

**Planning Commission
Meeting Minutes
June 15, 2015**

ATTENDANCE: Pete Reich, Commissioner Ray Ryan, Robert Ashby, George Jack, James McBreen, Director of Planning & Zoning Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

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

Mr. Reich explained meeting procedures and actions that may need to be taken. Any members of the public who wish to speak need to sign in prior. Speakers will follow as first the developer, then board members for questions or clarification, town staff and town residents. Board members will end with discussion and we'll use Robert's Rules of Order to the extent possible.

APPROVAL OF MINUTES:

Without objection the minutes for the May 18, 2015 Planning Commission meeting were approved as written by quorum of attending members.

New Member:

Mr. Reich extended a warm welcome to new member James McBreen, appointed by the Mayor and Commissions June 2nd. Jim is retired, former Chief of Land Acquisition for the State of Maryland, and has past experience on the Town's Board of Appeals.

SE2015-01 Special Exception:

Pastor Sheppard stated I'm actually from Havre de Grace where I live and reside and we're looking to operate a church at the property using Suites D and E at 304 Aiken Avenue. I can answer any questions or any concerns you may have.

Ms. Battaglia presented staff report. I received a zoning certificate from Pastor Sheppard for signage for 304 Aiken Avenue and usually we get a change in use request first, which we did not. In checking the Table of Permissible Uses, the use is permitted in Town Center as a Special Exception, which requires Planning Commission review of the application to make a recommendation to the Board of Appeals. I spoke to Alex, the property owner, about what was required and we did get an application submitted for the Board of Appeals process. I reviewed the address file to see if there had been past use as a church because if it had been then this process wouldn't be necessary. There has been a photographer, a day care, youth outreach center but no church and there is a rental apartment on the 2nd floor. The only thing I was looking at was parking, I don't know how large your church is going to be but parking tends to be very tight in Town Center. Please explain where they would park when coming to services on Sunday or outreach events or meetings during the week.

Pastor Sheppard responded we are a new church and have started with four members in the month of March. We started operating out of our residence and subsequently took on two other spaces to be open for bible study. Our initial plan wasn't to be a church but then we found out we could take on more space to have additional seating. So that's what we're planning. One of the requirements of our lease is to use the public parking so there are twenty (20) spaces already to help with parking

and that's what we use now. And we do anticipate growth. We have about ten to twelve regular members and then we have guests so sometimes we can serve about twenty. But we expect to grow this year probably to around fifty but in subsequent years we hope to grow even more and then we have to make decisions. But as we're looking at that we've also contacted Cecil County public schools and for next year we're looking to lease space at the middle school. If and when we do grow beyond capacity we're looking to use the public schools and making sure that is available. There was a recommendation to leave the spaces in front of the building available for visitors and we'd use the public parking. There is another church in the area and we try to accommodate them as well and start our services earlier so they would have adequate parking. We try to be sensitive to what's going on in the area and not take spaces away from businesses that may be open.

Mr. Ashby asked what hours are you actually looking to be open because you have outreach, church service, and a couple of other things that you're going to have operating out of there.

Mr. Sheppard replied we have our primary church worship service on Sunday from 9:30 until 11:00 a.m. On Wednesday we have bible study and we start with the fellowship that starts at 6:00 and ends at 8:00, on Thursdays we meet with the men at 6:30 and sometimes with the men we don't necessarily stay at that location but we go to places around the county. As far as outreach that's going to be away from the church; we've done community walks with the police and things like that and that's going to be away from the church. We'll just use that as a meeting ground. We just went down to Baltimore this weekend and those outreach events are usually going to be outside. We're trying to support other outreach events by providing transportation for people in Perryville up to Port Deposit so we're trying to partner with some of the non-profit agencies in the area but most of the outreach is away. During the day my hours will start as the space becomes available so I will be available for meetings and things during the day and that will probably start in about a week, I'll be there from 11:00 till about 6:00 p.m. each day. There won't be ministry activity all week but there will be someone there seven days a week, myself and assistant.

Mr. Clarence Perkins indicated my residence is 531 Broad Street and I am speaking on behalf of the new church that Pastor Sheppard is talking about. It is a very good church and I enjoy the outreach that we do going out into the community because with these times, particularly with the men, we all need to step up and show kids the right way. The church has done that for me so I can take responsibility and accountability for myself for the youth, which are our greatest resources. I'm speaking on behalf of this and hoping you will vote for this.

