

PLANNING COMMISSION MEETING 2002

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June 17, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Rossetti, Smith, Hair, Brown, Sennstrom, Houston, Black and Dempsey.

ABSENT: Coudon.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Rossetti, seconded by Smith and unanimously carried to approve the May 20, 2002, 7:00 p.m., minutes as mailed.

TEXT AMENDMENTS:

Subdivision Regulations:

Section 7.2.B Highways, Streets & Roads Amend Section 7.2.B.8 & 9 to delete existing language relative to cul-de-sac length and to add language regarding mid-block turnarounds and looped road systems.

Mr. Eric Sennstrom, Director of Planning and Zoning presented this application. Mr. Sennstrom explained that the purpose of this text amendment is to delete existing language in the subdivision regulations and add new language to bring the subdivision regulations into accord with the language in the County's newly adopted road code in regard to cul-de-sacs. The proposed text includes language stating that looped road system should be considered in new subdivisions greater than twenty-five (25) lots. The physical and environmental characteristics of the property shall be considered in determining the feasibility of a looped road system.

Cul-de-sac streets greater than one thousand five hundred (1,500) feet shall be designed with mid-block turnarounds, such that the distance between the subdivision entrance and the mid-block turnaround, the distance between two mid-block turnarounds, or the distance between a mid-block turnaround and the

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cul-de-sac terminus should be no greater than one thousand two hundred (1,200) feet. Mid-block turnarounds should be designed in accordance with the Cecil County Road Code.

Health Department Report- No comment required.

Ms. Rossetti stated that she felt the loop road system is something that is desirable. She is assuming a loop road system shall be utilized whenever possible in a new sub-division.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Forest Conservation Regulations:

Amend the County's Forest Conservation Regulations to make them consistent with the State's Model Ordinance and the Annotated Code.

Mr. Eric Sennstrom, Director of Planning and Zoning and Mr. David Black, Plans Reviewer, Office of Planning and Zoning presented this application. Mr. Black stated that the proposed text amendment is necessary to bring the County's forest regulations into agreement with the State's model ordinance and with the Annotated Code of Maryland. These revisions are the result of our biennial review by DNR. There are various sections affected by this text amendment throughout the forest conservation regulations. Mr. Black stated that there has been a slight alteration to Section 6.1C, stating that the applicant shall demonstrate to the satisfaction of the Department of Natural Resources, Forestry Programs that the requirements for afforestation or reforestation on site or off site cannot be reasonably accomplished if the applicant proposes to make a payment into the State forest conservation fund (or to purchase credits from a forest mitigation bank). This statement needs to be left in, rather being deleted. The proposed text changes were presented and a copy is attached to the minutes for reference.

Health Department Report No comments required.

Ms. Rossetti asked that several times the form mentioned "The Department", what does that mean?

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Mr. Black answered that any time it say Department it refers to the Office of Planning and Zoning, not The Department of Natural Resources.

Ms. Rossetti asked what does Article 2, Section 2.8 apply to?

Mr. Black stated, Champion tree of the State means a tree, which appears in the State Forest Conservation Manual list of state champion trees.

Ms. Rossetti asked about section 2.24, why is this being removed?

Mr. Black stated that Maryland Department of Natural Resources requested this.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

HISTORIC DISTRICT NOMINATION:

APPLICANT: Trustees of Cherry Hill United Methodist Church.

PROPERTY LOCATION: Big Elk Chapel, corner of Gallaher & Big Elk Chapel Roads, Elkton, MD
21921, Election District: 4 Tax map: 14 Parcel: 238 & 268.

PRESENTLY ZONED: Rural Residential (RR).

REQUEST: Designate Big Elk Chapel as a historic site.

PROPERTY OWNER: Trustees of Cherry Hill United Methodist Church.

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Mr. Eric Sennstrom, Director of Planning and Zoning presented this application representing The Cherry Hill United Methodist Church Trustees. The Big Elk Chapel typifies the small, local community church that is so predominant in this region. Built in 1877, it is in pristine condition and has not had any renovations or modernizations over the years. The property exhibits pressed tin walls and ceiling, wooden wainscoting, original wooden shutters with hardware and handmade wooden pews. The property upon which the church is situated was once part of the new munster tract.

Ms. Paula Newton mentioned to the Commission that there is a carriage shed that was built in 1902. It was built of a timber frame construction from rough-hewn beams. The history of the Big Elk Chapel is taken from original record books of the church.

Mr. Walbeck asked why there were only three bays in the carriage shed?

Ms. Newton stated that she thought most people walked to church instead of taking a carriage.

Health Department Report No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE: 2002-05 APPLICANT: Paul Hardy.

PROPERTY LOCATION: s/s Pulaski Hwy east of Perryville, MD 21903, Election District:
7, Tax map 29 Parcel: 395.

PRESENTLY ZONED: Suburban Residential (SR).

REQUEST: Rezone 2.72 acres to Business General (BG) for mini-storage.

PROPERTY OWNER: Nelson & Laurel Cooper.

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Mr. Keith Baynes, Esquire represented Mr. Paul Hardy the contract purchaser of this piece of property owned by the Cooper s. The neighborhood is an area within ½ mile radius of the subject parcel. This area is bordered by Principio Creek to the East, the Town of Perryville to the West, Conrail Freight Line to the North and Maryland Route 7 to the South. At the intersection with Jackson Station Road, there are three (3) commercial lots. On the South side going West to East there is The First Baptist Church, the subject property, Nationwide Insurance Office then McGuirk Construction. The property is not suitable for Residential development, however it is suitable for Business or Commercial development.

All access would be of Route 40, and it should be adequate. The Maryland State Highway Administration would approve all ingress and egress. This area should be compatible with the existing and proposed development. This parcel is located in the Development District of the Comprehensive Plan. This parcel is not located in any special district. Ms. Mildred McGuirk is in opposition to this proposal, (letter in file). She feels it would change the character in the neighborhood and has environmental concerns about the stream running through this property.

Health department Report Property is Lot #1 of Minor Sub. 1082, approved in 1982 for well and septic for a dwelling. Satisfactory for commercial use with comparable or less wastewater flow, greater flow will require additional soil evaluations.

Ms. Hair asked if it was still part of a subdivision?

Mr. Baynes stated it was a minor subdivision.

Mr. Walbeck asked what has changed since the last comprehensive rezoning.

Mr. Baynes stated two things have changed, the zoning at Jackson Station Road and lack of public water and sewer that was intended to serve these lots. This property is no longer suitable for single family home residential, as there is no water or sewer available.

Mr. Walbeck asked when the minor subdivision was done?

Mr. Baynes stated he thinks it was done in 1982.

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Mr. Paul Hardy from Harford County stated that they have a few places of a similar nature and have gotten very good reviews from Aberdeen Proving Grounds. He is very familiar with various situations, as he has had to deal with the critical area in Harford County.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Letter in file.

Mr. Cliff Houston, Zoning Administrator, read a letter from Ms. Mildred McGuirk in opposition. Ms. McGuirk had two objections, one being an ecological one, the fact that a stream crosses that property to reach hers. She believes that this stream and the springs that feed it are of more importance to our county than mini-storage sheds. Secondly, she believes that this rezoning will significantly change the character of the neighborhood.

The Commission looked at the maps 29 and 30 to make sure they knew where the rezoning would be taking place.

FILE: 2002-06 - APPLICANT: Chesapeake Investors 84-37, LTD.

PROPERTY LOCATION: e/s of MD. RTE. 272, s/s of Chesapeake Club Drive, North East,

MD 21901, Election District: 5, Tax map 31 Parcel: 1256, Lot 3A.

PRESENTLY ZONED: Business General (BG).

REQUEST: Multi-family Residential (RM).

PROPERTY OWNER: Chesapeake Investors 84-37, LTD.

Mr. Mike Pugh, Corridor Land Services is representing the property owners regarding this application. The acreage that is in question is all the property in lot 3A, (28.684 acres). Mr. Pugh showed the map to the Commission showing them where Chesapeake Club Drive and Ginty Drive are located. His clients would like to put single-family homes in this area. The case he wants to present is first of all there has been a rezoning in the neighborhood already within a ½ mile for the Club House of the Chesapeake Club. At one time the golf course and the entire project intended to be private, but that is not the case. There has been a change in the neighborhood, as the golf course is public. They believe it was a mistake to create a BG zone. Access would be from MD Route 272 or Chesapeake Club Drive. The commercial center is in the Town of North East.

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Mr. Pugh stated that they are working with the Department of Public Works so it can be recommended to the County Commissioner to take over the maintenance responsibility of the currently private roads. We are also working with the Town of North East and will support any decision with a letter of credit when everything is finalized. They believe at the time of the Comprehensive Rezoning placing the commercial and residential together was a mistake. The concept has changed and there is a change in the neighborhood. Less homes sites are envisioned at this time, approximately ½ the number will be realized at build out.

Mr. Walbeck stated originally there were going to twelve to fourteen hundred homes. The original concept has changed.

Health Department Report Satisfactory, with availability of public water and sewerage, (property information should be Parcel 1265 on Tax Map 31 parcel 3A is the lot designation from Chesapeake Club subdivision).

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Joseph Miller asked how many homes are going to be in the area.

Mr. Pugh stated approximately 48 single-family homes.

Mr. Miller is concerned about the schools, roads, water, sewerage, and taxes.

Mr. Walbeck stated that the school board would not turn any students away for the lack of schools. The school board is aware of the situation with new subdivisions being built. The school board will serve every student.

SPECIAL GROWTH ALLOCATION:

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FILE: 2002-07 - APPLICANT: Estate of Mary Parker.

PROPERTY LOCATION: w/s Center Road, Earleville, MD 21919, Election District: 1, Tax map: 60, Parcel: 1.

PRESENTLY ZONED: Resource Conservation Area (RCA).

REQUEST: change 1.5 acres of RCA to Limited Development Area, (LDA) for residential purposes.

PROPERTY OWNER: Estate of Mary Parker.

Mr. Keith Baynes, Esquire along with Mr. David Parker presented this application. Mr. Baynes explained to the Commission exactly what the purpose of Section 211 of the Special Growth Allocation District deals with. The property is in the Resource Conservation area, and the purpose of this request is for residential development. The County will be limited to twenty-two percent of the total growth allocation. There is sufficient growth allocation available. Requesting two lots, which is permitted under Section 2, and meets all Health Department requirements and is in full compliance with all other requirements of the Cecil County Critical Area Program. On the final plat there will be an easement for the wooded area. This will be a deeded easement, which means there can be no disturbance in the buffer area. It will remain with natural vegetation. The subdivision complies with all applicable requirements of the Cecil County Subdivision Regulations. Also the Forest Management Plan will be in place. The area between the cliff and the easement will be protected.

Health Department Report Estate of Mary Parker Proposed Minor Subdivision meets Maryland Department of the Environment requirements for water and sewage and for subdivision: approval was signed by this office January 24, 2002.

Ms. Rossetti asked what lot has a house on it.

Mr. Baynes stated that that Lot 1 does and Lot 3 is proposed for a home site. Lot 2 does not enter into this Special Growth Allocation.

Ms. Rossetti asked why the Commission did not hear this growth allocation at the daytime meeting today.

Mr. Sennstrom stated that all growth allocations should come before the Planning Commission in the evening, rather than in the afternoon, and he plans to get it back on track. This should be done in the evening, as you will be making a recommendation rather than a decision. The County Commissioners would be making the

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decision.

Mr. Walbeck asked if you see the water from the house.

Mr. Parker stated you see the water from the existing house.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None

SPECIAL EXCEPTION:

FILE: 2863 - APPLICANT: Madeline A. Snyder.

FOR: Home Occupation Styling salon.

PROPERTY LOCATION: 121 Sylmar Road, Rising Sun, MD 21911, Election District: 6 Tax

map: 11 Parcel: 301.

PROPERTY OWNER: LeRoy & Madeline Snyder.

PRESENTLY ZONED: Town Residential, (TR).

Ms. Madeline Snyder, 121 Sylmar Road, Rising Sun, MD 21911, presented this application. She would like to have a styling salon in her home. She has been in the business for 32 years, and her dream is to have her own salon. She plans to put an addition on to her dwelling.

Mr. Walbeck asked if it was appropriate to put an addition on to have this salon.

Mr. Sennstrom stated yes as long as it is part of the dwelling.

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Health Department Report Sanitary Permit A3650 issued in 1973 for existing dwelling. Soil evaluations required determining satisfactory soil on lot for added wastewater flow and septic system to be upgraded.

Mr. Walbeck told Ms. Snyder that she would have to talk to the Health Department.

Mr. Smith asked if it would be just her working.

Ms. Snyder stated, yes.

Mr. Walbeck mentioned about her long lane to the house. Is there any additional parking by the house?

Ms. Snyder stated it jets over to the left, and there is room to park about six cars there.

Ms. Rossetti asked where the addition would be added on to the existing dwelling?

Ms. Snyder stated would be over the two-car garage. It also will be handicap accessible.

Ms. Hair asked if any of the neighbors have complained about her opening this salon.

Ms. Snyder only spoke to one neighbor, Mr. Yacabelle, and he has no problems with it.

COMMENTS IN SUPPORT: Ms. Lydia Van is in favor of this salon, as they have been friends and have worked together. It has been Ms. Snyder's life long dream to have her own business.

Mr. Rupert Rossetti is in favor of this as she cuts his hair and has known her since 1994.

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COMMENTS IN OPPOSITION: Ms. Mary Broughton, 137 Sylmar Road, Rising Sun, MD 21911, is in opposition of an in home salon as she wants to see the area kept residential.

RECOMMENDATIONS:

TEXT AMENDMENTS:

APPLICANT: Cecil County -Text Amendment.

FOR: Subdivision Regulations.

Staff recommended approval

ACTION: Motion made to recommend approval with change of language regarding adding a looped road
whenever possible by Rossetti, seconded by Hair.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Text Amendment.

FOR: Forest Conservation Regulations.

Staff recommended approval.

ACTION: Motion made to recommend approval by Hair, seconded by Rosetti.

VOTE: All in favor, motion carried.

APPLICANT: Historic District Trustees of Cherry Hill United Methodist Church- Big Elk Chapel.

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FOR: Historic District Designation.

Staff recommended approval.

ACTION: Motion made to recommend approval by Rossetti, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Paul Hardy.

FOR: Rezoning 2.72 acres to Business General, (BG) for mini storage.

Staff recommended disapproval, no demonstrated mistake in 1993 Comprehensive Rezoning, no demonstrated change since last Comprehensive Rezoning.

ACTION: Motion made to recommend disapproval with P.C. conditions by Rossetti, seconded by Hair.

VOTE: Three to two to disapprove, motion carried.

APPLICANT: Chesapeake Investors 84-37, LTD.

FOR: Multi-family Residential, (RM). 28.68 Acres.

Staff recommended disapproval, no demonstrated mistake in 1993 Comprehensive Rezoning, no demonstrated change since last Comprehensive Rezoning.

ACTION: Motion made to recommend approval based on change by Rossetti, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Estate of Mary E. Parker.

FOR: Special Growth Allocation.

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Staff recommended approval.

ACTION: Motion made to recommend approval by Smith, seconded by Brown.

VOTE: Four to one for approval, motion carried.

SPECIAL EXCEPTION:

APPLICANT: Madeline A. Snyder.

FOR: Home occupation Styling Salon.

Staff recommended approval for two years.

ACTION: Motion made to recommend approval for two years by Rossetti, seconded by Smith.

VOTE: All in favor, motion carried.

The meeting was adjourned at 8:20 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 15, 2002 at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

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July 15, 2002, 7:00 p.m.

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PRESENT: Walbeck, Rossetti, Hair, Smith, Brown, Slicer, Kilby, Black, Houston, and Dempsey.

ABSENT: Coudon, and Farrell (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Rosetti, seconded by Brown and unanimously carried to approve the June 17, 2002, 7:00 p.m., minutes as mailed.

OPEN SPACE:

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development Fiscal Year 2003.

Mr. Edward Slicer, Manager of Parks and Recreation presented Cecil County's Program Open Space Annual Program for Acquisition and Development for Fiscal-Year 2003.

Open Space Active Fiscal Year 2002 acquisition projects are as follows:

Elkton Recreation Center Acquisition of 100-acres purchase, 124-acre donation of adjacent area under an environmental easement. Future plans are for indoor soccer, football and baseball fields. Acquisition offsets loss of Meadow and Eder parklands by flood control project. The Town currently has a parkland deficit based on State standards.

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Program Open Space annual program for acquisition projects are as follows:

Turner Park Addition project is adjacent to the Middle School. The local Boys and Girls Club desires to work with the Town on this site to construct a site to be owned by the Town. The Lions Club has improved facilities on the existing acreage.

Program Open Space active fiscal year 2002 development projects are as follows:

Cecilton Town Park Phase II consists of the excavating of two-ball field and developing an entrance road adjacent to Route 282. Cecilton Town Park serves the recreational needs of both Town and County residents.

Program Open Space annual program for development fiscal year 2003 are as follows:

Cecilton Town Park Ball fields, two new ball fields and other improvements impacting approximately 18 acres. Cecilton Park is heavily used year round by youth leagues, groups, civic organizations and churches.

Cecil Sports Complex Phase I is a regional park used for baseball, football and soccer lighted fields with bleachers and a storage/concession/lavatory building. This project is a State and County partnership.

Chesland Park Development is approximately 120 acres, 80 acres of the park to be developed to a major soccer complex. The remaining 40-acres will be devoted to nature trails and passive recreation.

Conowingo Multi-Use Park will fill a void in recreation facilities in this area of Cecil County. This site is on land leased from Susquehanna Electric Company. The proposed facilities include baseball fields, soccer fields, football fields, basketball courts, a walking/jogging trail, tennis courts and playground equipment.

Elk River Park Phase I remaining funds in this project will be utilized following the project amendment. A park sign will be included in this development, which will include boating and athletic facilities.

Elk River Park Phase II is the construction of a boat ramp, boardwalk and bulkhead. This facility will provide opportunities for the boating public to better utilize the Upper Elk River.

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Improvements at Marina, Brown and Rice Parks will provide access and replace unsafe equipment to all three parks.

North East Community Park Playground Equipment will be made handicapped accessible.

North East Little League Park Development VI wants the lighting of two baseball fields to allow for increased playing time.

Stoney Run Park Master Plan includes a master development plan. Part of the park is used as a spoils disposal site for the North East River.

Rising Sun Community Park Pedestrian Bridge will replace a smaller pedestrian bridge, which is subject to flash floods. This park is Rising Sun's largest park. Local Boy Scouts meet in the park's log cabin. Little League fields are on the adjacent property.

Open Space Fiscal Year 2003 Acquisition Projects are as follows:

Elk Landing Acquisition is the fourth installment of a 40-acre site. This acquisition includes 40-acres of waterfront property, a historic house, historic ruins and several out buildings. This is one of Elkton's most historic areas. This site also includes 27-acres of riparian forest and the acquisition is part of the Greenway Project.

The Conrail Land Acquisitions are four parcels adjacent to the historic Rogers Tavern to develop a park downtown for visitors. This acquisition will be part of the Lower Susquehanna Heritage Greenway.

Open Space Fiscal Year 2003 Development Projects are as follows:

Program Open Space annual program for development fiscal year 2003.

