

PLANNING COMMISSION
NOVEMBER 20, 2013

Chairman Chris Cerino called the workshop session to order at 6:35 p.m. In attendance were Commission members David Bowering, Jeffrey Grotsky, Jane Richman, Paul Showalter and Gil Watson, Kees de Mooy, Zoning Administrator, Andrew Meehan, Esquire, attorney for the Commission, and Jennifer Mulligan, Stenographer.

Mr. de Mooy stated that revisions had been made to page 53, Public Facilities. He said that maps, photos and other small changes have been updated. He asked the Commission to let him know if additional photos were needed. He said that he was still working on graphs.

Mr. Cerino asked for clarification on the concept of the Priority Funding Area. Mr. Grotsky stated that page 16 explained Priority Funding Areas.

Mr. Cerino asked if a zoning map could be included in the plan. Mr. de Mooy stated that he would add it under the appendix.

Mr. Cerino asked how close the Commission was to having a full draft. Mr. de Mooy stated that it was possible to have a full draft by the December meeting. Mr. Cerino stated that he would like to have a finished draft to give the new slate of Commissioners in January as they will be the body to finalize the document.

Mr. de Mooy stated that the draft had to go to the Maryland Department of Planning for recommendations, which could take some time.

Mr. de Mooy asked if Mr. Watson would write the preface to the Comprehensive Plan. Mr. Watson agreed.

Mr. Cerino stated that to prepare for the December 18th meeting he would like the Commission to read Mr. de Mooy's draft and have comments ready. Mr. Watson will write a new preface. Mr. de Mooy will try to have a full draft by December 18th for the Commission.

Mr. Cerino asked when the official Mayor's inauguration takes place. Ms. Mulligan stated that it would be January 6, 2014.

Mr. Grotsky asked if the Commission could forward the draft to the Maryland Department of Planning after the December 18th meeting. Mr. de Mooy stated that the Commission could decide at that point to send it along to the Maryland Department of Planning. A public hearing would have to be scheduled as well.

Mr. Ingersoll stated that notice had to be given to other government agencies as they go through the approval process. He said that the public hearing could be joint with the Mayor and Council.

Mr. Cerino asked when resumes could be accepted to fill the vacancies that would be left on the Commission in January. Mr. Ingersoll stated that they could be accepted right now. Commission members were appointed by the Mayor and Council.

Mr. de Mooy stated that pictures would be added of the police station, the label on the current land use map would be changed, the zoning map would be added and the appendices would be added. Mr. de Mooy also asked that the Commission look for consistency in formatting.

Mr. Cerino stated that he would like to add that the Town will look into the addition of playgrounds at existing parks in Town, as well as in new developments. He said that the playscape sculpture at Wilmer Park should be included. He said that this should be included under Recreation.

Mr. Ingersoll read Maryland Article 66B and stated that at least 60 days before the public hearing the Planning Commission had to provide copies of the Comprehensive Plan and amendments to all adjoining planning jurisdictions (State and County). He said that the technical review could be done inside the same 60-day period when the public hearing was scheduled.

Mr. Cerino stated that he heard from many citizens that they were concerned about the roundabout and that it was going to be too small. Mr. de Mooy stated that the State Highway Administration was not going to spend millions of dollars on a project that was not going to work.

Mr. Watson stated that the Commission had to make a decision on new officers. The Commission decided to nominate and elect the new slate of officers in December. Mr. Meehan stated that elections typically are done in January, but if the Commission wished to change that because of the circumstances that would be permissible.

Mr. Cerino called the regular meeting to order at 7:30 p.m.

MINUTES OF PLANNING COMMISSION MEETINGS

Mr. Cerino asked if there were any additions or corrections to the minutes of the meeting of October 16, 2013. **Mr. Showalter moved to accept the minutes as presented, was seconded by Mr. Grotsky and carried unanimously.**

Mr. Cerino asked for a motion about moving nominations and elections to December. **Mr. Watson moved to change nominations and elections of officers to December, due to the change in the Commission, was seconded by Mr. Showalter and carried unanimously.**

CHESTER RIVER MANOR – PRELIMINARY SITE PLAN

Mr. Mark Turner of C.R. Goodman and Associates and Mr. Kevin Shearon of DMS & Associates presented. He said that this was a preliminary site plan for an addition of an Alzheimer's care unit at Chester River Manor.

Mr. Turner stated that when they presented the previous concept, they were unaware of the major utilities that are underground so the design has changed and the addition would be in the rear of the existing building (which was also a less prominent location on the campus, and would not be seen from Rt. 291). He explained the site to the Commission.

Mr. Turner stated that no new beds would be added to the facility, this addition was just a secure area for Alzheimer's patients.

Mr. Shearon stated that there are underground stormdrains which cut through diagonally where the original addition was planned. He said that to reroute those pipes might cost as much as the addition, so they reconfigured the location of the addition.

Mr. Showalter asked what existed on the site currently. Mr. Shearon stated that it was open. There was one tree that would be removed and another tree that was planted as a memorial to a deceased employee would be relocated. A bioretention area would be added. He said that there would be a secure fence installed, which would be used as a garden area for the patients.

Mr. Cerino asked if there were street trees on Haacke Drive. Mr. Shearon stated that there were some existing trees on site. Mr. Showalter asked if the tree that was going to be cut down would be replaced. Mr. Shearon stated that he thought they would but they have not gotten that far into the plan.

Mr. Watson moved to approve preliminary site plan as presented, with the replacement of any trees that would be lost in the build, was seconded by Mr. Grotsky and carried unanimously.

RAMUNNO – END OF WATER STREET – PRELIMINARY SITE PLAN

There was nobody present for the application, so the matter was tabled.

VILLAGE AT CHESTERTOWN – PLANNED REDEVELOPMENT OVERLAY

Mr. Russ Richardson, owner, Cynthia McCann, Esquire and Mr. Kevin Shearon of DMS & Associates were present for the application.

Ms. McCann stated that a packet was submitted, which included a project background. She said that they were seeking a change in the way the land is owned. The land was currently structured as a "land condominium". She presented a copy of the documents recorded with the deed and showed the layout of the community.

Ms. McCann stated that their goal tonight was to get a favorable recommendation to the Board of Appeals to change from a land condominium regime to a traditional subdivision with fee-simple, subdivided lots.

Ms. McCann stated that this development was approved by the Planning Commission in September 2006. She said that the thought process behind the approval for a land condominium was to allow for a traditional neighborhood development that did not fit with the subdivision regulations at that time.

Ms. McCann stated that Mr. Richardson bought the property at auction in 2012. Mr. Richardson would like to finish the buildout of the development and sell individual units on a fee simple basis.

Ms. McCann stated that currently the ownership structure was complex. She said that there were covenants and restrictions for the community association as well as the condominium regime. The change in ownership structure would reduce the complexity.

Ms. McCann stated that with the condominium regime in place, there was also an inability to get financing, as there was a strict set of guidelines to be met in order for the project to gain FHA approval.

Ms. McCann stated that they were applying for the overlay district because ultimately they would require subdivision approval. She said that the plat would have to be amended and the condominium documents terminated.

Mr. Cerino asked what percentage of the development was built out and sold as condominiums. Mr. Richardson stated that less than 5 percent was built out and 5 percent was under construction.

Ms. McCann stated that the community would not comply with the R-4 subdivision laws in effect so variances were required. She said that there were a couple areas where side and front yard setbacks did not meet the requirements.

Mr. Ingersoll stated that all of the current owners that were in the development had to check off on this because they were entered into the condominium regime. He said that he thought this should be looked at because there was originally a community center and a pool included in the approval and the Commission had to decide what was going to be in its place.

Mr. Cerino stated that the downside would be that there was not a community center for the residents. Mr. Ingersoll said that he would recommend requiring written proof from all owners that they were in agreement with the change.

Mr. Ingersoll stated that the overlay district should be "essentially the same" as the landominium. He said that there were five (5) requirements for a redevelopment district for impact:

1. The plans for development are in general conformance with all elements of the Comprehensive Plan for the Town and character and nature of the existing and contemplated development in the vicinity of the proposed development;
2. The physical characteristics of the development will not adversely affect future development or the value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed.
3. The development will secure for its residents and neighboring residents substantially the same benefits with respect to availability of light, air, open space and street access as would be provided by the application of the appropriate district regulations;
4. The development will secure for its residents and neighboring residents substantially the same protection from fire, health hazards, and other dangers as would be provided by application of the appropriate district regulations;
5. The development will permit design features that would not be possible by the strict application of the appropriate district regulations.

Mr. Ingersoll stated that Mr. Richardson has already invested considerable effort in the project. He said that with the changes requested it will be easier for a prospective buyer to purchase a home.

Ms. McCann stated that there will still be a community association in place, which was an incorporated entity and had covenants in place that would go with each parcel of land.

Mr. Grotzky asked how many years the covenants would be in effect. Ms. McCann stated that it was typically a 30 year covenant, extended for 10 years and would stay in effect from that point forward. She said that there was usually not a reason to discontinue the covenants.

Mr. Grotzky asked whether a purchaser could choose their own builder. Mr. Richardson stated that he was a professional architect and planner so he would make sure that the buildings were aesthetically pleasing and built well. The buyer could choose the builder, but he (Mr. Richardson) would approve each builder that came into the site.

Mr. Ingersoll stated that the applicant was heading to the Board of Appeals for specified variances and that the applicant would have to return to the Planning Commission to discuss issues such as the HOA, community areas, the new site plan and layout and who owned the roads in case they were not built to Town standards.

Mr. Ingersoll stated that there were approved building design standards for this development and he thought there should be approvals for the design of the development from this point forward.

Ms. McCann submitted documentation for the condo regime and the HOA covenants. She also provided the consent agreement that was sent to the owners. She said that one owner had already signed the documents and she was expecting signatures from the other two owners in a short period of time.

Mr. Grotsky asked what timeline the applicant was looking to meet. Mr. Richardson stated that he would like to be able to proceed in the Spring. Mr. Bowering stated that he would like to see what clout the association has over the individual property owners and how many units had to be sold before the association would take over. Ms. McCann stated that State law dictates that when the community is at 75 percent the turnover takes place. Ms. McCann stated that Mr. Richardson would be a part of the HOA until he no longer owned any land. At that time there was a specific procedure for assigning rights over to the HOA.

Mr. Ingersoll stated that there should be a standard design for the development that was approved by the Commission, which should be expedited with the proposed regime. Mr. Richardson stated that general guidelines such as what types of finish materials could be used would be provided.

Ms. McCann stated that at a future Planning Commission meeting they would be seeking subdivision approval. She said that at this meeting they were looking for a recommendation to the Board of Appeals in order to get the variances that they would need in accordance with the subdivision standards.

Mr. Watson stated that the details of the development were critical to making it work, but at the same time the development had to be built out.

Mr. Shearon described the approved plan to the Commission. He said that the site has been stabilized and trees were planted. The stormwater management pond was built and approved.

Mr. Shearon stated that as-built drawings were submitted in an effort to describe the variances they were requesting. There was a chart indicating the zoning district comparison, showing what was approved and what was proposed. Mr. Shearon stated that the underlying zoning for this property started as R-3 (two family residential) but was changed during comprehensive rezoning to R-4 (multi-family residential).

Mr. Cerino stated that all that could be done at this meeting was to provide a recommendation to the Board of Appeals.

Mr. Grotsky moved for a favorable recommendation to the Zoning Board of Appeals for the overlay district with the understanding that the applicant will return for subdivision and site plan approval based on the decision of the Board of Appeals, was seconded by Mr. Watson and carried unanimously.

TWILLEY LANE – CONCEPT PLAN

Mr. Chuck Covell, president of Covell Communities, Mr. Jeff Morgan, architect, and Mr. Kevin Shearon of DMS & Associates presented.

Mr. Covell explained the site location off of Cannon Street and the surrounding buildings. He said that it was an oddly shaped parcel and showed an aerial view of the site.

Mr. Covell stated that he was renting a number of units at Chester River Landing and saw a need for rentals in the area. He said that this was a split-zone property, a portion was RB and the rest was R-5. He said that they were working on a live-work aspect to the project. Mr. Covell showed other communities and how the units he was proposing fit into the area.

Mr. Covell stated that he would like to introduce a mew into the development, which could also function as a biogarden.

Mr. Morgan stated that they had incorporated the Town-owned parking lot, they incorporated that parking space into the development and it would be available to the public for parking.

Mr. Morgan showed a streetscape drawing of the proposed facades along Cannon Street. He said that the structures were reduced in mass since their meeting with the Historic District Commission, as they had concern over the overall heights of the buildings.

Mr. Covell stated that they were trying to make the street feel connected by continuing on a residential scale along Cannon Street.

Mr. Watson stated that he liked the idea of mews but he thought that the massing and size was too big, especially on Cannon Street. Mr. Cerino stated that there was a good job of trying to match some of the heights in the neighborhood but one big structure did not exist on Cannon, it was all individual smaller style houses. He suggested breaking the Cannon Street façade into two (2) structures with the entrance coming through the middle. Mr. Morgan stated that there might be a problem with parking if that happened.

Mr. Morgan stated that if the project was turned so the mew came all the way through, it would become too long and less inviting.

Mr. Cerino stated that the Cannon Street façade was what was too big. He said that if even a 2' space was between buildings it would feel like individual houses and would fit better with the surrounding neighborhood.

Mr. Morgan stated that he was hearing that the bigger concern was the massing rather than the height. Mr. Watson stated that the middle section was really large and loomed over the street.

Mr. Cerino stated that the fenestration and colors would be critical on Cannon Street especially.

Mr. Morgan stated that in order to make this project financially viable there was a certain density that had to be met. He said that some units had to come up to three (3) storeys.

Mr. Grotsky stated that it was important that people know the parking area was for the public and not just for the development. Mr. Watson stated that attention should be paid to traffic flow through the development as well.

Mr. Cerino stated that conceptually the layout of the development was good, but the massing was too big and should be broken up, especially on Cannon Street. Mr. Cerino stated that he did not see that block of Cannon as a retail space, although he could see a lawyer or an accountant.

Mr. Covell stated that if the Commission was okay with not being stringent on the requirement for RB he thought that perhaps Cannon Street could be all residential. He said that he thought they wanted to see commercial space, but work/live use may change the plan.

There being no further business, **Mr. Grotsky moved to adjourn the meeting at 9:50 p.m., was seconded by Mr. Watson and carried unanimously.**

Submitted by:


Jennifer Mulligan
Stenographer

Approved by:

Chris Cerino
Chair