

**Aberdeen Planning Commission Minutes
City Council Chambers
WEDNESDAY, December 8, 2010**

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., December 08, 2010, in the City Council Chambers by Chairman Joe Swisher.

Members Present: Chairman Joe Swisher, Commissioners Nancy Kosko, William Braerman, Mark Schlottman, Terri Preston, Karen Heavey, Lance Hersh.

Others Present: Felicia Bledsoe, Recording Secretary
Phyllis Grover, Director of Planning and Community Development
Matt Lapinsky, Director of Public Works
Councilwoman Sandy Landbeck

Minutes:

Review of minutes for November 2010

Page 1, correctly spell William Braerman's last name.

Page 3, paragraph 2, 7th line down, change "non-enforce law" to "not enforce law".

Page 4, paragraph 3, 6th line down, change to "and challenged".

Page 5, during vote count, change "substain" to "abstain" and move Karen Heavey's name to "abstain".

Page 8, paragraph 3, add that there was also comment from Karen Heavey to Phyllis Grover.

Page 9, paragraph 4, 4th line down, change to "don't complain about the road narrowing".

Motion was made by Mark Schlottman, with changes noted, seconded by Nancy Kosko to approve the November minutes.

Motion was passed with a vote of 7-yes and 0-no.

Ayes: Joe Swisher, Nancy Kosko, William Braerman, Mark Schlottman, Terri Preston, Karen Heavey, Lance Hersh.

Nays:

AGENDA ITEMS:

- 1. Presentation on the Petition for the annexation for Presbyterian Home of Maryland, Inc., owner of land designated on Harford County Tax Map 51, Parcels 951 and 946; total annexation area of 9.062 acres of land located on Long Drive.**

Representative: Joseph Snee, Esquire with Gesner, Snee, Mahoney, and Lutche.

Mr. Snee proposed a 9.62 acre annexation, off of Long Drive, to the Planning Commission. Presently, this consists of two parcels. Both of which are on Tax Map 51. The first parcel is known as Parcel 946 and the second, which is 8.56 acres, is known as Parcel 951. The address is 790 Long Drive. Currently, the parcel is zoned AG (Agricultural) in Harford County but if annexed, the zoning would be IBD (Integrated Business District). Mr. Snee stated that would be the monumental gated entrance to the existing Village of Carsin's Run property. There would be approximately 8 cottages for independent living on Lot 1. This lot would be combined with the bigger campus constituting approximately 135 to 140 acres. He stated proposed Lot 2, would be used for

commercial development, also to be zoned IBD. Lot 1 is about 6.89 acres and Lot 2 is 2.17 acres. This property is currently vacant and this parcel is part of Planning Area 11. These parcels are slated for both residential and commercial development. These lots would be integrated into the overall campus.

Mr. Swisher asked if this property would be brought in as two lots or one large lot. Mr. Snee stated that this is being brought in as two parcels and if annexed they would go through the subdivision process, combine proposed Lot 1 with the overall campus, and make this one large lot.

Mrs. Grover provided the background to the Planning Commission, that on May 14, 2008, the Planning Commission reviewed the Johnson Presbyterian Homes Annexation. At that time, it was for a little over 13 acres. She said the petition was amended and presented back to the Planning Commission on June 19, 2008. The acreage changed to 11.5 acres. At this meeting, the members of the Planning Commission recommended to the City Council, that the annexation be approved with the IBD zoning. Mrs. Grover asked, if the change at this point, was that the Johnson homestead has been taken off. Mr. Snee replied that this was correct. Mrs. Grover stated that after the June 19, 2008 meeting, the City Council began their review and this particular annexation was denied by the City Council. Mr. Snee stated that as he recalls, the City Council approved the annexation plan, they approved the annexation agreement, but when it came to the Charter Amendment, it was not approved. Mrs. Grover said that he was correct.

Mrs. Grover talked about the Community Input Meeting that was held last week. She stated to Mr. Snee that she has not received copies of the minutes. Mr. Snee said that he should be receiving the transcript tomorrow.