Ms. Lisa Jones of 487 Cokesbury Road in Port Deposit commented I just want to speak about the outreach and the Pastor himself, I know it will bring a lot to Perryville. He wants to help, he's the shepherd, and I'm for this.

Motion made by Mr. Ashby and seconded by Mr. McBreen to recommend to the Board of Appeals to grant the Special Exception request by Pastor Sheppard. **All in Favor. Motion Carried.**

Before proceeding to the next order of business Mr. Reich invited a resident who wishes to speak to the members with some questions.

Ms. Beverlee Neff stated we do want to sell our property and whoever it is are they going to have to come in front of you to buy it. The last time I had a buyer they came to the town and was turned down because the developer was going to use tax money and they made a motion they didn't want that tax money used to develop housing. I thought I was told that I would have to come to you no matter what.

Mr. Ryan explained once a buyer decides to buy the property and they decide to develop it, as long as what they want to use it for is allowed by the zoning regulations they would come to us for that. But once they decide they want to put a new building on there, like the last buyer you had wanted to do a complete housing project. They had to come to us with a concept plan, yes they do have to come to us for what they want to build and how they want to develop the property.

Ms. Neff commented they were told they had to come to the town because of tax money otherwise I don't know if they would have had to. But they were turned down anyway.

Mr. Ryan indicated when anyone wants to develop property they have to bring a plan to the town and get approved through this board but they had to go through the town commissioners for the final.

Ms. Skilling suggested if you have a developer who wants to purchase your property and he has an idea of what he wants to do I would suggest you come to town staff and talk with us first. That gives us an idea of whatever he's planning whether it will meet our code in that area because that is a mixed, two different zoning classifications. That is the easiest thing to do and then to the Planning Commission. When a developer comes in it has to go through the process and the Planning Commission would be the one to make the decision on that particular development. It's already in corporate limits so you have a right to develop it, what goes there is based on zoning. They could ask for a rezoning potentially if zoning doesn't meet the requirements or they can request a zoning change, and they would have to go to you to request it but then the Mayor and Commissioners have to approve any kind of rezoning.

SP2015-02 Preliminary Major Site Plan - Loring Park:

Ms. Skilling explained we have to review and approve the Preliminary Site Plan which basically was approved with a lot of conditions. We would approve the preliminary site plan at this time and they would be able to move forward. One of the things I'm concerned about now is because originally the preliminary site plan didn't include any phasing, and it's not unusual to have phasing, but it was never mentioned before. Now we have a phasing scenario so I asked the developer to discuss the phasing of the project. If you read the minutes here I hope all of you could get caught up on the issues from the past, but if not I can answer your questions. The phasing is being done to make sure the developer can sell these lots and move forward with the project so that he can be able to afford to do some of the other things that need to be done for this project. We have the pump station, which is an issue because that has to be done in order to service most of these lots. The first phase can use gravity feed to the lots to be developed first. We are looking for an approval at this point with all the conditions, many of which are listed in the documents you have. They're going to have to demonstrate storm water, to make sure it's done, and receive final approval. There was discussion on storm water until 2017; you may have to make some modifications to your application for storm water for approval.

Mr. James Keefer, a registered landscape architect with Morris & Ritchie Associates, stated I have been involved with this project since 2008. It came in for approval of a concept and then later came in for preliminary, the plan you see is the second sheet of the previously approved plan. This is a thirty-three and one third acre site and is now totally within town corporate limits. Part of it was annexed in May 2009, located on Cedar Corner Road and is next to an existing subdivision zoned R-1 which requires a minimum lot size of 10,000 square feet. One of the changes we went through in this whole process back in 2008/2009 is we changed these lots that are along the existing neighborhood so that they are the same widths as the lots they are adjacent to, and that was the layout that was approved back in 2009. We are proposing 81 lots and we're doing it in two

phases. The first phase, which we'll call Phase 1, is shown on the plan as shaded, twenty-one lots. They will temporarily have access off Harvest Lane which we will upgrade and then once Phase 2 is built the access from Cedar Corner Road is actually in place we would then abandon this access to the 21 lots and that would be accommodated as an emergency access. The construction traffic will not be routed through Harvest Lane but we will have a temporary construction entrance off of Cedar Corner Road so existing residents are not subjected to all the construction traffic and just dealing with the 21 homes until the rest of the project is in place. This area was always considered as the first phase because it can be sewerred by gravity as the existing houses now.

