

**TOWN OF ELKTON
PLANNING COMMISSION
DECEMBER 11, 2023
MEETING MINUTES**

Present: David Wiseman, G. Edward Ginder, Keith Thompson, Will Muller, Paul Manuel, Ray Polaski; Lisa Blackson, Esquire, Jeanne Minner, Director of Planning, Quinn Krenzel, Planner

Absent: None

Mr. Wiseman called the meeting to order. He stated the first item on the agenda is approval of the minutes from the November 6, 2023 meeting. Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Thompson to approve the minutes of the November 6, 2023 Planning Commission meeting as written. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Manuel – Aye; Mr. Polaski – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT LLC, CONCEPT SUBDIVISION PLAN FOR SOUTHFIELDS OF ELKTON, TRACT 5, AUGUSTINE HERMAN HIGHWAY, TAX MAP 033E, PARCEL 2390, LOT 5 AND ZONED PUD (PLANNED UNIT DEVELOPMENT)

Mr. Tom Miner of Frederick Ward Associates and Mr. Ryan Humphrey of RMC Real Estate Development were in attendance to address this request. Mr. Miner stated they are proposing a subdivision of Lot 5 into three separate lots: Lot 5A – ¾ acre; Lot 5B – 1.3 acres; Lot 5C – 3.1 acres. These lots will have shared access off Route 213 and shared stormwater facilities within the easements as well.

Mr. Wiseman asked if they had a chance to review comments they received on the project. Mr. Miner stated they have reviewed the comments and have no concerns in addressing any of the comments received. Mr. Wiseman asked Ms. Minner if there were any comments for which she had concerns. She stated she met with Mr. Miner and went over the comments she had questions about. Mr. Ginder asked if they would be applying for any waivers or variances. Mr. Miner stated they were not applying for any for the subdivision. Mr. Wiseman asked Ms. Minner if the PUD regulations have any requirement for subdivision other than normal requirements. Ms. Minner stated the PUD regulations generally refer back to the requirements in the Zoning Ordinance.

Mr. Wiseman asked if the Board had any questions regarding the subdivision plan. There were no questions. Mr. Wiseman opened the floor for audience comments. There was no one in attendance who wished to speak for or against the subdivision plan.

MOTION: Motion was made by Mr. Ginder to approve the Concept Subdivision Plan for Southfields of Elkton Capital Development, LLC, Tract 5 contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Manuel – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT LLC, CONCEPT SITE PLAN FOR SOUTHFIELDS OF ELKTON, TRACT 5, AUGUSTINE HERMAN HIGHWAY, TAX MAP 033E, PARCEL 2390, LOT 5 AND ZONED PUD (PLANNED UNIT DEVELOPMENT)

Mr. Tom Miner of Frederick Ward Associates and Mr. Ryan Humphrey of RMC Real Estate Development representing the owner were in attendance to address this request. Mr. Miner stated they are proposing a bank on Lot 5A and a retail service on Lot 5B and dual retail services on Lot 5C. He mentioned one of the comments was that they would need permission from the Building Official to place more than one principal use on Lot 5C. The primary access point will be off of Route 213 along with a rear access drive connecting with the subdivision to the north where Redners is located. It will also allow these parcels to be connected to the rest of the PUD project.

Mr. Miner stated there were comments regarding the buffer yards and buffer yard requirements. He noted they need to have a discussion about the best way to handle that, particularly because the buffering is fairly heavy on Route 213 to meet. He stated they feel that buffering retail from the road is counterintuitive because you need customers to be able to see the business from the road. Ms. Minner explained that the Town requires a buffer yard along the highway corridor areas and between different land uses. She noted they are proposing a buffer yard D which is 15' with a 5' berm required with that buffer yard. She stated she suggested they send in a request for relaxation of that standard to show how much of a relaxation they would need and what it would look like. She stated they do require screening of parking lots and structures from the road to make it more attractive.

Mr. Miner stated their main concern is the intensity of the plantings within the buffer yard. He noted that in the first few years there wouldn't be a problem but once the trees and bushes grow they will block visibility of the businesses. Mr. Humphrey explained that retail purchase is off traffic counts and the reason for that is visibility because not being able to see a building you don't know it is there. Mr. Wiseman suggested discussion between Mr. Miner and Ms. Minner to work out how the requirements can be met to satisfy the Town requirements and the developer concerns. He noted the Town needs to see what they are proposing before any decisions can be made regarding adjustments to the buffer yard requirements. Mr. Miner stated before they put together a plan they wanted to see if adjustments would be allowed.

Mr. Humphrey asked for clarification regarding the PUD Floating Zone and the comments which refer to C-2 Zoning. It was his understanding that they are replacing the C-2 zoning with the PUD floating zone and asked if he was correct. He stated in the past it appears they are held to whatever standard makes it more difficult for them between the underlying zoning and the PUD zoning requirements. Ms. Minner clarified that the Zoning Ordinance for the PUD language in various sections refers back to the Town Zoning Ordinance standards. Mr. Humphrey asked, in regard to the landscape buffering, it refers back to the C-2 buffering standards. Ms. Minner confirmed that was correct. Mr. Humphrey asked if they need to have 15' of buffering on the residential side as well as the commercial side so that there is 30' of buffer yard between the two. He feels it is excessive in the way the buffer yard requirement is being applied.

Mr. Wiseman stated that before the Planning Commission can make a decision they would need to see a concept plan showing what they are planning to do. Mr. Humphrey stated the Parcel D plan has already been submitted which shows the buffer that was requested for that parcel. He questioned whether the parcel which abuts Parcel D, needs to have the same buffer. Mr. Muller pointed out that this subject was talked about when Parcel D was submitted. He stated that a buffer yard is not necessarily a dense forest as they described it. The buffer yard breaks things up between two pieces of property. Ms. Minner stated she needs to see the details of how they are going to address the buffer yard requirements. Mr. Wiseman stated there was a request for a variance to reduce the buffer yard to allow for a connection between two commercial uses on the left side. Mr. Miner said he noticed there was a connecting road off to the rear and he thought the intent was to have that road paralleling the property line for connectivity.

Mr. Thompson said he understood what Mr. Miner was saying but pointed out that they are putting the onus for the buffer yard on the neighboring property. He asked Mr. Miner why the other property owner should go along with that. Mr. Humphrey stated that the other property owner agreed to do this and submitted Preliminary Plans which show the bufferyard. Mr. Humphrey explained that the other property has setback requirements where they can place plantings within those buffer yards. On their plan they are trying to run the access drive through the buffer areas which is allowed. The other property would not lose density whereas their project would.

Mr. Wiseman noted there are two different owners and asked if both owners would be responsible to provide buffer yards. This would have to be worked out through the zoning part of the PUD overlay zone to see what works out for both parties. Mr. Miner stated that is where they are coming from, trying to figure out the best way to work this out so they're not handling these as two completely separate projects. He stated he is also thinking about maintenance of two separate buffer yards which are adjacent to each other.

Mr. Wiseman asked Ms. Minner for her thoughts. She stated that they should provide something showing the required buffer yard between the two uses. Mr. Miner suggested using a privacy fence between the residential and commercial areas. He said he would be willing to sit down with Ms. Minner and coordinate so that it is consistent through the community. Ms. Minner stated what she had recommended to Mr. Miner was to consider ways they could integrate the apartments for pedestrian access to the commercial areas so there are pathways from the residences to access the commercial areas via sidewalks. She stated perhaps certain areas may benefit from a solid fence so that it doesn't trap trash and won't have maintenance issues with some of the landscaping. The majority of the screening would be provided by a solid white vinyl fence. Mr. Muller stated he believes the pathways and buffer yards are intended to make the community inviting and welcoming rather than the straight sidewalks with trash being blow into the woods. He said he would like it to be a beautiful community in the Town which is livable, walkable and accessible to everyone. Mr. Humphrey stated the east west road is their access onto Route 213 and will carry through the retail area into the apartments in Parcel D. There will be connection points at both Route 213 as well as Southfields Boulevard to get to the retail points in the south. There will be two dedicated areas where people can pass through, not just to there but also to get to the Redners shopping center and all the way down to the retail south of the Boulevard.

Mr. Miner noted that each of these sites will be permitted as they go through the approval process. They will be doing this project similar to the process for Commerce Center Drive which is also an access point to the industrial building, the dealership and the car wash.

Mr. Wiseman stated there are different steps in the process and this is just the Concept plan. The Town will need a rendering in order for the Town to have a better understanding of what the project will look like. Mr. Miner stated they are looking for approval that the use is ok in order to be able to present it to possible developers.

Ms. Minner asked about the wetlands. Mr. Miner stated they spoke to GTA and were told the center larger section of wetlands is cultivated which means it is isolated wetlands. They have already started the permitting process with MDE to remove some of the wetlands with respect to the smaller section. Mr. Humphrey stated there is only one wetland on the entire site that has not currently started being permitted and it is on the piece owned by the Schneider's. Everything else on the west side of Route 213 has either been deemed a farmed wetland or is in the process of getting its final approval from MDE. Ms. Minner asked to receive a complete report on the permitting on the wetlands. Mr. Humphreys said they would forward the information to her.

Mr. Wiseman asked if there were any other questions from Commission members. There were none.

Discussion ensued regarding the footprint of the parcels and how they may change as determined by who would be developing the parcels.

Mr. Wiseman asked if anyone in the audience or online had any questions. There was no one who wished to speak for or against this submittal.

MOTION: Motion was made by Mr. Ginder to approve the Concept Site Plan for Southfields of Elkton, Tract 5 contingent upon addressing all outstanding comments, getting approval for a dual use on one lot by the Zoning Administrator, further review by Mr. Miner, Mr. Fruehstorfer and Ms. Minner of the bufferyard between the two properties. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye; Mr. Manuel – Aye; Mr. Polaski – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING SOUTHFIELDS DEVELOPMENT COMPANY, LLC, CONCEPT SUBDIVISION PLAN FOR SOUTHFIELDS OF ELKTON, TRACT 8, AUGUSTINE HERMAN HIGHWAY, TAX MAP 033E, PARCEL 2390, LOT 8 AND ZONED PUD (PLANNED UNIT DEVELOPMENT)

Mr. Tom Miner of Frederick Ward Associates and Mr. Ryan Humphrey of RMC Real Estate Development representing the owner were in attendance to address this request. They are requesting a minor subdivision between Lots 8A (3.9 acres) & 8B (2.8 acres). There will be a shared access drive between the rear access road in Southfields and then also on Route 213. There will be a shared stormwater facility and standard shared easements for the sites. Mr. Wiseman asked how many total entrances are there on Route 213. Mr. Humphrey said counting the Boulevard there are 4 entrances on Route 213: Southfields Boulevard, two right in, right outs and then one right in only. The only location where there is a left turn onto Route 213 is at Southfields Boulevard where there is a traffic light.

Mr. Wiseman stated there are minor comments on the subdivision plan. Mr. Miner mentioned comment #8 which addresses the forest conservation plan. He noted that plan might change, since it is currently under review, and be updated prior to the next submission.

Mr. Wiseman asked if there were any other questions from the Commission members. There were no additional questions. Mr. Wiseman asked if anyone in the audience or online had any questions. There was no one in attendance to speak for or against this project.

MOTION: Motion was made by Mr. Thompson to approve the Concept Subdivision Plan for Southfields of Elkton, Tract 8, contingent upon addressing all outstanding comments. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Muller – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT LLC, CONCEPT SITE PLAN FOR SOUTHFIELDS OF ELKTON, TRACT 8, AUGUSTINE HERMAN HIGHWAY, TAX MAP 033E, PARCEL 2390, LOT 8 AND ZONED PUD (PLANNED UNIT DEVELOPMENT)

Mr. Tom Miner of Frederick Ward Associates and Mr. Ryan Humphrey of RMC Real Estate Development representing the owner were in attendance to address this request. Mr. Miner stated they are proposing a 129 bed hotel on Lot 8B and a fairly intensive restaurant user on Lot 8A. Mr. Ginder asked what size landscape buffer yard variance they are requesting for this project. Mr. Miner said this goes back to the landscaping on the whole project but he feels they can do something unique with the length of the property line along the road. He said he would sit down with Ms. Minner and go over it with her.

Mr. Humphrey pointed out that the utility lines that run along Route 213 and along every major highway run just outside the right of way and the worst thing you can do is plant the buffer yard along that portion because they have to maintain the utilities. He stated what the code dictates in lining the highway corridors with trees and buffering at the same point where you are running overhead lines to the area could cause problems. He said you can see it right now where the trees are in the power lines. He said therefore they would appreciate some leniency on the buffer yard along that portion as well as Lot 5. He noted they do own the ground on the other side of both of those properties to the east of Route 213.

Ms. Minner stated that ordinarily if there are power lines she would accept understory flowering trees to address this concern. She noted that no matter what type of plant is placed they will become overgrown if they are not maintained on a regular basis or replaced.

Commissioner Broomell added she doesn't feel having trees near signage is a good idea because they tend to block the signs. Ms. Minner stated when she reviewed the proposed landscaping along Southfields Boulevard she had noted several instances where a tree might block a sign and had discussed how to shift them within the bufferyard. Mr. Humphrey stated they will likely be requesting changes in the buffer yards depending upon the desires of whoever the developer might be.

Mr. Thompson asked if there will be a 5' sidewalk along Route 213 on all these properties. Ms. Minner stated the sidewalks are shown on the plan and her comment was to ensure that they are placed since she wasn't sure who would be responsible to install them. Mr. Humphrey stated SHA is reviewing plans currently and the sidewalks are shown on them. Ms. Minner asked him if Southfields will be putting in the sidewalks as part of the road improvements. Mr. Humphrey confirmed that they would be placing the sidewalks. Mr. Wiseman reiterated conversations between the developer/engineers and Ms. Minner regarding details for the development.

Mr. Muller asked if their concern was with the bufferyard or the berm. Mr. Miner stated they are more concerned with the berm that is required. He stated he believed a larger type of tree is required in the berm. Mr. Miner stated they would like to do something that would make a statement rather than what is typically done.

Mr. Wiseman asked if there were any other comments which needed to be discussed. Mr. Miner said he had no other concerns but noted the approval is important for them to take it to market for those who are interested in purchasing the property. Mr. Thompson asked how many floors would be in the hotel. Mr. Miner said there will be four floors.

Mr. Wiseman noted the comment letter from Singerly Fire Company which notes the lack of volunteers which might have an impact. Mr. Wiseman stated that is a nationwide issue but with the number of houses that are anticipated in this project, it is possible there will no longer be a deficit in volunteers. Services will expand when the infrastructure is built.

Some of the Commission members had questions about Singerly's comment regarding the width of the access lane. Mr. Muller gave some guidance from his perspective as a fire fighter. He said the comments are standard with respect to the Fire Code. Mr. Humphrey noted that all of the structures on the west side of Route 213 are sprinklered. Ms. Minner asked Mr. Muller if Singerly is providing similar comments for other municipalities. Mr. Muller noted that Mr. Little is very dedicated, conscientious and is an expert in his field. Mr. Miner stated these comments are similar to those they receive in other jurisdictions. Mr. Muller stated in his experience the 26' access lane width is necessary for the size of the fire trucks. Mr. Miner stated this is a prototype so they are going to be providing more specific information and details on subsequent plan submittals.

Mr. Wiseman asked if there were any other comments. Ms. Minner noted that a special exception would be required for a hotel use in this zone and she had informed Mr. Miner of that fact. Mr. Humphrey asked if the restaurant pad ended up being a brewery, would it also require a special exception. Ms. Minner stated she would have to review the Town Zoning Ordinance to see what is required in a PUD. It was noted that each request would need a separate submission and approval.

Mr. Wiseman asked if anyone in the audience or online had any questions. Mr. Fruehstorfer of KCI had a question regarding the fact that they are short the number of parking spaces required for the hotel. Mr. Miner stated they had a few extra spaces for the hotel but potentially may be short a few spaces for employee parking. Mr. Humphrey noted all the retail parcels will have cross parking agreements.

Mr. Wiseman asked if anyone in the audience or online had any questions. There was no one who wished to speak for or against this submission.

MOTION: Motion was made by Mr. Thompson to approve the Concept Site Plan for Southfields of Elkton, Tract 8 contingent upon addressing all outstanding comments and approval of the front buffer yard between the two properties and applying for a special exception for the hotel use. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Wiseman – Aye; Mr. Muller – Aye; Mr. Manuel – Aye; Mr. Polaski – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING ATTAR ENTERPRISES, CONCEPT SUBDIVISION/CONSOLIDATION PLAN FOR RED HILL ROAD APARTMENTS, RED HILL ROAD, TAX MAP 027I, PARCELS 733 & 277, ZONED R-E (URBAN RESIDENTIAL); TAX MAP 027F, PARCELS 178, 612 & 1067, ZONED R-3 (URBAN RESIDENTIAL)

Mr. Tom Miner of Frederick Ward Associates was in attendance to address this request. Mr. Miner stated they are proposing to consolidate five (5) lots into this one project. During that process he feels State Highway will be requesting a right of way on the frontages which they will provide. He noted they will be providing stormwater management easements, utility easements and a private water & sewer access easement on site.

Mr. Miner stated their forest conservation will be provided either onsite or by fee-in-lieu. They will also be avoiding work in the wetlands. Mr. Wiseman asked Mr. Miner to point out the five lots which are involved in this subdivision for the audience.

Mr. Ginder noted that there will be no ingress or egress off of Delancy Road for this project. Mr. Miner confirmed that he was correct. He stated the ingress and egress is off of Red Hill Road. He stated there will be a deceleration lane and an acceleration lane and a dedicated left in lane. Mr. Thompson asked if their

ingress and egress proposals have been approved by State Highway. Mr. Miner stated the traffic impact study has been reviewed and he believes it has been approved. The entrance configuration has been forwarded to SHA, the entrances were reviewed and he believes they are ok with them. Mr. Thompson asked if they are going to allow a left turn lane in to the apartments or is State Highway going to ask them to use the roundabout. Mr. Miner stated he doesn't feel it is likely they will ask them to use the roundabout since there is a dedicated left turn into the apartments. Ms. Minner interjected that there is a roundabout so the traffic doesn't stop flowing and her concern is safety when a car is making a left turn out of the apartments so near the roundabout. Mr. Miner stated they can check with State Highway but to this point no one has brought that concern forward. Ms. Minner stated she travels this area all the time and when she was reviewing the plans it was a concern.

Commissioner Broomell asked if they have any interest in purchasing the property owned by State Highway. Mr. Miner stated they are in communication with Cecil County who is in the process of purchasing the property from State Highway. They have spoken with Cecil County about the possibility of purchasing the property from them and the County seems to be open to that. This is in the initial stages and therefore everything is tentative at this point. The bottom line is if they can obtain the property they will make for a better development. Commissioner Broomell asked what kind of timeframe they are thinking about. Mr. Miner stated they should know something within the next few months. She questioned whether the property would be used for another development or for improving the roadway. Mr. Miner stated the land would be used for more forest or open space but not for development. There has been no discussion regarding using the property for improving the roadway. He mentioned that Kemp Lane is not owned by them or Cecil County, it is a private lane and they don't want to interrupt that person's driveway.

Mr. Thompson asked Ms. Minner if this was in the discussions she has been involved in with Wilmapco. Ms. Minner noted there is an East Elkton Traffic Study which is currently underway involving Delancy Road, Muddy Lane and Belle Hill Road. She stated Wallace Montgomery is the consultant doing the study and they are in the beginning design stages. They have had surveys, one public meeting for input and another coming up in January 2024. In the meantime there are steering committee meetings and a design meeting sometime next week with some of the stake holders to look at options or alternatives to what could be done to address some of the concerns on these roads. Mr. Miner noted that the traffic impact study did not show any failed intersections but should that occur he said they would be responsible to fix it.

Mr. Wiseman asked if anyone had questions concerning the subdivision plan. Ms. Minner stated she has outstanding comments regarding the subdivision.

Mr. Wiseman asked if anyone in the audience had questions concerning the subdivision plan. Ms. Kim Magaw asked for clarification as to where the 5 lots are located. Mr. Miner pointed out the lots involved and their location with regard to Delancy Road, Muddy Lane and Kemp Lane.

Mr. John Dirocco of 95 Red Hill Road voiced his concern regarding the amount of water that will be flowing from these properties onto his property. He explained that there is a stream on his property that flows from a spring on their property. He asked if stormwater retention ponds were going to be placed to address the water. Mr. Miner stated that information would be on the site plan he is presented after this plan. Mr. Dirocco noted a stormwater retention pond was put in on Muddy Lane which failed and averted so much top soil that it created a 'grand canyon' on the property to the west. He said he contacted the State engineer and was told it was ok. He explained how water comes from different directions across his property and how much flooding he gets from the stream during a heavy storm. Mr. Dirocco also voiced his concern regarding additional traffic in the area due to development.

Mr. Wiseman asked if there were any other questions regarding this plan. There was no one else in attendance who wished to speak.

MOTION: Motion was made by Mr. Ginder to approve the Concept Subdivision/Consolidation Plan for Red Hill Road Apartments contingent upon addressing all outstanding comments. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Manuel – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING ATTAR ENTERPRISES, CONCEPT SITE PLAN FOR RED HILL ROAD APARTMENTS, RED HILL ROAD, TAX MAP 0278, PARCELS 733 & 277, ZONED R-3 (URBAN RESIDENTIAL); TAX MAP 027F, PARCELS 178, 612 & 1067, ZONED R-E (URBAN RESIDENTIAL)

Mr. Tom Miner of Frederick Ward Associates was in attendance to address this request. He stated they are proposing 249 apartment units for the project. The building style will be garden style apartments with step grading from one building to the next. There will be an entrance to the tower of 12 units. He stated they are trying to get more of a residential feel to the project.

He stated that with respect to the utilities, the sewer will be received at a pump station on the lower half of the site and will be pumped up Delancy Road up toward the gravity line toward Route 40. The water will be connected on Red Hill Road with a booster pump on site. He stated there will be onsite hydrants spaced within 100 feet of the Fire Department Connection serving for fire suppression.

Mr. Miner stated they will have centralized dumpsters set up between Buildings B & C so residents can drive by and drop off their trash.

Mr. Ginder asked the exact number of apartments. Mr. Miner stated there are 249 apartments with approximately a 47% split between singles and one & two bedroom apartments with an additional 5-6% for three bedroom apartments. Mr. Miner noted that because of the grade drop there will be an entrance on the low side or at the second floor of the four story A & J buildings.

Mr. Manuel asked if there are any safety issues with having a single entrance to a 12 unit 4 story building. Mr. Miner stated with garden style apartments you are allowed to have 12 units per tower and the only way you can make a fourth floor work for garden style is to have another access point on the lower level. He mentioned that there is a similar, but larger building in Aberdeen which has similar grading.

Mr. Ginder asked about a comment regarding the number of parking spaces which require interior landscaping. Mr. Miner stated they wanted to have interior landscaping in certain areas so that instead of having 10 spaces with interior landscaping they were proposing to place denser landscaping in other areas where they would have the space and therefore removed the interior islands. He noted they will be asking for a variance for landscape islands.