Mr. Lapinsky spoke about the potential use and the potential water use from the second parcel, referring to the monumental gate entrance. Mr. Lapinsky asked if this was a total gated community. Mr. Snee replied yes. Mr. Lapinsky asked if every entrance and exit was gated. Mr. Snee replied yes. Mr. Swisher asked how this would affect the City. Mr. Lapinsky stated that he was just curious; he had many questions and wondered if this was gated or not. There are some places that are showing connections that are not gated. Mr. Swisher stated that he does not think that you are going to gate the area where you are planning to put a shopping center in. Mr. Snee responded by saying that he is only gating the portion at the Village of Carsins Run. Mr. Lapinsky stated that this was what he was looking at. The areas from the Village of Carsins Run only, not across the street.

Mr. Hersh stated that you could not drive from Lot 1 to Lot 2, that there is no road connecting them. Mr. Snee stated that this was correct.

Mrs. Heavey asked what the little grey bar along the road on the map represented. The Planning Commission stated that this was a bridge. Mr. Snee stated that this was calvert crossing.

Mr. Swisher stated that he had attended the briefing for the citizens of Aberdeen at the Senior Center, along with several board members, and all of his questions were answered then.

A motion was made by Mark Schlottman to approve petition for annexation, including comments from staff, seconded by Lance Hersh.

Motion was passed with a vote of 7-yes and 0-no.

Ayes: Joe Swisher, Nancy Kosko, William Braerman, Mark Schlottman, Terri Preston, Karen Heavey, Lance Hersh.

Nays:

2. Review Final Subdivision Plat – Land of Harford Habitat for Humanity, Inc. at Baltimore Street Extended.

Mr. Schlottman stated that he is on the board for Harford Habitat for Humanity, and would like to recuse himself from any discussion as well as voting.

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

Mr. Dallas stated that he is proposing subdividing a lot into two lots. This site will be used for Habitat for Humanity, at Baltimore Street Extended. Mr. Dallas has responded to comments from the Department of Planning and Community Development and Department of Public Works.

Mr. Swisher asked for clarification, that Mr. Dallas wanted two lots with a duplex on each lot. Mr. Dallas explained that he was proposing two units and splitting them with a property line.

Mrs. Grover reiterated that this is one duplex unit, in which Mr. Dallas stated that this was correct. Mrs. Grover asked for clarification that this property is R-2 two family residential. Mr. Dallas stated that this was correct. Mrs. Grover stated that the lot area requirement is 9000 square feet, and asked if this is exceeded. She said in addition, the minimum lot width is 80 feet. Mr. Dallas responded that they do surpass 80 feet in the back. Mrs. Grover made correction by asking if he exceeded 80 feet in the front. Mr. Dallas replied by stating that they do exceed 80 feet in the front.

Mrs. Grover asked if there would be any improvements along Baltimore Street Extended other than the dedication of the right-of-way. Mr. Dallas stated that he did not plan to make any improvements.

Mr. Lapinsky stated that he has discussed the road improvements with Mr. Dallas. Mr. Lapinsky said this is a dirt road right now, and they are looking at potential future improvements by making this a tar and chip road. Normally, what is requested by Department of Public Works is that the roads are improved to the center line and length of the property. Mr. Lapinsky went on to say that he does not see any reason to put asphalt down. A note will be sent to Mr. Dallas tomorrow stating, the City of Aberdeen normally requires roadway improvements to the center line and the length of the property.

Mr. Braerman asked for clarification. When he drove down to the site, this was a beat up, dirt road. Will there be a nice road there to drive on? Mr. Lapinsky stated that unfortunately, this was a decision that was made well before his time. There is no improvement from the end of Baltimore Street, all the way down. He stated, the City plans on improving the road with tar and chip, clean it up and take care of the base. Mr.

Lapinsky stated that he could not see making the developer do this. Mr. Braerman stated that he thought that this would be the responsibility of the City, and a requirement to make a road there that was adequate. Mr. Lapinsky stated that this is what the plan is, to tar and chip. He said this will be similar to an asphalt road, not as heavy, but will be an improvement to what is there now.

