

**ABERDEEN PLANNING COMMISSION
MEETING
City Council Chambers, 60 N. Parke Street**

WEDNESDAY, January 12, 2011

A meeting of the Aberdeen Planning Commission was called to order at 7:05 p.m., January 12, 2011, in the 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: Councilwoman Sandra Landbeck
Matt Lapinsky, Director of Public Works
Phyllis Grover, Director of Planning and Community Development
Felicia Bledsoe, Recording Secretary

Minutes:

Review of Minutes from Wednesday, December 8, 2010.

Page 3, paragraph 7, on the last line it reads “in as much of fee in-lieu of maybe considered instead of these improvements” Karen Heavey stated that it was her impression that the developer would have to pay nothing for the road improvements. This statement makes that questionable to her. It was asked of the secretary to check the recording on this sentence.

Page 5, paragraph 2, me Dallas should be changed to Mr. Dallas.

Page 8, paragraph 4, the word steak should be changed to stake.

Page 8, paragraph 3, Mrs. Preston should be changed to Ms. Preston.

Page 8, please put quotations around the letter from Jackie at Harford County.

Page 9, paragraph 3, change “the grains” to the Greens at Rock Glenn.

Page 11, paragraph 1, counsel should be changed to council.

Motion was made by Mark Schlottman to approve the December 8, 2011 meeting minutes with changes noted, seconded by Nancy Kosko.

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.

1. Discuss proposed amendments to Chapter 524, Wellhead Protection.

Representative- Mr. Joel Caudill, Deputy Director of Water and Sewer for Harford County Government.

Mr. Caudill presented the Planning Commission with a powerpoint presentation titled “Perryman Source Water Protection Area in the City of Aberdeen.” Mr. Caudill stated that he has been working with the City since March 2010, when Harford County had learned of a proposed development for a gas station, which was in the recharge area for the Perryman Wellfield. The proposed gas station would use underground fuel tanks, which would cause a problem with wellhead protection.

Mr. Caudill stated that the Harford County Health Department had contacted Harford County Government with concerns of this issue. Harford County then sent a letter to the City Manager, Doug Miller regarding these concerns. Harford County had also held meetings to discuss these concerns.

Mr. Caudill stated that there were five barriers proposed by the Environmental Protection Agency (EPA) when they re-authorized safe drinking water in 1996. One of which was Source Water Protection. Mr. Caudill stated that these are not absolute barriers, however if you do all of these things well, the risk of contamination in water will be minimized.

The five items on the list of multiple barrier approach are selection of high quality source water, source water protection, optimized water treatment, distribution system management, and water quality monitoring.

Mr. Caudill stated that optimization of each contaminant barrier is critical in order to meet customer expectations and there are increasingly stringent regulations on drinking water. Mr. Caudill added that technology is developing to a point where we can protect from contaminants.

Mr. Caudill explained that source water protection is a site specific strategy employed by local governments to safeguard the quality and quantity of one or more raw water sources that are used for drinking water. It involves characterization of the source water assessment of the hazards to that water, development of an action plan, implementation of the plan, community education, and monitoring the water quality and performance.

Mr. Caudill explained which agencies are involved in source water protection. One of the agencies is EPA. In 1996, EPA re-authorized safe drinking water and they listed the five barriers that needed to be focused on. The Maryland Department of Environmental (MDE) created a Source Water Assessment program. The American Water Works Association (AWWA) produces standards for water source protection. Mr. Caudill explained that the key players in source water protection are the planning and zoning professionals and utility managers.

Mr. Swisher asked Mr. Caudill how MDE determined the outline for the well recharge area, as well as which method they used. Mr. Caudill responded by stating that it was not MDE who determined the outline. The Maryland Geological Survey had done extensive studies in the

coastal plain of Harford County and had extensively modeled it to determine where the yields were, where the recharge areas were and other factors. This information was used by CH2M Hill, a national consulting engineering firm, who made this into a three dimensional model and computer based model.

Mr. Braerman asked if these models have been validated and verified. Mr. Caudill stated that the models were developed by hydrogeologist's who were knowledgeable about the coastal plain. Mr. Caudill went on to explain some of the key water contaminations throughout Harford County's groundwater.

Mr. Caudill presented a map that showed community well systems within Harford County. He pointed out the Perryman Wellfield Protection area. Mr. Caudill explained that in 1967, the first two wells were constructed and in 1970, the last of eight wells had been complete. One of these wells has been taken out of service due to nitrate contamination. These wells are located in what is called a Coastal Plain Aquifer. In this area, there is a plentiful amount of quality water that is drought resistant. A Coastal Plain Aquifer is relatively vulnerable to contamination but there are thin layers that help to protect the ground water.

Mr. Swisher asked if these areas were near the Rite Aid facility in Perryman. Mr. Caudill explained that they were not very close to the Rite Aid facility. Mr. Swisher asked if it was located before Rite Aid and Mr. Caudill replied yes.

Mr. Caudill went on to explain that this is a very inexpensive water source as far as capitol construction cost, and also uses minimum treatment and operator attention, due to it not requiring a lot of changes.

Mr. Caudill stated that by the early 1990's, there was a discovery of contamination in the Perryman ground water due to trichloroethylene (TCE). Harford County is working with the Army to find a solution to this problem. Also in the 1990's, the zoning was changing from AG to Industrial. At this time, the EPA had not designed these barriers and the threats to the water supply were becoming more apparent. Mr. Caudill explained that a strategy was needed to help protect the resource.

Mr. Caudill stated that the Perryman Wellhead Protection plan was developed by CH2M Hill, which specializes in water assessments and protection. The technical plan was finalized in 1997. The technical advisory group consisted of members from agencies such as MDE, APG, MGS, Army COE, local Health Department, City of Aberdeen, and Harford County Government.

Mr. Swisher asked if the wells were located in the center of corn fields. Mr. Caudill replied that they were on the edge of Aberdeen Proving Ground but not in the middle of the corn fields.

Mr. Caudill showed a powerpoint slide that stated the goals of the source water protection section of the Harford County Code were to protect the groundwater and surface water that provide drinking water to the general public, to manage land use and development activities in a manner that sustains the quality and quantity of the water source for the long term, and to foster environmentally sensitive development within the contributing areas by setting forth standards

that prevent negative impacts and by establishing mitigation measures that minimize the likelihood that the water sources will be impacted.

Mr. Caudill stated that the Perryman Wellfield was important to the City of Aberdeen because a portion of the recharge area is within the City limits. Harford County has no jurisdiction over this land. The City has experienced the impacts of development and contamination of its groundwater recharge area. It is also important to the City of Aberdeen because the City has committed to rely on the County for up to 2.4 million gallons per day of water from the Harford County system through the 6th amendment that Harford County has signed with the City of Aberdeen. Mr. Caudill explained that Harford County's ability to supply safe and economical potable water for its customers, Aberdeen being a large customer, depends in part on the protection of the Perryman Well Field.

Mr. Caudill explained that Harford County is asking the City of Aberdeen to formally recognize the boundary of the Perryman Source Water Protection areas and to adopt the County Wellhead Protection code requirements or to apply the City's protection limits to the portion of the WHP area within the City of Aberdeen corporate limits.

Mr. Schlottman asked if the City Council knew about this, or did they make a mistake. Mr. Caudill responded by saying along the line of communication, something had been missed. Mr. Caudill stated that this could have been on Harford County's end. Mr. Caudill explained that Harford County started to develop their Well Head Protection process even before the EPA came out with their guidelines. It took a long a long time before the County finished their code and the City of Aberdeen created their regulations for water supply very quickly. Mr. Caudill stated that he thinks it was just circumstances of the events and miscommunication.

Mr. Schlottman stated that on behalf of the Board of Commissioners, they would be reluctant to allow a non permitted use on top of a Well Head Protection Area and did not know about this.

Mr. Swisher stated that he is still not convinced how the recharge area was defined. Mr. Lapinsky stated that he has the study that was done, and would be glad to give a copy to Mr. Swisher. Mr. Caudill stated that this model was done through the Maryland Geological Survey models, which were developed by a state agency for the study of the coastal plains. Mr. Caudill went on to say that he was not part of the team that created this, but could meet with Mr. Swisher and a few staff members that were involved.

Mr. Swisher asked, in this area where the gas station was going to go in, if it was possible to elevate tanks instead of putting gas tanks in the ground. Mr. Swisher stated that gas tanks now must be double lined and be monitored for leaks. Mr. Swisher added that at Ferrell Fuel, their fuel oil is elevated. Mr. Lapinsky commented that he had a discussion with Royal Farms and Harford County. The Royal Farms consultant stated that an above ground tank is much worse than a below ground tank. Mr. Lapinsky stated that Ferrell Fuel is basically there, because it was grandfathered in to the City of Aberdeen. At this time, it would not be allowed to be built in that area per the City regulations. Mr. Swisher added that other gas stations on Route 40 would not be

allowed at this time either. Mr. Lapinsky stated that this was correct and added that the idea of a gas station in a well head protection area is a scary thought.

2. Discussion on Amending Comprehensive Plan – Future Land Use Recommendation for Planning Area 13 Bush Chapel and Information regarding a proposed Petition for Annexation of Bush Chapel 30 Acres LLC, located on Harford County Tax Map 51, Parcel 145, containing 27.176 acres of land and Aberdeen Green Properties LLC, located on Harford County Tax Map 51, Parcel 382, containing 29.922 acres of land.

Representatives: Bradley R. Stover with Gessner, Snee, Mahoney, and Lutche P.A. Paul Muddiman with Morris Ritchie Associates. Steve Cornblatt, property owner.

Mr. Stover explained to the Planning Commission that as of today there is no annexation petition filed. The property in discussion is known as the Cornblatt property. Mr. Stover stated that this property is zoned B-3 in Harford County and is a little over fifty-seven acres. The property is owned by two LLC's. There is a piece of the property to the north, that is zoned R-1. This piece of property is owned by the Zimmerman family.

Mr. Stover stated that the Zimmerman and the Cornblatt families have been discussing an annexation into the City of Aberdeen. As of now, the families have not consented to do this, but there is discussion.

Mr. Stover went on to state that this property has had a history with the City. He explained that Mrs. Grover pulled the file on the property that goes back to 1979. In 1998 and 2000 the Planning Commission was able to vote and give recommendations on the fifty seven acre property. Mr. Stover stated that in 1998 and 2000, the applicant sought R-3, but the Planning Commission recommended R-2 zoning. The issue never went before the City Council.

Mr. Stover stated that what was different about this discussion on annexation into the City this time, is the desire. The property has changed and has transitioned into more of a commercial or office use. This transition deals with two factors. Mr. Stover said that there is a change in real estate and the opportunity to use this property for BRAC. Mr. Stover stated that he met with County officials and the County supported the decision to move away from residential project for this property. Mr. Swisher asked what the date was, when this happened. Mr. Stover replied that this was in 2009.

Mr. Stover explained that this property is zoned B-3 in Harford County, which is consistent with the Master Plan. Harford County's land use map shows it as high intensity but the City calls for low to medium intensity residential uses. Mr. Stover went on to say that legally, the Court of Appeals states that a Comprehensive Plan is not binding, but is more of a guide.

In conjunction with the review of the Comprehensive Plan, Mr. Stover stated that he took the liberty of showing a red line of proposed area 13, on a handout that was given to the Planning Commission. Mr. Stover stated that on planning area 13, he tried to limit any changes to the top northern area that borders I-95.

Mr. Stover explained that he will be back for another Planning Commission meeting, before there are any public hearings for the property. He went on to say that MRA has created a draft concept plan, showing the types of uses that the property owners are contemplating.

Mrs. Grover asked if the Zimmerman property was part of Harford County's comprehensive re-zoning. Mr. Stover replied that it was not. Mrs. Grover asked if the Zimmerman's had applied for re-zoning. Mr. Stover stated that he did not know if they had applied. Mrs. Grover went on to ask if all of the B-3 properties that Mr. Stover indicated on a handout, were part of Harford County's comprehensive re-zoning. Mr. Stover stated that this was correct. Mrs. Grover asked if it had been zoned this way for two years, Mr. Stover stated that this too, was correct.

Mr. Lapinsky asked about the area zoned R-1. He asked if there were any thoughts on what the potential use would be. Mr. Stover stated that he does not want to speak for the Zimmerman's.

Mrs. Heavey asked for clarification on the County zoning process. She stated that the property owners requested R-3. They amended their request to B-3 at some point and time. Mrs. Heavey stated that she believes Harford County Planning and Zoning recommended R-3 and it was amended by the County Council for B-3. Mr. Cornblatt responded by stating that there was a question early in the process about R-3, which was clarified, and the application was revised. Mrs. Heavey stated that if you check the County records, it was amended by the County Council for B-3. Mrs. Heavey stated that County Planning and Zoning did in fact recommend R-3. Mrs. Heavey stated that she needed clarification on this subject. Mrs. Heavey also stated that she wondered why the property owners wanted to be annexed into the City of Aberdeen.

Mr. Swisher stated that the property was zoned AG 7 years ago, and wanted to know dates of when it was changed to what it is zoned now. Mr. Stover stated that in 1997, the property was zoned R-1 and was changed to B-3 in 2009. Mr. Swisher asked Mr. Stover to find out the sequence of events on when it was zoned AG.

Mr. Muddiman stated that the 2004 land use map indicated that this area is high intensity. He stated that there must have been something that happened between the R-1 and the B-3 zoning.

Mr. Muddiman handed out a concept plan to the Planning Commission. To the bottom of the drawing, was Bush Chapel Road and to the left is I-95. This is showing the Aberdeen boundaries. He stated that their vision would be IBD zoning. Mr. Muddiman added that the Zimmerman's property is also high intensity.

Mr. Muddiman stated that there would be an access off of Bush Chapel Road, and a spine road leading out to Northeast Road. Accessing off of the spine road, would be parking lots and private roads leading into the corporate campus with multi-story office buildings and retail. He stated that this plan can change over time, and there could be other uses. Mr. Muddiman stated that there is a large wetland area that runs through the property and the wooded area is wetlands, streams, and flood plans. Mr. Swisher asked the name of the stream and Mr. Muddiman replied that he does not know that it has a name.

Mrs. Grover stated that she has reservations about the development on this property. She stated that her concern is transportation, within residential development or commercial development. She stated that this property is possibly considering annexation, and she is worried about how the traffic is going to impact Bush Chapel Road and Northeast Road.

Mr. Lapinsky stated that the City would need to know what the additional spacing or square footage is going to be. He asked if Mr. Muddiman had any ideas on what type of space the Zimmerman property would be used for. Mr. Muddiman stated that the Zimmerman parcel is about 5 acres. Mr. Muddiman went on to say that it has development potential but there is a stream running through it, so there are some limitations.

Mrs. Heavey stated that she also has concerns with transportation. She stated that Bush Chapel Road is narrow. She asked, if annexed in, who would own the road, and would the City be responsible or the County. Mrs. Heavey asked who owned the road at this time and Mr. Muddiman replied that this is a County Road. Mrs. Heavey asked what a spine road was. Mr. Muddiman stated that this is a reference to the main road into the development.

Mrs. Heavey stated that Mr. Lapinsky spoke of another property that is already within the City. This property is being considered for office and retail. She asked if this road would also go up and connect to another parcel. Mr. Muddiman stated that the Cornblatt family also owned a parcel or two at the bend of Northeast Road. He stated that nothing has been proposed and there is no site plan submitted.

Mrs. Kosko stated that she is curious why the property owners would want to do this, if there is already land within the City that could be developed. Mr. Muddiman exclaimed that the existing parcels within the City are small parcels and there is limited development potential. Mr. Grover added that there was a total of 9 acres.

Mrs. Kosko stated that she is hoping that everyone is not thinking short term about BRAC. She stated that this is not going to go on forever. In the past week, Mr. Gates stated that DOD is going to be doing a review of all of their finances and it is likely that cuts will come. Mrs. Kosko stated that she is concerned, and does not want to build so many offices, that there is not enough residential for those who occupy these offices. She added that she is also curious if there have been any market surveys that have been done.

Mr. Cornblatt spoke about Mrs. Kosko's concerns. He stated that his father was the original owner of the property. During the re-zoning process, this concern came up. He stated that the response he received was that there is plenty of land in the County for residential use. Mr. Cornblatt stated that the County felt as though it was important that this property be developed more as a commercial gateway into Aberdeen. Mrs. Kosko stated that she understands this, but what about the discussions and feelings of the City with regard to Harford County's thought process on this being a gateway to Aberdeen Proving Ground.

Mr. Cornblatt stated that he had a meeting with Mayor Bennett, Doug Miller and Phyllis Grover. They were in support of this commercial property. He stated that the plan was to develop this

property as an office park with restaurants around it. Mrs. Grover made a clarification that she was not in a meeting with Mayor Bennett and the City Manager. She stated that she was in a meeting with Mr. Cornblatt, his legal counsel and team, to speak about this process. Mr. Cornblatt added that the County stated that there was a demand for 4 million square feet of office space, for BRAC.

Mr. Lapinsky commented that across I-95 there is Battelle. He stated that he would rather the City get this space, instead of it going to Battelle. People from BRAC are not buying houses in Aberdeen. Mr. Lapinsky stated a few developments that are not selling. Mrs. Grover added that The Commons at Fieldside Village is a planned office park that has preliminary site plan approval. Mr. Muddiman stated that they would not be developing this property on speculation.

Mr. Schlottman stated that he has never denied a business coming into Aberdeen. As a resident, he is worried that we are losing a sense of community throughout Aberdeen, because we do not have people living in the City of Aberdeen. Our population is getting older and we don't have young families moving into the City. Mr. Schlottman stated that as a volunteer for the City, he thinks it is tough to find people to help. There are no younger people to help, and this is what worries him. Mr. Lapinsky stated that we do have the housing units for this. We are looking from 600 to 700 houses coming. Mr. Schlottman is worried that people will work here, but will not be living here. There will be no sense of community. Mr. Lapinsky stated that the City has a good balance of commercial and residential in the master plan.

Mr. Schlottman also stated that he thinks, as the budget issues become more dire, the military will be cut. This happened after WWII and Vietnam. He stated that we have to be careful with what we do in the future.

Mrs. Kosko stated that she would not want the City to repeat mistakes that they have made in the past by cutting back too much. She understands that there are a lot of houses in the pipe line, but she would like the Planning Commission to think about this, look at what we have in the pipe line, when they decide on the planning area, and if they need to make changes to it in the Comprehensive Plan.

Ms. Preston spoke about transportation. Bush Chapel can be widened. She stated that she is concerned that we have enough office space. She said that she doesn't think people will come to the City, because we don't have what people want within a City. Ms. Preston stated that this needs to be part of the solution on what we need in the City.

Mr. Braerman stated that he spent his career in DOD, it goes up then down. He would like to see the zoning more flexible. Mr. Muddiman stated that IBD is very flexible. Mr. Braerman stated that he would like to have more flexibility that they can control, so that they are not sorry down the line. Mr. Muddiman stated that he does not plan on building on speculations. IBD is flexible and it is for the ideal market.

Councilwoman Landbeck addressed the volunteer situation that Mr. Schlottman spoke of. She said that he was correct. We suffer from a lack of volunteers, but it is not due to the fact that we don't have young families moving in. She believes that the nature of our society has changed, and the young people moving in, are so busy with jobs, that they don't have time to volunteer. Councilwoman Landbeck spoke about IBD and said that it has a lot of uses.

Mr. Hersh stated that he agrees that cuts are going to come, through government. The government has realized that they own some of the most wonderful waterfront property in the country, on the Chesapeake Bay. He stated that he moved into Aberdeen, is because he wanted to be close to where he worked. He stated that people will have thoughts about moving here, once they work in Aberdeen for a while. Mr. Hersh stated that he would like to see things being built here. He would like retail, restaurants, entertainment, etc.

Mr. Swisher commented that one thing that became clear to him, is that the Planning Commission has not done a good job of discussing the Concept Plan with the new Mayor and City Council. He said that the Planning Commission does not speak with the County Council, like they should. Mr. Swisher thinks that the elected officials need to understand the comprehensive plan, and agree with it.

Mr. Swisher spoke about plans. Across the road from this property looked like more property owned by the same people. Mr. Muddiman stated that this was incorrect. Mr. Swisher stated that he did not get to look at the northern entrance that goes to the property. He stated that he would like to see more than one good entrance to this property.

Mr. Swisher stated that he is concerned with traffic on Bush Chapel Road. He stated that improvements are necessary, but is not sure if it is in anyone's budget.

Mr. Swisher stated that he has been here since the first concept plan. They set out two areas for housing. One was on the right on West Bel Air at Paradise Road, and on the left side in the Bush Chapel area road. He stated that if we allow this, then we could put offices on Paradise Road as well. Mr. Swisher stated that this area is having nice middle class homes being built, the roads are being fixed, and the homes that were there have been upgraded. He stated that this, for him personally, is a tough decision.

Mr. Swisher asked that the Planning Commission think about these issues and decide if they want to change the Comprehensive Plan, or keep it the same.

3. Discuss draft Chapter 475- Subdivision Regulations.

Mrs. Grover stated that she mailed out a revised draft of the Subdivision Regulations to the Planning Commission members. She would like to put this on next month's agenda and would like to have comments. Mrs. Grover stated that she had taken comments from Mrs. Heavey , Mrs. Kosko, and Mr. Swisher, and incorporated them into the document. One of the comments that Mrs. Heavey gave, was that there is a section in the code titled "Streets and Sidewalks", Chapter 470. This should be a companion document to the Subdivision Regulations.

Mrs. Grover stated that she has been working on taking the issues of right of way widths and pavement widths, and putting them in the streets and sidewalks chapter of the code. She looked at a few jurisdictions within the state, and the streets and sidewalk discussion is in another document. Mrs. Grover gave a copy of this to the City Manager and Department of Public Works to review.

Mr. Swisher clarified that the Planning Commission is to read the revised draft of the Subdivision Regulations, and be ready to discuss it at the next meeting.

Mr. Swisher asked Mrs. Grover if the Mayor and Council approved the map showing zoning. She replied that this should be on the agenda, coming soon.

4. Discuss 2011 Comprehensive Plan Update and Schedule Public Hearing.

Mrs. Grover provided the Planning Commission with the Comprehensive Plan. She has taken the comments from Harford County Government, Maryland Department of Planning and the Maryland Department of Transportation and addressed their comments. She stated that she and Mr. Lapinsky met with their consultant, went over comments from the agencies, and addressed the comments.

Mrs. Grover stated that there was a comment that was made at the meeting that she, Mr. Swisher, and Mrs. Kosko attended with the City Manager. Harford County has some issues with several of the City's planning areas. They are not consistent. Mrs. Grover stated that she did not feel that she should take the liberty to make these changes. She stated that this is a Planning Commission function.

Mrs. Grover added that there needs to be a public hearing and this form needs to be formally recommended to the City Council. This will be scheduled for March 9, 2011 at 7:00 p.m., during the Planning Commission meeting. Mrs. Grover stated that she will try to keep the agenda strictly to the Comprehensive Plan.

Mrs. Grover asked for comments from the Planning Commission, and asked that they be given to her a week before the February meeting. She will need to make changes and put the document on the City website, available to the public, and in the paper for a public hearing.

There being no further business or public comment, the meeting was adjourned at 8:00 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval