

**MINUTES**  
**PLANNING COMMISSION**  
**May 5, 2022**

The regular meeting of the Planning Commission was called to order at 6:30 p.m. on Thursday, May 5, 2022 at Town Hall, 39 N. Hickory Avenue, Bel Air, Maryland.

**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  
Charles Keenan, Town Counsel  
Catherine Butrim, Recording Secretary

**ADMINISTRATIVE MATTERS:**

Approval of Minutes – April 7, 2022

Mr. Raub moved and Mr. Coates seconded the motion to approve the minutes of the April 7, 2022 meeting as amended with the following corrections:

Page 12, line 1

Chris Cook should be identified as principal of Homestead-Wakefield Elementary School.

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The votes of the Planning Commission members on the Landscape Plan for 900 S. Main Street & 99 Idlewild Street should be reported in the minutes.

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

Nays: none

The motion carried.

**NEW BUSINESS:**

05P-22-01-SD/SP/LP: Kite Realty Group Trust for Bel Air Square LLC: 697 Belair Road:  
Review application for review and approval of a Special Development modification, Site Plan,  
and Landscape Plan for a 15,814 square foot retail building addition with parking lot  
modifications to an existing shopping center in excess of 400,000 square feet total building floor  
area.

Mr. Glidden reported that the applicant is the owner/developer of 697 Belair Road (Baltimore Pike/US Route 1—Business). The development site consists of a 20.86-acre sub-parcel of the existing Tollgate Marketplace 34.71 acre site. The shopping center site contains eight (8) existing buildings totaling 475,577 square feet. The applicant requests:

1. A Special Development approval for modification of an existing Shopping Center, Tollgate Marketplace;
2. An Overall Site Plan approval for the Shopping Center;
3. A Site Plan approval for the redevelopment of a portion of Lot #1 by reconfiguring the parking lot, demolishing internal walls, expanding the footprint to construct total additions of 15,814 square feet and incorporating another 4,282 square foot space into the southwest endcap space to create a retail tenant space of 60,496 square feet; and
4. A Landscape Plan approval for Lot #1.

Mr. Glidden reported that the zoning is B-3, General Business, and the existing land use is Retail: Shopping Center.

Mr. Glidden reported that the development site is part of the Tollgate Marketplace shopping center complex. The adjoining Town properties are zoned B-3 to the north, east, west and south of the site. The adjoining Harford County properties to the south, across S. Tollgate Road, are zoned B-2, Community Business and R-2, Urban Residential in Harford County. The properties to the northwest are across Belair Road, a state road, and are developed as part of the Harford Mall complex. The properties to the northeast are across MD Route 24, a state road, and are developed with a shopping center, Bel Air Plaza. The properties to the southeast are developed with a Home Depot. The properties to the southwest are a mix of commercial and residential.

Mr. Glidden reported that the Bel Air Land Use Plan shows the development site and the surrounding land designated as Commercial. The land in Harford County to the southwest is designated as Low Intensity and High Intensity on the current Harford County Land Use Plan.

Mr. Glidden reported that a Retail: Shopping Center use is permitted as a Special Development in the B-3 General Business District. The Tollgate Marketplace has been modified several times since its initial construction.

Mr. Glidden reported that applicable sections of Chapter 165 Development Regulations are as follows:

- Article III (Sect. 165-32. B-3 District)
- Article VII (Sect. 165-51. Parking and Loading and Sect. 165-53. Performance Standards and Development Guidelines)
- Article VIII Landscaping Standards (Sect. 165-54 – Sect. 165-61)
- Article XI Permits and Procedures (Sect. 165-82. Building Permit)
- Article XII Appeals; Variances; Special Exceptions; Special Developments (Sect. 165-94. Special Developments)
- Article XVI Subdivision and Site Development (Sect. 165.117 – Sect. 165-118)
- Permitted Use Tables, Table 3-6, Retail Uses
- Lot Requirement Tables, Table 165-32, B-3, General Business District

Mr. Glidden reported that there are no mapped environmentally sensitive areas in proximity to the proposed development. The Concept SWM Plan was submitted and received approval sufficient to the Planning Commission agenda.

Mr. Glidden reported that a there is a requirement for a public art amenity due to the size of the expansion.

Mr. Glidden reported that architectural elevation renderings in color of all sides of the proposed building has been received. The Town’s architectural consultant provided comments and was generally happy with the proposal.

Mr. Glidden reported that the applicant will be combining two (2) tenant spaces with an addition of 15,814 square feet.

Mr. Glidden reported that there is a portion of S. Tollgate Road with an indication of a utility easement but no indication of utilities in the ground. If, in fact, there are no utilities in the ground, the Town will require the planting of smaller street trees. If there are utilities in the ground, that requirement will be waived. Evergreen shrubs should be placed along the parking abutting S. Tollgate Road to maximize screening, thereby limiting headlight spill out on the road. Mr. Glidden congratulated the preceding management company for voluntarily planting on the north side along Belair Road; thus, most of the landscaping requirements of the parking lot have been met. The applicant is proposing to add islands in front of the Ashley store, which will allow the planting of more trees.

Mr. Glidden reported that the southeast façade of the proposed building appears to be the service area for the tenant, and the trash compactor and dumpster must be adequately screened from South Tollgate Road by an enclosure, including a pedestrian access separate from the gate.

Mr. Glidden reported that a Traffic Impact Analysis (TIA) is not required for submission as the proposed expansion does not generate enough new trips to warrant a TIA.

Mr. Glidden reported that the Harford County Soil Conservation District had no comment on the Site Plan, but they remind the applicant that they must have Sediment Control approval and installation before they begin demolition.

Joseph F. Snee, Jr. (112 S. Main Street) presented the SDAT map for the site and pointed out that the Phase-In Assessment is \$45,239,500.00, the value of which will be increased if this project is approved. He noted that SDAT historically undervalues properties. Mr. Snee presented the ownership information for the property. Mr. Snee advised that the project proposes to construct a total addition of 15,814 square feet and incorporate another 4,282 square-foot space into the southwest endcap space to create a retail tenant space of 60,496 square feet. Mr. Snee advised that the existing Ashley Furniture and former Tollgate Liquors will be combined and expanded to accommodate Dick's Sporting Goods, which will be relocated from their current location to this facility.

Jeff Smith (1801 Porter Street, Suite 401, Baltimore, MD) of Kimley-Horn presented the architectural rendering of the landscape. He advised that the proposed retail renovation will be expanded toward Tollgate Road. The existing loading area will be bumping out into the existing pavement. Mr. Smith advised that the parking area in front of the store will be restriped and revised back to standard spaces from the existing compact spaces. Mr. Smith advised that landscape islands will be added to the middle of the parking lot. He advised that their plan proposes to add 55 trees and 118 shrubs to the site. Mr. Smith advised that they will be adding one (1) bioretention area toward the existing pond.

Mr. Smith advised that the applicant is asking that they not be required to enclose the dumpster as the south side has existing landscaping with large evergreens, and they will add low-lying trees and shrubs to ensure the compactor will not be visible from the road. Mr. Smith pointed out that the trash compactor was originally proposed to be in one of the truck bays, and they now propose to move it to the side.

Mr. Smith noted that they are not proposing to add any new utilities.

Mr. Smith advised that the applicant is proposing to add landscaping all over Tollgate Marketplace and not only on this site.

Mr. Glidden asked for clarification that the trash compactor is now proposed to be to the side of the loading dock instead of behind the loading dock. Mr. Smith confirmed that the trash compactor is now proposed to be to the side of loading dock. Mr. Coates inquired how two (2) bays will fit there. Mr. Smith demonstrated on the site map the locations of the two (2) bays are proposed. Mr. Glidden inquired if the compactor is proposed to be toward HomeSense. Mr. Smith stated that the trash compactor would be toward HomeSense. Mr. Glidden inquired if anything is being proposed on the back side of the loading dock. Mr. Smith advised that no structures are being proposed on the back side of the loading dock.

Mr. Coates inquired if there will be any trailers on the side of the proposed building as they are parked on the side of the current Dick's building. Doug Kirby (30 S. Meridian Street, Suite 111, Indianapolis, IN) of Kite Realty Group advised that there is no room for any additional trailers on this site.

Mr. Schlehr inquired if there will be any tinted glass on the new building. Mr. Kirby advised that the glass on the new building will be clear.

Ms. Kissinger-Kelly commented that she is pleased that the parking spaces are going back to the standard size and that there will be additional landscaping.

Mr. Raub inquired if the requirements for landscaping are adequately addressed in 1.a. of the motion to approve the Landscape Plan. Mr. Glidden advised that they are addressed adequately in 1.a.

Mr. Coates inquired if the applicant will be held to its proposal to revise the parking from compact to standard spaces. Mr. Glidden advised that the revision to standard spaces is in their Site Plan, and they will be required to do that.

Mr. Powell inquired if the requirement to plant trees if there are no utilities underground is addressed in item 6. in the Appendix DCPD – COMMENTS ON LANDSCAPE PLAN. Mr. Glidden advised that this is addressed in that comment.

Mr. Schlehr inquired if the Planning Commission's approvals are subject the applicant's compliance with all the comments listed in the Appendix. Mr. Glidden advised that all of the comments in the Appendix must be addressed before the Plan is presented to the Chair of the Planning Commission for countersignature.

Mr. Raub moved and Mr. Coates seconded the motion to approve a modification to a Special Development for a Shopping Center Use based upon findings of fact [a] – [n] cited in the Staff Report on Page 7 of 9.

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

Nays: none

The motion carried.

Mr. Coates moved and Mr. Raub seconded the motion to approve the preliminary Overall Site Plan conditioned on the following:

1. Prior to Building Permit Application, submission of a Final Site Plan for signature incorporating comments from the Staff Report and comments from:

- a. Bel Air Dept. Planning & Community Development:

1. Revise the Site Plan to address comments listed in Appendix to Staff Report.

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

Nays: none

The motion carried.

Mr. Raub moved and Mr. Coates seconded the motion to approve the preliminary Site Plan, with the notation that the proposed addition is 15,814 square feet, conditioned on items 1-3 cited in the Staff Report on Page 8 of 9.

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

Nays: none

The motion carried.

Mr. Raub moved and Mr. Coates seconded the motion to approve the Landscape Plan conditioned on the following:

1. Revise the Landscape Plan to address:

- a. Dept. of Planning & Community Development comments listed in Appendix to the Staff Report.

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

Nays: none

The motion carried.

05P-22-02-SB/SP/LP: Colgate Investments, LLC: 223 N. Main Street: Review application for a review and approval of a Subdivision Plan, a Site Plan, and Landscape Plan for a 4,386 square-foot building addition to an existing 40,443 square-foot supermarket.

Mr. Glidden reported that the applicant is Colgate Investments, LLC, the owner/developer of 223 N. Main Street (N. Main/US Route 1 – Business); 43 E. Broadway; and 30 E. Gordon Street. The development site consists of three (3) parcels with a combined area of 3.29 acres. The supermarket site contains an existing one-story 40,443 square-foot building and the adjoining parcel #538 contains an existing two-story house of 1,294 square feet. The applicant requests:

1. A Subdivision Plan approval to combine three (3) parcels into one lot;
2. A Site Plan approval for expanding the footprint of the existing supermarket by additions totaling 4,392 square feet, a supermarket space of 44,835 square feet and;
3. A Landscape Plan approval for the consolidated lot and site improvements.

Mr. Glidden reported that the zoning is B-3A General Business Gateway. The applicant requested comprehensive rezoning to B-3A for Parcel #538 (43 E. Broadway) and Parcel #550 (30 E. Gordon Street), which was recommended for approval by the Planning Commission on 4/7/22 and approved by the Town Commissioners on 5/2/22. The existing land use is Retail: Supermarket.

Mr. Glidden reported that the development site is the Klein's ShopRite. The adjoining properties to the northwest, across E. Broadway, are zoned B-3A and R-2 with Transition Overlay. The adjoining properties to the northeast are zoned R-2 with Transition Overlay and B-2A. Parcel #549 (38 E. Gordon Street) was the subject of a comprehensive rezoning request to B-3A, which was recommended for approval by the Planning Commission and subsequently approved by the Town Commissioners on 5/2/22. The adjoining properties to the southeast, across E. Gordon Street, are zoned B-2. The adjoining properties to the southeast, abutting the subject site, are zoned B-3A. The adjoining properties to the southwest, across N. Main Street, are zoned B-3A. The properties to the northwest are across E. Broadway, a State road, and are developed with the Emmanuel Protestant Episcopal Church complex, a townhouse apartment complex, and the future Harford Chabad. The properties to the northwest are developed with a mixture of rental homes and commercial rentals. The properties to the southwest are a

commercial rental and a bank. The properties to the southwest across N. Main Street, a State road, are developed as part of the Harford Mutual complex and the First Presbyterian Church.

Mr. Glidden reported that the Bel Air Land Use Plan shows the development site and the surrounding land mostly designated as Commercial. The land to the northeast is designated as Mixed Use.

Mr. Glidden reported that a Retail: Supermarket use is a principal permitted use in the B-3A General Business Gateway District. The Klein's ShopRite was initially constructed circa 1957 with a major expansion in the late 1980s. Other minor alterations have occurred since then.

Mr. Raub notes that it was originally an Acme Grocery store.

Mr. Glidden reported that public utilities are currently provided to the site.

Mr. Glidden reported that N. Main Street is a Principal Urban Arterial and is a State road. E. Broadway is a Principal Urban Arterial and is a State Road. E. Gordon Street is classified as a Commercial Collector and is a Town of Bel Air road.

Mr. Glidden reported that there are no mapped environmentally sensitive areas on the site.

Mr. Glidden reported that the applicant has submitted a Landscape Plan, and this site does not require a public art amenity as the development does not exceed 10,000 square feet.

Mr. Glidden reported that the Performance Standards have been addressed.

Mr. Glidden reported that the Town's architect reviewed the submitted elevations, but the sides and rear elevations have not been submitted.

Mr. Glidden reported that the applicant is requesting approval to construct three (3) additions totaling 4,392 square feet to the existing supermarket. The proposal includes expanding the rear of the building to create a modern loading dock, expansion of the existing cooler on the E. Broadway face of the building, and expansion of the vestibule on the front of the building. The renovated supermarket will be 44,835 square feet. The applicant is required to obtain all relevant environmental permits in association with the partial demolition of the existing building. The applicant also desires to improve the loading areas and will be providing stormwater management relative to the site work and the additional impervious surface they will be creating. Approval of the Subdivision Plan and Site Plan were subject to the 5/2/22 vote on rezoning of 43 E. Broadway and 30 E. Gordon Street to the B-3A District, which was successful. There is an appeal period of 21 days ending on May 23.

Mr. Glidden reported that the applicant proposes to consolidate three (3) parcels into one (1) lot of record to be addressed 223 N. Main Street. This is necessary because the expansion of the loading dock is going onto 43 E. Broadway. The Town would like the applicant to explain the addition of the land on Gordon Street to this proposal because it is not clear on the plan.

Mr. Glidden reported that proposed parking is located throughout the site. There is no significant change to the parking proposed. The applicant needs to clarify the next floor area of the expanded building on their Site Plan, and that excludes any storage areas. The applicant needs to clarify the combined size of the proposed additions and the resulting proposed total gross and net floor areas. Currently the application and the notes on the plans do not match.

Mr. Glidden reported that a TIA was not required for submission as the proposed expansion does not generate enough new trips to warrant a traffic study. All improvements within rights-of-way must be approved as applicable by either the Town of Bel Air or MD SHA.

Mr. Glidden reported that a comment letter was submitted by the Town architectural consultant. His concern was that the submission only included a front elevation and that the elevation was prepared by someone other than a State-licensed architect and perhaps other than an actual architect.

Mr. Glidden reported that street trees are required along the added frontage on E. Broadway and E. Gordon Street. These must be major deciduous trees. Section 165-59.A(2) requires a three-foot setback from a right-of-way and a planting buffer equaling one planting unit per twenty-five feet of parking abutting a public road. There is approximately forty-five linear feet of parking abutting the E. Broadway right-of-way within the LOD. This area needs to be screened. Evergreen shrubs should be placed to maximize screening, thereby limiting headlight spill out on the adjoining road. With no additional parking spaces proposed, the parking lot interior tree requirement does not apply. However, the Town does encourage the applicant to seek opportunities to add parking lot interior trees where possible as this site has no trees on the parking lot as it exists today. The elevation that was provided did note that there would be trees in the parking lot. Section 165-59.B(2) requires that the landscape area shall equal or exceed 8% of the interior area of a parking lot. This requirement does not apply as there are no additional parking spaces proposed; however, the Town would like to see analysis on the Landscape Plan to see where they are today.

Mr. Glidden reported that the southeast façade of the proposed building appears to be the service area for the tenant, and the trash compactor and dumpster must be adequately screened from E. Broadway by an enclosure, including a pedestrian access separate from the gate. The loading area must be screened from E. Broadway by adding screening as shown on Exhibit A in the Staff report. Section 165-60.E requires of nonresidential developments, "...all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees..." The applicant should seek to remove impervious paving surfaces where there is not a parking space or a necessary drive, as determined by Town staff.

Mr. Glidden reported that this site is exempt from Forest Conservation requirements. The applicant's consultant stated that a Mature Tree Plan will be provided, but it has not been received as of this date.

Mr. Glidden reported that the Harford County Soil Conservation District had no comments on the Site Plan, but they remind the applicant that the Erosion and Sediment Control Plan must be approved and installed before demolition begins.

Mr. Glidden reported that item 1.d under Site Plan approval should note that adequate architectural elevations must be supplied.

Tom Miner (5 N. Main Street) of Frederick Ward Associates advised that this addition goes in line with the interior renovation of the ShopRite. The addition on the front of the store is for online pickup. The larger addition on the rear will be for additional storage, and the other addition is cooler space. The trash compactor will be relocated from the side on Broadway to the rear adjacent to the two (2) loading docks. He advised that the dumpster would not be needed after this, and they will be using the trash compactor. Any boxes in outside storage on Broadway will be stored inside as there will be more space for storage inside.

Mr. Miner advised that they will be providing stormwater management with a tree in a concrete filtering box along Broadway, and they can provide landscaping on that corner along with that tree.

Mr. Miner advised that they will be cutting in an entrance onto Broadway to relocate the current entrance further down Broadway where the current house is located.

Mr. Miner advised that they will be doing lot consolidation.

Mr. Miner advised that landscape buffering will be placed at the rear of the parcel.

Mr. Coates inquired if the proposal means they will get rid of the lot behind the store on Broadway and the lot on Gordon Street. Mr. Miner stated that this is correct.

Bill Starr (5 N. Main Street) of Frederick Ward Associates advised that façade finishes will give the building a more updated look. The existing vestibule will be expanded. Ultimately, the plan is to provide a screen wall for the cooler addition, and they propose to take the trash compactor from the side of the building to the back. He advised that they will improve efficiency and safety for getting trailers in and out of the site for deliveries.

Mr. Raub advised that it might be best to table approval of the Site Plan and the Landscape Plan until the Town's architectural consultant can comment on all the elevations and the Landscape Plan is complete. Mr. Keenan advised that a complete application is needed, so tabling is required. Mr. Powell advised that approval of the Subdivision Plan should be tabled as well until the appeal period for comprehensive rezoning has passed.

Mr. Raub moved and Mr. Coates seconded the motion to table approval of the Subdivision Plan, the Site Plan and the Landscape Plan for 223 N. Main Street, 43 E. Broadway and 30 E. Gordon Street until the application is complete and the appeals period has passed.

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

Nays: none

The motion carried.

#### **MISCELLANEOUS:**

##### Visit from Cub Scout Pack 777

The Planning Commission welcomed Cub Scout Pack 777 to this evening's meeting.

Cub Scout Cole Marvin inquired why this evening's was held. Ms. Kissinger-Kelly explained that when a business or individual in the Town wants to make changes, they have to come before the Planning Commission for approval and then they go before the Town Commissioners.

Cub Scout Finn Wilkinson inquired why some of the seats are empty. Mr. Glidden explained that those seats are normally filled by the Town's Directors during the Town Board meetings. Finn inquired how the Planning Commission members got their jobs. Mr. Coates explained that the Planning Commission members are appointed by the Town Commissioners. Mr. Raub explained that the Town Commissioners are elected, and they appoint the Planning Commission members for five-year terms. Mr. Glidden advised that the Planning Commission

members are all volunteers. Finn inquired if neighbors can give permission if someone wants to build a business near their house. Mr. Keenan explained that anyone who wants to build something must come before the Planning Commission to determine if their plan meets the Town's Code and regulations. Mr. Glidden advised that people can come to give their opinions on a project, but they cannot say whether the project will be allowed. If the project meets the Town's requirements, the project would be approved by the Planning Commission.

Cub Scout Andy asked why they are planning to rebuild the school. Mr. Raub explained that the school has gotten old, and even though the Planning Commission is in disagreement on peripheral matters, no one is objecting to the need for a new school.

Cub Scout Matt Schufo inquired if the Town Commissioners choose who the appointees will be. Mr. Coates explained that it is an honor to be appointed to help serve the Town, and each individual can choose to accept the appointment or not. Mr. Schlehr explained that four (4) of the Planning Commission members have worked together for over a quarter century and have had a lot to do with the Town's development.

A Cub Scout inquired how to get a job with the Town. Mr. Raub suggested that he focus on what he would like to do and get education and training in that area. He explained that there is a wide array of opportunities with the Town, but it takes knowledge or skill, whether that requires a college path, education for skilled craftsmen or police academy training. Mr. Glidden explained that the Town's website lists job opportunities. He noted that the Town also needs people who have a Commercial Drivers Licenses (CDL). Ms. Kissinger-Kelly explained that anyone who wants to become an Eagle Scout should contact the Planning Department about completing projects for the Town.

Cub Scout Ian Ross inquired how the Planning Commission prioritize projects when they have differing opinions. Mr. Raub explained that the Planning Commission responds to people who want to complete a project, but the Planning Commission does not pick out individual projects. He explained that the Planning Commission does create a Comprehensive Plan about how they think things should look in the future and then recommend it to the Commissioners. Mr. Glidden explained that part of his job is to review applications to make sure they meet requirements before bringing it before the Planning Commission.

Den Leader John Mullen explained that the Cub Scouts wanted to attend this evening because some of them attend Homestead-Wakefield Elementary. He explained that the Cub

Scouts studied the original application, the Town's position and the School Board's response. He gave Mr. Glidden the Cub Scouts' written opinions, which include nine (9) against the road connection and one (1) for the road connection. Mr. Glidden thanked the Cub Scouts for the kind and respectful way they presented their comments. He distributed goody bags from the Town to the Cub Scouts.

Cub Scout Finn Wilkinson inquired what happens if there is a tie vote. Mr. Schlehr explained that there are five (5) people on the Planning Commission, and there is rarely a split vote. Mr. Glidden advised that if there is a tie vote, the proposal will not pass.

#### Project Status Update

Mr. Glidden reported the following:

The Upper Chesapeake Cancer Center expansion is underway. The Support Services portion is expected to be completed this fall. They have not received the permit for the Ambulatory Surgical Center yet.

20 N. Main Street is under construction.

144 N. Hickory Avenue expansion is still on hold.

The Tower has not submitted their Final Site Plan. They have until September to finalize their approval.

Corbin Ice & Fuel is complete.

The Shops at Harford Mall have their Shell Permit. They have applied for the Tenant Fit-Out for the grocery store. They have submitted for a revision to the endcap for a drive-through for online orders at a Mediterranean grill restaurant.

Chabad of Harford County has not submitted their Final Site Plan.

Chick-fil-A has not submitted their As-Built for stormwater and have not resolved their landscaping issues. They will not receive their Building Permit until they do so.

Bel Air Autobody is under construction.

St. Mathew Lutheran Church was rezoned on Monday, and the plat was recorded.

510 S. Main Street has not submitted their Final Site Plan.

The countersigned letter from Homestead-Wakefield Elementary has not been received yet. They were advised that they must seek a Special Exception based on the square footage of the new building and a Variance for the playground from the Board of Appeal before they come back before the Planning Commission.

## Other

Ms. Kissinger-Kelly inquired about the homeless shelter in Bel Air. Mr. Glidden advised that the specifics have been taken off the maps and out of the details of the Comprehensive Plan by the Town Commissioners because they would like more flexibility.

Ms. Kissinger-Kelly inquired about the Ma and Pa Trail Connection continuing into Friendship Park. Mr. Glidden advised that he does not know the exact timing, but Harford Parks and Recreation does want to put up more fences between Rock Spring Road and Moores Mill Road.

Mr. Raub advised that the signal at Independent Brewing Company to get across to the new stretch of the Ma & Pa Trail does not work. Mr. Glidden advised that SHA has been informed about the signal, but they have not taken any action thus far.

Mr. Coates cited the number of instances in the 4/7/22 minutes when representatives from HCPS stated that they are committed to working with the Town to create a road connection. He also cited the article in the *Aegis* on April 27 reporting that Superintendent Sean Bulson did not recommend accepting Bel Air's decision requiring the public right-of-way across the school site since the property is currently being used for educational programs at Homestead-Wakefield, and the School Board voted to follow his recommendation. He inquired if Eminent Domain could apply where a municipality can claim public land.

Mr. Keenan advised that legal counsel for HCPS has relied on the Attorney General's 2002 opinion that gives them authority by majority School Board vote to turn down the Planning Commission's conditions. The legal counsel for HCPS had since condensed the 2002 opinion, and the School Board and the Superintendent are now in confrontation with the Town. Mr. Keenan recommended that the Town must produce a traffic expert who can clearly enunciate the Town's position that the school needs emergency access. Mr. Powell advised that an access road is not enough as the Comprehensive Plan calls for the road connection.

Mr. Coates advised that HCPS is missing the point by not running a road behind the school, which also would provide fire access behind the building.

Mr. Keenan advised that the Town has not determined the location of the road, and when construction occurs also in a negotiable point.

Mr. Raub advised that this process will determine whether entities such as the School Board fall under the Town's jurisdiction.

Mr. Schlehr inquired if anyone has notified the Town that HCPS will not cooperate with the Town. Mr. Glidden advised that the Planning Department received a letter on April 29 from legal counsel for the School Board stating their opinion about their right to do what they did at their School Board meeting on April 25. He advised that the Town will not ignore the condition that a road connection be proposed on the plan unless directed by the Town Counsel or the judiciary to ignore that condition.

Ms. Kissinger-Kelly inquired why the Town has not corrected the misinformation that has been disseminated. Mr. Glidden advised that Patti Parker did write a press release, which was published in its entirety in the *Bel Air Patch*.

Mr. Glidden advised that he has been working with HCPS' engineering consultant to resolve all the other technical issues with their plans.

Mr. Powell inquired about the comprehensive rezoning. Mr. Glidden advised that the Town Commissioners voted to grant rezoning on 57 E. Broadway, which went against the recommendation of the Planning Commission and Town staff. Commissioner Etting voted to deny the rezoning. The Commissioners decided to vote on all of the rezoning requests together rather than individually. Mr. Glidden advised that the appeals period ends on May 23, but it would have to be appealed by referendum. Any appeals for Planning Commission and Board of Appeals decisions must go to the Circuit Court of Harford County.

**ADJOURNMENT:**

The meeting was adjourned at 8:53 p.m.