

**MINUTES**  
**PLANNING COMMISSION**  
**January 5, 2023**

The meeting of the Planning Commission began at 6:28 p.m. on Thursday, January 5, 2023 at the Reckord Armory Gym, 37 N. Main Street, Bel Air, MD.

**MEMBERS PRESENT:** Lois Kissinger-Kelly, Chair  
Peter Schlehr, Vice Chair  
Keith Powell  
Phil Raub  
Donald Coates

**IN ATTENDANCE:** Rowan Glidden, Senior Planner  
Paula Etting, Town Commissioner  
Edward Hopkins, Town Administrator  
Kevin Small, Director of Planning  
Elizabeth Thompson, Stark & Keenan  
Catherine Butrim, Recording Secretary

**ADMINISTRATIVE MATTERS:**

Approval of Minutes – December 1, 2022

Mr. Raub moved and Mr. Coates seconded the motion to approve the minutes of the December 1, 2022 meeting.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub, Mr. Schlehr and Ms. Kissinger-Kelly

Nays: none

The motion carried.

Election of Chair and Vice Chair

Ms. Thompson called for nominations for Chair and Vice Chair of the Planning Commission for 2023.

Mr. Coates moved and Mr. Powell seconded the motion to elect Ms. Kissinger-Kelly as Chair of the Planning Commission for 2023.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub and Mr. Schlehr

Nays: none

Abstained: Ms. Kissinger-Kelly

The motion carried.

Ms. Kissinger-Kelly and Mr. Powell seconded the motion to elect Mr. Schlehr as Vice Chair of the Planning Commission for 2023.

Ayes: Mr. Coates, Mr. Powell, Mr. Raub and Ms. Kissinger-Kelly

Nays: none

Abstained: Mr. Schlehr

The motion carried.

**OLD BUSINESS:**

Development Regulations Amendments

Mr. Small advised that the Planning Commission passed the amendments to Articles II, III, IV, V and VI of the Development Regulations during the December 2022 meeting.

Mr. Small advised that this evening the Planning Commission will review the proposed amendments to Articles VII, VIII, IX, X, XI, XII, and XIV of the Development Regulations.

Article VII Development and Performance Standards

**§ 165-51 Parking and loading.**

- **B.(5)(a)** Ms. Kissinger-Kelly inquired about the parking agreement with Klein's. Mr. Small advised that this agreement is a 15-year agreement that is automatically renewed annually. Ms. Thompson confirmed that the parking agreement is 15 years, and the agreement is renewable annually after the initial 15 years. She advised that the Town has the right to give 60 days notice to terminate for the next year.
- **C.(1)** Mr. Schlehr inquired how many parking agreements an individual property owner can enter into. Mr. Small advised that the Planning Commission has control over that.
- **D.** Mr. Schlehr recommended that the term "special needs" replace the term "physically handicapped." Ms. Thompson advised that this language should be determined by the language used by the MD Motor Vehicle Administration to determine criteria for issuing a plaque. Mr. Small advised that he will investigate the proper language to use and inform the Planning Commission about his findings.
- **I.** Mr. Coates advised that it might be best to have an area designated for unloading for people moving into the apartments at Hickory Flats, at least during the initial setup. Mr. Small advised that he does not think that an area designated for loading is necessary for a residential use, but the Planning Commission can determine if a loading and unloading space should be required for a residential use.

**§ 165-53 Performance standards and development guidelines by use.**

- **C.(2)(d)[1][b]** The Planning Commission members agreed to strike this regulation from this item.
- **C.(2)(e)[1][a]** Mr. Raub advised that the way a smoking lounge is regulated should be consistent with the way liquor stores are regulated. The Planning Commission members agreed that “unless part of an approved shopping center use” should be stricken from this item.

Mr. Raub inquired about the Town’s regulations on marijuana dispensaries. Mr. Small advised that he has not received the final regulations from the State. However, the Town Commissioners may vote to not allow recreational cannabis dispensaries in the Town.

- **C.(2)(f)[1][b]** The Planning Commission members agreed to revise the hours all doors and windows must be closed when entertainment is provided from the hours of 9pm to 9am. Mr. Coates advised that he feels the time should be relaxed to 10pm on Fridays and Saturdays.
- **E.(3)(a)[1]** Mr. Schlehr inquired if the term “columbarium” should be included in this item. Mr. Small advised he will look at the definition of “cemetery” to determine if columbariums should be added to this item.
- **E.(3)(b)[1][a]** Ms. Thompson advised that the term “corporation” should be revised to “legally recognized entity.”
- **E.(3)(b)[1][b]** Mr. Small advised that the recommended change in time from 9pm to 9am will mean that Rockfield Manor will be required to close their doors and windows when entertainment is provided during this time period.
- **G.(1)(b)** Mr. Schlehr inquired if patios should be included in this item. Mr. Small advised that a deck is structural while a patio is not, so patios should not be included in this item.
- **H.(2)(c)[1][h]** The Planning Commission members agreed to strike this item.
- **I.(2)(a)[1][e]** The Planning Commission members agreed to strike this item.
- **I.(2)(i)[1][a]** The Planning Commission agreed to revise the hours to “between 9:00pm and 9:00am” in this item.
- **I.(2)(i)[1][b]** The Planning Commission agreed to revise the hours to “between 9:00pm and 9:00am” in this item.
- **I.(2)(m)[1][e]** Mr. Small advised that the hours in this item are regulated by State law.

## Article VIII Landscaping Standards

### **§ 165-56 Landscape plan requirements.**

- **C.** Mr. Small advised that some uses of “his/her” will be examined and replaced in the Development Regulations in order to be more inclusive.

## Article IX Special Provisions and Modifications

### **§ 165-66 Nonconforming uses, buildings or structures.**

- **A.(6)(a)** Mr. Powell inquired if an enlargement or extension can be increased laterally. Mr. Small advised that they can increase laterally. Mr. Raub inquired if a property owner could increase vertically as long as they do not get closer to their neighbor’s line. Mr. Small advised that if the property owner increases vertically, they would have to meet the height requirement. Mr. Raub advised that this amendment could be seen as more of an imposition to the neighbor as the property in question was already too close to the neighbor. Mr. Small stated that this is true. Mr. Small advised that this item is a matter of interpretation as the Town could interpret an increase in the degree of nonconformity with height or laterally. Mr. Raub inquired why the Town would want to accommodate a nonconforming structure in any way. Mr. Powell advised that the expansion would not be in the nonconforming area. Mr. Small advised that the wording can be changed to not allow a height or lateral expansion in the nonconforming area.

## Article X Accessory and Temporary Uses

### **§ 165-58 Accessory uses.**

- **B.(6)** Ms. Thompson advised that the word “also” should be stricken from line 3. Mr. Powell inquired how large 10,000 square feet is in terms of acreage. Mr. Small advised that it is ¼ acre. Mr. Raub inquired how the Town distinguishes between chicken coops and dog pens. Mr. Small advised that they are regulated in the same manner, but kennels are not permitted as they are for six (6) or more animals. Mr. Powell advised that he is opposed to chickens in the Town. Mr. Small advised that the Town regulations would not supersede the regulations of HOAs that do not allow chickens. Mr. Coates inquired if the number of animals allowed is for domestic or farm animals. Mr. Small advised that he will go back and look at this to ensure it is consistent throughout.
- **C.(6)** Mr. Small advised that this item was listed twice, and he will remove it.

### **§ 165-69 Fences and walls.**

- **E.** Mr. Small advised that some people have suggested that fences be allowed behind the front façade rather than the rear façade because they would like more room. He advised that this could create a visibility problem if the fence is close to the intersection on a corner lot. Mr. Small advised that a fence could be allowed up to the front façade as long as the visibility to the intersection is adhered to. Mr. Powell advised that as long as there is a 6-foot setback, the fence can go to the front façade. Mr. Coates inquired if the setback could be 10 feet. Mr. Small advised that it could, but that would be restrictive because some of the lots are very small. Mr. Small advised that he will look at the regulations in Havre de Grace and Aberdeen and report back to the Planning Commission.

**§ 165-71 Temporary uses.**

- **C.(1)(a)[3][c]** Mr. Powell advised that the word “no” should be stricken from line 3 in this item.

Article XI Permits and Procedures

**§ 165-76 Preliminary plan review.**

- **B.(5)** Mr. Small advised that he will check to see if this item should be marked in red or black.

Article XII Appeals; Variances; Special Exceptions; Special Developments

**§ 165-91 Powers of Board of Appeals.**

- **B.(1)(a)** Ms. Thompson advised that this item should read as follows: Cause notice of the hearing to be advertised in a local newspaper and the property to be posted in a conspicuous place and adjoining property owners notified via email.

165 Attachment 2 Table of Lot Requirements for Specific Uses

- Mr. Small advised that in order to prevent the creation of more mini townhouse developments that are 3/4 -1 acre in size, the minimum lot area for townhouse developments has been amended to 60,000 square feet, which is basically 1 ½ acres. This would apply to the R-2, R-3, R-O, B-1, B-2, B-2A, B-3, and B-3A Districts. Mr. Small advised that minimum lot area for multifamily dwellings has been amended to 60,000 square feet in the B-1 District. Mr. Small advised that he feels these mini townhouse developments are typically out of character with the neighborhoods they are in. Mr. Coates advised that the 60,000 square-foot minimum is making the assumption that other lots are available to purchase. Mr. Small advised that a critical mass is needed to properly

design a community. Mr. Small stated that there are examples of small townhouse communities in the Town that have functioned well. Mr. Schlehr inquired how the amended minimum lot area would affect affordable housing. Mr. Small stated that it would probably restrict affordable housing, but the Town is currently flourishing with affordable housing because it is getting more apartments. Mr. Small advised that affordable housing is defined as spending less than 30% percent of income on housing. Ms. Thompson inquired how the minimum lot area would affect 55+ communities. Mr. Small advised that it would probably restrict them because the amended minimum lot area would not allow for downsizing. Mr. Powell advised that if a developer cannot build a community of the proper size to be self-regulated, it should not be built. Mr. Raub inquired how Wellington Woods would fit into this. Mr. Small advised that Wellington Woods is probably one (1) acre. He advised Wellington Woods is a recently built, well-done property. The Planning Commission decided to keep the amended lot area at 60,000 square feet.

#### 165 Attachment 1 Permitted Use Tables

- The Planning Commission suggested no further amendments to this item.

#### Article XIV Definitions

##### **§ 165-104 Terms defined.**

- **AFFORDABLE HOUSING** The Planning Commission agreed to strike the amended sentences in red from this definition.
- **A. DWELLING, ACCESSORY** Mr. Small advised that he will revise the word “leased” to “occupied.”
- **SHOPPERS’ MERCHANDISE** Ms. Thompson recommended that the phrase “products including but not limited to” be inserted between the word “offers” and “apparel/accessories.”
- **SIGN, POLITICAL** Mr. Small stated that the Town will no longer define a “political sign.” Mr. Schlehr noted that people are putting up political signs well before 90 days before the election. He inquired if the Town can pull up political signs that are placed in planted areas on Main Street. Mr. Small advised that the Town can pull up those signs, but he typically asks the State to pull them up; and if the State does not pull them up, the Town will. Mr. Small advised

that the Town will not be able to regulate the duration of time a political sign sits on private property, and this will be part of a future discussion.

The Planning Commission agreed that they will officially approve all of the amendments to the above Articles of the Development Regulations at the February meeting.

**OTHER:**

Project Status Update

Mr. Glidden reported the following:

144 N. Hickory Ave – They will resubmit when ready.

29 S. Main Street – The Town sent the Tower a letter regarding the rooftop. No reply has been received.

500 Upper Chesapeake Drive – Under construction.

515 S. Tollgate – Has been issued.

111 N. Tollgate Road – Under construction.

38 E. Broadway – In process of having plans approved.

510 S. Main Street – Under construction.

900 S. Main Street – Still in litigation.

697 Belair Road – Under construction.

223 N. Main Street – Have not submitted Final Site Plan.

221 Linwood Avenue – Still processing plans.

109 E. Churchville Road – Countersigned letter received.

28 N. Hickory Avenue – Countersigned letter not received.

Other

Ms. Kissinger-Kelly recommended that the Planning Commission meeting start time be moved to 6:00 p.m. The members present agreed to hold future Planning Commission meetings beginning at 6:00 p.m.

Mr. Coates advised that there are still busted bales at Dollar Tree. Mr. Small advised that this will be addressed as Harford Mall will be coming before the Planning Commission for a review of a proposed residential midrise.

Mr. Coates advised that there is no longer striping at the Post Office indicating one-way traffic. Mr. Small advised that the Town will pursue that.

Mr. Small advised the Planning Commission that they are an independent body and do not have to adhere to the findings of the Town's consultants.

Mr. Small advised that Raising Cane's is likely to come before the Planning Commission for review in the next 2-3 months.

**ADJOURNMENT:**

The meeting was adjourned at 9:43 p.m.