

**TOWN OF ELKTON
PLANNING COMMISSION
FEBRUARY 7, 2022
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 at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the January 10, 2022 meeting as written. There being no corrections from the Commission members Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the January 10, 2022 Planning Commission meeting as written. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Keane – Aye; Mr. Blount – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1596 – REQUEST OF MELISSA PAISLEY REPRESENTING WALMART FOR A SPECIAL EXCEPTION FOR THE PLACEMENT OF FORTY FIVE (45) STORAGE TRAILERS FROM SEPTEMBER THROUGH JANUARY FOR THE HOLIDAY SEASON. THIS ACTION CONCERNS PROPERTY LOCATED AT 1000 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 0493 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Melissa Paisley representing Walmart was in attendance to address this request. Ms. Paisley stated that the trailers are needed for the extra merchandise which they receive for the holiday season. These trailers keep the aisles clear for safety reasons.

Mr. Wiseman questioned why the trailers are still on the property into February. Ms. Paisley explained that due to COVID surges of the employees they have not been able to work on the trailers. She noted that they were close to having to close the store because they had so many employees calling out sick. She assured Mr. Wiseman that they are in the process of having the trailers removed.

Mr. Wiseman asked if there was a length of time which had been requested for this special exception. Ms. Blackson noted they have been requesting the special exception for a three year period but only during the months of September – January each year.

Discussion ensued regarding whether this year's trailer placement was included in either the previous special exception request or the current proposed special exception. Ms. Paisley stated when she received the original letter which stated the special exception needed to be renewed she applied within a few days of receiving the letter. She noted that because her supervisor was out for a family emergency at the time of the first meeting, Ms. Paisley was not aware that the meeting was taking place and therefore did not attend in her supervisor's place.

Some of the Commission members were concerned that there was no follow through when the letter from the Town was received. Ms. Humphreys explained that the letter for the special exception renewal, which would have included the current year, had been addressed to the former manager at the Walmart and they had never reapplied. Ms. Paisley noted that there have been a number of managers since the current manager.

When the Town recognized in October that there was still no updated special exception a follow up letter was sent. At that time Ms. Paisley and Ms. Jarrett made the application that was to be heard at the December meeting. Since a representative was not in attendance at the December meeting they had to reapply and were put on the agenda for the February meeting (the cut-off for the January meeting had passed).

Mr. Wiseman suggested that Walmart put a note on their calendar to remind them they need to reapply prior to the special exception expiring. Ms. Paisley stated they can also provide information to their marketing team so they can keep track of when the special exception will expire.

MOTION: Motion was made by Mr. Keane to recommend approval of the special exception for the Walmart for 45 storage trailers to be placed between September and the end of January for a three year period to the Board of Zoning Appeals, contingent upon the trailers currently on site being removed by the end of February 2022. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Blount – Aye; Mr. Muller – Aye; Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1602 – REQUEST OF RED LEAF CHESAPEAKE BLVD, LLC REPRESENTING CLEARWAY PAIN SOLUTIONS FOR A SPECIAL EXCEPTION TO ALLOW A MEDICAL CLINIC AND SURGERY CENTER SPECIALIZING IN PAIN MANAGEMENT. THIS ACTION CONCERNS PROPERTY LOCATED AT 101 CHESAPEAKE BOULEVARD, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2439 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Robert Statkiewicz of Red Leaf Chesapeake Blvd, LLC and Debbie Bloodsworth, Senior. V.P. of Clearway Pain Solutions were in attendance to address this request.

Mr. Statkiewicz stated he purchased the building in August of 2021. At that time the building had a number of physical problems which they have since addressed at a cost of \$600,000. He noted he is also the owner of 103 & 105 Chesapeake Boulevard. The building in question, 101 Chesapeake Boulevard, had formerly been Delmarva Surgery and this is the area which Clearway Pain Solutions will be using since their work is similar in nature.

Ms. Bloodsworth explained they have been in business for approximately 15 years. They will have an office and a clinic which assists patients with pain management often associated with end stage cancer. She said they use some low dose medications. She stated all of their patients sign an agreement for random drug screening. They run an ambulatory surgery center in which they do pain management injection which include epidurals, nerve blocks and other pain management procedures. The majority of these procedures take about 15 minutes while the implants and trials take approximately an hour, with a 30 minute recovery time. Ms. Bloodsworth said they are open Monday through Friday from 8:00 a.m. until 5 p.m.

Mr. Wiseman asked if their business is certified through the State of Maryland. Ms. Bloodsworth stated they are certified through Maryland and currently have 16 surgeries centers and 23 locations within the State of Maryland. Mr. Wiseman asked if any of their facilities have a pharmacy. Ms. Bloodsworth stated that they do not and any medications which are required the patients are given prescriptions which they can have filled at the pharmacy of their choice. She stated the only medications they have onsite are used during surgeries and are under double lock and key and they are counted daily.

Mr. Ginder asked how many staff are on duty daily. Ms. Bloodsworth stated they have 1 or 2 doctors, nurse practitioners or physician's assistant and an anesthesiologist on days when they are doing sedation cases. There is an office manager and two office staff and 4-5 technicians on site a day. Mr. Wiseman asked how many clients are seen per day. He stated he is mainly asking to address the parking. Ms. Bloodsworth stated if

they have 2 -3 providers they normally see 15-20 patients an hour and approximately 3 procedure patients an hour. Mr. Wiseman asked if the square footage of this building is comparable to their other locations. Ms. Bloodsworth stated that it is comparable.

Mr. Keane asked if they will be using the surgery center and whether they will be using the same equipment. Mr. Statkiewicz stated Clearway will be redoing the interior of the building and will be providing their own equipment.

Mr. Wiseman entertained questions from the other Commission members. There were no additional questions. Mr. Wiseman entertained questions from the audience. There were no questions from the audience. There being no other questions Mr. Wiseman moved on to the next agenda item.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Board of Zoning Appeals for the special exception request for Clearway Pain Management to allow a medical clinic and surgery center specializing in pain management. The motion was seconded by Mr. Muller with the remaining Commission members voting a follows: Mr. Ginder – Aye; Mr. Blount – Aye; Mr. Keane – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1603 – REQUEST OF SARAH WARD-LEWIS REPRESENTING DRAYER PHYSICAL THERAPY PARTNERS, LLC FOR A SPECIAL EXCEPTION FOR OUTPATIENT PHYSICAL THERAPY. THIS ACTION CONCERNS PROPERTY LOCATED AT 132 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2403 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Tamara Bronson, Field Operations Regional VP for Upstream Physical Therapy Institute was in attendance to address this request. She pointed out that Drayer Physical Therapy is prominent in the Harford County, Baltimore County, Fulton County, DE and they currently have an office in Rising Sun, MD and would like to expand their footprint into Elkton Maryland. They are very excited about the opportunity and she noted that Upstream Rehabilitation is currently the largest physical therapy provider across the country. They do only outpatient physical therapy and will be open five days a week, Monday through Friday from 7 a.m. to 7 p.m. She stated the maximum number of patients being seen would be a maximum of five an hour. There would be 3 people working on any given day and there are no medications on site.

Ms. Bloodsworth stated they work with realtors who help them find locations which would meet their needs. Mr. Wiseman asked how their patients are referred to them. Ms. Bloodsworth stated they are referred to them through their primary care physician, urgent care, neurologists, etc. She noted that having this location would prevent people from having to travel a long distance, such as Baltimore, to get their physical therapy.

Mr. Wiseman entertained questions from the other board members. Commissioner Broomell asked if they provide any aquatic therapy. Ms. Bloodsworth stated in Harford County they have a contract with Kids First Swim School to use their pool two days a week for patients. Ms. Bloodsworth stated they would be open to working with a business in this area who might have a pool available.

Mr. Wiseman entertained questions from the audience. There were no questions from the audience. There being no further questions Mr. Wiseman moved on to the next agenda item.

MOTION: Motion was made by Mr. Blount to recommend approval to the Board of Zoning Appeals for the special exception for Drayer Physical Therapy Partners, LLC for outpatient physical therapy.

The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Keane – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING MCCONNELL DEVELOPMENT, INC., FINAL SITE, LANDSCAPE AND LIGHTING PLANS, MCCONNELL WAREHOUSE 2.0, KONICA DRIVE, TAX MAP 033C, PARCEL 2442 AND ZONED BI (BUSINESS AND INDUSTRIAL)

Mr. Tom Miner of Frederick Ward Associates was in attendance to address this request. He stated they are asking for final approval for the McConnell Warehouse 2.0. He stated this is the third submittal for this project and there are very few changes from the previous submittals. He noted that there is a fire suppression tank that is required onsite. This was added after they received the recommendation from the fire suppression review so some minor changes were made to the site plan to accommodate the tank.

Mr. Ginder asked if Cecil Soil has reviewed the plans. Mr. Miner stated they are currently reviewing the Preliminary plan. Mr. Wiseman asked if they had any other concerns with the comment letters received. Mr. Wiseman asked for clarification regarding the well head protection area comment. Mr. Miner stated they are requesting a waiver due to the maximum 50% impervious requirement for this site without the recharge component. He stated they are lining both facilities and are still struggling to meet the recharge requirement and therefore they are asking the Town to allow the waiver.

He mentioned that the front of the building is mainly a vehicle parking area for employees and therefore is relatively low risk. He stated that if they line the area at the back of the building then they would not need the waiver. He stated the Town would need to decide whether the lining requirements would be allowed for both facilities. Ms. Minner stated the Town will defer to KCI with respect to the wellhead protection requirements. Mr. Scott Koenig of KCI stated he and Paul Gutmann are discussing this concern and will touch base with Ms. Minner when they finalize their review. Mr. Koenig stated he did not feel the final site approval should be held up regarding this specific issue.

Mr. Keane asked if the Town or KCI have had previous experience with these types of liners. Mr. Koenig stated he is not familiar with these particular liners and would have to address it with other engineers at KCI. Mr. Keane asked if there were any periodic inspection requirements from the County or State. Mr. Koenig stated it is his understanding there are maintenance requirements for all types of stormwater ponds and the burden falls on the property owner to schedule those inspections and provide any documentation necessary. It ranges by jurisdiction so he said he would have to check with Cecil County to confirm any specific requirements other than those already required by the State. Mr. Miner pointed out that the plan shows the requirements. He noted he has used these liners on other projects as well.

Mr. Ginder asked about the comment regarding a 6 foot berm in Bufferyard E. He asked if that berm is shown on the plans. Ms. Minner stated the intention of the comment was regarding the buffer yard between the industrial and residential properties which requires more screening. She stated that as long as they can show they are meeting the intent of the screening without the Bufferyard then she would consider that. Mr. Miner asked for clarification as to whether she was talking about additional plants and/or a fence. Ms. Minner agreed.

Mr. Keane asked if this design waiver had been approved at the last meeting. Ms. Minner stated that the stormwater had been redesigned and therefore the design waiver was no longer required in the front buffer yard along the road. Mr. Miner agreed that she was correct.

Mr. Keane stated in the packets the requirement list was included and he felt this was a good idea and would like to see the same provided with each project. Ms. Minner stated they could be included.

Mr. Wiseman entertained any other questions from the Commission members. There were no other questions.

MOTION: Motion was made by Mr. Ginder to approve the Final Site, Landscape and Lighting plans for McConnell Warehouse 2.0 contingent upon addressing all outstanding comments and contingent upon the well head liner being acceptable as presented and allowing for a landscape design waiver for the Bufferyard E berm replacement being acceptable to the Town and KCI. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Keane – Aye; Mr. Blount – Aye; Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner stated they would be starting review of the Comprehensive Plan. She said she would keep the Planning Commission informed and would put it on the schedule as necessary.

There were questions about trees being cut in the forest conservation areas in Patriots Glen. Ms. Minner stated that the deed restrictions require that the Town be contacted for approval of any trees being cut within the forest conservation easements. Ms. Blackson stated she has been working with Aspen to address the location of the forest conservation easements on the lots in Patriots Glen, prior to this Aspen only addressed street trees on lots.

Mr. Wiseman mentioned there used to be signs posted in the forest conservation area but he hasn't seen any for quite some time. He wondered who is responsible for placement of those signs and who makes homeowners aware there may be forest conservation areas on their property. Ms. Minner stated she believes most owners are aware of the forest conservations easements on their property because they have had contact with a number of the homeowners regarding the easements. Mr. Keane noted there is a Homeowners association meeting at the end of February. He felt that would be a good topic to bring up at the upcoming meeting. Discussion ensued regarding the best way to make the homeowners aware of the easements. Ms. Blackson stated she will mention forest conservation as a topic for the meeting to Aspen and ask that it be put on the agenda.

NEW BUSINESS: Ms. Minner stated Sheetz and Estes are on the agenda for the March meeting. Ms. Minner mentioned that Southfields is on the agenda for the Town workshop and are requesting amendments to the PUD language with regard to the types of housing allowed, they want to add townhouses. Ms. Minner stated that currently single family housing, condominiums and senior housing are allowed.

Commissioner Broomell introduced Officer Devine who will be attending the Planning Commission meeting on behalf of the Elkton Police Department. She noted that he is also attending the Cecil County Public School Board meetings as well.

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There being no further items to discuss Mr. Wiseman stated the next meeting of the Planning Commission will be on March 7, 2022 and he adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Brie Humphreys