

**TOWN OF ELKTON
PLANNING COMMISSION
March 7, 2016**

PRESENT: David Wiseman; G. Edward Ginder; Keith Thompson; Rick Keane; David Fordyce; Jeanne D. Minner, Director of Planning; Mayor Robert J. Alt; Cameron Brown, Esquire; Theresa C. Thomas, Assistant Planner

ABSENT: Steve Leonard

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: A motion was made by Mr. Fordyce to approve the minutes of the February 8, 2016 Planning Commission meeting. The motion was seconded by Mr. Thompson and unanimously approved.

CASE # 1488 – REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, 106 BOW STREET, FOR A SPECIAL EXCEPTION TO PLACE AN ADULT DAYCARE FACILITY IN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 301 AUGUSTINE HERMAN HIGHWAY, ELKTON, MARYLAND, TAX MAP 320, PARCEL 2463, ZONED C-2

Mr. David Strouss of McCrone, Inc. and Mr. Mark Mears of Union Hospital were in attendance to address this submittal. The property in question is a 4.2 acre site at Southfield Park Center which was formerly a Happy Harry's Drugstore. The structure will be repurposed with an open MRI and the Adult Daycare sharing the building. Mr. Strouss addressed the entrance, traffic flow and canopy placement for the Adult Daycare's drop off area as well as the entrance for the MRI.

Mr. Strouss stated there are 88 parking spaces at this location of which 44 are required by the Zoning Ordinance.

Mr. Wiseman inquired whether both uses would be completed at the same time. Mr. Mears noted that it is likely the MRI will take slightly longer to complete.

Mr. Ginder inquired about the services provided at the daycare center. Mr. Mears stated it would be used for geriatric care which includes medical, nutritional and social concerns. He asked what transportation would be provided. Mr. Mears stated the hospital has vans which would be picking up some of the patients and family members would drop off the remaining clients.

Mr. Keane asked what the plans might be for the current facility. Mr. Mears answered that it would be repurposed into a radiation oncology facility. They hope to begin construction on a new linear accelerator vault in April in conjunction with the University of Maryland program and hope to be open by November of this year.

Mr. Wiseman inquired about the hours for the daycare facility. Mr. Mears stated they would be open approximately 7:00 am to 5:00 pm. Mr. Wiseman asked if meals would be prepared at this location. Mr. Mears said the meals would be prepared at the hospital and delivered to the facility. They would have a dishwasher and other sanitation items as required by the Health

Department. Mr. Wiseman questioned and Mr. Mears confirmed that an executive director and nurses would be on site. Mr. Mears stated that the program is regulated by the State of Maryland.

There was discussion regarding the center at Marina Plaza. Mr. Mears stated those clients would be moved to the new location as well.

Mr. Wiseman questioned whether they would be leasing or purchasing the new site. Mr. Mears explained they would be leasing from Walgreens for 7 ½ years and then their agreement will be with the owners of the shopping center. The lease agreement has 4 – 5-year options beyond the initial lease agreement.

Mr. Wiseman entertained questions from the audience. There were no questions. Mr. Wiseman entertained additional questions from the Board. There were no additional questions or comments.

MOTION: Motion was made by Mr. Ginder to recommend approval of the special exception to the Board of Zoning Appeals. The motion was seconded by Mr. Thompson and unanimously approved.

MCCRONE ENGINEERING REPRESENTING GILPIN MANOR ELEMENTARY SCHOOL, FINAL SITE PLAN, 203 NEWARK AVENUE, ELKTON, MARYLAND 21921, TAX MAP 306, PARCEL 1723, ZONED R-2

Mr. Dan Speakman of McCrone, Inc. was in attendance to address this submittal. He stated they have submitted concept and preliminary plans and are here tonight to request approval of the final site plan. Since their submittal they have received a few comments. He noted that he and Ms. Minner worked out a few of those comments prior to the meeting. He addressed a comment from KCI regarding evergreen trees in the landscape buffer which they believe will be too thick and possibly too large. They also discussed the water and sewer capacity evaluation form and they do not see any issues there. Mr. Speakman stated they have either addressed or have solid answers on each of the comments.

Mr. Ginder questioned the reason there were no parking bumpers in the lower level of the parking area. Mr. Speakman stated that the area has curbing instead and noted that the stormwater management areas have the bumpers.

Mr. Wiseman noted that there were no neighbors present at this meeting and asked if the Town had received any questions since the previous meeting when there were a number of neighbors in attendance. Ms. Minner and Ms. Thomas stated they had not received any questions from the neighbors since the last meeting.

Mr. Wiseman pointed out that they were still a few comments awaiting responses. Mr. Speakman stated they are awaiting responses from the Fire Chief and Maryland State Highway. They have made submittals but have not received responses as yet.

Mr. Thompson questioned the elevated wooden walkway shown on the plan. Mr. Speakman stated that it was shown on the landscape plan but had been removed and would be updated in the final landscape plan.

Mr. Ginder asked whether all 59 trees are shown on the landscape plan. Ms. Thomas confirmed they are shown on the plan.

Mr. Wiseman stated the lighting issue would be addressed. Mr. Speakman stated they believe they are looking at wall packs and he would be sure the neighboring properties will not be affected by light spillage.

Mr. Ginder asked for confirmation that the fencing would be solid. Mr. Speakman confirmed the fencing is solid fence.

Mr. Wiseman entertained additional comment from the Board. There were no additional comments.

Mr. Wiseman entertained comment or question from the audience. There were no comments or questions from the audience.

MOTION: Motion was made by Mr. Ginder to approve the Final Site Plan for Gilpin Manor Elementary School contingent upon receiving comments from Singerly Fire Company and State Highway Administration and upon addressing all other outstanding comments. The motion was seconded by Mr. Keane and unanimously approved.

**REQUEST OF JOHN M. MASCARI, P.E. OF FAIRHILL ENGINEERING, LLC
REPRESENTING DAVPO, LLC & FAIR HILL BUILDERS, INC., OVERLOOK AT
WALNUT HILL, EXTENSION OF REVISED PRELIMINARY – MAJOR SUB-
DIVISION PLAT, TAX MAP 306, PARCELS 2143 & 2429, LOT F, ZONED R-2 & RO**

Mr. John Mascari was in attendance to address this submittal. Mr. Mascari stated he is currently with Karin Associates but the plan was done under Fairhill Engineering. He is requesting a two-year extension for the Revised Preliminary Major Subdivision Plat. He noted that due to the economy and low building expectation and need they have not moved forward with the subdivision. In recent months there has been some turnaround and therefore the owner is looking at possibly moving forward in the future.

Mr. Mascari stated they understand they will need to redesign the stormwater management to meet current requirements as of the 2010 change in regulations. This may be accomplished near

MD 213 and the north end of the property (Lots 11 & Lot 12). They will go over this with Ms. Minner.

Mr. Mascari noted that a number of the comments are addressed on the construction improvement plans, the level of detail with proposed grading. Jurisdictional determination had been revisited three years ago and that information was provided to the Town. There are no objections. No other wetlands are in this project vicinity. This is all part of the Walnut Hill Forest Conservation plan. Vortex Environment is addressing a few small items. According to Mr. Mascari, there are two additional areas within the Walnut Hill open space where some of the existing forest is going to be protected to be able to address the needs of this project.

Mr. Ginder referenced the 2/24/16 letter from KCI referencing the requirement for meeting the new 2010 Stormwater Management regulations. He asked whether they would have to come back before the Board with those revised plans. Mr. Minner stated they would submit preliminary stormwater plans to Cecil Soil Conservation and to KCI, the Town engineers. They will need to supply final stormwater plans when the final subdivision plans are submitted.

Discussion ensued regarding tennis courts which have not been constructed as yet. It was pointed out that people have purchased properties in this subdivision in good faith and the amenities have not been built out. He asked Ms. Minner if this is a violation. Ms. Minner stated she has raised this issue with Mr. Davitt. Mr. Mascari stated he had spoken with Mr. Davitt and understood from him that the Homeowner's Association had wanted something other than tennis courts to be placed. He stated Mr. Davitt had met with the Homeowner's Association representative and Parks & Recreation to discuss this issue. Mr. Wiseman pointed out that the tennis courts are not part of the section being discussed tonight. Mr. Mascari noted there is an independent park that is part of this submittal. Mayor Alt commented that he had an issue with the statement attributed to Mr. Davitt regarding the tennis courts not being done by the Homeowner's Association since he feels strongly that the Homeowner's Association is still controlled by Mr. Davitt. Mr. Mascari responded that Mr. Davitt had mentioned to him that he is not in the same position in the HOA as he had been in the past. Mr. Mascari said he does not know all the details but Mr. Davitt had mentioned that to him recently. He stated there is a management company currently overseeing the daily needs of the Homeowner's Association. Discussion continued regarding this issue and whether it was relevant to this approval. Ms. Minner gave some suggestions regarding actions that could be taken with regard to this subject. Mr. Keane asked if approval was able to be withheld until the improvements are made in other sections. Mr. Ginder referenced a case in Delaware similar to this situation. Ms. Minner stated that changing amenities is not an issue that is 'set in stone', that modernizing the amenities is able to be done.

Mr. Ginder asked Mr. Brown whether they could postpone the decision regarding recreation space. Mr. Brown stated that the issue would be whether or not the Board felt the requirements of the Ordinance have or have not been met. Mr. Wiseman suggested that the minutes of previous meetings be reviewed to determine if any dates were set for placement of recreational equipment. Mayor Alt stated this situation can be seen as a learning curve for the Board to

determine if parameters should be put into place regarding issues such as this. Discussion continued with regard to this subject.

There was discussion regarding the condition of the roads in the subdivision. Mr. Keane questioned the lingering comments since 2008 and if any other regulations may have changed in that time. Ms. Minner stated that the only change was the stormwater management regulations.

Ms. Minner noted that they are at preliminary at this point and would have to come back before the Board prior to final subdivision approval. At that time these issues can be discussed.

Mr. Keane questioned the number of empty lots in Quail Ridge and Deer Knoll. Mr. Mascari pointed out that some of the lots are owned by others and a few of those lots have been built on in the past year. Mr. Keane asked if there were any other recreation facilities in the area. Ms. Minner stated there is a small park in this area. There is a park in Elk Ridge with playground equipment and on Mike Drive there is a small park and parking lot behind some of the townhouses with playground equipment. Mr. Mascari stated there are two established playground areas as well as walking trails through the forest.

After additional discussion it was noted that restrictions can be placed at the time of the revised stormwater management submission and revised preliminary major subdivision plan.

Mr. Wiseman entertained additional questions or comment from the Board. There were no additional questions or comments. Mr. Wiseman entertained questions or comments from the audience. There were no questions or comments.

MOTION: Motion was made by Mr. Fordyce to approve the 2-year extension of the Revised Preliminary Major Subdivision Plan contingent upon addressing all outstanding comments. Mr. Ginder called for a question whether the Board can make the approval contingent upon getting a definite report back from Mr. Davitt as to their intentions regarding the tennis courts within one year of this date. The motion was amended to include Mr. Ginder's question as stated above. The amended motion was seconded by Mr. Keane and unanimously approved.

OLD BUSINESS: Ms. Minner noted the reuse of the old Bob Evans building at the Village of Elkton Shopping Center. It will be reopened as a Hardee's restaurant.

Mr. Wiseman asked if there has been any movement by Lidl since their last submittal. Ms. Thomas stated she had spoken with them in early February and they stated they would be coming back in soon but we have received no additional submittals at this time.

Mr. Keane questioned whether the other adult daycare which had previously been approved is moving forward. The question was regarding the daycares at Alexandra's village and the daycare at 300 E. Pulaski Highway. Neither daycare has progressed beyond approval.

NEW BUSINESS: Mr. Ginder asked about the 2x4's sticking out of the ground, the banner and the tires with the word "TIRES" written on them at the tire sale business on Route 40. Ms. Minner stated she would check with Mr. Bromwell to determine what should be done.

Mr. Ginder mentioned that the car dealerships continue to place vehicles on the grass.

There were no additional items to be discussed and Mr. Wiseman adjourned the meeting at approximately 7:54 p.m.

Respectfully submitted,

Brie Humphreys