



**Town of Port Deposit
Planning Commission Regular Meeting Minutes
Conference/Video Meeting
April 22, 2021**

The public was invited to call into the meeting via videoconferencing or audio by phone.

Chairman Heck called the meeting to order at 7:03 p.m.

PRESENT: In person: Chairman Heck, Commissioner Komisar, Town Administrator Rinkerman, and Chris Rodgers – AECOM. Via Zoom: Vice Chair Davidson and Legal Counsel Gullo.

ABSENT: Commissioner Zimmerman and Council Liaison Brown

MINUTES - Minutes from the February 25, 2021 meeting were presented.

Motion was made by Chairman Heck to approve the minutes from the February 25, 2021 meeting. Seconded by Commissioner Komisar. All in favor. Motion carried unanimously.

NEW BUSINESS

RESOLUTION 06-2021 – Amendment to the Port Deposit Zoning Code, Article XI, Section 211 to amend the regulations relative to occasional festivals, events or public interest or special events, occasional outdoor. The proposed amendment to the Zoning Code would give the Mayor and Town Council flexibility to address specific applications for a permit by authorizing the Mayor and Council to impose additional conditions to the issuance of specific Section 211 permits on a case-by-case basis.

Vice Chair Davidson clarified for the public that Resolution 06-2021 provides the Town Council the flexibility to enact when special circumstances arise. He stated he has no issue with the Resolution and believes it is necessary.

Motion was made by Chairman Heck to approve and recommend Resolution 06-2021 to Town Council. Seconded by Vice Chair Davidson. All in favor. Motion carried unanimously.

FILE 17-2021 - APPLICANT: Bohler Engineering and MRP Bainbridge I LLC

PROPERTY OWNER: Bainbridge Development Corporation

LOCATION: Bainbridge Property, 430-acres, Jacob Tome Highway, Port Deposit

TAX MAP: 29 **PARCEL:** 648**ZONE:** Business & Industrial

FOR: Preliminary Site Plan for the re-development of approximately 430-acres to include four (4) industrial buildings and associated roadways, site access, and site amenities including parking, utilities, landscaping and stormwater management.

FILE 18-2021 - APPLICANT: Bohler Engineering and MRP Bainbridge I LLC

PROPERTY OWNER: Bainbridge Development Corporation

LOCATION: Bainbridge Property, 430-acres, Jacob Tome Highway, Port Deposit

TAX MAP: 29 **PARCEL:** 648**ZONE:** Business & Industrial

FOR: Preliminary Subdivision Plan for the re-development of approximately 430-acres to include four (4) industrial buildings and associated roadways, site access, and site amenities including parking, utilities, landscaping and stormwater management.

Reid Townsend, MRP Industrial and Andrew Stine, Bohler Engineering presented the Preliminary Site Plan and supporting documents for Phase I which includes approximately 430-acres of the 1100-acre Bainbridge property. Mr. Townsend expressed that they are hoping for approval of the Preliminary Site Plan, in order to seek Final Site Plan approval in June or July 2021. Vice Chair Davidson stated that part of the requirement for Subdivision approval is having the plans/documents in hand for 6 weeks prior to approval for review. Given that the Planning Commission has only had the plans for 3 weeks with a large amount of material to be reviewed, he stated that approval may be delayed.

Chris Rodgers – AECOM reviewed the comments that were submitted in response to the Preliminary Site Plan, Preliminary Landscape and Lighting Plan, Overall Landscape and Lighting Plans, and Traffic Impact Analysis. (Please see the attached AECOM letter of review and comments.) He stated that the Stormwater Management Plans are under Cecil County's review.

Discussion ensued regarding the comments presented. This included but is not limited to details addressing and explaining an MOU between Artesian Water, BDC, MDE and MPTM for a water services agreement, ownership and responsibility of interior roadways, Landscape and Public Works Agreements with the Town, building height requirements, water tower/tanks, fencing and landscaped buffers, the safety hazards of sidewalks, sound barriers, and parking modifications.

Vice Chair Davidson expressed a concern regarding the lack of buffer for Building D and inquired about fencing and the landscaping buffer. Mr. Townsend stated that there is a forest conservation in place which acknowledges the sensitivities and helps to keep as many trees as possible for a buffer. The forest conservation in place reserves about 100 acres of mature trees.

Chairman Heck stated he wishes to schedule a Work Session Meeting to discuss the Preliminary Site Plan and Subdivision Plan further and table any decisions until the May 27, 2021 Planning Commission Meeting.

Motion was made by Chairman Heck to table any decisions until the May 27, 2021 Meeting. Seconded by Vice Chair Davidson. All in favor. Motion carried unanimously.

OLD BUSINESS

WITHDRAWN - FILE 18-2020 APPLICANT: Cecil College

LOCATION: 400 Bainbridge Road, Port Deposit

FOR: Relocation of existing trailers for Bainbridge Development Corporation offices and Cecil College for truck driver training facility.

Application has been withdrawn.

A local resident inquired about the buffer plan between Building C and the adjacent farm. Mr. Townsend stated that there is currently existing forestry which would be maintained as a buffer.

Chair Heck made a motion to adjourn the meeting. Seconded by Commissioner Komisar. All in favor. The Planning Commission meeting was adjourned at 9:15 p.m. The meeting was recorded and audio is available upon request.

Approved:



Jeff Heck, Chair

April 19, 2021

Vicky Rinkerman, MS
Town Administrator
Town of Port Deposit
64 South Main Street
Port Deposit, MD 21904

**Re: MRPI Bainbridge I, LLC
Preliminary Site Plan**

Dear Ms. Rinkerman:

AECOM has reviewed the above-mentioned plan prepared by Bohler, dated 4/1/21. The Preliminary Site Plan was also accompanied by:

- Preliminary Landscape and Lighting Plan, Overall Landscape Plan, prepare by Bohler, dated March 23, 2021
- Preliminary Landscape and Lighting Plan, Overall Lighting Plan, prepare by Bohler, dated March 23, 2021
- Traffic Impact Analysis for Bainbridge prepared by Lenhart Traffic Consulting, Inc., dated May 14, 2019, last revised February 16, 2021

The comments below focus on the Preliminary Site Plan since that is the formal submittal as required by the Town's Zoning Ordinance and the other plans complement the Preliminary Site Plan. Comments on the other plans are provided as necessary. Comments on the Preliminary Subdivision Plan will be made under separate cover.

In review of the Preliminary Site Plan, we offer the following comments:

Procedural/Administrative

1. The General Development Plan (GDP) was approved by the Town Planning Commission at their February 25, 2021 meeting. While the Planning Commission approved the general intent of the GDP, they deferred action on three modifications requested by the applicant which will be discussed below.
2. If the Preliminary Site Plan is approved by the Planning Commission, the applicant could then submit construction plans to the various agencies for review and approval.
3. As the construction plans are nearing approval, the applicant could submit a Final Site Plan to the Planning Commission for approval.

4. If the Final Site Plan is approved by the Planning Commission, prior to the Planning Commission Chair signing the Final Site Plan, the Town should ensure that any specific conditions of the approval have been met and that the following approvals have been granted by the following agencies:
- | | | |
|---|---|------------------------|
| • Sediment and Erosion Control Plans | - | Cecil SCD |
| • Stormwater Management Plans | - | County Land Use |
| • Forest Conservation Plans | - | County Land Use |
| • Water Plans | - | Artesian Water Company |
| • Sanitary Sewer Plans/WWTP Capacity Commitment | - | Cecil County DPW |
| • Water Plans, Fire Lanes and Hydrant Locations | - | Fire Chief |
| • Roads, Landscape and Lighting Plans | - | Town Engineer |
| • Entrance Plans and Off-Site Improvements | - | MD SHA |
| • Non-Tidal Wetland Permit | - | MDE |
5. All of the following agreements below should be executed prior to the Planning Commission Chair signing the Final Site Plan:
- A Landscape Agreement should be executed with the Town that guarantees that any required landscaping and/or street trees are installed and maintained in accordance with the approved plans.
 - A Public Works Agreement (PWA) should be executed with the Town that guarantees that any roads, storm drains, sidewalks/pathways and streetlights will be constructed in accordance with the approved plans. The PWA should require as-builts and the Town Engineer should review the quantities and unit costs in the PWA. Given the nature of the project, the Mayor and Council may wish to consider alternatives to the traditional financial surety requirement associated with a PWA. This can be discussed in more detail with the Planning Commission to the extent they wish to make a recommendation. It should be noted that the PWA only applies to those improvements that will be dedicated, or have the potential to be dedicated, to the Town.

Planning/Technical

6. The Preliminary Site Plan is consistent with the GDP approved by the Planning Commission.
7. The applicant and the Planning Commission should confirm what buildings will be subject to the architectural standards prescribed in Section 109.8.7.g of the Zoning Ordinance that apply to *Any building facade visible from adjacent properties or public streets*. Any architectural elements required by the Planning Commission should be indicated on building elevations included with the Final Site Plan. Town staff can confirm conformance with the approved architectural elements during the building permit review process.
8. The road cross-section details for the Spine Road and Bainbridge Boulevard are provided on Sheet 41 of the Preliminary Site Plan. The cross-sections relative to pavement and sub-base thickness are consistent with the Cecil County Road Code for a Major Collector Industrial

Road, which is the appropriate standard for the subject roads. The roadway pavement widths are somewhat different than that prescribed in the Road Code for a Major Collector Industrial Road. This should be discussed with the Planning Commission, particularly Bainbridge Road (given its potential to connect to Route 222 in the future) which is 3-foot narrower than a Major Collector Industrial Road. The Spine Road is 4-foot wider.

9. The applicant's engineer and AECOM should discuss the *Pavement Design Type* as described in the footnote of Detail R-23 of the Cecil County Road Code prior to the onset of more detailed engineering design.
10. It should be noted that sidewalks are not provided along the internal roads. This should be discussed with the Planning Commission and may be related to the Town's position on accepting dedication of the roads or the roads remaining private.
11. If the Mayor and Town Council wish that the internal roads remain private, one option is to execute a *Continuing Offer of Dedication Agreement* whereby the Town has the continuing option to take dedication in the future under certain conditions. This issue need not be decided for the Planning Commission considering the Preliminary Site Plan. It is being presented here to encourage future discussion.
12. The applicant should discuss the status of the Traffic Impact Study (TIS). The TIS does not consider trips generated from the proposed Granite Cliffs subdivision, which has received Concept approval from the County. While not the applicant's responsibility, the Town should contact MDSHA regarding how any off-site improvements required by Granite Cliffs, if approved, could impact the Bainbridge project.
13. Since the TIS impacts only state highways, AECOM did not review the TIS.
14. As discussed with the GDP, three **modifications** from the Zoning Ordinance requirements are being requested by the applicant. Said modifications are described in Note 8. of the General Development Notes on Sheet 1 of the Preliminary Site Plan. To reiterate, two different subsections of Section of 109.8 permit the Planning Commission to modify and/or allow flexibility in applying the zoning standards in the B&I District. Section 109.8.3 (last paragraph) states:

Modifications to the Town of Port Deposit standards and requirements will be considered by the Planning Commission on a case by case basis dependent upon the site plan and related operations information presented during the process.

Section 109.8.7. Standards, states (underline added):

The following standards will apply to this zoning district and are subject to approval by the Planning Commission. The Planning Commission may impose additional standards due to the nature and location of the proposed use to preserve and protect the character and safety of the Community.

Consideration for flexibility within the below provided standards may be considered by the Planning Commission on a case by case basis:

Any motion for a decision by the Planning Commission regarding the Preliminary Site should explicitly address the modifications as appropriate.

See comment 15. below regarding the modification to the building setback and parking associated with Building D.

15. In discussing the landscape screening and architecture for Building D, the applicant and the Planning Commission should discuss:
 - The significant elevation change along Route 276 of approximately 48 feet from one end of the building to the other. This results in a significant cut in grading (approximately 20 feet) for the building and parking near Bainbridge Boulevard and significant fill (approximately 30 feet) for the building and parking on the southwesterly end.
 - The height, extent and finish of the proposed retaining wall along Route 276.
 - The location of the proposed Artesian water line and easement within the landscape buffer along Route 276. It should be confirmed if Artesian is aware and accepting of the required landscaping in the proposed easement. If the building and parking lot setback modifications are approved by the Planning Commission, the Town should ensure that the easement language includes appropriate restoration requirements.
 - Is more landscaping feasible/appropriate near the southwest corner of the building near the stormwater facility (see Sheet 31 of the Preliminary Landscape Plan)?
16. Section 109.8.7.e. states that the maximum building height in the B&I District is 75 feet unless adjacent to a residential zone. In such a case, the maximum height shall be 55 feet unless additional height is approved by the Planning Commission. The Bulk Requirements table on Sheet 1 has been revised from the GDP to reflect this.
17. Separate **Landscape Plans** were submitted with the Preliminary Site Plan. Procedurally, the Landscape Plan should be considered part of the Preliminary Site Plan, and separate motions to approve or not approve are not necessary. In review of the Landscape Plans, we have the following comments:
 - a. Section 292 of the Zoning Ordinance stipulates the required Bufferyards between the various Town Zoning Districts with the most intense Bufferyard E being required between the B&I District and the lesser intense zones in the Town. The northerly and easterly sides of the subject parcel are adjacent to land in the County. Some of the adjacent lands in the County are zoned Low Density Residential (LDR) and as such, should be buffered with a Bufferyard E or equivalent existing vegetation.

- b. Perimeter and interior landscaping have been provided for the employee parking areas in accordance with Sections 284 and 285, respectively, of the Zoning Ordinance. It should be noted that interior landscaping is not being provided for the truck parking areas. It is assumed that this is common practice due to safety/visibility and maneuverability concerns. This should be confirmed with the Planning Commission. In addition, the only perimeter landscaping provided for the truck parking areas appears to be the Bufferyard required between zoning districts discussed in Comment 17a. above. This should be discussed with the Planning Commission.
 - c. In several areas, existing vegetation is being indicated to meet landscape requirements which is permitted per Section 291.3 of the Zoning Ordinance. A note should be placed on the Final Site/Landscaping Plan stating that the suitability of the existing vegetation to meet the required landscape requirements should be confirmed prior to or during the installation of the other landscaping and supplemented if necessary.
 - d. Street trees have been provided along the internal roads in accordance with Section 299 of the Zoning Ordinance.
18. AECOM is in the process of reviewing the **Lighting Plan**. We may have additional comments at the Planning Commission meeting.
19. Given the proximity of some of the truck parking areas to adjacent residential areas, the applicant and the Planning Commission should discuss if noise has been an issue on similar sites and if so, are there appropriate sound barriers or operational measures that can be used to mitigate sound impacts.
20. During the review of the GDP, the applicant discussed the possibility of not constructing all of the parking initially. Some parking would be constructed initially, and the balance of the parking would be constructed only if needed by a particular tenant. How this would be indicated on the Final Site Plan and administered during the permitting process should be discussed in more detail prior to the submittal of the Final Site Plan.
21. The applicant stated that the building designs and/or layouts may be modified for a particular tenant. Again, it should be discussed how this would be administered to ensure there are no misunderstandings and/or delays in permitting.
22. AECOM finds that the Preliminary Site Plan is in general conformance with the GDP and the Town Zoning Ordinance; however, given the amount of information submitted and time allotted for review, we reserve the right to make additional technical comments on the Final Site Plan and construction plans.

If you have any questions or need additional information, please let me know.

Sincerely,

AECOM Technical Services, Inc.

A handwritten signature in black ink, appearing to read 'CJR', written in a cursive style.

Christopher J. Rogers, AICP
Principal Planner

Cc: Andrew G. Stine, P.E., Bohler