

**TOWN OF ELKTON
PLANNING COMMISSION
OCTOBER 11, 2021
VIRTUAL MEETING MINUTES**

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

Absent: Art Blount

Mr. Wiseman called the meeting to order at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the September 13, 2021 meeting as written. There being no corrections from the Commission members Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the September 13, 2021 Planning Commission meeting as written. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Keane – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF BOHLER ENGINEERING REPRESENTING NEW COASTAL DEVELOPMENT, FINAL MAJOR SITE PLAN, 732 E. PULASKI HIGHWAY; TAX MAP 033C, PARCELS 170 & 171, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Eric McWilliams of Bohler Engineering was in attendance to present this request. He stated they are presenting the Final Major Site Plan for the 7-Eleven at the corner of Pulaski Highway and Maloney Road.

Mr. Wiseman asked Mr. McWilliams if he had received comments from the Town and KCI. Mr. McWilliams stated he received comments from everyone except KCI.

Mr. McWilliams stated they are proposing a 7-Eleven at the corner of Pulaski Highway and Maloney Road. The project is on a 2 parcel tract of about 2 acres. The parcels currently contain an abandoned coffee shop and outdated motel which will be removed. Currently there are 2 entrances off of Route 40 and 2 entrances off of Maloney Road.

Mr. McWilliams stated they are proposing a 4500 square foot convenience store, car wash, and gasoline canopy. They are proposing a right in and right out access off of Pulaski Highway as well as Maloney Road. He stated they have been working with Cecil County and State Highway with respect to ingress and egress.

He noted that at the previous meeting they had requested a design waiver for the number of parking spaces between landscape islands. That request was not made a part of the motion and therefore they are requesting the approval of the design waiver again this evening.

Mr. Wiseman asked Mr. McWilliams if the Traffic Impact Study comments had been addressed. Mr. McWilliams stated that they received comments from SHA within this week and would forward a copy to Ms. Minner. Mr. McWilliams asked Mr. Driban of Lenhart Traffic Concepts

to address the comments. Mr. Driban stated they have had extensive correspondence with SHA. Mr. Keane asked him to give a general overview of State Highway comments regarding the traffic impact study since the Commission is looking at Final Site Plan approval. Mr. Driban stated they were given approval from SHA and he will forward the comments to the Town. They have received approval from the County for Maloney Road which is designated as a collector road. Both entities have concurred with the findings of the traffic impact study.

Mr. Keane questioned what minor changes SHA is requesting for. Mr. Driban said they are typical improvements which are requested in order to bring the right of way up to the required SHA standards. Mr. Driban explained that when SHA reviews packages similar to these there are two separate reviews – the traffic impact study itself and also a review of the plan documents. So they may approve one and ask for revisions on the other. He stated he believes the questions are regarding the design plans rather than the traffic impact study.

Mr. Wiseman asked if a sidewalk was being required on Maloney Road. Mr. Driban stated Cecil County has not requested that the sidewalk be extended down Maloney Road but ended the sidewalk on the store property. Mr. Wiseman asked for any correspondence which states the sidewalk is not required beyond the 7-Eleven property. Mr. McWilliams stated they can provide the comments from Cecil County. He stated that mainly their comments addressed stormwater flow numbers which they wanted him to look at differently. He stated that in the scheme of things these are minor comments and should have no impact on the design.

Mr. Wiseman posed questions about KCI comments regarding stormwater with respect to clarifying the equations used for the calculations for sewer flow. Mr. McWilliams stated the calculations used were State standards and they came out high. He stated he can guarantee that much sewer will never be needed for this project. He estimated, from his experience with other plans for 7-Eleven the average sewer usage is 1,500 gallons/day for the store and 2,000 gallons/day for the car wash.

Mr. Keane asked about KCI's comment regarding Singerly Fire Company comments which remain open. Mr. Koenig stated they are looking for a letter from Singerly for the file stating they have no objections. Mr. McWilliams stated they have been working with Singerly and their comments are minor.