Ms. Minner asked Mr. Miner to explain the hash marks on the site plan. He stated he had a meeting with Ms. Minner to go over parking requirements and landscape buffers. He provided a parking rationale and map showing where parking spaces are being provided for each building. He stated the Town's parking requirements for multifamily housing are fairly intensive, more so than Cecil County, Harford or Baltimore County and in nearby towns (Perryville and North East) as well. The hatching shows where parking might be

available in the future even though they know they won't need that much parking. He pointed out that the Town code calls for 2 cars per one bedroom and unless every unit has two people or two vehicles there wouldn't be a need for 2 cars per each one bedroom unit. The code requires 2.5 cars per each two bedroom unit which will require quite a lot of parking to meet these requirements.

Mr. Miner stated the variance they may request is to have the parking set the same as the requirements for Cecil County. Cecil County requirements are still higher than most areas. He noted that apartments typically require around 1.1 parking spaces per bedroom. He said they will be providing a lot more than that on overall parking count. Commissioner Broomell asked for clarification regarding the hatched areas. Mr. Miner stated the hatched area is part of the required parking. Commissioner Broomell asked if the hatched areas are what they will be requesting not to provide. Mr. Miner confirmed she was correct.

Mr. Miner stated Ms. Minner noted the Town requires a 50' setback for multifamily housing around the site and therefore this requires some impact on how the parking will be configured.

Mr. Ginder asked Mr. Miner what the distance would be from Delancy Road to the residences. Mr. Miner stated it looks to be 500-600'.

Commissioner Broomell questioned what Cecil County requirements are for parking. Mr. Miner stated Cecil County would require 484 parking spaces as opposed to 577 parking spaces required by the Town. Mr. Miner stated the new rendering shows what they will be providing and that they would like the reduced parking be approved.

Mr. Wiseman noted a number of comments from KCI regarding stormwater management and he asked Mr. Miner to address those comments. Mr. Miner confirmed they will be receiving all of the runoff from the site other than a small section of the swale and then is directed to submerged gravel wetlands. Underneath that is a quantity management underground system. Mr. Wiseman asked what direction the property slopes. Mr. Miner stated it slopes north to Red Hill Road.

Mr. Wiseman asked about the stormwater management calculation. Mr. Miner stated he had spoken to Paul Gutmann of KCI and the calculations they used were the same as the past projects so they will talk with Mr. Gutmann regarding his comment. His main concern was that they were using the soil in the facility for treatment but there is a note which states they are not using it for treatment volume only for clarity.

Mr. Miner confirmed that they will be fixing and stabilizing a good part of the ditch that Mr. Dirocco had mentioned assuming it is on their property.

Mr. Wiseman asked if Ms. Minner had any other comments. She said although it is in her comments they are proposing to run the sewer force main diagonally across the property from just south of the intersection of Red Hill Road and Delancy Road through the forest into the site. Her recommendation is to take that force main and run it along the roadway for two reasons: 1) they won't impact the forest conservation since they cannot place utility easements within the forest conservation area and 2) placing the utility within the roadway makes it a public utility and it would give the opportunity for anyone who's property abuts Red Hill Road to be able to annex and hook into it at some point in the future. Mr. Miner said they are alright with that, their thought was to reduce the amount of public utility and then also not to have public utilities within the State Highway. He said they don't have a problem with running the utilities out to the roadway. Ms. Minner stated it makes more sense to put it in a public utility rather than running it through private property where no one has access to it.

Commissioner Broomell pointed out the large amount of parking between the front four buildings and the back four buildings. She suggested they flip Building D to where the clubhouse and pool are located so the parking is more easily accessed. Mr. Miner stated their reasoning for placement of the clubhouse is visibility from the road but they may flip Buildings F and D to address the parking. Discussion ensued regarding how they could address the parking and Mr. Miner noted that if they are able to purchase the other property it would help to make room to move parking around the site.

Ms. Minner stated she had a meeting with Mr. Miner and discussed the location of the water and sewer lines and she wasn't sure for the water hookup if it was before the meter with Artesian or how it would be metered with the interconnect with Artesian to the west of the site. She said they need to figure out how this would occur. Mr. Miner stated they would put an interconnection before their meter so Artesian could read their meter and then the Town could read their meter.

Mr. Wiseman asked if there were any more questions from the Commission. There were no additional questions.

Mr. Wiseman opened the floor for comments from the audience.

Mr. Dave Parsons who owns property on Delancy Road stated he has two concerns. He stated he has concerns with the sewer line coming in to the corner of his lot through the forest. He agreed with Ms. Minner that the utilities need to be moved out into the road right of way. His other concern is the traffic, with only one entrance in and out of the subdivision with over 200 homes being built it is going to put a lot more traffic on to the existing roads. He said it is difficult enough now trying to get out of his driveway and it will be much worse once the home is built. He feels at the least there should be two entrances and stated that a traffic light needs to be placed to handle it.

Mr. Wiseman asked Ms. Minner what State Highway looks at when a new entrance is added onto a State road. Ms. Minner stated that the traffic impact study will look at determining what intersections will need to be reviewed and State Highway would determine what type of improvements would be required. Mr. Ginder asked if the improvements required by State Highway would have to be in place prior to development beginning. Mr. Miner stated they have submitted the traffic impact study to State Highway and he believes the intersections have been approved. He added that if there is any type of failing, whether they caused it or it already exists, then the developer would have to improve that intersection to make it better than it had been before the construction began. Mr. Miner explained that there is a dedicated turn lane into the development and an acceleration lane turning out of the development so the traffic should flow smoothly.

There was discussion regarding sewer lines and location. Ms. Minner asked Mr. Miner about the sewer main located on Delancy Road. He stated that the sewer main they are connecting to is on Courtney Drive and they will be doing a directional bore up to Cardinal Lane. Someone asked if this would be public water and sewer and Mr. Miner stated that it will be public. Mr. Miner noted that they will be on their own property doing the bore. Mr. Parson's had questions about disruption of traffic flow along Delancy Road while the boring is being done. Mr. Miner stated there will only be one piece of equipment the size of a pickup truck in one location during the bore process and they will not be trenching up Delancy Road. Mr. Miner noted there will eventually be a gravity line which involves trenching but that will not begin until you get up to Cardinal Lane. There will only be temporary disruption of traffic on Delancy Road during placement of the utilities which will be shallow and should only disrupt traffic for a short time.

Ms. Kim Magaw voiced her concerns regarding how many additional vehicles this will place on Delancy Road. They are used to additional traffic in the morning and evening but with this many residences the traffic will be throughout the day. She asked why the Town has to build so many apartments. Mr. Miner noted there will be 100 single family dwellings as well. He stated this project has been zoned for about 20 years. Mr. Parsons stated they were going to purchase all the properties in the area and now they are purchasing a smaller amount of land and don't seem to care how the water and traffic issues will affect the people who have lived there for years. Ms. Magaw stated she understands that they have a right to do what they want with their own land but she doesn't think the Town needs more traffic and she opposes the development.

Mr. John Dirocco of 595 Red Hill Road asked what the dotted lines on the site plan represented. Mr. Miner stated the lines are soil mapping which denotes the type of soil in the area. Mr. Dirocco stated that there is a stream on the west side of his property and the stream runs along his property line. He stated there is so much erosion from the previous development in the area it is eroding the property next to him running from Red Hill Road down to his property. There is so much erosion he has had to cut down trees so they wouldn't lean and fall into the road. His concern is the amount of cubic yards of water that will be coming off this new development site at one inch per hour. Mr. Miner explained that they have done the calculations for a 10 year flood event which is five inches. Mr. Dirocco stated that impervious surfaces like roof tops and sidewalks do not absorb the water and the soil in that area can't absorb it. Mr. Dirocco asked where the water in their retention pond will be directed. Mr. Miner stated that they will not add any additional water flow than what is currently flowing off the property. The Town regulations require them to manage their runoff.

Dr. Dirocco said everything in the area is higher than his property. He has seven foot wide ruts in his property since the State developed Muddy Lane. Mr. Wiseman noted that stormwater management design has increased dramatically in the past few years. Mr. Fruehstorfer stated that any issues will be resolved and KCI will not approve the project until all the requirements have been met. Mr. Wiseman assured those in the audience that there are many people working on this project and they will assure that all the requirements of the State, MDE, etc. are met.

Mr. Frances Ulmer of 116 Muddy Lane said the stream Mr. Dirocco is talking about goes down and crosses Muddy Lane and floods out properties along that road as well. They have to move their vehicles to high ground every time it rains and stated that this development will only add more water.

Mr. Dirocco stated that his driveway is on the north side of Red Hill Road and is less than 50' from the stream bed. Mr. Thompson suggested that they contact State Highway to place a traffic light at Delancy and Red Hill Road so you don't have to wait so long to get out of your property due to the traffic flow.

Mr. Wiseman closed public comments for this project.

MOTION: Motion was made by Mr. Manuel to approve the Concept Site Plan for Red Hill Road Apartments contingent upon addressing all outstanding comments, review of the traffic study and clarification and consultation with Sengerly Fire Company regarding their comments. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Thompson – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.
REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING ATTAR ENTERPRISES, SPECIMEN TREE REMOVAL WAIVER REQUEST FOR RED HILL ROAD APARTMENTS, RED HILL ROAD, TAX MAP 027I, PARCELS 733 & 277, ZONED R-E (URBAN RESIDENTIAL); TAX MAP 027F, PARCELS 178, 612 & 1067, ZONED R-3 (URBAN RESIDENTIAL)

Mr. Tom Miner of Frederick Ward Associates was in attendance to address this request. He stated they are here to request removal of specimen trees and noted they will not be removing any trees which will not be impacted by development. He pointed out to the Commission which trees they are requesting to remove and they are ones that are located in the middle of the buildings or very close to the buildings that are being proposed.

Ms. Minner asked how many trees they are requesting to be removed since it is difficult to see them on the plan which was provided. Mr. Miner stated there are twelve trees which they are proposing to remove.

Mr. Wiseman asked Ms. Minner if there is any criteria they need to use to determine the difference between a good, fair or poor tree or if it is simply the condition of the tree which determines that. Ms. Minner asked Mr. Miner how many of the trees they are requesting to remove are declining. It was noted that two of the trees being requested are declining. Ms. Minner explained that the variance is for removal of trees which ordinarily would be retained in order for them to develop this site.

Mr. Thompson asked if they have ever required developers to remove trees with a large claw machine to remove the tree with the root ball and replant them. Ms. Minner stated that if you try to remove a tree in the middle of a forest they are normally a larger tree and more than likely it will not survive once transplanted. She also pointed out that what you find when you cut into a forest is the trees which are left as edge trees did not grow as edge trees and they are not used to sun scald and wind throw it can damage them and they start to decline. She noted that there is a whole ecosystem involved in the process. Mr. Miner noted that the caliber they would have to be is 22 to 24" diameter.

Mr. Thompson asked about the necessity for the variance. Ms. Minner stated that it would be a hardship for them if certain of the trees were not removed and therefore the variance is required. Ms. Minner mentioned that the same issues were found when the Patriots Glen Subdivision was developed. Mr. Thompson asked why they couldn't be required to place larger trees on the property to replace the ones being removed rather than planting them somewhere that has nothing to do with this development. Ms. Minner noted that they are retaining existing forest, although when the calculations were made for impact to forests, there was about two acres of forest that they are proposing to pay a fee in lieu on. Mr. Miner explained that they are only removing forests which impact their development and then for requirements such as active open space, passive open space or to build the apartments.

Mr. Miner explained that the requirements for apartments are greater than those of other types of housing because of the leasing aspects for management personnel. The more units that are removed, in this market, it becomes more difficult to have the functionality work out. He also noted the sewer force main will provide for people along Delancy Road to tie into the main. It was noted that the homes along Delancy Road are on well and septic. Ms. Minner stated that some of them had de-annexed from Town. Mr. Miner stated the apartments on the east side of Delancy Road have public water & sewer but he didn't think any of the single family home on the west side had public water & sewer.

Ms. Minner stated that in laying out their forest conservation plan the priority areas that they are showing retention, with the exception of the sewer main, there is a stream and wetlands which they will not be disturbing.

Mr. Wiseman asked if anyone in the audience had any questions regarding the specimen tree removal waiver. There was no one in the audience to speak for or against this request.

MOTION: Motion was made by Mr. Ginder to approve the Specimen Tree Removal Variance Request for Red Hill Road Apartments for removal of 12 specimen trees. Motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner stated they continue to review plans. There was discussion regarding the different car washes that will be coming into Town, which include Wash X and Tidal Wave. Ms. Minner noted there is a third car wash that may also be coming in.

Mr. Wiseman noted that the Ruby Tuesday has been demolished to make way for the Taco Bell.

She noted the demolition permits for Happy 40 and the hotel at Maloney Road and Pulaski Highway have been issued.

NEW BUSINESS: Ms. Minner stated she is finalizing the draft for the RFP for the Comprehensive Plan update. She said she wanted to talk with the Board about how they want the meetings to be held, once a month separately or as part of the regular Planning Commission meetings. Ms. Minner stated they can do the review by Chapter or they can do it virtually. She just wants to be able to let the consultant know what the schedule might be.

Election of Officers

MOTION: Motion was made by Mr. Thompson to nominate Mr. Wiseman as Chair of the Planning Commission for the coming year. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Muller – Aye; Mr. Polaski – Aye. The motion passed unanimously.

MOTION: Motion was made by Mr. Thompson to nominate Mr. Ginder as Vice Chair of the Planning Commission for the coming year. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

There being no additional items to discuss Mr. Wiseman stated the next meeting of the Planning Commission will be on Monday, January 8, 2024 and he adjourned the meeting at 8:27 p.m.

Respectfully submitted,

Brie Humphreys