Mr. Jack indicated maybe there were phases to you but not to the Planning Commission, phases were never brought in. Just to clarify we never discussed that as phasing. It was never discussed like this before now.

Mr. Keefer explained the reason for Phase 1 is because that is the part that the sewer can be gravity.

Mr. Jack responded I understand that now, I've listened to the presentations since 2009 and I never heard Phase 1 and I never heard anything about the sewer pump station going to be down there but I never heard you had to sell these to get the money to put the pump station in. I'm just explaining what I've heard and phases were never part of that project.

Ms. Skilling agreed it was never mentioned, that is why I sent a message to make sure of the phasing plan because this board has never talked about or seen any kind of phasing. We talked about the whole project, it's not that we can't phase it but we've never discussed phasing of this project.

Mr. Keefer indicated the only thing different with this and again I apologize for not knowing they didn't talk about it five years ago but we've always thought there is a portion of the site that can be sewerred by gravity and the thought was we would do that in advance of the expense of building the sewerage pump station which is required by the rest of the project because the rest of the site sits too low to get sewer out to the gravity system that is in the existing neighborhood. There's always some kind of phasing during construction because you do the sediment control. In this case it's likely that the storm water management facility is going to be served with a sediment basin and be converted to a holding facility at the end of the job. That's just a normal way you do civil engineering during construction. So again, Phase 1 we're proposing 21 homes and they're going to be served by the gravity sewer and water that will come in from Harvest Lane and I think the important thing about it is construction is not going to be using Harvest Lane but will come off of Cedar Corner Road.

Mr. Geraghty stated the construction entrance will not be paved. One of the reasons for that is you don't want it paved during the construction period because the trucks are in and out of there with dirt on the tires and the rip rap and stone eliminates the dirt from being carried out on the public road. So there is a designed construction entrance which helps prevent the onsite dirt, some of it at least as much as possible, from being carried onto the road.

Mr. Keefer stated the intention is to stabilize the construction entrance with a certain stone based on the state standard so the trucks are driving over it and theoretically the dirt is coming off on the stone. You are required by sediment and erosion control to prevent too much dust and you are also required to sweep a road if there's too much dirt and you have to wash it if needed and all that is part of the standards of sediment and erosion control.

Mr. Ashby reiterated the 21 houses, that's what you're selling first and that is gravity feed. Are we doing all the curb for all the other lots, cutting all that in or just to sell the 21 lots, just doing Phase 1 and sell that and then Phase 2, Phase 3.

Mr. Geraghty responded we would do the improvements that are necessary for the lots in Phase 1 and then do the improvements necessary for those houses in Phase 2, in Phase 3, for the project as they are developed. After Phase 1, from Phase 2 forward we would develop the entrance from Cedar Corner Road. The reason we're asking for this phasing is right now the economic condition in Cecil County for selling houses is dismal and our original intent was to come off Cedar Corner and develop Phase 1 and to develop more than that and put the pumping station in. The pumping station was part of that development at the time of Phase 1. This eliminates us having to make that investment up front and also eliminates what the county's required of us to do along Cedar Corner Road with regard to our access permit and entrance for the development which is several hundred feet of upgrades to the underlayment and shoulders of Cedar Corner Road. So from a per lot standpoint it's a really significant investment and why we're doing this, why we're asking for this phasing is to reduce that with a minimum of lots. I will also say that a portion of this property, probably ten lots was in the town originally and not part of the annexation and would have been able to be developed under the existing zoning at that time. So they all would have been fed by the gravity, they would have access on Harvest Lane which is how the road would have come in to that piece, a piece that was part of the town that did not go to Cedar Corner Road. It would have been able to be developed with the standards at that time and access would have been off Harvest Lane. So we're adding to that the lots across the street that can also be fed by gravity to try to make this project start. It's not that these houses will pay for that, it's just this is the most effective and efficient way to start this project now especially at a time when Cecil County only had a hundred single family sales last year in terms of the number of new homes that were sold and the absorption is very slow. So we're trying to build a smaller portion of the project in order to be able to deal with the market and we're trying to reduce the cost of what those lots will cost us to develop by eliminating a larger project. Per unit this will cost significantly more because of the addition of the sewer pumping station and the improvements to Cedar Corner Road.

