

**TOWN OF ELKTON
PLANNING COMMISSION
MAY 11, 2020
VIRTUAL MEETING MINUTES**

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

Absent: None

Mr. Wiseman called the meeting to order at 6:00 p.m. Mr. Wiseman stated the first item on the agenda is approval of minutes from the March 9, 2020 meeting as written. There being no corrections he called for the motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the March 9, 2020 Planning Commission meeting as written. The motion was seconded by Mr. Keane and unanimously approved.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING MCCONNELL DEVELOPMENT, INC., ADD ON SUBDIVISION (CONSOLIDATION PLAN), MCCONNELL WAREHOUSE, KONICA DRIVE, LOTS 2 & 2B, TAX MAP 319, PARCEL 2340 AND ZONED BI (BUSINESS INDUSTRIAL)

Tom Miner of Frederick Ward Associates and Michael McConnell of McConnell Development were in attendance to address this request. Mr. Miner stated the plans have essentially remained the same since Concept approval. He presented the plans and described the proposed 267,000 sf warehouse along with parking areas, stormwater management facilities and water and sewer locations. He stated they are also requesting approval of the consolidation plan (add-on subdivision) for Lots 2 and 2B to create one parcel on which to place the warehouse.

Mr. Wiseman questioned whether they had received comments from the Town and KCI for the project. Mr. Miner stated they had received comments. Mr. Wiseman asked if there were any outstanding comments which needed to be discussed. Mr. Miner stated they had addressed the comments received by the Town and KCI prior to the final submittal. Mr. Wiseman asked Ms. Minner if she had any additional comments. She stated she had no additional questions.

Mr. Wiseman asked if any Board members had questions. Mr. Keane asked Ms. Minner about a comment she had made regarding the Wetlands Delineation & Report. She said there was a response letter from Frederick Ward. Mr. Miner stated their representative walked the site and confirmed there were no wetlands on the site and therefore a wetlands report was not provided. This information is noted on the plat.

Mr. Wiseman entertained questions from the audience regarding the Consolidation Plan. There were no questions regarding the Consolidation Plan from the audience.

MOTION: Motion was made by Mr. Ginder to approve the Add-On Subdivision (Consolidation Plan) for the McConnell Warehouse contingent upon addressing all outstanding comments. The motion was seconded by Mr. Blount with the remaining members voting as follows:

Mr. Thompson - Aye
Mr. Muller - Aye

Mr. Keane - Aye
Mr. Wiseman - Aye

There being no one in objection to the motion, the motion passed unanimously.

REQUEST OF FREDERICK WARD ASSOCIATES REPRESENTING MCCONNELL DEVELOPMENT, INC., FINAL MAJOR SITE PLAN, MCCONNELL WAREHOUSE, KONICA DRIVE, LOTS 2 & 2B, TAX MAP 319, PARCEL 2340 AND ZONED BI (BUSINESS INDUSTRIAL)

The information provided by Mr. Miner was a combined presentation for both the Consolidation Plan and the Final Major Site Plan. Mr. Wiseman therefore asked if anyone from the audience had any comments regarding the Final Major Site Plan for this project.

Ms. Jennifer Jonach voiced her concerns regarding the air quality impacts with a second warehousing project in the same general area as the Southfields logistics/warehousing project. She wondered if the Town is considering the cumulative impact of these two projects or are they being looked at individually. Ms. Minner stated an air quality report was not required for the McConnell Warehouse project in the industrial park. Ms. Jonach asked the Commissioners to keep this project in mind as they continue their reviews of the Southfields project.

MOTION: Motion was made by Mr. Ginder to approve the Final Major Site Plan for McConnell Warehouse contingent upon addressing all outstanding comments. The motion was seconded by Mr. Keane with the remaining members voting as follows:

Mr. Thompson - Aye
Mr. Muller - Aye

Mr. Blount - Aye
Mr. Wiseman - Aye

There being no one in objection to the motion, the motion passed unanimously.

MORRIS & RITCHIE ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT (C/O STONEWALL CAPITAL), PRELIMINARY MAJOR SITE PLAN, LOGISTICS CENTER AT PARCEL I, FOR THE FOLLOWING TRACTS OF LAND:

TAX MAP 316, PARCEL 169, CONSISTING OF 54.953 ACRES, ZONED PUD (PLANNED UNIT DEVELOPMENT), LOCATED ON THE WEST SIDE OF MALONEY ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 320, PARCEL 2371, CONSISTING OF 244.0779 ACRES; ZONED PUD (PLANNED UNIT DEVELOPMENT), LOCATED ON THE NORTH SIDE OF FRENCHTOWN ROAD, OWNER: SOUTHSIDE LLC;

Mr. Sean Davis and Ms. Amy DiPietro of Morris & Ritchie Associates were in attendance to address this request.

Mr. Davis thanked the Town for having the meeting through the virtual platform. He provided an overview of the Trammel Crow Company's experience in real estate development since 1948. Mr. Davis said they are a reputable company with a steadfast history and quality products.

Mr. Davis introduced other members of the presentation team: Mr. Andy Stansfield of GTA providing natural resources details; Mr. Mike Lenhart of Lenhart Traffic providing information regarding the traffic impact study, etc.; Mr. Bobby Rhett of ECS who will discuss the air quality and David Neuman, Raymond Goins and Tom Rathburn of Trammell Crow Company.

Mr. Davis gave a synopsis of the development approval process for the project. He noted they have been approved for the PUD Floating Zone and have been approved for Concept Plan for the overall project. From this point on they will be submitting preliminary sit plan approval for each parcel as it is being developed.

He explained their reasoning for presenting all of Parcel I was in order to be sure the site balances and that the stormwater for the entire development works properly and to make sure the project was vested for any future changes in law. He stated from here they will present Final Major Site Plan approval for Building 1 of Parcel I which should be in the fall of this year.

He provided information on what they have provided to the Town to this point in the process. They provided an overview of the entire site and in order to show its perfectly situated location at 50 miles from both Baltimore and Philadelphia and extended out further north and south to Washington, D.C or New York. They also provided the overall PUD plan in order to see how the entire projects fits together.

Ms. DiPietro pointed out the project's location with respect to the key roads - Pulaski Highway (Route 40) to the north, Frenchtown Road to the south, Maloney Road to the east, and Route 213 to the west.

They are proposing three buildings on three separate lots which will be developed in three phases. The buildings total approximately 3,000,000 square feet of Logistics Distribution space showing smart parking, trailer spots, loading spots, trailer drops, loop roads, all of which are necessary for the site. There will be one access onto US Route 40 consisting of three lanes going out and two lanes coming in with signalized access onto Route 40. There will be no other vehicular access onto either Frenchtown or Maloney Roads for this project.

She noted that Building 1 will be the smallest of the three buildings with 770,000 square feet located in the north end of the site and incorporates Phase 1. They will be building an entrance road and signal with the associated improvements along Route 40 and onto the site which also includes the required utilities for both Buildings 2 and 3. She noted an easement through the

Williams property in order to provide sewer access to all three buildings. Building 2 will be approximately 1.1 million square feet and Building 3 will be 924,000 square feet. She stated their Stormwater Management Plans have been accepted by Cecil Soil and there are a few comments which need to be worked out with KCI. She noted the changes they have made in the buffer yards behind the residential properties along Sarah Drive and Maloney Road to create more of a buffer.

She mentioned although they are allowed 4,000,000 square feet of warehousing they are only proposing 2.8 million, which is about 70% of the permitted use of the property. She noted there are 120 acres of existing forest on the site. She stated they are keeping 30 acres of wetlands and 1200 linear feet of stream. Their calculations show they will be keeping 90% of the wetlands and 99.5 % of the streams on the site.

Ms. DiPietro presented a rendering of the architecture of the warehousing buildings and entrances. She shared pictures other projects on which they have worked. She listed other requirements which will still need to be done before they can put a shovel in the ground.

Mr. Mike Lenhart with Lenhart Traffic Consulting. He stated they have provided a traffic impact study including 23 study intersections which include the roads that are in close proximity to this development. There were two phases to the traffic study: Phase 1 included the full build out of Parcel I and Phase 2 was the full PUD build out. They resubmitted to the Town, State and County and hope to get an approval with respect to Parcel I only. They still have some comments which need to be addressed to the satisfaction of all involved.

He shared where improvements will be made with respect to specific intersections. He summarized that they will be adding lanes at the intersection of Route 40 and Route 279, changing the lane use at Landing Lane and Route 40, and at the Parcel I access they are proposing three lanes exiting the site and providing a signal at that intersection. With these improvements all of the intersections will operate at acceptable levels of service with the full build out of Parcel I. He stated that since this site is access via a State Highway, they will have to get approval for all this from the State Highway Administration.

Bobby Rhett of Engineering Consulting Services provided input regarding the health impact study. He stated this study was in response to a community concern rather than a regulatory compliance question and therefore it is approached differently. He used a hybrid approach between an industrial hygiene assessment of what the exposure could potentially be and an air quality modeling to predict what the exposures would be. He explained how he came to the conclusions which were made in the air quality study he provided. He stated he looked at the worst case scenarios and worst possible outcomes and applied it in order to find the worst outcome there might be. The receptors used were about 3 meters from the roadway and he put them at places which targeted where people would most likely be exposed to diesel fumes. He noted that the faster vehicles drive, there is lower pollution produced. He took into consideration the trucks idling time around the building and input that into the model. His conclusion was that

the result was below the EPA National Ambient Air Quality Standards and therefore not at a level that would cause a health concern.

This concluded the presentation from Morris & Ritchie Associates and their different team members.

Mr. Wiseman asked if all the comments from the Town and KCI had been reviewed by MRA. Ms. DiPietro stated they reviewed the comments and felt that all the comments can be addressed. There were six specific comments which she discussed with the Commission and shared how they would be addressing each one. The comments included 1) the exit drive aisle and security gate from Building #1 and how it would impact the neighboring properties with regard to noise issues; 2) how they would be addressing the noise generated from the trailer drop and loading docks that face the existing residential homes. She provided examples of how they have used bermed buffers at other facilities in order to decrease the noise from the trucks entering and exiting the facilities. Comment 3) the southern access for Building 2 cuts off a large connected wetland "System 2" at its source and 4) Building 3 northwest parking lot and drive aisle impacts two connected wetlands - "System 3, wetland 20 and 25". She stated they go through a stringent review from MDE and the Army Corps of Engineers in order to show wetlands avoidance minimization and how they will reduce impacts to the existing wetlands; 5) relocation of the stormwater facilities outside of wetlands. She stated they are not proposing any stormwater facilities in areas of wetlands. She felt the comment was in regard to an isolated wetland near Building 2 which would have been affected by the grading and pavement for the truck port whether or not they placed the stormwater facilities in that area. 6) Drainage areas for micro bioretention areas. She said they have spoken with MDE and would have to speak with the Town and KCI in order to resolve this particular concern. She said she does not see any issues with addressing this particular comment.

She also noted that both KCI and Ms. Minner had commented that they would need to get a right of way easement along the Route 40 entrance. They have spoken with the property owners and they are willing to donate the property for the right of way.

Mr. Wiseman asked if the Forest Conservation Plan and Forest Stand Delineation been submitted to the Town. Ms. Dipietro stated they were submitted. They are working with their consultant in getting the comments addressed regarding those plans.

Mr. Wiseman asked if the Traffic Study had been submitted to all the entities necessary. Mr. Lenhart stated it was resubmitted either April 30th or May 1st.

Mr. Wiseman asked if Ms. Minner had any other comments. She stated she did not.

Mr. Keane read the motion from the previous meeting which stated that all comments would be addressed prior to Preliminary Plan submittal and asked why the comments regarding Parcel I were the only ones addressed. Mr. Davis noted that as each part of the development is submitted for Preliminary they would be addressing the comments for that section. He stated they are

unable to develop answers for those comments for parcels that have not gone through the engineering stage. He stated they will address 100% of the comments at the time they are submitted and will fully comply. Mr. Keane said he would like to see how the wetlands will be mitigated. Mr. Keane asked if the wetlands which were impacted will have to be mitigated. Mr. Stansfield stated that as they work through the wetland permit process with MDE and the Army Corps they will have to determine if mitigation will be required and if so what type of mitigation will be necessary. He mentioned they were supposed to meet with MDE on site back in April but it had to be done over the phone rather than onsite due to the pandemic. Ms. Minner interjected that this is for Building 1 only.

Mr. Keane asked the timeframe for the traffic study. Mr. Lenhart stated they are normally required to do traffic counts when school is in session and at peak times. Mr. Davis pointed out that the traffic study was done with respect to impacts from Parcel I. Mr. Keane asked if another study would be done during the summer when there is a great deal of traffic. Mr. Lenhart stated he would do that if it is required.

Mr. Wiseman asked if the traffic studies would be done as each area is developed. Ms. Dipietro stated that as the site plans are more fully developed they would be looking at improvements at that time. Mr. Wiseman asked if there was any consideration of construction traffic. Mr. Lenhart stated that is usually not taken into consideration. Mr. Davis said the purpose of the traffic study was to understand the overall impacts in order to keep track of them as they go through the plans and the developers would contribute to those improvements. Mr. Davis said the State would do a warrant analysis to determine if a light is required. SHA has supported a light at the entrance to the warehouse site.

Mr. Keane said Mr. Rhett did a good job in doing the air quality report. He asked if Mr. Rhett had seen the follow up report from Powers Engineers. Mr. Davis noted this was uncharted ground as he had never been asked to do an air quality report and the Town said what they had done was sufficient. Mr. Wiseman asked if Ms. Minner was involved in that process. She stated she was not involved. Mr. Wiseman voiced his disappointment that someone at the Town had approved this report without any input or consultation from Town staff. Mr. Rhett stated the Powers Engineering recommendations were for a Tier 2 analysis which is done for meeting regulatory requirements but that is not what he was asked to do. That type of analysis entails a 3-6 month study. Mr. Davis asked Mr. Rhett if he believed his results would have been any different if he had done a Tier 2 analysis. Mr. Rhett stated he did not believe the result would be any different since he used worst case scenarios in his study. Discussion ensued regarding large particulate size and its impact on people's health.

Mr. Muller thanked Mr. Davis and Mr. Rhett for their input. He stated he felt the study done addressed the land use and not a regulatory requirement. He asked Mr. Rhett if the buffers and trees would make a difference in the impact of the air quality. Mr. Rhett answered that it would not affect his study as he used a flat land scenario. Any object, whether hills or vegetation like trees or buffers, etc. would interrupt the air flow and cause more dispersion of the particles.

Mr. Muller asked if there was any measurement of what is currently existing with regard to pollution in this area. Mr. Rhett stated there is an air quality monitor in Cecil County which measures concentrations of ozone and carbon monoxide because they are in the Philadelphia region. He stated that the traffic receptors along Pulaski Highway would be barely perceptible at the current traffic levels. It would take over 1,000 vehicles or 150 trucks in a peak hour in order to move the needle in terms of being detectable.

Mr. Keane questioned the reference to Cecil County being part of the Washington DC corridor and he felt Philadelphia would have been a better choice. Mr. Rhett explained that was an error in the report since he actually used the Cecil County background rather than DC.

Mr. Ginder pointed out that the air quality has been of the greatest concern and wants to be sure they get it right and it is addressed appropriately.

Mr. Keane asked if Ms. Dipietro was LEED certified. She stated that she is LEED certified but was unable to answer his particular question. Mr. Neumann of Trammel Crow stated they have done the LEED certification in other areas but their decisions are market based. Mr. Keane questioned why the kind of tenant would make any difference. Mr. Davis stated the buildings are tenant specific. Trammel will build for a specific tenant and the cost of LEED is different between an office building and a multi-family building and is built into the cost.

Hearing no other comments from the Commission members Mr. Wiseman opened the floor to audience comments.

Mr. Peter Kline had a question about the traffic study specific to the intersection at Route 213 and Route 40. He asked if the diagram presented shows that this intersection is functioning properly today and would not be impacted by the development of Parcel I. Mr. Lenhart stated the intersection operates at an acceptable level and passes the State and County guidelines. It is projected to exceed the thresholds for some of the development of future parcels but not with Parcel I. Mr. Kline stated that in his experience this intersection clearly fails with traffic going north and south at different times of the day and can take numerous lights cycling before you are able to get through the intersection. He realizes he has no expertise in this field but believes this project and the trucks coming and going will make this intersection even worse. Mr. Davis responded that the vast majority of the traffic will be going east to 896 rather than north in order to avoid the tolls on I-95 going east up to Wilmington and Philadelphia. He stated the vast amount of traffic going west will take Route 272 to connect with I-95 where there are no toll plazas. Mr. Kline said he shares Mr. Davis' hope that that will be the case. Mr. Kline also stated he wants to again voice his concern over paving millions of square feet of land and dumping it into Perch Creek.

Mr. John Dixon voiced his agreement with the project and suggested that the presentation overall shows a positive outcome for Elkton. They have addressed and met the environmental concerns, landscape buffers are being placed, and the traffic study shows improvements will make a low impact. The architecture appears to be cutting edge and the air quality study showed no impact at the worst case scenario. He feels the COVID-19 situation has made the logistics field all the

more necessary and he feels it will be a great benefit to Elkton's economy. It will create beneficial jobs with higher than average pay and he encouraged the Commission to approve this project.

Mr. John Connolly stated he can see the improvements that have been made and feels it will help the residents but still feels 375' is too close to the residential properties that back up to the project. He also stated his concern regarding the access road on the north side of the project. He feels the flow of traffic should keep to the western side of the buildings and they should look at eliminating this access road. He referred to the health study and questioned the whether the criteria being used should be more recent rather than back to 2010. He asked the Commission members what they wanted, a comprehensive study or one that simply 'checks the box'. He discussed some of the information contained in the Powers Engineering report with respect to ambient air quality values. He stated he still has concerns about the air quality. He also voiced his concerns about starting wages for the logistics jobs.

Ms. Jennifer Jonach thanked the Commission members for taking the health impacts seriously. She stated she believes the project has changed from the initial PUD submittal. Her understanding initially was that it was a comprehensive approach to the entire site plan and project. She stated the design has changed numerous times and it continues to be broken down into smaller parts. Her main concern continues to be how it will affect Elkton and the surrounding region. Her concern regarding the warehousing is for the impacts to the surrounding residential properties and the traffic issues which are already problematic. She noted the air quality studies and noted that the experts such as the EPA, World Health Organization, the CDC or State specific levels you are hearing different things from each. She referenced the Bay Journal and how the COVID-19 have impacted the air pollution rates. She stated the fact is diesel exhaust causes cancer and she cited a WHO article from May 2, 2018 which stated that small particulate pollution has health impacts even at very low concentrations. Indeed no threshold has been identified below which no damage to health is observed. She encouraged the Commission members to get a more comprehensive view of the air quality impacts.

Mr. Steve Lambert thanked the Commissioners for setting the meeting up so the public could participate. He had a question for Mr. Rhett regarding the impacts for traffic coming in and out of the warehousing facilities 24/7 to the surrounding residential properties. Mr. Davis addressed noise and light concerns to the surrounding neighbors. He stated a photometric analysis will have to be submitted so that no light will be cast onto surrounding properties. If there are noise requirements associated with this specific use they will also meet those requirements.

Mr. Rhett addressed Mr. Lambert's concerns for air quality to surrounding properties. He noted his work used a 24 hour period which included impacts to the most vulnerable (elderly, infants and those with chronic medical issues). He stated his findings are lower than the EPA guidelines for air quality. Mr. Rhett said the screening model takes wind direction into consideration with regards to air quality on the surrounding properties.

There being no other persons who wished to speak Mr. Wiseman closed the public comment for this agenda item.

MOTION: Motion was made by Mr. Keane to approve the Preliminary Major Site Plan for Parcel I contingent upon addressing all outstanding comments and contingent upon evaluating the possibility of moving the access road from the east side to the west side of Building 1. The motion was seconded by Mr. Thompson with the remaining members voting as follows:

**Mr. Muller - Aye
Mr. Blount - Nay**

**Mr. Ginder - Aye
Mr. Wiseman - Aye**

There being five members for the motion and one member against the motion, the motion passed.

MORRIS & RITCHIE ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT (C/O STONEWALL CAPITAL), PRELIMINARY MAJOR SUBDIVISION PLAT, LOGISTICS CENTER AT PARCEL I, FOR THE FOLLOWING TRACTS OF LAND:

TAX MAP 316, PARCEL 169, CONSISTING OF 54.953 ACRES, ZONED PUD (PLANNED UNIT DEVELOPMENT), LOCATED ON THE WEST SIDE OF MALONEY ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 320, PARCEL 2371, CONSISTING OF 244.0779 ACRES; ZONED PUD (PLANNED UNIT DEVELOPMENT), LOCATED ON THE NORTH SIDE OF FRENCHTOWN ROAD, OWNER: SOUTHSIDE LLC;

Mr. Sean Davis stated this request would subdivide Parcel I into three specific parcels, one parcel for each of the three warehouse buildings. He stated he had nothing more with respect to the presentation.

Mr. Wiseman asked Ms. Minner if there were any comments regarding the Subdivision. She stated there were some minor comments from both KCI and the Town. Mr. Davis stated they received the comments and believe they can be addressed during the Final Plan approval.

Mr. Wiseman asked if the Commission members had any questions concerning the subdivision request. There were no questions. He asked if Ms. Minner had any other comments or questions. She did not.

Mr. Wiseman opened the floor to the public for comments on the subdivision plat. There being no comments from the public Mr. Wiseman closed the public comments part of the meeting.

MOTION: Motion was made by Mr. Thompson to approve the Preliminary Major Subdivision Plat contingent upon addressing all outstanding comments. The motion was seconded by Mr. Ginder with the remaining members voting as follows:

Mr. Muller - Aye

Mr. Blount - Nay

Mr. Keane - Aye

Mr. Wiseman - Aye

There being five members for the motion and one member against the motion, the motion passed.

OLD BUSINESS: There were not items of Old Business to discuss.

NEW BUSINESS: Ms. Minner stated it is likely there will be another virtual meeting for the June Planning Commission meeting.

Mr. Wiseman invited any comments or questions or requests for documentation can be addressed to Ms. Jeanne Minner at the Town office.

There being no other items for discussion Mr. Wiseman adjourned the meeting at 9:57 p.m.

Respectfully submitted,

Brie Humphreys