

St. Michaels Planning Commission
Thursday, November 29, 2018
Regular Meeting - 6 pm

Call to Order

Chairman Dennis Glackin called to order the regular meeting of the Planning Commission at 6:00 p.m. in the meeting room of the St. Michaels Library, Fremont Street, St. Michaels, Maryland. Also present were Commission members Paulette Florio, Helen Herman, and Jeff Knapp, Zoning Officer Jean Weisman, and approximately 30 members of the public. Member Carol Parlett was absent.

Approval of Minutes

Chairman Glackin asked if there were any comments, corrections or changes to the minutes for the October 25, 2018 regular Planning Commission meeting and the November 15, 2018 Technical Advisory Committee (TAC) meeting. As there were no comments, Chairman Glackin called for a motion to approve the minutes as presented. Member Paulette Florio made the motion, which was seconded by Member Jeff Knapp, and the motion passed on a voice vote of 4-0 in favor.

Final Site plan Review – American Corners LLC, 906 St. Talbot Street

Chairman Glackin announced that public comment would be taken during the site plan review, and proceeded to provide background and an update on the project. Chairman Glackin said that a number of revisions were made to the plan based on comments and direction received during the information plan review held on October 25, 2018. Chairman Glackin added that, since the October 25th meeting, there had been a second review by the Technical Advisory Committee, and there were some recommended changes that would be discussed this evening.

Chairman Glackin then called upon Town Manager and Interim Zoning Office Jean Weisman, who provided a brief review of the zoning staff report and highlights of the last Technical Advisory Committee meeting. Mrs. Weisman said approvals had been received from the Maryland Department of the Environment for the non-tidal wetland permits, Soil Conservation has issued their approvals, the Critical Area Commission has approved the lot line revision, the Town engineer has approved the storm water management plan, and approvals have been obtained from the State Highway Administration, and Talbot County has approved sewer work. Mrs. Weisman added that the TAC had addressed all of the concerns received from the Planning Commission, and invited the applicants to present how the comments and suggestions were addressed.

Brynja Booth, attorney for the applicants, introduced herself and applicants Muhamad Nasser of Denton, MD, Nadeem Aswar of Preston, MD, and the other members of her team – Sean Callahan and Waqar Cheema of Lane Engineering, Cynthia Todd, Landscape Architect, and Architects John Breakway, Christian Chute and Tim Bachelor. Ms. Booth provided some history of the project, noting that her clients had purchased the property in May 2017, proceeded to clear the site of all antiquated vehicles, junk and debris, and have since tried to address as many of the needs and concerns as possible of the Planning Commission and the community, including providing a design compatible with the Town's Comprehensive Plan and gateway. Ms. Booth said that all eighteen conditions of the Planning Commission had been met, and, even though the recent appeal of the project had been dismissed, her team had taken into account the suggestions and concerns resulting from the appeal hearing to further reduce the scale of the project and make it work for the Town. Ms. Booth said that the site plan was tweaked yet again in response

to the suggestions of the TAC meeting on November 15th, and she hoped and believed that the Final Site Plan now before the Planning Commission would be satisfactory. Ms. Booth then refuted newspaper coverage and comparisons to High's convenience mart outside of town which were in effort regarding the number of pumps and building square footage. Ms. Booth addressed reductions to the structures, pumps, car wash and canopy, and increases in available parking on the site. Ms. Booth then introduced Waquar Cheema, Sean Callahan, and Cynthia Todd to address the traffic flow and lighting, retention of existing trees and green space, and landscaping, respectively.

Chairman Glackin invited comments from the Commission members. Member Jeff Knapp thanked the applicants for a great job listening and trying to accommodate the wishes of the community.

Chairman Glackin then invited public comment. Mike Estrella of E. Chew Street said in recent years, St. Michaels has lost services - the doctors, banks and grocery store have all disappeared. Mr. Estrella said that since American Corners has purchased the property that everyone used to call "Dirty Dan's" for a reason, the new owners have cleaned it up, added services, and stayed open longer in an effort to serve the community. Mr. Estrella concluded that the project will be an asset to the Town, and that he hoped that St. Michaels would continue to be a town that adds services. Donna Hunt of E. Chew Street said she grew up in St. Michaels and there were six gas stations in town at one time, and fewer cars. Ms. Hunt said she welcomed the applicants to the Town and said they have greatly improved the property already and their plan is great. Ms. Hunt added that there has been no place in Town to buy a loaf of bread after 6:00 p.m., and American Corner is already providing that service. Dorie McGuinness of Perry Cabin Drive said her husband was very impressed with how the owners were willing to work to come up with a design that would satisfy the community. Mrs. McGuinness said she is pleased with the design and the landscaping and fully supports the project. Marie Martin of Cherry Street read a letter submitted by Susan Reisweg of E. Chew Street regarding the cutting of trees. Marie Martin then made comments of her own, noting she was relieved to see that care has been taken for the trees and the landscaping. Ms. Martin still had concerns about traffic, particularly on weekends and in the summer. Julie Hart of 105 W. Chew said the town did not need another gas station and she had concerns about traffic and school children crossing the street. John Novak of 104 W. Chew said a good faith effort had been made to work within the Code, but another gas station was not needed and it was still too large a footprint. Mr. Novak also had concerns about increased traffic and a larger asphalt surface. David Breimhurst of 112 Grace Street said he appreciated the developers' flexibility in accommodating the community, but had concerns about traffic and child safety. Hedley Batters of Martingham commended the applicants' incredible patience and said the project was positive for the Town. Kevin Deighan of Riverview Terrace said he was impressed with Lane Engineering and Mohamed Nasser and how they have bent over backwards to improve the property.

Chairman Glackin then closed the public portion of the meeting and opened deliberations by the Commission. Member Knapp said he thought the applicants had met all the criteria they have been asked to meet, and have done a great job of responding to the Commission and the public. Member Knapp said he saw no reason not to go ahead with the project. Member Helen Herman said she still had concerns about the increase in traffic and school children crossing the street, but

said she was pleased with the final landscaping plan. Member Paulette Florio said she was impressed with the applicants as businessmen and was in full support the project. Chairman Glackin said he had reviewed all of his notes on the project and was prepared to fully support it. He then listed the reasons for his support as follows:

1. The project was permitted under the Zoning Code of the Town.
2. The plans were revised many times and the applicant made every effort to satisfy the Town.
3. The traffic study had identified the traffic as pass-by traffic, i.e. cars on the road already.
4. Aesthetics – the architecture is good and the site is well designed.
5. Entry to the town – the 30-ft buffer and landscaping should shield views and uses and be an improvement.
6. The Town has three gas stations now and will have three when the project is completed, and it is not the Planning Commission’s job to tell an applicant whether a business is needed or not.
7. Building cannot be moved forward with pumps in back because of the buffer requirement, and a 50-foot setback from Talbot Street is required.
8. Size of the building – the building covers 5.3 percent of the site and 70 percent coverage is allowed by the Code.
9. Contrary to rumor and inaccurate press reports, there is no pharmacy proposed for the site.

Chairman Glackin continued that, while economic analysis was not the purview of the Planning Commission, he believed that the tax base would improve with the improvement of a dilapidated property. And finally, Chairman Glackin said the plan was compliant with the Comprehensive Plan in that it provides (among other things) for the daily needs of the residents.

Chairman Glackin then opened the discussion of conditions for the approval, and made suggestions on what he thought would be appropriate. The Commission then agreed upon a set of conditions for approval of the final site plan, and Chairman Glackin asked if the members or staff had anything else to add. Mrs. Weisman said the Landscaping Agreement should be included as part of the conditions, and Chairman Glackin agreed. He then read the conditions into the record as follows:

The Planning Commission hereby approves the Final Site Plan for American Corner LLC dated 5/8/18, last revised to 11/26/18 prepared by Lane Engineering, LLC comprised of 21 sheets; a Lighting Plan dated 11/27/18 prepared by CREE consisting of one sheet; and Architectural Plans dated 10/23/18 prepared by Atelier II Architecture consisting of 5 sheets.

1. The Lot line revision plan must be recorded prior to recordation of the Final Site Plan.
2. Comply with MDE Oil Control requirements as noted in an e-mail from MDE dated 9/5/18.
3. Satisfactorily address the TAC comments from the 11/15/18 meeting.

4. The Plan Review Comments of the Town Engineer dated 11/13/18 are incorporated by reference into these conditions.
5. Tree protection fencing shall be placed around the trees to be retained prior to any site work occurring on the property. There shall be a pre-construction meeting on site with a Town representative to review the tree protection measures prior to any site clearing work occurring.
6. The site lighting shall be substantially reduced or turned off at approximately 11:00 pm after closing, except for security lighting.
7. A Building Signage Plan and a Lighting Plan have been submitted. Both meet the level of information required under §110-5 B (15) and (14) respectively. However, both plans are subject to final review and approval by the Zoning Inspector prior to permits for their installation being issued as per 340-40 C. and 340-34 D. (5).
8. Obtaining the necessary State Highway Entrance Permit.
9. Enter into a Public Works Agreement with Talbot County for the sanitary sewer use and service charges.
10. Obtain a revised LOA from MDE's Non-tidal wetlands division.
11. Enter into a storm water management agreement with the Town per Chapter 121 of the Township Code.
12. Enter into a Landscaping Agreement with the Town.

As there were no additional comments or additions, Chairman Glackin made a motion to approve the Final Site Plan for American Corners LLC with the conditions listed above. Member Jeff Knapp seconded it, and the motion passed on a voice vote of 4-0 in favor.

Adjournment

Member Knapp made the motion to adjourn the meeting, which was seconded by Member Herman, and which passed on a voice vote of 4-0 in favor at 7:20 p.m.

Minutes approved by 4:0:1 vote in favor on 20th day of December, 2018.

Dennis Glackin, Chairman