

PLANNING COMMISSION
JULY 15, 2013

Chairman Chris Cerino called the workshop session to order at 6:30 p.m. In attendance were Commission members David Bowering, Jeffrey Grotsky, Jane Richman, Samuel Shoge, Paul Showalter and Gil Watson, Kees de Mooy, Zoning Administrator, Andrew Meehan, Esquire, Jennifer Mulligan, Stenographer and guests.

The Commission began its review on page 101 and finished at 111. Mr. de Mooy stated that the floodplain map was currently under review by the State.

There was discussion of development in the floodplain and areas that were located in the Critical Area buffer. There was discussion of the four (4) sensitive areas that had to be addressed and four (4) additional topics of discussion added by the Planning Commission later in the chapter on page 111. Mr. de Mooy would check to see if they were now required.

Mr. Cerino stated that all of the maps needed to be updated in this section. Mr. de Mooy stated that the maps would be replaced with current GIS mapping.

Mr. Showalter asked if rivers were included under “streams and buffers”. Mr. de Mooy stated that he would check the wording, but thought it would apply to bodies of water in general.

Mr. Cerino stated that the second to last paragraph on page 101 may completely change because the map is being updated. Mr. de Mooy stated that he would like to add the State Climate Action Plan which addressed waters and waterways.

Mr. Grotsky questioned development in the floodplain. Mr. Watson disagreed that growth was “halted”, saying that it was “regulated”.

Mr. Cerino suggested adding language at the end of page 101 such as “the Town will continue to insure that development conforms to State and Federal laws concerning new construction the flood plain”. He suggested removing language about the Town acquiring property in the floodplain.

Mr. Cerino stated that the second and third paragraph on page 103 seemed redundant. Mr. de Mooy stated that he would like to show this section to the Chester River Association for their input.

Mr. de Mooy suggested removing the first section of the fourth paragraph and said that he would reword it.

Mr. Cerino stated that page 105 would be left as is. Mr. de Mooy stated that he did not think there was any part of Chestertown with endangered species.

Mr. de Mooy questioned some of the language on page 107 and said that he was going to check into that section.

Mr. de Mooy stated that on page 109, language should be added to incorporate State and Federal regulations. The second sentence will be incorporated into the first paragraph.

Mr. Cerino stated that the language on page 110 was good but the map needed updating.

Mr. de Mooy stated that he would check with Forest Conservation (page 111) to see if that was in effect.

Mr. Cerino stated that he did not think the first bullet on page 111 under Additional Action Plans ever happened, although it was okay to be there. There was discussion of combining the first and third bullets. Much of this was covered in other sections. In the third bullet it should read "Continue to develop".

Mr. Cerino stated that the floating pier at the foot of Cannon Street, landing at the Wilmer Park Pavilion and the purchase of the Nicholson lot for the Gateway Park (which could include stream side/buffer restoration) should be included in the second bullet. Language including a landing at Stepne (if developed) should also be included.

Mr. Cerino stated that the last bullet was done in the Zoning Ordinance. Mr. Watson stated that Wilmer Park was a good example. Mr. Cerino suggested instead of the word "Create" it should be "Continue to encourage" in the first sentence.

The Commission moved on to page 115 - Mineral Resources. The Commission decided to leave the introduction only on page 115. A sentence would be added noting that aside from a small deposit of clay located outside of Town boundaries there are no minerals located within Town limits.

Mr. Cerino stated that the Commission would meet on August 21st at 6:30 p.m. to discuss the Historic Resources Element. Mr. de Mooy would have a draft to review, which he would send to the Commission before the meeting.

Ms. Mulligan stated that the Mayor and Council scheduled a public hearing for Monday, August 19th at 7:00 p.m. to review the Sign Amendments recommended by the Commission. The Commission was invited to attend.

Mr. de Mooy stated that the Town applied for and received an NEA grant in the amount of \$25,000.00 from the National Endowment for the Arts for a Public Arts Master Plan to be developed along the waterfront from High Street to Radcliffe Creek. There would be a series of three (3) charettes to develop locations for public art, culminating in a national competition and installation of a public art project, possibly a playscape for children.

Mr. Cerino called the regular meeting to order at 7:32 p.m.

MINUTES OF PLANNING COMMISSION MEETINGS

Mr. Cerino asked if there were any additions or corrections to the minutes of the meeting of June 19, 2013. **Mr. Grotsky moved to accept the minutes as presented, was seconded by Mr. Showalter and carried unanimously.**

LOT LINE ADJUSTMENT – WALMSLEY – 321 HIGH STREET

Mr. de Mooy stated that this was a simple lot line adjustment between the 300 block of Cannon and High Street behind the old Pride & Joy location. He said that the line would conform to the curbing that was installed. The Mayor and Council will rule on the lot line adjustment after a recommendation from the Planning Commission.

Mr. Watson moved for a positive recommendation to the Mayor and Council for the lot line adjustment at 321 High Street as presented, was seconded by Mr. Grotsky and carried unanimously.

FINAL SITE PLAN – 7-ELEVEN – 212 MAPLE AVENUE

Mr. Tim Glass of Lane Engineering and Mr. Joshua Bazis, Development Manager for 7-Eleven were present to discuss the project. Mr. Glass stated that Preliminary Site Plan was approved in February 2013.

Mr. Glass stated that the State Highway Administration slid back the entrance on Maple Avenue. He said that there were originally two (2) entrances and exits on Maple Avenue, there was now one (1) central ingress and egress which was 50' wide.

Mr. Glass stated that there was additional landscaping along Cross Street to create a buffer. Low-lying plantings would be used.

Mr. Glass stated that Soil Conservation Service was ready to sign off on the plans, noting that there would be a storm water quality waiver because the limits of disturbance were less than 5,000 square feet.

Mr. Glass stated that final site plan approval would allow the architectural drawings and construction drawings to be released for the building to move forward.

Mr. Glass stated that there were agreements submitted from Mr. Bennett which indicated the steps to be taken to come into compliance with MDE. He said that the site would have to be clean before 7-Eleven would move forward with any construction.

Mr. Grotsky asked about the actual building and renderings. Mr. Basis stated that the Historic District Commission approved the renderings for 7-Eleven. He said that 7-Eleven did not want to heavily invest in drawings if they did not hit certain milestones for the project. He said that site plan approval was one of the milestones that they had to hit before the final building plans would be submitted.

Mr. Bazis stated that the environmental work would not begin until 7-Eleven had all necessary approvals.

Ms. Mulligan retrieved plans for the building, signage, and lighting that had been approved by the Historic District Commission for the Planning Commission to review.

Mr. de Mooy stated that he did not see any reason why final site plan approval could not be granted, contingent on approvals from SHA and the environmental remediation that needs to take place on site, but that MDE's May 7, 2013 letter had a series of requirements that have to be met.

Mr. Bazis stated that there was an environmental agreement dated May 30, 2013 which he entered into the record. There were provisions referenced in MDE's May 7, 2013 letter in the agreement that Mr. Bennett had to comply with in order for MDE to sign off on the project, and before 7-Eleven would take possession of the site.

Mr. Bazis stated that once all approvals were granted, Mr. Bennett had 50 days to clean the site.

Mr. Glass explained how trucks will move throughout the site for deliveries.

Mr. Showalter asked if there was discussion of right-turn only out of the site. Mr. Glass stated that it was not something that SHA had addressed. Mr. Showalter stated that the thought there might be problems with traffic as the existing site was difficult. Mr. Glass stated that he would defer to the State Highway Administration. Mr. Grotsky stated that if this became an issue it could be readdressed. Mr. Bowering stated that this was a dangerous intersection for both pedestrians and vehicles and would like to see additional hazards avoided.

Mr. Glass stated that State Highway Administration's concern was that the location of the entrance should be at least as far back as the left turn stop bar currently located in the road. He said if it was pushed to far, delivery trucks could not move easily through the site. Therefore, the driveway was centered thus making for easier access for trucks entering from Cross Street and exiting south on Maple Avenue.

Mr. Cerino asked if there was enough room for someone to pull in from Washington Avenue and a car to back up from a parking spot in front of the store at the same time. Mr. Glass stated that they were trying to work with a narrow and difficult site. Mr. Cerino agreed, stating that the fact that this was such a busy intersection made it a concern. Mr. Glass stated that there was a full 24 foot aisle width for a vehicle to back up and exit.

Mr. Cerino asked if there was any room for shrubbery on the Washington Avenue side. Mr. Glass stated that they were preserving the shrubs on the corner of the property, but

after the curb and driveway entrance was installed, there was no room for anything else due to the narrow width of the property.

Mr. Watson asked the difference between Historic District Commission approval and Planning Commission approval. Mr. Cerino stated that the look and design of the building was up to the Historic District Commission and the Planning Commission was dealing with all of the the other issues of the site.

Mr. Bazis stated that he thought the environmental aspect has been satisfied by the agreement with the Bennetts, noting that nothing would move forward until that work was completed. He said that evidence of compliance with MDE will be forwarded to State and Local officials, including the Town of Chestertown.

Mr. Showalter asked if there was a timetable for the project. Mr. Basis stated that he thought the project could begin in about three (3) months if all environmental remediation was completed.

Mr. Meehan stated that there was a technical glitch of the Environmental agreement that needed to be changed, which is the reference to "Adjacent Owner" instead of "Owner" in the third paragraph. He said that he thought the Planning Commission could rely on the agreement that 7-Eleven has with Mr. Bennett for environmental remediation to MDE's specifications.

Mr. Watson moved to grant final site plan approval, contingent on the correction of the legal agreement to reflect Mr. Bennett's ownership, SHA's pending approvals, that the Town of Chestertown be included in any reports regarding the environmental remediation and sediment erosion control approval. The motion was seconded by Mr. Grotsky and carried unanimously.

CONCEPT PLAN – TWILLEY LANE – 34 UNITS

There was no one present for the concept plan and the Commission decided to table the application to the August 2013 meeting.

There being no further business, **Mr. Grotsky moved to adjourn the meeting at 8:27 p.m., was seconded by Mr. Showalter and carried unanimously.**

Submitted by:


Jennifer Mulligan
Stenographer

Approved by:

Chris Cerino
Chair