Ms. Skilling commented thank you for going through that and the idea of phasing was never mentioned before this. Just to clarify there are still many conditions that are remaining, that still have to be approved and finalized which staff goes through. In the information provided to you there is the February 27, 2012 letter listing nineteen outstanding conditions and there are still more, and are many of the things they're still working through to finalize this plan and work toward their final site plan. Staff will have to follow up with those things, public works agreement, bonding, and ultimately getting final approval to use a piece of town property for a pump station. I think there was tentative approval because it was submitted to the Mayor and Commissioners. Some things that have to be approved are the road protocol with the county, and they're still working with them to do that. There is no need for a traffic impact study because what is proposed has less development than what was included in the previous traffic impact study. Controls at the CSX underpass—there were a couple of suggestions there that have not been finalized and the county will approve along with working with us to finalize it. It was mentioned as another alternative to put a yield sign off of 40 and a stop sign entering on 40 that way people coming on to Cedar Corner Road off of 40 would have to yield to the people stopped. Now, with that said we're still concerned with the sight view. The county was not happy for one way operation and that is part of the minutes from the previous meeting: one way coming off 40 to Cedar Corner; one way out just from this property potentially and the county was not really excited for any of those options.

Mr. Geraghty indicated I don't know the line between Planning Commission and the Mayor and Commissioners, because we've been through a couple of years of discussions with the Mayor and Commissioners and I'm just trying to figure out how the county and the town work together on some of these issues and also State Highway. My question is in regard to the elements within the boundaries of the property itself that meet the code, that exceed the code in most cases, in regard to your requirements. There are those issues which we talked about the last time with the roads, the design of the open park area, the access points, the other issues with regard to coordination between the county and the road portion of this, the underpass and the intersection further out we're going to be required to do a right hand turn lane, those and some other issues with regard to the sewer and pumping station were dealt with primarily through the Mayor and Commissioners rather than coming to you. So my question is within the scope of the approval tonight was mostly how it meets the town's requirements for this zoning and its design.

Mr. Reich responded the Planning Commission is here to make sure that the zoning regulations are met when you build or develop something. So when you see Ms. Skilling's checklist those things are required and are considered the most important that we have to consider. Storm water management is above our level and that plan has to be approved by the county with coordination between you and them. What you did with Mayor and Commissioners was the acquisition of the property for the pumping station and issues with those connections to the Town's sewer and water. If it's in the Zoning Ordinance that is our responsibility to approve things or disapprove things or approve with conditions as whether or not that plan meets the regulations.

Ms. Skilling stated there are at least nineteen outstanding conditions but a lot of those aren't necessarily ordinance requirements. There are things I have to make sure are finalized before we get to the final. The Mayor and Commissioners were responsible for the annexation agreement, and there were some stipulations in that agreement so I have to make sure that all those things are met. The only other thing is the county does have control of that road. Now we've met with them a couple of times and we've worked with them, I think you have to give a right of way off of Cedar Corner Road and egress and ingress to the development. They have to give that over to the county as part of the road and they did express an acceleration lane on Route 40, out to 40 from Cedar Corner. So that would be an additional thing and that has to be approved by State Highway. And that's where we have to work with the county to make sure that is finally approved.

Mr. Jack indicated part of my problem with the project is not the project itself but how it's being done. And I don't know where that falls in the regulations because when they first came in with the proposal it all sounds nice until everything was shot down and they quit doing anything. And then they came in and wanted to lower the prices of the houses and now they want to come in with Phase 1 of the project. My concern is how long the project takes and will it ever be finished. It seemed like to come off Harvest Lane and continue on and then stop there for who knows how long with no guarantee that what has been started in the other part will ever be finished. So then we have 21 homes out of Harvest Lane which is barely passable for who knows how long. But my point is not that so much as how does the board deal with that? How does that come into play with what Mr. Geraghty is talking about because I think he has a point here in that our board deals with rules and regulations for zoning? I know these nineteen conditions are going to be met in some kind of fashion but my bigger concern is what is the end because how did preliminary approval of their site plan differ now that they're coming back for this phase. Before it seemed like they were committed to do the whole project and now when you start talking about phasing it sounds like they could pull the plug at any time the economy gets bad and leave up there like it is, Phase 1 and nothing else.

Ms. Skilling responded many projects are phased and how you incorporate that phasing in a public works agreement. There's ways to incorporate that so that Phase 1 can happen and then ultimately

they can come back for Phase 2, this is why I suggested explaining what you want to do as far as phasing. But phasing is not unusual; Principio Health Center was phased, they did sections of it.

Mr. Jack agreed they did sections of it but they completed the sections in such a way that if Phase 2 never happened, it was alright.

Ms. Skilling replied that is true. There were certain sections they had to do; they had to do storm water and they had to do forest conservation. They had to finalize those things. Some things had to be done for the whole site but not all the roads, not all the walkways.

Mr. Reich stated Mr. Jack brought up a great point and we have to keep in mind we are looking out for the town as a whole. Other agencies look at it, the State looks at it, all these other people look at it and we have to make sure it meets every requirement.

Mr. Jack stated my point was if there's no difference between phasing in what we already approved, why was it brought in? To educate me to know there is phasing in the project, because I already know it is or is there any rules or regulations for phasing because it seems like this is a whole waste of our time. If phasing is already built in to what is going on, then why are we here because we've already said what has to be done. If phasing causes a different thing to happen, I don't like the way the scenario is going here because it looks to me that's it's going to be forever. We're here to do ordinances and make sure they're right and all that, then why was Phase 1 ever brought in to this thing if it's part of the plan.

Mr. Geraghty replied my understanding is this got approved years ago. Those approvals run their course and expire. So we had to submit again and with that submission what we decided to do was to phase this and I don't know where the miscommunication came from but I can attest I have been through a ton of meetings, a ton of issues with regard to this project. I expect the Town Commissioners and I will have many rounds before these things will all be settled with the county, the State and everything else. I recognize that coming through Harvest Lane was going to be a significant issue with regard to the development of this plan. I put Harvest Lane in as the access to Phase 1 and it's going to be, as requested by the Town Commissioners and maybe you, the emergency fire access for this community. So it's going to be improved and it's going to be there and the Town asked for it to be there. So I decided to use that temporarily for 21 houses. As I said, half that property was already in Town and wasn't an issue and was not part of the annexation.

Mr. Jack responded I'm not against the project, I think the project should go; I like the idea of it. My concern is finishing the project. In my mind all this work was going to be done before houses are sold, the ground work, pumping station, and then start building houses, to use that lane temporarily for a little bit for those houses until all the other houses are done and then the main road would go in. So my concept has changed now because now you're talking about Phase 1 and 21 houses.

Mr. Ryan indicated I have the same concerns. With 21 lots that will be built with access coming from Harvest Lane, when do we stop using Harvest Lane and use the main road into the project. I realize its 21 houses but with the 22nd house, when would it change. I'm trying to do my due diligence here and find out if it's with the 22nd then fine, I just need to know. As far as phases, you don't have them as numbered phases, are you talking about one initial phase and then coming in and building the rest of it out as you sell. I'm looking at the map and I see Harvest Lane turns into Urban Street, any particular reason why you didn't keep Harvest Lane name all the way across.

Ms. Skilling stated the Town actually approves the road names and would have to be approved when we get to that point.

Mr. Keefer explained the extension of Harvest Lane was to be a twelve foot wide grass block emergency access so if there was an emergency there would be access over here at all times. So what we were proposing there and the final build out is not too much different from this except this would be a paved road.

Mr. Geraghty stated we'll take it back to what we said before and be part of the open space. We'll have the base there already and put down the grass pavers and we'll go back and do what we said we were going to do.

Ms. Skilling commented it is my understanding it will be a gated closed access road, emergency road, and it was indicated there would be a lock box there to be able to provide emergency access.

Mr. Ryan stated so we're going to make it a nice paved road for coming in and out of for the 21 homes and then once you're no longer using that any more turning it back into whatever you need for your open space. But could you leave it paved for emergency access which would be even better for driving emergency apparatus. Now, the 21 homes that are going to be tied to the gravity sewer coming in off Harvest Lane, at no point later on will you be taking those 21 homes off that sewer and tying in to the pumping station?

Mr. Geraghty responded no and one of the reasons is it's better to sewer fewer homes to the pumping station.

Mr. Ryan asked are you looking to do anything with Harvest Lane itself, Ingleside Avenue and/or Greenspring Avenue, and now with about 40 cars per day going in and out of there twice a day, can those roads handle the additional traffic. These are small neighborhood roads, no markings on them, they're not a divided road. Before we have more cars there on a daily basis are there going to be any road improvements required because of all that.

Ms. Skilling replied under the original plan we did not look at that so we may have to look at that, with 21 homes I'd have to get DPW to look at that. There are no shoulders there.

Mr. Ryan indicated now I'm concerned with adding 40 cars to the safety of the neighborhood. A lot of kids use that especially in the morning, afternoons, walking to the high school, and there are bus stops at the intersections. So I want to make sure you're looking at that. We don't even have a solution for what to do out on Cedar Corner Road. The county has given us three different choices and can't tell us which would be the best one to operate or a recommendation for the best way. It still concerns me and now I'm going to add construction trucks coming in that way, which all along we knew that but now we're definitely going to have to count on them coming in that way and concerns with coming from 222. You already talked about having to improve the road but in this first phase you don't have to make those improvements. So we're still going to have construction trucks for 21 homes worth of material running back and forth across an unimproved road on Cedar Corner Road. I know you wouldn't make improvements because they would get torn up, but for 21 homes worth of trucks running back and forth and I don't know when you're going to come in for that 22nd home or when you're going to start making those improvements, so how long is that section of Cedar Corner Road going to be torn up by construction trucks and stay that way once those 21 homes are done.

Mr. Geraghty responded the county is definitely going to make me do something.

Mr. Ryan commented the problem is that we, as the Planning Commission board and Town Commissioners, have very little or no say with what happens on that section of Cedar Corner Road because it belongs to the county from there to the intersection at Route 40. You're finding out the hard way because you have to deal with three separate jurisdictions in a very short period of time.

Ms. Skilling indicated a lot of those things will be covered with the public works agreement (PWA) because those things are going to have to be resolved as far as road improvements, at what stage after Phase 1 time frame for when Phase 2 will start, because things have not finalized. The road needs to be finalized for Cedar Corner, when you're going to have to stabilize because the county will make you keep that road clean and debris off there. Ultimately I don't think they're going to leave that road unimproved and that will need to be determined by the county.

Mr. Ryan stated I hope once you get started on this you are able to move through and get it done in whatever you consider a reasonable time frame. But I don't want the first phase to sit and twenty years later we're still waiting for the 22nd house to be built. Again, I'm doing my due diligence as a Town Commissioner because I live in that neighborhood and my neighbors come to me asking what's going on and I want to be able to answer their questions.

Mr. Geraghty commented I appreciate your concerns. At this point I've submitted a plan that by code is everything that I can do. I would like to build Phase 1, Phase 2, Phase 3, year after year, sell these things and get out of this. I will never make money on this project.

Mr. McBreen indicated my concerns about the project with the state of the economy and with the real estate market Phase 1 could be a viable project. There's an absolute chance that as much as you want to build the rest of this project, and I'm not opposed to your project, if everything like this is done correctly and properly it's a real asset, it's a benefit. But the point is it literally could only have Phase 1 and you'll have people coming down Ingleside Avenue for the rest of people's lives who live on both sides of Ingleside Avenue. That's a distinct possibility.

Mr. Geraghty replied I sincerely hope that's not true. I am certain that one day they will be built. I cannot tell you they will be built three years from now because I don't have a crystal ball but I understand your concern and I understand the concern with coming in off of Harvest Lane. One of my issues is Cedar Corner Road and problems that you can't solve. Cedar Corner Road is a relatively narrow road and is adequate at this point. Twenty-one houses would require eight hundred feet of the road to come out and turn and that's what we're dealing with in relation to the twelve houses on either side of those roads. Cedar Corner and those roads were built to the old standards and they don't have right-of-ways you can take and the neighbors don't want to give up their property to widen the roads. I understand your concern for 21 houses and access at this point and certainly I need to get some approval before I can go to the next step. There are going to be the same issues for those access points at the next town meeting and I think you will attest that there will be many people in the audience that will be asking that same question and there will be reasons for me to try to find alternatives. So that's why I'll get back to my original question, within the scope of my property boundary and if that's the purview of this group, is there anything where I am deficient.

Mr. Ryan responded my standing is as long as you meet all the zoning requirements we don't have a reason to turn it down. As long as you meet the zoning requirements, that's what it all comes down to, and meeting all the requirements and conditions, or working towards them. So what you're looking from us tonight is a yea or nay to be able to continue on with the process.

Mr. Reich stated in our package we have a list of conditions and issues in the DiPeitro letter. We are being asked to approve this new preliminary plan so what was there before you either accept they are about the same with the only real difference is the phasing or no we have to come up with all new conditions based on what he's done with the rest of it. And we've come up with some conditions tonight. We're doing two things here: one is preliminary plan as a whole which is the next stage from the concept plan; that's one motion. And the other motion is we're going to approve the phasing.

Mr. Jack commented either you approve the continuation of the old site plan or upgrade with phasing in the new site plan. I would make a motion that we approve what was approved in the past and the conditions set forward and not mention phasing in. Now how would that impact anything?

Ms. Skilling indicated you can say you approve the plan as previously approved with the conditions set forth, but they want the phasing.

Mr. Jack commented I understand that but I'm trying to see where we stand to approve something. I understand what they want to do but do we have the authority to make a motion to extend the preliminary site plan as approved before with conditions. Don't even mention phasing. I'm just trying to distinguish between the two options.

Mr. Reich indicated they don't have an approved preliminary site plan because it expired.

Mr. McBreen stated it's coming back with the phasing now.

Ms. Skilling replied what was approved prior was the whole site plan. It did expire but if you remember they did ask for an extension in 2013 and in the Ordinance it says if working toward the plan they can continue, they have that extra time. The consideration I'm looking at, he had to come back to Mayor and Commissioners to get a change to price. Was he working toward development? I believe he was. So as long as he's working toward it I believe that is an approved plan. He's been back numerous times and he's been to the County numerous times. It did expire but he continued to work toward getting things done: the pump station, get approval from the County, came back several times to the Mayor and Commissioners and we were working toward that whole process. It's counterproductive to even think he'd have to go back because everything here has gone through a review process by you. The only thing that's different now is the phasing.

Mr. McBreen stated on the original site plan as you stated the new homes all match up to the same lot sizes as are on Ingleside Avenue.

Mr. Geraghty explained we had design criteria at annexation and we were able to provide what we thought would be an asset to the neighbors behind us, to have the same lot width and we were able to still commit the same number of lots more or less within the annexation agreement and still make that consistent because that would be a good buffer row with an area between the existing and our development.

Mr. Ashby indicated I think he really wants to get done and get a little bit of working collateral and get 21 going and I think the town should want to get those 21 going so he can move on with phase 2 or phase 3. My concern goes all the way back if we don't go and do all the curbing and all the roads that could be the end with only 21. But if he actually has commitment to doing 81 and if there's some unknown reason he goes belly up there's an easier way that somebody could come in, buy up the property with all that already in and somebody else can continue on. I'd like to see the first 21

done but I do have a concern of not cutting the rest of the roads in. I'd like to get the roads in and the first 21 in so we can go in and put the sewage pump station in and continue on because the economy is going to come back. That's a lot of money for the developer right off the bat. If he wants to do the 21 so he has money to finish the rest but if I throw all that in there and make that a condition, that's a lot of money. I'd have to seriously consider that.

Mr. Geraghty indicated its 21 lots but for me, it's not seed money to do this, this is to prove the project can be successful because right now there are almost no projects in Cecil County. I've talked with one builder/developer three days ago and he just pulled out of two projects here, Ryan has pulled out of several projects, the pace is incredibly slow here. I think this project with location in Perryville and proximity to Harford County; we have the biggest lots that are on public water and sewer in the county. And from the town's standpoint, because of the annexation agreement we have relatively big lots compared to everybody else. I have to go through and get these lots approved by you. I've got another eighteen months to go for review by the time I put a shovel in the ground. I hope the economy charges ahead from now and hope it won't be an issue that we have to worry about phasing because we'll be moving forward from here but I have to go and sell these lots to a builder who's going to go in and build and in order to do that I have to have the approval from the town.

Mr. Jack stated I'm still concerned about the end result and I'm still concerned about Phase 1. I want them to have to do something, that if those 21 houses is all that's ever sold over a certain period of time the Highbrook Road would be finished as the last thing so that there would be an exit for those 21 houses and Harvest Lane closed. I see no reason to make Phase 1, but I would like to suggest that the alternative to the happening of what they call Phase 1 because then you get out of contract and may never finish the project. That's a question I have. Do they have to do Phase 2? Could they stop and pull out and pay some kind of fine and that's it?

Ms. Skilling replied there are certain things that we can make them required to finish but we will record this, people could buy those lots and build houses on them.

