

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

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

Absent: None

Mr. Wiseman called the meeting to order. He stated the first item on the agenda was approval of the minutes from the December 7, 2020 meeting. He called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the December 7, 2020 Planning Commission meeting as written. The motion was seconded by Mr. Keane and unanimously approved by the remaining Commission members.

REQUEST OF BOHLER ENGINEERING REPRESENTING NEW COASTAL DEVELOPMENT (7-ELEVEN) FOR A VARIANCE FOR THE REMOVAL OF SPECIMEN TREES. THIS ACTION CONCERNS PROPERTY LOCATED AT 732 E. PULASKI HIGHWAY & 411 MALONEY ROAD, TAX MAP 033C (316), PARCEL 170, AND TAX MAP 033C (316), PARCEL 171, ZONED C-2

Mr. Eric McWilliams of Bohler Engineering was in attendance to address this request. They are requesting to remove four (4) specimen trees on this property. They had been before the Commission previously for a 7-Eleven with a convenience store with gas pumps, a car wash and small diesel facility. The current site has an old motel and coffee shop. These trees are in the middle of the property and are in the area between these two uses. He stated that if they do not remove these trees there would not be enough property on either side to place anything substantial while within the current standards.

He stated there are four trees which include 2 sycamores, 1 tulip poplar and one pin oak. He said the tulip poplar has a cavity in it but the other trees are in good shape. Mr. Wiseman asked Ms. Minner to give an overview. Ms. Minner stated that the variance for removal of trees is heard by the Planning Commission rather than the Board of Zoning Appeals. She said once the Commission makes their decision she will forward the information to the State. She stated they don't approve or deny the decision made but they do want to be advised of what the Town is approving.

Mr. Keane asked if they would be required to replace the trees which are removed. Ms. Minner stated the Town Ordinance does not require mitigation. She said she checked with the County and they don't either. She noted that if the trees were in the Critical Area they would likely need to be replaced.

Mr. Wiseman asked whether the codes referenced in the comments were from the Town code. Mr. McWilliams stated they prepared the application in such a way as to address the Town code.

Mr. Wiseman asked if other Commission members had any questions. There were no questions. Mr. Wiseman noted that this property is in the Priority Funding area.

Mr. Wiseman opened the floor to audience questions. Mr. Guns asked for clarification regarding what constitutes a specimen tree. Ms. Minner explained that a tree which is 30 inches in diameter at 4 ½ feet above the ground or is 75% or more of the diameter measured at 4 ½ feet above the ground of a current

state champion tree of that species as designated by the Department of Natural Resources. She explained that they will be removing other trees but that these particular trees require a variance. She noted that any other trees being removed would be addressed by their forest conservation plan.

MOTION: Motion was made by Mr. Muller to approve the variance for the removal of four (4) specimen trees for New Coastal Development. The motion was seconded by Mr. Blount with the remaining Commission members voting unanimously to approve the motion.

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. John Mascari of Karins and Associates was in attendance to address this request. He stated they are requesting an additional one year extension of the Preliminary Major Subdivision Plan for Overlook at Walnut Hill subdivision. He stated the last year has been a difficult one financially along with the issues with the Covid-19 virus. Mr. Mascari said the owners' primary goal has been to find a new owner and developer to go forward with the project. With no additional information to provide he stated he would be glad to answer any questions from the Commission.

Mr. Ginder asked if they currently have a potential buyer. Mr. Mascari stated his understanding is that there is a potential buyer that is very promising. Mr. Chris Polizzi informed the Commission they have been working diligently to find a buyer for the property and have been given a letter of intent from a local developer who is interested and who typically builds high end custom homes. Mr. Ginder asked if the potential buyer was aware of the outstanding comments for the project including stormwater management and the installation of the dog park. Mr. Polizzi stated he's not aware of the situation with the dog park but they have made the potential buyer aware of the other things which need to be completed.

Mr. Wiseman asked if they had received the review letters for the project. He stated he had not and assumed the comments were the same as the last submission. Ms. Minner stated she had not sent anything since 2018 but that KCI may have forwarded a comment letter. Mr. Koenig of KCI stated there was only one change from their previous letter which was in comment #3 which references a drainage easement that needs to be expanded from 12' to 15'. Mr. Wiseman asked if the stormwater management waiver had expired. Mr. Koenig confirmed that it had and stated they would need to move forward or update the plan to the current code. Mr. Polizzi said that he had not seen the letter.

He noted that the letter of intent, which he shared with the Commission members, confirmed that the builder intended to purchase the building lots. Mr. Polizzi explained the situation regarding the change of ownership for this project. He noted that the previous owner was no longer involved. Mr. Polizzi explained that they have been looking for someone with expertise in developing the project and believe this new builder intends to complete the project.

Mr. Keane asked when the previous extension would expire. Ms. Minner explained that they had submitted plans prior to the expiration of the extension but were taken off the agenda until issues regarding the dog park were addressed. Ms. Minner explained that there were outstanding funds from the Walnut Hill project which were going to be used by the Town for completing the road and it was determined between an agreement with the Town and Mr. Davitt to use those additional funds to build the park if the previous owner, who is responsible, failed to complete it.

Mr. Wiseman stated that he feels another one year extension would be appropriate with a condition included in the motion that, if the proposed builder fails to purchase the property and move forward with the project, the current owner/s would need to begin submissions for the project from the beginning.

Mr. Wiseman voiced his concern over other agreements being made without the Commission members' knowledge. It makes it difficult for the Commission to make decisions. Ms. Minner explained that since the new owners were not at fault the Town was trying to be reasonable.

Mr. Keane questioned Ms. Blackson whether the Commission could grant an extension if it had already expired. Mr. Mascari clarified that they had submitted their plans in November so they could be heard at the December meeting and then they were pulled from the agenda. Mr. Ginder agreed that he felt the one year extension should be granted since the fault did not lie with the current owners and they submitted prior to the expiration date. Mr. Muller agreed. He said he feels they are making good progress and as long as they meet the engineering and comment requirements he feels they should be given another one year extension.

Mr. Wiseman asked if any other Commission members had any comments. There being none he asked if anyone from the public had any questions regarding this submission. There were no questions from the public.

Ms. Blackson interjected that there was a meeting January 6, 2020 the Board granted a one year extension. She noted that as long as their submittal was in before the timeframe designated that the Town has allowed other recipients to do the same since they have no control over the Town's schedule for meetings.

MOTION: Motion was made by Mr. Ginder to approve the Extension of Revised Preliminary Major Subdivision Plan for Overlook at Walnut Hill for one (1) year with no further extensions being granted at the completion of this extension and that all outstanding plan review comments shall be addressed by that time. The motion was seconded by Mr. Keane and unanimously approved by the remaining Commission members.

****Mr. Wiseman stated that the annexation request had been removed from the agenda.**

REQUEST OF MORRIS & RITCHIE ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT (C/O STONEWALL CAPITAL) FOR FINAL MAJOR

SUBDIVISION OF PLATS ONE – FIVE, TRACTS 1 THROUGH 11. THIS ACTION CONCERNS THE FOLLOWING PROPERTIES: TAX MAP 320 (033E), PARCEL 2390, ZONED PUD (PLANNED UNIT DEVELOPMENT); TAX MAP 319 (033D), PARCEL 2450, ZONED PUD (PLANNED UNIT DEVELOPMENT); TAX MAP 323 (033G), PARCEL 79, ZONED R-2 (SUBURBAN RESIDENTIAL) AND R-3 (URBAN RESIDENTIAL); TAX MAP 323 (033G), PARCEL 454, ZONED RP (RESOURCE PROTECTION), AND TAX MAP 323 (033G), PARCEL 91, AND ZONED RP (RESOURCE PROTECTION)

Mr. Sean Davis of Morris & Ritchie Associates was in attendance to address this request. He stated this project has been reviewed a few times with the most notable outstanding issue being the water tower parcel and the track associated with it. He stated that those issues were resolved on January 7th with the Town and KCI to the satisfaction of everyone. He stated they believe the plat is ready for recordation. He said there were a few other comments from Ms. Minner which needed to be addressed but they will be taken care of prior to recordation.

Mr. Davis presented a copy of the overall subdivision plat showing this area which is located west of Route 213 and north of Frenchtown Road. Mr. Wiseman noted that the majority of comments have been addressed since the previous submittal and asked if there were any comments which still needed to be discussed by MRA. Mr. Davis stated he did not think there were any major issues. Mr. Wiseman asked Ms. Minner if she had any further comments other than those noted. She stated she needed a declaration of intent with respect to forest conservation and since they don't have an approved forest conservation plan, and a subdivision is one of the criteria which trigger it. She said if they are not going to immediately develop the property they can provide a declaration of intent until they develop their forest conservation plans with their site plans. Mr. Davis stated they are glad to provide a declaration of intent with the plans prior to recordation.

Mr. Wiseman asked if all the environmental issues had been addressed. Mr. Davis added that this plat does not confer any development rights. It is strictly the subdivision of land. Any purchaser has to come back before the Town for specific plan approval for each tract. He pointed out that all the environmental features are noted on the plat. The purpose of the subdivision is so the owner can sell to a third party who would then have to come back before the Town. Mr. Davis stated he believes the plan has been updated for the water tower parcel.

Mr. Wiseman opened the floor for Commission comments. Mr. Ginder pointed out that the road name Magnolia already exists in Cecil County and they may not be able to use it. Mr. Keane noted Ms. Minner's comment that the parcels must meet the dimension requirements and wondered if that had been verified. Ms. Minner stated that they need to show the height, area and bulk for each parcel as it is proposed and also as it is required according to the Town Ordinance. She stated that she will make sure the Town Ordinance is complied with.

Mr. Wiseman entertained any additional comments from the Commission. There were no additional comments. Mr. Wiseman opened the floor to comments from the public. There was no one who wished to speak.

MOTION: Motion was made by Mr. Thompson to approve the Final Major Subdivision of Plats One-Five, Tracts 1 through 11 for Southfields of Elkton Capital Development (c/o Stonewall Capital) contingent upon addressing all outstanding comments, including KCI's comment stating 'the plan should not be recorded until Tract 11 (the water tower parcel) is finalized' to the satisfaction of the Town of Elkton. Motion was seconded by Mr. Muller and unanimously approved by the remaining Commission members.

REQUEST OF MORRIS & RITCHIE ASSOCIATES REPRESENTING SIDELINE PROPERTIES, LLC, PRELIMINARY MAJOR SITE PLAN FOR A SPORTS PARK, WEST OF MD ROUTE 213, NORTH OF FRENCHTOWN ROAD, ELKTON, MARYLAND, TAX MAP 319, PARCEL 2450 AND ZONED PUD (PLANNED UNIT DEVELOPMENT)

Mr. Sean Davis of Morris & Ritchie Associates was in attendance to address this request. Mr. Davis showed the location of the property and for the Preliminary Site Plan for the Sports Park. He noted it does not include the indoor sports facility, only the fields and parking areas. This is part of the overall PUD.

He stated the plan shows the water tower parcel, the collector road and the fields and concession areas. The stormwater management and bufferyard and landscaping is also shown. He showed pictorial examples of what they are proposing.

Mr. Davis confirmed they have received comments from the Town dated 12/30/20 and comments from KCI which came today. Mr. Wiseman asked if they had received any comments from State Highway and if the traffic impact study was part of that submission. Mr. Davis stated they have submitted the plans to SHA, including the TIS, but have not received their comments yet. Mr. Davis mentioned there are a number of approvals they will need and they will have to be approved prior to Final Site Plan approval.

Mr. Ginder noted that he did not see any bus or motor home parking on the plans which would be necessary for schools or families, respectively. He also questioned the number of handicapped parking spaces and suggested more should be added in other areas for grandparents, etc. of children on the sports teams. Mr. Ginder also asked if the number of parking spaces being provided would be enough during turn over times during weekends. Mr. Davis responded that they believe they have enough parking. There will be people who are staying at hotels near the site and will be walking to the fields. He stated they have met the required amounts of parking per Town Ordinance for handicapped spaces. Mr. Davis said he would go back and look at parking for school buses and motor homes and see how it has been handled in similar developments

Mr. Ginder inquired whether fencing would be placed along Frenchtown Road for Fields 1-4 to protect neighboring properties. Mr. Davis stated they are proposing to place a 30' fence along Frenchtown Road and pointed out that the fence is shown on the Landscape Plan. He also mentioned the landscaping between the sports fields and Frenchtown Road which is a buffer as

well. He said they do not anticipate any foul balls hitting Frenchtown Road or the collector road off Route 213 into the subdivision.

Mr. Keane questioned a comment regarding a variance for parking spaces and whether this variance had already been approved or something that needs to be requested. Mr. Taylor Becker of MRA explained how the parking requirements were determined. He stated they researched over 30 different parks across the country and made visits and settled on Fields which is a sister company of Sports Force Parks who owns and operates two complexes similar to those which are proposing to build in Elkton. Fields is very familiar with parking issues as well as parking requirements within their design of parks. He explained that if there were two tournaments being placed at the same time there would actually be twice the number of parking that are being provided to handle the number of cars for any given tournament play, even if games overlap. He stated that in his experience if people are coming to tournaments, etc. they are looking for RV parks to stay at rather than park at the fields.

Mr. Ginder asked whether there is separate parking for officials. Mr. Becker stated he believed there are approximately 67 parking spaces toward the rear of the sports park parcel (Parking Lot B) for officials. Mr. Davis explained the officials will be shuttled out to the fields from the parking area. He said this parking area is for staff who will be supporting the 'concessions' as well.

Mr. Davis advised Mr. Keane that he is not aware of any requests for parking variances and stated he doesn't believe it is needed since they are well over the number of required parking spaces per Town Code.

Mr. Keane referenced a comment from Ms. Minner regarding the Traffic Impact Study. He questioned, if the TIS addresses only the residential properties and the PUD then, how traffic for Sports Complex will be handled. Mr. Davis explained that the parking is done in phases as each part of the PUD is developed. Mr. Keane reminded everyone that one major concern of the local residents was traffic impacts so he feels the Commission needs to keep in mind as they go through each phase for approval that they need to keep the public up to speed on what the impacts will be and how it will be addressed for each phase.

There was discussion regarding the difference in the timeframe of the build out in the traffic impact study with the timeframe called out by State Highway. It was mentioned that one of the KCI comments, which had arrived today, was in reference to this. Mr. Davis said once he receives the comments he would be glad to respond. He stated that it is difficult with this size project, to determine in the initial stages which phase will be developed first, second, etc. so they look at the overall traffic impact of the PUD as a whole.

Mr. Keane asked whether the maintenance shed and dumpster would be installed on concrete pads. Mr. Davis stated that they would be. He noted the shed will be used for golf carts, lawn mowers, etc. and will be 1,000 feet from the water tower. Ms. Minner asked if the golf carts are gas powered. Mr. Davis stated that at this time he was not sure but would get back to her regarding

that. He said the well is over 900 feet from the maintenance shed and uphill from it so it is unlikely if a spill occurred it would affect the well. Mr. Wiseman asked if there would be holding tanks for gasoline. Mr. Davis said he did not think so but he would get back to him regarding that. Mr. Blount mentioned there is a retail space for a gas station on site.

Mr. Keane noted his same point with regard to the concerns of the local residents with respect to health, stormwater management and traffic and how people need to be kept informed. Mr. Davis said when they present their final plans he will make a specific point of addressing storm water management and the traffic impact study in the overall plan.

Ms. Minner stated she had received a phone call from one of the residents along Frenchtown Road who said that the homes in the area are sinking due to the ground water in the area and she wanted to make Mr. Davis aware of it. Mr. Davis asked for the contact information for the person so he could speak with them. He stated they have to do geotechnical evaluations for development of any structure but also to understand infiltration capacity.

Mr. Wiseman called for any additional comments from the Commission members regarding this project. There being none he entertained questions from the public.

Commissioner Jean Broomell voiced her concern over the height of the fencing being proposed for the fields. She lives 120' from home plate and Commissioner Massimiano is 170' from the ballfields used by Elkton High School. She noted that most of the neighbors in the area have experienced foul balls hitting their property, some causing breaking of windows, car windshields and other types of property damage. She explained that they placed a 100' fence and netting around home plate and none of the attempts to control foul balls has worked. She has concerns for the residents along Frenchtown Road. She doesn't believe the 30' fence and the bufferyards are going to make any difference. She asked if they would do some more research to try to address this concern since she believes it will be an important issue.

She also questioned whether one of the fields would not be used for baseball. Mr. Ginder said that the mound was being removed from Field #6. Ms. Broomell asked if the developer was opposed to that suggestion. Mr. Davis provided plans showing the areas in question. He also pointed out that the fields would be used by children ages 10 and under and women's softball. There was discussion regarding women's softball standards which are 210 feet. Mr. Taylor Becker of MRA noted that the fence being proposed is the same as the standards used for Farm League and Major League Baseball. He said that the angle of trajectory for a foul ball from home plate far exceeds 100 feet even if it was hit perfectly. Mr. Davis also pointed out that there are proposed street trees along the collector road as well.

Mr. Wiseman pointed out that the Elkton High School fields in that area were an afterthought and he feels this is at least being designed by existing industry standards. Commissioner Broomell invited anyone who was willing to come out and look at the ballfields near her home. Mr. Davis stated he would be willing to do that.

Commissioner Broomell stated she agrees they probably have adequate parking but agreed with Mr. Ginder regarding handicapped parking and parking for buses. She asked if they would please review this as well.

She asked if they were sharing the parking with the indoor sports facility. Mr. Davis confirmed they would be. He said at this time they do not have any definitive plans for that part of the development. She asked how the indoor sports facility would be accessed. Mr. Davis said it would be accessed through Parking Lot A.

Mr. Wiseman entertained any other comments from the public. There were none.

MOTION: Motion was made by Mr. Ginder to approve the Preliminary Major Site Plan for Sideline Properties contingent upon addressing all outstanding comments as well as any questions posed during the meeting regarding parking rationale and safety concerns with regard to fencing/netting on the property. The motion was seconded by Mr. Thompson and unanimously approved by the remaining Commission members.

Old Business: Ms. Minner stated the County Commissioners tabled their decision on granting consent for changing the zoning for the Ayars Property along Elkton Road. Since a decision was not made we were unable to move forward with the hearing. She said the Town and the County will have to work out what will be done. She noted the County wanted the Town to take Belle Hill Road but it would create an unincorporated island and therefore the Town could not take the road. She stated she attended meetings with the County but was never asked any questions concerning the annexation request.

Mr. Keane asked if there had been any decision made by the Mayor & Commissioners regarding the rezoning request for Hertrich. Ms. Minner said she was not aware of any decisions made on the rezoning.

He also inquired whether Mr. Bromwell had been able to make any head way on addressing the removal of trees from commercial properties in Town. Ms. Blackson said she would follow up with Chip but she wasn't sure if he had been able to make any progress. She stated that if letters had been sent the follow up would be to file injunctions. Ms. Minner stated they may need to be informed that they have violated their Site Plan requirements and that if the trees are not replaced they may be fined. Ms. Minner stated that she has received calls from landscapers who inquired whether they could remove trees and Ms. Minner informed them they could not.

New Business: Ms. Minner stated she and Mr. Bromwell were talking about making amendments to the Ordinance to allow office on the first floor and two apartments on the second floor of commercial apartments in the RO Zone.

There was discussion about having a regular representative of the Mayor & Commissioners attend the Planning Commission meetings. Mr. Ginder said he felt this was very important for the Mayor & Commissioners to be up to speed on what is happening especially with the PUD project. Commissioner Broomell said that would need to be discussed with the Mayor.

Election of Officers

Nomination for Chair

Mr. Ginder made a motion to reappoint Mr. Wiseman as Chair of the Planning Commission. The motion was seconded by Mr. Keane and unanimously approved by the remaining Commission members.

Nomination for Vice Chair

Mr. Wiseman made a motion to reappoint Mr. Ginder as Vice Chair of the Planning Commission. The motion was seconded by Mr. Thompson and unanimously approved by the remaining Commission members.

Mr. Wiseman asked if financial disclosure reports were going to be distributed this year. Ms. Humphreys stated she would check with Town Administration and let him know.

Mr. Wiseman stated the next meeting of the Planning Commission is February 8, 2021.

There being no further business to discuss Mr. Wiseman adjourned the meeting at 7:56 p.m.

Respectfully submitted,

Brie Humphreys