Mr. Lapinsky spoke about the end of the road where the garbage dump is. At this point, there is to be a sign that states "End City Maintenance". He said this road then turns to County road, which is not being maintained.

Mr. Hersh asked Mr. Lapinsky what the cost would be for the City to tar and chip this road. Mr. Lapinsky responded with around \$20,000 to \$30,000, adding that he may do this, weather dependant, this year.

Mrs. Heavey asked if the City will own the right-of-way and the road bed. Also is there an agreement on file, and is this part of the original lot. Mrs. Grover stated that after the plan is recommended by the Planning Commission and approved by the City Council, before the plat is recorded, we would get the right-of-way document.

Mrs. Heavey asked why the 10 foot utility easement is required along the back of the property. Mr. Lapinsky replied by saying it is needed in an event that any utility needs to be run. This is done in all subdivisions. It is a safety measure for the homeowner. Mrs. Heavey stated that the homeowner cannot build on it. Mr. Lapinsky said that this is correct. Mrs. Heavey also stated that it was a bit confusing how the house numbers go from odd to even.

Mrs. Kosko asked if this was being referred to as a semi-detached dwelling. Mr. Dallas stated that this is correct. Mrs. Kosko asked if this would be owned fee simple. Mr. Dallas stated that this is correct.

Mr. Swisher stated that Habitat for Humanity is a great program and is a great asset to our City. However, by allowing them to build on this, at this time, sets us up for a double standard. One for the rich who have nice paved roads, and one for the poor. Mr. Swisher added that he thinks at this time, we should not agree to subdividing this, and allowing the building to be there, until the road is fixed. He said this has been a problem now for ten or fifteen years and the last time a contractor came in, we allowed the subdivision to occur. Now we have two building lots, by a good group, but we haven't done our job here in the City. Mr. Braerman commented that Mr. Lapinsky said if approved, the City would put in a decent road. It may not be completely blacktop, but it will be tar and chip. Mr. Swisher stated that this was the same type of promise that was made before, and never happened. Mr. Lapinsky stated that we will utilize CDBG funds to pave the road.

Mr. Swisher asked Mr. Lapinsky if this would be extended to the City line. Mr. Lapinsky replied that there should be a sign on that road that says end of City limits. He said this will be where work will be stopped, right next to the last fire hydrant. Mr. Swisher asked if there was a house right on the City line, on this road. Mr. Lapinsky stated that there is not. Mr. Swisher stated that on the boarder of the last house in the City of Aberdeen, there is a dump. Mr. Lapinsky stated that the City has done everything that we can possibly do with this situation. This is not the City of Aberdeen's property.

Mr. Swisher commented that it seems like the road is very close to the right of way for the railroad. The railroad at one time had two rails, a north and a south. Mr. Swisher asked if we were sure that when we put down a 25 foot road, that we will not be on railroad property. Mr. Dallas stated, not in front of this line. Mr. Lapinsky stated that we will not be changing the road when we tar and chip it. It will remain the same width.

Mr. Swisher asked how the children that live in the homes, will get on the school bus from here. He said there will not be any sidewalks. Mr. Dallas stated that he was not sure. Councilwoman Landbeck commented that there are a lot of locations within the County, where the children have to walk on the road due to there being no sidewalks. Mrs. Grover stated that she would assume that these children would walk to the first intersection.

Mr. Swisher stated that he just thinks we need to get the road in this time, that we do it right, and that we don't establish a double standard for the town. He said we have ventured this way in the past, made a recommendation to the City Council, and it never got done.

Mrs. Kosko asked Mr. Dallas to review what the square footage of each lot is. Mr. Dallas replied that it was 6400 square feet. Mrs. Kosko asked if this was R-2 or R-3. Mr. Dallas stated that this was R-2.

Mrs. Kosko stated that our code says the lot area square feet for R-2 is supposed to be 9000 square feet. Mr. Dallas stated that there was a parting wall, and this would be two units. Mrs. Kosko stated that dwelling, semi-detached, or two family R-2, lot area square feet is 9000. Lot per family is 4500. She asked if this was an error in our Code. Mrs. Grover expressed that these were her comments, she went down the list. Mrs. Kosko asked if the square footage was stated anywhere. Mrs. Grover stated that the total enclosed area was provided on under the area tabulation, but it is not under the square footage.

Mrs. Heavey stated that she has a concern with the lots being so narrow. She would like to know where parking would be. Mr. Dallas stated that there were 14 foot side yards. Mrs. Heavey said that you cannot build on 10 foot of that, so it would only leave 4 foot driveways. Mr. Dallas stated that there would be parking in the front of the house. Mrs. Heavey asked if it would be reasonable to think of this as a two unit townhouse. Mr. Dallas replied yes.

Mr. Lapinsky commented that he does not believe that this should be held up for a City responsibility. He stated that he does not believe a City responsibility should be a condition of approval.

Mr. Hersh stated that he would like to add that the grant money is in place, where it doesn't come out of the City's pocket. He said this was a concern of his and he stated that he thinks the property owner should have some type of relief to extend out and build on here.

A motion was made to approve Final Subdivision Plat by William Braerman, with comments added from Phyllis Grover, a note added by Matt Lapinsky, and subject to the City improving the road. Seconded by Terri Preston.

Motion was passed with a vote of 5- yes, 1- no, 1- abstain.

Ayes: Nancy Kosko, William Braerman, Terri Preston, Karen Heavey, Lance Hersh.

No's: Joe Swisher.

Abstain: Mark Schlottman.

3. Review Preliminary Site Plan- Cook Automotive, lot 7, Hardee's Industrial Park.

Representative: Dudley Campbell, Bay State Land Services.

Mr. Campbell stated that he would like to have approval for the preliminary site plan, lot 7, Hardees Drive. This is an 18000 square foot building, located at 1030 Hardees Drive. He is proposing an 18000 square foot flex building plan. This building could be used for a contractor or BRAC related defense contractors. He said currently this area has 62 parking spaces. Under the City code, it is only required to have 60.

Mr. Campbell stated that this lot would be serviced by a County water line. There is also a County water main that runs parallel to Route 7. There is also an easement on the lot, however nothing in the site plan touches this easement. He stated that he would need to go to Harford County in order to utilize the existing water line. There are enclosed dumpster areas on the lot. Sewer would be supplied by the City of Aberdeen. Currently, this lot is zoned B-3.

Mrs. Grover asked if under note 6, Highway Commercial District could be added next to B-3. She asked for clarification, if this was an office or warehouse. Mr. Campbell stated that it could be a combination of both. Phyllis Grover asked again if this was office or warehouse, because warehouse uses are not allowed in B-3. Mr. Campbell replied that this would be for offices with storage space. Mrs. Grover stated that the building was one story. She said that she assumed the height was 30 feet. Mr. Campbell stated that it was approximately 24 feet high, and was one story. Mrs. Grover asked that note 12 be corrected that says building height 6 stories, less than 60 feet, because this is only one story.

Mrs. Grover reiterated that Mr. Campbell stated Harford County is supplying the water. Mr. Campbell stated that this is correct. Mrs. Grover asked if Mr. Campbell has spoken with Harford County about the extension of water for this site. Mr. Campbell stated that he had talked with the County approximately 4 years ago and there was not a problem at that time.

Mrs. Grover spoke about the entrance, note 35. We have entrance construction location to be approved by the City and State Highway Administration. Mrs. Grover stated there would not be access off of MD 7, but there would still be access off of Hardee's Drive, which does access off of MD 7. Mr. Campbell stated that this was correct. Mrs. Grover asked if Mr. Campbell had received comments from State Highway Administration. Mr. Campbell stated that State Highway did review this and commented to take the entrance to this property, and try to move it further away from the intersection and Hardee's Drive. Mr. Campbell stated that traditionally it is 85 feet and they are in the excess of 85 feet from the intersection. Mrs. Grover asked if Mr. Campbell had received any other comments from State Highway Administration. Mr. Campbell stated that he has

not. Mrs. Grover then explained that she has not received any comments either from State Highway Administration.

Mrs. Grover asked what the building would look like and if there were requirements in the industrial park on how the buildings must look. Mr. Campbell stated that there are no architectural requirements. Mr. Campbell stated that they would like to do something along the lines of what is across the street. He said the building has not been designed yet, but it will be consistent with the other buildings in this business park.

Mr. Lapinsky stated that State Highway Administrations comments should be solicited, received, and addressed by the developer. The fill that is located in the Harford County easement needs to be approved. He said the water usage calculation letter does not need to be in the plan because it is Harford County water. A letter of intent to serve from the County needs to be supplied by the developer. Note 26 may be removed. Wellhead protection areas for both the City and the County should be shown on the plan and the use should be consistent with the Wellhead Protection requirements. Mr. Lapinsky also stated that water needs to be removed from note 29.

Mr. Hersh stated that water is coming from Harford County. He asked if sewer is also County or if this was Aberdeen. Mr. Campbell stated that sewer would be City. Mr. Hersh asked if we were going to run into the same issue that we ran into with another annexation, in regards to collecting sewer fees. If the water cannot be cut off due to non-payment, and other types of things.

Mr. Lapinsky spoke about the Dumas annexation. He stated that he wants this agreement to say that if a water or sewer bill is not paid, the County will cut the water off. This is all part of an agreement that he is working on with Harford County. Mr. Hersh asked if this looks like it is moving forward. Mr. Lapinsky stated that we are looking for this to be done sometime in early January. Mr. Hersh asked for clarification. With the comments from the County, does Mr. Lapinsky think there will be an agreement between the City and the County, where we would have some type of relief if there were an issue? Mr. Lapinsky stated that he is looking for the email sent from the County and will read it to the Planning Commission when he has it.

Mrs. Heavey asked for clarification on the number of tenants in the building. She asked Mr. Campbell how many units would be in the building. Mr. Campbell stated that it all depended on what the tenants need. Mrs. Heavey stated that there would be one big space, and walls could be put up in between. Mr. Campbell stated that yes, there could be a devising wall. These walls could separate all of the various uses. Mrs. Heavey asked Mrs. Grover if there were any requirements for something like this to come before the Planning Commission. Mrs. Grover stated that you would treat this like a shopping center. The overall use is a principal permitted use. Mrs. Heavey stated that the center of the building is not set yet though. Mrs. Grover explained to her that this would depend on the tenants needs.

Mrs. Heavey stated that the adjacent property, parcel 507, the zoning is listed as M-1. She would like this to be re-checked. Mrs. Heavey stated that she was under the impression that this was zoned B-3. Mr. Campbell stated that this was subject of re-zoning.

Mrs. Heavey commented that most of her other concerns were for the water and they have been answered.

Mrs. Kosko asked Mr. Lapinsky to clarify the water agreement. She asked if this was an agreement for all properties in this situation, not just Dumas. Mr. Lapinsky replied by stating that this is what he asked for. He read an email that he received from Jackie Ludwig with Harford County Government. He stated, "Harford County has revised the draft agreement and we are meeting shortly. After we meet, we will email the draft agreement around for parties. Thanks for your patience, Jackie." Mrs. Kosko asked if by all parties, meaning Harford County. Mr. Lapinsky stated that by all parties, they mean the City of Aberdeen, and to the people from Cavilier motel. Mrs. Kosko stated that this was specific to the Dumas annexation. Mr. Lapinsky stated that this was correct, but he asked for the agreement to be crafted so it would take care of all of the problems that we had. Whether or not it gets in there, is the question. He said we may need a separate agreement for this. Mr. Lapinsky stated that he has not seen the draft that they have prepared.

Ms. Preston asked for clarification on the warehouse, storage, and office space uses. She asked if you could have a tenant with an office that was 50 feet, could the rest be for storage so that it would not be considered a warehouse. Mrs. Grover stated that to her, a warehouse would be like Pier One or a warehouse distribution facility. Mrs. Grover stated that the reason she asked for clarification, is because if this whole building were a Pier One, the Planning Commission could not approve it, due to it not being allowed in zone B-3. What Mr. Campbell is proposing, is that it could be all office or an office with a small proportion being storage. Ms. Preston asked if it could be a small office with a lot of it being storage. Mrs. Grover said that the City could not permit it with an occupancy permit. Mrs. Grover stated that if they came in with a floor plan, a tenant occupancy permit that said I have 100 square foot office and 17900 square foot of warehouse, it would be denied. Councilwoman Landbeck commented that there is a difference between storage and distribution. Mr. Campbell stated that there were accommodations for the fire trucks from the City, or any delivery trucks such as staples, but there are no loading docks.

Mr. Schlottman commented on CNA. This is an office building with stake storage Alternatively, a silt company, keeping sill fencing there. Mr. Schlottman stated that he does not see this as a warehouse. Mr. Campbell stated that there are so many variations that you can do with this building. One tenant that they have had at another site was an environmentalist. There, they held meters, spectra scopes, and many other things that they needed to store.

Mr. Swisher stated that he did not see a road going to the rear of the building, and asked if there was one. Mr. Campbell replied no; the area in the back will be used for the quality portion of the new Stormwater Management. Mr. Swisher asked if this would limit anything that Mr. Campbell is doing. Mr. Campbell stated that the only thing they need to do, is put a personnel door going out the rear. Mr. Swisher asked for location of the dumpsters. Dudley Campbell pointed them out on the corner marked by the letter D.

Mr. Swisher asked if there would be three entrances to the building, in the front. Mr. Campbell replied that at this time, that is what is being proposed. It may just be one entrance, or it could be more than three. He said this all depends on the number of tenants. This would show up when the building permit would be reviewed.

Mr. Swisher asked if there needed to be two Stormwater Management ponds. Mr. Campbell stated that they do need two ponds. Specifically for the two components, quality and quantity, of the Stormwater Management regulations. Mr. Swisher asked if these two ponds are at the high point of the lot. Mr. Campbell stated no. They are going to grade out because as always with Stormwater Management, it is always where your outfall is. He said on Hardees Drive, there is an enclosed Storm Drain System that goes to the older stormwater management pond. Mr. Swisher asked if the whole lot would be graded. Mr. Campbell stated that this is correct. Mr. Swisher asked if right now, the water tappers down to Cook Automotive. Mr. Campbell stated that this was correct.

Mr. Swisher asked if lighting would come later. Mr. Campbell stated that lighting and landscaping would come later.

Mr. Schlottman asked Mr. Lapinsky if there were precedent in other communities, municipalities, and counties, for the agreement that they spoke of. Mr. Lapinsky stated that he believes precedence was set when they did this with the Dumas property. Mr. Schlottman clarified that he means were there any other counties within the State of Maryland, or within the United States where this agreement is made. Mr. Lapinsky stated that he is not sure. Mr. Lapinsky said that he knows the agreement they have right now with the County was based on what was done up in the woods on the Greens at Rock Glenn, where it was two separate systems. Mr. Schlottman asked if we are in unchartered waters, or is there a County that we can point to. Mr. Lapinsky said that he does not know, but this is a simple process. Mr. Lapinsky stated that when we own the utilities, DPW goes in and lifts up the meter crock, turns off the water, and the citizen pays the bill. Here, we cannot turn off the sewer.

Mr. Lapinsky stated that this would have to be based upon Harford County and the City of Aberdeen coming to a mutual agreement on the water sewer issue. The approval has to be conditioned on the agreement coming forth to the City. Mr. Schlottman asked what time frame, possibly January of 2011? Mr. Lapinsky stated that this would be his guess. Mrs. Kosko stated that she agrees with this condition. She would like her motion to include the condition of the City and County having an agreement on managing water and sewer.

A motion to approve the preliminary site plan was made by Nancy Kosko, with comments added from the staff, and an agreement between the City of Aberdeen and Harford County regarding water and sewer utility issues. Seconded by Mark Schlottman.

Motion was passed with a vote of 7- yes, and 0- no.

Ayes: Joe Swisher, Nancy Kosko, William Braerman, Mark Schlottman, Terri Preston, Karen Heavey, Lance Hersh.

Nay's:

4. Discuss progress of draft Subdivision Regulations.

Mrs. Grover stated that since the last meeting, she and Mr. Lapinsky have reviewed the Harford County Road Code. They have also gone out looking at various subdivisions within the County to look at open section roadways that have no curb and gutter. She said they do meet the new stormwater management regulations and they have sidewalks. Mrs. Grover and Mr. Lapinsky thought that the open section roadway would be good for some new development; Hiob Lane for example, but not the extension on Kretlow Drive. They are also looking at the issue of the road widths. She said this is the most difficult issue to resolve. Three of the Commission members made comments, Joe Swisher, Nancy Kosko, and Karen Heavey, which have been incorporated, and hopefully there will be another draft presented at the January meeting. Mr. Swisher asked if this would be sent out ahead of time to the Planning Commission for comments. Mrs. Grover said yes.

Mr. Lapinsky stated that he spoke with some people from the State Highway Administration that gave him some ideas. Mr. Lapinsky does like open section areas in the right scenario. The roads that were looked at in the homes, the developments were around \$500-\$700 K. He said these were open section roads with ditches on both sides, with no sidewalks. Mr. Lapinsky added that he would provide Mrs. Grover with the websites for the codes. He would like the Planning Commission to look at the road sections and their definitions. Mr. Lapinsky stated that he is leaning this way for modifications and minor changes. He would like to have comments from the Planning Commission on these websites.

5. Items deleted from agenda.

Mrs. Grover spoke about some of the items that were on the agenda, but are not on the agenda now for tonight. As far as the Dumas project, Mr. Lapinsky is still working with Harford County on the water and sewer agreement.

Ms. Grover said for items 4 and 5, the Royal Farms Subdivision Plan and Site plan, this property is located off of Route 7. In March, the Harford County Health Department and the Harford County Department of Public Works sent a letter to the City Manager asking that we not approve this plan. The property is located in the Perryman well field and Harford County Wellhead Protection Ordinance prohibits automobile gasoline stations. The letter that was received from the City Manager from Harford County Department of Public Works, stated that the City has had a problem with MTBE with a previous gas station along Route 40. We have a relationship with the County and purchase water from them as well as, we need to protect all of our water resources. She said we were asked by the County not to approve the plan. Mrs. Grover stated that she became aware of this letter a few days ago. She called the engineer and the engineer for Aberdeen exchange and asked them to remove it from the agenda until it can be discussed further. When we adopted our Well Head Protection ordinance years ago, Phyllis Grover presented this to the Planning Commission. The Commission reviewed it, we reviewed it with MDE and we adopted the Ordinance. She will be coming back next month. The County has done some detailed engineering study and has given us some maps so we know which properties are impacted. Ms. Grover said we will have to amend our Code if the City Council agrees to accept the County area that has been designated.

Mr. Braerman asked Mrs. Grover if she is implying that we will reduce the requirements for the Wellhead Protection Area. Mrs. Grover stated no, they requirements would be increased.

Mr. Schlottman asked Mrs. Grover if she said that this letter was drafted in March of 2010. Mrs. Grover stated that this is when the letter was sent to the City. Mr. Schlottman then asked if she was just aware of this letter, this past week. Mrs. Grover replied yes. Mr. Schlottman asked what had happened. Mrs. Grover stated that she just thinks they were working with the City legal Council, in their own fashion.

Mr. Schlottman stated that he thinks the developer is under the opinion that this is going forward. Matt Lapinsky stated that is not true. The Health Department issued a letter that they would not approve this subdivision because it was in the County's Wellhead Protection Area. The developer knew about this.

Mrs. Grover stated at that time, we do not have the requirements to adopt the County's Perryman Wellhead Protection Area. She said we have to amend our Code to do this. Mr. Schlottman commented that, as it sits right now this area is outside of our Wellhead Protection Area. Mr. Grover stated that the Royal Farms area, is not in our Wellhead Protection Area, but it is in the County's. Mr. Lapinsky stated that this was about 30% of our water source. Mr. Lapinsky stated that the developer was well aware of the protection area. Mrs. Grover stated that this was a two part approval. Aberdeen Exchange had to come back in for final subdivision approval because State Highway Administration has increased their taking on MD 715, and they had non-tidal wetlands that were not delineated. MDE came in and said that they have to show this on the plans. These issues have been these resolved. They were supposed to bring in a plan this month but did not. The Planning Commission may see this again in January.

6. Aberdeen Map Update.

Mr. Swisher asked if Mayor Bennett ever signed the zoning map of Aberdeen. Mrs. Grover stated that it will be on the City Council's agenda in January 2011.

7. Road widths.

Mr. Swisher asked for verification of looking at the roads. Mr. Lapinsky stated that we need to reduce the road widths so that they are sustainable. They do not meet stormwater management regulations, we cannot afford to go back and re-surface these on a regular basis, and we cannot plow due to the amount of time it takes. Mr. Swisher stated that he does not understand part of what Mrs. Grover and Mr. Lapinsky are doing. They are going to present to the Planning Commission road widths that are smaller than what we have now. Mr. Swisher stated that it seems to him that if you are going to look at roads, you have to look at main arteries, secondary roads, and all types of roads. Mr. Lapinsky stated that they are. Mr. Swisher stated that in the development where he lives, if people park on both sides, and you want to pass on both sides, it is tight. This is 30 feet from curb to curb. He thinks that this should be the minimum. Mr. Swisher commented that if you are trying to do the roads like Bulle Rock, it is a mistake in his opinion. We have to be somewhat realistic.

Mrs. Grover stated that as of today, they have not come to an agreement. A 30-foot wide paving for a multi type, family townhouse house development would be acceptable and 24-foot for single family. This depends on the roadway. Mr. Lapinsky stated that in his opinion, if they were to re-do Mount Royal Avenue, it should be a 24 foot road with, with open section with no curb and gutter. Mr. Lapinsky went on to say what they are trying to do is cut the road section and not the right of way. They are still keeping the grassy areas,

potential planning areas and potential sidewalk areas. Mr. Schlottman stated that with no curb and gutter, it does not look finished and does not look clean. Mr. Lapinsky commented that he would have pictures to show. Mr. Swisher stated that when Mrs. Grover and Mr. Lapinsky are finished, the Planning Commission should take a bus to go out and look at some of the sites. Mr. Lapinsky stated that the open sections would be in certain areas such as the Silver Farm. We may not see them in the centralized areas though. Mr. Schlottman stated that when DPW plows in the winter, they will hit dirt if they are all open section roadways, and will then need to clean up the dirt. Mr. Schlottman and Mr. Swisher were in agreement with the fact that a curb and gutter would be nice. Mr. Schlottman stated that it directs water and is easier to clean. Mr. Schlottman asked why it does not make sense to do this downtown. Mr. Lapinsky replied that there is no place to go. It is all asphalt.

8. Update on Comprehensive Plan .

Mrs. Grover provided the Planning Commission with the comments from Maryland Department of Planning on the Comprehensive Plan. All comments will be incorporated into the Comprehensive Plan. Mrs. Grover will then present it back to the Planning Commission. Many of the comments on the Comprehensive Plan seem to revolve around the Municipal Growth Element and the Water Resource Element. There is work to be done with the consultant regarding the Water Resource Element. After those two items, there will be changes made on the Wellhead Protection. Mr. Lapinsky stated that he got some things from Harford County this morning. He will have them put on the map, and available for distribution.

Mr. Swisher stated that he did not realize that Harford County encroached on our City limits. Mr. Lapinsky stated that it comes up through a development, all the way up to Hillsdale. Mrs. Grover stated that they adopted their Ordinance in 2008, and the mapping had been done years ago.

Mr. Swisher stated that gas stations now have to use double wall tanks, which they did not do 20 years ago and they must monitor them to check for leaks. Mr. Lapinsky stated that the way it was set up, the Wellhead Protection Plan, was a template from MDE. A gas station is a non-permitted use.

There being no further business or public comment, the meeting was adjourned at 8:40 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval