

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, July 21, 2009
7:00 p.m.

Chairman Brian Morgan called the meeting to order at 7:00 p.m. Present for the meeting were Valerie Combs, Cheryl Hite, and Commissioner Eric Braley. Also present were Melissa Cook-MacKenzie, Town Administrator; Betsy Vennell, Director of Planning; Brenda Sexton-Wilson, Town Attorney; and Bethany Brock, Planning and Zoning Assistant. Ranald Langille was not present due to a prior engagement.

-MINUTES-

June 16, 2009

Ms. Combs made a motion to approve the June 16, 2009 minutes. Commissioner Braley seconded the motion, and the motion was approved by all.

-COMMENTS FROM THE PUBLIC-

None.

-OLD BUSINESS-

1. Amendments to the North East Zoning Ordinance

Chairman Morgan stated that he had reviewed the setback regulation information provided by the towns of Perryville and Chesapeake City. He noted that both towns enforced a residential rear yard setback of 25-35 feet; therefore, he felt that the Town of North East should consider a reduction in its required rear yard setback of 50 feet. Ms. Combs stated that she agreed that it would be appropriate for the Town to consider a revision to its rear yard setback standards, considering the setbacks enforced by neighboring municipalities.

The Planning Commission agreed that a 30-foot rear yard setback was appropriate for residential districts. Ms. Combs made a motion to move forward with a draft ordinance of a revised 30-foot rear yard setback. Ms. Hite seconded the motion, and the motion was approved by all.

2. Amendments to the Subdivision Regulations: Recommendation to the Mayor and Commissioners – Amending Appendix A: Design Standards, Appendix B: Required Improvements, and the Table of Contents to reflect changes to the text.

Chairman Morgan noted that the Town had been working in conjunction with the Planning Commission and Transviron to amend the Subdivision Regulations. He also noted that Transviron had submitted comments to the Town in reference to Chairman Morgan's own suggestions to the proposed text.

Chairman Morgan stated that, in regards to the Town's lighting standards, it seems like Delmarva's limitations are the reason that the Town requires high pressure sodium lighting. Chairman Morgan stated that if the Town is going to enforce a specific lighting standard, he would still like to require metal halide lighting.

Chairman Morgan stated that he has two major issues with Delmarva: the direct burial of lighting poles, and the prevention of utilizing metal halide lighting. Chairman Morgan stated that he has seen many light poles installed by Delmarva leaning substantially, and he doesn't feel it should be the responsibility of the Town or the developer to fix these poles. He would like to discuss with Delmarva the possibility of utilizing metal halide lights.

Ms. Vennell stated that she had spoken with Delmarva earlier in the day, and Delmarva had indicated that they would like to meet with the Town next week regarding lighting standards and specifications. Delmarva will bring their own lighting standards and specifications to that meeting. Ms. Vennell asked whether the Planning Commission would like to move forward with making a specific recommendation regarding lighting standards at this time, or wait until additional information is received from Delmarva next week. Chairman Morgan stated that he was willing to wait and hear back from Delmarva.

Ms. Lana Lien from Transviron was present at the meeting and reported on her research into the Subdivision Regulations lighting standards. Ms. Lien stated that she researched decorative lighting; however, this type of lighting was not offered as metal halide. Ms. Lien suggested that the Regulations could be amended to state that high pressure sodium lighting or equivalent is required, and metal halide could be required at the time it becomes available; this would allow the developer to present either option, and the Planning Commission would have the discretion to approve or disapprove all submissions.

Chairman Morgan stated that by recommending one specific style of lighting, it would discourage the "creative flair" of the developer. Ms. Cook-MacKenzie stated that the Planning Commission may want to consider adopting the current lighting specifications, adding an amendment to state that specific lighting examples could be adopted by the Planning Commission by resolution. This would allow new lighting and lighting fixtures to be approved as they come onto the market, without having to constantly amend the ordinance.

Chairman Morgan confirmed that all lighting standard specifics would be stricken from the Regulations, and replaced with language that will give the Planning Commission the authority to approve by resolution all lighting-related submissions. Chairman Morgan requested that these changes be drafted in ordinance form.

Ms. Cook-MacKenzie asked Chairman Morgan for clarification on his comment regarding Transviron's suggestion that the phrase "final plat" on Page 1, Item #3, be deleted and the phrase "Public Improvement Plans" be inserted in its place. Chairman Morgan agreed with Transviron's suggestion and confirmed

that “Public Improvement Plans” refers to any public improvement, not necessary just utility plans.

Ms. Cook-MacKenzie asked the Planning Commission for clarification regarding Page 8, Article X: Sidewalks and Driveways, Item #2, which states that “where sidewalk crosses driveways, it shall be six (6) inches thick minimum.” Ms. Cook-MacKenzie asked for clarification as to who would have the authority to require that a driveway be thicker than 6-inches in certain situations. Chairman Morgan stated that 6-inches was a minimum thickness, and so long as the sidewalk met the minimum requirements, it was acceptable. Ms. Cook-MacKenzie asked whether the Town Maintenance Department and the Town Engineer would have the authority to authorize the pouring of a sidewalk greater than 6-inches. Chairman Morgan stated that he didn’t feel sidewalks in residential districts should need to be greater than 6-inches thick.

Ms. Cook-MacKenzie referred to page 9, Article XI: Street Lighting, which states that “street lights shall be provided for public streets and private alleys.” Ms. Cook-MacKenzie stated that even though the entire Article XI: Street Lighting was going to be removed from the Regulations, she wanted to ensure that there were no other references throughout the Regulations that indicated that the Town would provide or pay for lighting in “private alleys.” Chairman Morgan stated he did not think that the Town would ever be held financially responsible for lighting on private property, including private alleyways. Ms. Vennell stated that the Town has never been held responsible in any way for private lighting. Attorney Sexton-Wilson agreed that the Town would not be held responsible, including financially responsible, for any private lighting, including alleyways.

Ms. Cook-MacKenzie referred to page 11, Article I: Standard A, items #2 and page 12, Article II: Standard B, item #2, which both state that “connection to a public water distribution system as approved by the Cecil County Health Department and Town Engineer.” Ms. Cook-MacKenzie stated that these items should read “Town” instead of “Town Engineer,” as the Town’s Charter is the acting authority to provide water connection. The Town’s Engineer reviews the design of the water distribution system, but they do not approve it.

Ms. Cook-MacKenzie stated that if the Planning Commission was amendable to all suggested changes, that the amendments could be put in draft form and presented to the Mayor and Commissioners at their meeting tomorrow night. Commissioner Braley motioned to accept all changes and have the amendments put in draft form. Ms. Combs seconded the motion, and the motion was approved by all.

-NEW BUSINESS-

- 1. Case A-2009-24-SE: Special Exception Application from Hook, Line, & Sinkers, LLC, 33 Lake Forest Drive, Elkton, MD 21921. (Re: Pickled Herring Pub and Hot Chicks Wings, 32 S. Main Street) Expansion of Picked Herring Pub by 860 square feet into Suites 8 & 7 connecting into a new restaurant entitled “Hot Chicks Wings” consisting of 1,400 square feet, in**

the remainder of Suite 14. Zoning Designation is General Commercial

Mr. Karl Fockler
205 E. Main St.
Elkton, MD 21921

Mr. Fockler stated that he was appearing before the Planning Commission on behalf of the applicant—Hook, Line, and Sinkers, LLC—to request the approval of the expansion of Pickled Herring Pub in the form of a new stage area, a dance floor, and a patio area. The applicant is also seeking to establish a new restaurant—Hot Chicks Wings—in the remainder of Suite 14, which used to be the old pharmacy area of the building.

Chairman Morgan informed Mr. Fockler that the Planning Commission had reviewed the applicant’s submission as presented. Chairman Morgan noted that the Planning Commission had received a copy of the letter from Pat Conway, Director of Cecil County Department of Permits and Inspections, outlining numerous ongoing violations involving other tenants at the site. Chairman Morgan asked Mr. Fockler for a status update on those issues. Mr. Fockler replied that he had sent out a letter to Mr. Conway, as well as had met with Mr. Conway yesterday regarding those matters. Mr. Fockler stated that Mr. Conway “advised that all matters were resolved.” Mr. Fockler noted that all tenants at 32 S. Main Street are responsible for following County guidelines and for seeing the permit process through to completion. Mr. Fockler stated that Mr. Conway had waived the requirement of sealed architectural plans for his tenants currently in violation. Mr. Fockler stated that he was disappointed in the County’s reaction to the situation.

Ms. Vennell quoted Article 10-11 of the North East Zoning Ordinance, which outlines the enforcement of the North East Zoning Ordinance, as well as applicable penalties for violation of the Ordinance. Ms. Vennell recommended to the Planning Commission that the special exception cases A-2009-24-SE and A-2009-25-SE be continued until evidence can be submitted to the Town that all violations currently unabated at 32 S. Main Street are resolved and until a legible floor plan for both special exceptions is submitted to the Town.

Ms. Combs stated that she agreed with Ms. Vennell. Ms. Combs stated that in order to read the submitted site plan, she had to utilize a magnifying glass. She was still not certain that she was able to discern all aspects and words on the site plan. Ms. Combs stated that if she was going to go on record and vote on a special exception case and the submitted site plan, she wanted to be certain that she knew what the site plan stated.

Chairman Morgan confirmed that Mr. Fockler did not have written documentation from Mr. Conway indicating that all violations at 32 S. Main Street had been abated. Chairman Morgan stated that he feels that the Planning Commission has always tried and done everything within their power to accommodate applicants and their businesses. Chairman Morgan stated that the Planning Commission relies on the departments at the County-level to monitor the permit process and provide insight as to problems encountered

along the way. Chairman Morgan noted that, given the level of the County's discontent, he feels it would be difficult for the Planning Commission to proceed in making new recommendations or decisions regarding new developments at the site. Chairman Morgan stated that he would like to be provided with corroboration from Mr. Conway that all violations at the site have been abated and resolved.

Mr. Fockler stated that he saw no reason why the Planning Commission could not review his submission at a tentative site plan level, determining whether the proposal was a generally good idea and benefit to the community. Mr. Fockler stated that he did not want the special exception cases to be delayed an additional month, as he felt that the information submitted for the Planning Commission's review was adequate. Mr. Fockler stated that his meeting with Mr. Conway yesterday, in which Mr. Conway stated that all violations at the site were resolved, was also reason to proceed with the cases. Mr. Fockler also stated that the applicant is not yet ready to begin applying for permits; the applicant is just looking for preliminary approval from the Planning Commission.

Attorney Sexton-Wilson asked Mr. Fockler to confirm that even though the Planning Commission members had stated that they do not feel they have been presented with sufficient information to make a recommendation on the case, and even though Ms. Vennell had advised the applicant to that effect, that Mr. Fockler still was requesting that the Planning Commission hear his case. Mr. Fockler stated that, considering he had brought larger site plans to the meeting to present, he would ask the Planning Commission to hear both special exception cases tonight and offer tentative approval of the ideas being presented.

Ms. Combs stated that she did not feel she had been provided with enough information to vote on either special exception case tonight. Ms. Combs stated that her concern is that the site plan that was submitted with the special exception applications becomes a matter of record; if the Planning Commission members cannot interpret the site plan because it is illegible, then there is no way for any of the members to make an informed decision or to be certain what they are approving. Ms. Combs stated that she also takes issue with the fact that the applicant was given sufficient notice that the special exception submissions were incomplete, and yet not all outstanding requirements were fulfilled. Ms. Combs noted that this leads to approvals that are laden with conditions, and she feels that it becomes too difficult to follow-up on the status of all the conditions. Ms. Combs stated that from her standpoint, she did not feel prepared to vote on either special exception case until she had a legible site plan that she could review.

Mr. Fockler stated that he would like to propose that the Planning Commission accept the architectural renderings that he had provided tonight for review and comment.

Chairman Morgan stated that he wanted to ensure that all parties were treated fairly. Chairman Morgan stated that he could understand the applicant's

opinion that sealed architectural plans should not be required for the tenant suites located at 32 S. Main Street that are currently in violation with the County. Chairman Morgan stated that a more legible site plan for the special exception cases, however, was necessary.

Commissioner Braley confirmed that Mr. Fockler did not intend to apply for any permit in the near future. Mr. Fockler stated that he intended to apply for permits relating to tonight's special exception by the end of August 2009. Commissioner Braley stated that he had concerns when he read Mr. Conway's letter regarding the ongoing violations with current tenants at the site. Commissioner Braley also stated that he was concerned that the applicant had been advised of the request for larger site plans in June, and was concerned that this request had never been fulfilled. Commissioner Braley stated that if the applicant was not intending to apply for permits until the end of next month anyway, then taking an additional month to fulfill the outstanding requirements for both special exception cases and to resolve the violation issues with the current tenants should not delay the applicant too much. Mr. Fockler stated that he did feel that a continuance would cause issues for the applicant, especially financially.

Chairman Morgan stated that ultimately, the applicant has tenants currently occupying the site that do not have their required Certificates of Occupancy. While he did not see an issue with what is being proposed, Chairman Morgan did have concerns that County requirements were not being satisfied by the applicant's tenants. Chairman Morgan stated that he felt that the Planning Commission was generally very supportive of businesses, and the satisfaction of all outstanding County requirements would be very meaningful to the Planning Commission's review of the current special exception cases.

Chairman Morgan stated that he would have no issue in accepting the architectural renderings as presented tonight as an acceptable site plan for both special exception cases, providing it was legible. Ms. Combs agreed.

Ms. Vennell stated that Section 9-29 of the Zoning Ordinance allows for the continuance of both special exceptions until next month's meeting on August 18, 2009.

Ms. Combs recommended that the Planning Commission continue the special exception case until the August 18, 2009 meeting, conditioned upon:

1. All matters outlined in Pat Conway's letter dated July 13, 2009 be addressed and resolved and confirmed as such in writing by Mr. Conway.
2. Eight copies of a new, larger scale site plan—identical to the plans presented before the Planning Commission tonight—be submitted to the Town. All discrepancies as outlined in Bethany Brock's letters to applicant dated June 17, 2009 must be resolved.
3. Sewer allocation be determined and secured, if deemed necessary by Cecil County Department of Public Works.
4. Water allocation be secured by the Town of North East.
5. Written confirmation that all conflicts between Cecil County Liquor Board requirements and State Fire Marshal requirements have been

resolved, specifically relating to the installation of a gate at the entryway to the Pickled Herring Pub.

6. Applicant will receive copies of all letters outlining outstanding requirements regarding the special exceptions so that the site plan and all other related submissions can be clarified.

Commissioner Braley seconded the motion, and the motion was approved by all.

- 2. Case A-2009-25-SE: Special Exception Application from Hook, Line, & Sinkers, LLC, 33 Lake Forest Drive, Elkton, MD 21921. (Re: Pickled Herring Pub and Hot Chicks Wings, 32 S. Main Street) Expansion of existing liquor license into Suites 8 & 7 and the remainder of Suite 14, as well as a portion of the privately-owned sidewalk at the front of 32 S. Main Street. Zoning Designation is General Commercial.**

Ms. Combs made a motion to continue special exception case A-2009-25-SE until the August 18, 2009 meeting. Commission Braley seconded the motion, and the motion was approved by all.

- 3. CT Ridgely Forest Business Trust: Ridgely Forest Subdivision. Amendment to the Master Planned Community: Housing Unit Types and Quantities proposed in Phases 4, 5, and 6, also found on tax map 31, parcels 235, 971, 1279, and 675. Applicant address is 4685 Millennium Drive, Belcamp, MD 21017.**

Fred Sheckells and Dan Whitehurst of Clark Turner Communities were present for the meeting. Mr. Sheckells stated that Clark Turner Communities was appearing before the Planning Commission for an informal request to change some of the housing unit types and quantities within Phase 4, 5, and 6 of the Ridgely Forest development.

Mr. Sheckells stated that homes within Ridgely Forest are currently selling very well. Ryan Homes has informed Clark Turner Communities that the duplex is not currently a viable option in today's housing market; consumer trends tend to favor either the cost of a townhome or the spaciousness of a single family home, rather than a duplex. Clark Turner Communities feels that it would be more practical to offer consumers either townhomes or single family units—and nothing in-between. Mr. Sheckells stated that Clark Turner Communities would like to phase out the duplex offerings throughout the remainder of the Ridgely Forest development.

Mr. Sheckells stated that there are currently 186 duplexes proposed for the remainder of the development, which comprises 30% of total homes being built. Clark Turner Communities would like to reduce the number of duplexes being offered and convert most of those units into townhomes. In Phase 5, single family units are selling very well; therefore, Clark Turner Communities would like to reconfigure the duplexes in Phase 5 to single family homes.

Mr. Sheckells provided the Planning Commission with layout of the entire Ridgely Forest development, which indicated the phases and areas where duplexes are to be removed. Mr. Sheckells asked that this handout be submitted for the record. Mr. Sheckells stated that he was unsure whether the Master Planned Community Design Guidelines or regulations would have to be revised, but he would assume so.

Mr. Whitehurst stated that Clark Turner Communities has currently sold 47 single family homes and 30 townhomes; not a single duplex has been sold. Mr. Whitehurst noted that at least three or four duplexes must be sold in Phase 2 before it becomes financially feasible to install roadways and public improvements to that area of the development. Mr. Whitehurst stated that Clark Turner Communities is asking for the flexibility to offer what the market is driving, which they believe will be required to continue their success in the Ridgely Forest development.

Ms. Combs confirmed that Clark Turner Communities is requesting to convert approximately 90 duplexes to townhomes, and Mr. Sheckells confirmed that this was correct.

Mr. Sheckells also informed the Planning Commission that Clark Turner Communities no longer planned to extend Goldspire Drive into the Courts of Mallory development; the road plans will be amended to end Goldspire Drive with a cul-de-sac. Chairman Morgan confirmed with Ms. Cook-MacKenzie that this change would be considered a minor amendment, and Ms. Cook-MacKenzie stated that as Town Administrator, she would consider this change a minor amendment.

Chairman Morgan asked why Clark Turner Communities had decided not to extend Goldspire Drive into the Courts of Mallory development. Mr. Sheckells stated that at this point, if Goldspire Drive were extended, it would travel through the residential development very close to existing homes; Clark Turner Communities felt it was unfair to build a roadway immediately adjacent to a property owner's home, when the homeowner had purchased the property without the intent of having street traffic nearby. Chairman Morgan asked if Clark Turner Communities could provide some other sort of continuous pedestrian path or emergency vehicle access way from the Ridgely Forest development into Courts of Mallory. Mr. Sheckells stated that this was a possibility, but nothing is definitive currently.

Ms. Combs stated that she had called the deputy chief of the North East Fire Company earlier in the week concerning this possible emergency access road. Ms. Combs stated that the deputy chief had noted that, as there are already two entrances into the Ridgely Forest development off of Route 7, he highly doubted that the fire department would ever utilize the Courts of Mallory development to access Ridgely Forest. Ms. Cook-MacKenzie stated that an emergency access entrance may still serve a purpose if there was ever an incident occurring at the entrance to Courts of Mallory, and the fire department needed to access the scene from the rear.

Chairman Morgan stated that he would still like to see some sort of pedestrian walkway in this area, and perhaps vehicle thruway could be restricted using a locked Ballard gate. Mr. Sheckells suggested that breakaway plastic gating could also be used. Commissioner Braley agreed that he would like to see some sort of pedestrian walkway connecting the two developments.

Commissioner Braley asked for further clarification on Clark Turner Communities' intention of phasing out duplexes in Phase 6, as there are three separate sections within Phase 6 that changes are being proposed. Commissioner Braley specifically asked about the highlighted section that proposed converting duplexes into either townhomes or "small" single family homes. Mr. Whitehurst stated that Ryan Homes offers both a traditional style single family home, as well as a "Renaissance" style single family unit, which is narrower and somewhat smaller than the traditional style. Both single family styles are selling equally well in Ridgely Forest. Mr. Whitehurst stated that their research indicates that homebuyers from Cecil and Harford Counties prefer the more affordable Renaissance style home, while the remaining homebuyers—largely BRAC-based—tend to favor the larger traditional-style homes. Mr. Sheckells stated that there is a square footage difference of about 1,500 square feet between the two single family unit styles. Ms. Vennell asked whether Clark Turner Communities plans to reduce the lot sizes to coincide with what is already proposed in the Master Planned Community. Mr. Whitehurst replied that the lot sizes would probably be smaller than what is currently proposed.

Commissioner Braley asked for clarification as to what Clark Turner Communities planned to change throughout Phase 4, 5, and 6. Mr. Sheckells stated that there are three separate areas they propose to change in Phase 6. In the first area, Clark Turner Communities proposes to convert 16 duplexes into 16 townhomes. In the second area, they propose to convert 54 duplexes into 54 townhomes. Commissioner Braley asked whether it was possible to include four or five single family homes within this area. Mr. Sheckells replied that Ryan Homes has indicated that it is very hard to market and sell a single family home surrounded by townhouses. In the remaining third area of Phase 6, Clark Turner Communities plans to keep any remaining duplexes, or possibly convert them into smaller Renaissance-style single family homes. Mr. Sheckells stated that all duplexes in Phase 5 will be converted into single family homes. In Phase 4, 20 duplexes will be converted into 20 townhomes.

Ms. Vennell asked how many lot reductions would occur if Clark Turner Communities were to convert all duplexes to Renaissance-style single family homes at the south end of Phase 6. Mr. Sheckells said that he did not have those numbers at this time. Ms. Vennell stated that she was hesitant to approve the creation of another townhouse development. She noted that this was the very reason that the Planning Commission had required Clark Turner Communities to provide three different house styles to begin with. Mr. Sheckells stated that Clark Turner Communities would be willing to consider intermixing duplexes with townhomes. Chairman Morgan confirmed that the applicant did not have the overall breakdown of the density changes

that would result due to converting duplexes to townhomes and single family homes.

Ms. Combs stated she had a strong concern about approving a development that contains over 50% townhouses. Ms. Combs noted that one of the Planning Commission's major concerns when originally approving the Master Planned Community was the avoidance of the creation of another townhouse community; even then, the Planning Commission allowed Clark Turner Communities to provide over 30% townhomes.

Ms. Vennell requested that the applicant return before the Planning Commission when they can provide the board with more definitive numbers and data concerning the conversion of duplexes to townhomes and single family units, and Mr. Sheckells agreed to provide this.

Chairman Morgan called a five minute recess at 8:27 p.m.

4. NE Commons tentative site plan. Applicant is proposing pad sites for retail, restaurants, convenience store with gas pumps, and an office building. Found on tax map 25, parcels 453, 272, 591, and 492. Rhine Properties, LLC and Northeast Commons, LLC, 4685 Millennium Drive, Belcamp, MD 21017. Zoning Designation is Highway Commercial.

Fred Sheckells and Dan Whitehurst of Clark Turner Communities were present on behalf of the applicant. Mark Healy of Traffic Concepts was also present, as well as Amy DiPietro, project manager with Morris & Richie Associates.

Mr. Sheckells stated that Clark Turner Communities had purchased what was formerly the Nazarene Camp approximately two years ago and was now in the beginning stages of the commercial subdivision process.

Mr. Sheckells stated that Clark Turner Communities has consulted with the Department of Natural Resources and confirmed that there are no endangered or threatened species on the premises. A Forest Delineation plan has been drafted and submitted to the County. Mr. Sheckells stated that over a year ago, a wetland delineation plan was submitted to the Army Corps of Engineers, and Clark Turner Communities is awaiting approval, which is scheduled for August 7, 2009. Clark Turner Communities is currently in the process of completing a wetland permit for the minor impacts that will occur at the site.

Mr. Sheckells stated that Clark Turner Communities is aware that there are traffic issues to resolve at the site; however, he would like to move forward with tentative site plan approval, as the goal of Clark Turner Communities is to break ground at the site by spring 2010.

Mr. Sheckells stated that there is the possibility of conducting a controlled burn at the site to remove the remaining old cabins there. If a controlled burn is not ultimately permitted, Clark Turner Communities will demo the entire site. Mr. Sheckells stated that the American Historical Association has expressed interest in the site; however, Clark Turner Communities does not feel that there are any buildings or landmarks on site of any historic significance.

Mr. Sheckells stated that a preliminary stormwater management analysis has also been completed. The goal of Clark Turner Communities is to complete all facets of Phase 1 under current codes and regulations.

Mr. Sheckells stated that Clark Turner Communities plans to phase the NE Commons project. Thus far, an initial traffic impact study has been conducted for Phase 1. Mr. Healy stated that Lums Road, Peninsula Drive, all site access points, NE Plaza, Route 272 and Route 40 had been studied extensively. Traffic counts were done at all study points; and at the request of Ms. Vennell, additional traffic counts were conducted at these points during Friday evenings and on Saturdays during the summer to study the impact of weekend recreational travel.

Mr. Healy stated that the Phase 1 study suggests the realignment of Nazarene Camp Road onto Route 272; this would be utilized as a main access point to the site. A signal warrant analysis was also conducted by Traffic Concepts, and a full signalized intersection will be necessary at the Nazarene Camp Road and Route 272 intersection; however, this will require a second southbound thru-lane along Route 272, which would start north of the site and connect into the existing two southbound lanes at NE Plaza. A northbound exclusive left-turn lane into the site would also be provided. Mr. Healy stated that the site would most likely have two separate outbound lanes as well.

Mr. Healy stated that changes would occur at Lums Road, specifically the conversion of the current westbound channelized right-turn lane into a free right-turn lane. This would probably requiring lane restriping, as 150 feet must be provided to allow for vehicle stacking.

Mr. Healy stated that a second southbound thru-lane at Rogers Road would add capacity at that intersection. Traffic Concepts studied Rogers Road using highway capacity statistics and found that it would operate at a fairly good level of service under future travel conditions.

Mr. Healy noted that several changes were suggested for the intersection of Route 272 and Route 40. A double left-turn lane onto Route 40 is proposed. The current thru-lane would remain, and a thru-right lane would be utilized in the northbound direction. These changes would allow for concurrent signal phasing instead of split-phasing signalization, which provides more time for thru-vehicles.

Mr. Healy stated that the NE Commons site plan currently depicts a double-lane roundabout within the site. Mr. Healy stated that additional traffic studies will be needed to determine whether this is feasible.

Mr. Healy stated that the proposed traffic study focuses on Route 272 and the changes to Route 272. Mr. Healy stated that Traffic Concepts reviewed the State Highway Administration Route 272 Corridor Study, which forecasts traffic volumes on Route 272 thru 2030. Mr. Healy noted that this study used a travel-demand forecasting model from Wilmapco. Mr. Healy stated that while this is a good model to utilize for studying traffic volumes on large roadways

such as I-95, the information obtained can't easily be applied to minor streets or intersections, as the results could be skewed or incorrect. Mr. Sheckells stated that several of the comments Clark Turner Communities has received from CNA suggested that not enough due diligence has been dedicated to studying traffic impacts. Mr. Sheckells stated that he believes Clark Turner Communities has put much more thought and time into the traffic studies than is usual for a tentative site plan.

Mr. Sheckells and Mr. Whitehurst presented a PowerPoint slideshow depicting the type of shopping center Clark Turner Communities hoped to build at NE Commons. Mr. Sheckells stated that Clark Turner Communities had every intention of building a site with "great landscaping and great hardscaping." The slideshow provided similar site examples from Harford County.

Chairman Morgan stated that he saw very few similarities between what was presented in the slideshow and what was presented on the tentative site plan. Chairman Morgan stated that he was not impressed with the current site plan; he felt it looked like a 1970's "dead model" strip mall. Chairman Morgan stated that he would like Clark Turner Communities to combine functionality with aesthetics for this project; he didn't feel that the current proposed site had any pizzazz. Chairman Morgan stated that he didn't see how any linear-based building or mall was going to work, especially considering the neighboring property at NE Plaza, which utilizes a linear "strip mall" design and has had a history of high vacancy rates.

Commissioner Braley asked whether Clark Turner Communities planned to encourage pedestrian access to NE Commons. Commissioner Braley stated that he would like to see a shopping center that encourages walkability. Mr. Sheckells stated that pedestrian access to the site will definitely be encouraged. Commissioner Braley asked whether Clark Turner Communities was planning on utilizing any "green" methods in construction of the site. Mr. Sheckells stated that Clark Turner Communities would be willing to consider using "green technology." Commissioner Braley asked how much input Clark Turner Communities was seeking from the Town. Mr. Sheckells stated that Clark Turner Communities definitely wants input from the Town and its boards; Clark Turner Communities had the option of building within County limits but chose to annex into the Town, due in part to the Town's high standards.

Ms. Cook-MacKenzie asked if Clark Turner Communities would be willing to provide the Planning Commission with some of their other design layouts. Mr. Whitehurst stated that these designs had been discouraged by the firm's retail broker. Mr. Whitehurst asked the Planning Commission to explain their biggest concerns with the site. Ms. Combs stated that no one could get past the vision of a strip mall at the site. Mr. Sheckells suggested breaking apart the linear building strip with a patio or seating area. Ms. Combs stated that the site is dependent on positive visual perception. Chairman Morgan stated that he would like to see a focal point around which the entire site is developed.

Ms. DiPietro noted that at this point, the applicant is just looking for the approval to move forward with road realignments and site access points. Ms. DiPietro stated that nothing is definitive in regards to the layout or visual architecture of the site; and at this point, all Clark Turner Communities would like to do is seek approval to move forward with road improvements.

Mr. Sheckells stated that there had been conversation about possible linking the NE Commons site into NE Plaza. Mr. Sheckells stated that the possibility of this happening was very slight, as there has been little cooperation with the property owner of NE Station, Mr. Cornish. Mr. Whitehurst stated that unless the Town or State Highway Administration could intervene on behalf of Clark Turner Communities, there is little chance that an agreement to join the two sites will be reached. Mr. Sheckells stated that he would like to lay this issue to rest, once and for all.

Chairman Morgan opened the discussion for public comment.

Tom and Muriel Wetzel
246 North East Road
North East, MD 21901

Stephen Stiles
248 North East Road
North East, MD 21901

Mr. Wetzel introduced himself and his wife, as well as his son-in-law, Stephen Stiles. Mr. Wetzel stated that he owns property on the east side of Route 272, across from Nazarene Camp Road. Mr. Wetzel stated that his concern is that if Clark Turner Communities attains tentative approval for Phase I of the NE Commons site, and State Highway Administration seeks to expand Route 272, Mr. Wetzel and Mr. Stiles will lose much of their front yards. Mr. Wetzel noted that Mr. Stiles' house sits only about 50-feet from the guardrail; any expansion of the roadway onto his property would severely encroach upon his house. Mr. Wetzel stated that the west side of Route 272, adjacent to the ballfield, has the most room to expand the roadway; however, he is concerned that if Clark Turner Communities moves forward with the construction of Phase I of NE Commons and utilizes all of that available space on the west side of Route 272, then State Highway Administration will justify future roadway expansion onto the east side since there will be no other available space left to expand.

Ms. Cook-MacKenzie stated that the future expansion of Route 272 is a State Highway Administration project, and the Town has no jurisdiction or authority over what is done with the roadway. Mr. Wetzel stated that he would like to see Clark Turner Communities construct their project further back, away from Route 272, so that some space is left on the west side of the roadway for future expansion. Mr. Sheckells noted that State Highway Administration tends to be very proactive in asking for needed expansion space upfront, even if a project is years away from commencement. Mr. Healy stated that this situation is a key factor that Clark Turner Communities conducted such a detailed traffic study so early on in the project. Ms. DiPietro stated that Clark Turner Communities

is setting aside site space along west Route 272 for State Highway Administration, specifically for future roadway expansion.

Ms. Wetzel stated that if Route 272 were to be expanded on the east side, the roadway would run so close to Mr. Stiles' house, that it would make their home practically unlivable; Mr. Wetzel noted that if an accident were to occur along that section of the highway after the road had been expanded, a car could literally land on their house. Ms. Wetzel stated that she is also concerned about the noise from the highway if it were that close to their homes. Mr. Wetzel asked that the Planning Commission take all these concerns into consideration before any approvals are granted to Clark Turner Communities.

Steve Foster
152 North East Road
North East, MD 21901

Mr. Foster introduced himself as the owner of Foster's Auto Service, which is situated along east Route 272 and Rogers Road. Mr. Foster stated that State Highway Administration has granted him a right-of-way along east Route 272 for his business and for the parking of vehicles in that area. Mr. Foster stated that several years ago, a water line was installed along Rogers Road, which caused Rogers Road to be closed. Mr. Foster stated that this was a hardship on his business, as he had to ask the road crews every day to please grant him vehicle access at the entrance to his business for his customers to enter his site. Mr. Foster stated that he would ask Clark Turner Communities to please keep him and his business in mind as they conduct their traffic studies and plan their site access points and prepare to move forward with NE Commons. Mr. Sheckells stated that Clark Turner Communities plans to reconfigure Rogers Road, pushing the road entrance closer to Mr. Foster's business and adding a signalized intersection. Mr. Sheckells stated that Clark Turner Communities would not cut off access to Mr. Foster's business, and the road reconfiguration might actually improve site access to Mr. Foster's business.

Mr. Foster noted that the afternoon traffic along the Route 272 corridor is horrible; wouldn't more traffic lights just make the traffic problem worse? Mr. Healy stated that the signalized intersection would utilize coordinated signals, which should actually help to alleviate traffic. Ms. Wetzel stated that she is concerned that her southbound Route 272 access would be completely lost; she would have to turn northbound out of her driveway and turn around at the hotel or the Flying J Plaza, just to be able to travel southbound and go to Walmart.

Mr. Stiles noted that his home was built in the 1770s. His home is of significant historic value, and if it is lost to roadway expansion, it cannot be replaced.

Ms. Vennell asked what can be done to address the concerns of residents affected by the NE Commons development. Mr. Sheckells stated that a meeting between Clark Turner Communities, State Highway Administration, the Town, and any concerned residents should be conducted.

As consultant to the Planning Commission, Mr. Mark Gradecak of Davis, Bowen & Friedel, Inc., stated that one of his concerns regarding NE Commons is the monolithic structure proposed as the focal point of the site. Mr. Gradecak stated that he would suggest breaking up the linear design of the buildings and perhaps interchanging some of the retail and office space pads. Mr. Gradecak stated that Clark Turner Communities could also possibly consider using decking for site parking.

Ms. Cook-MacKenzie asked when the applicant planned to return before the Planning Commission. Mr. Sheckells stated that he would like to aim to return before the board at the August 2009 meeting. Ms. Vennell suggested that the meeting between Clark Turner Communities, State Highway Administration, the Town, and any concerned residents should take place before the applicant reappears before the Planning Commission.

Mr. Sheckells stated that the Highway Corridor Overlay district requires that a survey be conducted for any trees over 8 inches, which is prohibitively expensive. Mr. Sheckells stated that for the Ridgely Forest development, Phase II, he walked through the site and hand-selected trees that were to remain on site. Mr. Sheckells stated that he would like to repeat this same method for the NE Commons site. Chairman Morgan stated that he thought requiring a survey for every tree over 8-inches was ridiculous and absurd. Ms. Vennell stated that several Zoning Ordinances amendments will be necessary due to the requirements of House Bill 1141, and this can be considered as one of the proposed amendments. Ms. Cook-MacKenzie asked if the Planning Commission had any objections to the tree-selection procedure that Mr. Sheckells had outlined, and the Planning Commission agreed that it did not.

Ms. Combs made a motion to continue tentative site plan approval for NE Commons until the August 18, 2009 meeting. Commission Braley seconded the motion, and the motion was approved by all.

-REPORTS-

Eastern Shore Land Conservancy meeting

Ms. Vennell reported that a meeting with the Eastern Shore Land Conservancy would be conducted at the Perryville Library on July 28 at 1:00pm. All Planning Commission members are invited to attend.

Heron Cove Subdivision

Ms. Vennell reported that the Town has received ground water results for Heron Cove. The research and fieldwork regarding the pedestrian bridge and sidewalk are complete, and plats are currently being drafted. Heron Cove will reappear before the Planning Commission at the September 2009 meeting.

House Bill 1141

Ms. Vennell reported that Mr. Gradecak has sent the draft version of House Bill 1141 to the State for review. Mr. Gradecak, Chairman Morgan, and the County will be meeting August 3, 2009 regarding House Bill 1141.

-MISCELLANEOUS-

-NEXT MEETING-

August 18, 2009

ADJOURNMENT:

With no further business to discuss, Ms. Combs made a motion to adjourn the meeting at 10:20 p.m. Ms. Hite seconded the motion, and the motion was approved by all.

Respectfully submitted:

Attest:

Bethany Brock
Planning and Zoning Assistant

Brian Morgan
Chairman