

**TOWN OF ELKTON
PLANNING COMMISSION
JANUARY 6, 2020
MINUTES**

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

Absent: None

Mr. Wiseman called the meeting to order. He asked that anyone who wished to speak at the meeting sign on the sheet provided in the hall by the rear entrance to the M&C room. He asked for any comments to be concise and approximately three minutes per speaker.

Mr. Wiseman stated the first item on the agenda is approval of minutes from the December 9, 2019 meeting. He called for any corrections which needed to be made to the minutes. Hearing none he called for a motion to approve the minutes as written.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the December 9, 2019 Planning Commission meeting as written. The motion was seconded by Mr. Thompson and unanimously approved.

REQUEST OF DAVID STROUSS OF MCCRONE REPRESENTING FIRST GLADWYNE CORPORATION, REVISED PRELIMINARY/FINAL SITE PLAN & REVISED LANDSCAPE PLAN, TAX MAP 304, PARCEL 2464, LOT 5, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Strouss of McCrone, Inc. and Mr. Todd Warner of First Gladwyne Corporation were in attendance to address this request. Mr. Strouss stated in March 2018 they began rough grading preparation for placement of the additional mini-storage units to be installed and then stopped work. They have since sold the ministorage units and have chosen to move forward with flex commercial/business units.

He stated they are proposing seven (7) units, each with front and overhead doors for small businesses such as installers, business who need storage and a small office, etc. Each office will be equipped with an office and rest room and dividing walls which can be changed depending upon the amount of square footage each use desires.

Mr. Wiseman asked if Mr. Strouss had received comment letters. Mr. Strouss confirmed comment letters had been received and did not believe they would have any issues addressing the Town comments. He did mention that KCI had requested a sidewalk be placed on Warner Road. He pointed out that in the previous design there was a sidewalk to be placed beginning at the first storage unit up to the Hampton Inn property to meet the sidewalk provided for that use. They are asking for relief from placement of the sidewalk for the remaining frontage of their property. He mentioned that there are no other sidewalks along Warner Road because there is little if any foot traffic to any of the existing businesses.

Ms. Minner responded the Town is encouraging multimodal travel throughout Town. Mr. Wiseman added that eventually the sidewalks will connect as they have seen in the past in other areas of the Town. Mr. Warner reminded them that Warner Road is a dead end and there isn't any reason for people to be walking along that road. Mr. Muller stated the Dunkin Donuts currently being built out will be required to place sidewalks. Mr. Blount noted that people waiting at the other businesses on Warner Road might walk to other businesses while they wait. Mr. Wiseman stated that not knowing what other type of businesses may go in on Warner Road that he believed the sidewalks are necessary.

Mr. Ginder asked if there were any other waivers being requested. Mr. Strauss said there were no specific waivers but mentioned KCI's comment regarding the parking islands. He showed how they will comply with the number of islands/parking spaces and Mr. DeLorimier agreed that it would comply.

Mr. Wiseman entertained other questions or comments from the Board. There were none. He opened the floor to questions and comments from the audience. There were none.

Mr. Thompson asked if the proposed building would be sprinklered. Mr. Strauss stated it would not be sprinklered but would have fire walls between the units.

MOTION: Motion was made by Mr. Ginder to approve the Revised Preliminary Site Plan and Revised Landscape Plan for First Gladwyne, Lot 5 contingent upon addressing all comments and denying the waiver request for placement of sidewalk along Warner Road. The motion was seconded by Mr. Blount and unanimously approved.

REQUEST OF AMERICAN LAND CONSULTANTS, INC. REPRESENTING AUBREY H. EWING, FINAL RESUBDIVISION PLAN, 1101 EAST PULASKI HIGHWAY, TAX MAP 316, PARCEL 2330, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Tim Granger of American Land Consultants, Inc., Aubrey Ewing, property owner, Doug Rogers of Rogers Customs and Dwight Thomey, Esquire were in attendance to address this request.

Mr. Granger stated Mr. Rogers will be purchasing the parcel on which his business, Rogers Customs, is located from Mr. Aubrey Ewing and this is the reason for the resubdivision request.

Mr. Wiseman asked if Mr. Granger had received comments regarding the resubdivision plat to which Mr. Granger noted the utilities existing on the parcel are not owned by the Town of Elkton and they would update the plan to show the utilities as being 'privately' owned.

Mr. DeLorimier questioned the number of water meters connect to these two properties. Mr. Ewing stated there are currently two water meters, one for each business.

Mr. Thomey stated they wished to clean up the property lines prior to Mr. Ewing retiring at some point undetermined in the future and this was their purpose in doing the resubdivision at this time.

Mr. Wiseman asked if they wished to address any other comments from the Town or KCI. Mr. Granger stated there were no other concerns with addressing any of the other comments.

Mr. Wiseman entertained questions or comments from the Commission members regarding this submittal. There were no questions.

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

MOTION: Motion was made by Mr. Thompson to approve the Final Resubdivision Plan for Aubrey H. Ewing as presented. The motion was seconded by Mr. Keane and unanimously approved.

REQUEST OF JOHN M. MASCARI, P.E. OF KARINS AND ASSOCIATES REPRESENTING EIRAM PROPERTIES, LLC & CAPRI PROPERTY MANAGEMENT, LLC, OVERLOOK AT WALNUT HILL, EXTENSION OF REVISED PRELIMINARY MAJOR SUBDIVISION PLAN, TAX MAP 306, PARCELS 2143 & 2429, LOT F, ZONED R-2 (SUBURBAN RESIDENTIAL) & RO (RESIDENTIAL-OFFICE)

Mr. Mascari stated they are requesting an extension of the Revised Preliminary Major Subdivision Plan for Overlook at Walnut Hill. This project contains ten (10) single family dwelling units, stormwater management and open space improvements. He said they received Town & KCI comments which were the same as those provided at the previous extension request heard at the Planning Commission meeting in February 2018. He noted any remaining comments will be addressed at Final Plan submittal.

Mr. Mascari noted that the stormwater management plans had expired and therefore a new plan, meeting the new stormwater regulations, would be required at Final Plan submittal. He stated the reason they are not moving forward at this time is due to the cost associated. The new owner is seeking a developer to take over the project for the Final Plan submittal and the current owner wishes to maintain the approvals they have currently.

Mr. Wiseman stated this plan has been in the approval process for 12 years to date and should the Commission approve another two year extension it would then be 14 years. Mr. Mascari stated that although most comments have been addressed the major issues are with stormwater management.

Discussion regarding the tennis courts changing to a dog park ensued. Mr. Mascari stated that this requirement is actually for a separate section of this project. He informed the Board he had met with the Town representatives and they were approved to replace the tennis courts with a dog park. He also noted that some of the landscaping had already been installed.

Mr. Keane questioned whether there was a limit to the number of extension which can be given for any approval. Another question arose as to what would happen if the extension is denied. Ms. Minner stated they would have to come back for preliminary/final approval.

It was determined that according to the Town Zoning Ordinance that at this point only a one year extension could be approved.

Mr. Wiseman entertained questions or comments from the Commission members regarding this submittal. There were no questions.

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

MOTION: Motion was made by Mr. Keane to approve a one year extension of the Revised Preliminary Major Subdivision Plan for Lot F of Overlook at Walnut Hill with the possibility of denial of another extension if there is no significant movement on the project within the year. The motion was seconded by Mr. Ginder and unanimously approved.

PUD OVERLAY ZONE – REQUEST OF SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT (C/O STONEWALL CAPITAL) FOR APPLICATION FOR A PLANNED UNIT DEVELOPMENT FLOATING ZONE, FOR THE FOLLOWING TRACTS OF LAND:

TAX MAP 316, PARCEL 169, CONSISTING OF 54.953 ACRES, ZONED R-3 (URBAN RESIDENTIAL), LOCATED ON THE WEST SIDE OF MALONEY ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 319, PARCEL 2450, CONSISTING OF 101.6347 ACRES, ZONED R-3 (URBAN RESIDENTIAL), LOCATED ON THE NORTHWEST CORNER OF FRENCHTOWN ROAD AND MD 213, OWNER: GRAY’S HILL DEVELOPMENT COMPANY;

TAX MAP 320, PARCEL 2390, CONSISTING OF 46.5725 ACRES, ZONED C-2 (HIGHWAY COMMERCIAL) AND R-3 (URBAN RESIDENTIAL), LOCATED ON MD 213 AND WHITEHALL ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 320, PARCEL 2369, CONSISTING OF 59.67 ACRES, ZONED R-3 (URBAN RESIDENTIAL), LOCATED ON THE EAST SIDE OF WHITEHALL ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 320, PARCEL 2371, CONSISTING OF 244.0779 ACRES, ZONED R-3 (URBAN RESIDENTIAL), LOCATED ON THE NORTHWEST SIDE OF FRENCHTOWN ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 323, PARCEL 91, CONSISTING OF 10.328 ACRES, LOCATED AT THE WESTERN TERMINUS OF FRENCHTOWN ROAD, ZONED RP (RESOURCE PROTECTION), OWNER: SOUTHSIDE LLC;

TAX MAP 323, PARCEL 454; CONSISTING OF 2.7783 ACRES, LOCATED ON THE SOUTH SIDE OF FRENCHTOWN ROAD, ZONED RP (RESOURCE PROTECTION), OWNER: SOUTHSIDE LLC;

TAX MAP 323, PARCEL 79, CONSISTING OF 66.24 ACRES, LOCATED ON THE NORTH SIDE OF FRENCHTOWN ROAD, ZONED R-3 (URBAN RESIDENTIAL) AND R-2 (SUBURBAN RESIDENTIAL), OWNER: SOUTHSIDE, LLC;

TAX MAP 324, PARCEL 2394, CONSISTING OF 39.01 ACRES, ZONED R-3 (URBAN RESIDENTIAL), LOCATED AT THE NORTHEAST INTERSECTION OF MD 213 AND FRENCHTOWN ROAD, OWNER: SOUTHSIDE LLC.

Initially, Mr. Wiseman addressed specific questions from adjoining property owners regarding the information they had received from the applicant prior to the meeting. He clarified that they received only the pages from the Elkton Zoning Ordinance showing the modifications requested in ‘red’.

Mr. Sean Davis of Morris & Ritchie Associates, Inc., Mr. Ray Jackson of Stonewall Development and Mr. Dwight Thomey, Esquire and representatives from Eco-Science Professionals, Inc.; Vortex Environmental, Inc. and Geo-Technology Associates, Inc. were in attendance to address this request.

Mr. Davis provided copies of the presentation exhibit to the Commission members and Town staff (copy attached). He noted the site plan had been adjusted to remove the Critical Area elements from the presentation. He stated these included Parcels A, B & C1. He said the PUD consists of 632.7 acres, of which 55.6 are in the Critical Area which results in 577.1 acres that remain and which will be addressed at the meeting. Within the remaining areas the residential development will consist of 96.4 acres of medium residential zoning; 32.7 acres of high density residential zoning and 54 acres for a sports complex.

Mr. Davis mentioned they are hoping to complete the plan submittal approvals sometime in the summer of 2020 with construction to begin in the fall. He pointed out that not all parts of the project will begin at the

same time and it will take years for the total build out. They provided a Phasing Plan which gave information on the projected timing of the approval process and construction for each of the three phases.

Mr. Davis noted they are permitted to place 1511 residential dwelling units but are currently only proposing 833 residential dwelling units. He stated that 60% of the residential units will either be single family or senior apartments.

The permitted commercial/retail density is 365,903 square feet. They are proposing 50,000 square feet which may include use such as day cares, restaurants, hotels, gas stations and convenience stores. The logistics/warehouse uses permitted density is 3,997,065 square feet and they are proposing 3,029,767 square feet.

The open space requirements are 25% of the gross acreage of the project. They are proposing to use 144.3 acres as part of the PUD acreage. They are proposing 255.1 acres of open space. He provided a break-down of the reaction space requirements. They are required to provide 0.02 acres/dwelling unit or 30% of the open space whichever is higher. They are proposing 67.9 acres: this includes 13.9 acres within Parcels C, D & H and 54 acres within Parcel F as shown on the visuals provided at the meeting.

Mr. Davis stated they will be providing a water tower and pump station to supplement the public water & sewer provided by the Town. He stated that "At this time, the only anticipated Town responsibilities include future maintenance of on-site sewer, water, and roadways that will be dedicated to the Town as part of the site plan/subdivision approval process."

Mr. Davis provided information regarding the cost revenue ratio for the proposed PUD for the Town and how the removal of the areas within the Critical Area affected those revenues.

Mr. Wiseman questioned if the sports complex should be taken out of the recreation calculations since it is a privately run facility. Mr. Thomey noted they will have an agreement with the owner of the sports complex for the public to use the facility. He stated they feel it would be better if the Town doesn't have to maintain the facility. Mr. Davis said that components of the facility will be open to residents at all times.

Mr. Davis mentioned there would also be a large community center and other amenities for the residents of the PUD. Discussion ensued regarding the wetlands delineation and the changes to this area since the previous wetlands delineation. Mr. Davis stated there has been a reduction in wetlands by 1.5 acres. Mr. Keane noted that until the final wetlands delineation has been completed and turned in then we don't really know what the totals will be.

There was additional discussion of the open space requirements. Ms. Minner stated that the developer claims they meet the open space requirements because they are not including wetlands or roads in their calculations. She recited information from the Zoning Ordinance specific to providing active open space suited to and used by the residents of the development. Mr. Davis confirmed that the sports complex would not be dedicated to the Town. He pointed out that if the non-residential uses were removed the open space requirements would be significantly smaller.

A discussion ensued regarding wetlands. Mr. Davis stated the wetlands delineation will be updated for the Concept Plans.

Mr. Wiseman opened the floor to questions/comments from the audience.

Mr. John Conolly of Sarah Drive stated he did not receive his certified letter until January 2, 2020. Ms. Blackson stated we received documentation regarding Post Office deliveries. She also quoted case law regarding notifications.

Mr. Conolly read his comments regarding the Floating Zone which he had provided prior to the meeting. His main concerns were: the non-residential uses of the PUD do not primarily serve the residents of the region as called out in the PUD definitions of the Town Zoning Ordinance; he did not feel warehousing belongs in the residential areas of the Town; he is concerned with the 24 hour truck traffic, bright lights at night, noise and diesel pollution. He feels significant barriers should be required. He feels these types of uses are generally lower paying jobs which is not an advantage to the Elkton community and provided supporting data. He also had concerns for both traffic and school impacts with the number of homes being proposed. He provided supporting data with regard to the impact for overcrowding in the area schools.

John Bilsak of Whitehall Road questioned how the water and sewer were being provided for this project. He had concerns for the wells of the local residents. Mr. Davis stated the water would be supplied by public utilities and that there is a current well that would supplement those utilities. Mr. Bilsak asked about the potential to draw down the existing wells and if any remediation is being provided. Ms. Minner provided information regarding Well # 4 on the west side of 213 off Frenchtown Road. She stated a draw-down test of had been done in the past and based on that testing a permit for 500,000 gallons had been approved for the well.

He also had concerns regarding the open space being for Southfields residents only and costs related to upkeep of the open space to the residents. Mr. Davis stated the HOA fees are required to be provided at settlement to anyone purchasing homes in the project.

John Guns of Enfield Road stated he had the same concerns as Mr. Bilsak with the water and wells. He also was concerned about run off to surround properties and how the open space would be maintained if the HOA became defunct.

John Munley stated he also had concerns about the same issues brought up by Mr. Guns and Mr. Bilsak.

Gary Collins had concerns about the open space and wetlands being filled in. Mr. Davis stated that there are regulations and requirements in place if wetlands are being filled which would have to be met. Discussion ensued regarding open space requirements and parks & recreation space. Mr. Collins asked that the Commission not approve the overlay zone until these issues are resolved. He also voiced issues with traffic concerns.

Christel Petrizzo of Augusta Drive voiced her concerns regarding the impacts of the warehouse use on the surrounding community and felt the parks provided should be for the use of everyone rather than just those in the PUD.

Peter Kline of Town Point Road had concerns about the water quality impacts of this development with all the work that has been done on stream restoration which was paid for by the taxpayers. He stated there will be a lot of impervious surface created by the warehouses which will eventually run off into the Little Elk Creek and he has concerns for how stormwater management issues would be handled.

Brian Williams of Frenchtown Road felt this development needed to be a benefit for everyone not just those living there. He questioned how schools would be funded since he had been a teacher and there are too many students per class now. He was concerned about the traffic issues and road improvements that would be

needed and he felt traffic lights are necessary. He also was concerned for the impact on first responders, hospitals, trash removal, water runoff and wells. He asked what the benefit was for existing residents? He said there are many retail spaces within Town that are currently vacant and didn't see a need for more commercial uses. He hoped the Commission members would consider County residents who would be impacted by this development even though they do not live in Town limits.

Mr. Wiseman assured the audience that he has a vested interest in Elkton since he lives and works here and that he and the Commission are doing their best and they have the opportunity to create something that would be an asset to this community. He confirmed that everyone's concerns are important to him and pointed out that his signature goes on these plans forever and that matters to him.

Ms. Williams of Frenchtown Road also voiced her concerns for the impacts to the schools in the area.

Mr. Keane noted that all the regulations which have been voiced can be found in the specific details of Appendix A in the Zoning Ordinance which addresses what has to be provided when any plan comes before the Board for approval.

Mr. Wiseman mentioned that the Commission has no authority with respect to the public schools. He stated that is within the purview of Cecil County Public Schools to make those determinations. He reminded everyone that at this point they still did not have any plans showing what is being proposed with respect to the residential part of the PUD. Mr. Davis stated he believed the pupil counts provided by Mr. Conolly are larger than the actual current pupil counts.

Robert Wilson of Lee Drive was concerned that the signs posted for the meeting were not placed in the correct locations, specifically the one identifying the Heuster Tract. He also had concerns about the forest stand delineation. Ms. Minner stated that will be addressed at Concept Plan.

Jennifer Jonach of Chesapeake City asked that the impacts for Elkton as well as the surround communities be considered. Her areas of concern were regarding infrastructure (roads, bridges, etc.); impacts to the Chesapeake Bay Watershed; the burden on the existing tax base; the ratio of housing to warehouse and commercial uses and how this development appears to be inconsistent with the Town's Comprehensive Plan.

MOTION: Motion was made by Mr. Ginder to recommend approval of the PUD floating zone request for Southfields of Elkton Capital Development, LLC to the Mayor & Commissioners. The motion was seconded by Mr. Thompson and unanimously approved.

CASE # 1557 – REQUEST OF SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT, LLC REPRESENTING TRAMMELL CROW COMPANY FOR A SPECIAL EXCEPTION FOR THE FOLLOWING: ARTICLE X, PERMISSIBLE USES, SECTION 7, PERMISSIBLE USES TABLE, 10.200 STORAGE OF GOODS NOT RELATED TO SALE OR USE OF THOSE GOODS ON THE SAME LOT WHERE THEY ARE STORED, WAREHOUSING AND SECTION 7, PERMISSIBLE USES TABLE, 10.210 ALL STORAGE WITHIN COMPLETELY ENCLOSED STRUCTURES. THIS ACTION CONCERNS PROPERTY LOCATED SOUTH OF US ROUTE 40, NORTH OF FRENCHTOWN ROAD, WEST OF MALONEY ROAD, IN ELKTON, MARYLAND, TAX MAP 320, PARCEL 2371 AND TAX MAP 316, PARCEL 169, ZONED R-3 (URBAN RESIDENTIAL)

Mr. Sean Davis addressed this request. He stated they are proposing logistics warehousing which is permitted by special exception as part of the Town Zoning Ordinance. He provided comment regarding

the conditions of granting a special exception according to Article IV, Section 6: 1) That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare. He stated they do not believe the establishment, maintenance, or operation of the proposed warehousing use will be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare of the surrounding community. He pointed out there are numerous warehouses throughout Cecil County and Elkton currently. It is a very specific use and in many instances it is considered a minimalist use;

2) That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. Mr. Davis said they do not believe this use will be injurious to the use or enjoyment of other properties or cause depreciation of property values within the surrounding neighborhoods. He pointed out that the underlying zoning for this property is mainly R-3 and that 250 acres of residential use could hold as many as 3,500 homes. He noted that in terms of traffic, lighting and noise he believes the warehousing use would be no more detrimental at the proposed location than 3,500 homes whether at this location or any other location on the property. He said there will be measures taken, as part of the buffering and screening process to mitigate disturbances to adjacent properties. These will clearly be shown on the Conceptual Site Plans;

3) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. He mentioned that as part of the PUD Overlay Zone they are stipulated specific design standards for residential and non-residential uses. The west side of the parcel with proposed warehousing is resource protected and the vast majority of residential properties along Sarah Drive and Maloney Road will be provided with substantial buffers. Although most of the residential properties will be at least 150 feet from this property they are proposing additional buffers for any residential properties within 50 feet of their property;

4) That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided. Mr. Davis noted that as discussed earlier all the services to this parcel (I) will be public services. He stated that the stormwater management requirements must also be met according to the requirements of Cecil County, the Town of Elkton and Cecil Soil Conservation;

5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. There will be one access point to the logistics warehouse facility which will be off of Route 40. There will be no access onto Frenchtown Road. He knows there have been a number of questions concerning this subject. They have met with State Highway Administration to evaluate the potentials for that intersection and he stated it is likely a traffic light will be warranted. They will provide a traffic light if it is required for adequate access and egress from the site;

6) That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the Town of Elkton. He stated the current Comprehensive Plan for the Town is approximately ten (10) years old. At the time the Comprehensive Plan was written in 2010 this area was identified as

Town Estate (R-1) and now it is at the highest density zoning of Urban Residential (R-3). Therefore the current zoning will not be consistent with the 2010 Comprehensive Plan. He added that with a major PUD the intensity of the uses that are proposed in his opinion are no more intense than the uses that are permitted under the existing zone. He noted that the real estate industry has changed over the course of the last ten years;

7) That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use. As part of the PUD process they will come before the Board with specific concept plans and there will be opportunity to make sure adequate buffers are being provided with neighboring properties on Sarah Drive and Maloney Road. The regulations that are part of the PUD are substantially more onerous in one way and beneficial in another way than the existing underlying zone. There are additional requirements such as architectural requirements. The stormwater management requirements would be the same and then there is the access point off of Route 40;

8) Conditions and Guarantees. Prior to granting of any special exception, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Article XII. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. He stated this is part of the stipulation that the Board of Zoning Appeals may place any condition they deem necessary for this use. He confirmed that they would comply with any conditions placed by the Board of Zoning Appeals during the site plan approval process.

Mr. Thomey addressed the Commission and clarified the fact that if this use was placed anywhere else in Town in the R-3 zone the same concerns voiced previously regarding this use would be the same. He noted that through the PUD process it can make this have less invasive in this location than in any other area where there are high density residential zones. He noted that this special exception, as required by the Town Ordinance, needs to be presented before the concept plan for the warehousing use can be presented.

Mr. Wiseman entertained questions or comments from the Commission members. Mr. Ginder asked the distance from Building 1 to the residential properties at the east and north of the parcel. Mr. Davis indicated on the north side there will be a 200' parking, loading and service drive along with a 50' required bufferyard. On the east side they are proposing a parking lot which will be a part of the preliminary/final site plan approval for a potential future use. He noted that the proposed use may require additional parking depending upon the type of use which will ultimately be in that location. Building 1 will be 45' from the parking lot and currently there are no trees between it and the residential properties on the east side. This gives the potential for them to build a nicely landscaped berm in accordance with the buffer requirements. He noted the PUD is subject to the most intense buffer requirements in the Town code (Bufferyard E). Mr. Wiseman inquired if they are planning the use of fencing to buffer the building from the residential properties. Mr. Davis stated they have not planned any fencing. Mr. Wiseman suggested they look into that particularly relating to trash and noise concerns. He gave an example of where that has been helpful to alleviate adjoining property owner reservations.

Mr. Wiseman asked if the one road coming in off of Route 40 would handle the traffic for all three buildings. Mr. Davis confirmed that it would and stated the road would be sixty (60) feet wide. Mr. Keane stated he believed that when any special exception is submitted that there should be a specific reason why that particular use should be granted and he asked Mr. Davis to explain what that reason might be. Mr. Davis said he felt there were a few reasons. First, he said it is a viable land use. He stated the country is shifting more towards warehousing from retail uses. Second, because of the size and nature of the site it is capable of providing room for substantive warehousing space. Third, it provides a great economic benefit to the Town and County. It doesn't require excessive services like other types of uses. It doesn't generate school children and the water and sewer uses are relatively low as opposed to 2,500-3,500 homes. He also stated he felt it was a complimentary use to the other uses proposed in the PUD. He believes the warehousing will provide additional job opportunities for residents of both the Town and Cecil County.

Mr. Thomey stated he feels the concept of a PUD can provide many different uses as opposed to the same area being all business or all residential properties and will generate more tax dollars than expenses. They are hoping to meet the goals of the PUD requirements with the different uses being proposed.

Mr. Blount inquired if any other areas or properties were considered for the PUD. Mr. Davis noted that other properties in the County which would be applicable to industrial space are currently being developed for that use. He gave Principio Business Park as an example. He noted that the proposed site is relatively flat and therefore a lot of grading is not required and it has a variety of natural buffers.

Mr. Keane referenced the general standards with reference to special exceptions which states 1. "That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare." He asked Mr. Davis to state why he believes this use will not affect any of these standards. Mr. Davis stated he did not believe there was anything inherent in the use that would be dangerous to public health or safety, etc. There are other potential industrial uses that would be more detrimental to public health and safety. He feels the proposed warehouse use is innocuous. He stated there isn't as much traffic associated with this use as there would be with 3,500 homes. He does not believe it will cause any health issues.

Mr. Ginder asked if they would consider placing offices at this location near the residential properties rather than warehouses. Mr. Davis explained there is not a demand for professional offices in the market place today even though there is a demand for health care. He said Morris & Ritchie Associates works with some of the largest office developers in the State. He gave an example of a new office building built by Merritt Properties in Aberdeen which sat vacant for almost three years. He said that is the nature of the market. It may come back in the future but there just isn't a demand for office space right now.

Ms. Minner asked if Mr. Davis had any idea of the amount of truck traffic that would be anticipated. Mr. Davis stated he didn't have those figures but it would be part of the required traffic impact study. Ms. Minner stated her reason for the inquiry is concerns for air pollution, noise and lights from the trucks. Mr. Davis stated those concerns are part of the purpose of the buffer yard requirements in order to mitigate the impacts to adjoining residential properties.

Ms. Minner also mentioned the concerns of property owners along Maloney & Frenchtown Roads who are on well and septic. She said that in residential zones you don't have the amount of impervious

surface as you do with the large buildings and parking areas associated with warehouse uses. Due to this there is concern for recharge areas and existing wells in the surrounding region and she told Mr. Davis they need to be cognizant of these concerns. Mr. Davis responded and said that as part of the Stormwater Management regulations that are currently in effect they are required to put the water back as quickly and as close to the covered area as possible. It also is required that the water is in the same or better condition when it is replaced into the ground.

Mr. Thompson asked which building would be constructed first. Mr. Davis said Building 1 would be the first building constructed. The reason for this is that the infrastructure access for these buildings will be generated at Route 40 and then brought into the site.

Mr. Thompson asked if there was an idling ordinance in place with regard to diesel trucks. Ms. Minner stated she was not aware of any such regulations in the Town's Zoning Ordinance or other regulations.

There was discussion regarding the possibility of an upcoming meeting to focus on jobs for this region. Councilman Coutz stated he believed Mr. Conolly had been in contact with Director Moyer and a meeting is supposed to be within the next two weeks. Mr. Conolly stated the intent is to have a jobs focus meeting with representatives from Southfields, leadership from the Town and the County, and the County's Economic Development staff to focus on jobs creation specific to Southfields because it is that important.

Mr. Wiseman asked if the Board or Ms. Minner had any additional questions or comments. There being none he stated he would call on individuals from the audience who had signed up to speak regarding the special exception application. He asked them to try to stay within a 3-4 minute timeframe with their comments and/or concerns.

Mr. John Conolly of Sarah Drive stated his comments regarding the PUD Floating Zone part of the meeting remain the same for the special exception application (copy attached). He asked that the Commission deny the special exception due to the economic reasons he had previously given. He does not feel this is a proper jobs concept. He appreciated the comments made this evening but feels other forms of work are necessary. He has spoken with Mr. Davis regarding buffering and knows he is working diligently to address his concerns but it doesn't make him feel any easier knowing what will be coming in his back yard.

Mr. Conolly noted there will be bright lights at night and the fact that this is a proposed 24-hour operation. The excessive diesel exhaust is a major concern for the public health due to the carbon monoxide. He felt the property values will be affected by this use and a person's home is one of their greatest financial interests. He wondered if anyone would want to trade places with him. He has tried to be professional and give reasons for why he has addressed the specific topics he has mentioned. He asked the Commission to let the jobs concept meeting take place with the developer, the Town and the County and to deny the request for the special exception.

Mr. Wiseman asked whether the jobs concept meeting would be open to the public. It was determined it was being set up by the County's Economic Development department and would not be open to the public. Mr. Wiseman asked why a representative from Economic Development was not at this meeting. Mr. Coutz stated he would pass along their concerns.

Mr. Keane pointed out an inconsistency in the numbers for employment impact provided in Tables 1 and 2. Table 1 provides for 2,512 whereas Table 2 notes 1,250 referring to the estimated number of employees. Mr. Davis stated he believed the difference was the number on Table 2 is referring to the construction phase of the project.

Mr. John Guns of Enfield Road stated he is in agreement with the concerns made by Mr. Conolly with the warehousing right in their back yards. He stated he has been in the trucking industry all his life. He said the trucking industry will never change – it is 24/7, 365 days a year. He pointed out that refrigerated trucks have to maintain a certain temperature and they will be running. Someone pointed out that Maryland State law only allows idling for five (5) minutes. Mr. Guns said trucking is a dirty job. There are environmental contaminants coming off the trucks in rain, snow, etc. and will be going on to the ground and it will affect the surrounding properties. He does not believe this is the location for this type of use.

Christel Petrizzo of Augusta Drive questioned why they are proposing this use in this location as opposed to a different use. Her understanding was it would make money for them and the Town. She felt it was a conflict of interest for the developers to have input into the PUD language in the beginning. She stated she didn't believe anyone with a financial interest in the PUD should have any say in the writing of the language. She felt it was inappropriate to show the warehousing in the slide since it hasn't been approved. She feels the question of the number of trucks needs to be answered for Ms. Minner before they are allowed to go forward. She encouraged the Commission to look at the interests of the town to make their decision regarding this use in this location.

She commented that the owner of a neighboring property who was unable to be at the meeting simply asked if the Commission members would vote for this in their own back yards.

Peter Kline of Town Point Road voiced his concern regarding the industrial part of this submittal and asked the Commission members to vote to deny it.

Robert Wilson of Lee Drive addressed the Heuster Track on the General Use Plan asked how much of that property is forested. Mr. Davis said he did have firm figures but knew it was heavily forested at the northern part of the track. He added that an updated Forest Stand Delineation would be required at Concept Plan submittal. Mr. Wilson asked if this tract contained wetlands to which Mr. Davis replied that there were wetlands. Mr. Wilson said that most of the Heuster tract is where the warehousing will be going which means that most of that forested area will not remain. His concern is for the disruption of the flow of ground water with the removal of so much pervious surface for the warehouses.

Jennifer Jonach of Chesapeake City, Maryland voiced her concerns about environment health with reference to the warehousing use. She said the residents need to be protected by encroachment by commercial and industrial activities. She doesn't believe this use is consistent with the interests of the region. Her specific health concerns were diesel exhaust from the trucks which, according to the World Health & UN Known Carcinogens List is a known Root 1 carcinogen. It is also recognized as a carcinogen by the National Institutes of Health and the CDC. It can cause lung cancer and has a positive association with bladder cancer. Because of the fine particulate nature it is easily inhaled and can result in severe cardiovascular disease, cardiovascular pulmonary disease, difficulty breathing, coughing and nausea. She stated OSHA also recognizes diesel exhaust as a known carcinogen. She mentioned in 2013 the Clean School Bus Act was passed by the EPA to curb student exposure and 700 loading bays are

being placed as part of this proposed warehouse use in people's back yards. She can't understand how the people sitting in this room can say there will be no adverse impacts from this decision to residential properties.

She stated she does not believe this is consistent with the Comprehensive Plan. She stated when she was working for DuPont they were looking for office space a few years ago and there was nothing available in this region. She understands that real estate fluctuates and office space may not be as necessary now as in the past. She said she hopes the Commission makes the right decision and stands by the people of this community.

Rose Brown voiced her concerns for people's health in the area with regard to the warehouse use.

Bill Horne agreed that diesel emissions need to be considered. He asked about a 3:1 replacement required for removal of the trees and whether other trees would have to be planted somewhere to replace them. Ms. Minner stated that replacement is required only in the Critical Area Buffer where trees need to be replaced 3 to 1 if removed.

MOTION: Motion was made by Mr. Thompson to recommend approval of the special exception request for warehousing contingent upon a study concerning the health and environmental impacts of warehousing use on the surrounding residential neighborhoods. The motion was seconded by Mr. Keane.

Recognizing a motion and a second, Chairman Wiseman requested a vote. The record of the vote is as follows:

Mr. Blount – Nay
Mr. Ginder – Yea
Mr. Keane - Second
Mr. Muller – Yea
Mr. Thompson – Motion
Mr. Wiseman – Nay

OLD BUSINESS – Mr. Ginder asked if the entrance to the Dollar General was built according to Town specifications. Mr. Wiseman asked if the utility pole was going to remain at the current location. Ms. Minner noted that the power line was supposed to be moved. Mr. DeLorimier stated he would look into it for the Board.

NEW BUSINESS – Ms. Minner informed the Commission of an annexation request that will be submitted to the Town for property adjacent to Upper Chesapeake Corporate Center.

There being no additional items for discussion, Mr. Wiseman adjourned the meeting at 9:58 p.m.

Respectfully submitted,

Brie Humphreys