

**Planning & Zoning
Public Hearing & Meeting Minutes
November 16, 2009**

ATTENDANCE: Chairman Michael Fortner, Commissioner Michelle Linkey, Matthew Oberholtzer, Pete Reich, George Jack, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Public Hearing called to order at 6:30 p.m.

Mr. Fortner stated this is a public hearing for the Town of Perryville's Comprehensive Plan. There will be a presentation and please hold questions or comments until after it is done and Ms. Skilling will take questions and comments from the Board and also from the public.

Power Point Presentation by Mary Ann Skilling, Town Planner (separate attachment).

Ms. Skilling indicated I am going to go through this presentation. This is a pretty large document having many, many components and elements. The Comprehensive Plan as we designed this and started four years ago to start this Comprehensive Plan and we are now finalizing the plan. I'm going to try to go through each one of these chapters and give an overview of what's in them. It is a very lengthy document. There are goals and objectives in each one of the chapters but I'm going to try to discuss each chapter with a synopsis of what's being discussed. There is a lot of information in our Comprehensive Plan and I hope we can do it. It has some good things and hopefully gives direction to the Town in the future.

(Presentation concluded).

Mr. Fortner commented at this point we can have some questions for Ms. Skilling. Later on we'll have a discussion but first of all we'll have questions from the board and then we'll hear from the public and then closing discussion. At the end of this we'll hopefully develop a recommendation for the Mayor and Commissioners. Are there any questions and Ms. Skilling can go back to any slide if needed if you need to look at the slides.

Mr. Reich asked do we have data from BRAC (Base Realignment and Closure) that says we're going to be affected more than any other locality in the region.

Ms. Skilling responded it shows that Perryville will be one of the higher; we will be probably impacted more than other municipalities in Cecil County. They have given us some data. It's hard to say. One of the things that we find that will make Perryville more likeable is that people in New Jersey are used to the transit. We see it already. A lot of people are coming here to use the transit are from out of state. So we think this is just an indication that a lot of people are going to move here because of the ability to use the transit facility, to get to somewhere quickly with going to Washington and Baltimore.

Mr. Fortner asked what is the schedule, do we have a schedule of how many additional people are at the facility. It hasn't seemed like there has been a lot of growth here yet in Town.

Ms. Skilling replied well we have some; there are still offices and homes for sale. There are new townhouses here, the Perryville Yacht Club, the new large condos. They're not selling as fast as they thought, but then at the same time they're still looking. They expect them from now on for the next five years I think it is that they are projecting. So they're still looking that BRAC is going to be big but I don't think we've seen the real impact yet.

Mr. Reich responded no you won't. The BRAC has to be completed by the end of fiscal year 2011, it has to be finished. So we ought to see, and the Communications and Electronics that are coming in from Fort Monmouth which is the biggest element up there, they are in the process of finishing their complex at Aberdeen which is about seven buildings, and about seven stories tall. They completed a CSCI building which is a contract facility on post, in fact it's off post now because they moved the gate, and we're starting to see some Fort Monmouth people show up. The argument for discussion is how many. The numbers that I have heard is thirty-five percent (35%). The actual influx of people from the command who actively work there now, the estimates I saw is thirty-five percent (35%), until the economy went south. And now there's numbers like forty-eight percent (48%). Historically these kinds of moves have been in the thirty-five percent range and I can tell you there are people moving from St. Louis to Huntsville, Alabama as an example, one of the big commands in the Army today. CECOM is a big command in the Army. They have a lot of outside stuff going on at Fort Monmouth that are part of CECOM so they might be moving four thousand (4,000) spaces, five thousand (5,000) spaces, six thousand (6,000) spaces that are CECOM but that doesn't mean they're not bringing another ten, twelve thousand contracts spaces too. So that's where you start seeing big numbers. They're telling us at Aberdeen that there is probably going to be about five thousand (5,000) roughly more bodies on post. But there's different kinds of people because the military is leaving and that kind of thing and I'm talking about plus about five thousand (5,000), who knows.

Ms. Skilling responded it's really hard to come up with numbers and when I was working with the County and a lot of projections and planning they are looking at and the numbers are still high and the areas were in this area, although I did see that a lot of people are moving to Delaware.

Mr. Reich commented the issue the County brought up about we need a train service going to Elkton and that kind of thing is really a red herring for Elkton. I mean you could ride the train to Aberdeen and then what. You get off and walk or ride a bicycle.

Ms. Skilling stated it's also that is expensive for what they want to do.

Mr. Reich responded the other part is the number of trains too. You have to deal with Amtrak's overall. I mean there is no train, there may be some day. I don't see anything

in the reasonably near future say ten years where train service to Aberdeen would be viable for that post. Because there is no transportation from the train station to anywhere and people are not stationed there on that post.

Ms. Skilling indicated we did see a plan that I think Mayor and Commissioners presented for Aberdeen train station and they have to do a lot of work. That is why our train station is so much more viable because its there. We don't have to do a whole lot except to provide more parking.

Mr. Reich replied and you can't expand Aberdeen's parking area, unfortunately.

Mayor Eberhardt stated and the problem is like you said, you take a train to Aberdeen but how are you going to get on the installation. You're going to have to take a bus. Where's the bus going to drop you. Well by the time you drive your car to the station, rode the train to Aberdeen, got on the bus to go in the installation which goes all over the post, it could take you forty-five minutes to get from the train station depending on what stop you're at in the interior of the installation.

Mr. Reich answered and the other thing is that a lot of people on that post are not stationery. It's a developmental post, it's a testing post, so people go in their office but they're not always there. It's not like I go to my office and I stay in my office all day. I don't, and a whole lot of other people don't. They go down range to go here, they go there, and so if you had a bus then you would have to have a continuous bus route. And obviously on post you would want that to be free which won't happen, I don't think. Not in the near future anyway. So there's a lot of issues but the nice thing is that people who want to commute to Baltimore and DC and believe me the Pentagon is still in DC and there is still people that need to go to the Pentagon every day or once a week or whenever, whether from CECOM or from Aberdeen itself when they move down here, this is a great place. I mean for me it's a mile from my house and regardless of weather to get to the Pentagon I never have to go outside once I get on the train.

Mayor Eberhardt stated but having said that, in my mind we need to do something about the parking situation within Town. And the County can talk all they want about rail service to Elkton and its going to require a third rail and for the near future but certainly probably a decade, right now that's the only train service in Cecil County.

Ms. Skilling commented and we just need to be able to provide amenities to the people who use the train. The things they need when taking the train. Something we can offer to them to make it a much nicer commute.

Mr. Reich indicated you mention that and in the future, like you said it's underutilized. We don't even have a ticket agent there any more. But there's things you could see if we expanded the parking area which is viable in that area. What about a news stand, what about a coffee shop, what about a donut shop. I mean you know there's a lot of things that could go on that could be viable down there and I think you're right in saying that's a big asset for this Town and we used to have a news stand downtown and we don't any

more but people read the paper, people want their coffee, people want to eat donuts. And if you can get it when you're getting out of the car before you get on the train.

Ms. Skilling responded and these are things we need to look at, our transit facility and to incorporate this site as well as across the street and any other locations around Town for expansion opportunities.

Mr. Fortner asked on your aerial photo where it showed the north side of Frenchtown Road, the townhouses, near where the boat ramp is, a lot of that land is being cleared away. Is that land what the Town purchased?

Ms. Skilling questioned where the trail is there along Roundhouse Road. There is a lot of poison ivy in there and they're pulling a lot of the vines down out of the trees to save some of the trees. Also BG&E has a right-of-way through there, one hundred fifty (150) feet, and they want to try to keep it somewhat clear so it doesn't get to their power lines which I can't imagine in our lifetime they would reach the power lines, but that's why. That's part of the park. Right past the townhouses to the left as you're heading out of Town.

Mr. Fortner asked that is Town owned? So it's undeveloped, so there will be no development there.

Ms. Skilling replied it is owned by the Town and will be a park. It has to be a park. It was purchased with open space money and was utilized to purchase it. There could be parking there but it will be a park. We don't have a plan yet for it but hopefully in the near future we will be developing that. With that as well as the three parcels along Roundhouse Drive, those pieces are also planned for a park.

Mr. Reich asked what do we do with this building if we get a new Town Hall?

Ms. Skilling responded that is still under discussion. It probably would not stay because I think, it's been told to me that there are lots of problems with it so it may not be feasible for renovation.

Mr. Reich questioned it's not a historic site?

Mayor Eberhardt replied it's a 1938 retrofitted fire house. We had mold issues, we had some asbestos issues, there's probably some lead paint. I'm glad no children work here.

Mr. Reich commented so it's not old enough to be considered a historic site.

Mayor Eberhardt responded I've never been told that it's on any historical register or anything.

Ms. Skilling indicated it is not on a list of historic sites in Town. This is not considered one.

Mr. Reich stated obviously I remember this as the only fire house in Town for years.

Ms. Skilling indicated I don't know. It would involve a pretty good amount of work to bring it up to current standards. We'll be putting together a work group to discuss how to proceed with the transit facility as well as a new Town Hall.

Mr. Reich asked and that would be near the park area.

Ms. Skilling replied no, the Town Hall would be here at some point, and again we don't know how that would work. It would probably need to be under construction behind this building while we're still working here. Department of Public Works will be going eventually. I'm working on plans right now to move it next to the new Water Plant. Once that goes, it will give us more flexibility with that and open up this area. So there are lots of things still to be determined and how we're going to get it all done. We're going to get a work group together to talk about these things. We know we need a new Town Hall because we're running out of space.

Mr. Jack commented we had talked in the past about a buffer zone between Port Deposit and Perryville and in the future plans, has that been rectified in any way?

Ms. Skilling responded I put it at the end of the addendum, page 152. In the addendum we had talked about this. We talked about this whole section of the addendum and at the end of the addendum I put in about Mt. Ararat was an issue. Just for everyone to understand we received a letter from the Town of Port Deposit indicating that if Mt. Ararat is annexed at some future date, it would be right up against the corporate limits of Port Deposit. They sort of took issue with that. Not that it's, a lot of times corporate limits are up close like Baltimore City and Baltimore County are back to back and other towns, other areas, so they took issue with it. So the Planning Commission decided we should have a little comment here and this is the sentence that I included to accommodate that consideration and I said: *"It is the intent of the Town to coordinate any planning efforts and promote buffering between close corporate boundaries."* We need some kind of planning effort and provide some type of buffer to help accommodate for that.

Mr. Jack replied I do appreciate that. It does make for a nice relationship between the Towns.

Ms. Skilling responded yes, I know you wanted something in there to address that. Mayor and Commissioners will get a chance to look at that and I'm going to bring it up to them as well because that is something you all sort of decided needed to be in there. Any other questions?

Mr. Fortner stated we'll move on if there aren't any more questions. Are there any public comments?

Mayor Eberhardt asked Ms. Skilling to go back to that slide that shows the capacity under low density, high density, and current. I just want to be sure I understood that.

(Ms. Skilling selected the Development Capacity slide.)

Mayor Eberhardt stated yes, that one there. So the first bar which says existing zoning.

Ms. Skilling indicated that is the existing zoning in the Town. If we were to take...

Mayor Eberhardt questioned to include the growth area?

Ms. Skilling responded the first scenario is with the current boundary.

Mayor Eberhardt stated so we said what they was showing was people, so the first bar was saying like 4200 people?

Ms. Skilling explained capacity is 698 units as developed, so usually you're talking maybe 2.5 individuals.

Mayor Eberhardt stated you did say that was people, but that says according to the legion on the right, that says Perryville in the growth area. So the existing zoning to include our growth area is forty two hundred (4,200) people.

Ms. Skilling explained the capacity scenario.

Mayor Eberhardt commented so the existing zoning, are all three talking about the same area? It's just the different densities. So that the existing zoning which has a lower density than the low density, why would that be?

Mr. Reich replied existing zoning is not just single family dwellings.

Mr. Fortner commented and our density is lower than the County's.

Mr. Reich stated but our density in Town is higher than the County, right?

Mr. Fortner replied correct, our density is lower than their density.

Ms. Skilling stated the best way to explain this, on Table Three, it's not up there but in the Table Three in the Comp Plan it takes Perryville, does the zoning in the Town of Perryville and the zoning in Cecil County and it shows how those numbers came up based on all our zoning; R-1, R-2, R-3, TC and then in the County used their zoning and if you look at the two comparisons obviously ours is a higher density and that's how they came up with these numbers. That's how that graph projects these numbers.

Mr. Reich questioned low density means County, high density means the Town.

Ms. Skilling replied correct, would be the Town density.

Mr. Jack indicated page 44 of the Comprehensive Plan relates, talks to those numbers in there. It says: *If Perryville annexed all of the growth area and changed zoning to its lowest density residential zoning district, the capacity in the growth area would be approximately 4,739 dwelling units. This would make the Town's total development capacity 5,437 dwelling units.* Then it goes on to talk about the other: *If Perryville annexed all of the growth area and changed zoning to its highest density residential zoning district, the capacity in the growth area would be approximately 12,086 dwelling units. This would make the Town's total development capacity 12,784 dwelling units.*

Mayor Eberhardt asked so realistically it's somewhere in between.

Ms. Skilling responded correct. That was the gist of the whole thing. It's going to be between. There is no, we don't know. A lot of these things is going to be based on the market, are you going to build town houses verses single family.

Mayor Eberhardt asked well then which one of those scenarios would we use when you say based upon our growth area that we're nearing the capacity of our sewage treatment plant.

Ms. Skilling replied this same number is taken over into the water resource element which could be the highest. You assume the highest and you base it on that, the number of dwelling units, if you're using single family residential, then 1 E.D.U. which is 250 gallons per day and multiply it out and that's where they're coming up with that. Just our growth area that you could be at capacity.

Mayor Eberhardt asked but they're basing it on at the highest density, that you could exceed your capacity.

Ms. Skilling replied correct.

Mayor Eberhardt commented and we would never get to that hopefully.

Ms. Skilling responded not only could you not, you couldn't, because you would have to do something to get there.

Mayor Eberhardt asked does it factor in open space or anything else.

Ms. Skilling responded that's exactly it. That number does not take into consideration steep slopes, areas that can't be developed. And I have seen scenarios where in fact fifty percent (50%) of the growth area was taken right out. For storm water management, roads, all other things are taken out so you take twelve hundred (1,200) acres, there's a good chance it's only going to be six hundred (600) acres by the time you're finished.

Mayor Eberhardt stated so not to belabor that, so when the State says your growth area will or will not, your infrastructure, your sewage and water plant will not accommodate your growth area, they are talking about the total acreage of the growth area assuming that it is all highest density possible. They take the worst possible scenario.

Ms. Skilling replied that is some of the problems with the capacity analysis that the State did.

Mr. Jack commented but that would be a safe way to do it, for the State.

Mayor Eberhardt responded it would be very safe because it's taking the absolute worst possible scenario but we know we're never going to get to that high density.

Mr. Jack stated that's the reason they do that.

Ms. Skilling stated but the thing is, when they did that the municipalities have to do this growth element. But there is a purpose. They just wanted municipalities to, they wanted to leverage the municipalities for determining their growth area. So the leverage was you have to justify your growth area and that you can support it for the long term.

Mr. Jack commented for an accurate number could you go back and just take what is useable and fill out what is not.

Ms. Skilling replied you would have to really do an analysis and you could, based on land use, you could take all that land use, you can do an analysis by just doing a GIS query of what the acreage is and take out. You would have to do a lot of work but you could. Take out a percentage, just take out forty percent (40%).

Mayor Eberhardt stated we have something that says how much of it has to be open space, right?

Ms. Skilling responded thirty percent (30%) right off the bat.

Mayor Eberhardt indicated take out the open space, take out the thirty percent (30%).

Ms. Skilling replied and then you have the roads and all these other things.

Mayor Eberhardt stated I just think it's an unfair restriction that they've taken this absolute max, taking your total amount of gross acreage, apply the highest density possible to the whole thing and say you do or do not have capacity, and that's not realistic.

Mr. Reich indicated I think in Ms. Skilling's slide presentation she said that we don't have capacity for that density and then she said we're going to have to add, for some areas, we're going to have to add water and sewerage that is not there. So we went to the State and said we understand that when we get to twelve thousand (12,000) people we're

going to build a bigger water plant and a water sewerage treatment plant, and oh by the way we're going to have a whole lot of infrastructure built at the same time. But the problem is we don't want that thirty percent (30%) which is open space to be slopes. So it has to be useable open space and so like Ms. Skilling said, maybe it's only fifty percent (50%), maybe forty percent (40%) if you take off, maybe you take fifty percent (50%) off, plus you have to take off for forests in there. You can't just cut a tree, and there are a lot of trees in those areas. You can't just cut down every tree and say I'm putting a house here because you have to have forestry in there.

Ms. Skilling commented I think you have to look at the numbers again of the site and you have the high, you have the low and we're in between. There's no, and the argument we've had continually with the State is you're forcing, you're making these assumptions. You make a lot of assumptions that we know that realistically to look at it you're probably somewhere in the middle and we can justify that middle.

Mr. Reich stated and I think you can go back to the State and say ok what are your assumptions and one of the things we have to do, I do it in the government as an analysis' is if I make an assumption I have to make sure it is reasonable and I can somewhat prove that it's possible, whereas if they make assumptions that aren't possible you throw out those assumptions and say well that doesn't make sense, that's not doable and doesn't make sense.

Mr. Jack commented so that's the reason for finding that number, that magic number without the thirty or forty percent on it because even though you might have to show the peak number there of twelve thousand (12,000) units, you could probably show a more realistic number based on your analysis and say this is what the Town thinks is the real number.

Ms. Skilling indicated if we just took the infill for the Town already in corporate limits, infill or any new annexed land, we have a lot of land. We have a lot of land just in infill right now. You figure Happy Valley is going to be coming in and we have Cedar Corner, plus there are a lot of existing lots around Town, a lot of large lots. We have surveyed that and it is actually in the Comp Plan too if you look in there you'll see all those parcels. There are a lot of parcels and the hopes are that those infill lots get utilized first, get developed first, so that before we look to future annexations down the road, until we get these things developed because there is a lot of potential there. But, yes we already have a lot of infill potential and that I think that is the things that they were trying to get at is to develop your infill. At least look at that first and then start to look at annexations. And I think Cecil County in particular is going to see some growth impact probably more than any other area on the Eastern Shore. And everybody I've talked to said Perryville is going to be the place where you see a lot of it. We have all the attractions: water front, road ways that are accommodating.

Mr. Mike Pugh commented I'm here with Walter Buck to make comments for Mt. Ararat, and I just want to make a couple of comments and maybe ask a question, but more to give testimony. But in particular with respect to the conversation you just held,

obviously Mt. Ararat is sitting out there in sort of a netherworld in terms of this plan. It's not included in the growth area but it's in a potential future growth area and we understand that and we have worked with you as this process has developed and we understand why we're there. I guess one of the things that I would like to hear is some comment on is there going to be some deduction scenario as areas within the growth area are developed to less than this maximum capacity that fits within your framework, will there be a credit established where a property like Mt. Ararat, which is not in the current growth area, is able to petition for annexation, in part even. For example, let's say the area of the adjoining Happy Valley and let's say five years from now a project has put together some number of units, will we or at what point would we be appropriate and eligible to come in and say within the context of your growth plan we believe that at least this portion would fit in. That's sort of question number one, or comment number one. And I guess number two is just a little bit of information. We have not seen or been privy to the letter from the Town of Port Deposit and so we would request a copy of that letter just so we can have a copy of it to see what they had to say. And I guess that we would just like to know what the feeling is about this so called buffer. Does that mean right now the area that is shown in rose color and encompasses pretty much all of the property. This seems to suggest that there is some area now that is between or something, I'm not sure if I understand what. And I guess I would just like to hear some more comment and again in addition I would like to get a copy of the letter.

Ms. Skilling replied I did mention it to Mr. Buck that I would send it to him and I haven't had time yet but I will send a copy once we have an Information Request to release that because it was sent to the Town and me. That is not a problem. The buffering issue, we don't know what that is going to entail. A lot of that is already forested because it does back up to Bainbridge. So the buffering may be just leaving part of it forested. That hasn't been figured out but the Planning Commission did suggest that we look at those issues so we never really looked at it any more than potentially some kind of buffering.

Mr. Pugh stated I guess I'm just trying to get a sense of the buffering here of a couple of hundred feet, a thousand feet. I mean is there any order of magnitude to buffering that anybody has in mind here.

Ms. Skilling replied we didn't really discuss that but at the time if that gets developed I'm sure that will be a topic of discussion on how many feet it would be. I don't know.

Mr. Fortner commented it was just that we would be coordinating with the Town of Port Deposit. We're going to kind of let them in on what's going on and listen to their comments and whatever kind of buffer they want, we'll try to take that into consideration. We would try to develop a plan that would appease them too but would also be reasonable for your efforts, for you and for us. It's just going to be, we're just going to have coordination with the Town and try to be accommodating but obviously you have your rights as a developer and we want to have a good development there.

Mr. Pugh responded we're just trying to understand if we need a relationship with Port Deposit for a portion of the property. This addendum is new to us.

Mr. Fortner replied we would be the planning body but we would be trying to coordinate with them, just for it to be kind of a Town relation thing. You know, this is what we are doing and if they had concerns, traffic concerns, I think we would try to listen to them in terms of ways we could try to accommodate their concerns. A buffer might help accommodate their concerns. A forest buffer might be their concern and we would try to provide a typical forest buffer, and working with you as well. You might have prime real estate there that you want to develop and maybe other places. It would just be a cooperation agreement. We don't have any vision of what this land is going to look like and so we're just going to be cooperating.

Mr. Reich stated my thoughts of this buffer area and we have seen the letter, it is just some kind of no man's land that it doesn't belong to the Town of Port Deposit and it doesn't belong to the Town of Perryville and it's a area that we don't have an issue about if somebody built a house it's not partly on Perryville's town limits and partly on Port Deposit's.

Mr. Pugh questioned so it would remain in the County?

Mr. Reich responded yes it would remain in the County's jurisdiction. That was my feeling so that we don't have a house built in the middle of two different jurisdictions. You see that all over the place.

Mr. Fortner stated I don't know if that was necessarily it or not but it could still be the Town of Perryville, it's just that we would try to develop that land in a way that would create a buffer there. It would be in the Town of Perryville's limits but it would never be developed. It would remain open space.

Mr. Pugh asked it's going to be in someone's jurisdiction, whether it be in Perryville's or Port Deposit's, or the County. Whichever one it's in, it would have whatever regulations to follow.

Mr. Reich asked would you ask your first question again because I got confused when you were saying credits and debits.

Mr. Pugh replied sure, and the spirit of the question is right now we are not in a yellow area. So this would not, if this is adopted, enable us to come in and say we would like to annex now because we're beyond the scope of what your capacities are, if you use this maximum theory that you were just talking about. My question is, how long do you hold that capacity for those yellow areas to develop. Do you hold them forever? Suppose only half of the people in the yellow area choose to develop and the rest don't choose to develop. At some point you would not hold that capacity forever so at what point would it be appropriate to say that ok this has been reasonable now it's reasonable for Mt. Ararat to come in, at least on a portion of the property, and say we would like to develop a portion of the property. That was sort of veering down one path. The other path was if any one of the developments that you just mentioned comes in and develops two units per

acre and the scenario that you developed this system on says that it's based on four units per acre as the maximum, then there are two units that have been taken away and won't be developed. Is there a credit bank building up over here somewhere such that there is areas within your yellow area that are not obviously going to utilize that density and therefore could be placed somewhere else.

Mr. Fortner responded there is a process for updating the Comprehensive Plan and so if you wanted to develop a small portion of it, there is a process that we would have to go through. We can update the Comprehensive Plan every year I suppose, this is a five year plan so there is a process for update. We're not locked in. Am I right Ms. Skilling?

Ms. Skilling answered we are not locked in. We're supposed to review it every five or six years and I think at this point there are really a lot of factors that would come in play. Do we have the ability to provide water and sewer. That's a decision that Mayor and Commissioners made a decision on and if we've already had areas that are in Town limits already or in our major growth area that you think are going to come in, we have to be able to accommodate them number one. First of all we have to be able to accommodate everything that is in corporate limits and be able to accommodate that, that's a guarantee, you have to guarantee that. And then you look at potentially what else is potentially going to come in. If Mt. Ararat decides to come in, any portion or part of, then they would have to go through the process of coming to the Mayor and Commissioners and that is a decision they would have to make based on what we have available. We are trying to put together and track more carefully as developments come in and things that we are obligated at various phases at this point already in Town limits for water and sewer, and that is something that the Town has to look at, the obligations that are we already have out there. But as far as when, where, any credits out there, I don't think we've gotten that far along in those kinds of planning efforts to discuss that. We do know in this area what's out there. We do have a good knowledge on some annexed land of what is coming in the near future and what kind of capacity we're talking about. What water and sewer is going to be available and how much we have to accommodate those areas, which we've annexed. The Town is obligated to, at least to a general point. Until that public works agreement is signed and we've allocated water and sewer then we've never really allocated it.

Mr. Pugh asked and that is based on a finite number of units? At that point. And I'm simply saying that if you're not at maximum then within this model, then some credits are created. I'm not trying to keep a bank here or anything.

Mr. Reich commented from my perspective it's what's in the best interest of the Town. And if it's in the best interest of the Town to extend the infrastructure to Mt. Ararat as opposed to something within the Town then I'm sure the Town would consider that very heavily. But right now the best interest is in the local parts not the future growth, right now. Because we have a lot of infrastructure already paid for just sitting there waiting for somebody to use it. And we're about to get the sewerage treatment plant updated, the water plant upgraded or already upgraded. We have a lot of things going on in the Town in the annexed areas already that one of my considerations is always do we have water

and sewer. Because that is a big issue and it's a lot of infrastructure from here to Mt. Ararat.

Mr. Pugh stated and we're not quarreling with any of that. I'm just trying to understand when those can occur together.

Mr. Reich responded obviously we're going to have to look at that again in whatever amount of time we decide to do that, it might be in three years. Who knows, with BRAC coming in, who knows what BRAC might do. BRAC might come in here and we have single family dwellings, you know one per acre somewhere or something, because that's what the market wants. You know all kinds of things can go south. You know we don't know what's going to happen with the gaming facility and how that's going to help the Town or hurt the Town in total, as far as allowing us to provide infrastructure and support to our community. So hopefully it's going to give us a lot. That's my perspective saying I think it's really what's the benefit for the Town currently and in the near future, you know four or five years out maybe.

Mayor Eberhardt commented it sounds like, if I heard this correctly, that, and we do run a capacity analysis and keep that chart going all the time. URS does that for us but it sounds like the only time that that is adjusted is when a piece of property is in fact developed and a public works agreement is signed. And just as an example of that, if there is twelve acres behind Neff's old garage out there and the maximum density doesn't matter, fifteen, twenty years from now and he still hasn't done anything with it, we're committed because its internal and to be able to provide that at that density. But if it were developed and it were developed at half of what was on this chart for, then the numbers can change. And there are other scenarios. Let's say there's some strange idea that the County would want a sewerage pipeline down 222 to Seneca Point. Imagine that. And that wouldn't be the first time that some element of the Town, Charlestown, North East, sends their sewerage to a County plant. If some scenario like that should happen along 222 that may change all those numbers at least from the availability of sewerage capacity. So stuff is going to happen over time but we do have this running analysis.

Mr. Pugh stated and I'm not doing this to be argumentative but I'm just putting it out there so we can all think about it and obviously at some point in the future we're in sort of a unique color arrangement and we're just trying to understand it and present what our concerns are so you can hear from our side. Thank you for your answers.

Mr. Fortner asked is there any other comments from the public.

Motion was made by Mr. Reich and seconded by Mr. Jack to forward the Town of Perryville's Comprehensive Plan and recommend approval to Mayor and Commissioners. **All in Favor. Motion Carried.**

Motion made by Mr. Reich and seconded by Mr. Jack to close the public hearing at 7:50 p.m. **All in Favor. Motion Carried.**

Meeting called to order at 7:55 p.m.

APPROVAL OF MINUTES

MOTION was made by Mr. Jack and seconded by Mr. Oberholtzer to approve the October 19, 2009 Planning and Zoning Meeting minutes as written. Two abstained; Commissioner Linkey and Mr. Reich were not present. **Three (3) in Favor. Motion Carried.**

New Business

File No. CP2009-01 – Revised Concept Plan Cedar Corner; **PROPERTY OWNER & APPLICANT:** Cedar Corner, LLC; **LOCATION:** 1 Harvest Lane, North side of Cedar Corner Road east of Ingleside Avenue, Perryville, MD; **Tax Map 29, Parcel 134 and Tax Map 800, Parcel 667; Zoned R-1.**

Mr. James Keefer stated I am with Morris and Ritchie Associates and we were before you a couple of months ago to talk to you about the concept plan. Since that time we've taken what we heard from you. We met with one of the Planning Commission members and staff and also in attendance at that meeting was Mark Woodhull from Cecil County Department of Public Works. And at that meeting, the work shop that we had, we presented some details as to what we were actually proposing in the open space. This is basically the same plan that was on the concept/preliminary plat that we had submitted but then we showed some details about what we were talking about in terms of creating areas where the village green is, in terms of those same two spaces that we had talked about before. How we were going to put in choker islands to calm the traffic. How we were going to put raised crosswalks to also calm traffic. Adding parallel parking spaces along this area. How in this upper area we show that we would fence it. We would show there is room to put things like a volley ball court, a horse shoe pit, and maybe more importantly a tot lot with seating areas around it all within this upper area being a fenced area, where we're still talking about putting the community mailbox drop area that you pull in there, or you hopefully would walk to it to pick up your mail. It also shows some details in terms of some of the pocket parks that we had talked about. There's an area here with some seating areas and we talked at the work shop about what the actual pavement would be and those are details that we'll work out as we go through the process, whether it's a stamped asphalt or stamped concrete or whether it's a paver block with grass growing through it, those are all sorts of things that would be further discussed and then detailed as we get through the process. We have this trail that we've shown before and we've actually shown it extending it up to the trail that's on the high school property. We had conversations with the Board of Education representative who basically said by all means we would want this development connected to the school because there will not be bus service provided for high school students. I think he said any community that has a safe route within a mile and a half of a school would not routinely receive bus service. And this is one of the, this is what we had shown in terms of details as to what we were already proposing. So it wasn't a change from what we were proposing, it was just showing more details of what we were thinking about doing.

Mr. Reich interrupted, I understand the high school but the County also said they wouldn't have bus service for middle school or elementary school?

Mr. Keefer replied what the County said was, no they probably would, because they talked about having a safe route and crossing Route 40 is probably not considered a safe route. When I went to high school I had to cross Route 22 in Aberdeen to walk from my development that was on the other side of Route 22 to the high school. I don't know what they consider safe from here.

Ms. Linkey stated generally it's a mile and a half unless it's not safe and crossing Route 40 is not a safe route.

Mr. Keefer indicated we were talking specifically about the inner connection at the high school and they said no for the high school they wouldn't.

Mr. Reich asked did they say anything to you about liability and that kind of stuff.

Mr. Keefer responded in terms of using the facility? What they told me was it's like any park. When there is any kind of program thing happening at a park you can't just go use it. It's the same thing at the high school. If they have a football game, a high school football game or a high school practice or whatever and the school is using the fields or they arranged to have somebody use the fields, they're not available just for the public. What they said was it was like a park, from dawn to dusk people are allowed to use the facilities when the school is not using them or they've not been used for parks and rec or some other structured program. But no we didn't talk about liability specifically as to how that works, but I assume it's just like a public park.

Mr. Reich asked would you consider that it would get written in the covenants or whatever you call it for this community. Would that get written in the covenants that you can use this area, that from dawn to dusk it's useable if we're not playing football on it, we don't have a track meet on it, we're not playing volley ball on it, we're not playing soccer on it. Is there something to differentiate that says to these folks here's the limits as to how you can use it.

Mr. Keefer replied I don't know if that would be necessary. I mean it could be written into the homeowner's association but it's no different than these people using it. I mean they have a trail, the trail goes right to the end of the road and they can walk right up to the tennis courts and use it. I use public tennis courts. My wife and I play tennis and we use them and we know we don't go during school hours but we don't have any covenants or anything as part of the homeowner's association. They probably will have signs. I don't know. I would assume, most parks, schools, they have signs that say closed after dusk and before dawn. Let me just explain what this is and this basically is a rendering of the addendum that we did submit. And we presented this also at the work shop. Basically what we have done is we have heard the concern about getting this space basically wider, and one of the ways that we thought that we could do that is by taking

these roads that are on either side, not change the pavement width but change the right-of-way width. So that instead of a fifty (50) foot right-of-way we were doing it in a forty (40) foot right-of-way. And what that did was it basically took ten (10) feet this way and ten (10) feet that way, kept the lots the same and then it added width to this of twenty (20) feet. And so that what we now have is we've got a hundred and five (105) feet from edge of curb to edge of curb or ninety-three (93) feet basically of grass, from side walk to side walk inside that area. Again the same things that we were talking about on the other plan where we've provided the amenities, formal amenities in the upper village green with the fencing with a number of access points which basically we're showing five (5); there's two at the corners here, there's a set in the middle where we've added one of those raised cross walks and the choker island to slow down the traffic and then an entrance down here. And another thing that actually did for us for the plan, it actually made this round-a-bout larger. So that it can be a real statement as you're coming into the development. You would be coming into a very grand circle of open space verses and we talked about the round-a-bout in Rising Sun. Not many of us think about those sorts of round-a-bouts as an amenity. You drive in it and you're trying to figure out how you're going to get around it. You're not really looking at hey this is a decent piece of open space. One of the other things too in that other plan I showed you that was keeping the right-of-way the same width was we actually, on that plan, looked at the numbers because one of the things was we were talking about whether we were at the lower number of, the .005 or the .015 in terms of neighborhood park. And we've demonstrated on that other plan which you saw at the work shop that we had the numbers, exceeding the number of that higher number. Fortunately what this one does is it increases that again by adding that twenty (20) feet. And I don't know if it's appropriate now but we'd like to, so we can get a vision of how wide that is, we've actually marked off in the parking lot with some cones, and I realize that it is dark now, but how wide that is because I know the last time we met as a full group it was hard to get a handle on exactly how wide is that. And so I don't know if we could or would want to adjourn to the parking lot....

Mr. Fortner indicated I don't think we need to. The dimensions are on there. Does anyone feel strongly they want to see it? Thanks for doing it but we don't need to see it.

Mr. Keefer responded and that's fine. I mean it's basically, it's mostly the width of the parking lot and from a depth standpoint from the back door to where your department of public works is about two hundred forty five (245) feet and these are over three hundred (300) so it's longer than that. And at this point I'll let Mr. Geraghty interject with anything I forgot.

Mr. Geraghty commented as the developer, in addition to this because there were questions last time about the open space and how it was effected by the storm water management facility and things like that and we did go and get a better idea of how big the storm water facility was actually going to have to be sized and that was included on this plan as well. We connected behind that facility a trail so that you can really navigate around the entire property by bike on the sidewalk or trail, and what we tried to do here is to listen to your concerns about safety, listen to your concerns about the size of the

facility, how it relates to the community and then the questions we had about the school with the use of the open space in that area and the facilities there.

Mr. Fortner asked are there any point of fact questions we can do that now. If not I'd like to go to Ms. Skilling for her comments and then after that we'll have more of an open discussion. There is a lot we need to get through today and I want to make sure we get to everything.

Ms. Skilling stated pretty much my comments from last time are still relevant to this. One thing I did get into discussion with our engineer, URS, one of the discussions which I think we need to look at is, when you widen this and you reduce that right-of-way, the water and sewer lines and how they're going to be put in those areas. We usually put them in the right-of-ways when you run water and sewer, how are you going to do that. You may have to do laterals completely across this open area. That was one of the discussions I had with URS that you may have to run laterally across that whole open area if you reduce the road right-of-way. So we need to look at those issues.

Mr. Keefer responded we had proposed to run water and sewer in each of those roads so that we wouldn't be running that all the way across.

Ms. Skilling replied that came up in the discussion when I talked to URS and how you're going to do that because it apparently has changed from what he had seen in his original comments. We haven't sent URS anything beyond that because it was still under conceptual. The round-a-bout too, there was a discussion about that round-a-bout being larger and you have enlarged it and I think we can address some of their concerns for those issues. In this phase are you also I know you included the widening of the median strip but I can't remember in this scenario if you are still talking about the little pocket parks. That was something that was addressed; there was talk of adding a pocket park over towards the high school.

Mr. Keefer responded we've added them, they are there. We weren't showing the seating area that we talked about at the work shop but we added that.

Ms. Skilling commented you did say at the work shop you were going to add that still in addition to that increased median strip. I also like the bump outs you have which I think is a very good thing on those areas. One thing I have to do also is to look at the one way in and out and look at that for the Code. I presume you received this letter from URS dated October 2nd, the latest one.

Mr. Keefer responded yes.

Ms. Skilling replied ok, that is all I have. This seems to address some of the issues. I guess the real issue again still is, is the center median strip appropriate? That is still something you all have to discuss and I think the width of it is larger, I think you're going to have people out there no matter what as far as playing in that area. It's a pretty large area to have there and it looks nice to have an open area in the front like that where

people are looking, so there are always people looking at that area. The only other scenario that I even thought of and happened to discuss with Mr. Fortner if this was not an issue here and we had to reduce it back to what you had, the only other way you could get a park in here is to potentially eliminate some housing area and put it within the community for a park. I think this could be really attractive the way it is now especially since it is wider and it would still meet our criteria, for the open space area. It is beyond our criteria as far as what is required, especially with the pocket parks as well.

Mr. Fortner commented I like the plan you have set forth here. You've expanded the park and I think you made it in a way to be safe and I agree with Ms. Skilling. Especially over what Ms. Skilling and I discussed earlier about losing lots and then having the park going east to west and having the park in between these houses. I like this way better because the other way you just had four houses that was bearing the burden of the park and they're kind of watching over. This way you have a lot of houses and basically those houses are oriented to have sort of a front porch area where they'll have activity on the front porch rather than, which I think is a trend style now, as opposed to the old style of having it in the back yard and everything. Then you create a very safe environment where you don't have hooligans hanging out because they know they're being watched and it just creates a nice area. I like the trail. I like how you have it going over where the storm water management is. What's the idea, because I didn't notice this until you pointed it out, once they get here is there some sort of amenity where they, are you supposed to cross here or go on the sidewalk and then go north through here.

Mr. Keefer replied the trails are basically to connect areas that are not connected by a sidewalk.

Mr. Geraghty indicated the trail just connects this sidewalk to the sidewalk in the front so you have the sidewalk to walk through here, and there are sidewalks on all the roads.

Mr. Fortner asked is your plan to fence the whole park area.

Mr. Keefer responded our plan is to fence the upper one. We'd like to leave this open for more of a village green or a mall type thing where the community could gather, where this is more of a structured play area where you have the tot lot down here. You basically walk through the area which would be a gathering area because the mail boxes are there, you would walk through a gated area into the area where the tot lot would be, the protected ground, and then benches there for the parents.

Mr. Reich asked what is the issue for not fencing. Why don't you want to fence the other space?

Mr. Keefer answered because we see it more like a mall, or a park area. I went to the University of Maryland and I think of the mall down in College Park that is open to the facilities that are all around.

Mr. Fortner stated there's probably a different view on this if you wanted to fence, fine, but I would be more partial to keeping the top portion unfenced too and just fencing maybe the tot lot area and maybe the volley ball court if you wanted to fence that and keep the rest of it open. That would be my preference unless you really want the fence all the way around it but maybe other Commission members have a different view.

Ms. Linkey commented I would rather have the whole thing fenced. I like the way it is right now on your plan.

Mr. Geraghty indicated when we talked about traffic and you have your kids in there and you have a three-year old and an eight-year old and the three-year old is going to be in the tot lot maybe and playing in the sand and whatever you don't have to worry about them necessarily running on through so it's the active area to make everybody feel a little bit safer rather than trying to keep it open.

Mr. Fortner responded sure I see your point but I like the openness feel of it and the, and I don't think the traffic is going to be huge on that strip and then you kind of have a buffer with parking and I think it's wide enough now where you don't have to fence it.

Mr. Reich stated that's the kind of fence I had in mind. I differ there. The reason I brought up could you fence it originally was I've got an area that we call no-mans land between two roads and it was supposed to be a road but never was made into a road and the kids play. They're eleven, twelve, thirteen year olds and play pickup football in there and its real long. It's at least as long as what you're talking about, maybe twice as long. They play soccer in there. It's between four houses, two on one street and two on the other and this was supposed to be the cross street that isn't there and the reason I wanted a fence there was that open area, that big open area, is a perfect place for the older kids and even for the semi-older kids, the eight, nine, ten to play pickup football, to play soccer and maybe there's not a whole lot of traffic but there's that one time that I've kicked that soccer ball out of that field and I know there's not a lot of traffic so I'm not paying any attention and bam. That's why I wasn't unhappy and I told Ms. Battaglia this, because I couldn't make the planning meeting, I wasn't necessarily not happy with the size you had and I like that area but I wanted it fenced so that if something happened with the kind of fence you showed, which I think is an attractive fence, so I'm not talking about a white picket fence or a completely screened fence, something that if kids get hit with it hopefully they won't get hurt.

Mr. Geraghty commented there may be some solutions to that with regards to height. You could, for example on the lower section, do a two (2) or three (3) foot fence so that it would stop a ball from going out in the road or stop someone from running right out into the street, those kinds of things. We could have open areas every ten (10) or twenty (20) feet, so that you could go in and out of it, but it would provide that stop at certain times that you're thinking about.

Mr. Reich commented maybe we could make it a little higher than that so I don't fall in it. Especially as I see it drawn on the top side it appears to be outside of the tree line. It's on the curb line, right?

Mr. Geraghty replied it's actually on the sidewalk line, it's inside of the sidewalk.

Mr. Reich indicated but it's outside the tree line.

Mr. Keefer stated it's placed just outside of where the right-of-way line is. It's just inside of that area which is subject to change.

Mr. Reich stated my point is that if the fence is shown here, so it's just outside of the tree line. So if that was down here the same way then the trees with the spacing would limit the play area. Obviously if I threw a football into the trees it would be out of bounds. If I kick a soccer ball over here it's out of bounds. And the fence is going to be a safety factor, not running between the trees so it catches the ball from going in the road. So that was my thought about it and I told Ms. Battaglia that that I wasn't unhappy, but I'm happier that it's bigger. And so if we can make that bottom one for multiple use, the older kids are going to play football there. They're not going to go all the way up to the high school when you can just walk right across the street to play football or soccer to whatever.

Mr. Geraghty indicated in New York in some of the old Victorian parks and one of the things they utilized a lot of in sort of these open area parks where they're separated from a ten or twelve foot wide walkway, play area with a whole open field next to it is they have very short fence. They're only twelve (12) inches tall. They just mark the area between the sidewalk walking area and the open space and the play area. And so it provides a mental and visual barrier to the area between it which is really what you are talking about. You're thinking about it as just a continuation. This is a mental barrier and is also a visual barrier because we do want it to be accessible. We want to have it mentally accessible.

Mr. Reich commented like you said, openings every ten (10) feet or something like that is, you still might kick a soccer ball through there, that's still going to happen if it's possible, although if the openings are where the trees are it might have less likelihood of doing that. By the time trees get a trunk on it and with that ten foot space, you have to get the right angle not to bounce it off the trees.

Mr. Geraghty stated we will be able to get a little more detail on the Preliminary Plan when that comes through so that's one of the things we can talk about.

Ms. Linkey stated as I was trying to say, I like the way you have it set up with the fence all the way around with just the five entrances or exits. I think that is a really good way. And I agree I don't have a problem with the other part being open.

Mr. Keefer reiterated you're ok with this part not being fenced.

Ms. Linkey responded I'm ok with that, exactly how it is. I prefer it completed fenced in with the openings, how you show it.

Mr. Fortner stated I certainly like the lower part open as well, I think that would look nice and like I said for the upper part open too, just fenced around the tot lot.

Mr. Reich asked could we come to a consensus as to both with fences to stop my soccer ball from going in the road.

Mr. Keefer commented if I may, one of the points you brought up and I think is a good one is that these trees do end up saying the play area is over here. So you've got that area, and these are shown graphically. We haven't decided exactly how far yet.

Mr. Fortner indicated there could be some landscaping buffers there too, some shrubs, some mulch.

Mr. Keefer replied there could be that, but what that does is it makes the play area essentially further away from where the travel lane is because you have a nine (9) foot parking space, then you've got a six (6) foot sidewalk, then you have this space for the tree and let's say it's five (5) feet so that is twenty (20) feet from play to where the traffic is. And it is very possible to kick a soccer ball out there.

Mr. Geraghty stated a ball is going to be stopped by those parked cars.

Ms. Skilling commented I agree and I just want to mention that this is an interior road and I know there's a whole lot of homes here but I just can't see this as being a major thoroughfare. If we have some traffic coming through here, it's not going to be a lot and obviously there's going to be some cars but it is a community and these people live in the community and everyone hopes will realize these are their families. You're going to have circulation people but I don't think it's going to be high volume.

Mr. Reich indicated you ought to go on Franklin Street where the traffic is going up and down to the apartments and people aren't stopping at the stop signs. I live on John Street and then on Franklin Street, it's a cul-de-sac so we don't have a lot of traffic yet there are issues with young kids playing in the street that have a problem with cars, and even though the speed limit is fifteen (15) that's not necessarily going to guarantee you and you can ask Ms. Linkey about her street. Traffic doesn't move at fifteen (15) miles an hour and there are lots of little kids on that street. At least up to the turn to go to the apartments. So I understand, but there's not a lot of cars in the apartments either and there certainly is not a lot of cars on our streets and if we're going to give the kids an area to play we ought to give them a safe area to play and it's that one car, one child in a million that I'm talking about because we can't ever buy that one back. And so if we do something to minimize that risk, for the sake of looking at an open area, some young kid's life is much more important to me than whether that looks open or doesn't look open. And the gentleman brought up well let's have a shorter fence that esthetically

makes it look open but yet gives us some protection from the odd kid running out in the street. Now would that happen from their house, yes it probably could and it might be that they're running from their house to the open area. That is a possibility. But my point is if we're doing that play area and that's what it is I want to make it safe for those kids that we don't have that one in a million accident.

Ms. Skilling responded and I understand where you're coming from but I think that a fence is a structure. I think you could do it visually by some landscaping. I agree that the landscaping would be a more esthetically pleasing, in my perspective, then to put in a structural fence. And yes, we try to protect people and our children as much as possible. No matter what you do I think you are always going to have that possibility. But I think instead of, I think we've gone to a lot of detail here for a fence for the upper part because we presume that to be the most used area for play and the bottom is to be used for a different type of area and if we can do the landscaping itself then that structural visual, to me that area...

Mr. Reich interrupted but the comments that came out of the work shop were, *we weren't going to put shrubbery in there because it's too much upkeep*, as I read, and shrubbery to me that would be safe for the kids would be compact shrubbery that's completely filled in as a structure. And the place next to us was never intended to be a park or anything. It turns out to be an open space and that's nice but kids come from all over to play in there from our local area. And do they play in there everyday, no.

Ms. Linkey asked are you talking about the lower unfenced, and using shrubbery there and leaving the fence at the top portion. Because I think you were thinking she was saying instead of the fence on the top area, use shrubbery. That's not what she's saying.

Mr. Reich answered no I heard what she said but I'm not, I'm just talking about some of the comments I read was saying we're not going to be putting shrubbery in there because it's too labor intensive, too much maintenance.

Mr. Keefer stated there was a reference in there about creating a hedge around it.

Mr. Reich replied that's what I think of when I think of shrubbery that would be a safety net for the kids, would be a hedge.

Mr. Geraghty responded I think what we were talking about was a fence for the top portion, it was better to do that instead of a hedge all the way around, not that we were refusing to do it but it would be a much more effective use.

Mr. Reich indicated I could buy into the idea of a hedge on the lower end but I want a physical obstruction to that road for those kids.

Mr. George commented you know what happens to hedges. They'll make a path through it. Something you may consider would be a berm on some of this area here that would make the kid go up if he was going out there. If we could have a visual of what's going

on instead, if you didn't want a fence, that part doesn't bother me too much down there, but a berm on that area around that would be something that would elevate it.

Mr. Reich responded but that would make it into a swimming pool.

Ms. Skilling stated well I think and it seems like there is some consensus for the upper part and that everybody sort of agrees to the way the concept is, and they're feeling comfortable with this as a better scenario. I guess where we are now is the lower part and the only solutions I can think of is let them come back with something that shows some alternative. Some ideas.

Mr. Reich commented I think we ought to go forward and say that this is a good concept in general and there might be some alternatives for the next step, for the preliminary plan so we can move this thing forward. There might be some alternatives that they can suggest for the preliminary plan. I think it's a good concept, I really do.

Mr. Fortner indicated just a quick question, the trail again. What's that made out of? Is it made out of the stuff like on Frenchtown Road.

Mr. Keefer replied again that's a detail that we haven't talked about. I would think it would be maybe stone dust and in a lot of projects like this that we do a trail it obviously is not as much of an impact as asphalt or mulch, which would also be something that you would have to redo every year and if we used mulch, mulch washes away and stuff like that. We actually haven't talked about it.

Mr. Geraghty commented the stone dust is a really good solution because one, it's graded and put down and it's hard packed and so it's not like mulch that when it gets wet it's in the mud or it gets kicked away and all of a sudden you have a mud path instead of something solid. I think that would be the best thing to use.

Ms. Skilling commented so when they come in next time these things will have a little more detail.

Mr. Fortner asked any more questions or comments.

Ms. Linkey indicated I just have a quick question. The average size of the lots is how big?

Mr. Keefer replied ten thousand (10,000) square feet. And the lots that back up to the existing development are a little bit wider. A quarter of an acre. Generally they are eighty (80) by one hundred twenty five (125).

Mr. Fortner asked should we talk about the road and the underpass and all that or is that outside of this discussion.

Ms. Skilling responded I think that once we get through this conceptual that is something that Mr. Geraghty will have to discuss with the County and get through that process.

Mr. Geraghty replied we are to do their Protocol 2 prior to our submission for Preliminary Plan with you. We have to deal with the County for the base of the road between Al Wein's house and Route 40, only dealing with the structure of the road and the drainage issues there, and for us to address that. So that issue will be addressed during that Protocol 2. If you're asking about the underpass and the issues that we had last time, that's not going to be addressed by the Protocol 2, that is a separate concern.

Ms. Skilling stated but there were consideration I believe when you were here of stop signs.

Mr. Geraghty commented we had discussions with the County and the County has determined that their preference would be stop signs, two of them, in terms of how to deal with this. We had additional discussion about alternatives to that which the County appeared to be open to that still, but again it was the cart before the horse. The discussion here, the discussion there; but at this point it looks like the agreement is that there will be a stop condition in each direction.

Mr. Reich indicated make sure that Ms. Skilling's concerns from last time are addressed in your preliminary plan as well.

Ms. Skilling stated they have the comments we had and I will have to get back to them also about this right-of-way and water and sewer and I will get back to them soon as soon as I talk to URS.

Mr. Reich commented my understanding was what you said was you would put the water and sewage down the middle of this and then you would.....

Mr. Keefer interrupted no, our plan is, the idea is that we'll run water and sewer down both of these so we don't have to run water and sewer laterals across this. It's a little more expensive because we're running double lines but we think it's worth while to not have that run through the park and not to be in competition of where the trees roots are and the shrubbery and things. I don't want to run it underneath the tot lot.

Ms. Skilling responded it's also we prefer running them in the right-of-ways with easements.

Mr. Keefer stated and anything that would happen outside of that right-of-way and these interior right-of-ways didn't change in that scenario. It was just these and anything outside of the right-of-way we would be putting it in a utility easement.

Ms. Skilling commented the only concern we would have with that too is when you go across some of these lots you have to be very careful because when you put those easements across there somebody wants, we run into this all the time, to put in a shed or

anything and you have to watch where they go because then they find out they can't do that because it's in the easement, so you've got to be very careful of where you put those lines. I know you're still working on all the engineering with all of this.

Mr. Reich indicated the only thing I would suggest to Ms. Skilling is that in the preliminary design other than some alternatives for that lower part, different alternatives, that they address your issues as well that you've already brought up.

Ms. Skilling responded they will have to do that and they also have some comments from URS.

Mr. Fortner asked do we have to give any direction on the road. I read the comments at the work shop about the stop sign but also the one-way type of thing.

Ms. Skilling replied I don't know if that will fly but that is a County issue. The only thing that we would, as far as the Planning Commission is concerned, and I know Mr. Jack was there, is whether you want to offer any recommendation to that one way. I think we could elaborate a little bit Mr. Jack. The one-way that was discussed I think if you had a one way out to Route 40 that seemed to be the best scenario that way you would only, but it would only impact, some of the people coming in, you'd still be able to come in the first part, correct?

Mr. Jack responded one way would be only from the tunnel out to Route 40. There is two-way everywhere else.

Ms. Skilling commented from the tunnel to 40, that's what it was. So they thought that would be a good scenario, I think most thought that would be the way to do it.

Mr. Jack replied I wasn't one of them.

Ms. Skilling stated but the reflection you had is the fact that you would have to live there and you would have a good feel for how that would impact the residents.

Mr. Reich asked one way only through the tunnel?

Mr. Jack responded one way out to 40.

Mr. Reich stated I don't like that because there's no way to turn around if you get to the tunnel and you're not allowed to go that way.

Mr. Keefer stated no coming down Cedar Corner you could go out to Route 40, it's just that as you would come to Cedar Corner you would see a sign that it says it is one-way, do not enter, and you couldn't turn in there.

Mr. Jack questioned so you can't enter off of Route 40.

Ms. Skilling indicated people couldn't use it to go through.

Mr. Jack stated there would only be one way into the development and that would be from 222.

Mr. Reich commented actually if it was one-way all the way through the development....

Mr. Jack stated you don't want to do that.

Mr. Reich continued if it was one-way only all the way through the development we would never have that problem of trying to get on 222 and go south because coming in the development you're on the right side of the road, going out you're on the absolute wrong side of the road. Until eventually you get a light there.

Mr. Jack stated no lights are going to go there.

Mr. Reich indicated there will be eventually. There will be with this many cars.

Mr. Fortner stated I agree with Mr. Jack that we need to keep the connectivity. If people want the option, if people are going east towards Elkton they should be able to get out that way as opposed to having to go out at 222, going through that intersection and going around that. You want to avoid that.

Mr. Jack commented it's more of an option of getting in it would seem like to me the option would be for a person to get in and out at that point and stop signs is the only means. That would be what I favor.

Mr. Geraghty stated we've had further discussion with the County and frankly that is the scenario they favor too.

Mr. Keefer indicated they have had conversations with the State and with talking with Mark Woodhull and SHA still favors the idea of having a stop condition to control the traffic there and do not favor a one-way. And part of that is because there is a left turn lane on Route 40 and that would make that null and void and they don't want to encourage people to do U-turns so they would have to eliminate that.

Discussion continued regarding traffic at Route 40 and the underpass and not much room for a deceleration lane.

Mr. Fortner asked is there any more discussion. There's no motion to be made is there?

Ms. Skilling stated you just recommend if you approve of this conceptual plan that they've presented they can move on to the next step which is going to be basically the County at this point to move forward to deal with the Protocol 2 process.

Mr. Fortner commented so we'll do a motion to move forward with this concept plan.

Motion made by Mr. Reich and seconded by Mr. Jack to move forward with the revised concept plan as presented conditioned all comments by Town and URS are addressed.

All in Favor. Motion Carried.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to close the meeting at 8:45 pm. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator