

**TOWN OF ELKTON
PLANNING COMMISSION
OCTOBER 12, 2020
VIRTUAL MEETING MINUTES**

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

Absent: None

Mr. Wiseman called the meeting to order. He stated the first item on the agenda was approval of the minutes from the September 21, 2020 meeting. He noted a discussion with respect to comments being addressed to Town staff prior to so many unaddressed comments coming before the Commission. Ms. Humphreys stated she would review the minutes and address Mr. Wiseman's request. He then called for a motion incorporating the requested review.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the September 21, 2020 Planning Commission meeting with requested review. The motion was seconded by Mr. Thompson and unanimously approved by the remaining Commission members.

REQUEST OF GRAY'S HILL DEVELOPMENT COMPANY, INC., REVISED SUBDIVISION PLAT, GRAY MOUNT COMMONS, TAX MAP 027I (312), PARCEL 2411, ZONED R-3 (URBAN RESIDENTIAL)

Mr. Cameron Brown, Mr. Bruce Schneider, Ms. Georgia Schneider and Steven Jupitz were in attendance to address this request. Mr. Brown noted that this project has been in development for quite some time. Due to this fact, the project's approvals were made under prior regulatory structures and there was an agreement between the developer and the Town to address some of those newer regulations with respect to stormwater. He noted that some of the density in the development has been reduced as well.

Mr. Cameron noted they are in attendance to request a revised subdivision plat. He stated he believes all the comments have been addressed or are in process of being addressed. Mr. Wiseman stated that it appears all the comments from KCI have been addressed. He noted there were a few comments on the Town's letter and stated that they appeared to be simply clean up comments. Mr. Schneider agreed. Ms. Minner stated they were simply notes which needed to be placed on the plan. Ms. Minner stated that Mr. Schneider had been working closely with Mr. Bromwell, the Town's Director of Building & Zoning, to confirm that infrastructure is up to the Town standards. She noted that the subdivision was recorded quite a while ago and they want to be sure that any changes are incorporated into the construction plans.

Mr. Wiseman entertained comments or questions from the Board. There being none he opened the floor to audience comments.

Mr. Pete Lutz and Ms. Sandy McDonald, who live adjacent to the property, noted this is the first they have heard of the subdivision and had a few questions. He stated they have concerns about drainage and the area that appears to be a 'dump'. He said there is water laying on the site which is causing issues with mosquitoes and asked if the 'dump' was going to be cleaned up. Mr. Lutz asked if these will be single family homes, apartments or townhouses. Mr. Schneider stated they are all townhouses.

Mr. Wiseman stated the stormwater for the subdivision would have to meet all the State regulations which have been changed since the initial filing.

Mr. Wiseman asked Mr. Schneider to address the area being called a 'dump'. Mr. Schneider stated they have been mowing the property but they haven't seen anything like that. He said periodically they will have things dumped on the property but clean it up as soon as they are aware of it. Mr. Lutz stated they have seen tires, sofas, chairs, broken glass, etc. He wondered if this would be cleaned up. Mr. Schneider stated they would get rid of anything that is on the property they own. He mentioned part of the property in the vicinity of Village Road does not belong to them. Mr. Wiseman suggested that Mr. Lutz might call the Town Building Department office to have them check on and address the illegal dumping in that area.

Ms. Michelle Culver stated she is at the meeting representing her son who lives on Gray Mount Circle near the entrance to this subdivision. She wondered how wide the right of way might be and whether any of his property would be taken for that entrance. She asked if there would only be one way in and out. She asked if this would be 187 townhouses and if so that would add a good deal more traffic in an already congested area.

Mr. Schneider stated that with regard to the entrance there would be no impact to the properties on either side of the entrance. He also noted that there will be a buffer area between the rear of the properties and this new subdivision and that there would only be one entrance and exit. Ms. Culver asked when construction would begin. Mr. Schneider said they are hoping to begin in the spring. Ms. Culver stated that her son may want to try to sell his property before construction begins.

Ms. Culver asked how wide the entrance would be. Ms. Minner pulled up the plans for everyone to see. Ms. Culver stated she would go on the Town's website and review the plans. Mr. Schneider stated he would be glad to talk with her about the plans if she wanted to contact him once she has the opportunity to review them.

Mr. Blount inquired about the style of the townhomes which are being proposed. He asked if they would have garages and basements. Mr. Schneider stated the people who are looking at the project would prefer to have basements but some of them could be placed on slabs. He stated that the ones with basements would not have garages but the ones on slabs could probably have a garage.

There being no further questions from the audience Mr. Wiseman moved on to the next item on the agenda.

MOTION: Motion was made by Mr. Ginder to approve the Revised Subdivision Plat for Gray's Hill Development Company, Inc. contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows:

**Mr. Keane – Aye
Mr. Blount – Aye**

**Mr. Muller – Aye
Mr. Wiseman - Aye**

BOHLER ENGINEERING REPRESENTING NEW COASTAL DEVELOPMENT, GENERAL DEVELOPMENT PLAN, 732 E. PULASKI HIGHWAY; TAX MAP 033C (316), PARCEL 170 AND 411 MALONEY ROAD, TAX MAP 033C (316) PARCEL 171, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Eric McWilliams of Bohler Engineering, Nick Driban of Lenhart Traffic and Tim Hoerner, the project developer were in attendance to address this request.

Mr. McWilliams stated this project incorporates two parcels of approximately 2.05 acres at the intersection of Route 40 and Maloney Road. There is currently an old coffee shop and an outdated hotel on the parcels. The parcels have recently been annexed into Town limits with C-2 zoning. There will be two entrances along Route 40 and two entrances along Maloney Road. They are proposing to place a 4,500 square foot convenience store (7-Eleven), a car wash, a six dispenser gas canopy and a two dispenser diesel gas canopy. They are proposing to provide submerged gravel wetlands as part of their stormwater. Currently the site has no stormwater so this will be an improvement. He stated the stormwater concept plan has been submitted for the Town's review.

Mr. McWilliams stated they are proposing a right in and right out on Route 40 and two full access entrances on Maloney Road. Since Maloney Road is a County Road they are currently working with the County regarding the entrances. He noted that public water does not exist at this site so they are proposing to run the main along Route 40 to their site from the Shoppes at Elkton near Aspen Dental. Sewer exists and they will tap into that line.

He stated they believe development is needed on this site and 7-Eleven is willing to invest millions on the site and they look forward to constructing at this location.

Mr. Wiseman asked if they had received comments from the Town and KCI. Mr. McWilliams stated that they were received. Mr. Wiseman asked about a KCI comment with regard to concept stormwater management (#24). Mr. McWilliams stated that KCI was not in possession of the concept stormwater plan when the comment was made. Since that time they have reviewed the plan and a number of their comments should be able to be addressed with the stormwater plan once they get an opportunity to complete their review. Mr. Koenig of KCI stated that Eric Gibson was in the process of reviewing the plan.

Mr. Wiseman asked if State Highway has cleared the right in and right out off of Route 40. Mr. McWilliams stated they are working with the State on a traffic study. There was discussion regarding how large trucks would move across the site between Route 40 and Maloney Road. Mr. Ginder voiced his concerns about tractor trailers exiting onto Maloney Road. Ms. Minner noted that Cecil County Roads Division and Department of Public Works in the conversations regarding this project and Cecil County Roads did not indicate any problem with their proposal. Mr. McWilliams stated Ms. Minner was correct, that they approved the concept plan.

Mr. Ginder noted they are asking for a waiver to remove a specimen tree from the site. Ms. Minner stated they would have to apply for a variance as did the Logistics site for Southfields.

Mr. Ginder asked if a six (6) foot vinyl fence could be placed between their property and the Guns property to the south. Mr. Wiseman stated other commercial projects have agree to place vinyl fencing in order to keep trash from blowing into the adjoining residential properties. It also

helps to buffer some of the noise and makes the view more aesthetically pleasing. Mr. Hoerner stated they have spoken with the Guns family and would be glad to accommodate that request.

Mr. Ginder questioned whether the car wash will have a dryer feature and stated how far the noise travels. Mr. Hoerner stated he was unsure of the details at this point but that he would look into it.

Mr. Wiseman asked if the 7-Eleven at Whitehall Road would be closing. Mr. Hoerner stated he believed the two stores would be working simultaneously. There was discussion regarding the size of the sidewalks and water & sewer laterals. Ms. Minner noted the sidewalks will be five (5) feet wide and since this plan is only concept the lateral sizes are not shown in detail. Mr. McWilliams noted that the sewer lines are typically 6 inches and the water connection is 1 ¼ inches. Mr. Wiseman asked if the water is recycled for the car wash to which Mr. McWilliams stated that it is.

Mr. Keane questioned whether everything which should have been submitted to the Town for this project has been received. Ms. Minner stated she believed so.

Mr. Muller asked if both parcels are in Town. Ms. Minner stated that they are. She also noted that the Rite Aid property to the west is not in Town. There was additional discussion regarding trucks pulling out onto Maloney Road. Mr. McWilliams stated they would be willing to provide a truck turning exhibit to the County if they feel it is necessary. Mr. Wiseman stated truck deliveries are likely staggered to their off hours. Mr. Hoerner stated he was correct, that is how they schedule the deliveries. Mr. McWilliams added that they provided a 35' between the edge of the asphalt and the Guns property which is about twice as much space as what is there currently. Mr. Hoerner added that they plan to heavily landscape the area between the Guns property as well as place the fence in order to respect their privacy.

Mr. Wiseman opened the floor to audience questions or comments.

Mr. Frances Guns stated their concern is where the water runoff would go. Mr. McWilliams stated they kept the same stormwater pattern and have added the underground stormwater facilities which will address the water as well. Mr. Guns stated they are also concerned about the water coming down Maloney Road. Mr. McWilliams stated that most of the water will not be leaving the site. He explained that there are four submerged gravel wetlands which clean the water so the initial storm event will be slowly released over a 24 hour period. There is also two feet of storage over each of the facilities. Therefore between the pond and the underground facilities there shouldn't be any issues with water ponding. He also noted that the soil content there is conducive to infiltration. Mr. Guns asked how these facilities would impact the number of insects if water is laying in them. Mr. McWilliams stated there would be no standing water on the surface, it will be 6-8" below ground which keeps insects from depositing larvae.

Mr. Guns voiced his concern about the rear entrance on Maloney Road being so close to their property. Mr. McWilliams stated that the majority of trucks making deliveries will be smaller

vans and box trucks rather than tractor trailers. There will not be a great deal of truck traffic. It was noted that there should not be more than a few larger trucks a week. There was discussion about trucks backing onto Maloney Road. Mr. McWilliams said there is enough room for stacking at least two tractor trailers on site.

Ms. Wendy Stein voiced her concern about trucks on Maloney Road. She stated they run the physical therapy business off of Maloney Road and she has concerns for her elderly patients. She wondered when the trucks would be delivering since their office is sometimes open until 7 or 8 at night. Mr. McWilliams said 7-Eleven will not guarantee specific delivery times so he could not answer that question. Ms. Stein wondered how long the project would be under construction and how that would affect traffic. Mr. Hoerner stated construction takes approximately 150 days. He said they don't know at this point the amount of road improvements that will be required. They are still working with the County with respect to that. He stated that the County is going to require traffic to be operational at all times during construction.

Ms. Stein asked if sidewalks would be placed along Maloney Road. Mr. Hoerner stated they anticipate sidewalks being provided on Maloney Road. Ms. Heather Wray questioned where construction vehicles will be while the work is progressing. Mr. Hoerner stated all vehicles will be onsite. The County will require them to maintain protocol in entering and exiting the site. Ms. Stein said this has always been a bad intersection and noted that vehicles are no longer able to cross over Route 40 when leaving Maloney Road.

Ms. Ann Connor stated she agrees this corner needs improvement but pointed out that she has concerns for her well, which is already contaminated with gasoline and diesel fuel. She stated there are already three other gas stations in this general area. She also asked about security lighting around the property. She asked that they be cognizant of the fact that the lights might affect the adjoining residential properties. She also mentioned her concern about the two entrances on Maloney Road. She feels that is very dangerous. Mr. Nick Driban of Lenhart Traffic addressed Ms. Connor's concerns. He stated the need for two entrances on Maloney Road is driven by trucks needing to access the site. Since they are larger than most vehicles they will need a larger turning radius. He noted they are in the process of getting a traffic impact study underway and part of that is very extensive. They are working with Cecil County, State Highway and the Town in order to address all aspects of the traffic impacts. He noted that if any deficiencies are identified they will be required to mitigate them. During a meeting last week it was determined that the majority of the traffic in and out of the site will be from Route 40. He pointed out that the left onto Route 40 from Maloney Road has been eliminated and that will also help alleviate backups at that intersection.

She voiced her concern regarding the front entrance on to Maloney Road from the site. She feels it is too close to the vehicles turning off of Route 40 if a vehicle is exiting the 7-Eleven to go east on Route 40. Mr. Hoerner added that 7-Eleven was very aware of this issue when designing the site and the reason for the front entrance is that it allows cars and traffic to enter the convenience store and to maneuver to get gas at the front of the site and not interfere with the truck traffic using the diesel pumps at the rear of the site. If there were only one entrance it would create

more congestion and increase the likelihood of accidents both on and off site. He pointed out that the majority of traffic will be in the front of the store.

Mr. Hoerner addressed the lighting issue and stated the lights they will be using will minimize light pollution onto any adjoining properties. Ms. Connor also voiced her concern regarding the possibility of flooding from the site onto adjacent properties.

Ms. Sarah Gun mentioned that there is an active Greyhound bus stop at the Fox Hollow Coffee Shop site and she wondered if that will remain a bus stop. Discussion ensued regarding where the exact location of the bus stop is. Mr. Guns noted he has been aware of it since he was a child and feels it is important to keep a bus stop at this location. Ms. Minner stated she would like to have more information regarding this bus stop and felt if it's possible that they should maintain a bus stop at this location.

Mr. Amos Wilson voiced his concerns about the convenience store at this location. He is against the development with two entrances off of Maloney Road. He said that trucks from Sentman Distributors pull through the Keller Truck site to access Pulaski Highway. He feels it is a bad idea and mentioned that Maloney Road has a weight limit. He agrees with Ms. Connor that there is a bad line of sight at this intersection when cars are parked on the Fox Hollow site and feels the entrances on Maloney Road will only add to that issue. He stated the Southfields development is already adding a great deal of traffic to Maloney Road and the 7-Eleven will make that even worse. He said we have enough gas stations and car washes in the area and doesn't believe this store is necessary. He voiced his concerns about air quality also. Trucks sit and idle at this intersection while trying to exit onto Route 40. He is also concerned about water quality in the area with gas tanks being buried. Ms. Wilson asked if the Commission or developers had any comments about their concerns. She stated she felt their concerns are not being taken seriously. Mr. Wiseman reminded her that the traffic impacts are being reviewed by both the County, the State and the Town and they will have to comply should any problems be identified. He stated that the decisions might not be agreeable to everyone concerned but there are regulations which have to be followed for any development.

Mr. Wiseman asked if there were any more comments from the audience. There being none he asked if the Commission members had any additional comments.

Mr. Ginder asked Mr. Guns how his conversations with the developer have been. Mr. Guns said he has been very satisfied with how the developer is addressing his concerns.

MOTION: Motion was made by Mr. Thompson to approve the General Development Plan contingent upon addressing all outstanding comments as well as addressing all issues with traffic concerns made by Cecil County, State Highway and the Town. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows:

**Mr. Ginder – Aye
Mr. Keane – Aye**

**Mr. Blount – Aye
Mr. Wiseman - Aye**

OLD BUSINESS: Ms. Minner introduced Nick Cannistraci as the new Town Planner and provided information concerning his credentials.

NEW BUSINESS: Ms. Minner noted there will be a busy agenda for both the November and December meetings.

Mr. Wiseman asked Ms. Blackson if he needed to come to her office to sign the variance for the specimen trees for Southfields. Ms. Blackson stated she had one change to make and then she will forward that to Ms. Humphreys and he can come to the Town office to sign it.

Mr. Ginder stated he will be forwarding pictures of a PUD in Lancaster County, PA which he visited. He said he was very impressed with the architecture and overall layout of the PUD.

Mr. Muller mentioned an article regarding the Southfields project in the Baltimore Business Journal. He mentioned the architecture of the townhomes which they are proposing for Elkton.

The next meeting of the Planning Commission will be on Monday, November 9, 2020.

There being no additional items for discussion, Mr. Wiseman adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Brie Humphreys