

**TOWN OF ELKTON
PLANNING COMMISSION
NOVEMBER 10, 2008**

PRESENT: David Wiseman, Chairman; H. Fred Thomas, II, Vice Chair; Donna Short; Asma Manejwala; Sue Whitaker; Brad Carrillo; Commissioner Mary Jo Jablonski, Ex-Officio; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning, Theresa Thomas, Planner; Brenda Humphreys, Building & Planning Department

ABSENT: None

Mr. Wiseman called the meeting to order at 7:00 P.M. At the onset of the meeting Mr. Wiseman stated that due to the large number of attendees at this meeting, and allowing for everyone who wished to speak, that public comments should be directed to the Board, be to the point and stay within a five (5) minute timeframe.

Mr. Wiseman introduced the following three amendments:

Amendment to the Elkton Zoning Ordinance regarding:

Section 8.2 Permissible Uses Table, 6.140 Convention Center/Venue permitted with conditions in the C-1, C-2, C-3, BI, and BP Zones (See Article XII, Section 51)

Ms. Minner familiarized the Board and audience with the amendment to the Town Zoning Ordinance regarding Convention Center/Venue. She stated that the Town had been approached by a local business owner wishing to open a business that was not described in the existing zoning ordinance. She noted that she and Craig Trostle, the zoning administrator, worked together on the language being proposed. She read the proposed language (see copy attached) for those at the meeting.

Mr. Wiseman noted that the Board has reviewed this amendment on several occasion and this language is the end result of that review. Ms. Short questioned the language which states 'Shall not include sleeping rooms' and wondered if a hotel wished to be located at this site, that provided a convention center, how would they go about getting permission to have sleeping rooms. Ms. Minner stated that they would need to be requested separately. She noted that hotels are permitted by special exception but the convention center use would require separate approval from the Planning Commission.

Mr. Wiseman entertained additional comment from the Board or questions from the audience.

Mr. Paul Marino of Whitehall Road asked if a map was available to show the amendment being discussed. Ms. Minner stated that it would include numerous areas within the zones being proposed.

MOTION: Motion was made by Ms. Short to recommend approval to the Mayor & Commissioners of Amendment to Section 8.2 Permissible Uses Table, 6.140 Convention Center/Venue as written. The motion was seconded by Ms. Manejwala and unanimously approved.

Amendment to the Elkton Zoning Ordinance regarding:

Section 8.2 Permissible Uses Table, 10.220 Automobile, Light Truck and Other Vehicle Storage Lots (See Article XII, Section 10)

Ms. Minner stated that this amendment was driven by an inquiry regarding a proposed business in Town which was not addressed in the current zoning ordinance. She stated that currently this type of business is associated with a towing operation and therefore needed to be broader in scope. She read the proposed language (see copy attached) for those at the meeting. Mr. Wiseman noted that the Board had previously reviewed this amendment and had requested Ms. Minner to draft this language.

Mr. Wiseman entertained questions from the Board and the audience. There were none.

MOTION: Motion was made by Ms. Manejwala to recommend approval to the Mayor & Commissioners of Amendment to Section 8.2 Permissible Uses Table, 10.220 Automobile, Light Truck and Other Vehicle Storage Lots as written. The motion was seconded by Mr. Thomas and unanimously approved.

Amendment to the Elkton Zoning Ordinance regarding:

Section 8.2 Permissible Uses Table, 1.430 Housing for the Elderly or Handicapped (See Article XII, Section 29)

Ms. Minner stated that the Town was approached regarding housing for the elderly within the downtown area and it was determined that the ordinance was silent regarding density for this use within the RO and C-1 zones. The language was corrected to allow one (1) residential unit for each 750 square feet of net lot area in the R-2 and R-3 zones, and one (1) residential unit for each 600 square feet of net lot area in the RO and C-1 zones. She noted that these are the only two changes to the language regarding density.

Mr. Wiseman entertained questions from the Board and the audience. There were none.

MOTION: Motion was made by Ms. Short to recommend approval to the Mayor & Commissioners regarding Amendment to Section 8.2 Permissible Uses Table, 1.430 Housing for the Elderly or Handicapped as written. The motion was seconded by Mr. Thomas and unanimously approved.

MCCRONE REPRESENTING SOUTHFIELDS, PLANNED UNIT DEVELOPMENT, CONCEPT PLAN, 1990 RESIDENTIAL UNITS & COMMERCIAL AREAS, ROUTE 213 & FRENCHTOWN ROAD, TAX MAP 316, PARCEL 169, ZONED R-2, TAX MAP 319, PARCEL 2450, ZONED R-2, TAX MAP 320, PARCEL 2369, ZONED R-3, TAX MAP 320, PARCEL 2371, ZONED R-1, TAX MAP 320, PARCEL 2390, ZONED C-2, TAX MAP 323, PARCEL 79, ZONED R-2, TAX MAP 323, PARCEL 91, ZONED RP, TAX MAP 323, PARCEL 454, ZONED RP AND TAX MAP 324, PARCEL 2394, ZONED R-1

Mr. John Fellows of McCrone, Inc., Mr. David Parrack, Esquire, and Mr. Bruce Schneider, Principle of Southside, LLC were introduced to the Board. Mr. Parrack stated that they are presenting the Concept Plan for the Planned Unit Development on the south side of Route 40. It consists of numerous parcels with an approximate land area of 750 acres +/- which extends from the Elk River to Frenchtown Road and Maloney Road. These properties have been acquired over the past 7-10 years and the concept has been to come up with a cohesive development plan for the entire spread of the parcels. They decided to go under the Planned Unit Development provision of the Elkton Zoning Ordinance. The Town has grappled with the water and sewer problems for a few years and this has been an impediment to moving forward with this development. However, they have entered into an agreement with the Town of Elkton which they believe will help to solve some of the issues with water and feel the development of these properties will contribute to helping take care of the construction the Town will have as far as the new sewer plant operation. This plan, and the agreement with the Town, is predicated upon being able to get some 2500 units on the properties owned by Southside. Mr. Parrack stated that while 2500 units seem like a lot, existing zoning would permit approximately 2750 units. They are looking to try to develop this project in a comprehensive manner while at the same time meeting the goal of the agreement with the Town, which is a condition of the ability to get water from the property owned by Southside. The first hurdle is Maryland Department of the Environment (MDE) since they must approve the ground water allocation and appropriation. If approval is received from MDE, the question will be whether they can get these units spread out across these properties.

Mr. Parrack noted that this will be the first PUD that the Town has dealt with. He went over the procedure called out in the zoning ordinance. He noted that they appeared before the Mayor & Commissioners in May of 2007 and they approved them going forward with the preliminary PUD application to the Planning Commission. Since that time the applicant has been working on the development plan which they are presenting. They are asking for the entire property, on both sides of Route 213, to be a part of the PUD, however they are currently showing only the easterly side of Route 213. The reason they are handling it this way is that under the terms of the PUD regulations, the Planning Commission, and ultimately the Mayor & Commissioners, control the density, setbacks, lot sizes, yard sizes, etc. He indicated that the PUD regulations supersede any of the zoning regulations for the R-1, R-2 & R-3 zones which are part of this project. He noted that with respect to Phase I they would be using density that would otherwise be on the east side of Route 213. He stated that they would not exceed the overall density allowed.

Mr. Fellows conveyed that they are dealing with the four parcels on the east side of Route 213, north of Frenchtown Road, between Frenchtown Road and Route 40. This portion of the PUD contains approximately 405 acres and is located in the underlying zoning districts of R-1, R-2 & R-3. This portion of the PUD is not located in the Chesapeake Bay Critical Area or any flood plain district. The site is generally rolling and contains a fair amount of wetlands, the majority of which is wooded. The majority of the upland areas contain open fields but there are some pockets of wetlands in these areas.

Mr. Fellows stated that the site is bound by Frenchtown Road on the south. They have access to Route 40 to the north, access to frontage on Route 213 on the west and frontage on Whitehall Road but access is prohibited by the environmental constraints of wetlands in the wooded area in that section of the road, they also have frontage and access available out to Maloney Road but do not plan any access onto that road.

He stated that the plan was designed using principles of neo-traditional neighborhood design which includes a mix of housing types and sizes to accommodate varying age groups of households, income levels and sizes of households. They are proposing tree lined walkable streets which will contain sidewalks, bike paths and other pedestrian paths to promote and give opportunity for many modal means of transportation. They recognize that this is a human scale type of project and therefore have designed many of the buildings close to the streetscape and providing rear entry driveways and service roads to try to put vehicular traffic behind the streetscape. They have provided varying amounts of open space and have provided either neighborhood parks or community greens in each of the neighborhoods which are then connected by a network of open space and path systems. A community gathering building and recreation area are centrally located in the project and interconnected with open space areas. He mentioned integrated neighborhood commercial areas, one on Route 40 and one adjacent to Route 213 at Frenchtown Road.

Mr. Fellows stated that their plan is for this portion of the PUD consists of single family lots clustered around the eastern and southern portions of the property. The carriage homes (twins) are centrally located in the development and townhouses located along the northern portion and environmental easement areas. The apartments are located at the intersection of Frenchtown Road and Route 213. A central boulevard that extends from Route 40 to Frenchtown Road is the main vehicular access to the majority of the project with minor residential streets radiating from that boulevard. There are three other access points to Frenchtown Road and an emergency access road to Bridgewell Parkway.

Mr. Fellows stated that 25% of the tract area is required to be open space which constitutes 101 acres of open space. They have provided 181 acres of open space that is not encumbered with wetlands. 50% of the required open space must be suitable for active recreation and they have provided 51 acres of active recreation either in the neighborhood park areas scattered throughout the project or in the central community recreation area. He stated that they have located the densely populated areas in areas where the surrounding land use is more intense.

Mr. Fellows stated that this portion of the development includes 1,990 units which include 510 single family dwellings, 238 twins (duplexes), 900 townhouses and 342 apartments. Public water and sewer will be provided subject to the agreement made between Southside, LLC and the Town of Elkton. Stormwater management will be provided through various stormwater facilities at different locations throughout the project to control stormwater runoff and details will be provided as they move through the PUD process.

Mr. Fellows stated that they have received review letters from Ms. Minner dated 10/31/08 and KCI dated 11/3/08. He stated that a number of the comments will be provided at a later date in the process. He went on to address some of the comments as follows:

Planning Department Letter of 10/31/08

Comment # 1 – Intent of PUD – Mr. Fellows stated that they feel they have designed an excellent project that incorporates a number of design principles consistent with a PUD such as a walkable community, varying house sizes, an abundant amount of open space and centralized recreation area.

Comment # 2 – Inadequate water capacity – Mr. Fellows stated that they are aware of this water issue, however wells will be tested and they feel there will be adequate water capacity in the future. Mr. Wiseman asked if any numbers have been received as yet. Mr. Parrack stated that they have not received any numbers at this point. Ms. Minner interjected that the Town has done no testing as of this date. Mr. Schneider stated that he thought the testing was scheduled and that they are looking for approximately 200,000 more gallons being provided than will be necessary for this project.

Comment # 3 – Allowable density – Mr. Fellows stated that this comments is speaking to their request to transfer 103 units from the west side of Route 213 to the east side of Route 213 and understanding that any future development on the west side would be reduced by 103 units.

Comment # 4 – Irregularly shaped lots – Mr. Fellows stated that, as Mr. Parrack mentioned, they will be looking for recommendations from the Planning Commission regarding lot sizes. He stated the general measurements for single family are 60' x 100 and for townhouses are 20' x 100' and these will be reviewed with the Board as the process continues.

Comment # 6 – # of townhouses in a row – Mr. Fellows stated that the number of units in Section 1 was shown in error and would be corrected.

Comment # 7 – Off-street parking – Mr. Fellows stated that the parking requirement for a PUD states that two parking spaces are required per unit. Ms. Minner stated that additional parking is required as needed referring to overflow/satellite parking.

Comment # 8 – 200' setback requirement for apartment buildings – Mr. Fellows asked whether Ms. Minner was referring to a specific location. Ms. Minner pointed out that the plan is showing an adjacent property line for the apartments next to the commercial area which are separate parcels.

Comment # 9 – Recreation areas for apartments – Mr. Fellows stated that they have provided neighborhood parks in the apartment area which will be further defined in future submissions.

Comment # 12 – Dimensions & access to natural park areas, etc. – Mr. Fellows stated that they will provide these dimension details.

Comment # 13 – Dimensions of reservations, open space, etc. - Mr. Fellows stated that they will provide these dimension details.

Comment # 15 – Provide telephone numbers – Mr. Fellows stated that these will be provided.

Comment # 21 – Provide fire department and pedestrian access easements – Mr. Fellows stated that there are two sets of townhouse units that are back to back, the remaining units back up to open space. He stated that they will separate the two sections of townhouses with an area of open space between them.

Comment # 23 – Show and label intermittent/perennial streams and buffers – Mr. Fellows stated that he was aware of only one intermittent stream which extends up from the environmental easement area. Ms. Minner asked about one in the Bridgewell Parkway area. Mr. Fellows stated that if there is one at that location it would not be within a development area.

Comment # 37 – Maintenance of neighborhood parks without impacting wetlands – Mr. Fellows asked if Ms. Minner was addressing certain locations. Ms. Minner stated that there are some unusual configurations in the neighborhood parks which include wetlands and she wants to be certain the wetlands are not impacted when they are maintained. Mr. Fellows stated that they would show this in detail at a future submission.

Comment # 38 – Open space & neighborhood parks using ‘leftover’ land – Mr. Fellows stated that he disagrees with this comment as they carefully designed the project so that there is a network of open space in each neighborhood area that interconnect to one another. Each neighborhood area contains a park and a green for community gathering and each neighborhood backs up into open space, with the exception of the two townhouse units mentioned previously.

Comment # 41 – Access for Sections 14-16 to recreation area to the east – Mr. Fellows pointed out that there is the ability to place a walking trail through the environment easement area for access to the open space and the pathway system on the east side. There is also a parking lot associated with the community building to access the community building or central recreation area by bike or car.

Comment # 43 – Show acreage of open space not in wetlands – Mr. Fellows stated that the 181 acres of open space provided are all free of wetlands.

Comment # 48 – Who will maintain service roads? – Mr. Fellows stated that the service roads should be paved and the details of maintenance will be determined in a future submission.

Comment # 50 – Explain 6.2.9 of Note #18 – Mr. Fellows noted that they have requested relief on two timeframes in this section. There was a typo when noting 6.2.9, it should have been 6.2.a. He stated that this concerns applying for a building permit within a year after the floating zone has been approved. 6.2.c relates to providing 75% of public improvements within three (3) years of PUD approval. He indicated that KCI pointed out that it would be difficult to provide those improvements within the three year timeframe due to the size of the project.

Comment # 53 – Commercial areas 1, 2, 3, and 4 included in total acreage. Mr. Fellows said that he did not see where that requirement is called out in the Town Zoning Ordinance. Ms. Minner commented that it is not clear but that it appeared to her that these areas were counted twice, once for commercial use and once for residential density.

KCI Comment Letter of 11/3/08

Comment # 2a – Zoning compatibility between proposed/existing neighborhoods – Mr. Fellows noted that the project was designed to try to meet the context of the surrounding area

by placement of the single family houses near other single family homes and the multi family homes in either the Route 40 & Route 213 corridors or around the environmental easement area so as not impact adjacent property owners.

Comment # 2b – Relief from time constraints – Mr. Fellows pointed out that KCI's comment states that it would be difficult to develop up to 75% of the community within three years.

Comment # 5 – Expanded recreation plan for multi-family section – Mr. Fellows stated that they have provided limited neighborhood park areas however, due to restrictions of the wetlands and woodland areas they were unable to provide the central recreation fields that are in other areas of the project for the multi-family sections previously discussed.

Comment # 6 – Setbacks, lot sizes/dimensions to be established by Planning Commission – Mr. Fellows stated that they have provided detailed examples which show the building envelope only. The setbacks for townhouses are shown as 25' front setback and 20' rear setback which leaves a 55' deep building envelope. Allowing for a typical townhouse depth of 30 to 40', their proposal allows 15' for placement of a deck or front porch, if desired. It needs to be understood that, although this example graphically looks like a building lot, it is actually the building envelope and therefore, the actual dimension may include a front porch or rear deck.

Comment # 7 – Land coverage to be verified not to exceed 35% of total PUD area – Mr. Fellows stated that a calculation was taken which included all the dwelling units, roads, sidewalks, commercial area (at 80% impervious), recreation areas and associated parking, sheds or decks for units of 300 sf for each unit for singles, twins and townhouses and came up with an impervious coverage of 32%. Ms. Minner inquired whether this included all commercial and apartments. Mr. Fellows stated that he would provide a copy of that calculation to Ms. Minner. Mr. Wiseman asked if this calculation included the west side of the project. Mr. Fellows stated that it does not. Ms. Minner interjected that they would need to provide the calculations specific to the west side of the project when that part of the project is submitted.

Comment # 8 – Mr. Fellows stated that they have shown the open space but will provide more detail in order for the Planning Department to determine the open space acreage.

Mr. Fellows pointed out that they have a recorded plan which indicates that Map 320, Parcel 2392 can be used as part of the open space requirements. Mr. Fellows stated that he would provide the Town with a copy of the recorded plan.

Comment # 11 – Maximum of 8 townhouses in one continuous building – Mr. Fellows noted that he is aware of this issue and will make the necessary changes to the plan.

Comment # 12 – Minimum side yard setback for townhouses – Mr. Fellows stated that this is illustrated in the typical townhouse layouts and although it is not readily visible on this scale it will be visible in future submissions which will be at a larger scale.

Comment # 13 – Provision for pedestrian access at rear of townhouses – Mr. Fellows stated that this item will be addressed.

Comment # 15 – Building heights – Mr. Fellows stated that they will address this comment to show townhouses and apartments heights not exceeding 40' and single family and twin unit heights not exceeding 35'.

Comment # 20 – Minimum separation between intersections on same side of road – Mr. Fellows advised that they are requesting a waiver for this comment.

Comment # 21 – Cul-de-sac lengths – Mr. Fellows advised that they are requesting a waiver for this comment.

Comment # 23 – General project phasing to be provided – Mr. Fellows pointed out that phasing is shown above the Plan Notes section of the submittal which shows sections of the project as well.

Comment # 24 – Listing of variances, waivers and special exception requests – Mr. Fellows communicated that as the project moves along there may be additional requests and they will be included as they are identified.

Comment # 25 – Individual grade lines labeled and legible – Mr. Fellows stated that this was a printing error and will be corrected.

Comment # 27 – Design for access to Route 40 and Route 213 – Mr. Fellows stated that they have already had one scoping meeting with State Highway and will incorporate any other requirements in either a traffic study or the intersection design.

Comment # 29 – Additional information regarding emergency access lane – Mr. Fellows stated that they have property that extends up to Bridgewell Parkway and an easement would therefore not be necessary. Ms. Minner pointed out that the ‘stub’ road ends at a forest conservation easement. Mr. Fellows stated that they would amend the forest conservation easement if necessary.

Comment # 30 – Remnant area in Section 12 not incorporated – Mr. Fellows asked to which area Ms. Watson was referring. Ms. Watson pointed out the area with respect to her comment.

Mr. Fellows concluded his response to the comments and the presentation of the plan. Mr. Thomas asked them to address the issue regarding the school impact study. Mr. Parrack advised Mr. Thomas that he met with Mr. Perry Willis of the Cecil County School Board with respect to school impact and was informed that they would review the need for expansion or building of facilities as the homes are constructed. Mr. Parrack noted that their conversation included the general requirements in terms of minimum size facts which the school board uses for various levels, grade, middle and high schools. He stated that his understanding was that Bohemia Manor would be the schools impacted by this growth and would remain until such time as the school board determined a new facility would be required.

Mr. Parrack addressed police services and stated that he has not spoken with the police department as yet. Based on whether or not a separate police station would be required, he felt a half an acre lot would be sufficient to address that need. Ms. Minner stated that she had spoken with Mr. Perry Willis and he was concerned about adequate capacity in their schools for a project of this magnitude and were disturbed that this was the first they had heard about the project. Mr. Parrack stated that he did in fact meet with Mr. Willis and would provide information regarding what they discussed. He mentioned that they discussed how the school plans for future acquisition of teachers and staff.

Ms. Short asked if Mr. Willis had provided any timeframe for when a new school facility might be required. He stated that they talked about redistricting and the current capacity of the schools within the area. There was further discussion regarding the timeframe and other issues with respect to providing facilities.

Discussion followed regarding the number of people which will be added to the area by way of this project. Mr. Parrack stated that general planning uses 2.3 to 2.5 persons per unit.

Mr. Wiseman inquired why they chose to develop this project as a Planned Unit Development. Mr. Parrack stated that it seemed logical to deal with issues across the broad acreage and spectrum. He observed that this type of development would be more difficult regarding the Board's review. Mr. Fellows stated that it also provides more flexibility in development. Mr. Wiseman noted that this flexibility needs to go both ways. He voiced some concern regarding the number of comments, the number of waivers that might be requested, and need for better blending of commercial and residential units. He pointed out that in his research he has investigated other Planned Unit Developments which he feels are better blended than this initial plan. He noted the number of citizens at the meeting who are concerned with this proposal.

Mr. Carrillo asked why the west side of the project was not submitted at this time in order for the Board to see the entire project. He felt that more information needed to be presented prior to decisions regarding lot size, dimensions and the possible need for police, schools, etc. Mr. Fellows stated that this is the initial step of the PUD. Mr. Carrillo pointed out that he felt the initial step should have looked at the dimensions, etc. prior to determining density for the project. Mr. Parrack confirmed that he should have addressed the need for additional police and response to the south side of Town and if necessary how much land would need to be set aside. He did not feel the land issue should be determined this soon in the process. Mr. Fellows pointed out that the reason the project design was looking toward different developers handling different parts of the project. Discussion continued regarding suggestions on different ways to design the project with respect to blending of commercial and residential areas. Ms. Manejwala stated that she would like to see a move toward a mixed use project. Ms. Short stated that she understood that the commercial areas were for use of this project as opposed to other citizens 'on their way home from work'. Mr. Fellows stated that they felt the two major commercial components shown needed to be placed where they would get the most traffic into the development. Mr. Schneider stated that those who have a professional interest in this project feel the commercial areas are where the project will be entered and therefore should be located accordingly. There was continued discussion regarding the design of the project and its asset to the community from both the Board and the developers' perspective.

Mr. Wiseman asked if there was any flexibility to reduce the overall number of units on the east side. Mr. Fellows stated that they are trying to limit the impact to the west side due to the Critical Area issues because they are unaware of the constraints that may be placed by the Critical Area Commission. Mr. Wiseman conveyed that the Board is in the same position and so it is difficult to make a decision without knowing what the next phase looks like. Mr. Parrack stated that there would never be any greater density on the west side. Mr. Carrillo stated that he is not looking at the density at this point because he does not feel it is the main issue. This looks more like a density plan than a concept plan.

There was discussion regarding the 'look' of the second phase of the project. Mr. Fellows stated that it would be helpful to get an idea of what the Planning Commission is thinking

about lot size. Mr. Wiseman stated that until they see a different scale of the plan it will be difficult to determine lot size. Mr. Carrillo suggested that they apply the same assumptions on Phase 2 as they did on Phase 1 with regard to needed lot size, etc. He suggested that they include possibilities such as acreage for a police department, fire department or a future site for a school. Ms. Short stated that she feels it is asking a lot to try to make a determination about lot size when they cannot see the “whole picture”.

Mr. Wiseman voiced his concerns, regardless of whether this project is 5, 7 or 10 years to complete, that the entire Town will be affected by this development. He stated that overall safety has not been reviewed with regard to Frenchtown Road no shoulder traffic, Route 213 traffic, and lack of lights at intersections which he feels are a major consideration.

Mr. Carrillo stated that he felt it would have been advantageous for ‘all the players’ to talk and work things out prior to putting a concept together. Instead he feels the density has been determined and now they are being asked to adjust the lot size to this plan. Mr. Parrack stated that this was his intention in speaking to the School Board. The response was that no one is able to predict how many of these units will be built out within a specific amount of time. He stated that his understanding is that the School Board takes a reactive ‘wait and see’ approach to school expansions with regards to development.

Ms. Short pointed out that the School Board must go through the State to request funding, which is a long process. Mr. Parrack stated that it is not a matter of donating 35 acres for a high school. The School Board buys property and his client is not in the position to donate these acres to the Board of Education. Long range planning is more a matter of knowing there is a potential for 2500 units and determining if a school is needed and the best location for the building. Mr. Thomas asked if Mr. Willis had seen the plan. Mr. Parrack stated that he had taken the plan with him to his meeting with Mr. Willis. Mr. Parrack stated that he asked Mr. Willis what the School Boards’ criteria is for determining the need for a school or schools in development areas.

Ms. Short asked if a timeframe was given to the School Board regarding when the development would be built out. Mr. Parrack stated that it would be difficult to make such a determination due to many variables. Ms. Short noted that there is not a lot of money to build schools.

Mr. Wiseman asked Ms. Minner whether part of the PUD development states that the developer is responsible for some of the utilities. Mr. Parrack interjected information from part of the PUD requirements. He read Article XI, Section 1, Subsection 3a(7) which states “Land and places for public assembly, recreational buildings, public buildings and accessory buildings, or may require the reservation of lands for such uses if it is deemed they are advantageous or necessary for the purpose of serving the Planned Unit Development and the local community.” Ms. Manejwala asked if the Planning Commission would be responsible to make that determination. Ms. Minner stated that she believed it was their responsibility. Mr. Wiseman stated that he felt this goes back to ‘density versus concept’.

Mr. Carrillo again stated that he felt those involved should meet together to go over the plan. Mr. Wiseman stated that the Mayor & Commissioners ultimately make the decision regarding the PUD and the meeting is a public forum. He gave examples of the police, fire, public works, schools, etc. who should have a voice in this size development. Mr. Wiseman pointed out that in his review of other PUDs there is a mixed use area, public square, etc. which feed into each other and he feels the project needs to be looked at from an overall view. Mr. Carrillo added that he felt they needed an idea of how the Critical Area section would be developed and felt the Board needed to step back and look at the project on a broader scale.

Mr. Parrack stated that in order to further develop the plan they felt they needed guidance from the Board regarding lot sizes and setbacks. He asked whether the proposed lot sizes and setbacks were inappropriate and, if so, what would the Board want to be changed. Mr. Parrack pointed out that this submittal is only a concept plan and does not contain a great deal of specific details at this point.

As the discussion continued it was suggested by Mr. Parrack that findings of the Board need to be given to Mr. Fellows since he is the one doing the concept work. Mr. Wiseman suggested that the high density townhouses and apartments located near the corner of Frenchtown Road and Route 213 should be moved more to the center to alleviate traffic congestion in that area. He stated that he understands the commercial area is market driven and can probably survive off the apartments but he did not feel the townhouses needed to be in that area also. He suggested being flexible by using the open space, community center and ball fields, etc. as a central area and placing some of the density in that area because that is where most of the children will be located.

Ms. Short stated that she has been reviewing plans and this is her first time looking at a PUD and she wants to make sure it is done right. She felt it is difficult only seeing part of the development and she needed more information to make an informed decision. Mr. Wiseman stated that over the course of the past few days he has reviewed the plan and is trying to comprehend the vastness of this project. There was some discussion regarding having additional 'informal' meetings in order to work out the Board's concerns. Ms. Campbell stated that the meetings need to be done in a public forum. Discussion continued regarding a possible workshop, open to the public, and with the principal organizations invited in order to get everyone's input. Ms. Campbell stated that a meeting like that is not really any different than a regular Planning Commission meeting. Mr. Carrillo stated that he feels the PUD is different from any other project presented to the Planning Commission and has a greater impact on the Town. Ms. Campbell stated that she felt it is a larger scale but similar to all other projects. She stated that she hesitates to see the Planning Commission make radical changes to their procedure and feels the systems that are set up are adequate for review of the PUD.

Mr. Wiseman asked Ms. Minner what the next step should be. Ms. Minner stated that if the Board is not confident that they have enough information they can table the plan before sending it to the Mayor & Commissioners. Mr. Carrillo asked if Ms. Minner feels it would be reasonable to have other agencies review the plan prior to sending it to the Mayor & Commissioners in order to be fair to the community. Mr. Carrillo stated that he feels once

everyone has had an opportunity to review the plan that the information would be provided to Mr. Fellows in order to provide a revised plan. Ms. Minner stated that she felt that there should be a public process and that the meetings should be at a specified time in order that the public knows when the meetings will be. She noted that if they are changed in time then it is more difficult to inform the public.

Ms. Short stated that one of her main concerns is space in the school system. She wondered if they could approve a project of this magnitude without knowing whether a school will be available. Ms. Minner stated that the Board of Education would need to plan for expansion of school facilities and if they are unable to afford to build a new facility it is not unheard of to require the project to set aside land for not only the schools necessary but for fire and police, etc.

Commissioner Mary Jo Jablonski stated that a PUD is when the developer and the government work together to create a community and she commends the Board for the questions they are asking. She noted that the key word is 'planned' and she was glad that the Board asked to see the project on both sides of Route 213. She stated that there are some beautiful PUD's and this will be a large part of the Town and feels it is important for everyone to work together.

PUBLIC COMMENT

Robert Alt of 319 Hermitage Drive stated that he is pro-development. He stated that he does not believe this plan is actually a Planned Unit Development and that it was his understanding that if the Board approved this plan that it would go to the Mayor & Commissioners for approval. Ms. Minner stated that the Board would be making recommendation to the M&C on each stage (Concept, Preliminary and Final) of the plan. Mr. Alt stated that he agreed with Mr. Carrillo that he does not believe an informed recommendation can be made without seeing the entire plan.

David Leithren of 8 Carry Back Drive stated that his main concern is the traffic congestion. He has currently waited as long as 21 minutes at the intersection of Frenchtown Road and Route 213 and he does not believe Frenchtown Road will be able to handle this amount of traffic. He felt a serious traffic study needs to be done prior to approval of the PUD. He felt this is too large a number of dwelling units for this area. He stated that growth is one thing but this proposal is too many.

Rose Brown of 350 Frenchtown Road commended the Board for their foresight. She referenced a letter she received which she felt stated that the Town, rather than the developer, would be responsible for restoration of residential wells and provision of potable water. She wondered why the County is not involved in this project. She referenced a letter dated March 19th, from the Town of Chesapeake City, which referenced this project and she offered a copy of the letter to the Board. She referenced an agreement dated 7/19/06 by the Mayor & Commissioners of the Town of Elkton to allow a well to be drilled on this property and take

water for use by this development. She voiced her concern regarding whether the schools would be able to handle this influx of students and how the new schools would be financed.

Joe Kinney of 310 Maloney Road voiced his concern regarding the water issue. He stated that he, along with 10 or 12 of his neighbors, experienced dry wells when Artesian drilled two wells on the Maryland-Delaware Line. He stated that Artesian stated that they would reimburse them for their wells if they were found at fault. Mr. Kinney stated that they were never found to be at fault until 11 years later and then it was too late. He also voiced his concern for not only the traffic on Frenchtown Road but Maloney Road as well.

Mark F. Homiller of 668 Frenchtown Road posed questions regarding the new sewer plant and whether there was capacity to handle the number of homes proposed by this PUD. He stated that his well has never gone dry but is concerned that it may if more wells are drilled in this area. He wondered why the Town is not providing water lines and controlling the water rates rather than drilling new wells. He wondered whether the Town would need to create a reservoir because they allowed over building. He was concerned about the electric grid in the area, the increase in patients to the local hospital and how roads in the area would be affected by this development. He talked about the number of vehicles which would be using the existing road infrastructure. He asked where the utilities would be located and whether existing homes would be allowed to connect. He voiced concerns about emergency services and whether additional ones would be provided. He agreed with the Board that this plan makes it hard to tell what is being planned and that new schools would be needed just to handle this development. He wondered if his taxes would be raised in order to help finance the infrastructure for this development. He was concerned about the wetland areas and how the local wildlife would be affected. He inquired about the cost of the units being proposed and their affect on the local property values.

Ann Connor of 45 Enfield Road voiced her concerns about the proposed location of the retail areas and the three year timeframe which are called out in the requirements for the PUD. She noted that this area does not perk because of the wetlands and that if there are woods then the ground is wet. She stated that her well is contaminated and provided paperwork from MDE and was concerned that the source has not been found and whether the new wells would be contaminated as well. She stated that she was concerned about the school situation and felt that if this development cannot be responsible that it should not be approved.

John Connolly of 66 Sarah Drive voiced his concern about property values, noise, existing water contamination, the size of the proposed lots, traffic, crowding of public schools and infrastructure. He stated that he is concerned for his well when the project starts draw downs for the new wells and what would be done if wells do go dry. He wondered about financing of infrastructure, traffic concerns, costs for additional police. He stated that he e-mailed both the Town and the County Commissioners and heard from a few of them who were supportive of his concerns regarding this development. He stated that as of this evening he is not supportive of this PUD and feels it needs additional work.

David M. Birney, Sr. of 904 Frenchtown Road stated that he lives near one of the access roads for the PUD. He stated that he does not understand why a comparative market analysis and school capacity has not been done. He noted that he is currently selling his property but he believes the local residents will suffer and he is concerned for them. He noted that the people in the area are 'country folks' and are private. He stated that he agreed with all the comments made so far this evening. He felt that this area cannot absorb the impact that this development will create. He commended the Board for asking to review both sides of the development prior to making any recommendation. Mr. Birney stated that he did not feel any 'homework' was done when submitting this plan. He voiced concerns over the traffic impact, impact on the sale of his property, privacy for existing homeowners, impact on the community with construction taking place for 3-10 years, impact on the police department and the affect that the density proposed will have on the community. He felt the plan was not comprehensive enough and thought that more thorough studies needed to be done. He wondered at what point approval or denial would be granted. Ms. Minner stated that approvals would be handled by the Mayor & Commissioners for Concept, Preliminary and Final submissions.

Rose P. Brown of 350 Frenchtown Road inquired about the well at the Knights of Columbus. Mr. Wiseman stated that this well is not relevant to the discussion at hand.

John J. Kulaga, Sr. of 301 Maloney Road stated that his house backs up to the proposed carriage house area and his concerns about the wildlife in that area being displaced. He asked what would be included in the buffer zone. Ms. Minner stated that it would be a landscape buffer. Mr. Wiseman stated that a landscape plan is required and that it would be available for review. Mr. Kulaga asked who would be responsible to maintain the landscaping. Mr. Fellows stated that the Homeowners Association would maintain the landscaping. Mr. Kulaga mentioned that the stormwater pond, the size of an Olympic pool, is to be placed behind his house and is concerned about maintenance of it as well. Mr. Wiseman stated that the stormwater ponds are usually maintained by the Town. Mr. Kulaga wondered why carriage houses are placed behind single family homes rather than placing the same kind of units there instead.

Steve Lambert of 86 Sarah Drive stated that he met with Mr. Willis of the School Board and was given a printout of the capacity of schools in the area. He provided the following statistics:

- Holly Hall has a capacity of 624 and current enrollment is 619;
- Thomson Estates has a capacity of 614 and current enrollment is 531;
- Bohemia Manor Middle has a capacity of 601 and current enrollment is 478;
- Bohemia Manor High has a capacity of 643 and current enrollment is 735.

Mr. Lambert voiced concern about what would happen if the property is sold to some other developer and provided a document from NAI Land Company which is offering the sale of the property and states there is 700 acres and 2500 units with water and sewer and will entertain any offer.

Peggy Meehan of 608 Frenchtown Road voiced her concern for her children having to stand on the school bus due to the current inadequacies of the public school transportation system. She wondered how an additional 2500 homes would be able to be handled. She asked about the waste produced by these homes and how it would be handled since she has to take her waste to the County dump. She stated that she is currently in the County and wondered if she would be considered in Town once this development approved. She wondered if she would be forced to hook into Town water and sewer. Mr. Wiseman stated that these issues would be dealt with by the Mayor & Commissioners and public comment is allowed at all of their meetings which are on the first and third Wednesdays of each month.

Mr. Wiseman closed the public forum part of the meeting at 9:40 p.m.

Mr. Schneider gave a brief summary and stated that if this phase is not what the Board is looking for they would like to get some guidance regarding setbacks and lot size. Mr. Parrack stated that they would appreciate receiving more concrete impressions of what the Board would like to see in the plans submitted.

MOTION: Motion was made by Ms. Manejwala to table this decision in lieu of receiving more information with regards to the following items: Overall Concept Plan which provides greater design detail and includes both sides of the development; plan needs to show a mixed use of both residential and commercial areas including pedestrian and bike trails and walking paths; show density, open space and include more amenities such as recreation space; show creative, imaginative and desirable use of the existing space and address the needs of the school system and bring down the density in the same manner as community in Odessa, Delaware. The motion was seconded by Mr. Carrillo and unanimously approved.

Old Business – None

New Business – None

There being no further items to discuss, the meeting was adjourned by Mr. Wiseman at 9:55 p.m.

Respectfully submitted,

Brenda Humphreys