed in this neighborhood and you're adding how many more, what two hundred more people in here with one outlet. It's not going to work.

Ms. Skilling responded well it is an issue and again that's what's being addressed. I'm not saying one way or another but the developer is looking to help fund some money. I don't know, I don't remember Richmond Hills, what they were going to do.

Ms. Carrick-Arig stated my family owned all of that and where it sits there used to be three exits out of there at one point in time, and now two of them have been shut off. There's three major issues: sidewalks, traffic, and drainage. I appreciate you taking the time and thank you for listening. That's all we want is to make sure that all that is looked at before anyone moves forward with anything.

Ms. Linkey indicated I would echo what Ms. Skilling said, while I will take this to Mayor and Commissioners, the first Tuesday of the month is when we have Town meetings and I would suggest you come here and voice your concerns, at 7:00 on February 1<sup>st</sup>, the first Tuesday of every month.

Mr. Jack commented we talked about this at our last meeting unofficially. We're not looking at our infrastructure at what we do here in Perryville, when we are placing new developments in multiple places. I'm saying this for the Commissioner, we're not considering the infrastructure of other areas and how they can interface the new with the old and I'm not so sure part of our Planning and Zoning isn't to consider these kinds of things if we're looking to how it benefits the Town itself because based on what we hear and if it's true, doing something like this only enhances the problem on the other end, instead of fixing that first and then having a concept come into the Town. So I don't know where our Planning and Zoning goes with something like this because it is a problem.

Ms. Linkey stated after our unofficial conversation last month I did bring it to the Mayor and Commissioners and I also talked to DPW and they said that any information that we would have from our point of view, they would be more than happy to incorporate that and they do have a capital improvement plan but that doesn't mean that they can't get more information from us and to really work with us to do those things. So I did take it to them already. I told DPW that he should be looking for something from this board.

Mr. Fortner asked any more comments from the public. Then we'll open this to full discussion. At this point this is a concept plan and really what we're approving here is the idea of these townhomes and apartments of this style, basically the road structure. This isn't the approval. Once we approve the concept then it goes to the Technical

Advisory Committee for Cecil County, where they look at all the stormwater management, more traffic, other kinds of studies and will have many of the type of discussions that we've heard from the public and then they bring us back more of an analysis of how the stormwater management affects this site, how the traffic impacts this site, and that will create the preliminary review, that's the actual kind of like a more real approval of it and then after that there is a final plan where we can approve it then. Right now we're really just looking at this because we really don't have all the information on stormwater but Ms. Skilling said it's supposed to have zero impact on the present community as it gets evaluated. After concept plan it gets evaluated and they need to show to the Technical Advisory Committee it will not impact stormwater management of other areas. It shouldn't drain onto your property. And they have to come back to us and they show us that information as well and show the public too. So this is a concept plan. Do we want this type of development here; it is zoned for this type of development. Does anyone else want to make comments.

Ms. Turgon asked how many residents are in the apartments now, the existing?

Mr. Hodgetts responded in Richmond Hills there are forty eight units with maybe two people per unit.

Ms. Turgon stated and the plan is to increase that population by approximately....

Mr. Hodgetts asked are you speaking to Richmond Hill Manor.

Ms. Turgon replied the whole new project.

Mr. Hodgetts stated the number of residents at the existing apartments should remain the same. The proposed development adds a total of sixty-two units; with a combination of one and two bedroom apartments and two and three bedroom townhouses.

Ms. Turgon indicated that's a lot more humans in that area. That's a lot of people, just an observation, of population that is thrown in that area. And the acreage, what is the land area.

Mr. Hodgetts responded its ten acres and the density, if you want to compare our site to the Richmond Hill, we're less than half of the density. In fact we're below what we could be putting on the site by a significant amount. The apartments could have one hundred eighteen units and then the town homes, we could put a total of two hundred and two according to the density and we're only putting sixty two. So we have looked at the density. We tried to scale that back where we could. We talked to the bank and tried to make them understand we're non profit and what our mission is and if they reduce price we could reduce our density and we brought this down to where we think it's a reasonable balance.



Mr. Fortner asked is it your priority to purchase the old apartments, the elderly apartments. If you get approval from here are you going to purchase or you're not going to do that.

Mr. Hodgetts responded that is not the case. Our proposal is what is before you today.

Mr. Fortner indicated so you don't know if you could get an exit out of the apartments or do we know that.

Discussion continued regarding the proposed project and connecting the road at the existing apartments. Mansion Drive doesn't exit anywhere. It goes back to Charles Street. The entire community, existing and the new proposed community, only has one way in and out at Franklin Street. The new project will have access in two areas creating circulation through it but the existing community is accessed by one road in and out.

Ms. Linkey indicated that's the thing I still don't understand. You have these two egresses going out of this one little piece of this neighborhood but the big one, the existing, has one.

Mr. Reich stated if you think about sixty-two units, that's one hundred twenty-four cars possible. On average a family usually has two cars. And Commissioner Linkey, you need to go back to the Mayor and Commissioners about Franklin Street. We need to get a lot more police presence up there. When I go through there some people don't even stop for that stop sign.

Discussion continued regarding increased police presence in the neighborhood and the possibilities of speed traps similar to Aiken Avenue. It has been requested of the Police Department to look into the speeding in the community by Commissioner Linkey and they looked into it on several occasions at different times of the day.

Ms. Linkey indicated I know people speed up and down there but when the study was done, most of the cars were going around eighteen to twenty miles per hour and unfortunately the fastest one was a school bus. I did initiate that. It is an issue and needs to be looked at. The other thing I've done is I counted the number of houses in our neighborhood and I may be off a little bit but it looks like there's about ninety four houses not including the Richmond Hills apartments and not including the senior apartments.

Mr. Hodgetts indicated there are forty senior apartments.

Ms. Linkey continued and to add sixty-two more units on top of that is still quite a bit if you look at it. Because it's still funneling in and out of one area.

Mr. Schmid indicated there is an average trip generation rate for different types of units. A single family house generates about forty percent more than a town house or apartment

just based on statistics. So we may be adding sixty two more units but it's not the same thing as single family homes generate. Not that it doesn't generate traffic.

Ms. Linkey replied but anything added to something that is already an issue, it makes it more of an issue.

Mr. Schmid responded there are two different issues; one is speed and the other is the intersection down at Franklin and 222. The speeding issue is something that can be resolved. One of the problems with Franklin Street is it's posted at fifteen miles per hour but it's impossible to drive fifteen miles per hour when the road is wide and straight.

Ms. Carrick-Arig indicated it's not impossible.

Mr. Schmid continued people drive what they feel comfortable at. If you have a situation that you want to enforce the speed limit then you can do things to enforce that speed limit. You can put speed humps in, you can put stop signs, you can put what we call neighborhood speed controls which is basically canalization devices with speed humps....

Ms. Linkey interrupted but I think that's what she's saying is there are things we need to do in the existing development before you move forward with something else. I think that's what everybody is pretty much saying. We need to take care of other issues first.

Mr. Schmid replied speeding can be resolved and it's not a hundred thousand dollar issue. Does this community want to put up with four-way stops and speed humps to control that speed and if you do, that's not very expensive fix.

Mr. Reich indicated there's no place to put a reasonable four-way stop there. There's a reasonable place to put a stop but there's only one place to put in a four-way stop, in fact it's not even a four-way stop, it's a three way stop. But there's one already there. But from that stop sign down Franklin Street to the next stop sign which is at Aiken Avenue Extended there's nothing but houses and kids. So you've got a tenth of a mile or so that is a straight stretch. How do you put a stop, the only thing you can put there is you could put speed humps in and now you're talking about a hundred thousand dollars.

Mr. Schmid responded you can put speed humps down inexpensively, around sixteen hundred dollars. Another thing you can do is narrow down the pavements in those long stretches and try to facilitate people being narrowed down because when you got thirty foot of pavement and most of the time you have one car on the road.

Mr. Reich interrupted and another thing is not everybody parks in their driveway, they park on the street too. So that's not necessarily going to be possible either.

Mr. Oberholtzer asked what's the problem with putting speed bumps in and they're not that expensive.

Mr. Hodgetts stated we've already agreed to a contribution and we've already talked about this with the Town, the fact that we would contribute towards improvements in that area which could include the speed bumps. We're in favor of that.

Mr. Fortner commented whatever that neighborhood would want. I've had experience working with neighborhoods that complained about speed in their neighborhood, I work in the Town of Newark and we put the police on the roads and then they started ticketing people like crazy because it slows them down but the people who get the tickets most often live in the neighborhood. It's not necessarily the apartment people that are speeding there. Some of the people in these apartments speed and some aren't but it's your neighborhood that's speeding. It's the residents who live in there now who are speeding and then they're also complaining about the other people speeding. I think this is a good in-fill project. I think this type of housing is needed. There are a lot of issues that need to be addressed. If this subdivision had come to us, the entire subdivision, I don't know if we would have approved it this way. I think it could have been planned out better. It's patched together and there's some problems. I think we need to work on those roads and as Ms. Skilling says, it's a Mayor and Commissioner thing, it's significant capital improvement projects to be done in there. We can't blame it on this new proposed development. It's zoned this way. It would be nice if the Town had the money to buy it to make it a park but there is going to be some park land. I like that it's going to be a homeowner's association, it's all rental so it's going to be managed as a rental, a management entity.

Mr. Oberholtzer questioned you said something about a rent to own program or something that you're trying to do. What's the success rate on that.

Mr. Hodgetts responded with our financing at the end of the compliance period it allows the tenants to have the right of first refusal and our organization wants to be there so that if they have the ability, that they can own those homes. So over time we'd like to see this to become, like I said it's scattered, so that there is homeownership, to build homeownership, but if not we teach the people in there how they can own homes in the community and what our program does is we track the people over five years. So that in the first five years when you own your home we're calling you up and we're contacting you for five years, because we've done a study and that's the time when most people run into problems is in the first five years of owning a home. So five years after they buy their house, we call about once a year, and we'll have them come in, we'll review the documents with them, the taxes, helping them with the tax forms, as well as giving them seminars on how to itemize deductions and things like that. The idea is to treat this as an incubator for people who want to become homeowners.

Mr. Oberholtzer asked how successful has it been, like in the past with your other communities with that sort of program.

Mr. Hodgetts replied we've been in Harford County primarily since about 2003 and since then we've spread our purchase and sales operations into both Baltimore and Cecil County. Out of one hundred and eight homes that we've sold, we had two foreclosures.

And I owe that not to the fact that we're such a good organization but the fact that one, we stay with people over time. People are honest, they trust us and we work with the community. Everything starts off as rental.

Mr. Fortner commented first of all it starts off as rental and then they have the opportunity to maybe buy that town house at some point. Is there a restriction first of all, I think it would be good if someone buys it, it all continues to be maintained as a single unit in terms of the way the property maintenance is. Right now you are going to be mowing the yards and doing all the landscaping, would they all of a sudden have to take over that or would you manage it like a condo.

Mr. Hodgetts responded no, the idea is to go to in-fee ownership where you are responsible and have the wherewithal to do it. And what we've done with people, I mean obviously you can't make somebody do it but you work with people, you stay in touch with them, you call them up and you say we've gotten complaints. Most of our tenants, most of the people who have bought houses from us, our homeowners, is because they had to get the home buying education which is eight hours of training plus they get the follow up every year, these are people who are more committed to homeownership than others. These are police officers, fireman, teachers, and public health officials. We've been running a closing cost assistance program in Cecil County for four years. We put about five hundred thousand dollars in closing costs assistance to homeowners in the area and we would like to do the same.

Mr. Fortner asked the person buys it and they own it for whatever many years and then they sell and they sell it to a landlord. Can they sell it to a landlord, a person who wants investment property. They want to buy it and rent it to somebody else. Will they be able to do that, or do they have to sell to another owner occupied or sell it back to the apartment.

Mr. Hodgetts replied you have to sell it to an owner occupant and they also have to meet income restrictions which are about one hundred fifteen to one hundred twenty percent of area median income. They are higher than the average.

Mr. Fortner responded I like that component of it because I would fear that they would sell it and someone would buy it and then manage it as a rental property and then you have your whole area, your rental property area and then you have individual rental property owners doing that and so it sounds like it avoids that kind of thing from happening.

Mr. Hodgetts answered it's not good for those investing in the area. If we're going to be in that area renting, we're not going to want to see other investors coming in because that's going to take it down. You get appreciating values the more you convert it over to home ownership.

Mr. Fortner stated so they have to buy it and live there and then when they want to move they have to sell it to someone who wants to buy it and live there.

Mr. Reich indicated one of the things I have seen coming out of BRAC for Aberdeen was the lack of rental property, apartments and town homes, and that the people moving here from BRAC aren't looking to necessarily buy homes but they are looking for rental property. So the positive piece of this is the median income coming out of Aberdeen for the people moving over there with BRAC are way above one hundred twenty percent over median here in Cecil County. So it does represent something that we can give to the Town. On the negative side, I personally would have to see a whole lot of stuff about more in the preliminary plan about stormwater management, about ingress and egress out of that area, about possible concepts by the Town to improve the egress for that area, out of that whole area, not just that piece of it. Because when I said one hundred twenty two cars, I understand what you said about trips but there are two times during the day when there is a lot of traffic going in and out of that street. I guarantee you that turn is dangerous and tractor trailers have missed me at least four times that I had to get in the other lane to get out of the way, that's my personal experience. Mr. Chairman, I'm kind of leaning towards yes this is a good idea for the community, it's a good idea for in-fill but it also has some drawbacks that I think we really need to seriously consider. Not only is it Planning and Zoning, but as a Town as a whole, what is the impact in this area. We've got some very tight places here in Town as we pointed out last month that we don't seem to have fixed very well. I have no problem in my mind going on to a preliminary plan to see what all this stuff looks like but I'm hesitant to go beyond the preliminary plan without some real input from the Town and what's going to get improved in that area if we add a hundred and twenty four more people, a hundred twenty four more vehicles into that place. I live on John Street and there is an area between John and Franklin where young kids actually use once in awhile as a football field. That's probably the only area they can do that. I'm also concerned that is there really space there to do something to have more than a tot lot where we can have a couple of swings and a slide.

Mr. Fortner asked how much area is that where the community center is located.

Mr. Hodgetts responded about one hundred feet and maybe in depth about one hundred seventy-five, eighty feet. Today we just signed closing documents for a DOD personnel who's moving down to Fort Meade and is buying one of our houses, forty two thousand nine hundred and nine and that's with their DOR, their resource that they're using to get down here that has the adjustment in it. He's taking a small cut in pay to come here from New Jersey but that is a BRAC person coming in. What we're hoping to do is not only give people rental opportunities for BRAC but we'll also be able to give them homeownership opportunities and I think that we can help Perryville with doing that. So our hope is to be able to provide all these, sort of a one stop resource so that the people who are renting can rent and the people who want homeownership can get homeownership resources as well.

Ms. Turgon asked would you redefine your role for me please. So the Home Partnership of Cecil County is who you represent, right.

Mr. Hodgetts responded that is correct, we're the co-developer and co-owners of this site, with Conifer Realty. And we're in this for the long run.

Mr. Oberholtzer asked after this you are also the property manager then.

Mr. Hodgetts replied we will be hiring someone and we will be responsible for the property management. We are your point. If you have any issues, we are your point person. There will be an office and they'll be splitting their time with this project and the North East project so they will split their time. They will probably be here two or three days, we're not sure which, and there two or three, we're not sure which. There will be two maintenance people on site. One of the things that the Richmond Hills Manor folks want for us to work out, which we agree to do, was to keep the staff on that they have. They wanted to make sure those people would have jobs and so we've agreed to it because they are good people, they've been around for awhile. I think those people are knowledgeable of the way that place needs to run.

Ms. Skilling stated we do get a lot of contacts in here from people for BRAC in this area and their main area they want actual rental units. They ask constantly are there any rental apartments in the Town. Also the economic development office in Cecil County get those same calls and a lot of people want to move to Perryville and one of the biggest reasons they want to move to Perryville is to get the train. That has been a key thing when we went to the expo at Fort Monmouth for people wanting to move here because of the train. Now we've offered, and I talked to Mr. Hodgetts and we're working with senior housing in the County to put in a transportation area where a bus will come pick up people and we're hoping that will cut down on traffic too. This community as well as all the other communities, people who live in this region, is to put down some transit shelters so that people will have a bus service. That bus service also is now planning, and Perryville supports this too, so they have connections to Havre de Grace, Perryville, the Train Station, the casino area, so there will be some kind of circulation, including Port Deposit. They will actually have bike facilities on the back of those buses so if people do want to take a bike across the bridge they can get on that bus and be able to take their bike. There has been a lot of interest in apartments whether here or anywhere else in Town, in-fill is where we need to have those apartment units and we're working now on our TOD (transit oriented development) and this is particularly what we want is to be able to have higher density, where people can live, be able to take the train, instead of using their cars and these are the kinds of things we're working on. Yes, I think we should work on some of these streets, that's my goal, and we also have a plan for where sidewalks are needed in the Town and where they are in the Town and we do have a plan for that so that we can go to the Commissioners to say maybe we need to start working on these areas. The Town is working on those things and the Mayor and Commissioners are very receptive to these things and we need to keep plugging away to get these things that some of the people in the community want.

Mr. Fortner indicated we need to inform the public of the public workshop to be held on February 10<sup>th</sup>, from 4:30 to 7:30 p.m. This is the Transit Oriented Development public work shop.

Mr. Jack stated I just want to comment again I think the new concept is great but I also think this existing community is great. These are people who are living here already paying taxes and I don't think anything gets a person's attention more than rejection. If we're not taking care of the infrastructure of our community before a plan sets in and then we say we don't have a plan and if we can't get the money we're not changing anything for these people who are living there and yet we're going to pile something else on top of it. To me, I'm not against the concept, but I think we need to exercise a plan to show intent before we start putting another community on top of one that doesn't have the proper infrastructure. As far as I'm concerned, I think the Planning and Zoning has an obligation not only to the new development but to the old developments that are there and so I think we need to consider that. We have to make sure that the Town Commissioners know that we're just not here to put in another community. It's easy to develop a new community, it's harder to put a new community in an old community and have it work together. So I have a real problem with this issue especially when I hear people talk about water running down the street. While I would probably be in favor of the concept, when push comes to shove, I don't know if I will be unless the Town Commissioners is willing to do something in an aggressive manner to change it. What is going to change this. The only thing that is going to change it is if we stop developing until we have the infrastructure such that it can handle the development. It's just my opinion as I sit here, I'm not against development, and I appreciate and I know people want apartments, I know BRAC is coming. Everybody uses BRAC as the force by which we do something and we rush into something but I'm not so sure that as a Planning and Zoning member we need to address these issues. We talked about it last time and I'm just saying it again.

Ms. Turgon asked Ms. Skilling I have a question regarding the casino money that's going to flow through the Town. Isn't it supposed to be targeted for just those kinds of infrastructure expenditures.

Ms. Skilling replied well it has been targeted and some of these things will be addressed and hopefully some of the funding that we get from the developer will be used in there too. These are all considerations and that's why I think it's really important that the residents come to the Town meetings. We need to know where these problems are and we need to address them if we're trying to move forward with these things. But I think some of that has been designated for certain capital improvements.

Mr. Reich commented but it's capital improvements effected by the casino. That's the way I read it.

Ms. Skilling responded no, anything that the casino does or any development up in the CEMUD zone, there will have to actually be improvements to the interchange at 222 in order to be able to move forward with that development and they're working on those things right now. The Town will not pay for those things.

Ms. Linkey indicated we had a meeting with the local development committee, the LDC, on Thursday and we've already submitted our multi-year plan some of which is capital improvements. There are seven targeted areas which we did have something for each one and you also have to remember we are paying back a debt as well because the casino helped with some of our infrastructure that we have to pay back. There was a significant amount for that but we are moving forward as fast as we can. Ms. Skilling, you said you have a plan for sidewalks that you already have a report for. Would it be possible to email that as an attachment to all of us.

Ms. Skilling replied its part of our TOD and trail plan and sidewalk, yes. The Wilmapco people went through Town and marked where sidewalks are located and where sidewalks probably should be located in order to have a more walkable community. It's part of our TOD and it's been at every one of our workshops. I can actually email it to you because I do have it digitally.

Ms. Turgon asked if we approve the concept plan tonight, is there another time during the process where the breaks can be put on.

Ms. Skilling responded you don't approve the preliminary plan and it may be that in fact it may not get any further if the concept doesn't meet stormwater regulations. It may have to come back actually at that point because this concept will go to Cecil County DPW. They will have to review it to make sure that, in this design, whether in fact it could meet stormwater regulations and then it could come back to us because it may have to be reconfigured.

Mr. Reich asked what is the critical area piece.

Ms. Skilling replied the critical area, they have to do that and they have to do 10% reduction so approving this concept, it may come back in a different form because we don't know at this point. The Technical Advisory Committee at Cecil County they look at that as well so there may be recommendations there. The real key issue right now is to meet the new State stormwater regulations.

Ms. Turgon asked (the developer) assuming everything goes well the time line is what.

Mr. Hodgetts answered it would be to begin construction, on the existing units we could get earlier but we're scheduled to close on those April 2012 and then start construction on the new units in probably May 2012. The existing apartments would be broken up to be able to start earlier than that but we're talking about funds, but you're talking about three, months, four months for that.

Mr. Fortner asked any more discussion. One thing we haven't really talked about is the parking, they want less than our code requires, they are going off of Cecil County requirements.



Ms. Skilling responded under our regulations the Planning Commission does have leverage to be able to reduce that parking if so desired based on certain criteria.

Mr. Fortner replied I think that is very reasonable, to have two per unit.

Ms. Skilling indicated the reason that got to be two point five was because in Town here parking is limited and there would be higher parking for shared use.

Mr. Fortner asked does anyone want to make a motion of acceptance of the concept plan, not approval of the plan, that allows them to go forward, to go to the Technical Advisory Committee and for stormwater, and provide traffic counts.

Mr. Reich asked Ms. Skilling this three page document where you have all your comments that you went over, the Town comments, I want to refer that, any motion should be conditioned upon those comments.

**Motion** made by Mr. Reich and seconded by Mr. Oberholtzer to approve the applicant to move forward with concept plan conditioned upon Town comments to be incorporated in the preliminary plan, meeting current stormwater regulations from Cecil County DPW, submission to Cecil County Technical Advisory Committee for review, and providing Traffic Impact Study for MD222 and US40. **Six in Favor. One opposed. Motion Passed.**

Ms. Skilling stated the next step would be preliminary plan after they submit the concept to Cecil County DPW.

Mr. Reich commented and I hope the first Tuesday next month which is February 1<sup>st</sup> that most of us go to the Town meeting as well as the people from this area because I'm concerned enough about this. I think the Town needs the apartments in the new project but I also live in that area too.

Ms. Skilling indicated just to mention in our discussion at the last meeting Ms. Battaglia put something together notes and we need to look at that discussion and those are things I think we ought to address and forward to Mayor and Commissioners as well as some of the plans that we already have for sidewalks and other things that need to happen in this community and as well as others potentially so that these kinds of projects can move forward so that we do have new housing that are capable for workforce in the community and to be able to solve other problems in our Town, whether it's a developer helping to do that or if the Town helps implement it.

Ms. Linkey asked did you send this to Mayor and Commissioners.

Ms. Skilling replied no, we wanted you all to review it first.

Ms. Linkey asked could all of you review this and let me know so it can be presented to Mayor and Commissioners.

Mr. Fortner asked do we need a motion to release this to them.

Ms. Skilling responded I think you should look at it first and let Ms. Battaglia know if there is anything you want to change because that was a discussion. I really would like to do a formal report at the worksession from planning and zoning if you all agree to it, to say these are things that really came up during discussion of this and the Planning Commission would like to address these in some manner. Maybe some of you can attend the next worksession because I think it would be important to help support this and Ms. Linkey as well.

Mr. Reich stated since all of these are unofficial, off-the-record comments, what we discussed last time and I don't see why we can't handle this through email unofficially through our Commissioner and give it to the Mayor. Even if we have any changes, because I don't think we have to have a motion on that, on whether we want to share this with the Mayor or not.

Ms. Skilling indicated I'll just put it together as an informal presentation at the next worksession. Once you look at it we'll decide whether we need to have a dedicated meeting prior to the worksession. Just let us know by email.

(5 minute break)

**NEW BUSINESS:**

**SUP2010-02** – Neff Subdivision; APPLICANT & PROPERTY OWNER: David Neff, P.O. Box 765, Perryville, MD 21903; LOCATION: 618 Broad Street, Perryville, MD; Tax Map 801, Parcel 245; Zoned TC; 1.432 acres.

Mr. David Neff stated I really don't have any kind of proposal but I think you all have a copy of the plat. That's really the only thing I have at this time to show you. But basically what I want to do is create two deeds for the property. I want to minor subdivide for the purpose of creating two deeds and the reason for that is to comply with the lease I have from the Postal Service. The new lease that I received requires the property as standalone and for twenty-five years it worked fine but all of a sudden it doesn't work fine. And that's basically what I want to do.

Mr. Fortner asked does the Post Office want this.

Mr. Neff replied yes it was proposed to me because I am the land owner and I have to do it just to comply for them.

Ms. Skilling indicated as Mr. Neff mentioned, the subdivision is being requested of Mr. Neff so that it would comply with an existing lease with the U.S. Postal Service. It is a lease agreement and right now it is a ten year lease.

Mr. Neff indicated they kind of slipped that terminology in there on me and I really didn't pick up on it for some reason. I understand it's been normal practice through the years for the Postal Service to have standalone property where it's possible and I just never subdivided that property. I have my business on the back portion of it and I thought everything was fine until they started pressing me on this issue.

Ms. Skilling continued with comments:

*Planning Commission Meeting  
January 18, 2011*

**NEFF SUBDIVISION**

***Procedural/Administrative***

*The present parcel 245, owned by David Neff presently houses the U.S. Post Office and Mr. Neff's construction business. The subdivision is being requested to comply with a lease agreement Mr. Neff has with the U.S. Postal Service. The subdivision is subject to Article III in which plat approval is required by the Planning Commission subject to plat satisfactorily complying with the requirements of the Subdivision Regulations.*

***Planning Review***

*1. A sketch of the property with the proposed subdivision has been submitted that shows the area subject to the lease agreement with US Postal Service.*

Ms. Skilling stated Mr. Neff is getting a surveyor to actually survey the property and give us an official subdivision. This is just a concept plan that we have now.

*2. Section 74-22 (I) – Insofar as possible, side lot lines shall be substantially at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout. Due to the lease agreement driving the subdivision, the lot line configuration is as shown on a plat in the agreement.*

Ms. Skilling continued the lot line is at an angle. It's not a severe problem, the problem being mostly its access to Mr. Neff's property which is to the rear and will require cross easements on that piece of property so Mr. Neff has access to his property because we cannot make a landlocked piece of property. So that will be an existing lot and it will have cross easements with the Post Office for ingress and egress to the Post Office.

*3. Section 238 Schedule of Zoning Regulations -The property is zoned Town Center. Commercial dimensional requirements consist of a 50' height. Front and side requirements are not specifically stated, but should conform to requirements expressed in the Comprehensive Plan for mixed use in a Town Center.*

4. *All existing water service lines and meters and sewer laterals should be located to assure that the facilities are located on the appropriate resulting lots. Since these have not been included on the concept, they will have to be reviewed when the survey of the site is complete.*

Mr. Neff stated there are two meters, one for the post office and one for me.

Ms. Skilling responded they have to be identified on each lot so we have that on the final site plan.

5. *The intent of the TC District is to promote a mix of land uses, integration of uses through shared parking, access drives, etc. In this context does the subdivision provide the best configuration to facilitate development of the rear parcel? In particular the access to the rear lot, at a minimum, should be able to accommodate existing and future uses including truck circulation.*

Ms. Skilling commented the entrance to your lot in the rear needs to be wide enough to be able to accommodate your use which is the truck circulation coming in off of Broad Street and in the sketch I'm not sure what that entrance width is going to be. That will be part of the review that I have to go through at the next stage and I don't have that information yet. So again, this is coming in as a concept for that subdivision.

6. *Appropriate cross easements should be provided for the access road and use of same with the Post Office.*

*Recommendation:*

*It is recommended that approval be contingent upon reviewing the preliminary plat once completed and a copy of the easement agreement be provided for documentation with the subdivision.*

Ms. Turgon asked Mr. Neff so when the Federal Government comes to you and says this has to be done, this configuration, did they assist you with the costs.

Mr. Neff replied no. I had the option not to renew the lease and I kind of overlooked the words in there "standalone" and that probably wouldn't have stopped me because I don't want to see the Post Office move out of Town. They never pressed it or anything like that before with me and I don't know if it's something because of their financial situation or what's driving it but there's something behind it.

Ms. Skilling indicated I did question the Post Office about why, are they looking to potentially expand because obviously Mr. Neff's property behind there and may be interested in selling that because obviously that Post Office needs some expansion, but apparently they're not willing to expand at this point. And again, we don't want it to move out of Town. It really becomes a hub of a lot of activity and communication with people in Town.

**Motion** made by Mr. Reich and seconded by Mr. Oberholtzer to approve the concept subdivision conditioned upon reviewing the preliminary plat and a copy of the easement agreement is provided for documentation with the subdivision. **All in Favor. Motion Passed.**

**Motion** was made by Mr. Reich and seconded by Mr. Oberholtzer to adjourn the meeting at 8:35 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator