



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410-939-1800

PLANNING COMMISSION AGENDA

City Hall Council Chambers

March 21, 2024

6:30 PM

1. Call to Order

2. Roll Call

3. New Business

a. Any comments from the general public (5 minutes per speaker)

b. Location: 1621 Clark Road (Formerly 1601 Clark Road)

Owner/Applicant: CD Capital LLC

Permit No: 2022-0280

Parcel No: 06-401809 (14.29 acres)

Description:

2022-0280 – CD Capital LLC – 1621 Clark Road. To hear a request by the property owner for site plan approval extension. According to [§155-25\(C\)](#), the Planning Commission may grant up to two (2) one-year extensions of the site plan. The final plat for the site plan approval was recorded on July 8, 2022. A one (1) year site plan extension was previously granted on May 9th, 2023 by the Planning Commission.

c. Location: 1151 Pulaski Highway-US Route 40 (South Bound)

Owner/Applicant: Harbor Shops MD II, LLC

Permit No: 2024-0340

Parcel No: 2261 (3.75 Acres)

Description:

2024-0340 – Harbor Shops MD II – 1151 Pulaski Highway. To hear a request by the applicant of 1151 Pulaski Highway (Harbor Shops II) for site plan review for constructing a Strip Mall style building (15,205 Square Feet) in the Commercial/C zoning district. Submission application includes Forest Stand Delineation, Landscape Plan, Lighting Plan, Site Plan, Concept Plan, Architectural Plan, Stormwater Management Plan, and Traffic Impact Analysis for review per [§155-10](#): formal site plan application submission review.

4. Old Business

5. Adjournment

The public is invited to attend and observe the meeting. The meeting may be viewed live by visiting the City of Havre de Grace website at www.havredegracemd.com and click on the City YouTube Videos tab. The video will be available to view immediately following the meeting.

MEMORANDUM

To: Planning Commission

Cc: CD Capital LLC.
Torrence M. Pierce
Frederick Ward Associates, INC.

From: Tim Bourcier, AICP - Director of Planning
Eric Lawrence, MLA, MUDP - Associate City Planner

Re: Site Plan Approval Extension Request
1601 & 1621 Clark Road

Date: March 18, 2024

Frederick Ward Associates, on behalf of the property owner of the above referenced address, has requested a second extension for their site plan approval (please see attached letter). The site plan was initially approved on April 25, 2022. The applicant requires several State and Federal permits for constructing on environmentally sensitive features on the subject property prior to being able to begin construction. Since May 2023, they have obtained Maryland Department of the Environment (MDE) approval for constructing in a “non-tidal wetland, buffer, or expanded buffer” in accordance with the plans submitted on September 5, 2023 (please see attached MDE letter). They have also submitted Stormwater Management plans to the City and have been deemed technically sufficient by the former City engineer on July 27, 2023 (please see attached letter). Forest Conservation Plans and Landscape plans have been previously reviewed and approved on June 1, 2022 (please see attached letter).

Section 155-25 of the City Code allows the Planning Commission to provide two, one-year site plan approval extensions where work has not substantially commenced. An extension was previously granted for one-year on May 8, 2023 (Please see attached letter). Since then, necessary state and federal permits have been obtained. Please note that the Subdivision plans were finalized and the final plat was recorded on July 8, 2022. The Applicant is not asking for an extension of the preliminary subdivision plan approval. With the exception of Lighting Plans as required under Chapter 102, all of the requirements of Chapter 173 Subdivision Regulations have been met.

The following items have not been provided to the Department of Planning for review and approval per Chapter 155 Site Plan Approval at this time:

- Article VII (Architecture)

The Applicant has not been able to begin construction of the project since their previous extension approval in May 2023 because they were still working on obtaining the necessary State and Federal permits in coordination with review and approval by the City’s Department of Public Works. Upon MDE approval, they have applied for a grading permit with the City; however, they have yet to commence work.

The Department of Planning recommends **APPROVAL** of the extension request to provide additional time for the applicant to commence substantial construction of the improvements covered by the site plan. The conditions of that extension should include bonding of the landscaping, approval of Lighting Plans in addition to gaining approval of architectural as stated above prior to receiving a building permit.

Thank you,



5 South Main Street
P.O. Box 727
Bel Air, Maryland 21014
410-838-7900

www.frederickward.com

February 7, 2024

Mr. Tim Bourcier, Director
Havre de Grace Department of Planning
711 Pennington Avenue
Havre de Grace, Maryland 21078

Re: Extension of Approval
1601 Clark Road Site Plan

Dear Mr. Bourcier:

On behalf of our clients at CD Capital LLC, we are hereby requesting a second extension of Site Plan Approval for the above referenced 1601 Clark Road Site. Attached is the May 2, 2022 approval letter countersigned on May 3, 2022. Also attached is the prior issued one year extension letter dated May 12, 2023.

Please let us know if there is anything else you need. Thank you for your assistance.

Sincerely,

FREDERICK WARD ASSOCIATES, INC.

Torrence M. Pierce, P.E.
President



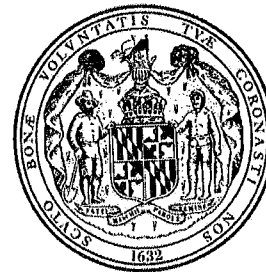
Pc: CD Capital LLC

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WETLANDS AND WATERWAYS PROTECTION PROGRAM
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 22-NT-0222/202261502

EFFECTIVE DATE: September 5, 2023

EXPIRATION DATE: September 5, 2028



AUTHORIZED PERSON: CD Capital, LLC
1601 Clark Road
Havre de Grace, MD 21078
Attn. Michael Dunne

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND, COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS OF AUTHORIZATIONS, D.R. Horton (AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON September 5, 2023 ("APPROVED PLAN") AND PREPARED BY Frederick Ward Associates, Inc. AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Regulated activities associated with construction of a 168,000 square foot warehouse building, parking lots, and stormwater management facilities at Chesapeake Industrial Park. The project will permanently impact 36,377 square feet of forested (isolated) nontidal wetland, 4,555 square feet of scrub-shrub (isolated) nontidal wetland, and 47,303 square feet of the 25-foot buffer to a Use I waterway (Gasheys Creek). The site is located at: 1601 Clark Road, Havre de Grace, Harford County, Maryland.

MD Grid Coordinates: N207606; E476313

Heather L. Nelson
Program Manager
Wetlands and Waterways Protection Program

Attachments: Category N/A (CWA 404 Exempt)
BMP's, vicinity map, impact sheets

cc: Rob Brittain/ FWA
MDE WMA Compliance Program w/file

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications and Extension of Term:** Authorized Person shall initiate authorized activities in waterways, including streams and the 100-year floodplain, within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. [Annotated Code of Maryland, Environment Article 5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article 5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article 5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington Counties, Authorized Person shall call 301-689-1480. For Carroll, Frederick, Howard, Montgomery and Prince George's Counties, Authorized Person shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, Harford and St. Mary's Counties, Authorized Person shall call 410-537-3510. For Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, Authorized Person shall call 410-901-4020. If Authorization is for a project that is part of a mining site, please contact the Land and Materials Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Authorized Person shall obtain approval from the Harford County Soil Conservation District, as applicable, for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan and shall be available at the construction site.
10. **Best Management Practices During Construction:** Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.

13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed, and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** N/A. No in-stream work is authorized for this project.
16. **Instream Blasting:** Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by this Authorization or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.
19. **Mitigation:** N/A. Mitigation will not be required for this project.

FEDERALLY MANDATED STATE AUTHORIZATIONS

The State of Maryland issued a Water Quality Certification to the U.S. Army Corps of Engineers for projects receiving federal authorization under the Maryland State Programmatic General Permit, Regional General Permit for Chesapeake Bay Total Maximum Daily Load (TMDL) Activities and non-suspended Nationwide Permits. In addition, as applicable, this Authorization constitutes the State's concurrence with the Applicant's certification that the activities authorized herein are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. Activities in the following counties are not subject to the Maryland Coastal Zone Management requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and:

Granted authorization under the Maryland State Programmatic General Permit (MDSPGP-6), as a Category A activity. The terms and conditions of the MDSPGP-6 as outlined in the documents found on the Maryland Department of the Environment's website, https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/MDSPGP6_conditions.aspx, should be followed when performing the authorized work, or

Will issue a Category B authorization or Individual Permit directly to the Authorized Person

N/A. A federal authorization is not required. The U.S. Army Corps of Engineers does not regulate impacts to isolated forested nontidal wetland, isolated scrub-shrub nontidal wetland, or to their associated 25-foot nontidal wetland buffer.

**BEST MANAGEMENT PRACTICES FOR WORKING IN
NONTIDAL WETLANDS, WETLAND BUFFERS,
WATERWAYS AND 100-YEAR FLOODPLAINS**

- 1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 2) Place materials in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- 4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year floodplain in excess of that lost under the originally authorized structure or fill.
- 6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year floodplain temporarily impacted by any construction.
- 7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (*Lolium multiflorum*), Millet (*Setaria italica*), Barley (*Hordeum* sp.), Oats (*Uniola* sp.), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
- 8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
- 9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:
 - Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.
 - Use III waters: In-stream work shall not be conducted during the period October 1 through April 30, inclusive, during any year.
 - Use IV waters: In-stream work shall not be conducted during the period March 1 through May 31, inclusive, during any year.
- 10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
- 11) Culverts shall be constructed, and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410-939-1800

July 27, 2023

Mr. Travis Moore, P.E.
Frederick Ward Associates, Inc.
P.O. Box 727
Bel Air, Maryland 21014

Re: 1621 Clark Road Stormwater Management Plans

Dear Mr. Moore:

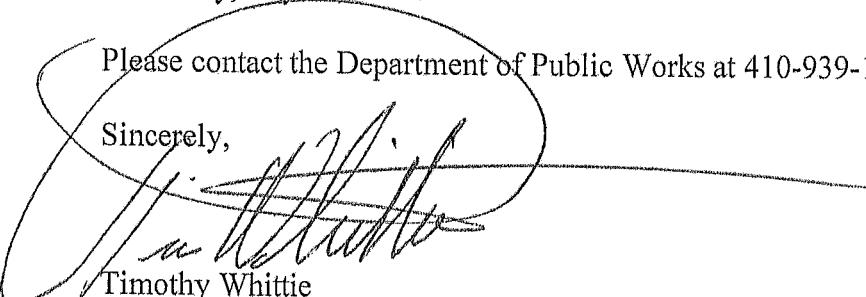
The Department of Public Works is in receipt of the above referenced plans submitted to the Department on July 13, 2023. After reviewing the plans, the Department has found the plans to be technically complete.

Per our conversation, a grading permit will not be issued by the City until a Public Works and Maintenance Agreement has been executed and a bond for 100 percent of the construction cost of the stormwater has been posted.

It is the City's understanding that approval of the stormwater management and sediment and erosion control plans are required to obtain an MDE permit to fill/remove wetlands from the site in order to enhance the sale of the property. No work of any kind will take place until a new owner is found and that owner executes the agreements, post the necessary bonds and obtains the necessary City permits. The signed mylars can be picked up at the front of City Hall by the end of the day, July 27, 2023.

Please contact the Department of Public Works at 410-939-1800 ext. 1505 with any questions.

Sincerely,



Timothy Whittie
City Engineer

cc: Steve Gamatoria, Director of Administration
EJ Millisor, Director of DPW
Tim Bourcier, Director of Planning
Marisa Willis, City Planner
Kevin Wilson, Stormwater Coordinator
Clarence Cullum, Soil Conservation District Engineer



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800

June 1, 2022

Robert J. Brittain
Frederick Ward Associates
P.O. 727, 5 South Main Street
Bel Air, MD 21014

Re: Forest Conservation Approval
1601 Clark Road
HDG Permit No. 20220282

Dear Mr. Brittain:

I have reviewed the Forest Conservation Plan (FCP) for the recently approved project to construct a 168,000 square foot warehouse at 1601 Clark Road. The site is 24.99+/- acres in size and 10.74+/- acres, which are proposed as Lot 1, will be netted out of the gross tract area since that portion of the property was previously graded and developed prior to the Forest Conservation Act. A total of 7.70 acres of clearing are proposed which will result in a reforestation requirement of 1.29 acres. The FCP proposes 21,388 square feet of conventional reforestation on proposed Lot 1, with the remainder of the reforestation requirement being planted in the form of individual street trees. It is important to note that a final landscaping plan shall also be prepared that meets the requirements of Chapter 102, Sustainable Landscaping.

A specimen tree waiver has also been submitted for 31 trees located within the project area. A total of 24 specimen trees are proposed to be removed. The waiver to remove the trees is hereby granted.

Prior to the issuance of a grading permit, the reforestation and landscaping must be bonded in accordance with Section 81-12 and 102-11 of the City Code. A cost estimate for the installation and maintenance of the plantings shall be submitted to the Department of Planning for review and approval prior to submission of the bond. The forest conservation easements must be delineated on the final plats. Covenants and restrictions that address the maintenance and protection of the forest conservation easements must be submitted to the Department of Planning for review by the City Attorney prior to execution. The covenants and restrictions must be recorded simultaneously with the final plats.

If you have any questions concerning this letter, please contact me at your earliest convenience at 410-939-1800 or via email at shaneg@havredegracemd.com.

Sincerely,

Shane P. Grimm, AICP
Director of Planning

cc: Tim Bourcier, Department of Planning
Marisa Willis, CFM, Planning Technician
Colleen Critzer, Permits Clerk

MEMORANDUM

To: Planning Commission

From: Tim Bourcier, Director of Planning TMB

Cc: Marisa Willis, Planner

Re: Site Plan Approval Extension Request
1601 & 1621 Clark Road

Date: May 3, 2023

Frederick Ward Associates, on behalf of the property owner of the above referenced address, has requested an extension for their site plan approval. The applicant requires several State and Federal permits for constructing on environmentally sensitive features on the subject property prior to being able to begin construction. They are still working through meeting those requirements.

Section 155-25 of the City Code allows the Planning Commission to provide two, one-year extensions. Please note that the Subdivision plans were finalized and the final plat was recorded. The applicant is not asking for an extension of the preliminary subdivision plan approval. With the exception of Landscaping Plans as required under Chapter 102, all of the requirements of Chapter 173 Subdivision Regulations have been met. A condition of the Forest Conservation Plan approval was future approval of landscaping plans.

The following items have not been provided to the Department of Planning for review and approval per Chapter 155 Site Plan Approval at this time:

- Article VII (Architecture)
- Article VII (Infrastructure) – currently being reviewed by the Department of Public Works
- Article IX (Environmental and Resource Protection) – currently being reviewed by the Department of Public Works

The applicant has not been able to begin construction of the project as they work between gaining approvals for State and Federal permits in coordination with review and approval by the City's Department of Public Works.

The Department of Planning recommends APPROVAL of the extension request to provide additional time for the applicant to gain those permits to begin work. The conditions of that extension should include approval of Landscape Plans and gaining approval for the missing items in Chapter 155 stated above prior to receiving a building permit and prior to any potential future extensions.



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800

May 2, 2022

Tory Pierce, PE
Frederick Ward Associates
PO Box 727
Bel Air, Maryland 21014-0727

Re: 1601 Clark Road
Subdivision & Site Plan Approval
Permits 20220281 & 20220280

Dear Mr. Pierce:

The Planning Commission convened on April 25, 2022 to review the above reference preliminary subdivision plan and site. The preliminary plan proposed the subdivision of Parcel 113 into two (2) lots and the development of Lot 2 with a 168,000 square foot warehouse building. The Department of Planning permitted the consolidation of both plans into one (1) plan. After considering the testimony of the consultant and property owner, the Commission voted 5-0 to approve the preliminary plan subject to the conditions contained in the Department of Planning's Staff Report April 18, 2022. The Commission also voted 5-0 to approve the site plan.

The preliminary plan shall remain valid for three (3) years with the possibility of a one-time two (2) year extension. All conditions contained within the Department's Staff Report and incorporated by the Commission in their approval are reiterated herein. Additional comments and conditions from reviewing agencies will be forwarded upon review of subsequent submissions. Please acknowledge the conditions of approval by countersigning this letter and returning it to me within 45 days. The conditions are as follows:

Department of Planning

1. The final plat shall be recorded in the Harford County Land Records prior to application for a building permit. The final plats shall be prepared in accordance with the requirements of Section 173-16 of the City Code.
2. The final plat shall include the addresses of 1621 Clark Road for Lot 2.
3. A landscaping plan has been submitted for review to the Department of Planning. The plan shall be approved and the installation of the landscaping bonded prior to the issuance of a grading permit.
4. The Forest Conservation Plan (FCP) has been submitted for review to the Department of Planning. The FCP shall approved prior to the issuance of a grading permit. All areas of forest retention shall be labeled on the final plat. Forest retention covenants and restrictions shall be recorded concurrently with the final plat.
5. A cost estimate for the installation and maintenance of the plantings shall be submitted to the Department of Planning for review. The required landscaping and reforestation shall be bonded prior to the issuance of a grading permit based upon the approved cost estimate

Department of Planning
1601 Clark Road
Preliminary Subdivision Plan/Site Plan Approval

6. The development of this site will impact isolated non-tidal wetlands on the site. The proposed impacts will require approval by the Maryland Department of the Environment (MDE) and the US Army Corps of Engineers. The City will not issue any permits for the project until verification that the appropriate agency with jurisdiction has issued a permit to disturb the non-tidal wetlands.
7. All site lighting shall be designed so that lighting is shielded and directed down and away from adjacent properties. Dark-sky friendly lighting practices will be required in all projects.
8. All fees, including Capital Cost Recovery Fees (if applicable), are due at the time of building permit application.
9. Permits are required for all proposed signage.
10. For uses that create emissions, the Department of Planning may require the applicant for a future tenant occupancy permit to submit technical studies certifying that any emissions will not adversely affect the health and well-being of persons in the community. If required, any report or study must be submitted prior to the issuance of a tenant occupancy permit.
11. The owner/developer must submit a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These as-built plans must be submitted electronically and on paper plan sets within 30 days of the issuance of a certificate of occupancy for the project or occupancy of the building, or the certificate of occupancy may be revoked. The Director of Planning may grant a one-time, thirty-day extension. All post approval requirements contained within Article X of Chapter 155 must be met.
12. The site plan approval is valid for one (1) year. Final approval is contingent on compliance with all other State, County, and Federal regulations. Substantial construction of the improvements covered by this site plan approval must be commenced within one (1) year of the date of the approval. If construction has not been substantially commenced and substantially completed within the specified period, the approval will be deemed null and void in writing by the Director of Planning. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing to the Director of Planning.

Department of Public Works

1. A grading permit will be required for the project.
2. The concept, site and final stormwater management plans must be approved by the Department of Public Works prior to approval of a grading permit.
3. Sediment and erosion control shall be designed and installed in accordance with the latest edition of the Harford County Soil Conservation District Regulations and approved prior to the issuance of a grading permit.
4. Public Works Agreements and Maintenance Agreements must be executed and a bond posted for 100% of the construction costs prior to the issuance of a grading permit.

5. Prior to the issuance of a building permit, the following applications must be submitted to the Department of Public works for approval: Commercial W/S and Fire Service Connection application, Pre-Treatment application, Fixture County application and Water Meter License Agreement.
6. The proposed driveway shall be constructed in accordance with the Harford County Road Code.
7. All Capital Cost Recovery Fees and other applicable fees must be paid at the time of building permit application.

Soil Conservation District

1. An adequate sediment and erosion control plan must be approved prior to issuing a grading permit. The sediment and erosion control plan must be integrated with the SWM strategy at the design phase. The new 2011 Maryland Standard and Specifications for Soil Erosion and Sediment Control must be utilized.
2. Storm Water Management Facilities meeting the Small Pond Standard (Practice 378) design will have to be approved by the SCD. In addition, the pond design must be approved prior to the sediment control plan being signed. Outfall locations will be reviewed during design reviews and must safely convey over steep slopes.
3. A NOI permit is required from MDE when a project disturbs more than 1 acre. Please contact MDE about the NOI permit process.
4. All review fees will be collected prior to the review of the site development plan.

Harford County Health Department

1. The final plats must bear the Owner's Statement and the Master Plan Conformance Statement. In addition, the following note must be included on the plat:

"Condition of Approval: No building permit shall be issued for any lot whereby the anticipated flow at the time of building permit application would cause the City's system (water and/or sewer) to exceed its rated capacity."
2. The final plats must also bear a statement declaring that a community water supply and a community sewerage system will be available to all lots offered for sale. The statement must be signed by the owner/developer.
3. Review will be required by the Maryland Department of Health (MDH), Division of Food Control, Center for Facility and Process Review if the facility will be used for the warehousing, distribution, packaging, or processing of food or food products. The agency can be contacted at 410-767-8400 with questions regarding this review.
4. If a break room, cafeteria, or vending machine area is planned, the HCHD will require a letter stating any intentions for food availability. Based on these intentions, further review by the HCHD Permits and Plan Division may be required. The agency may be contacted at 410-877-2300 with questions concerning this requirement.

5. Measures must be implemented to prevent the generation of dust until a permanent vegetative cover is established and all paving is completed, particularly when soil moisture conditions are low.
6. Additional comments from the HCHD will be provided after application for the building permit is made or prior to the issuance of a tenant occupancy permit. It is the responsibility of the owner/operator to be aware of any regulatory requirements for the proposed use and for obtaining appropriate permits.

Susquehanna Hose Company/Emergency Operations

1. A Knox Box must be installed to allow access by first responders in the event of an emergency. Chief Scott Hurst of the Susquehanna Hose Company (SHCO) should be contacted with questions concerning the installation and use of the Knox Box.
2. The SHCO strongly recommends that at a minimum a one-way access driveway be constructed on the north side of the building
3. It is recommended that the owner and/or tenant schedule a walk-through of the facility with representatives of the Susquehanna Hose Company and Havre de Grace Police Department upon completion of construction and/or after occupancy by the future tenant. The purpose of this meeting is to develop a plan in the event of an emergency and allow first responders to understand the layout of the building.
4. The Harford County Division of Emergency Operations is requesting that 8 to 10-inch address numbers and letters be displayed on the building for ease of identification in the event of an emergency. A list of three (3) emergency contacts should be provided to Emergency Operations for notification and response purposes. If any hazardous materials will be stored and used in the operation of this facility, please provide Emergency Operations with a list of materials and the quantities that will be stored onsite.
5. Public safety wireless radio communications inside a building is essential to the safety of those occupying the structure as well as fire, law enforcement and emergency medical providers responding to a call for help. Buildings that are greater than 5,000 square feet, higher than 50 feet, contain underground storage or parking and are constructed of materials that impede wireless radio signals that may adversely affect the response of public safety providers. Please consider including wiring, electrical connections and other infrastructure that may be needed for an in-building 700/800 MHz amplifier. Department of Emergency Services will test coverage in your facility once construction is finished. Call 410-638-4900 for this assistance.
6. Emergency Operations requests to be notified if the facility will have Closed Circuit Television (CCTV) Cameras. If so, Emergency Services request the ability to access the camera feeds or provide a point of contact to comment on this matter. DES will follow up after the Use & Occupancy permit approved.

Department of Planning
1601 Clark Road
Preliminary Subdivision Plan/Site Plan Approval

If you have any questions concerning this letter, please contact me at your convenience at 410-939-1800.

Sincerely,



Shane P. Grimm, AICP
Director of Planning

cc: Stephen Gamatoria, Director of Administration
Timothy Whittie, PE, Director of Public Works
Bridgette Johnson, Director of Economic Development
Marisa Willis, CFM, Planning Technician
Colleen Critzer, Permits Clerk
Adam Rybczynski, Legislative Liaison
Jeff Keithley, DPW
Joe Conway, DPW



Owner/Developer

5/3/22

Date



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800

March 19, 2024

DEPARTMENT OF PLANNING STAFF REPORT

PLANNING COMMISSION

PERMIT NO. 20240340

PROJECT: Construction of a 15,205 square feet of strip commercial building

OWNER/APPLICANT: Harbor Shops MD II LLC
1050 Industrial Drive Suite 100
Middletown, Delaware 19079

REPRESENTATIVE: Karins and Associates
John Gonzales, P.E.
4692 Millenium Drive; Suite 305
Belcamp, Maryland 21071

LOCATION: 1151 Pulaski Highway
North side of Pulaski Highway adjacent to the Harbor Shops shopping plaza to the west
Tax Map: 605 / Parcel: 2261

AREA: 3.478 +/- acres

ZONING: C/Commercial District

DATE FILED: January 11, 2024

HEARING DATES: March 21, 2024 – Planning Commission

1. APPLICANT'S REQUEST:

Improvements to a 3.47 +/- acre property and the development of a strip commercial complex. The proposed building will be 15,205 square feet.

2. LAND USE & COMPREHENSIVE PLAN ANALYSIS:

The Applicant's property consists of one vacant parcel located on the north side of Pulaski Highway (US Route 40) west of Harbor Shops shopping plaza. A copy of the Applicant's Site Plan is enclosed with this report (Attachment 1). The proposed development is consistent with the plan's stated desire to encourage, *"High quality, visually appealing highway commercial development with appropriate design, landscaping, and parking patterns should be encouraged to physically integrate the Route 40 Corridor to the extent that it is possible."*

3. LAND USE – EXISTING:

4. The subject property is currently vacant. The southeast portion of the parcel is not in the City’s jurisdiction. The plans are for the owner to annex the entire property into the City. The City has coordinated with the County on review of this project and they do not have any comments. We are still waiting for traffic review from the County.

This area of the City contains a mix of commercial and industrial uses typically found along the Pulaski Highway corridor; including automotive service uses, retail, personal services and medical offices. Residential uses are predominantly located to the north, with a mix of housing types found in the Bayview subdivision. Attached to this report is an aerial photo of the subject property (Attachment 2).

There are forested steep slopes on the property which are considered priority forest areas per State Forest Conservation Law. A waiver to remove forests in this area is required. Forest conservation will be discussed in a later section.

5. ZONING:

The subject property is zoned C/Commercial District as shown on the enclosed copy of the Zoning Map (Attachment 3). The Pulaski Highway corridor within the City boundaries is zoned C/Commercial District and portions of the corridor within the County are zoned CI/Commercial Industrial District, which is similar to the City’s C/Commercial District zoning. Residential zoning is found to the north of the CSX right-of-way and south of the commercial corridor, with R2/Residential District zoning. Parcels within the County located west of the subject property are zoned CI/Commercial Industrial District.

6. UTILITIES

The proposed development will be served by Havre de Grace water and sewer. The City is working with EA Engineering to review infrastructure plans on its behalf. The proposed development must meet sufficiency requirements for all utilities as approved by the City’s consulting engineer. A Public Works Agreement will be required.

7. REVIEW OF APPLICABLE CODE SECTIONS:

Development of a strip commercial structure is a “permitted use” in accordance with Section 205-36(F) of the City Code. Each user of the site will need to be evaluated individually to see if the proposed use is allowed as new tenants enter the site. Chapter 155-6(A)(5) requires the Planning Commission to review changes in non-residential uses, when the new use changes the nature and character of the property. The site plan has been reviewed by the Department of Planning and the analysis is provided below.

Site Plan Review

CHAPTER 155 – SITE PLAN APPROVAL

§155-12 Impacts to Adjacent Properties

A photometric study was not submitted. The Applicant has stated that no lights on the property will project off of the property line. After Planning Commission reviews the site plan and landscaping plan, the Applicant will locate the lighting to meet the City’s requirements and provide a photometric plan for review prior to receiving final site plan approval. The City recommends outdoor/parking lot lighting to be at 3000 Kelvin or less. Please include luminaire description, location, height, shielding, etc.

Article V – Adequate Public Facilities

- The Applicant will need to indicate that adequate public facilities are available for the proposed development. The City is completing the consulting engineer review protocols and hopes to have infrastructure reviews completed in the near future;
- An access permit from SHA is required for the proposed improvements from Route 40. A TIS was submitted to SHA and the County for review. Revisions are underway and the plan has been resubmitted to SHA and the County for comment;

Article VI – Site Design

- §155-15(F) – no pedestrian circulation is provided in the parking area to get pedestrians to the main building. Crosswalks should be provided. The Applicant should further consider the installation of bicycle facilities (designated path, racks) for safe bicycle usage;

Article VII – Architecture

- Architectural elevations and a signage plan were not submitted. The Applicant has not finalized their tenants at this time and will not have this information until a later date. The proposed development must meet the provisions of this article prior to receiving final site plan approval.

Article VIII – Infrastructure

- §155-18(E) – The conceptual stormwater management plans were deemed to be technically proficient by former City Engineer, Tim Whittie, on November 1, 2023 (Attachment 4). However, SHA must approve of the two discharge points into Route 40 prior to receiving final site plan approval.

Chapter 102 - LANDSCAPING AND LIGHTING

§102-4.1 Landscape Plan Requirements

- 4.1(A)(1): please specify the scale of the landscape plan in the bottom right legend. “Scale as shown is possibly 1” = 20’. Please confirm.
- Planting plan indicates 6 - SJA, please confirm this is 6 SAJ as specified on plant schedule.

§102-5 Topsoil

- Please note section ‘A’ through ‘C’ on the Landscape notes section of the landscape plan.

§102-7 Plant Material

- 7(M) A variety of plant species are encouraged to avoid monocultures. Of the required tree plantings and of the shrub plantings, no more than 33% may be of one species.
 - Please adjust small tree and shrub species amounts to comply with the 33% rule.

§102-8 Plant Material:

- 8(6) Please make sure the small street trees are set back from the roadway a minimum of 10 feet in relation to the access road from Pulaski Highway (US40).

Chapter 81 - FOREST CONSERVATION PLAN

§81-6(A)(2) Priority Forests

- Subsection (b) states forest in steep slopes (25% or greater) shall have priority for retention. It appears forested areas will be removed on the southern and western parts of the site on steep slopes. Please provide information on why these priority forests cannot be left undisturbed.
- Subsection (c) further states a variance is required if forests in steep slopes are to be removed. The variance procedure is listed under §81-14 of the City Code. The Forest Conservation Plan cannot be approved until the variance is approved.
- Please indicate in the legend of the Forest Conservation Plan the key for steep slopes. For steep slopes between 15% and 25%, the soil types with k-values must be indicated. Areas with k-values at 0.35 or greater, on steep slopes between 15%-25%, should be priority for afforestation and reforestation.

RECOMMENDATIONS:

Chapter 155 does not discuss “conditional approval”. However, the law is set up to allow for approval with conditions or for a project to be tabled. If a project is given approval with conditions, then all conditions must be met prior to receiving final site plan approval. The Applicant is looking for some assurances on the provided plans so they can begin investing in further engineering and architecture. Moreover, the Applicant’s potential tenants require some sort of approval before committing to becoming tenants. The Applicant has stated that having committed tenants will influence the final architectural design.

In order to provide those assurances to the Applicant, and to balance the Planning Commission review of the project, the Department of Planning recommends APPROVAL, WITH CONDITIONS of the site plan for 15,205 square feet of strip commercial. Should the Planning Commission approve this project, the Applicant will be required to comply with the conditions listed below.

General Conditions

1. The Applicant will return to the Planning Commission for a final site plan approval vote on the following items:
 - Approved Traffic Impact Statement with all required mitigation as discussed by SHA and the County. LOS standards must meet the requirements in Chapter 2 of the City Code;
 - Approved Forest Conservation Plan waiver, and subsequent Forest Conservation Plan approval, from the Department of Planning;
 - Approved infrastructure plans by the City’s consulting engineer;
 - A photometric study indicating no light reflects from the building to the property line;
 - Architectural elevations for review that meet the requirements of Chapter 155. The Planning Commission will provide comments on the proposed design;

The following items can be conditions of approval that the Department of Planning and Department of Public Works can determine the standards are met:

2. The Applicant needs to work with the City's consulting engineer to make sure water, sewer, parking areas, access roads, stormwater and other infrastructure meets City standards. A signed reimbursement agreement is required and the Applicant shall reimburse the City for all associated consulting review fees.
3. All required easements for stormwater management, utilities and forest retention shall be delineated on the final plat.
4. All fees (not including reimbursable consulting engineer fees) shall be paid at the time of building permit application. The City will provide the total amount of fees (such as cost recovery fees, impact fees and sewer recoupment fees) owed to the applicant after review and approval of all plans needed to determine total costs.
5. Landscape Plans must be approved by the Department of Planning and a landscaping bond must be posted prior to receiving a building permit. Final plans must be submitted that provide the required revisions.
6. Building entrances, sidewalks and clearly marked pedestrian paths from the parking lot to the building must be provided and approved by the Department of Planning prior to issuing a building permit.
7. The site plan shall remain valid for one-year from the time of Planning Commission approval. The owner/applicant may request up to two (2) one-year extensions if the project has not commenced at the time of expiration.
8. Additional conditions may be set at a future Planning Commission prior to receiving final site plan approval.

Department of Public Works

9. SWM comments are provided as Attachment 4 to this report. The Department of Public Works does not have any additional comments at this time and reserves the opportunity to provide conditions at a later date based on discussions with the City's consulting engineer.
10. A signed Public Works Agreement is required prior to receiving a building permit.

Volunteer Fire & EMS

11. The commercial building will require the installation of a Knox Box. They shall be keyed for the Harford County Fire Service. Mr. Bill Snyder must be contacted at 3094@bavfc.org to obtain the Knox Boxes.
12. Drive aisles shall be designed to accommodate emergency equipment. A plan has submitted indicating a fire truck is able to circulate throughout the property. However, the size of the fire truck is not indicated on the plans—the Department needs this information to provide an adequate review. Also, the SHCO needs to review and approve of these plans.

