

**TOWN OF ELKTON  
PLANNING COMMISSION  
FEBRUARY 10, 2020  
MINUTES**

**Present:** Dave Wiseman; G. Edward Ginder; Keith Thompson; Rick Keane; Art Blount; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning

**Absent:** William Muller

Mr. Wiseman called the meeting to order. Mr. Wiseman stated the first item on the agenda is approval of minutes from the January 6, 2020 meeting. He called for any corrections which needed to be made to the minutes. Mr. Keane asked that his question to Mr. Davis for clarification regarding the difference in the employment numbers between Table 1 and Table 2 be clarified in the minutes. There being no further comments or corrections Mr. Wiseman called for a motion.

**MOTION:** Motion was made by Mr. Keane to approve the minutes of the January 6, 2020 Planning Commission meeting as corrected. The motion was seconded by Mr. Thompson and unanimously approved.

**CASE # 1559 – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR A SPECIAL EXCEPTION FOR PLACEMENT OF A COMMUNICATION TOWER AT 4 COACHMAN DRIVE. THIS ACTION CONCERNS PROPERTY LOCATED AT 4 COACHMAN DRIVE, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2382 AND ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. John Tracey, Esquire of Young Conaway Stargatt & Taylor, LLP, Mr. Andrew Petersohn of dBm Engineering, P.C. and Mr. Marco Parades of Redes Development representing Verizon were in attendance to address this request.

Mr. Tracey stated they are requesting to place a 100' telecommunications tower on the property located at 4 Coachman Drive. There is currently a warehouse/self-storage facility on site. The tower is being driven by the need for additional service in the area to improve signal strength to customers.

Mr. Tracey noted they have provided four (4) RF (radio frequency) reports which verify their compliance with FCC regulations regarding human exposure limits to radio frequency electromagnetic fields. The reports confirm the emissions from the proposed equipment will be far below FCC exposure limits. The exposure levels would be less than 3.2% of the applicable FCC standard at all locations of the public access. There will be no lighting required by the FAA.

Mr. Tracey stated the tower will also comply with all standards and conditions of the Elkton Zoning Ordinance regarding this use. He noted they meet all the required setbacks. It is designed for the ability of others to locate on the tower. There are no tall structures within a mile of the proposed location. The equipment will be screened by existing buildings. He mentioned there are no residential structures near this location.

Mr. Tracey stated this use will not be injurious to the health, safety or welfare of Town residents. The use will not require any water and sewer facilities or traffic demand associated with this use. There will be one trip in and out of the facility every six weeks or so. They will be using the existing entrance to the storage facility to access the tower.

Mr. Wiseman questioned if the tower was built to collapse in the event it should fall. Mr. Tracey confirmed that it has a hinged design so that it will collapse.

Mr. Ginder asked the exact height of the tower. Mr. Tracey stated the tower is 100 feet tall with a 5 foot tall lightning rod on top. Mr. Keane asked if the property was owned by Verizon. Mr. Tracey stated it is not but they are leasing property from the owner.

Ms. Minner questioned whether there would be any additional safety measure required should a daycare center be placed on the neighboring property. She mentioned that the Southfields project is proposing placement of a daycare and wanted to be sure the tower was appropriately distanced from that use. Mr. Tracey mentioned the area will be fenced and the equipment is enclosed in a ground level box. Mr. Petersohn explained that the FCC standards were developed with sensitive persons in mind and the tower and ground equipment meet all those standards. In fact they are over 30 times lower than the standards. Reference was made to the information provided and Mr. Petersohn explained how the energy is directed in order to avoid any interactions with persons on the ground.

Mr. Keane asked Ms. Minner if there were any other telecommunication towers in Elkton. Ms. Minner stated there are antennas on the Town's water towers as well as other locations within Town limits. He asked if there had been any issues with those towers. Ms. Minner replied that there have been no issues. Mr. Tracey added that in the 20 years he is not familiar with any issues. He mentioned he was involved with the tower placed in Chesapeake City near the ASPCA. Mostly people are just happy to have the signal boosted for their phones.

Ms. Minner asked if the tower had anything to do with the new 5G. Mr. Petersohn stated not at this point, mostly 5G is in large metro areas such as Philadelphia. Mr. Blount noted that at some point there will be an upgrade done. Mr. Petersohn stated they are always upgrading. Mr. Keane mentioned a certain area along Route 40 near 272. Mr. Tracey stated that if customers call their carrier they are usually able to fix dead spots.

Mr. Wiseman opened the floor to questions or comments from the audience. There were none.

**MOTION: Motion was made by Mr. Ginder to recommend approval of the telecommunications tower at 4 Coachman's Drive for the Cellco Partnership contingent upon the tower not exceeding one hundred and five (105) feet. The motion was seconded by Mr. Blount and unanimously approved.**

**REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING MCCONNELL DEVELOPMENT, INC., CONCEPT SITE PLAN, MCCONNELL WAREHOUSE, KONICA DRIVE, LOTS 2 & 2B, TAX MAP 319, PARCEL 2340 AND ZONED BI (BUSINESS INDUSTRIAL)**

Mr. Tom Miner of Frederick Ward and Mr. Michael McConnell of McConnell Development were in attendance to address this request. Mr. Miner stated they are proposing to place a 267,000 square foot warehouse on the two lots on Konica Drive shown the paperwork submitted to the Commission. He stated they will be doing stormwater management onsite and mentioned that Chesapeake Business Park will be providing some limited quantity management. He stated they will be connecting to public water and sewer on the site.

Mr. Wiseman asked if Mr. Miner had received comment letters from the Town and KCI. He confirmed he had received their comment letters and they have no issues addressing any of the comments. He mentioned that the proposed use is allowed by right in the Town Zoning Ordinance.

Mr. Wiseman asked if Ms. Minner or Mr. DeLorimier had any additional comments. To which they each replied they did not.

Mr. Wiseman asked if they currently had a tenant for the proposed use. Mr. McConnell stated the tenant will be a warehouse and distribution firm which is currently based in Newark, DE and northern New Jersey and they will be relocating here. Mr. Wiseman asked if a traffic impact study would be required. Mr. Miner stated Traffic Concepts was able to receive an exemption. Ms. Minner noted that both State Highway and John Borkowski of KCI looked at the traffic criteria for this use as well.

Mr. Wiseman asked for any other comments from the Board. Mr. Blount asked what the type of products were being shipped by this company. Mr. McConnell stated they are products used by the automobile industry.

Mr. Wiseman entertained questions from the audience.

Mr. Jeff Nowland stated he was here to represent himself and his brothers as owners of Parcel 2442. He wanted to note the fact that there is a stormwater access by right through this parcel so that it is taken into consideration when quantity and capacity are reviewed for this and future projects. He also mentioned he and his brothers are on the architectural committee for the corporate center with regard to screening and landscaping. Mr. Miner stated he is aware of the swale and access for the other property owned by the Nowland Family.

There were no other comments from the audience.

**MOTION: Motion was made by Mr. Thompson to approve the concept plan for McConnell Warehouse contingent upon addressing all outstanding comments and adherence to the stormwater management swale and access noted by Mr. Nowland. The motion was seconded by Mr. Keane and unanimously approved.**

**OLD BUSINESS:** Ms. Minner stated the PUD Revised Concept Plan has been submitted for the March meeting. She noted that although there is only one Concept Plan, the Preliminary and Final plans will be submitted as each section is developed.

Mr. Wiseman voiced some concern about the location of the proposed daycare in the Southfields PUD with respect to the discharge between the highway and the intersection off of Whitehall Road. Ms. Minner stated that Whitehall is a County Road and therefore they and Cecil County would have to review the entrance.

