

NORTH EAST PLANNING COMMISSION
Virtual Meeting conducted via ZOOM
106 South Main Street, North East, Maryland 21901
Tuesday, May 4, 2021
7:00 P.M.

Chairman Mark Dobbins called the meeting to order at 7:07 p.m., via a virtual meeting with ZOOM due to the COVID-19 restrictions. Present included Commissioner Raymond Mitchell and members Michael Nair and Judy Duffy. Also present were Melissa Cook-Mackenzie, Town Administrator, Betsy Vennell, Director of Planning and Zoning and Lisa Rhoades, Planning and Zoning Assistant.

-MINUTES-

February 2, 2021

Commissioner Mitchell made a motion to approve the March 2021 Planning Commission minutes, as presented. Ms. Duffy seconded the motion and the motion was approved by all.

-OLD BUSINESS-

None.

-NEW BUSINESS-

Ridgely Forest Master Planned Community: Request from Owner/Developer WOLF, LLC, 2301 Rutledge Road, Fallston, Maryland 21047. Found on Tax Map 31 Parcel 235.

Mr. Jim Wolf, developer, WOLF LLC, and his engineer, Mr. Jeff Matthai, P.E. Morris and Ritchie Associates, 3445A Box Hill Corporate Center Drive, Abington, Maryland, were present via the virtual Zoom.

Final Subdivision Plat Section 5A: 81 single family lots

Mr. Matthai opened by reporting that the developers are requesting Final Subdivision Plat approval for Section 5A for 81 single family lots. The construction will be broken into two sections. Section 1, consists of 19 lots and is located on the south side of 5A. Section 2 consists of 62 lots, located on the north side of 5A. Mr. Matthai stated that each of the two construction sections will have their own Public Works Agreement and Subdivision Agreement. Mr. Matthai reported that the Preliminary Plan for Section 5A and Section 6 were approved March 2, 2020, and an extension was requested and granted in February 2021.

Mr. Matthai also reported that all of the comments stated on the comment letter from ENEngineering dated April 14, 2021 have been addressed other than a few administrative items which will be added to the Final Plat prior to signature.

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Mr. Chris Mink, ENgineering, concurred that all of the comments on their comment letters have been addressed other than a few administrative items. Mr. Mink clarified that the Planning Commission is voting on the entire Subdivision Plat for 5A Plat even though the construction will be divided into two sections. Mrs. Cook-MacKenzie added that dividing the subdivision plat for 5A into two sections for construction is helpful for administrative reasons such as section having its own Public Works Agreement.

Public Comments regarding the Final Subdivision Plat for 5A:

Mike Philips, 16 Greenbrier Court, in Courts of Mallory Subdivision, inquired if Ridgely Forest is within Town of North East limits. Mrs. Cook-MacKenzie responded that although the Ridgely Forest Development has a Town of Elkton address, it is located within the incorporated limit of the Town of North East. The development was annexed into the Town in 2006. Mr. Phillips inquired if the residents of Ridgely Forest also pay the same city taxes as other in Town properties. Mrs. Cook-MacKenzie replied yes. In addition, Mrs. Cook-MacKenzie reported office staff is working towards having the Elkton addresses changed to North East.

Mr. Nair wanted to clarify that approving this Plat has no bearing on the decisions regarding the Emergency Access for Section 5A. Chairman Dobbins reported that the Emergency Access is part of the Master Planned Community Design Guidelines and is not included in this vote.

Commissioner Mitchell made a motion to grant conditional approval of the Ridgely Forest Final Subdivision Plat for Section 5A subject to the following conditions:

1. Chris Mink, ENgineering comment letter dated April 14, 2021

Ms. Duffy seconded the motion and the motion was approved by all.

Landscape Plan - Section 5A

Mr. Matthai, reported that all comments noted in the letter from Mr. Mink dated, April 12, 2021 have been addressed. Mr. Mink concurred and stated that approval is recommended.

Mr. Nair inquired if ENgineering consults with Jodie Shivery as with previous projects in the past. Mr. Mink replied yes.

Commissioner Mitchell made a motion to grant conditional approval of the Ridgely Forest Final Subdivision Plat for Section 5A subject to the following conditions:

1. Chris Mink, ENgineering comment letter dated April 12, 2021

Ms. Duffy seconded the motion and the motion was approved by all.

Open Space, Lighting and Traffic Signage - Section 5A

Mr. Matthai reported that all comments noted in the letter from Mr. Mink dated April 12, 2021 have been addressed. Mr. Matthai stated that Section 5A, as part of the Open Space Plan, will have a tot lot and a pocket park as stated in the MPC Guidelines. Mr. Mink stated that all comments have been addressed and approval is recommended.

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Mr. Nair inquired about the “no parking” signs noted on one side of Goldspire Drive and inquired if this was consistent throughout the development. Mrs. Vennell reported that the Planning Commission had previously approved parking on only one side of the street due to the width of the streets, and no parking signs have been placed on the construction plans since that requirement came into effect.

Paul Kurzer, 15 Magnolia Drive, Ridgely Forest Development, inquired if there are any specifications or design for the speed bumps. Mrs. McKenzie clarified that there will be road humps installed which is different than speed bumps and reported that the specifications for the road humps can be found in the Towns Road Code. Mr. Kurzer inquired if there would be any other road humps installed anywhere else in the development. Mr. Mink replied that there are no other road humps proposed for elsewhere in the development, further stating that due to the length of Goldspire Drive it was determined that traffic calming devices would be required. Mr. Matthai also added that details for the road humps are on the Road and Stormdrain Plans. Mr. Kurzer inquired about the lighting requirements because there are some areas not well lit. Mr. Mink stated there is not a foot candle requirement. Chairman Dobbins stated it is a balance to insure that the development is well lit enough however not invasive to the residents.

Leslie Slaninko, 213 Magnolia Drive, Ridgely Forest Development, reported that the new extension onto Magnolia Drive has created an issue with vehicles speeding up and down the road. She would like to see traffic calming devices installed on Magnolia Drive for this reason. Mrs. Cook-McKenzie reported that there is an information packet for Speed Hump criteria, and the Planning Office will forward this via email. can forward to her via email.

Mr. Nair wanted to clarify that approving the Open Space, Lighting and Traffic Signage Plan has no bearing on the decisions regarding the Emergency Access for Section 5A. Mrs. Cook-McKenzie replied no, the Emergency Access was approved under the Master Planned Community requirements.

Commissioner Mitchell made a motion to grant conditional approval of the Ridgely Forest Open Space, Lighting and Traffic Signage Plan subject to the following condition:

1. Chris Mink, ENEngineering, comment letter dated April 12, 2021.

Ms. Duffy seconded the motion and the motion was approved by all.

Road Plan for Section 5A – Emergency Access

Chairman Dobbins reported that in 2005, when the Ridgely Forest development was proposed by a different developer, the Cecil County Planning Commission reviewed the original Subdivision Plat., prior to the annexation. At that time Cecil County outlined their requirement to include a thoroughfare connecting Courts of Mallory Development (Mallory Way) to the Ridgely Forest Development. Once the development was scheduled for annexation into the Town, the Planning Commission reviewed the proposed thoroughfare/connecting road between the two developments. After discussion with the Fire Company and the Cecil County Emergency Services, the Planning Commission decided that the connectivity would only be for an emergency access between the two communities. The emergency access would provide a 2nd access in the interest of public safety. The Master Planned Community preliminary plat and Guidelines book included the emergency access requirement. In 2011, the emergency access and utility easement were deeded to the town. When WORF, LLC became the new developer, the emergency access remained.

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Chairman Dobbins clarified that the agenda item for this evenings is to review the design of the gate and the surface material of the emergency access road. Mr. Mink stated the emergency access road is actually within the Town's 30 foot easement and contains a 12 foot emergency access which will be maintained by the Town of North East Maintenance Department.

Mr. Matthai stated that all of the comments have been addressed on the April 13, 2021 comment letter from Mr. Mink, ENEngineering. The surface will be 5 inches of CR 6 stone and millings 18 inches on both sides with a 15 foot standard wood and metal gate often used for emergency access roads. Mr. Mink stated that the access constructed in this manor will be structurally sound to withstand the weight of Emergency Service vehicles.

Mrs. Cook-MacKenzie reported she had visited Woodlawn Wildlife Area in Colora, Maryland and reported that there were paths made from CR 6 stone which grass had been allowed to grow through providing a very sturdy surface however, it appeared as just a grassy surface. Mrs. Cook-MacKenzie added that the goal would be for the emergency access to appear as an easement not an actual road once the grass was established. Mrs. Cook-MacKenzie stated that the Town Maintenance will be responsible for maintaining the emergency access. Mr. Wolf wanted to clarify if there was top soil on top of the stone. Mrs. Cook-MacKenzie replied that there was no topsoil on top of the stone.

Mr. Nair added that he is in favor of the CR 6 stone, which would allow the grass to grow up through over millings.

Public Comment-Emergency Access

Mike Philips, 16 Greenbrier Court, Ridgely Forest Development inquired whether the Department of Emergency Services was previously consulted about the emergency access. Mrs. Cook-MacKenzie responded yes, it was at the request of Cecil County Planning Commission and the Cecil County Technical Advisory Committee and North East Fire Company in 2005 where a road would be required to be installed between to the two communities. Mr. Philips commented that at some point the development of Ridgely Forest came to a standstill. Mrs. Vennell replied yes around 2010. Mr. Philips inquired if the communities were going to be joined and would Courts of Mallory be permitted to also take part in the amenities of the Ridgely Forest development. Mrs. Cook-Mackenzie replied that would between the Courts of Mallory HOA and the Ridgely Forest HOA as the developments are independent entities. Mr. Phillips inquired if there had been a previous incident in a community with one entrance where having one entrance was an issue. Mrs. Cook-Mackenzie responded yes, there were incidents where residents in a community became trapped because there was not a second exit out of the community. Therefore, for public safety, an emergency access was required at this location.

Brittany Nair, 14 Augusta Loop, Courts of Mallory Development reported that there are several frustrations the community is having, including on street parking, which is not permitted because it was determined it was not safe, there is a split at the entrance of Courts of Mallory creating two roads along with alleyways throughout the neighborhood yet it was not until the recent building of the Ridgely Forest development that it was necessary to install the emergency access. Mrs. Cook-Mackenzie stated that in regards to Courts of Mallory the design to create only off street parking and alleyways was done by the developer.

Paul Kurzer, 15 Magnolia Drive, inquired what communities were involved in the situation where residents were trapped and was that a factor in determining that the emergency access was necessary. Mrs. Cook-Mackenzie replied that yes these incidents did play a factor in the decision to add the

emergency access. Chairman Dobbins added that when a public emergency service agency recommends that an emergency access is needed, the Planning Commission takes that recommendation seriously.

Mr. Nair stated that prior to purchasing his home he contacted the Town regarding whether there was or was not a road from Courts of Mallory to Ridgely Forest and at that time Town staff informed him there was no road. Mr. Nair stated that he is concerned that at some point in the future, the emergency access may be converted into an actual road. With regard to public safety, Mr. Nair reported that it is arbitrary as the Courts of Mallory development has over 160 residential homes with one ingress and egress. Chairman Dobbins stated that the emergency access road was included in the concept MPC plat and Design Guidelines for public safety. Mr. Nair stated that the Courts of Mallory HOA had not been previously notified regarding the emergency access and when the community was made aware of the emergency access the MPC Design Guidelines were already established.

Commissioner Mitchell made a motion to grant conditional approval of the Road Plan for Section 5A-Emergency Access Road subject to the following conditions:

1. Chris Mink's ENgineering, comment letter dated April 13, 2021
2. The emergency access shall be constructed of CR 6 stone with the depth and compaction as designed by ENgineering.

Ms. Duffy seconded the motion. Chairman Dobbins voted in favor of the motion. Mr. Nair abstained from the vote.

Public Comments-Gate

Mr. Wolf stated that he could offer putting in a different type of gate across the emergency access that would be more decorative but with the same type of lock. Mr. Nair and Mrs. Cook-Mackenzie concurred that an understated gate might bring less attention to the emergency access road. Mrs. Cook-Mackenzie also added that there is a concern with a more decorative gate, it may not be as sustainable and may be expensive for the Town to up keep or replace. Mrs. Cook-Mackenzie offered for the Planning Department to continue to work with the developer and engineers to find a sustainable and unobtrusive gate option. The Planning Commission concurred.

Mr. Nair inquired if the gate could be relocated at the tree line as shown on the Forestation Line. Mr. Matthai and Mr. Wolf responded that would not be an issue to move the gate back to the Forestation line. Mr. Mink also commented that would not be a problem. Mr. Wolf also added that the gate installation is expected around October 2021. Mr. Nair inquired about Cecil County's standard detail showing a barricade on the plans. Mr. Mink stated that this is for the temporary barricades used during construction of the emergency access road and they will be removed upon completion of the emergency access.

Mr. Nair inquired what the construction plan for the emergency access would be within the Courts of Mallory development. Mr. Mink reported that the street light located in the emergency access area has to be relocated and the sidewalk will need to be redone over top of the access road. Mrs. Cook-Mackenzie added that the elevation of the emergency access would match the height of the sidewalk. In addition, Mrs. Cook-Mackenzie and Mr. Wolf confirmed that there will be no curb cut as the emergency access vehicles are capable of driving over the curb. Mr. Mink noted that no curb cut is shown on the construction plans. Mrs. Cook-Mackenzie stated that with grass growing through the CR-6 stone, the emergency access easement will look like a typical easement.

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Mrs. Brittany Nair, stated that she had been concerned about a curb cut being installed and was glad to hear that a curb cut would not be installed and that the emergency access will not appear as if it is a road. Mrs. Nair also reported that the contractors have been very respectful, however, multiple contractors are parking on the Augusta Loop and Greenbrier Court. Mrs. Cook-Mackenzie responded that currently there are utilities being installed in the easement and once the easement and emergency access work is completed, no contractors/workers should be parking in Courts of Mallory, except periodically should work would be required on the utilities. Mr. Wolf added that he will speak to the contractors working in Ridgely Forest to insure that no one other than those working on the easement are parking in Courts of Mallory.

Commissioner Mitchell made a motion to grant conditional approval of the Emergency Access Road Gate subject to the following conditions:

1. Chris Mink's, ENEngineering, comment letter dated April 13, 2021.
2. The location of the emergency access gate shall be located at the forestation line.
3. The materials and design to insure sustainability of the gate shall be approved by the Town Planning Office and ENEngineering.

Ms. Duffy seconded the motion and the motion was approved by all.

Ridgely Forest-Clubhouse and Pool: Extension to occupancy permit timeframe.

Mr. Wolf reported that they have faced multiple challenges as a result of COVID and the delays of receiving materials, specifically a Delmarva transformer pad that has been back-ordered for several months, which was recently installed. Mr. Wolf reported that the current challenge is having Delmarva come out to the site to activate the service, which is causing caused delays in completing other items on the punch list such as the clubhouse floors, pool and pavilion. Mr. Wolf also reported there are other construction materials on back order.

Mr. Wolf stated that the playground and pavilion are scheduled to be delivered and installed within the next two weeks. The cement patio around the pool is scheduled to be poured next week and the landscaper is scheduled to install mulch and plantings once these items are completed.

Mr. Wolf requested that the Planning Commission consider a one month extension until the beginning of July 2021, given all of their setbacks. They would like to open July 4th weekend.

Chairman Dobbins clarified that the Planning Commission would be reviewing a change to the MPC Design Guidelines for a recommendation to the Mayor and Commissioners who would vote on this request. Chairman Dobbins reported that the intent was that the Clubhouse and Pool would be open by Memorial Day, however, no one anticipated a worldwide pandemic and the challenges associated with the COVID restrictions, material shortages and shut downs. After additional conversation, Chairman Dobbins stated that the Planning Commission's decision on whether to make a recommendation to the Mayor and Commissioners would be based on considerations of the delays caused by the pandemic. Whether or not the pool would be permitted to be open to the public due to the pandemic restrictions, would not be a determining factor in the Planning Commission's decision.

Nilay Pandya, resident who resides in Ridgely Forest Development, 200 Magnolia Drive stated that he attended the previous Planning Commission meeting when an extension was granted to the developer in regards to the Clubhouse and Pool's opening. Mr. Pandya stated that he understands the development has

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exceed the 50% occupancy at this time and recommends that the Planning Commission denies this extension request, stating that Ryan Homes has been building at a tremendous rate and he has a hard time believing that the developer is having trouble with delays due to the pandemic.

Leslie Slaninko, resident who resides in Ridgely Forest Development, 213 Magnolia Drive stated that although she understands the circumstances around the delays there is a large amount skepticism that the clubhouse and pool will be completed with another extension. Therefore Ms. Slaninko stated she does not support the extension request. Ms. Slaninko inquired how the Planning Commission would handle new home occupancies or permits going forward. Mrs. Vennell read the approval letter sent to the Ridgely Forest developers following the October 2020 Planning Commission meeting. Mrs. Cook-Mackenzie summarized that anyone who currently had a home under construction would not be prevented from receiving occupancy, however, the Planning office would not issue any new permits.

Paul Kurzer, a resident who resides in the Ridgely Forest Development, 15 Magnolia Drive, stated that he does not believe that the developer will complete the clubhouse and pool even with another extension and therefore does not support the extension request.

Ms. Duffy inquired why the clubhouse opening is being delayed. Mr. Wolf reported that the delay in getting the transformer, hampered the ability to complete the floor and other items as they were without electric. Mr. Wolf stated that if they had they been able to get the electric turned on in February, as originally intended, they would have met the Memorial Day deadline. Mr. Wolf stated that they have a lot of money already into the project and they are looking forward to its completion and delaying the opening of the pool and clubhouse does not benefit them in anyway. Mrs. Vennell confirmed that Mr. Wolf reached out to the Town back in March regarding the delay of equipment.

Mrs. Vennell inquired if all of the electrical wiring had been installed and inquired why they could not use a generator to complete some of the work. Mr. Wolf confirmed that all of the wiring has been done. The energizing is scheduled for May 10th. Mr. Wolf said he had also inquired about a generator and the contractor stated no they could not use a generator, they must have electric to satisfactorily complete the floor epoxy and pool setup.

Mrs. Cook-MacKenzie inquired about how many houses are currently under construction and how many permits are expected to be applied for in the next couple of weeks. Mr. Wolf responded that 15-18 houses are under construction and approximately 10 additional permits are expected to be submitted.

Chairman Dobbins inquired how much work is outstanding on the clubhouse and pool. Mr. Wolf stated approximately 3 weeks' worth of work once the electric gets turned on. After that would be final inspections.

After some discussion the Planning Commission decided to make a recommendation based on the information available to them as of today understanding that there may be an update on the electrical situation between now and when the Mayor and Commissioner meet.

Ms. Duffy made a motion to recommend approval to the Mayor and Commissioners to grant a one month extension for the occupancy of the clubhouse and pool until June 30, 2021.

Commissioner Mitchell seconded the motion. Chairman Dobbins was in favor of the motion. Mr. Nair was opposed to the motion.

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Annual Planning Report-2020 Adoption

Mrs. Cook-Mackenzie reported that each Municipality in the State of Maryland is required to submit an Annual Planning Report to the state after adoption by the local Planning Commission. The Planning Commission commented that the report was very well done.

Commissioner Mitchell made a motion to adopt the 2020 Annual Planning Report. Mr. Nair seconded the motion. The motion was approved by all. The approved planning report will be submitted into the Mayor and Commissioner's record at their next meeting.

-MISCELLANEOUS-

None.

-REPORTS-

Library

The Planning Commission commented on the completion of the new North East Library and how nice the interior and amenities were done.

Route 272 and Rogers Road

Ms. Duffy inquired if a sidewalk was being installed from Rogers Road to Route 272. Commissioner Mitchell stated that it appeared they were just clearing and installing curbing.

North East Gateway

Mrs. Cook-Mackenzie reported there will be a press release soon on the new tenant at 200 Gateway Drive. In addition, it was reported to the Town that there will be a total of 10 tractor trailers within a 24 hour period. The Planning Commission commented that they were pleased to hear the number of tractor trailers entering the site would be far less than originally projected.

-COMMENTS FROM THE PUBLIC-

None.

-NEXT MEETING-

The next Planning Commission meeting is scheduled for June 1, 2021 at 7:00 P.M.

-ADJOURNMENT-

With no further business, Commissioner Mitchell made a motion to adjourn at 9:45 P.M. Mr. Nair seconded the motion and the motion was approved by all.

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Respectfully submitted:

Lisa Rhoades
Planning and Zoning Assistant

Attest:

Mark Dobbins
Chairman

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