

**Planning & Zoning
Meeting Minutes
July 16, 2012**

ATTENDANCE: Michael Fortner, Pete Reich, Commissioner Dawson, Erik Donald, Henry Barrett, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

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

Mr. Fortner started the meeting with a welcome to two new members: Erik Donald and Henry Barrett, who were both recently appointed so this is their first meeting.

APPROVAL OF MINUTES:

Approval of May 21, 2012 Planning & Zoning Meeting Minutes was tabled until next month due to quorum not in attendance.

Mr. Dawson requested point of order, we need to approve the agenda because I had something I wanted to change.

Mr. Fortner asked what do you want to do.

Mr. Reich stated point of order Mr. Chairman, we don't add things to the agenda at the meeting, we have to add it prior to that so I don't see any reason why we should change the agenda based on what the Commissioner wants to do tonight.

Mr. Dawson indicated if I could have the opportunity to finish, Mr. Reich had sent an email requesting that we rotate under old business item b to item a and that's a wonderful idea he suggested so I'm making a motion that we put item b before item a under old business since we have a taxpayer citizen here to speak about that and it's no sense holding him up till the late hours of the night until we get a chance to get to him.

Mr. Fortner asked is there a second to that? Seeing no second we'll move on to old business.

Mr. Reich requested Mr. Chairman, point of order, I'd like to make a motion that we limit our discussion on Chapter 74 Subdivision to an hour and a half because Ms. Skilling is still making changes to it and we won't be able to get through it all tonight. We certainly don't have the final draft in front of us and secondly I'd like to table item b since the Mayor and Commissioners approve our Ordinances and the Mayor has not asked us to look at an amendment, that we table it until the Mayor does so.

Mr. Fortner asked do I hear a second to that motion?

Mr. Barrett responded point of order question, if I may. Why is it on the agenda if it's not something that can be duly discussed.

Ms. Skilling replied when we set up the agenda we usually like to get that information in advance so that we have the agenda and we can provide information to the Planning Commission members and we know explicitly what is going to be discussed. Commissioner Dawson asked to add this on the agenda last week, and I did so add it to the agenda. I have that we can discuss some procedural things that we need to discuss so that when things are put on the agenda that they are put on, in writing, by

any member of the Commission or Mayor and Commissioners. To give it to us in writing so that staff can prepare information to the Planning Commission members as well as letting us know what is really being asked of the Planning Commission to change. Unfortunately both the new members may not be aware that we spent over five months looking at our signage regulations and most of this board approved that. And the Mayor and Commissioners, at last Tuesday's meeting approved those regulations. And so when Commissioner Dawson asked to put it on here my question is what are we discussing, what kind of amendment, because we just approved it. So at this point the regulations have twenty days before it becomes official and we have to wait that time frame to amend something that's already been approved. So from Commissioner Dawson's perspective I guess we can discuss this in the procedural things but in order to allow us to do this I'm asking that this board set up a standard, I'm making a request for you to approve, that anything on our agenda gets sent in two weeks prior to by email or whatever so we have adequate time to prepare things for this board. So I'd like to ask that you approve that as a policy for the Planning Commission.

Mr. Reich indicated to Mr. Barrett the reason I brought this up is, one, we haven't been asked by the Mayor to look at an amendment and number two we don't know what that amendment looks like, in writing, what needs to be changed. So I don't see how we can, why I made the motion and looking for a second, how we can discuss it, it's not a discussion issue, what is the amendment if we're going to discuss it. I'm trying to explain why I made that motion so that we've got something to review and to be able to discuss based on the changes we made to the Ordinance over the last five, six months.

Mr. Barrett commented and to wait the required period of time for it to take effect. If the Mayor wants to amend it.

Ms. Skilling stated the Mayor and Commissioners approved all of what the Planning Commission submitted with some minor amendments to it. But basically we completely, totally revised our signage regulations and the board went through the process of approving it. The Planning Commission recommends it and sent it on to Mayor and Commissioners. Now the Planning Commission had a public hearing and then we also had a public hearing by the Mayor and Commissioners. There was no objection to any of those changes therefore Mayor and Commissioners approved it.

Mr. Barrett asked so now we want to make some more changes to it?

Mr. Reich responded Commissioner Dawson asked for it to be put on the agenda but what I'm saying is I'd like it tabled because this is not the place to bring up the amendment. It has to go through the Mayor and back to us and I'm asking for someone to second my motion to table this until such time as Commissioner Dawson approaches the Mayor and Commissioners and asks to have an amendment, and they'll send it back for us to look at it but I'd like to see the amendment and what the change is before we discuss it.

Mr. Fortner asked do you have anything to say?

Mr. Dawson replied yes and I also want to welcome the new members to the board and what you're seeing play out tonight is personal feelings, personal politics, personal vendettas to outshine Town business. I'm not sure if you got the email but I'll read this last sentence: "I'm certainly not happy, but we have no recourse under the law, given that we have not set a standard to accept or reject. You win and the town loses." That should just show you right there what the personal feelings are that these individuals have for me. To address the Town Planning and Zoning Coordinator (Ms. Skilling) and I'm going to go on the record saying you are flat out lying to these new members.

Ms. Skilling responded excuse me?

Mr. Dawson reiterated I'm going to say it one more time: you're flat out lying. You heard what I said. For you to sit here and say that I brought this to you two weeks ago is a flat out lie. I sat there when this gentleman called me over a month ago, and I'm going to play this out for you gentlemen, I made a career as a law enforcement officer to tell the truth, the whole truth and nothing but the truth and I made a career out of that. I stand by what I'm about to say. This gentleman called me and asked me for assistance. I came into this Town hall meeting, the last meeting that got cancelled, I walked through this door, walked to Ms. Skilling's office and said to you why is the meeting cancelled. You said your co-worker there had a death in the family. I said why was I not notified. You said you were notified. I said no I wasn't. You went through your emails....you'll have a chance to speak, don't interrupt me. We're going to lay this out for the people, the new members and be part of the recorded record. I then said to you about the conversation and asked it be put on the agenda and you even went to the point to pull this up (Town map) that shows the distance that I was referring to and asked for it to be on the agenda and that was over a month ago. And now all of a sudden when I called the other day and said why isn't this on the agenda I got the same story that you guys are getting here today, that I brought it up too late. Too late? We have one thing to talk about. This gentleman, his time, who pays thousands of dollars in tax money, takes time from his family to come down and talk with us today and we're going to table it? And for the two of you on your first day to tell this gentleman thanks for coming, go away. I give the floor back to you, Mr. Chairman.

Ms. Skilling asked may I respond? Commissioner Dawson, you did come in my office and unfortunately I did not have you on my email for some reason, I agreed and I apologized. You did mention it at that time but what I don't have is I have no clue what you're amending. What are you amending? I asked you to let me know what you are amending. You already approved a zoning ordinance on this, the Mayor and Commissioners approved a zoning ordinance. What are you amending? And what kind of documentation am I to give to these poor Planning Commission members who are counting on me, you want to amend something and they have no clue what is being amended.

Mr. Dawson responded let's not make it so difficult, ok. It's very simple. It's yes or no. I think there was a motion on the floor to table this....

Mr. Fortner replied yes.

Mr. Reich stated I'm going to say something too, Mr. Dawson, your bullying tactics are over. I've put up with it long enough. It's not personal other than your bullying, so quit. You're bullying me, you're bullying Ms. Skilling and I'm tired of it. You've done it before. Mr. Fortner said to me I apologize for what Commissioner Dawson did to you and I said I'm done with it. Now Mr. Barrett and Mr. Donald, what I'm trying to say here is nothing about a vendetta. What I'm trying to say here is that if we don't have an amendment in front of us with changes how do we discuss it. And that's what the motion is all about. The process as I understand it is that Commissioner Dawson can go to the Mayor and Commissioners and say ok we've done this signage change but I'd like to have this amendment considered. And that amendment comes back to us, as I understand it....

Mr. Dawson interrupted you're wrong....

Mr. Reich responded excuse me, I have the floor....

Mr. Dawson replied I don't care for you too, ok.....let's take it outside my friend....

Mr. Fortner interrupted that's enough, both of you, come on, Mr. Donald, Mr. Barrett, our meetings don't usually go quite this way.

Mr. Donald commented I just want to be clear on tabling this. It would go back to the Mayor and Commissioners and it would return back to us, is that how it goes?

Mr. Fortner indicated I think what Ms. Skilling and Mr. Reich are suggesting is basically when we get an amendment or change we get it at least two weeks before the date you want to do and then we have time to review it, come to the meeting for public hearing or a discussion on it.

Mr. Feazell asked may I ask a question?

Mr. Fortner responded just a minute sir, we're trying to get things rolling here. We haven't had a second on the motion. Like at other meetings, maybe we could have public comment on something that's not on the agenda. What if we suspend item b but added public comment on something that wasn't on the agenda, give the gentleman five minutes of time to say and then we move on to item a. Is that something to consider?

Mr. Reich replied absolutely.

Mr. Fortner commented with that added on, is there a second?

Mr. Dawson asked what is the motion?

Motion made by Mr. Reich to limit discussion on Chapter 74 Subdivision to an hour and a half and to table the amendment to the signage regulations until such time as we get a request from the Mayor and Town Commissioners to consider an amendment, whatever the amendment is in writing, what those changes are in writing, and having tabled that, to give time for public comment.

Mr. Dawson asked for discussion. Ms. Skilling, correct me if I'm wrong here but I don't need this board to do anything. I can make a text amendment to the Mayor and Commissioners, correct. All this board is doing is a recommendation, correct.

Ms. Skilling replied as a Commissioner at a Commissioner meeting you can recommend to the Mayor and Commissioners for an amendment and you need to tell them what you're going to amend and you need to give them some kind of information of what sections of the regulations you are going to amend. You can do that with Mayor and Commissioners. The Mayor and Commissioners usually send it back to the Planning Commission to review because they are the planning authority....

Mr. Dawson interrupted that was discussed at the last meeting, to get a recommendation from this board. That's why we're here today to get a recommendation. The point is it needs to come from this board first, we're being given wrong information by the gentleman seated to my right. It starts here with a recommendation, it goes to the Mayor and Commissioners and they'll say to me what was the recommendation of the board and I'll say they said no to it, and then the Mayor and Commissioners will vote on it at a Town meeting, right or wrong?

Ms. Skilling responded the only thing I'm asking is: what are you asking us to amend? What section and what's the verbiage you want us to add? I don't know that.

Mr. Dawson indicated that's what this meeting is about.

Ms. Skilling replied no, you have to submit something so these people know what they are amending.

Mr. Dawson responded that's why we have discussions. You bring something forth, so you're going to tell me if I'm going to bring by A, and someone offers an amendment up to it then that means we're going to have to sit around and wait another month to examine the amendment? No, this is part of how we do things. You bring it up, it can change, its fluid. What this is, is simply excuses to continue to delay this gentleman the opportunity to advance his property and for the Town to advance economic development. And it's sad this whole board wants to continue to delay that, delay that, and delay that. What I want is for each of them to tell this man that they don't want to hear what he has to say. They don't want to hear the amendment. And that's why I say give the man the floor and let's talk to him.

Mr. Reich commented we didn't say that at discussion, we put in the motion to give the man time to speak, but my point again is we need to know, in writing, what the verbiage is that we're going to look at. We're not going to sit here and have a discussion and write the amendment tonight. We need to look at what that amendment is, in writing, so we can see how it fits with everything else. That's the whole issue.

Mr. Fortner indicated that's the end of discussion. We have the motion, does anyone want to second?

(As stated above--**Motion** made by Mr. Reich to limit discussion on Chapter 74 Subdivision to an hour and a half and to table the amendment to the signage regulations until such time as we get a request from the Mayor and Town Commissioners to consider an amendment, whatever the amendment is in writing, what those changes are in writing, and having tabled that, to give time for public comment.) **Mr. Donald seconded the motion. Four in favor, one nay (Dawson). Motion Passed.**

Mr. Fortner continued item b is tabled and before we move on we'll have public comment for anything that is not on the agenda.

