

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Monday, March 2, 2020
7:00 P.M.

Chairman Mark Dobbins called the meeting to order at 7:00 P.M. Present included Commissioner Raymond Mitchell and member Judy Duffy. Also present Chris Mink, Town Engineer, Betsy Vennell, Director of Planning and Zoning and Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie, Town Administrator and Member Valerie Combs were absent from the meeting.

-MINUTES-

February 4, 2020

Commissioner Mitchell made a motion to approve the February 4, 2020 Planning Commission minutes as presented. Ms. Duffy seconded the motion and the motion was approved by all.

-OLD BUSINESS-

None.

-NEW BUSINESS-

Ridgely Forest Preliminary Plat Sections 5-A, 81 Single Family Homes and Section 6, 47 Single Family Homes

Mr. Jim Wolf, WORF LLC, 2301 Rutledge Road, Fallston, Maryland, and his Engineer, Mr. Jeff Mathai, P.E., Morris and Ritchie Associates, 3445A Box Hill Corporate Center Drive, Abington, Maryland, came before the Planning Commission to present the preliminary plat for Ridgely Forest Section 5-A and Section 6.

Mr. Matthai, reported that he and his client have no objections to the comments on the comment letter, dated February 27, 2020 from the Town's Engineer, Mr. Chris Mink, CNA, which the Planning Commission also received a copy of. Mr. Matthai went through each comment on the letter and made comments on the following:

Site Notes: Mr. Matthai reported he had used old site notes in error and the lot totals and other numbers shall be updated on the Final Plat.

Fence and Open Space: Mr. Matthai reported that a fence will be installed along the railroad tracks and around the stormwater management pond, additionally, the detail will be shown on the Open Space plan. Mr. Mink informed Mr. Matthai that there is an inconsistency in the total Open Space calculations which will need to be corrected.

APPROVED
May 4, 2020

Emergency Access: Mr. Matthai reported that the preliminary plat for Section 5-A follows the requirements of the MPC plan and Section 5-A will have a twelve foot emergency access from Ridgely Forest into the Courts of Mallory Development as originally required on the first MPC plan approved at the concept of the Development in 2007. Mr. Matthai concurred with Mr. Minks comments, that the details for the emergency access connection and gate should be provided on the public Road & Storm Drain Plans for Section 5-A. Mr. Mink added that he would prefer the 12 foot emergency access be constructed with a geogrid, with matting. The emergency access would then appear as if it were just a grassy area, although it would be durable enough to support heavy equipment such as a fire truck. Mr. Mink stated the emergency access shall be gated at the property line. There will also be a 12 inch water main and an 8 inch sewer connection located within the utility easement, which also is outlined on the subdivision plat.

Mrs. Vennell read an email into the record, that was received from a resident of Courts of Mallory. The resident, Jennifer Hirn, of 34 Augusta Loop stated she is opposed to the construction of an emergency access installed between Courts of Mallory and Ridgely Forest. She stated that if the emergency access was installed, the Courts of Mallory develop would experience more pedestrian traffic, trash, and that could jeopardize the safety of their children. (copy of email attached).

Mrs. Vennell reported that the Courts of Mallory subdivision plats were approved with a 30 foot emergency water and utility easement prior to Ridgely Forest. In November 2004, Cecil County reviewed concept plans for the Ridgely Forest development, which was not within the Town's incorporated limit at that time. During the review process of the Cecil County Technical Advisory Committee and Cecil County Planning Commission, it was determined that they would require a road access between the proposed Ridgely Forest Development and the existing Courts of Mallory Development. On November 10, 2004, the Town of North East Planning Commission offered a rebuttal to Cecil County Planning Commission regarding this requirement. The Town of North East Planning Commission met to discuss the County proposal and voted to deny the requirement of a through road connectivity based upon the following:

- 1) There is a responsibility to the current residents who reside in Courts of Mallory who are not aware of the connection on a master plan.
- 2) The streets in Courts of Mallory have not been designed for the thru traffic of Ridgely Forest, producing the possibility of 600 additional vehicles per day.
- 3) The tot lots and playgrounds in Courts of Mallory have been placed adjacent to the road which would be the main road of connectivity between the two developments, creating further safety concerns.
- 4) The Developer of the Courts of Mallory subdivision is not aware of the roadway connection shown on the Ridgely Forest plans. If the roadway was required by the North East Planning Commission, the Developer most likely would have to go back to the preliminary planning stage due to the changes required with the design.
- 5) If the roadway connection to Ridgely Forest is not approved, the developer for Ridgely Forest would most likely have to redesign his subdivision plan.

- 6) The Town had received no notification from the County that the roadway was taking place on the Ridgely Forest Subdivision.
- 7) A new traffic impact study would need to be performed to see what the impact would be on the Courts of Mallory Subdivision, Phases 1, 2 and 3.

Mrs. Vennell reported that, in 2006, the developer for Ridgely Forest came in to request an annexation. The Planning Commission indicated, at that time, they were not opposed to a path or walkway connecting the two communities. During the public hearings for Ridgely Forest, there were concerns expressed by the Fire Company that there is only one entrance/exit into the Courts of Mallory development and if there was an emergency in that development that blocked the entrance/exit, there would be no way out. An example of the North East Isles development was given, recalling a fire which occurred burning several dwelling units. If the fire had occurred in a different section of North East Isles, the ingress and egress to the homes would have been cut off. The fire changed the way the Mayor and Commissioners and Planning Commission looked at future developments and they agreed not allow future developments to have only one entrance/exit. Subsequently, an emergency access was required from Ridgely Forest over to Courts of Mallory, as shown on the 2008 Master Planned Community (MPC) Guidelines book and concept plat. The current MPC Guidelines book states that prior to the first construction authorization being released from the town for Ridgely Forest Section 5-A, the developer shall be required to construct the emergency access from Augusta Loop through to Goldspire Drive. Construction plans, as determined by the Town Engineer, including grading and completion of the access, installation of barriers and signs shall be required. Mr. Mink reported that there is a 30 foot easement for the utilities, but the emergency access shall be limited to 12 feet wide. Mrs. Vennell reported that the Town has a recorded emergency access easement and utility easement for this area.

Chairman Dobbins reported that although the Planning Commission meeting this evening is not a Public Hearing, Chairman Dobbins acknowledged that the Planning Commission would like to hear comments from the members of the public in attendance.

Mr. Nair inquired if there was a legal requirement for the emergency access. Mrs. Vennell stated that the requirement was determined by the Mayor and Commissioners and the North East Planning Commission and is also documented in the Master Planned Community Guidelines Book. Mrs. Vennell further explained that this emergency access and utility connection has always been a requirement for the Ridgely Forest Development. Mr. Matthai reported that the requirement is for the benefit and safety of the residents of Courts of Mallory. Mr. Nair stated he disagrees and is opposed to the emergency access requirement. Chairman Dobbins inquired what Mr. Nair's specific concerns were. Mr. Nair stated that the Courts of Mallory community has been fine for years and does not want to see the trees removed to install a gravel road. Mr. Nair stated that Ridgely Forest has two entrances and he believes the emergency access is not necessary and will have a negative impact on the Courts of Mallory community. In addition, Mr. Nair reported that the emergency access will promote an increase in foot traffic between the two communities. Mr. Nair inquired who would be responsible for maintaining the emergency access.

Mr. Mink responded that construction of the area includes that the 30 foot easement would be cleared, the water and sewer would be installed and then the geogrid and topsoil would be installed at a twelve foot width. Mr. Mink added that in his experience, even though it is not their responsibility, the adjacent homeowners tend to maintain these easements.

Comments from the Public

Sharon Armor, 22 Augusta Loop, stated she was concerned that the emergency access will become a connectivity road in the future. Mrs. Vennell reported that this Development was originally a project in Cecil County and the County Planning Commission wanted a thru road to be installed at this location. When the developer annexed the project into the Town, the North East Planning Commission and the Mayor and Commissioners did not want a thru road here, but were concerned about emergency access to Courts of Mallory, therefore, a twelve foot wide emergency access easement were required, along with a utility easement for the water and sewer. The width of the easement is not wide enough as a road, as it is only 30 feet wide. In addition, the “deed of easement” granted to the Town is specifically for utilities and an emergency access. Ms. Armor inquired why the utilities could not be installed at another location and reported that there are gas tanks and mailboxes in the easement location. Mr. Mink responded that this is the only location the water main can be installed, and the water system was designed with this water main several years ago. The 30 foot easement will not infringe on the existing Courts of Mallory open space amenities. Mr. Matthai added that if any amenities were damaged during construction the developer is required to repair or replace those items. Ms. Armor stated that her property is adjacent to the easement and she has a concern about potential foot and/or vehicle traffic. Mr. Mink stated that the emergency access will be gated. Ms. Armor also stated that she is upset that she has a Forest Conservation area on her lot however, and the developer would be permitted to remove all of the trees within the utility easement.

Robert Moore, 22 Greenbriar Court, stated he fears that the easement may change in the future and allow for a road to be built in this location. In addition, he does not want to see the trees removed and would like the engineer to look at other areas to install the utilities. Mr. Mink stated that the Ridgely Forest community must have a second water main feed and this is the only location it can be installed.

Matt Lamas, 24 Greenbriar Court, inquired about the location of the gate on the emergency access. Mr. Mink stated one gate will be installed at the property line. Mr. Lamas wanted to know if another gate could be installed on the Courts of Mallory side of the emergency access as he fears people will try to park or cut through to Ridgely Forest. Mrs. Vennell stated that the Planning Commission had not previously approved two gates. Mr. Matthai stated that they could possibly consider a second gate. Mr. Lamas inquired who will be responsible for the maintenance of the emergency access. Mrs. Vennell stated she does not know at this time but could contact Mr. Lamas when she learns the answer if Mr. Lamas wanted to leave his contact information.

Kayla Kutch, 24 Greenbriar Court, stated she is concerned about the grading behind her home in the Ridgely Forest development and that flooding that may occur when the trees are removed

from the utility easement area. Mr. Matthai stated that if there is a berm behind her home now, there will be a berm after grading. Mr. Matthai added that this is a preliminary plan and they still have to do a stormwater management plan to submit Cecil County Stormwater. Mr. Matthai also stated that he is required to consider drainage in the entire area, as this is state law. Mr. Matthai offered several times to set up a meeting with the developers if Ms. Kutch would like. Mrs. Vennell reminded all concerned, that any meeting would not negate the requirement of the emergency access. Ms. Kutch did not leave her contact information nor confirm she would like a meeting.

Chairman Dobbins reported that the emergency access is not to disadvantage the residents of the Courts of Mallory development but to add additional ingress/egress in the case of an emergency.

Traffic Calming Devices

Mr. Matthai reported that traffic calming devices will be installed along Goldspire Drive as required by the Planning Commission. The type of traffic calming devices have not yet been determined. Mr. Matthai stated he will be speaking with Mr. Mink regarding options for traffic calming such a center islands.

Open Space Plan

The Open Space Plan will be submitted to the Planning Commission showing the amenities planned for Section 5-A and Section 6.

Fences and Stormwater Management Ponds

Mr. Matthai reported that fences are proposed to be installed along the Amtrak railways and around the stormwater management ponds. There are three stormwater management ponds and Mr. Matthai also reported that Cecil County Department of Public Works has approved the plans. The approval letter has not yet been received.

Mr. Matthai stated the following plans still need to be submitted for Section 5-A and Section 6: Road & Stormdrain, water main, sewer, sediment and erosion, open space, landscape, sign and lighting, forest conservation plan and final plats. As part of the Road and Stormdrain Plan, Section 5-A may be phased to help reduce the bonds.

Water and Sewer Allocation for the remainder of Ridgely Forest

Mrs. Vennell reported that on February 26, 2020, the Mayor and Commissioners granted water allocation for 258 units, the remainder of the housing units in Ridgely Forest. Mr. Matthai reported that Cecil County has given them verbal approval for sewer allocation.

Forest Conservation

Mrs. Vennell inquired about the 25-30 feet of Forestation Area shown on many of the residential lots on the subdivision plat. Mrs. Vennell explained that the majority of homeowners do not know what the forestation line on a plat means and was concerned that that the homeowner already has a small lot, and now could have an area where they cannot remove trees, cannot install a pool, utility building, garden, in this area. The Town does not have authority over the Forest Conservation District, and if the Town receives a report of a homeowner who cuts down a tree in a Forest Conservation area, the Town of North East must contact the Forest Conservation department and report that there has been a violation. The homeowner may incur significant fines. Mrs. Vennell concluded that there should be no portion of a residential lot that should contain any Forest Conservation area. Mr. Nair concurred. Mr. Matthai stated the forestation line was only showing trees that would be left during construction. Mrs. Vennell replied that this line represents a forest conservation area and Mr. Mink concurred. Mrs. Vennell stated it should be a homeowner's choice to keep, cut or plant a tree on their property and Chairman Dobbins stated that he agreed. Mrs. Vennell added that two lots were removed from Section 5-B and that this would be an opportunity for the developer to add more forestation. Mr. Matthai concurred.

Section 5-A Phasing

Mr. Matthai stated that they are considering phasing section 5-A. Chairman Dobbins inquired what benefit is there to phasing this section. Mr. Matthai responded that they could apply for a reduction of the bonds. If it is determined that Section 5-A will be phased, Section 5-A Road and Stormdrain plan, water main plan and sewer plan would be submitted to the Planning Office prior to coming in for Final plat approval.

Chairman Dobbins stated that the MPC guidelines have been looked at very closely and this community has been in the planning stages for years and the developer will be coming back in front of the Planning Commission for Final Plat approval for Sections 5-A and 6.

Commission Mitchell made a motion to approve the Ridgely Forest Preliminary Plat for Section 5-A and Ridgely Forest Preliminary Plat for Section 6 subject to the following condition:

1. Letters from Chris Mink, CNA dated February 27, 2020
2. Removal of forest conservation areas from all residential lots.

Ms. Duffy seconded the motion, Mike Nair was in opposition. The motion to approve the subdivision plats was approved by majority vote.

-MISCELLANEOUS-

Chairman Dobbins reported that Valerie Combs would be retiring from the Planning Commission and acknowledged her many years of volunteer service to the Town.

The Planning Commission agreed that after an applicant has presented their agenda item, but prior to a motion, would be the optimum time to receive public comments regarding the agenda item being discussed.

-REPORTS-

North East Library

Mrs. Vennell reported that on Friday March 20th the Library is placing the final piece of steel. The Mayor and Commissioners in addition to others have been invited to sign the last steel beam before it is placed. The Library is scheduled to be open by the end of 2020. Ms. Duffy reported that the Library did receive funding for solar.

North East Gateway

Mrs. Vennell reported that the developer has stated that they have had some delay in construction due to rain. At this time there is no tenant. The monument sign installation is slated for April 15, 2020.

Open Space Property - N.E, LLC

Mrs. Vennell reported that the property in adjacent to North East Isles (project known previously as Heron Cove) has been deeded to the Town of North East.

-COMMENTS FROM THE PUBLIC-

No additional public comments.

-NEXT MEETING-

The next Planning Commission meeting is scheduled for April 6, 2020.

-ADJOURNMENT-

With no further business, Ms. Duffy made a motion to adjourn at 8:39 P.M. Mr. Nair seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman

APPROVED
May 4, 2020