Mr. Keane had questions regarding when the landscaping would be planted. Mr. McWilliams stated usually the landscaping is the last thing completed on the project so he is thinking it will be done next fall. Mr. Keane wanted to confirm that the plantings would not be done in the winter. Mr. McWilliams said the landscaper would work with the Town regarding plantings.

Ms. Minner asked about trees which were not shown on the buffer yard or landscape schedule. Mr. McWilliams explained they are proposing these trees in addition to the landscape trees and they were kept separate per plan. He stated they can combine the plans and add a note. Ms. Minner stated her reasoning was with respect to the bond for forest conservation that all the landscaping is included.

Mr. Thompson asked whether they are considering sloped curbing for this project. Mr. McWilliams stated that this site has already been designed but future 7-Eleven projects will probably have sloped curbing. Ms. Minner noted that should they decide to make that change during the construction process they could request that administratively and shouldn't have to come back before the Commission.

Mr. Keane asked Ms. Minner if all the components of Appendix A have been satisfied to her satisfaction. Ms. Minner noted they are requesting a variance to the number of parking spaces between landscape islands but as long as they can address the comments she has no concerns.

Mr. Wiseman opened the floor to public comments. Mr. Francis Guns raised a question about the Greyhound bus stop which is located along Route 40 at this location. He asked if there has been any conversation about whether this stop would be removed. He stated that every morning and every evening a bus will stop there. Mr. Driban stated in the State Highway comments it was noted that there is a fixed transit service in the vicinity of the site and that all roadway improvements must provide for and maintain ADA compliant access to existing and future transit facilities. He stated they are required to coordinate with State Highway regarding this use in plan submittals and they are aware of the bus stop. Ms. Minner asked if the bus stop will be at the 7-Eleven site. Mr. Driban stated they noted the bus stop was there and have informed them they must maintain ADA compliance and access. He stated there is nothing noted that suggests the bus stop may be moved.

Discussion ensued regarding a shelter, where buses access the area, the fact that there is a Cecil County bus stop on the east side of Maloney Road opposite this location and whether these two bus stops could be combined, and whether changes to the decel lane could assist to accommodate the pickup of bus passengers. Mr. Driban provided the name of Luis Gonzales, the Assistant Division Chief of MDOT SHA's Innovative Contract Division and Richard Baker, the Division 2 Engineering as the contacts regarding the bus access. Mr. Driban stated he cannot speak to the subject of the Greyhound bus stop since Greyhound does not own the property or have legal access to the shoulder of the road where the bus is currently stopping. He stated they have been directed to maintain the County Transit Station.

Mr. Muller stated he believes the SHA comments are referring to the County Transit stop since there is no designation where the 7-Eleven is proposed regarding a bus stop and the bus simply stops on Route 40 because that is what they choose to do not because they have a right to do so. Ms. Minner stated she would like to see some coordination between Greyhound and SHA with respect to the bus stop at this location. Mr. Muller stated there is no existing agreement between Greyhound and the owners of this property. Mr. Tim Hoerner, 7-Eleven developer, stated Mr. Muller is correct that there is no existing agreement with Greyhound and they have no authority or right to necessarily stop there.

Ms. Minner pointed out that this bus stop has been at this location for over 60 years and is part of the public transit system. She stated she was asked to check on this bus stop when she attended the County Transit meeting. Mr. Muller stated he believes Greyhound needs to work this out with Cecil County and State Highway and that this issue should not be placed on the property owner where the 7-Eleven is being proposed.

Mr. McWilliams stated he is unable to give approval or denial for the Greyhound bus to continue to make stops at this location but there should be no change, the shoulder will remain. He said he doesn't know if 7-Eleven would have an issue with the bus stopping where they do currently as long as they don't block access to their property. Ms. Minner stated that sounds reasonable and noted that 7-Eleven, Greyhound and SHA need to work together regarding this subject.

Ms. Guns asked for clarification as to how the land elevation difference (approximately three feet) between their property and the road and how this will be addressed during development. Ms. Minner provided a copy of the plans for Mr. & Mrs. Guns to review. Mr. McWilliams explained there is a fairly wide buffer of around 30 feet between the activity on the site and the Guns property. He stated this was done in order to give them as much of a buffer as possible. He noted the grade transition will be very minor in this area. He noted there is a stormwater facility moving towards the Rite Aid but still adjacent to the Guns property and it sits down a little bit from their site. He noted that when the project is complete it will be fairly level. There will be no grading onto the Guns property. Ms. Minner addressed some of the Guns questions specific to the plan.

Mr. Wiseman entertained additional questions or comments from the public. There being no other questions he closed discussion for this agenda item.

MOTION: Motion was made by Mr. Keane to approve the Final Major Site Plan for New Coastal Development contingent upon addressing all outstanding comments, including those from Singerly Fire Company, providing confirmation with State Highway and the Greyhound Bus Company with respect to the location of the existing bus stop along Pulaski Highway and allowing for a design waiver for the number of parking spaces between landscape islands. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Ginder – Aye; Wiseman – Aye. The motion passed unanimously.

REQUEST OF MORRIS & RITCHIE ASSOCIATES REPRESENTING D. R. HORTON HOMES, LLC, PRELIMINARY MAJOR SUBDIVISION PLAN, PARCEL C, TAX MAP 033D, PART OF PARCEL 2450 AND TAX MAP 33G, PART OF PARCEL 79, ZONED PUD (PLANNED UNIT DEVELOPMENT)

Ms. Amy DiPietro of Morris & Ritchie Associates was in attendance to address this request. She introduced Ray Jackson, Ryan Humphrey and Jeff Ratnow of Stonewall Capital, as well as Tim Hartman and Jay Heilman from D.R. Horton. She stated this is the Preliminary Major Subdivision Plan for Parcel C for the Southfields Development. The proposed site is a little over 65 acres and they are proposing 146 single family detached homes with an average lot size of 50'x 90'. She showed plans from the initial concept to what they are proposing in the preliminary plan in order to show the changes which have been made. Notable changes to the original PUD plan are the relocation of the multi-family homes, the sports park and the single family development on the west side of Route 213. In March of 2021 there were other significant changes including the adjustment of the entrance to the development north along Route 213 to accommodate the entirety of the Sports Park Complex to the Frenchtown Road side of the site and relocating the multi-family homes to the Whitehall Road side of the site. She

stated the reason for the changes was the encroachment on steep slopes, the forest and other natural resources. There were a number of iterations of the plan as they worked with Town staff and KCI to refine the layout and come up with a plan that could meet the intended density but honored more of the natural resources, specimen trees and high priority forest. Ms. DiPietro presented the current plan which addresses the noted concerns and is 37% forested.

She noted the neighborhood parks which total approximately 2.2. acres. She stated they have been working with the Town and KCI to come up with a campus layout for the proposed pumping station. They are still working on some details but feel they are close to addressing the major components and accommodating the different size vehicles which will need access to the area. She noted that a force main will service the site which will follow along Heddy Boulden Boulevard to Southfields Boulevard and along the interior parcel line of the Burkentine parcel. The force main will discharge out into the Whitehall Road sewer. The proposed water main will follow a similar route but will extend out to MD 213 where it will eventually connect during the Parcel H development and continue down MD 213.

Ms. DiPietro stated they have submitted landscape, forest conservation, site, utility and grading plans. They still have some comments from the Town and KCI which will need to be addressed as they move toward their final subdivision plan submittal. They are hoping the Town will be amenable to approving the preliminary subdivision plan as it has been presented.

Mr. Wiseman commended MRA and everyone involved with addressing the majority of comments provided by the Town and KCI. He also commended Ms. Minner for all her efforts in handling a development of this size and scope. Ms. Minner noted some items which still need to be addressed such as variances for priority forest and specimen trees, the fact that the neighborhood park acreage needs to be recalculated to meet the required criteria, stormwater management facilities in the back yards of some of the homes which only have a 25' rear setback. This is a big issue since it takes up a good bit of the rear yard which allows little use of the property for the homeowners. She asked for an explanation of how these items will be addressed.

Ms. DiPietro stated they were waiting to see if the preliminary plan was approved in order to determine which priority forests and specimen trees would be involved before they submitted the variance request. She stated they used the Town Ordinance requirement for calculating the neighborhood park acreage rather than the PUD requirements. She noted they had initially proposed using the Sports Park as a large part of the neighborhood park requirement for the entire PUD. She stated the Town is not agreeable to that plan so they will be using the Town Code calculation of .015 acres per dwelling unit rather than the .02 shown in the PUD.

With regard to the stormwater management on the lots they would appreciate guidance on how to address this comment as it will be a challenge. They will work with the Town and KCI to work this out and if unsuccessful they will come back before the Commission with a revised plan.

Mr. Keane voiced his concern that there are numerous lots in the subdivision which have a lot width of less than 50 feet, which is the minimum lot size frontage. Ms. DiPietro noted that in

each instance the lots which appear to have less than 50 feet are in a cul-de-sac or in a curved area where the actual lot width is measured at the setback. She stated they would make a notation on the plan to that affect. Ms. Minner clarified her comment was that for those lots where you have to shift the building restriction line back further it would need to be noted for each lot so that when building permits are issued it will be clear where the setback falls on the lot. Ms. DiPietro said they will add additional documentation for clarification.

Mr. Keane asked about lots which Ms. Minner requested to be removed due to impacts to wetland buffers or intermittent streams. Ms. DiPietro stated they are working to address that comment. Mr. Keane questioned comments with respect to stormwater facilities discharging into priority forest areas. Ms. DiPietro stated they will work with KCI and Ms. Minner to determine the best way to address this concern. Ms. Minner stated they are concerned about any change in hydrology which would adversely affect the health of the forest.

There was discussion regarding the proposed driveway widths. Ms. DiPietro stated they had originally proposed 20'x17' driveways in an effort to limit impervious surface. She said D.R. Horton has agreed to provide 20'x20' driveways.

Mr. Keane pointed out that Mr. Davis had made a commitment to provide a presentation to the Commission and/or public regarding stormwater management plans and the traffic impact studies in order to address some of the concerns of residents in the area. He noted how the projects are moving along but these specific concerns have not been addressed in a way that would be beneficial to the public. Ms. DiPietro stated they can make these documents available in order to share them with the public whether on the Town's website or in a public meeting. Ms. Minner stated she would work with MRA in order to provide the information to the public but she was unsure whether our server would handle the size of the files. Mr. Keane stated he felt a presentation for the public would be the best way to handle it so they can answer questions.

There was discussion about how sections of the project have changed since the original presentation. Ms. DiPietro noted that single family housing will be provided on both sides of the PUD. She said there is a senior living component that is proposed on the frontage of Whitehall Road to the north. She pointed out that they have several different consultants involved with the project at this point with a different engineer for each. She told Mr. Keane they would be happy to put together a presentation on stormwater and have Lenhart attend for questions from the public.

Mr. Jackson stated they would be happy to do a presentation with respect to traffic impacts. He noted that each of the projects is independent of the others and therefore there is not a global stormwater management plan. He said each project will bring in their own separate and distinct stormwater plans but that he would be glad to make a presentation for each project and provide an overall traffic plan for the PUD to date. Mr. Keane thanked them for their willingness to address the public's concern with respect to these two specific issues. Mr. Jackson said he would get it scheduled tomorrow.

Mr. Ryan Humphrey of Stonewall Capital asked for clarification as to what the Commission members as well as the public would want to learn. Mr. Wiseman stated he believed they need

to be site specific. Mr. Keane stated he believed people wanted to see how the water runoff will be collected, how it will be filtered and where the water will end up.

Mr. Thompson questioned how they came up with names for the streets. Ms. Minner explained that she had recommended the name Heddy Boulden for historical purposes. She was a young slave woman who was instrumental in stopping the British from burning Elkton by giving incorrect directions. Mr. Thompson voiced his concern that the road name 'Kensington Avenue' would be confusing with Kensington Courts being so nearby. Ms. DiPietro stated they could go back to the developer and provide a change to that particular street name.

Mr. Ginder asked when the architectural design would be reviewed. He stated since this will be a more upscale neighborhood he would like to see monument signs in each of the residential home sections. Mr. Humphrey stated the original submittal had monument signs shown. Mr. Jackson stated he would send over this information.

There was discussion regarding the road name Magnolia. It was noted the name had already been changed since it conflicted with another road name in the County.

There being no additional comments from the Commission members, Mr. Wiseman opened the floor for questions or comments from the public.

Mr. Francis Guns voiced his concern about the amount of truck traffic along Maloney Road looking for the warehouse site. He said most are carrying structural steel or are cement trucks. He noted there is no signage to direct them to the correct entrance. Mr. Ray Jackson stated he would contact Trammel Crow and ask them to address this issue.

Mr. Bill Romanelli asked for clarification on the date of the plan. He wondered if he could get an overview of the residential units within the PUD. Mr. Jackson informed him that he can go on the Southfields site and it would provide a great deal of information. Mr. Romanelli asked if there were any offsite improvements, such as road widening, associated with the PUD. Mr. Wiseman stated that would be addressed in the traffic impact study which is in the initial stages for this part of the project and will be presented in the future. He asked which parts of the PUD have been started. It was noted that currently the Trammel Crow warehouses are in progress.

Mr. Keane mentioned 'chat' conversations during the meeting referencing the fact that the houses would be on slabs for this project. Someone was asking if basements were possible. Mr. Heilman stated he had addressed those questions when they were posed. There being no other questions or comments Mr. Wiseman closed discussion for this agenda item.

MOTION: Motion was made by Mr. Ginder to approve the Preliminary Major Subdivision Plan for D. R. Horton Homes, LLC contingent upon addressing all outstanding comments and providing a presentation addressing the stormwater management and traffic impacts with respect to the PUD for public information and communication. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Keane – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

Ms. Minner addressed the ‘chat’ conversations taking place during the meeting. She informed all parties that any discussion needed to be done within the public forum in order that everyone will have a chance to be involved and ask any questions they might have.

Mr. Jackson stated he contacted the Mayor & Commissioners by email to request a meeting with regard to stormwater and traffic concerns. He stated he also contacted Trammell Crow with respect to the sign on Pulaski Highway to direct traffic for the warehouse to the appropriate entrance.

OLD BUSINESS: Ms. Minner stated the annexation at Belle Hill and 279 was approved. She stated there are a number of people asking about older projects which have been sitting idle (Patriots Landing, Summit at Walnut Hill, Gray Mount Commons).

Mr. Wiseman asked whether any progress has been made on the dog park. Ms. Minner stated work has begun.

NEW BUSINESS: Ms. Minner noted there is another annexation being requested. There are a number of hotels coming in. She stated there is a Sheetz convenience store coming in.

There were questions about the progress in the demolition of Rudy Park. Ms. Minner stated the process has already begun.

There were questions about the Harbor Freight in Big Elk Mall. They have been in for variances for their signage.

There have been no projects submitted for the November meeting but a special exception has been submitted.

The next meeting of the Planning Commission will be on Monday, November 8, 2021.

There being no other items for discussion Mr. Wiseman adjourned the meeting at 7:46 p.m.

Respectfully submitted,

Brie Humphreys