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Chesland Park Development II will continue development of this regional park for soccer, football and baseball facilities.

Ms. Rossetti asked about the Elkton Recreation Center costing \$25,000.00 an acre purchase price. Is that 100-acres at 2.5 million. The North East Park comes out to \$112, 000.00 an acre. She is very concerned about the monies being spent.

Mr. Slicer stated that there have been no appraisals done on the North East site, so he cannot say that the figure is correct.

Ms. Rossetti does not want to enter into the approval of these Parks, as the cost is very high on the acreage.

Mr. Slicer stated that the Planning Commission would be approving the program as a proposed plan presented to the State. Without the Annual Program going to the State, the projects cannot go through.

Mr. Walbeck asked if the acquisition of North East Turner Park would be an additional acquisition

Mr. Slicer stated yes.

Mr. Smith stated that none of this makes any sense as far as the land and the County and the Local jurisdiction.

Before 2.5 million gets spent, Elkton will be putting up a million. The County is only providing \$50,000.00, which may or not be approved.

Mr. Slicer stated that these two pieces of property would have to be appraised by two certified appraisers.

Ms. Hair questioned whether on not these have been appraised values, or are they offer values.

Health Department Report No comment required for any specific project, however, for those projects, which will require on site water supplies and sewage disposal contact Environmental Health early in the

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planning process.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT:

SIGNS: Section 261. Signs exempted from regulations. Amend Sections 261.10 and 261.12 Signs exempted from regulations on house of worship bulletin boards, identification signs and church directional signs.

Mr. Clifford Houston, Zoning Administrator presented this application. In accordance with Article XVII, Part IV, Section 323.1 of the Cecil County Zoning Ordinance, the Office of Planning and Zoning is proposing the text amendment. This text amendment proposes to change the language presently found in Article XIII, Section 161. We are proposing to amend Section 261.10 to add the language shown in bold and to delete Section 261.12 in its entirety. The intent behind this text amendment is to eliminate the inconsistency that presently exists between the way house of worship bulletin boards, identification signs and church directional signs are permitted. Sections 261.13 and 261.14 are proposed to become Section 261.12 and 261.13 as a result of this amendment.

Ms. Rossetti asked if the signs would be lighted?

Mr. Houston stated, yes , and the signs can be lit.

Ms. Rossetti stated that the code specifies that the signs cannot be internally illuminated. The reason she is concerned is that these signs are in residential areas. Light pollution has been a problem and is cropping up more and more in the County. Ms. Rossetti would like to see all these signs with no internal lighting.

Mr. Walbeck stated you are opening Pandora s box. Sub Section 10 states you can have internal lighting.

Did this come about because of the Church on Old Field Point Road?

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Mr. Houston stated yes and a number of other Churches have been involved.

Ms. Hair asked if they are required to have a timer on the lighting?

Mr. Houston stated yes you could and we could specify that it be part of the Building Permit and the Zoning Certificate. He feels that this is something that should not be necessary to put in the ordinance.

Mr. Walbeck suggested that we should put in the ordinance a permit for signs.

Health Department Report No comment required.

COMMENTS IN FAVOR: Pastor Kevin Fell, Landmark Baptist Church, Elkton, MD representing the church. He would like to see an ordinance to govern the church signs. He presented pictures of his church sign along with others in the County. Pastor Fell feels that all the signs should be one standard size. The dimensions that are presented are with the cabinet and without. All churches are allowed in all zones in Cecil County.

Mr. Walbeck asked Pastor Fell, how would you feel about the signs having time limits?

Pastor Fell stated he would not have a problem with having time limits. The sign on Landmark Baptist Church is an internally lit sign but has never been lighted. Their intentions are to light it when the case is resolved.

Pastor Fell stated a quote from an Attorney stating that it seems that some of the variances have been rubber-stamped.

Mr. Andy Barbin, owner of Chesapeake Bay Golf Club and member of Landmark Baptist Church stated he would like to see the trim around a sign eliminated from the ordinance. He feels all churches should be 32 sq. ft. and with the trim it would be 40 sq.ft.

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Mr. Houston stated that the way the Zoning ordinance reads that the box is measured as part of the sign.

Mr. Brian Tome, resident near Landmark Baptist Church stated that this statute in the law Sub-section 12.261 is in violation of the law stating you cannot set different standards for churches. The County has been doing this all along. He wants see it made fair and change the amendment to read for institutional use make every sign the same and eliminate the cabinet portion of the sign as part of the measurements.

COMMENTS IN OPPOSITION: Mr. Houston read into the record the letter sent from Mr. Edward Cairns, which is located in the file in the Planning and Zoning Office.

COMMENTS: Ms, Phyllis Kilby, County Commissioner, asked is there a restriction on height of signs?

Ms. Rossetti and Mr. Walbeck answered there is a 25' restriction.

Ms. Kilby asked if these signs are situated so that the traffic is not a problem. Do they obstruct traffic?

Ms. Hair asked if all Churches come before the Board to get permits for signs?

Mr. Houston explained that the only time they come before the Board is when they need a variance for their sign. If it is within the regulations for size all they have to do is apply for a building permit.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Cliff and Elise Stearns. FOR: Establishing an Agricultural Preservation District. PROPERTY LOCATION: 746 Conowingo Road, Conowingo, MD 21918. Tax map: 9, Grid: 21 Parcel: 281, Acreage: 97.95, 8th Election District. PROPERTY OWNER: Cliff and Elise Stearns. PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. David Black, Planner II, Planning and Zoning Department presented this application. Title 15, Subtitle 15.03.D.1.b.iv requires that all districts have a minimum of 60% of the land area shall consist of USDA Soil Capability Classes I, II, and III on cropland and pasture, and Woodlands Groups 1 and 2 on wooded areas.

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The Stearns proposed district contains 24.7 acres of Class II soil, 31.7 acres of Class III soil, 1.4 acres of Woodland Group 1 and 8.8 acres of Class II soil, 31.7 acres of Class III soil, 1.4 acres of Woodland Group 1 and 8.8 acres of Woodland Group II. Thus, 66.6 acres, or 68.3% of the 97.95 acre proposed district consists of the required soil types. This exceeds the required 60%.

Title 15, Subtitle 15.03.D.2.a, as amended October 1, 2001, requires that all districts consist of 50 contiguous acres. The Stearns application, meets this requirement.

The approximately 1.2 acres of land zoned BG, located along Rt. 1, will be withheld from the district per Title 15, Subtitle 15.03.A1.ii. The Stearns application meets this requirement.

The County Agricultural Preservation Advisory Board recommended approval at their July 11, 2002 meeting.

Ms. Rossetti wanted to know why the yes and no s were not circled on the application.

Mr. Walbeck asked how the Agricultural Advisory board could make recommendations to this with the answers being circled.

Mr. Black stated that they did not copy well on the copier. The Agricultural Advisory Board did make their recommendation and the answer to those questions were yes.

Health Department Report No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTION:

July 15, 2002, 7:00 p.m.

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FILE: 2868 - APPLICANT: Carolyn L. Wing.

FOR: Special Exception for a home occupation to conduct a hair salon business.

PROPERTY LOCATION: 95 Peddlers Lane, Earleville, MD 21919, Election District: 1, Tax

Map: 56, Parcel: 111.

PROPERTY OWNER: Carolyn L. Wing.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Carolyn Wing, 95 Peddlers Lane, Earleville, MD presented this application. Ms. Wing holds a Maryland State Cosmetology License and would like to have a hair salon in her home. This home business would not change the appearance of the building at all, and she would be herself being the only operator.

Health Department Report Sanitary Permit C2543 issued in 1988 for existing dwelling; satisfactory for proposed use with upgrade of septic system.

Ms. Rossetti asked how many chairs?

Ms. Wing stated there would only be one chair with one operator in the salon. Ms. Wing stated she has been in the hair styling business for 35 years. She owns a split level home and the salon would be located downstairs and there is plenty of room for parking. She would only be seeing five clients a day because she has had some back problems.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2870 - APPLICANT: Jonathan S. Esh, Jr.

FOR: Special Exception for a home occupation to conduct a welding business.

PROPERTY LOCATION: E/S of Wilson Road & E. of Sylmar/ Wilson Road, Rising Sun,
MD.

PLANNING COMMISSION MEETING 2002

21911, Election District: 9, Tax Map: 4, Parcel: 44.

PROPERTY OWNER: Amos Esh.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Jonathan Esh, Jr. and Mr. David Blank (father-in-law) presented this application. Mr. Blank stated they would like to have this special exception to build a house and a shop for a welding business. The shop would be attached by a breezeway. Mr. Blank stated that we would like to give 3-acres of land that belongs to his brother-in-law but it needs to be sub-divided.

Health Department Report Percolation tests and soil evaluations conducted June 25, 2002 were satisfactory for on-site sewage disposal, pending approval of a Minor Subdivision. Satisfactory for proposed use.

Ms. Rossetti asked if this would be a Minor Subdivision?

Mr. Houston stated it would be a Minor Subdivision, so it would not be presented to the Planning Commission.

Mr. Walbeck asked Mr. Blank if Mr. Houston gave him a definition of what a home occupation was? It must be in the same building as the residence and not change the residential character in the appearance of the dwelling.

Mr. Blank stated Mr. Houston said as long as it is connected to the home for instance (breezeway).

Ms. Kilby, County Commissioners asked Mr. Blank, what is the rest of the use of the property?

Mr. Blank stated, agricultural.

Ms. Kilby asked Mr. Houston if this would fall into the new ordinance allowing businesses on agricultural properties to subsidize the agricultural operation.

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Ms. Rosetti and Mr. Walbeck stated it included agricultural related businesses.

Ms. Kilby stated that welding is an agricultural related business.

Mr. Esh stated he does welding for family and for the public.

Mr. Houston, Zoning Administrator stated that the Planning and Zoning Department has taken a stance stating that as long as a residence is attached by a breezeway you may have a home occupation in a separate building. Mr. Houston stated that Mr. Eshs clients would be mostly from the farming community.

Mr. Walbeck asked Mr. Houston to read that amendment in the Zoning Ordinance to him.

Ms. Rossetti asked Mr. Blank if there was any way this welding shop could be incorporated into the house?

Mr. Blank stated it would be a fire hazard and would be very unsafe in the main residence; also it would be a health hazard.

Mr. Houston found the ordinance and read it to the Planning Commission stating; the intent of this ordinance is to preserve and encourage the business of agriculture, the agriculture economy of the County is maintaining farming activities without interference with other land uses in accordance with these intentions the following provisions for the protection of agricultural uses will apply. The first one is for agricultural uses. Second, the operation any machinery used in the production or primary processing of agricultural products is permitted.

Ms. Kilby stated that was a farm ordinance, not the one she was looking for.

Ten-minute recess while Commissioner Kilby went to her office to see if she could find the correct ordinance.

Ms. Hair asked if this was going to be Mr. Eshs full time job or is he also going to farm.

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Mr. Blank stated his son-in-law would be a welder not a farmer.

The Section of the ordinance the she is referring to is Sub-Section 101.110

COMMENTS IN SUPPORT: Mr. Jonathan Esh, (father) wants to see his son get started in a good business and is in favor of this Special Exception.

GENERAL COMMENTS: Mr. Bill Ritter, neighbor of the Eshs has some concerns about chemicals and welding fumes. Are there any environmental hazards? Are there any forms of waste products in the form of liquid generated?

Mr. Esh stated they use gas and run a fan while he is working. There will be just scrap metal left for waste.

Mr. Ritter asked where the scrap metal would be stored.

Mr. Esh stated it would be stored behind the shop and would be screened from the road.

Mr. Ritter wanted to know if anyone has contacted Armstrong Phone Company about the under ground phone lines.

Mr. Esh stated they are 400' away from the phone lines. There will be no phone connected to the shop. They would share a phone with the other neighbors (Amish).

Mr. Esh will be the only employee in this shop.

Mr. Ritter is concerned about the traffic this will bring into the area.

Mr. Blank stated there would not be any more traffic than there is now.

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COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

OPEN SPACE:

APPLICANT: Parks and Recreation Department

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development Fiscal-Year
2003.

Staff recommended approval.

ACTION: Motion made to recommend approval, with Planning Commission conditions, Re-consider the land
acquisition cost for Elkton Recreation Center and Turner Park. Eliminate the Conowingo
Multi-Use

Park from the parks program by Rossetti, seconded by Hair.

VOTE: Brown abstained, Smith disapproved, motion carried.

TEXT AMENDMENT:

SIGNS:

APPLICANT: Cecil County - Text Amendment.

July 15, 2002, 7:00 p.m.

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FOR: Section 261. Signs exempted from regulations. Amend Sections 261.10 and 261.12 Signs exempted from regulations on house of worship bulletin boards, identification signs and church directional signs.

Staff recommended approval.

ACTION: Motion made to recommend approval with conditions to remove new language to Section 10 and eliminate Section 12 by Smith, seconded by Brown.

VOTE: All in favor, motion carried.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Cliff and Elise Stearns.

FOR: Establishing an Agricultural Preservation District.

Staff recommended approval.

ACTION: Motion made to recommend approval by Rossetti, seconded by Brown.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Carolyn L. Wing.

FOR: Special Exception for a home occupation to conduct a hair salon business

Staff recommended approval for two years.

PLANNING COMMISSION MEETING 2002

ACTION: Motion made to recommend approval with conditions by Hair, seconded by Smith

VOTE: All in favor, motion carried.

APPLICANT: Jonathan S. Esh, Jr.

FOR: Special Exception for a home occupation to conduct a welding business.

Staff recommended approval for two years.

ACTION: Motion made to recommend approval by Smith, seconded by Brown.

Motion made to recommend disapproval by Rossetti, seconded by Hair.

VOTE: Three to one for disapproval, motion carried.

GENERAL DISCUSSION: Mr. Carl Walbeck entered into minutes a letter to the Cecil County Commissioners on the approach to protection and enhancement of the Upper Eastern Shore, attached for a reference.

The meeting was adjourned at 9:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 19, 2002 at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

July 15, 2002, 7:00 p.m.

September 16, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Rossetti, Hair, Coudon, Smith, Brown, Sennstrom, Houston and Dempsey.

ABSENT: Farrell (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Hair, seconded by Rossetti and unanimously carried to approve the August 19, 2002, 7:00 p.m., minutes as mailed.

HISTORIC DISTRICT NOMINATIONS:

FILE: 2002-02 APPLICANT: Classic Yacht Restoration Guild, Inc.

FOR: Establishing a historic designation on the Yacht Elf.

PROPERTY LOCATION: 685 Pond Neck Road, Earleville, MD 21919, Tax

map: 56 Parcel: 6 Election District: 1.

PROPERTY OWNER: Classic Yacht Restoration Guild, Inc. Rick Carrion,
President.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Eric Sennstrom, Director of Planning and Zoning presented the application of the Historic District Nomination. Mr. Rick Carrion presented a slide presentation of the Classic Yacht Elf. This is a non-profit organization. This yacht was designed and built by Mr. George Lawley, Builder of many America's Cup winners. The yacht is on the national register of historic places. Mr. Henry Howard's trip from Marblehead to Halifax was the first trip of its kind in 1893. The blocks, keel and gimbals are the only original parts left. Restoration should be completed in 2005. The Historical District Commission has recommended approval of

PLANNING COMMISSION MEETING 2002

this nomination with the condition that the designation be rescinded if the yacht is moved permanently outside of Cecil County. The Elf regularly sailed between New England and the Bahamas. The yacht frequently visited the Chesapeake Bay and was featured in Bay Magazine. The yacht celebrated her 100th birthday in 1988.

Ms. Hair asked where would the yacht be stored after restoration.

Mr. Carrion stated it would be kept in Cecil County on the Sassafras River. He bought this yacht on the granary docks in 1971 when he was nineteen years old to put himself through college.

Ms. Rossetti asked if this yacht is already designated a historic site. Is it unusual to have a movable object for a historic site?

Mr. Carrion stated not as far as Nation Historic Sites are concerned.

Ms. Rosstti asked about grants being available, since it would be designated through the County.

Mr. Carrion stated they had received \$25,000.00 in the past from the Maryland Historical Trust and now they are putting their monies into Skipjack. Mr. Carrion is looking close for the easement designation. After the yacht is restored he would like to use it for environmental education purposes. There has been forty years of maintenance in a short period of time. This is the oldest small yacht in America, third oldest in the World.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2002-03 APPLICANT: Cecile T. McCaffery.

FOR: Establishing a historic designation on the Brick House

PROPERTY LOCATION: 1151 N. St. Augustine Road, Chesapeake City, MD,

21915 Tax map: 48 Parcel 81 Election District: 2.

September 16, 2002, 7:00 p.m.

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PROPERTY OWNER: Daniel L. & Cecile T. McCaffery.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Eric Sennstrom, Director of Planning and Zoning, presented this application for Ms. McCafferty, as she had a previous engagement. The Brick House is 18th century Georgian style built in 1785 and was used as a temporary seat of Court during the War of 1812. The structure was also used as a post office and general store into the early 20th century. The brickwork is original except where repairs have been made. The brick is common bond style with one header course and five stretcher courses. The front door contains a Georgian arch and is framed by wooden pilasters. There are three large sash windows and a brick exterior stairway that leads to a ground floor room, which was originally used as a kitchen. The Historic District Commission has recommended approval of this nomination.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Smith asked has this been through the Maryland Trust?

Mr. Sennstrom stated, that he is not aware of State designation as a historic structure.

Mr. Walbeck asked if this home was currently occupied.

Mr. Sennstrom stated, yes .

FILE: 2002-04 APPLICANT: Helen O. McKinney.

FOR: Establishing a historic designation on the McKinney family cemetery.

PROPERTY LOCATION: McKinneytown Road, North East, MD 21901, Tax

map: 36 Parcel: 629 Lot: 1 Election District: 5.

PROPERTY OWNER: Gordon Mann.

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PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Eric Sennstrom, Director of Planning and Zoning, presented this application on establishing a historic designation on the McKinney family cemetery for Mrs. McKinney. The McKinney family cemetery was established and was actively used from 1811-1911. This plot of ground was used for the internment of the remains of seven generations of the McKinney family. The McKinney family settled in the Elk Neck area in 1712 and began farming and fishing. The first McKinney buried in the cemetery was Rachel McKinney, two months old, subsequently the remains of about 100 family members were buried there among them is Joseph McKinney who established a school #3 nearby. The dimensions are 90 x 90 . The Historic District Commission has recommended that this cemetery be designated as a historic site.

Mr. Walbeck asked if there would be addition cemeteries that would be in the historic district.

Mr. Sennstrom stated that it would be done on an individual basis.

COMMENTS IN SUPPORT: Mrs. Helen O. McKinney, 56 Susquehannock Blvd., North East, MD 21901 is in favor of this cemetery being on the historic register. Mrs. McKinney stated that the people who are buried there lived in the Elk Neck area. Significance of the cemetery is that Mr. Joseph McKinney is buried there. He helped erect the old school in Elk Neck. The McKinney s have restored and maintained the cemetery. Mrs. McKinney has documentation of the people who are buried there without headstones. It has never been put on a plot as a cemetery. Mrs. McKinney has put a chain link fence around the cemetery.

Mr. Sennstrom stated that State laws are in existence that limit cemetery disturbance and relocations. There would not be any local tax exemptions available for cemeteries.

Ms. Mary Oberstreet, P.O. Box 2, Perryville, MD 21903 stated that the cemetery means a lot to her and her family. She would hate to see anything happen to the cemetery. Mr. Mann has protected this cemetery for years and would continue to do so.

Ms. Mary Ayes, 506 Barnes Corner Road, Rising Sun, MD 21911 stated she is in favor of this cemetery, as her Great-Great-Great Grand-Parents are buried there.

COMMENTS IN OPPOSITION: None.

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REZONING:

FILE: 2002-09 APPLICANT: Paul & Donna Maccari.

PROPERTY LOCATION: 2680 Pulaski Highway, North East, MD 21901,

Election District: 5 Tax map: 31 Parcel: 365.

PRESENTLY ZONED: Multi-family Residential, (RM).

REQUEST: Business Local (BL) for newspaper sorting business or any other use permitted in the BL zone.

PROPERTY OWNER: Paul & Donna Maccari.

Mr. Keith Baynes, Esquire and Mr. Paul Maccari presented this application. A few years ago this parcel was up for application owned by Mr. Mark Krauss and Mr. David Weaver, purchased in December 1999. At that time there was a mobile home and today there is a garage located on that parcel. When the property was purchased the mobile home was removed and they removed all the trash. A piece of paving equipment was also there and it was removed. The renovations of this 39 x 42 block building consist of a new roof and windows. We feel there has been a mistake in the comprehensive rezoning. This property is not safe for children and cannot be zoned residential. Wells Camp Road, Rt.40 and Mr. Russell's property bound the property. There is no public water and sewer on this lot. There has been commercial wiring done for electricity. The property has been zoned multi-family and we suggest that is a mistake. Section 29 of the Zoning Ordinance defines the RM, (Multi-family) zone. The triangle lot limits construction (property is only ½ acre). Mr. Maccari purchased this building in February 2001 to sort newspapers. The papers are sorted in this building and from there they are delivered to their route. The reason that Mr. Maccari is attending the Planning Commission meeting is because of a neighbor's complaint. There is no noise on the property as the neighbors have complained they just sort newspapers.

Mr. Baynes stated the findings of facts that the neighborhood is an area within a ½ mile radius of the subject parcel. Razor Strap Road to the North, Maryland Route 7 to the South, and Red Toad Road to the West and Maryland Rte. 272 to the East border the area. The changes in the area have been only one rezoning the Squires property had been rezoned in 1994. Since the last comprehensive rezoning this property has been on the market at least twice. Mr. Russell who is opposed to this has had at least two opportunities to purchase this property, and has not. This piece of property is an island it could only be used for what it is being used for as a garage at the present time. We feel that this is compatible with the 1993 comprehensive plan. We also support commercial and industrial development on this piece of property because of the size of the property. Clifford L. Wilson, Sr. sent a note to Mr. Baynes stating that he ran an auto repair business at this site. Mr. Baynes presented pictures to the Planning Commission for their review.

Mr. Maccari stated that they want a safe place to sort papers.

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Health Department Report- No application received for water and sewage approval for proposed use. Sanitary permit R1219 was issued in 1991 for repair of the septic system serving a mobile home on the property at that time. Septic system is satisfactory for a commercial use with limited wastewater flow, with replacement of the existing dug well by a drilled well.

Mr. Walbeck about the business Mr. Maccari is operating at the present time.

Mr. Maccari stated that only newspapers are being sorted and dropped off for delivery. There are no other plans in the future for another type of business. Mr. Maccari's wife is operating the other part of the business out of his home.

Ms. Rossetti asked how long Mr. Maccari has been in the paper business.

Mr. Maccari stated thirteen years.

Mr. Baynes stated that the Maccari's bought this property with the intent to operate the paper business. If it weren't for the complaint by the neighbor, they would be continuing to operate their business with no problems.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Alvin Russell, 2665 Pulaski Highway, North East, MD 21901 stated one of his relatives used to own this building and they used it to work on their cars. He has lived next to this property for almost 30 years. There has never been electric, bathrooms or a business in that building. Mr. Russell presented a petition against the rezoning, copy in file. At the intersection where the property is located there have been two deaths. This past weekend Mr. Maccari had 18 to 20 vehicles at this site. This business is a seven-day a week process, noisy, a lot of cars and vans come into the site. Pictures presented, copies in file.

Mrs. Russell, 2665 Pulaski Highway, North East, MD 21901 stated the structure of the building has cracks all the way down the sides. She feels that the building is not safe. The Russell's called The State Highway Administration many times due to the volume of traffic at the intersection of Wells Camp Road and Red Toad Road. There is low volume area, low density and there is traffic in and out all night. She is concerned about

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traffic and people being killed at this intersection.

Mr. Allen Russell, 2637 Pulaski Highway, North East, MD 21901 stated he is concerned about the high volume of traffic and it keeps him up at night.

Mr. Cliff Houston, Zoning Administrator stated for the record that a letter had been received from Mr. Wilbur J. Whalen in opposition, 2656 East Pulaski Highway, North East, MD 21901, copy in file.

Ms. Clara Quesenberry, 2637 Pulaski Highway, North East, MD 21901 stated she couldn't sleep at night due to all the noise from the traffic.

Mrs. Donna Maccari stated for the record that this is her business and that there is no noise, like radios playing, traffic, etc. There are six carriers that presently work for her. On Saturday night there are ten people working because there is more sorting to do for the Sunday newspaper.

Mr. Maccari explained to the Planning Commission the pictures that Mr. Russell presented to the Commission, copies in file.

Mr. Cliff Houston, Zoning Administrator stated the rezoning meeting with the County Commissioners would be held on September 25, 2002 at 10:00 a.m.

FILE: 2878 - APPLICANT: Charity L. Devaux.

FOR: Renewal of a Special Exception for a home occupation to conduct a beauty salon.

PROPERTY LOCATION: 83 Winchester Drive, Elkton, MD 21921, Election District: 4 Tax map: 21 Parcel: 846 Lot: 218.

PROPERTY OWNER: Christopher J. & Charity L. Devaux.

PRESENTLY ZONED: Multi-family Residential, (RM).

Ms. Devaux, 83 Winchester Drive, Elkton, MD 21921 stated two years ago she applied for a special exception and she would like to renew the special exception so she does not have to come back every two years. She would like to extend it for an indefinite time. She has been in business for two years in her home. There are

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no problems with any neighbors or parking facilities.

Health Department Report- Public water and sewer-satisfactory.

Ms. Hair asked if she still plans to operate the business by herself.

Ms. Devaux stated, yes .

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2879 - APPLICANT: Patrick P. Pleasanton.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for agricultural help.

PROPERTY LOCATION: 1058 Middleneck Road, Warwick, MD 21912, Election District: 2 Tax Map: 53 Parcel: 6.

PROPERTY OWNER: Patrick P. Pleasanton.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Patrick Pleasanton, 1058 Middleneck Road, Warwick, MD 21912, stated he previously had a special exception for hardship purpose, since the he has built a house on the property. He would like to keep the mobile home on the property for farm help.

Health Department Report- Sanitary Permit D7622 issued in 1994-satisfactory.

Ms. Rossetti asked how many acres do you own?

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Mr. Pleasanton stated there are 117 acres.

Mr. Rossetti asked what are you planning to farm?

Mr. Pleasanton stated hay and straw. No one lives in the mobile home at the present time.

Ms. Hair asked if he would be renting the mobile home to the farm help.

Mr. Pleasanton stated there would not be any rent and the farm help would live there rent free.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2881 - APPLICANT: RE NU Mobile Home Sales, Inc.

FOR: Renewal of a Special Exception for a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 2261 Pulaski Highway, North East, MD 21901, Election District: 5 Tax map: 25
Parcel: 296 Lot: 1

PROPERTY OWNER: Paul Brown, Sr.

PRESENTLY ZONED: Business General (BG).

Mr. Robert Brown presented this application stating he needs the mobile home for security purposes. The development Timberbrook is near by and they have a lot of trouble with violence.

Health Department Report- Sanitary Permit D9186 issued in 1995-satisfactory.

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Ms. Hair asked if he had someone living in the mobile home presently? Is this 24-hour security or just in the evenings.

Mr. Brown stated, yes and someone is there 24-hour s a day.

Mr. Walbeck stated that there are three residences on this property. Is that correct?

Mr. Brown stated that is correct.

Ms. Rossetti stated that this is a renewal for security for three years, is that correct?

Mr. Brown stated, yes .

Mr. Walbeck asked if a fence could be put around the property between Timberbrook and their site.

Mr. Brown stated, no because people would go around the fence.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2883 - APPLICANT: James Lambdin.

FOR: Construction of a guesthouse on less than 50 acres.

PROPERTY LOCATION: 594 N. Little Elk Creek Road, Elkton, MD 21921, Election District: 4 Tax map: 6 Parcel: 69.

PROPERTY OWNER: James Lambdin.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

September 16, 2002, 7:00 p.m.

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Mr. David Parrack, Esquire presented this application along with owner Mr. James Lambdin. The request is for a guesthouse on less than 50 acres. Mr. Lambdin stated that this property has been known as Hopewell for over three hundred years. The main house was built somewhere between 1730 and 1761. This home is constructed of stone and is on the National Registry of historic places. Mr. Lambdin purchased the property in 1977 and the restoration was finished back to the main state by a well know Architect, Mr. James Woolen. Mr. Woolen is the Architect that designed the proposed guest cottage. The property is very private and it is completely surrounded on the North East and South side by The Mackie Farm (in agricultural preservation), Westerly is the Milburn Cherry Orchards. The purposed guest cottage would be 1 1/2-story structured 43 ft. long by 14 ft. wide approximately 600 sq.ft. The cottage would be constructed the same as the main house. This cottage should increase the value of adjoining property owners. The special exception will not adversely affect any public interest. There is an existing foundation on this site.