Mr. Steve Feazell stated I've owned property here in Perryville for the last twenty-seven (27) years. Thirteen (13) years ago I bought a piece of property up at I-95. We came here, met with the Mayor, and we come to meet with you today. We came from the Mayor and Commissioners so I expected to be able to speak with you about what could possibly be done in this area. You will see that your codes don't really apply to places like the new slot casino. It was what it was; it's an I-95 driven location; no I-95, no casino, no Pilot station, no Denny's, no KFC. And all of these things are there for one reason: to service I-95. They look different, they're exactly what they are. I've owned this property for quite some time and getting ready to develop and I'm talking to a couple of users, one of whom is McDonalds. If they can't put a pylon sign up they're not interested. That's an easy one. They're not interested. You don't want McDonalds here, it's easy, just say we don't want you. But the fact is that my tax bills on this little house that I have up there is Ninety Six Hundred Dollars (\$9,600) a year and I've paid it every year for the past thirteen (13) years and that's a substantially larger investment than a lot of people make in the city of Perryville. All I'm asking is....I believe my property is the last piece of property in Perryville up there. Properties adjacent to me are in the County. On the other side of the street and the outlet center, that's all part of the city. We are different. I get no city services, none. I don't even get police service. If I have someone break into my house I have to call the county sheriff. The city police will not answer the calls to my property even though I pay all the taxes, I have not one public service provided by the city of Perryville. I've never said a word. I pay my tax bill, on time, every year, and I bought this property for use because it's at I-95. I would hope to be able to do something that you would expect to find at I-95. When you come off I-95 at Havre de Grace, that's where they'll be building the new hospital and retail center, and still have the old town Havre de Grace

area. When you come off Aberdeen exit you don't have old Main Street, you have McDonalds, big retailers, that's what I-95 is used for. The code, windows and shingles, for the city are wonderful to keep the old town warmth and community and all. I don't use any of those services and I don't get any of those services. I bought it because it's an I-95 property, the only piece out there that is undeveloped, that's in the town limits. My zoning there is C-2. What I'm asking is that like the other things that have been built there, that piece of property, since it is an I-95 commercial piece, be given the same usage as any other I-95 (business). And I realize that there's a lot more money in the slots parlor but I've been paying my taxes a lot longer than that property's been in the city. I would hope to get the same sort of use and zoning. In other words I'm looking for basically...this is an I-95 site, we have to provide the man with water, we have to provide him with sewer, we have to provide him with police protection, and we haven't provided him with anything. And he pays his taxes. And he's the only piece out there in the commercial neighborhood and all of a sudden, I mean I'm not going to be looking at what do you want to do with the downtown, the old section, the main street. It's a different animal, it's not why I bought the property and I'll never make what I paid for the property worthwhile, that's my retirement. I put my entire retirement savings into one piece of property and there it sits. It's the only one in the town out there, C-2 zone, not developed and it took me years to get access, and I'm finally there, and there's no zoning there. I appreciate your position but my position is you've treated me differently all along. I'd like you to continue to treat me different. I'd like you to treat me the same way you treated the casino, and the Denny's and the Pilot station, because that's what's going to go there. That's what should be developed there. It's why I bought the property way back when. Very few people have made the investment that I have made in the city of Perryville. I got no return from it; I'm just asking I be allowed to at least be able to retire from it.

Mr. Fortner indicated no questions, no discussion; this is public comment, no discussion. Thank you sir for your comments. We'll look for it and have a hearing on this and we'll continue on.

Ms. Skilling commented there is one other thing I need to submit to you. Mr. Jack gave me a letter to submit to the Planning Commission in his response to the agenda change because he was unable to attend: "7/13/12, To the Planning & Zoning Committee, I would request a written amendment to the signage regulations prior to our meeting, so that we may study the total impact. George Jack".

OLD BUSINESS:

Chapter 74 Subdivision of Land:

Ms. Skilling continued we are trying to review these Subdivision regulations because we have rather old subdivision regulations and according to the State we really need to get them up to date. So I'm trying to make some revisions. Some of the regulations that we have here provided as draft have already, some time ago, drafted but never were adopted. So I'm going through and revising as we go through this whole process to make sure they're up to date with other regulations that we have to make sure they are consistent with which are Storm Water regulations, Floodplain regulations, Critical Area Commission regulations and how the Town of Perryville works with Cecil County Planning and Zoning and Permits and Inspections. I've gotten some comments from Mr. Jack, Mr. Reich and had some discussion with Mr. Fortner. If you get a chance look through it, if you have any questions it's a very tedious and technical report because it deals with how lots are going to be subdivided and how, by law, our regulatory authority by giving the Town of Perryville or any municipality regulations by State law, which is called Article 66B. Let's go through and I'll try to get through this fairly quickly and if you have any questions I'll try to answer them.

Review continued of the draft document for Chapter 74 Subdivision of Land. The general purpose of the document is that no land in the Town of Perryville can be subdivided without Planning

Commission approval and a hearing. Any subdivision has to be recorded. Some modifications may be possible if there is extraordinary hardship demonstrated, such as an odd shaped lot or unusual topography. In addition to these regulations, the Zoning Ordinance has specific requirements for lot size and setbacks depending on the zoning district. The draft subdivision regulations now include a section specifically for Minor Subdivision, which was lacking in the current code, as required by the State. Minor Subdivision covers those subdivisions of four lots or less. If an existing lot is conforming now and if a subdivision makes any of the created lots non-conforming you can't subdivide it.

Ms. Skilling indicated at the last meeting Mr. Fortner had mentioned Administrative Subdivision for such things as a lot line adjustment so that we wouldn't have to go through the whole process. That is not included in the draft yet. I'm still doing some research on that type of subdivision.

Mr. Donald asked what is the minimum lot requirement.

Ms. Skilling replied it depends on the zoning district. The Zoning Ordinance regulations apply to that. Usually when a subdivision is done the layout for buildings with setbacks defined is done at the same time to show conformance. That is the kinds of things Staff and engineer looks at to make recommendations prior to the Planning Commission member review.

Discussion of some examples of recent subdivisions continued, such as the Neff subdivision at the Post Office, Hawkins Court, the Box Car Ice Cream shop, and Cedar Corner.

Ms. Skilling explained the Major Subdivision is more complicated. You go back and forth between Subdivision and the Zoning Ordinance for layout of roads, design of lots, how open space will work in relation to the layout, impacts to surrounding roads, Traffic Impact Study, working with Cecil County for storm water, if it's a commercial site a Master Signage plan and many other considerations, including whether water and sewer is available. Allocation has to be planned for any infill lot or development plan to make sure we're within capacity. The wording throughout this section will be changed from Pre-Application to Concept, and have Preliminary, and Final to be consistent with our existing Site Plan review. I'll continue to review this to keep it all consistent. These subdivision regulations pertain to both residential and commercial. Section 14, Technical Review needs additional review as there are changes at Cecil County with their form of government and I need to make sure they will still do TAC (Technical Advisory Committee), a service that is provided to municipalities. Continuing through the steps (page 14) on actions at different levels we have to get approval from various agencies as on major development plans to go through State Highways for entrance onto any State highway. We have to get approval from State Highway to access ingress and egress to the highway and they come back to us with recommendations which could involve lane configurations, how much road frontage, and we try to work with them because now things have to be ADA compliant in public right-of-ways. State Highways will encourage and/or demand, as part of their approval, sidewalks in their right-of-way.

Discussion continued regarding the applicant being able to contact other agencies to get information ahead of time before they start spending money. Contacts are provided and they are encouraged to talk to them first. We know a lot of information already because of all the Traffic Impact Studies that have been done for various developments at the Rt. 222, Rt. 40 and I-95 areas.

Ms. Skilling indicated anyone who needs to get access on 222 up there, there are problems at that intersection. For instance, the gentleman who was here earlier (Mr. Feazell), that discussion came up and there were contacts he needed to make because that intersection at Heather Lane is a contentious situation right now with State Highways because of the trucks going in and out of there are causing problems and interfering with the movement of cars that go down to the outlets as well as the

movement of cars in and around some of the food retailers. We're trying to get circulation better for trucks so there are discussions there.

Discussion continued regarding the I-95 and 222 areas and the requirement by Federal Highways that the bridge, which is considered inadequate/obsolete and can't handle the volume of traffic, is improved to four lanes to accommodate the traffic, and the interchange itself is impacted. This is the reason for a concept plan, to be able to discuss all these things ahead of time, and consider all that is involved with the process. State Highways and Department of Transportation has a lot of control over our Town and we're working to get some changes and hopefully when the toll booths are redone we will then have some control over that since they'll be working within our infrastructure.

The Final Plat is the most crucial part and is the official record of the division of land in the development. One of the most important parts of this section (page 16) is *"no lot therein may be sold legally until a Final Plat has been approved by the Planning Commission and recorded by the Developer"*.

Discussion continued regarding the costs associated with subdivision. Developing on infill lots is encouraged because in most cases the infrastructure, water and sewer connections, is close and the property is on an existing road. With major subdivisions you're going to have to do major work in order for connections to be made: storm water, road design, curb and guttering, water and sewer infrastructure, and abide by State Highway regulations: ADA accessibility, all of those things.

Discussion ended at the end of Section 16 (page 17) and will be continued at the next meeting.

Motion made by Mr. Reich and seconded by Mr. Donald to adjourn the meeting at 7:55 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator