

**TOWN OF ELKTON
PLANNING COMMISSION
JULY 6, 2015**

PRESENT: David Wiseman; G. Edward Ginder; Steve Leonard; Keith Thompson; David Fordyce; Victor Jackson, Esquire; Jeanne D. Minner, Director of Planning; Theresa C. Thomas, Assistant Planner

ABSENT: Rick Keane; Commissioner Mary Jo Jablonski

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

ACTION: A motion was made by Mr. Ginder to approve the minutes from the June 8, 2015 Planning Commission meeting. The motion was seconded by Mr. Leonard and unanimously approved.

CASE # 1477 – REQUEST OF GLOBAL HEALTH, 308 EAST PULASKI HIGHWAY, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO ALLOW A NURSING INSTITUTION IN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 308 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2377, ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Mary Cannistraro was in attendance to address this request. She stated she was before the Board on May 11, 2015 and concerns were discussed regarding her initial proposal to place this use within the building at 300 E. Pulaski Highway. She has addressed those concerns and her current submittal is for a free standing building at the same location. The proposal is for a dedicated two-story 10,000 sf building for this use. They are proposing twelve (12) rooms, each with a window provided. Two of the rooms are on the first floor in order to provide handicap access. She noted a fenced, outdoor area will be provided for the use of the clients. The facility will also include a kitchen, day room, and meeting room as well as activity rooms.

Ms. Cannistraro noted other facilities which will be partnering with her to provide intake for future treatment options should clients require treatment or other assistance after their stay at this facility. The minimum and maximum length of stay at this facility will be 7-14 days. The length of the stay is determined by the insurance company for each individual client. The other facilities partnering with her facility will be Upper Bay Counseling, Cecil County Health Department and Johns Hopkins CAP Program. Each are able to provide specific assistance to clients upon completion of their time at this facility.

Ms. Cannistraro noted she will be providing 24-hour security on the premises which had been discussed as a concern at the previous meeting. Mr. Wiseman inquired from where her clients will be referred. She stated they are referred to her from Union Hospital, Cecil County Health Department, and Upper Bay Counseling.

She noted that the facility will be open 24/7 and fully staffed. Mr. Wiseman asked whether there are any State criteria regarding staff. Ms. Cannistraro stated that a counselor and social worker are required for this type of facility.

Mr. Wiseman stated that the main concerns with the previous submittal were restaurants serving alcohol in close proximity, the fact that a pharmacy is in the same building and security in a building where there are other businesses and clients in close proximity.

Mr. Wiseman inquired of Ms. Minner whether the conditions for the special exception for the newly proposed building have been met. Ms. Minner went over the conditions required for this use and she noted that the Board would need to decide whether they feel this use is worse at this location than it

would be anywhere else in the same zone. Mr. Wiseman inquired whether Ms. Minner had any other questions or comment regarding this submittal. She had no further questions or comment. Mr. Wiseman entertained questions or comment from the Board. Mr. Fordyce asked for specific information regarding the activities of the security. Ms. Cannistraro stated there would be two guards at all times and they would be at the facility around the clock. She added that there will be a keyless entry for the building and a closed circuit camera system within the building.

Mr. Wiseman stated this submittal was much more detailed which will help the Board to make their decision. Discussion ensued regarding the definition of 'high risk' patients. Questions regarding counseling sessions were addressed by Ms. Cannistraro. She noted that there are group counseling sessions which would be the same whether their particular issue addresses alcohol or drug addiction and also private sessions of counseling which would be tailored to the individual.

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

MOTION: Motion was made by Mr. Ginder to recommend approval to the Board of Zoning Appeal for the special exception for Global Health to operate a nursing institution in the C-2 Zone providing, if possible, the Town make a yearly inspection of the facility and provided a copy of the State inspection records be provided to the Town for review. The motion was seconded by Mr. Fordyce and unanimously approved.

CASE # 1478 – REQUEST OF SHAFFER, MCLAUHLIN & STOVER, LLC REPRESENTING SERENITY HEALTH, LLC FOR A SPECIAL EXCEPTION TO OPERATE A CLINIC IN THE C-3 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 189 BELLE HILL ROAD, ELKTON, MARYLAND, TAX MAP 303, PARCEL 257, ZONED C-3 (INTERCHANGE COMMERCIAL)

Mr. Eric E. McLauchlin and Ms. Nancy Turner were in attendance to address this request. Mr. McLauchlin stated Serenity Health is a family owned company that provides programs for outpatient substance abuse (alcohol and drugs) from Aberdeen and Elkton. Additionally they provide services for early intervention to medically assisted treatment, intensive outpatient programs, a specialty in dually diagnosed patients who are dealing with mental health and addiction issues, licensed mental health care and host 12-step programs. They are a growing company and desire to relocate in order to better serve their patients, patient families and the community. He stated a number of staff members were in attendance because they wanted the Town to not only know about the company but also about the people who are serving the community through this service.

Mr. McLauchlin noted that Ms. Turner is a registered nurse who has been in the recovery industry for over 14 years, has served on the local alcohol and drug abuse council and serves on the Governor's Task Force for Substance Abuse, serves on the Overdose and Fatality Review Board for the State of Maryland, is part of the Overdose Prevention Network and helps with Cecil County Public School's Strengthening Families program.

He stated Serenity is applying for a special exception with conditions which applies to clinics in excess of 10,000 sf which is the amount of space they are proposing to lease. He addressed the conditions from the Zoning Ordinance which relate to this use. There is a two acre minimum and a minimum road frontage required, both of which they are able to meet on this property. There are general requirements for

lighting; seating; shelter and landscaping. They are able to meet each of these requirements at the proposed location. He noted that the existing building is set back a good distance from the road.

Mr. Wiseman inquired whether the business at the current location would be completely relocated to 189 Belle Hill Road. Mr. McLauchlin stated that it would all be relocated. There was discussion regarding the use for the current building after they relocate and Mr. McLauchlin stated that would be up to the owner of the building.

Serenity is licensed in the State of Maryland and meets all State requirements. Mr. McLauchlin noted a number of different agencies who have oversight regarding this type of facility. He discussed the remaining criteria concerning the special exception and stated they are able to meet each requirement at the proposed site.

Mr. Fordyce inquired from where the patients are drawn. Ms. Turner stated that 90% of their patients are from Cecil County and a small percentage from Harford County. She noted that they do not take Delaware insurances and therefore they have only a few patients from Delaware. Mr. Ginder asked if their patients are referred from the court system. Ms. Turner stated they are the intensive outpatient authority for drug court and their 12-week program is what drug court uses.

Ms. Minner was asked if any restrictions are provided in the Town Ordinance for clinics being placed at the current location once it is vacated. Ms. Minner stated that the special exception does not run with the land but with the user and therefore any other similar uses would have to go through the same process in order to go into that vacant space. The only restriction would be if they were unable to meet the conditions of the special exception as called out in the Town Ordinance. Mr. McLauchlin pointed out the restrictions for a building that is less than 10,000 square feet are much more onerous.

Mr. Wiseman inquired about the hours for Serenity. Ms. Turner stated that the largest percentage of patients are there in the morning but that they operate until 3:00 p.m. and until 7:00 p.m. on a few evenings when certain classes are in session. She stated that they have a detox 5-day program which is ambulatory so they do treat patients but they have no overnight stays.

Mr. McLauchlin reviewed the floor plan which includes fire and safety designs. He stated that security is a priority and full video surveillance and security protocols. They have the ability to DVR more than 30 images at a time. Mr. Fordyce asked if any security personnel are onsite. Ms. Turner stated that there are not. She added that they are moving to a more professional location to remove the Route 40 traffic which is giving them an image they have never had. Mr. McLauchlin added that a lot of what goes on at or near that facility has nothing to do with Serenity Health.

Mr. Wiseman asked if they have any annual inspections of the facility. Ms. Turner noted that last year alone they were involved in 11 inspections and pointed out that they are accredited. Mr. Fordyce asked if they had any security incidents at their current location. Mr. McLauchlin mentioned two incidents neither of which he noted were related to Serenity. Mr. Fordyce asked for clarification whether any of their patients have been involved in any incidents since they opened at their current location. Ms. Turner stated that they have a very strict protocol for patients that include a dress code, behavioral code and parking code. She stated that most of the time any incident at the property is coming from other areas rather than her patients. Mr. McLauchlin noted this is one of the reasons for their relocation as well as having a larger facility to work from.

Mr. Fordyce asked if there were other residential properties adjacent to their location. Mr. McLauchlin provided a visual map which gave the locations of the adjacent properties and stated the distance to the

closest residential parcel. There was discussion regarding the empty lot to the east of their proposed location. It was determined that the property was not in Town limits and if annexed would probably be zoned C-3 as well.

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

Mr. Ginder stated that he needed to abstain from voting due to a potential conflict.

MOTION: Motion was made by Mr. Fordyce to recommend approval to the Board of Zoning Appeals for a special exception for Serenity Health to operate a clinic in the C-3 Zone. The motion was seconded by Mr. Thompson with the remaining members voting unanimously.

REQUEST OF MCCRONE, INC. REPRESENTING RAMSEY FORD FOR CONCEPT SITE PLAN, 601 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCELS 2057 & 2058, LOTS 9, 10, 11, 12 & 13, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Strouss of McCrone, Inc. and Mr. Mark Gorrera of IMark Builders were in attendance to address this request. Mr. Strouss stated they are here to present a Concept Plan for a Quick Lane and Used Car site next to the Ramsey Dealership currently under construction. He stated IMark had applied for a building permit to renovate the existing service building but found out the Town required the full site to be upgraded.

The lot in question is 2.464 acres and zoned C-2. Mr. Strouss stated it is part of the former Advantage Dodge properties. Currently Ramsey is operating a truck service within the existing service bays. Previously it had been service and a car dealership. They are proposing a complete upgrade of the parking lot and highway entrance. The current site has asphalt and stone which will be upgraded with new asphalt, curb & gutter, landscaping and stormwater management. There are two parcels which will be subdivided to make one site. They will renovate the exterior of the building and roof. They will make entrance improvements and one of the two entrances currently existing will be removed and create a full service access adjacent to the Route 40 median crossover. The shoulder, curb & gutter and storm drainage plans are currently being reviewed by State Highway and they have been promised a review letter by the end of the week.

Mr. Wiseman asked if they had received comment letters from both the Town and KCI. Mr. Strouss confirmed that he had received them. There was discussion of waivers being requested for the project. Mr. Strouss noted the trees are an issue for car dealerships and they are requesting a waiver regarding the trees. Also they are requesting a waiver of trees in the parking lot islands and these will be addressed with the landscape plan.

Mr. Wiseman asked if the entrance would be used for this site only Mr. Strouss confirmed the entrance is only for Ramsey. Mr. Ginder asked if they would request that a six (6) foot fence be placed between this use and the residential uses to the rear of the property. Ms. Minner suggested they wait to see what Ramsey is proposing in their landscaping plan.

Mr. Wiseman entertained additional questions or comment from the Board. There were none. Mr. Wiseman entertained question or comment from the audience.

Mr. James R. Coffey of 607 E. Pulaski Highway voiced his concerns regarding the soil at this location. He stated that this location had formerly been a chemical plant and car lot and he stated that chemicals

had been buried there and he was concerned that any digging might loose chemicals into the ground. He stated he was not in opposition to the work being done there but is concerned about this issue. He noted that he tied into Town water due to benzene in his well water. He stated he did not know where the benzene originated from. He also stated he is in opposition to carnivals being held on the neighboring lot due to the fumes from the generators drifting onto his property. He also inquired about the road at the rear of the dealership and wondered if it would be blocked off.

Mr. Strouss noted that during the review of the current construction by Ramsey the Lincoln Avenue paper street was purchased by 503 E. Pulaski Highway, LLC and therefore there is no longer any residential access for the properties to the rear of Ramsey's properties. Mr. Strouss added that additional properties were purchased to the rear of this lot and have been used for forest conservation.

Mr. Wiseman asked if soil samples are required for this project. Ms. Minner said soil samples are required for stability during construction. Mr. Strouss interjected that a few technical soil samples for stormwater management are required. Stormwater management consists of a submerged gravel wetland and an infiltration chamber which is proposed at the front of the lot. Ms. Minner asked what the depth of the submerged gravel wetland might be. Mr. Strouss stated it will be approximately four (4) feet deep.

Mr. Fordyce asked if the buried containers which Mr. Coffey mentioned have been mapped to determine their location. Mr. Coffey stated he spoke to someone from the Town who confirmed that there are Town documents regarding the location of these containers. Mr. Coffey stated he was not aware of what was produced at the chemical company in the past but he would be willing to provide the Town with pictures he has of the site during that time. Mr. Wiseman asked if Ms. Minner would be able to handle getting the information from Mr. Coffey. She stated she would be glad to communicate with Mr. Coffey regarding his concerns. Discussion ensued and Mr. Strouss agreed to provide Ms. Minner with any information he has regarding this issue as well.

Mr. Wiseman called for any additional question or comments from the audience. There were none.

MOTION: Motion was made by Mr. Fordyce to approve the Concept Site Plan for Ramsey Ford contingent upon addressing all outstanding comments, State Highway approval for ingress and egress and allowing for the Town Planning Department to review information provided by McCrone, Inc. and Mr. James Coffey regarding possible chemical contamination on the site. The motion was seconded by Mr. Leonard and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC. FOR A SPECIAL EXCEPTION TO ALLOW A PARKING LOT IN THE TC ZONE, 132/134 W. HIGH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCELS 1346 & 1347, ZONED TC (TOWN CENTER)

Mr. David Strouss of McCrone, Inc. and Mr. Mark Mears of Union Hospital were in attendance to address this request. Mr. Strouss stated they were before the Board in May for Concept Plan approval and were contacted regarding a special exception which would be required to allow a parking lot in the TC Zone. He stated that since the duplex will be removed the principal use of the property will be as a parking lot for use by the neighboring property. He stated that the Hospital does not own the building but will be leasing it for an urgent care facility. Due to these circumstances the special exception is required per Town Ordinance.

Mr. Wiseman asked if the same criteria is consistent for this special exception as the previous two with respect to the requirements of the Ordinance. Ms. Minner said the criteria is the same but stated there is no specific criteria for parking lots. Mr. Wiseman asked if there were any issues with historical structures being removed. Ms. Minner stated that the Hospital had made a request before the Historic District Commission and were approved to raze the duplex at this location.

There was discussion regarding the Hospital's lease of the property where the urgent care facility will be located.

Mr. Wiseman entertained questions from the audience regarding this application. There were no questions from the audience.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Board of Zoning Appeals for Union Hospital for a special exception to allow a parking lot in the TC Zone. The motion was seconded by Mr. Ginder and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC. FOR FINAL RE-SUBDIVISION PLAT, 132/134 W. HIGH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCELS 1346 & 1347, ZONED TC (TOWN CENTER)

Mr. David Strouss and Mr. Mark Mears were in attendance to address this request. Mr. Strouss stated that currently this site for the proposed parking lot is a duplex lot which they are proposing to extinguish the interior lot line. There was discussion regarding the Hospital lease of this property. Mr. Wiseman stated that this is simply a cleaning up of the plat in order to combine the two existing parcels.

Mr. Wiseman entertained questions from the Board and the audience. There were none.

MOTION: Motion was made by Mr. Leonard to approve the Final Resubdivision Plat for Union Hospital contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thompson and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC. FOR FINAL SITE PLAN, 132/134 W. HIGH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCELS 1346 & 1347, ZONED TC (TOWN CENTER)

Mr. David Strouss and Mr. Mark Mears were in attendance to address this request. Mr. Strouss stated this is a continuation of the Concept Plan approved in May. They are proposing twelve (12) new parking spaces on this 0.189 acre property. He stated there is a great deal of green area towards High Street. They plan to place landscaping along High Street and stormwater management will be a bio-swale. The water will run off the parking lot into the bio-swale. The swale will have planting soil and landscaping plants full of nutrients. There is also an underdrain pipe in the swale which discharges to the storm drain on High Street. The parking lot will be shielded with landscaping such that people on High Street may not be aware the parking lot is there.

Mr. Wiseman asked if the parking lot is public parking. Mr. Mears stated that the parking lot will be for the use of the urgent care facility.

Ms. Minner inquired about the lighting spilling onto adjoining properties. Mr. Strauss said they would address the lighting situation.

Mr. Ginder inquired whether any other stormwater would be addressed on this lot. Mr. Strauss stated that the neighboring property where the urgent care will be placed has its own stormwater facility and therefore they are only providing stormwater to address water on this lot.

MOTION: Motion was made by Mr. Ginder to approve the Final Site Plan for Union Hospital contingent upon addressing all outstanding comments. The motion was seconded by Mr. Leonard and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING ELKTON GAS FOR FINAL SITE PLAN, 142 BELLE HILL ROAD, ELKTON, MARYLAND, TAX MAP 303, PARCEL 1020, ZONED C-3 (INTERCHANGE COMMERCIAL)

Mr. David Strauss of McCrone, Inc., Ms. Candy Davis of Elkton Gas and Mr. Russell DeRosa of DeRosa Architects were in attendance to address this request.

Mr. Strauss stated the site is on Belle Hill Road next to the Elkton Lodge Hotel and the PECO Energy right of way. They were before the Board in March for their recommendation for annexation. At that time they reviewed a concept plan with the Board. The annexation went into effect on July 4, 2015 so the property is officially within Town limits.

Mr. Strauss described the proposal as a 2,625 sf office building. Elkton Gas has two (2) employees who will relocate from High Street to the new location. The existing building on the site is used for outdoor storage for meters and other supplies. They are proposing a new office building and the existing metal warehouse building will be re-shelved and a new addition will be placed at the same time. The site parking lot will be paved and modernized according to Town Code. They will be retaining 75% of the site in green area. The back of the site has wetlands and a stream buffers. There is an intermittent stream that comes off of Belle Hill Road. He pointed out utilities on the property as well.

Mr. Strauss stated they are proposing to resurface the existing parking lot and driveway and also do paving, curbing and sidewalks for the proposed office building. Mr. Wiseman asked if there are wetlands on the property. Mr. Strauss confirmed there were wetlands.

Mr. Russell DeRosa indicated that the parent company of Elkton Gas is AGL Resources based in Atlanta, Georgia. He has worked with AGL for a number of years in a number of cities. He noted that this facility has been outdated for some time. AGL takes great pride in their facilities and they plan to reskin the existing building with a new metal panel system. The new office building will also be made from metal panels. It will be 75' x 35' with an open office area, break room, two private offices and a conference room. Mr. Wiseman asked if the two buildings would be connected. Mr. DeRosa stated there is no connection between the buildings but a sidewalk will allow someone to go from one to the other.

Mr. Wiseman asked if Mr. Strauss had received comments from the Town and KCI and wondered if he would respond to a question from KCI regarding landscaping. Mr. Strauss stated the item was regarding interior parking lot landscaping which include a total of 19 parking spaces: 7 in front, 5 along the side and 7 in the back. There are two landscape islands with a shortfall of 187 square feet of required area. He stated with the amount of green area and the environmental restraints on the site they are requesting a relaxation of this square footage shortfall. Mr. Wiseman inquired about KCI's comment with regard to a

wetlands report letter of nonexistence. Mr. Strouss stated he will be receiving additional information from Vortex, their environmental consultant, which includes his data sheet which will then be provided to KCI.

Mr. Ginder asked about a comment from Cecil County Department of Public Works regarding the entrance to the site. Mr. Strouss stated that previously Cecil County wanted the Head of the Town's Department of Public Works to comment on the entrance. Mr. Strouss met with Mr. Handley and he approved the entrance. The new letter brings Cecil County in for a review as well so he plans to address that comment. Mr. Strouss noted that there is an existing entrance and they would like to resurface it.

Mr. Wiseman asked Mr. Strouss if there were any other comments that needed to be discussed. Mr. Strouss stated that Note 31A on the plans is a design waiver for the intermittent stream buffer for connection of sewer service to the existing sewer main. He indicated that they would need to jack and bore under the stream in order to tie into the Town sewer and therefore they will need to impact the stream and stream buffer. They will be placing a 6 (six) inch pipe.

Mr. Wiseman inquired whether Ms. Minner or Mr. Frey had any additional comments they wished to address. Mr. Frey questioned the 'after hours' parking space that is combined with the existing entrance. He suggested they might want to shift the space so as not to overlap with the entrance and to clearly define that space in order to cut down on the percentage of pavement. Mr. Strouss explained that the parking space is used in conjunction with a drop box for customers to make their payments after hours. Mr. Frey also addressed an easement for Town sewer which Mr. Strouss stated he would label on the plan. A private sewer service on the lands of Radhika was also discussed.

Mr. Wiseman entertained additional questions or comment from the Board. There were none. He entertained questions from the audience. There were none.

MOTION: Motion was made by Mr. Fordyce to approve the Concept Site Plan for Elkton Gas contingent upon addressing all outstanding comments and allowing for the following design waivers: 1) Intermittent stream buffer waiver for connection of sewer service to existing sewer main and 2) relaxation of interior landscaping due to 75% of site being 'green' area. The motion was seconded by Mr. Leonard and unanimously approved.

OLD BUSINESS: None

NEW BUSINESS: None

The next meeting of the Planning Commission will be August 10, 2015. There being no further business to discuss Mr. Wiseman adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Brie Humphreys