Mr. Reich commented what is a possible condition and I know it's probably expensive but a possible condition would be when those 21 are done the road (Highbrook) is finished and that one is closed (Harvest).

Mr. Jack reiterated if nothing happens. That would be really nice because all I'm trying to avoid is Harvest Lane open forever. I live on Cedar Corner Road so you're going to be dumping those people where I live and I don't think it's fair to have all those cars back in that existing development, they should be coming out of the development that's being developed. That's my concern. When you mentioned Phase 1 that's the first thing I thought of. That's why I'm against putting phases in this. I would vote clearly yes for everything in the past.

Mr. Geraghty asked you have no problem if Phase 1 included the entrance from Cedar Corner Road whether or not they had water and sewer anyway. You would prefer us to have access from Cedar Corner. So your issue is the access.

Mr. Jack responded so if you guys closed down that could be a development itself without any infringement upon the existing neighborhood.

Mr. Reich explained for a time there's not going to be all 21 houses. There will be eventually 21 homes worth of cars but to answer that question if the 21st house finished, then finish that road back to Cedar Corner Road and close Harvest Lane and make it emergency access.

Mr. Jack replied I have no problem with the way we set it up before. I understand what you're saying and don't want to put any conditions on it but maybe in the public works agreement that road would be finished. I'm just trying to guard against the community being developed being dumped in an existing community. I want to respect those people up there so the road isn't marred with vehicles coming out of that project and they will have their own exit as the original plan.

Mr. Geraghty stated if you controlled Cedar Corner Road then you and I could make a deal.

Ms. Skilling indicated I have a solution that some people may not want to do but I have suggested that to alleviate some of the concerns and problems, the Town needs to annex not only the road but the piece of property across the street that the Town owns. Then that whole thing goes away. Annex the road to get to the piece of property across the street that is ours and is not in corporate limits.

Mr. Ryan reiterated so the piece of property where the water tank used to be is owned by the Town but is not part of the Town.

Ms. Skilling commented some may not want to do that but that is a solution to put it all in our hands to do things. Your piece of property (Mr. Jack) is partially in Town limits (10%), so the best thing would be to annex the road.

Mr. Geraghty asked can this Commission do that?

Mr. Ryan responded they can make a recommendation only to the Mayor and Commissioners, if we annex Cedar Corner Road from point A to point B, this board can make a recommendation like that.

Mr. Geraghty asked is it the Town who can grant me access to Harvest Lane? Is it your decision to grant me that access rather than going to the Mayor and Commissioners?

Mr. Ryan replied Harvest Lane is already a Town road. The Board can overturn anything the Commission does but to rephrase that, if you have an issue with something we say as a negative then the appeals process goes to the Board of Appeals.

Ms. Skilling explained if it's a Mayor and Commissioners issue like roads and things like that then the Mayor and Commissioners can override or accept the recommendation.

Mr. Geraghty indicated I'm going to submit my plan and you are going to be reviewing or not the phasing and the access to Harvest Lane and whether it's going to be acceptable.

Mr. Ryan responded I can't say this 100% with certainty but with the Planning & Zoning board as a whole when they make a decision, 99.9% of the time they have the Mayor and Commissioners behind them because we trust this board. We trust what they say, what staff has to say, because we go through a lot of things at every meeting we sit at. We get a lot of information put on us that we don't know a lot about sometimes. And the people we have working with us is tremendous. They get a lot of tremendous respect from our Board. There's no process that says just because we approve it, they have to approve it.

Motion made by Mr. Ashby and seconded by Mr. Jack to recommend to Town Board to consider the annexation of Cedar Corner Road and adjacent property from the current County boundary to the Town property, Parcel 64. **All in Favor. Motion Carried.**

Mr. Geraghty commented I think where you were leading to with this motion was leading to a solution for the issue of planning. So now since you will control the road and I would bond a balance of the road from the end of occupancy permit. I will bond that anyway and that would provide you with the connection that you want, bond that road with the occupancy permit of the 21st house.

Motion made by Mr. Jack and seconded by Mr. McBreen to approve the Preliminary Site Plan as presented with phasing with all previous conditions and discussion tonight and bonding of road with occupancy permit of the 21st home to complete the portion of Andrew Avenue to Highbrook Road to Cedar Corner Road and change Harvest Lane to emergency access only. **All in Favor. Motion Carried.**

Adjournment:

Without objection the Planning Commission meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator