

**CECIL COUNTY PLANNING COMMISSION**  
**Comprehensive Rezoning Meeting**  
**Districts 4, 5 & 9**  
**Meeting Minutes**  
**February 9, 2011, 7:00 p.m.**

**Present:** Bill Mortimer, Chairman; Pat Doordan; Vice Chair; Joe Janusz; Randy Taylor; Ken Wiggins; Wyatt Wallace; H. Clay McDowell, alternate; Diana Broomell; Eric Sennstrom; Tony Di Giacomo; David Black; Steve O'Connor and Jennifer Bakeoven.

**Absent:**

**Call to Order:** Chairman Mortimer called the meeting to order at 7:02 p.m.

**05-01 North East Land and Material Company, Inc.**  
**514 Bouchelle Road, Elkton, MD**  
**Tax Map: 25, Parcel 21**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Dwight Thomey appeared and gave an overview of item numbers 05-01 through 05-19.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this rezoning request.

Don Harrington, 127 Seneca Point Road, Perryville, MD, spoke in opposition to this project.

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Disapproval

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.  
Members voting in favor of approval were Mr. Doordan and Mr. Janusz.  
Members voting in opposition of approval were Mr. Wiggins, Mr. Wallace and Mr. Taylor.

The motion for approval was defeated.

A motion for disapproval was made by Mr. Wiggins.  
The motion was seconded by Mr. Wallace.  
Members voting in favor of disapproval were Mr. Wiggins, Mr. Taylor and Mr. Wallace.  
Members voting in opposition of disapproval were Mr. Doordan and Mr. Janusz.

Motion for the recommendation of disapproval carried.

**05-02**      **North East Land and Material Company, Inc.**  
**385 Stevenson Road, North East, MD**  
**Tax Map: 25, Parcel: 25**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Disapproval.

A motion for approval was made by Mr. Wallace.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-03**      **Maryland Materials, Inc.**  
**32 Azure Lane, North East, MD**  
**Tax Map: 25, Parcel: 24**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mr. Sennstrom, P&Z read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-04**      **Maryland Materials, Inc.**  
**421 Stevenson Road, North East, MD**  
**Tax Map: 25, Parcel: 313**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Disapproval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Wallace.

All approve. Motion carried.

**05-05**      **North East Land and Material Company, Inc.**  
**460 Stevenson Road, North East, MD**  
**Applicant: Dwight Thomey**  
**Tax Map: 25, Parcel: 645**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Disapproval.

A motion for disapproval was made by Mr. Wiggins.  
The motion was seconded by Mr. Wallace.

Mr. Doordan made the sole descending vote. Motion for disapproval carried.

**05-06**      **North East Land and Material Company, Inc.**  
**300 Stevenson Road, North East, MD**  
**Tax Map: 25, Parcel: 642**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-07**      **North East Land and Material Company, Inc.**  
**South side of Stevenson Road**  
**Tax Map: 25, Parcel: 532**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Janusz.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**05-08**      **North East Land and Material Company, Inc.**  
**290 Stevenson Road, North East, MD**  
**Tax Map: 25, Parcel: 456**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
A motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-09**      **North East Land and Material Company, Inc.**  
**952 Mechanics Valley Road, North East, MD**  
**Tax Map: 25, Parcel: 436**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-10**      **Delmarva Power & Light Company**  
**302 Stevenson Road, North East, MD**  
**Tax Map: 25, Parcel: 520**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-11**      **Mechanics Valley Trade Center**  
**1079 Mechanics Valley Road, North East, MD**  
**Tax Map: 25, Parcel: 52**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: M2 (Heavy-Industrial)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-12**            **Mechanics Valley Trade Center**  
**970 Mechanics Valley Road, North East, MD**  
**Tax Map: 25, Parcel: 52**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: M2 (Heavy-Industrial)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-13**            **North East Land Material Company, Inc.**  
**East side of Mechanics Valley Road**  
**Tax Map: 25, Parcel: 52**  
**Applicant: Dwight Thomey**  
**Proposed Zoning: M2 (Heavy-Industrial)**  
**Requested Zoning: M2 (Heavy-Industrial)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-14**            **Cedar Alley, LLC**  
**15 Cedar Alley, North East, MD**  
**Tax Map: 25, Parcel: 477**  
**Applicant: James Bomba**  
**Proposed Zoning: RM (High Density Residential)**  
**Requested Zoning: BG (Business General)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-15**            **Cedar Alley, LLC**  
**23 Cedar Alley, North East, MD**  
**Tax Map: 31, Parcel: 159**  
**Applicant: James Bomba**  
**Proposed Zoning: RM (High Density Residential)**  
**Requested Zoning: BG (Business General)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-16 Cedar Alley, LLC**  
**161 N. Main Street Ext., North East, MD**  
**Tax Map: 31, Parcel: 161**  
**Applicant: James Bomba**  
**Proposed Zoning: RM (High Density Residential)**  
**Requested Zoning: BG (Business General)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-17 Cedar Alley, LLC**  
**East side of Burns Ave., North East, MD**  
**Tax Map: 31, Parcel: 605**  
**Applicant: James Bomba**  
**Proposed Zoning: RM (High Density Residential)**  
**Requested Zoning: BG (Business General)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-18 Cedar Alley, LLC**  
**East side of Bayview Ave., North East, MD**  
**Tax Map: 31, Parcel: 720**  
**Applicant: James Bomba**  
**Proposed Zoning: RM (High Density Residential)**  
**Requested Zoning: BG (Business General)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-19 Cedar Alley, LLC**  
**West side of N. Main Street Ext.**  
**Tax Map: 31, Parcel: 779**  
**Applicant: James Bomba**  
**Proposed Zoning: RM (High Density Residential)**  
**Requested Zoning: BG (Business General)**

Mr. Sennstrom, P&Z, read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-20 Squires, Thomas & Linda**  
**SE Corner of Red Toad Road & Pulaski Hwy**  
**Tax Map: 31, Parcel: 942**  
**Applicant: Thomas & Linda Squire**  
**Proposed Zoning: RM (Multi-family Residential)**  
**Requested Zoning: BG (Business Residential)**

Tom Squires appeared and presented an overview of the rezoning request. Mr. Squires stated that prior to the Comprehensive Rezoning, his property was zoned BG about eight (8) years ago. He feels that the proposed zoning of RM (Multi-family Residential) was a mistake. The current use of the property is for a construction business. Mr. Squires' has been in business, at this location for forty-two (42) years.

Mr. Sennstrom stated that the two surrounding properties, also owned by Mr. Squires, are proposed to be zoned BG. Mr. Squires' requests that this corner parcel also remain BG (Business General).

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Wallace.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**05-21 Elkton Investment Co.**  
**400 E. Cecil Ave., North East, MD**  
**Tax Map: 31, Parcel: 370**  
**Applicant: David Ayres**  
**Proposed Zoning: UR (Urbanized Residential)**

**Requested Zoning: RM (High Density Residential)**

David Ayres appeared and presented an overview of the requested rezoning numbers 05-21 and 05-22.

Mr. Ayres stated that he has had a four (4) unit apartment building on this lot since 1970.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
Then motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-22**

**Ayres, David H.**

**North side of Razor Strap Rd., North East, MD**

**Tax Map: 31, Parcel: 629**

**Applicant: David H. Ayres**

**Proposed Zoning: UR (Urbanized Residential)**

**Requested Zoning: RM (High Density Residential)**

Mr. Ayres stated that there are several apartments adjoining his property. He was wondering why the proposed zoning was downsized.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-23**

**Bailiff, John & Jacob**

**424 Bailiff Road, North East, MD**

**Tax Map: 24, Parcel: 48**

**Applicant: John Bailiff**

**Proposed Zoning: ST (Suburban Transition Residential) & NAR (Northern Agricultural Residential)**

**Requested Zoning: ST (Suburban Transition Residential)**

Barry Montgomery, representative for John Bailiff, appeared and presented an overview of the requested rezoning. The Bailiff's own approximately a one hundred (100) acre property. Bailiff Road runs through the property. The east side of Bailiff



Road is zoned ST (Suburban Transition) and the west side is NAR (Northern Agricultural Residential). They would like to have both sides zoned ST (Suburban Transition).

Mr. Doordan stated that he feels this is a good request for rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of the requested rezoning. Chris Diebold, District 5, spoke in favor of this rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Disapproval due to the westerly side not being in the medium density district in the Comprehensive Plan as reflected on the map, it is in the Rural Conservation District therefore staff feels the NAR if the appropriate designation.

A motion for disapproval was made by Mr. Wiggins.  
The motion was seconded by Mr. Wallace.  
Mr. Doordan stated that he feels this parcel is ideally located for what the applicant is asking for. Discussion ensued.

Members in favor of disapproval were Mr. Wiggins, Mr. Taylor and Mr. Wallace.  
Members in opposition of disapproval were Mr. Janusz and Mr. Doordan.

Motion for disapproval carried.

**05-24**

**Montgomery 940 Red Toad, LC**  
**940 Red Toad Road, North East, MD**  
**Tax Map: 24, Parcel: 9**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy-Industrial)**  
**Requested Zoning: M2 (Heavy-Industrial & ME-B (Mineral Extraction B))**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Disapproval

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

Members in favor of approval were Mr. Doordan, Mr. Wallace, Mr. Taylor and Mr. Janusz.  
Mr. Wiggins was the sole opposing vote.

Motion for approval carried.

05-25

**Montgomery, H. Barry & Ragan, Walter L., Jr.**  
**W/S of Biggs Hwy. & N/S of Theodore Road**  
**Tax Map: 19, Parcel: 295**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: LDR (Limited Development Residential)**  
**Requested Zoning: RM (Multi-family Residential)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Disapproval

A motion for approval was made by Mr. Janusz.  
Motion died for a lack of a second.

A motion for disapproval was made by Mr. Wiggins.  
The motion was seconded by Mr. Taylor.

Members in favor of disapproval were Mr. Taylor, Mr. Wiggins and Mr. Wallace.  
Members in opposition of disapproval were Mr. Doordan, Mr. Janusz and Chairman Mortimer.

The motion for disapproval was defeated.

A motion for approval was made by Mr. Janusz.  
The motion was seconded by Mr. Doordan.

Members in favor of approval were Mr. Janusz and Mr. Doordan.  
Members in opposition of approval were Mr. Wiggins, Mr. Taylor and Mr. Wallace.

Motion for approval defeated.

Planning Commission vote deadlocked; forwarded to the Board of County Commissioners with no recommendation.

05-26

**Burkley's Reward, LLC**  
**NE Corner of Route 40 & Mechanics Valley Road**  
**Tax Map: 25, Parcel: 527, Lot 1**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: BG (Business General)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:

Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-27**

**Burkley's Reward, LLC**  
**2031 W. Pulaski Hwy, North East, MD**  
**Tax Map: 25, Parcel: 527, Lot 2**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: BG (Business General)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-28**

**Burkley's Reward, LLC**  
**N/S of Route 40, east of Mechanics Valley Road**  
**Tax Map: 25, Parcel: 527, Lot 3**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: BG (Business General)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-29**      **Burkley's Reward, LLC**  
**2011 W. Pulaski Hwy, North East, MD**  
**Tax Map: 25, Parcel: 527, Lot 4**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: BG (Business General)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-30**      **Burkley's Reward, LLC**  
**2011 W. Pulaski Hwy, North East, MD**  
**Tax Map: 25, Parcel: 527, Lot 5**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: BG (Business General)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-31**      **Montgomery Bros., Inc.**  
**N/S Razor Strap Road (Lakeside Park)**  
**Tax Map: 31, Parcel: 548**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: MH (Manufactured Home)**  
**Requested Zoning: RM (Multi-family Residential)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-32**      **Montgomery Bros., Inc.**  
**Lakeside Drive & Razor Strap Road**  
**Tax Map: 31, Parcel: 692**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: MH (Manufactured Home)**  
**Requested Zoning: RM (Multi-family Residential)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-33**      **Montgomery Bros., Inc.**  
**N/S of Razor Strap Road (by Old Baron Road)**  
**Tax Map: 31, Parcel: 1167**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: MH (Manufactured Home)**  
**Requested Zoning: RM (Multi-family Residential)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

05-34

**Montgomery Bros., Inc.**  
**357 Razor Strap Road, North East, MD**  
**Tax Map: 31, Parcel: 1323**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: MH (Manufactured Home)**  
**Requested Zoning: RM (Multi-family Residential)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

05-35

**Montgomery Bros., Inc.**  
**339 Razor Strap Road, North East, MD**  
**Tax Map: 31, Parcel: 1324**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: MH (Manufactured Home)**  
**Requested Zoning: RM (Multi-family Residential)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

05-36

**Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 130**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy-Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-37**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 131**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-38**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 132**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-39**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 133**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-40**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 173**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-41**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 211**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.



Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-42**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 212**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-43**      **Route 40 Hayes, LLC**  
**S/S W. Pulaski Hwy., west of Marley Road**  
**Tax Map: 25, Parcel: 255**  
**Applicant: H. Barry Montgomery**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: BI (Business Intensive)**

Barry Montgomery appeared and presented an overview of the requested rezoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-44**

**Elk Riverview Farm, LLC**  
**11 Elk Side Farm Lane, North East, MD**  
**Tax Map: 46, Parcel: 67**  
**Applicant: Robert J. Hodge**  
**Proposed Zoning: NAR (Northern Agricultural Residential)**  
**Requested Zoning: RR (Rural Residential)**

Dwight Thomey and Robert Hodge appeared and presented an overview of the requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

Members in favor of approval were Mr. Doordan, Mr. Janusz and Mr. Wiggins.  
Mr. Taylor was the sole opposing vote with Mr. Wallace abstaining.

**05-45**

**Red Toad Land Co., LLC**  
**N/S of Route 40, West of Red Toad Road**  
**Tax Map: 31, Parcel: 1241**  
**Applicant: Robert J. Hodge**  
**Proposed Zoning: M1 (Light Industrial)**  
**Requested Zoning: M2 (Heavy Industrial)**

Dwight Thomey and Robert Hodge appeared and presented an overview of the requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**05-46**

**Red Toad Land Co., LLC**  
**N/S of Route 40, west of Red Toad Road**  
**Tax Map: 31, Parcel: 819**  
**Applicant: Robert J. Hodge**  
**Proposed Zoning: BG (Business General)**  
**Requested Zoning: M2 (Heavy Industrial)**

Dwight Thomey and Robert Hodge appeared and presented an overview of the requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-47**      **Hodge, Robert J.**  
**S/S of Route 40, West of Red Toad Road**  
**Tax Map: 31, Parcel: 863**  
**Applicant: Robert J. Hodge**  
**Proposed Zoning: ST (Suburban Transition)**  
**Requested Zoning: M2 (Heavy Industrial)**

Dwight Thomey and Robert Hodge appeared and presented an overview of the requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-48**      **Hodge, Robert J.**  
**151 Red Toad Road, North East, MD**  
**Tax Map: 31, Parcel 180**  
**Applicant: Robert J. Hodge**  
**Proposed Zoning: ST (Suburban Transition)**  
**Requested Zoning: BG (Business General)**

Dwight Thomey and Robert Hodge appeared and presented an overview of the requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**05-49**      **Principio Iron Company**  
**Pulaski Hwy & Belvedere Road, Perryville, MD**  
**Tax Map: 30, Parcel: 116**  
**Applicant: David J. Stewart**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mike Pugh appeared and presented an overview of the item numbers 05-49 and 05-50. This parcel was previously zoned MEA. The applicant has not yet removed the material therefore they need the zoning to remain MEA.

Mr. Sennstrom read the recommendation of the staff:  
Approval for the portion on the westerly side of Belvedere Road only as that is the only portion that is in the Mineral Extraction District.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

A motion to reconsider the rezoning request (items 05-49 & 05-50) was made by Mr. Wiggins.  
The motion was seconded by Mr. Doordan.

Mr. Wiggins stated that does not recall the MEA functions in this county being modified during the 2010 Comprehensive Plan meetings. Mr. Doordan agreed.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning. Eric Dunn, 160 Seneca Shore Road, Perryville, MD, Don Harrington, 127 Seneca Shore Road, Perryville, MD, spoke in opposition to this project.

Commissioner Broomell stated that when the Comprehensive Plan committee discussed the overall layout of the districts, it is not necessarily transferred into what the maps reflect.

Members in favor of reconsideration were Mr. Doordan, Mr. Janusz and Mr. Wiggins.  
Members in opposition of reconsideration were Mr. Wallace and Mr. Taylor.

Motion for reconsideration of this rezoning requested carried.

Mr. Sennstrom read the recommendation of the staff:  
Approval for the portion on the westerly side of Belvedere Road only as that is the only portion that is in the Mineral Extraction District.

A motion for approval of the entire parcel 116 was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

Members in favor of approval of the entire parcel 116 were Mr. Doordan, Mr. Janusz and Mr. Wiggins.  
Members in opposition of the approval of the entire parcel 116 were Mr. Wallace and Mr. Taylor.

Motion for approval carried.

05-50

**York Building Products Co., Inc.**  
**E/S Belvedere Road, North East, MD**  
**Tax Map: 30, Parcel: 20**  
**Applicant: David J. Stewart**  
**Proposed Rezoning: M2 (Heavy Industrial)**  
**Requested Rezoning: MEA (Mineral Extraction A)**

Mike Pugh appeared and presented an overview of the item numbers 05-49 and 05-50.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval for the portion of Parcel 20 north of the railroad tracks as that is the only portion that is in the Mineral Extraction District.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

Mr. Pugh asked for clarification on the recommendation and vote. Mr. Sennstrom explained the recommendation. Mr. Pugh stated that the applicant needs the easterly side also zoned MEA so they can remove the minerals from the westerly side. This ruling would land lock the minerals into place. Discussion ensued.

Mr. Sennstrom read the recommendation of the staff:  
Approval for the portion of Parcel 20 north of the railroad tracks as that is the only portion that is in the Mineral Extraction District.

A motion for approval of the entire parcel 20 was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

Members in favor of approval of the entire parcel 20 were Mr. Doordan, Mr. Janusz and Mr. Wiggins.

Members in opposition of the approval of the entire parcel 20 were Mr. Wallace and Mr. Taylor.

Motion for approval carried.

Chairman Mortimer asked for a motion as to whether the Planning Commission should continue the meeting past 10:00 pm.

A motion to continue the meeting was made by Mr. Wallace.  
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

Joe Janusz left the meeting at 10:16. Alternate Clay McDowell will be voting in his place.

**05-51**      **York Building Products Co., Inc.**  
**N/S Carpenters Point Road, Perryville, MD**  
**Tax Map: 35, Parcel: 122**  
**Applicant: David J. Stewart**  
**Proposed Zoning: M2 (Heavy Industrial)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mike Pugh appeared and presented an overview of the item numbers 05-51 and 05-52.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Elizabeth Lowe, 40 Bakers Cove Road, Perryville, MD, Eric Dunn, 160 Seneca Shore Road, Perryville, MD, Peggy Morrison, 200 Mountain Hill Road, Perryville, MD, Don Harrington, 127 Seneca Shore Road, Perryville, MD, Diana Carabetta, 1611 Carpenters Point Road, Perryville, MD, Kim Scott, 565 Carpenters Point Road, Perryville, MD and Harry Rogerson, 184 Mountain Hill Road, Perryville, MD spoke in opposition of both (05-51 & 05-52) projects.

Mr. Sennstrom stated that staff received a letter from James and Lyn Hudson, voicing their opposition to this requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion died for lack of a second.

A motion for disapproval due to the impact MEA would have on the adjoining properties was made by Mr. Wallace.  
The motion was seconded by Mr. Taylor.

Members in favor of disapproval were Mr. McDowell, Mr. Wiggins, Mr. Taylor and Mr. Wallace.  
Mr. Doordan was the sole opposing vote.

Motion for disapproval carried.

**05-52**      **Principio Iron Company**  
**Carpenters Point Road & Mountain Hill Road**  
**Tax Map: 35, Parcel: 608**  
**Applicant: David J. Stewart**  
**Proposed Zoning: NAR (Northern Agricultural Residential) & MEB (Mineral Extraction B)**  
**Requested Zoning: MEA (Mineral Extraction A)**

Mike Pugh appeared and presented an overview of the item numbers 05-51 and 05-52.

Mr. Sennstrom read the recommendation of the staff:

Disapproval due to the applicant's ability to extract minerals with the MEB overlay and due to its proximity to adjoining development.

A motion for disapproval, concurring with staff's recommendation, was made by Mr. Doordan.

The motion was seconded by Mr. Wiggins.

All disapprove. Motion carried.

**05-53**      **Dempsey, Kenneth & Gale**  
**1771 Old Elk Neck Road, Elkton, MD**  
**Tax Map: 37, Parcel: 485**  
**Applicant: Gale Dempsey**  
**Proposed Zoning: RR (Rural Residential)**  
**Requested Zoning: BL (Business Local)**

WITHDRAWN

**09-01**      **McDowell Supply, Inc.**  
**150 Brick Meeting House Road, Rising Sun, MD**  
**Tax Map: 11, Parcel: 88**  
**Applicant: Stephen E. McDowell**  
**Proposed Zoning: BL (Business Local)**  
**Requested Zoning: BG (Business General)**

David McDowell, appeared and presented an overview of the requested rezoning.

Clay McDowell stated that he will recues himself due to family relation to the applicant.

Commissioner Broomell stated that she is familiar with this property and it is a very clean operation and the family has contributed greatly to the community.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this requested rezoning.

Mr. Sennstrom read the recommendation of the staff:  
Approval.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**09-02 McDowell, Stephen E. & Karen L.**  
**80 Brick Meeting House Road, Rising Sun, MD**  
**Tax Map; 11, Parcel: 421**  
**Applicant: Stephen E. & Karen L. McDowell**  
**Proposed Zoning: BL (Business Local)**  
**Requested Zoning: BG (Business General)**

WITHDRAWN

A motion to adjourn was made by Mr. Wallace.  
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

The February 9, 2011 Planning Commission Comprehensive Rezoning Hearing adjourned at 11:12 p.m.

Respectfully Submitted:

---

*Jennifer Bakeoven*