

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, December 9, 2009

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., December 9, 2009, in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Braerman, Kosko, Schlottman, and Tout.

OTHERS PRESENT: Phyllis Grover, Director of Planning & Community Development
Matt Lapinsky, Director of Public Works
Sgt. Fred Budnick, Aberdeen Police Department
Gil Jones, Acting Recording Secretary

The minutes for the August 12 and November 18, 2009, meetings were approved.

AGENDA ITEMS:

1. **Review Revised Final Subdivision Plat for the Land of Harford Habitat for Humanity, Inc.**
Location: 510 First Street.

Representative: Scott Dallas, J.S. Dallas, Inc.

Mr. Dallas described the lot and indicated the intention is to create 2 lots for construction of a duplex with a community property line.

Mrs. Grover indicated the lot is currently zoned R-2, Medium Density Residential, and asked that this information be placed on the plat. Mrs. Grover also indicated there may be a map number error in the Maryland Department of Assessments and Taxation (SDAT) information, as this lot and an adjoining one have different map numbers. She asked Mr. Dallas to double-check this information for accuracy. In addition, the installation of sidewalks may be required. Mr. Dallas indicated there are no sidewalks in this neighborhood.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Dallas, to wit: Provide addresses for Lots 1 and 1A; Reference previously recorded record plat; J.S. Dallas, Inc. needs to sign, seal, and date; Owner(s) need to sign; Correct deed reference; Provide water usage calculations by a signed and sealed letter; Revise note (“The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development”); and any corrections per additional notes on check print.

Mr. Braerman thought that sidewalks were required for new lots and feels they should be put in. Mr. Lapinsky felt a “payment in lieu of” could be made to provide funding for sidewalks if they are ever installed. This could be made part of the motion. Mr. Schlottman asked Mr. Lapinsky if

this money had ever been used. Mr. Lapinsky said it may have been in the past, previous to his arrival, but not lately. Mr. Schlottman asked what the current price for sidewalk installation is. Mr. Lapinsky's rough estimate was about \$25 per linear foot, with a minimum 4-foot width.

Mr. Swisher asked if Habitat had also built next to this lot. Mr. Dallas said they had. Mr. Swisher asked if that were a duplex. Mr. Dallas said no, it is a single-family dwelling. Mr. Swisher asked if sidewalks were put in for that. Mr. Dallas said no. Mr. Swisher indicated the area is attempting to upgrade and he would like to see sidewalks. During his inspection of the area he saw a number of kids walking in the street and felt it would be nice to have sidewalks.

Mr. Swisher asked what is to be done with the L-shaped piece of land in the rear of this property. Mr. Dallas said it is not a separate use, it will be part of the lot.

Motion by Mr. Braerman, seconded by Mrs. Kosko, that the plan be approved, with sidewalks as required by Mr. Lapinsky. Mrs. Kosko asked for an amended motion to reflect the sidewalk monies to be put in escrow and the incorporation of staff comments. Motion carried unanimously.

**2. Review Preliminary Subdivision Plat for the Lands of CSX Transportation, Inc.
Location: West Bel Air Avenue and the CSX yard.**

Representative: Joe Welsh, Welsh Engineering, engineer and surveyor.

Mr. Swisher stated for the record that since he is the President of the Historical Society of Harford County (HSHC), he will chair for this case but not vote, as he has a conflict of interest in regard to this matter.

Mr. Welsh indicated this is a one-lot subdivision. CSX agreed to donate a piece of land to save the railroad station, but this plat is for the subdivision itself. The property is 14,000 square feet, about 70 feet wide, with an average depth of 200 feet, in a roughly triangular shape.

Mr. Swisher asked if the zoning is B-3 or M-1. Mrs. Grover said it had been rezoned to B-3, effective in September 2009.

Mr. Welsh indicated the Aberdeen Room and the HSHC are trying to save the station and this land would accommodate the future movement of the station itself. This lot is within a floodplain; this issue will be addressed at the time of preliminary site plan submittal. There is no new water service needed. The lot has access to West Bel Air Avenue and the site is compacted and impervious. The site will be fenced. HSHC is negotiating for additional land to be able to move completely out of the floodplain.

Mrs. Grover asked Mr. Welsh to add the owner's name of CSX, add the HSHC address, indicate B-3 as being "Highway Commercial District," add the signature and seal blocks for the owner, remove the signature blocks for the Director of Planning and Community Development and the City Engineer, indicate the remaining lands of CSX, and include the full name of the adjoining Helton ownership entity. The other information is fine for submittal, but the contract purchaser's information should be removed for the final.

Mr. Swisher indicated the HSHC is a non-profit, 501c3 entity. Taxes are currently paid to the City of Aberdeen on this land. When the subdivision is completed, the land will still belong to the railroad, but when it's conveyed to the HSHC it will revert to tax-exempt status.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Welsh, to wit: Provide 3 grid tics; Provide the Federal Emergency Management Administration (FEMA) map reference number; Joe Welsh needs to sign, seal, and date plat; Provide certified water usage calculation by a signed, sealed, and dated letter; Add the following note: "The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development;" and any corrections per additional notes on check print.

Mr. Schlottman asked if this piece of property is the entirety of what CSX is donating. Mr. Welsh said yes, but the HSHC is looking to get a little more.

Motion by Mrs. Kosko, seconded by Mr. Tout, that the plan be approved, with the incorporation of staff comments. Motion carried 4-0, with one abstention. As he is the President of the HSHC, Mr. Swisher abstained from voting on this item.

**3. Review Preliminary Site Plan for Normandy Woods
Location: Schofield Road.**

Representatives: Paul Muddiman, Morris & Ritchie Associates (MRA) & Robert Laffal, Orr Partners.

Mr. Muddiman indicated this to be a revision to the plan approved in October 2008. The originally proposed 34 townhouses and 1 single-family dwelling are still in place, however 2 changes are proposed. The first concerns the right-of-way along Schofield Road. The proposal was for a 30-foot wide paving area from Bush Chapel Road to the subdivision entrance. However, the developer was unable to obtain additional rights-of-way from the other owners along Schofield Road. Mr. Swisher asked if the developer tried to obtain these rights-of-way. Mr. Muddiman said they had tried, but were unsuccessful. Mr. Muddiman offered the option of widening the paved section to 30 feet at Bush Chapel Road, then tapering down to a 22-foot wide section (which could be accommodated and constructed in the current right-of-way), and overlaying Schofield Road.

The second change concerns the depths of Lots 1 through 6. The currently approved plan shows lot depths of 30 feet, due to the 50-foot right-of-way at the entrance to the development. Mr. Muddiman asked for a 40-foot right-of-way, with a 24-foot paved area. In Mr. Muddiman's opinion, the 30-foot paved area is not necessary. This reduction would allow for 40-foot deep homes to be built on Lots 1 through 6. All other items would remain the same.

Mr. Swisher said he would have preferred a comparison copy of the previously approved plan in order to better see what changes are being proposed.

Mrs. Grover asked Mr. Muddiman to include on the plan that this is in an area zoned R-3, High Density Residential District. Mrs. Grover asked if negotiations had been undertaken with the Shivers', who live next door to the proposed single-family dwelling. Mr. Laffal said this piece is off the table, as the Shivers' refused to negotiate.

Mrs. Grover indicated that, for clarification, plan note #2, showing the Shivers' as an owner, doesn't need to be included. Townhouse regulations require that 20% of the area be used for passive recreation. This is not shown on the plan. The forest conservation and landscape plans have been reviewed by Mrs. Grover and sent back to MRA with comments.

Concerning the desired variance to the road width requirements, Mrs. Grover distributed a copy of the City's Subdivision Regulations showing the various roadway and pavement requirements in an R-3 zoning district.

Mr. Swisher asked if the proposed changes were acceptable to the Fire Department. Sgt. Budnick indicated that even though he is a member of the Fire Department, he was not there as its representative and did not want to speak for them. However, he will advise the Fire Department of the Commission's questions.

Mrs. Grover read the comments of Lt. Robin Wales from the Harford County Division of Emergency Operations. Emergency Operations requests that Stepping Stone Court be addressed in the 100 block, with #101 starting at Lot 1. Lot 32 should be addressed 740 Schofield Avenue, if this address is available.

Mr. Lapinsky indicated he had discussed roadway widths with Mrs. Grover and with Steve Wallis of his staff. They will meet after the first of the year and review the widths in order to revise some of the numbers. The Maryland Department of the Environment (MDE) is looking to reduce road widths and to have more open section roads. The improvements suggested for Schofield Road are over and above what the City could require. Mr. Lapinsky feels these actions will improve access and egress.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Muddiman, to wit: Please lighten shaded areas on plan; Provide addresses for existing houses; Provide a letter certifying usage calculations signed, sealed, and dated, complying with MDE guidelines; Provide drainage and utility easements for all proposed swales, including the road culvert pipe inflow and outflow; Provide a storm water management easement for any water quality swales with access from a public road; Please relocate the proposed retaining wall to be out of the road right-of-way; Identify all existing structures and label as to whether they are to remain or be removed; Legend does not identify hatched areas; Addition of the following note: "Condition of Approval: No building permits shall be issued for any lot whereby that lot's anticipated flow at the time of building permit application would cause the City's systems (water and/or sewer) to exceed its rated capacity;" Approval is contingent on the road width variance approval; and also see the check print for any additional notes and/or corrections.

Mrs. Kosko said she is amenable to the right-of-way and pavement reduction, however will there be parking allowed on the roadway in the development? Mrs. Grover indicated there are 5 additional parking spaces at the end of the cul-de-sac, and 10 overflow parking spaces for guests. Mr. Lapinsky said he would go with no parking on either side of the roadway. Mrs. Kosko said she would prefer that as well. Mr. Muddiman indicated the spaces at the end of the cul-de-sac are new to the plan, they weren't on the old plan.

Mrs. Kosko asked if the open space concerns were addressed. Mr. Muddiman said no, that maintenance issues prevented this amount. Mrs. Kosko said the plan should be designed to reflect the code changes.

Mr. Tout asked if there were to be bike or walking areas. Mr. Muddiman indicated there are to be sidewalks along the road, and the improvements along Schofield Road should make the area safer.

Mr. Schlottman asked who would own the road into the development. Mr. Muddiman said it would be owned by the City.

Mr. Schlottman asked if the Commission ever got an idea of what the townhouses are to look like. Mr. Laffal said this was shown on the original request for approval submitted in 2006. He can provide the Commission a copy if so desired. Mr. Schlottman asked if there were any changes to the townhouses. Mr. Laffal said there would be some face stone applications instead of masonry.

Mr. Braerman asked what the price of these townhouses would be. Mr. Laffal said they would average around \$225,000.

Mr. Swisher asked if the October 2008 plan had been recorded. Mr. Muddiman said it had not. Mr. Swisher asked if that plan had expired. Mrs. Grover said it had been extended to October 2010. Mr. Swisher asked if it was simply the same plan but with a couple changes. Mr. Muddiman said yes.

Mr. Swisher wants to see the previous plan before deciding on this one. He is concerned about so many houses coming out of one entrance. He feels the road should be upgraded due to the 30 to 60 more cars per day coming through. With the area being improved, he is concerned about road issues. Mr. Muddiman asked if a decision could be rendered tonight. Mr. Swisher indicated his preference to study the matter. Mr. Muddiman asked that the project be considered on its merits.

Mr. Muddiman summarized the points presented: Schofield Road would have a paved width of 30 feet from Bush Chapel Road, tapering to 22 feet at the entrance to the subdivision; The 22-foot area will be open section; There is no room for sidewalks in the current right-of-way along Schofield Road; The developer will overlay Schofield Road to a depth of 1.5 inches; The subdivision right-of-way would be reduced from 50 to 40 feet, with the paved section reduced from 30 to 24 feet (according to Mr. Muddiman, the 24 feet is consistent with the Harford County Road Code); Parking spaces will be added at the end of the cul-de-sac; and the 10-foot right-of-way reduction would accrue to Lots 1 through 6, resulting in an increase in the home depth from 30 to 40 feet.

Mr. Swisher polled the members of the Commission as to the respective widths of their streets. Most were 30 to 40 feet. Mr. Muddiman indicated the townhouses will have built-in garages. Mrs. Grover indicated the Aberdeen Development Code requires 2.5 off-street parking spaces per townhouse.

Mr. Lapinsky spoke to the need for paving around the town and the current costs involved. He feels that if this area is paved according to what has been indicated, it will be good for 10 to 15 years.

Mr. Swisher asked about play and recreation areas. Mr. Muddiman said they can come up with path areas.

Mr. Schlottman asked Mrs. Grover if this plan passes open space muster. Mrs. Grover referred to the Code language that calls for passive bike or walking trails or a playground. She suggested the Commission might want to require it be shown as part of the motion for approval.

Mr. Swisher asked Mrs. Grover if this variance would need to go to the Board of Appeals. Mrs. Grover indicated the Subdivision Regulations don't speak to where you go after Planning Commission approval, but it would be safe to go before the Board of Appeals.

Mr. Braerman indicated he would want the motion to reflect Fire Department concerns.

Motion by Mr. Schlottman, seconded by Mrs. Kosko, that the plan be approved, contingent on the approval of the Aberdeen Fire Department, no parking allowed on either side of Stepping Stone Court, incorporation of staff comments, legal comments from the Department of Public Works, and open space improvements per the Aberdeen Development Code. If the improvements are made, findings from the Board of Appeals would be okay. Motion carried unanimously.

**4. Review Preliminary Site Plan for North Gate Business Park, Phase II, Land Bay H
Location: Route 22 at the Aberdeen Proving Ground (APG) gate.**

Representatives: Steve Gorski, Frederick Ward Associates (FWA) and Scott Forstell, Powers Brown Architecture.

Mr. Gorski indicated this to be a preliminary site plan for Lot H. This is the fourth of nine parcels of property. This is part of the revised preliminary plan approved last month.

Mr. Swisher asked if the developer is ready to move ahead with construction on this building. Mr. Gorski said it would be ready for construction a month or two after Lot C is started.

Mr. Gorski indicated this would be basically the same building as that proposed for Lot D. The building will be 4 stories, 58 feet tall, and total 131,000 square feet. There will be 4 parking spaces per 1,000 square feet, more than that which is required. There will be 2 entrances off Research Boulevard, with a shared access with Lot D. The courtyard will be a big green space, with the number of parking spaces cut back to give it a more of a campus feel. Loading areas will be in the rear. There will be a sewer pumping station and a storm water management pond.

Mr. Forstell reviewed the architectural drawings, showing that the building will be similar to the one on Lot D, including elevations, orientations, and materials to be used (glazing, masonry, metal, etc.).

Mrs. Grover asked Mr. Gorski to add the building address, indicate the building square footage on the footprint, and change the height note. State Highway Administration (SHA) comments have been received, with no objections from them. Mr. Swisher asked if the SHA comments included approval of the second entrance off Maryland Route 22. Mrs. Grover said they did not, that this issue is still being worked through between SHA and COPT.

Mr. Lapinsky read into the record the comments that had been sent to Mr. Gorski, to wit: Provide address for this lot; Provide a letter certifying usage calculations signed, sealed, and dated, complying with MDE guidelines; Owner needs to sign the plan; Provide a drainage and utility easement around the proposed water meter vault; Water, sewer, and storm drains shown do not exist, please revise labels; **Show existing APG 20" R/W and dimension**; Provide road stationing; Include the following note: "Condition of Approval: No building permits shall be issued for any lot whereby that lot's anticipated flow at the time of building permit application would cause the City's systems (water and/or sewer) to exceed its rated capacity;" and also see the check print for any additional notes and/or corrections.

Mr. Lapinsky elaborated on the second item. Even though this building is scheduled to be built to LEED specifications, until this is officially certified this letter will need to be provided in the event the worst case scenario comes to pass.

Mr. Schlottman likes the idea of the expanded courtyard over the parking and asked whose idea it was. Mr. Forstell indicated it was a collaborative effort. Mr. Schlottman asked if other changes of this sort might be forthcoming. Mr. Gorski said this was all an on-going process.

Motion by Mr. Schlottman, seconded by Mr. Braerman, that the plan be approved, with the incorporation of staff comments. Motion carried unanimously.

5. Other Business

Mr. Swisher asked Mrs. Grover about the progress of the updated Comprehensive Plan. Mrs. Grover said she would meet with the Planning Commission after the first of the year, that she is waiting for comments back on Chapter 3. Mr. Lapinsky said comments on the water resource element would be briefed some time in January.

Mrs. Kosko said she had read Harford County's updated natural resources element and it indicated this had been coordinated with the municipalities. Mrs. Grover said there had been a meeting of the planning directors of the municipalities and the County and this had been discussed.

Mr. Lapinsky indicated the City's water and sewer usages and estimates were provided to the County. When our water resource element is completed, this will also be given to the County so they can adjust their numbers accordingly. He considers this a living document.

There being no further business or public comment, the meeting was adjourned at 8:30 p.m.

Recording Secretary

Date of Approval

For a verbatim record of this meeting, reference may be made to the audio recordings, which may be found in the Department of Planning and Community Development, Aberdeen, Maryland.