Mr. Keane questioned why the recommendation from the Planning Commission was not read at the Board of Zoning Appeals (BZA) meeting when the decision regarding the Southfields PUD was made. Ms. Blackson explained that the BZA role in this instance is similar to that of the Mayor & Commissioners. They have different options with regard to the PC recommendation. The Board may either, accept the recommendation the way it was made; accept it with their own conditions or accept it with no conditions at all. She said that “without speaking for the BZA” she believed their intent was to try to make the recommendation more specific because they did put in place the provision that not only that there be an environmental study done but that it be done and considered when the Planning Commission considered the planning stages for the Preliminary on that site plan. Mr. Wiseman voiced his concern that the recommendation wasn’t read at the meeting so that people would know what the Planning Commission recommendation was for the special exception. Discussion ensued regarding whether or not the recommendation had been read into the record. Ms. Blackson stated that normally the Chair of the BZA will read any recommendations into the record from the Planning Commission. Mr. Keane noted that Southfields did ask that the environmental health study recommendation be removed. Mr. Keane stated he believed the Commission members felt the health assessment was an important part of their recommendation. After additional discussion it was noted that the Planning Commission can place their own reasonable conditions on their approvals during the site plan process.

Mr. Wiseman stated he had received another e-mail regarding changes to the industrial part of the Southfields plan and asked if Ms. Minner had received the same e-mail. Ms. Minner and Ms. Blackson stated they did not receive the e-mail. Mr. Ginder stated it had to do with extended bufferyards. Ms. Blackson stated when Southfields came before the BZA they did provide revised plans showing a smaller building and increased setbacks from the residential properties. Ms. Blackson also mentioned that the BZA stated at their meeting that they do not make decisions regarding where buildings are located on the site plans. Those decisions are made by the Planning Commission. The BZA would only decide whether or not warehousing would be allowed on a specific parcel/s. Mr. Wiseman stated he wanted to be sure that whatever they are receiving is coming through the Planning Office. Ms. Blackson stated that any information provided needed to go through the property channels.

Mr. Keane also questioned the entrance to the Dollar General on Bridge Street. Ms. Minner asked Mr. Keane to contact the State Highway office regarding the entrance and exit lanes. He shared how dangerous it is in that area. She provided him with the name of the individual at State Highway who he needed to contact and said there might be a way to address the issue on the SHA website. Ms. Minner stated that her understanding is they are still working on the entrance.

**NEW BUSINESS:** Mr. Ginder asked Ms. Minner to share what happened at the M&C Meeting with regard to the annexation request for 34-36 acres of property off of Maloney Road. He said he believed it is residential and they are requesting to rezone it to industrial. There will be a workshop on Wednesday, February 12<sup>th</sup> to discuss the rezoning petition. Ms. Minner stated she was not at the meeting but understood that the initial step of accepting the rezoning petition was denied by the Mayor & Commissioners. Mr. Wiseman asked for clarification of the process for

annexation. Ms. Minner stated that in the past the request for annexation would come to the Planning Commission for a recommendation to the Mayor & Commissioners, although that particular step is not codified in the Town Ordinance. She stated that this area is not part of the Town's growth area. She said that there will be two public meetings, one before the Planning Commission for their recommendation to the M&C and then a public meeting before the Mayor & Commissioners for their final determination. She went on to say that if the zoning is significantly different that the County Commissioners have to approve or deny the zoning change. If the County Commissioners deny the zoning change then the annexation can proceed but the zoning must remain the same or similar zoning for the next five years. After five years the change can be made during the Comprehensive rezoning.

Ms. Minner went on to explain the persons requesting the annexation were hoping to provide access through Konica Drive but those parcels are already being developed and placing an easement there would cause issues for the development on their site and so they were denied access through Konica Drive on the McConnell property.

She also stated there may be another annexation in the future with regard to the Preston Ayars property located between Route 279, Belle Hill, and Elkton Roads. The problem is that they are creating unincorporated islands, which is prohibited, and so they are trying to determine how they can accomplish the annexation without creating islands.

Mr. Wiseman entertained any additional questions or comments. Hearing none he adjourned the meeting at 6:53 p.m.

Respectfully submitted,

Brie Humphreys