Health Department Report-Sanitary Permit B9961 issued in 1986 for restoring/rebuilding existing house, parcel 69 was created in 1988 by Minor Subdivision No. 1892. A satisfactory sewage disposal area was delineated at that time, which is available for the proposed guesthouse.

Ms. Rossetti asked what is the purpose of this guesthouse.

Mr. Lambdin stated it would be for his guests and not a Bed and Breakfast.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2884 - APPLICANT: Thomas I. Rynes, Jr.

FOR: Renewal of a Special Exception for a private club.

PROPERTY LOCATION: 255 Linton Run Road, Port Deposit, MD 21904, Election District: 7 Tax map: 23 Parcel: 641.

PROPERTY OWNER: Thomas I. Rynes, Jr.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. William Riddle, Esquire represented Mr. Thomas Rynes, Jr. in this application for renewal. In August 1999 Mr. Rynes was granted a special exception to have a Private Club. This club is only opened on Saturday

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evenings. The Club is a concrete block building. The entrance is off Linton Run Road and there is ample parking on site. There is also an auto salvage yard on the back of this property and it has been operating prior to 1970. There is no noise and there have been no complaints by any neighbors. Mr. Rynes would like this special extension renewed for an extended period of time.

Health Department Report-Sanitary Permit F7259 issued in 1999 for Private Social Club -satisfactory.

Ms. Rossetti asked if the salvage yard has a special exception.

Mr. Rynes stated no it has been grand fathered. This operation was in affect before zoning ever took affect.

Ms. Rossetti asked about a back entrance into the salvage yard.

Mr. Rynes stated, no there is no back entrance.

Mr. Walbeck asked if the Police still do target practice on the back of this property?

Mr. Rynes stated, no .

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2885 - APPLICANT: Edward Zebley.

FOR: Placement of a doublewide manufactured home in the Rural Residential,
(RR) Zone.

PROPERTY LOCATION: 30 Oak Avenue, Earleville, MD 21919 Election District: 1 Tax map: 56 Parcel: 92 Lot: 19.

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PROPERTY OWNER: Willow Associates.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Edward Zebley and his fiancé presented this application. They would like to purchase some land in Crystal Beach Manor and put a doublewide mobile home on the parcel. Presently Mr. Zebley, his fiancé and two children are living with his parents and want a place of their own, as they will be getting married in September 2002. He would like to place a doublewide on this property in Crystal Beach Manor. They have spoke to all the neighbors and they do not object to the doublewide. Mr. Zebley presented some pictures to the Planning Commission.

Health Department Report-Willow Association/Zebley-Sanitary Permit/Building Permit application G2600 was approved by the Health Department, September 9, 2002 for this proposal.

Ms. Rossetti asked if Willow Associations owns this piece of property.

Mr. Zebley stated, yes and they are going to buy the property if the Special Exception is granted to build a doublewide mobile home.

Ms. Hair asked if this is a mobile home park?

Mr. Zebley stated, yes , but there are many doublewides in the area.

Mr. Houston, Zoning Administrator stated that it is not in the MH section of Crystal Beach it is in the RR section. There are many doublewides already in the area.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

September 16, 2002, 7:00 p.m.

HISTORIC DISTRICT NOMINATIONS:

APPLICANT: Classic Yacht Restoration Guild, Inc.

FOR: Establishing a historic designation on the Yacht Elf.

Staff recommended approval, with conditions that if the Yacht is permanently located outside Cecil County that the historic designation be rescinded.

ACTION: Motion made to approve with staff conditions by Hair, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Cecile T. McCaffery.

FOR: Establishing a historic designation on the Brick House.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: Helen O. McKinney.

FOR: Establishing a historic designation on the McKinney family cemetery.

Staff recommended approval.

ACTION: Motion made to approve by Rossetti, seconded by Brown.

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VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Paul and Donna Maccari.

FOR: Request to rezone .5 acres from (Multifamily Residential), RM to Business Local, (BL) for newspaper sorting business or any other use permitted in the BL Zone.

Staff recommended disapproval, no demonstrated mistake in last comprehensive rezoning, and no demonstrated change since last comprehensive rezoning.

ACTION: Motion made to approve, based on mistake in 1993 comprehensive rezoning By Smith, seconded by

Coudon.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Charity L. Devaux.

FOR: Renewal of a Special Exception for a home occupation to conduct a beauty salon.

Staff recommended approval, as long as applicant owns the property and operates the business.

ACTION: Motion made to approve with staff conditions, by Hair, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: Patrick Pleasanton.

September 16, 2002, 7:00 p.m.

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FOR: Renewal of a Special Exception to retain a singlewide manufactured home for agricultural help.

Staff recommended disapproval, no demonstrated need for agricultural help.

ACTION: Motion made to disapprove with staff conditions by Rossetti, seconded by Smith.

VOTE: All in favor, motion carried.

APPLICANT: RE-NU Mobile Home Sales, Inc.

FOR: Renewal of a Special Exception for a singlewide manufactured for security purposes.

Staff recommended approval, as long as applicant operates business and property owner owns property.

ACTION: Motion made to approve with staff conditions by Smith, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: James Lambdin.

FOR: Construction of a guesthouse on less than 50 acres.

Staff recommended approval.

ACTION: Motion made to approve by Coudon, seconded by Hair.

VOTE: All in favor, motion carried.

APPLICANT: Thomas I. Rynes, Jr.

FOR: Renewal of a Special Exception for a private club.

PLANNING COMMISSION MEETING 2002

Staff recommended approval for five years.

ACTION: Motion made to approve with staff conditions by Smith, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Edward Zebley.

FOR: Placement of a doublewide manufactured home in the RR Zone.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Rossetti.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 8:46 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 21, 2002 at 7:00 p.m.

August 19, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Rossetti, Coudon, Hair, Smith, Brown, Sennstrom, Houston, and Dempsey.

ABSENT: Farrell (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Smith, seconded by Brown and unanimously carried to approve the July 15, 2002, 7:00 p.m., minutes as mailed.

HISTORIC DISTRICT NOMINATIONS: WITHDRAWN.

RESCHEDULED FOR NEXT MEETING: SEPTEMBER 16, 2002.

REZONING:

FILE: 2002-08 - APPLICANT: Ray of Hope Mission Center, Inc.

7 PROPERTY LOCATION: 958 Craigtown Road, Port Deposit, MD 21904, Election District:

Tax map: 23, Parcel: 490.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR)-Business General, (BG).

REQUEST: Rezone 10.339 acres from NAR-BG to DR-BG for the proposed use of Mission Center Building lots on DR or any other use permitted in a DR-BG.

PROPERTY OWNER: Douglas R. Johnson, LLC.

PLANNING COMMISSION MEETING 2002

Mr. Frank Rinaldi, Jr., Director of Ray of Hope Mission Center and Mr. Douglas Johnson, Owner presented this application. Mr. Rinaldi stated the Ray of Hope Mission Center is currently located at 958 Craigtown Road, Port Deposit, MD. The Mission has been in operation for five years. The Mission is a non-profit organization and is there to help families in need; currently they have thirteen Churches involved with their operation. The Mission has various programs, which include giving out food and medicine and help to anyone in need. The annual budget is \$130,000.00. They have outgrown the building that they are presently in, and wish to have this rezoning approved, so they can build a twenty-one (21), room shelter, a daycare, soup kitchen and housing. There is a great need in Cecil County for this Mission to be expanded. Mr. Johnson purchased this property for the Mission and Mr. Rinaldi stated they would like to pay him back for the purchase. They would like to expand down the road as they are foreseeing a bad winter due to 9/11 and the stock market.

The rezoning they are requesting is one acre changed to two acres in the Business General, (BG) zone and the remaining acreage changed from Northern Agricultural Residential, (NAR) to Development Residential, (DR). In the 1980's the entire parcel was zoned Commercial. During the last comprehensive rezoning it was Business General, (BG) on the corner approximately one-acre and the remainder acreage Northern Agricultural Residential, (NAR). Everything on the other side of the road was zoned Development Residential, (DR). Further checking was done and found that the entire area was in the Development Residential, (DR) zone on the land use plan. This continues to the Craigtown Road area and Camp Meeting Ground Road. They feel it was a mistake in the 1993 comprehensive rezoning and the whole area should have been changed to Development Residential, (DR). This property at present time is Agricultural and never has been farmed. Two acres would be designated as Business General, (BG) and the remaining from Northern Agricultural Residential, (NAR) to Development Residential, (DR).

Mr. Johnson stated to the Commission that there is a need for this rezoning. The Landhope property has been rezoned since 1993 and the property where the Bainbridge Mini-Market is located has been rezoned since 1993, both due to a mistake in the 1993 Comprehensive Rezoning

Mr. Rinaldi stated that to keep in mind that this is a non-profit organization. The books are open to the public, and anytime they would be able to see the accounting procedure.

Health Department Report Douglas Johnson LLC/Ray of Hope Mission Center Existing building on site formerly operated as a grocery store; change of use to a mission center will require determination of projected wastewater flow and evaluation of adequacy of existing septic system. Preliminary soil evaluations were conducted on rear of property in 1982 proposed subdivision will require submittal of concept plan and testing of each proposed lot.

Ms. Rossetti asked what could occur on Development Residential, (DR) versus Northern Agricultural Residential, (NAR) property?

PLANNING COMMISSION MEETING 2002

Mr. Sennstrom, Director of Planning and Zoning stated the same kind of uses could be placed in both. The main difference is the density in the DR zone being 1 to 1 and the NAR is 1 to 5. The lots would also have to pass perc. with the Health Department.

Mr. Rossetti stated that the 10 acres of NAR they could maybe get three lots. Then there would be eight potential lots left.

Ms. Rossetti asked who the previous owner of the property was? Were there horses on this property?

Mr. Rinaldi stated it was the Sherrard property and there were a few horses a few years ago.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Bill Francis, 914 Craigtown Road, Port Deposit, MD stated he has been a neighbor and is concerned whether these are going to be two acre lots. The property adjacent to him is all wet- lands. He feels if this is a commercial piece of property the traffic on Craigtown Road would be dangerous. He has a problem getting out of his driveway now, what will it be like if the rezoning is approved? The police are there every other day trying to slow people down on Craigtown Road. He would like to see this property kept at two-acre lots if possible.

Mrs. Jeanette Hillyer, 14 Jackson Park Road, Port Deposit, MD stated she has a 20 acre farm in front of my house. Mrs. Hillyer submitted a letter from Ms. JoAnn Hayes that could not attend the meeting. In 1962 the first owner was Mr. John Brown, disabled veteran applied for a special exception to build a convenience store. It was approved one acre C-1 and the rest R-1. In 1982 an application was presented to change it from R-1 to MH, and it was denied. In 1984 the application was changed from C-1 to MH. In 1993 application was BG/NAR to BG/MH because the County Code was changed. In April 2000 applications were denied. There is no change in the neighborhood. Six times the application has been made, and denied all six times.

Mr. Houston read into the record a letter we received in opposition from Rev. John J. Abrahams, 46 Abrahams Road, Port Deposit, MD; copy in file.

Mr. Walbeck presented a letter to Mr. Houston to read into the record that Mrs. Hillyer presented to the Planning Commission. It was submitted from Ms. JoAnn Hayes, 4133 Quail Way, Havre de Grace, MD.

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Mr. Gary Meckes, 924 Craigtown Road, Port Deposit, MD stated they have done a great job cleaning the place up, but is concerned about the twenty-one beds and being a homeless shelter, as he has children.

SPECIAL EXCEPTIONS:

FILE: 2872 - APPLICANT: David L. Ashford.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 1591 East Old Philadelphia Road, Elkton, MD 21921, Election District: 3, Tax Map: 32, Parcel: 470.

PROPERTY OWNER: David L. Ashford.

PRESENTLY ZONED: Heavy Industrial, (M2).

Mr. David L. Ashford, 1591 East Old Philadelphia Road, Elkton, MD presented this application. He would like the special exception be renewed for security purposes.

Mr. Walbeck asked, why the occupant living in the house would not provide the security? Why do you need to have a mobile home?

Mr. Ashford stated that there is no one living in the house and it is being presently being re-modeled. It has been a slow process and when the house is finished we will not need the mobile home.

Ms. Hair asked if the person that would be living in the mobile home works for him.

Mr. Ashford stated he works for me during the day driving a truck and would be living in the mobile home at night for security purposes.

PLANNING COMMISSION MEETING 2002

Health Department Report Sanitary Permit F1901 issued in 1997 for security mobile home satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2874 - APPLICANT: Craig Kostyshyn.

FOR: Special Exception for a home occupation for making and selling steel rifle barrels.

PROPERTY LOCATION: 188 Farah Drive, Elkton, MD 21921, Election District: 9, Tax Map: 12, Parcel: 261.

PROPERTY OWNER: Craig Kostyshyn.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Craig Kostyshyn, 188 Farah Drive, Elkton, MD presented this application. He is a fourteen year resident of Cecil County. In 1988 he purchased his property in Shaw Valley. He is a part-time single-family parent. He is applying for a special exception for making and selling rifle barrels. Manufacturing of rifle barrels is a simple process that can be done out of your garage. There are approximately 125 manufactures in the United States, and 100 people are doing this out of their garages or basements. This is not a retail operation, and customers do not come to the house. All sales are done through direct marketing and word of mouth. Orders are placed by phone and barrels are shipped by U.P.S. There would be no employees working with him and parking is not a problem. The location of the business would be in his 24 x 24 garage. The office would be in his master bedroom and the shop would be in the double garage and double insulated and new windows installed so there would be less noise. There is no storage of fuel tanks or any signs of advertising this business on the property. The noise is about the same as a vacuum cleaner. Parts are delivered every week or two by U.P.S. This is not a retail operation and it also is environmentally safe with no hazardous materials. There also is no fitting of barrels to guns. The customers would be fitting the barrels to the guns themselves. There is no chambers or threads on the barrels. This home occupation would be convenient for him, being a single parent.

Health Department Report Sanitary Permit A9075 issued in 1978 for dwelling; no anticipated increase in wastewater flow satisfactory.

Mr. Coudon asked what the hours of operation would be.

PLANNING COMMISSION MEETING 2002

Mr. Kostyshyn stated he does computer work in the morning and the running of the machines would be during typical working hours.

Ms. Hair asked if this would be is full time job?

Mr. Kostyshyn stated at the present time it would be.

Ms. Rossetti asked how many barrels would you make in a month.

Mr. Kostyshyn stated about four barrels a month, and in the future, (5 years) about 55 a month.

Ms. Hair asked if the neighbors, outside the garage area, could hear the machines.

Mr. Kostyshyn stated the machines are not there at the present time, but the only noise you would hear is the window air conditioners. The garage is insulated, so the noise should not be heard. If there happens to be noise, he would make every effort to solve the problem.

Mr. Walbeck asked if he was buying this business from someone else.

Mr. Kostyshyn stated yes.

Mr. Walbeck asked if there would be any waste products.

Mr. Kostyshyn stated that there would be metal shavings that could possibly be recycled.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: Ms. Karen Tichnell, 156 Farrah Drive, Elkton, MD represented the residents of Shaw Valley in their opposition. Ms. Tichnell presented a petition and letter with 40 names of residents that are opposed to this in home business in the making of rifle barrels, a copy attached for reference. They would like their concerns to be thoughtfully considered from their viewpoint. They have a pleasant, quiet neighborhood with a specific environment that they wish to maintain. The residents do not want to see a manufacturing or production business.

Ms. Kathleen Richardson, 157 Farah Drive, Elkton, MD moved to Shaw Valley 5 years ago, and has small children and does not want to see U.P.S. trucks in the development.

Mr. Bob Dollinger has rented for 21 years, and the last 11 years he has lived in Shaw Valley, and he would like the area to stay residential not commercial. He feels that Mr. Kostyshyn has plenty places that are zoned commercial that he could maintain this business.

Ms. Carolyn Buchanan, 167 Farah Drive, Elkton, MD stated her family moved into Cecil County 22 years ago, and does not want to see a manufacturing business in Shaw Valley.

FILE: 2875 - APPLICANT: Wireless Tower Group Saul Ewing LLP.

FOR: Special Exception to permit the installation of a 196' high lattice communication tower.

PROPERTY LOCATION: 1479 Tome Highway, Port Deposit, MD 21904, Election District: 6,
Tax Map: 23, Parcel: 78.

PROPERTY OWNER: Robert L. and Jane S. Jackson.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Robert Cannon Esquire, Law Firm of Saul Ewing LLP, 100 S. Charles Street, Baltimore, MD is representing the Wireless Group to construct a 196' lattice telecommunication tower on property known as 1479 Tome Highway, Port Deposit, owned by Mr. Robert Jackson. The property is near the intersections of Rt.276 and Firetower Road. The property is in a NAR zone and a tower would be permitted with a special exception.

PLANNING COMMISSION MEETING 2002

Exhibit 1 is the plan that has been filed with Planning and Zoning Office.

Exhibit 2 is the summary of the telecommunications act of relevant sections.

Exhibit 3 is an excerpt of the wireless communication and public safety act of 1999.

Exhibit 4 is the summary of Maryland cases involving special exceptions.

Exhibit 5 is the resume of Mr. Pablo Lopez, Telecom Wireless Solutions, Atlanta, GA.

Exhibits 6 and 7 will be maps that they will supply to show the Planning Commission.

Exhibit 8 is a search ring, copies in the file in the Planning and Zoning Office for reference.

Mr. Tom Waniewski, The Wireless Group, explained the search ring to the Planning Commission. The search ring is marked exhibit 8. This search ring was prepared a few years ago by Voicestream. Mr. Waniewski's group does work for AT & T Wireless, Voicestream, Sprint and Nextel. Cecil County is under utilized except for the section on the I-95 corridor. The towers off I-95 do not reach into the countryside of Cecil County. His firm located all the existing towers within Cecil County. They cannot use the old existing towers such as Old Firetower or the Silo on Tome Highway. There are no other towers within a two-mile radius of this site. The closest tower is the Rising Sun Fire Company tower. If the application is approved the foundation will be built to support 196 , at the present time 180 is needed. This 196 tower would accommodate six.

Ms. Rosetti asked how tall is the fire tower?

Mr. Waniewski stated the fire tower is about 120

Mr. Rosetti asked if this tower would be in open land.

Mr. Waniewski stated that it is currently in a clump of trees, but these trees would be removed from the site. The field of elevation has to be a higher elevation of Firetower Road, so people looking at the tower would

PLANNING COMMISSION MEETING 2002

have to look up to see the tower, the base would be surrounded by trees.

Mr. Cannon stated that the search was done in accordance of Section 115 of the Cecil County Ordinance.

Mr. Waniewski stated that this search took over a year and half to do.

Ms. Debbie Renz P.E., Dewberry-Goodkind Inc., 133 Gaither Drive, Mt. Laurel, NJ prepared the site plan and presented the proposed tower to the Planning Commission. Ms. Renz testified to the site improvements, compliance with the bulk area with the exception of the variances required with the exception of two setbacks. Ms. Renz described the construction of the proposed improvements including the tower and the existing conditions that exist. The cell tower is a un-manned facility and does not need any other public utilities other than telephone lines. The plan that was submitted, they would ask it to be amended to delete a beacon light at the top. Also delete the generator and propane tanks that were shown to support the tower being 250 . Since the tower is less than 200 there is no requirement that it be lit. Ms. Renz testified to her familiarity to the Cecil County Zoning regulations. This use will comply with the requirements of Section 311.

Mr. Walbeck asked what would the elevation of the cable rack be?

Ms. Renz stated that typically the elevation is high enough to walk under.

Mr. Walbeck stated that they are much higher than a chain link fence.

Ms. Renz stated yes, about 13 and 18 high and supported by galvanized wire, which would be above the fence and the wires would be visible from the road.

Mr. Pablo Lopez, Senior Engineer, 400 Street Road, Bensalem, PA described his work experience to the Planning Commission, resume in file. Has worked in the Wireless industry for the last six years. The search ring was performed under his supervision, two years ago. The way the location of the tower is found has little to do with tax maps and zoning maps or ordinances. This is related to radio frequency and how the topographic. would fall into any given location. They are trying to provide coverage in an area where there is no coverage. It is in the countryside of Rising Sun and North of Perryville.

PLANNING COMMISSION MEETING 2002

Mr. Cannon asked what is the size of the search ring?

Mr. Lopez stated the search ring is ½ mile.

Mr. Cannon stated this proposed tower would be built with F.C.C. regulations and guidelines.

Mr. Lopez stated, the grant that would be issued is by the Federal Government is in compliance with the F.C.C.

regulations.

Mr. Robert Jackson, property owner, 1479 Tome Highway, Port Deposit is in support of this proposed tower.

Mr. Cannon, summarizing feels the special exception should be granted in accordance with the testimony that has been provided.

Health Department Report No Health Department approval of Sanitary Permit required.

COMMENTS IN SUPPORT: Mr. William Marshall, 51 Dr. Jack Road, Port Deposit, MD lives across the street from the site and is in approval of this tower being erected across from his property.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

REZONING:

APPLICANT: Ray of Hope Mission Center, Inc.

August 19, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING 2002

FOR: Rezone 10.339 acres from NAR-BG to DR-BG for the proposed use of Mission Center BG lots on DR or any other use permitted in a DR-BG.

Staff recommended disapproval, no demonstrated change since last Comprehensive Rezoning, no demonstrated mistake in last Comprehensive Rezoning.

ACTION: Motion made to disapprove with staff conditions by Hair, seconded by Smith.

VOTE: All in favor, motion carried.

APPLICANT: David L. Ashford.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

Staff recommended approval until occupancy permit is issued for dwelling on property.

ACTION: Motion made to approve with staff conditions by Smith, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Craig Kostyshyn.

FOR: Special Exception for a home occupation for making and selling steel rifle barrels.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Rossetti, seconded by
Smith.

VOTE: All in favor, motion carried.

APPLICANT: Wireless Tower Group, Saul Ewing LLP.

August 19, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING 2002

FOR: Special Exception to permit the installation of a 196 high lattice communication tower.

Staff recommended approval of 196 tower predicated on variances being granted.

ACTION: Motion made approve with staff conditions by Coudon, seconded by Hair.

VOTE: All in favor, motion carried.

DISCUSSION: Mr. Eric Sennstrom summarized a letter that Chairman Walbeck received from the Town of Elkton. The letter was rescinding a request from the town for POS money to help offset the town's acquisition costs for a parcel of ground intended to be an active recreation area. The town does not want to proceed with the project at this time.

The meeting was adjourned at 8:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 16, 2002 at 7:00 p.m.

October 21, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Coudon, Rossetti, Hair, Slicer, Houston and Dempsey.

ABSENT: Smith, Brown, Sennstrom, Farrell, (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Coudon, seconded by Hair and unanimously carried to approve the September 16, 2002, 7:00 p.m., minutes as mailed.

PROGRAM OPEN SPACE:

FOR: Elk Landing Acquisition- Installment 4 & 5 of 5, Town of Elkton.

LOCATION: 590 Landing Lane, Elkton, MD 21921.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer, Manager of Parks and Recreation presented this application along with Ms. Jeanne Minner, Director of Planning for the Town of Elkton. This is the final phase of this acquisition and the final amount needed would be \$137, 595.00. The proposed project involves the fee simple acquisition of 42 acres of land and improvements situated at the convergence of the Big and Little Elk Creeks. The property was acquired in 1999 and a non-profit group was formed. The parcel is located within the Chesapeake Bay Critical Area under the land use designations RCA and LDA. This site has significant historic value and was an important colonial center for shipping and commerce. Access to the site is from Landing Lane. The improvements on the site include a two-story, circa 1800 s house, ruins of circa 1600 s tavern and several out buildings. An original letter from Thomas Jefferson was found at this site. Also there were ship logbooks found from the 1800 s.

The property was appraised at \$323,000.00 the owner would go down to \$390,000.00, so the Town of Elkton has paid \$68,000.00 for the purchase of the property. This is the final phase for this open space project.

PLANNING COMMISSION MEETING 2002

Mr. Carl Walbeck asked has there been any thought into the National Park Service making this a national site?

Ms. Minner stated they had submitted an application for a battlefield grant program, and it did not make it the first round, but we are going to try again.

Health Department Report no comments required.

FOR: Chesland Park Development II.

LOCATION: Elk Forest Road, Elkton, MD 21921.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer presenting this application. Continued development of the regional park, provides facilities for football, soccer, baseball/softball. This project includes all work necessary to create these facilities. These include engineering, survey, design and construction of the facilities and associated roadways and parking. Cheslan Park is the largest of five regional parks designed to provide both active and passive recreation.

Ms. Hair asked if any lacrosse fields would be put in the park.

Mr. Slicer stated thank you for your suggestion.

Mr. Slicer stated that there is a traffic study being done to get a traffic light at Elk Forest Road and Rte. 213.

Mr. Walbeck asked about the proposed parking area. Is there going to be adequate parking available.

Mr. Slicer stated the Mr. Ryan is our Engineer and he is working on the parking site.

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Health Department Report no comments required.

FOR: Harbor View Development II- Amendment.

LOCATION: Basin and Bayview Roads, Chesapeake City, MD 21915.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer presented this application. The project has had a few problems with over-runs. The problem came from a low estimate from a party that did not get the bid. A few other estimates were also incorrect. The request is made to increase the total cost from \$21,329 to \$29,060.25 to cover actual post bid expenses. This was not included in the annual program because we thought it would be finished by now. There is still some drainage work to be preformed near the school bus stop.

Mr. Walbeck asked if this was the intersection of Bayview Road and Basin Road.

Mr. Slicer, stated yes .

Health Department Report no comments required.

FOR: North East Community Park, Town of North East.

LOCATION: Walnut Street, North East, MD 21901.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer and Ms. Melissa Cook-MacKenzie, Town of North East Administrator presented this application. The Town of North East would like to purchase and install a compliant surface covering; a tot lot structure, six swings, three freestanding components and a modular play system. There proposal is to remove old timber structures including the swings and the freestanding structure and replace with new equipment. This project is consistent with the Town s North East Community Park Plan and the Town s 2002 Comprehensive Plan. The dock and the bulkhead project are almost completed and there should be a balance of \$16,920.00 remaining. The Maintenance Department would spread wood chips for the surface. The Town would like to get rid of all the wooden structures at the same time, and replace them with heavy plastic and metal.

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Mr. Walbeck asked if there are any problems with the geese.

Ms. Cook-MacKenzie stated there have been no problems with the geese. The white geese have been relocated to a farm in Elkton. The white geese are a problem; they do not have a nice disposition.

Health Department Report no comments required.

FOR: Turner Park Expansion, Town of North East.

LOCATION: East Side of West Street, North East, MD 21901.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer and Ms. Melissa Cook-MacKenzie presented this application. This project would consist of acquiring 1.34 acres of vacant land for the purpose of expanding an adjacent park. (Turner Park). The Town would like to purchase parcel 47, which is currently vacant land. The current park is used for active recreation such as ball fields and basketball courts. This park is the only park that would provide resources to mid to late teens. This expansion would allow the Town to meet the need for additional recreational area for the increased population. This acquisition would also comply with the Town's Comprehensive Plan.

Mr. Walbeck asked if this developer had ever shown interest in building apartments on this property.

Ms. Cook-MacKenzie stated, yes and that is when we starting talking with him again about the park.

Health Department Report no comments required.

FOR: Conrail Land Acquisition, Town of Perryville.

PLANNING COMMISSION MEETING 2002

LOCATION: Roundhouse Drive, Perryville, MD 21903.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer and Mr. Eric Morsicato, Town of Perryville Administrator presented this application. The Town of Perryville has an opportunity to purchase four parcels of land adjacent to Rodgers Tavern. The Town would like to develop a festival park in the old Town area, which will enhance the new greenway trail along with the future water taxi and transient pier. The park will provide a place for visitors and residents of the Town to enjoy the waterfront. This area is part of the lower Susquehanna Heritage Greenway. It also addresses smart growth and will play an important role in tourism and the economic development of the Town of Perryville.

Health Department Report no comments required.

SPECIAL EXCEPTIONS:

FILE: 2888 - APPLICANT: Anna L. Baker. FOR: Special Exception Renewal of a home occupation to conduct a nail care business.

PROPERTY LOCATION: 1323 Principio Furnace Road, Perryville, MD 21903, Election District: 7, Tax Map: 34, Parcel: 36.

PROPERTY OWNER: George W. and Anna L. Baker.

PRESENTLY ZONED: Development Residential, (DR).

Ms. Anna Baker, 1323 Principio Furnace Road, Perryville, MD presented this application. She is requesting a special exception renewal of a home occupation to conduct a nail care business. She would like to keep this special exception for as long as she owns the business. Ms. Baker stated she would not be changing anything with the nail business.

Health Department Report Sanitary Permit No. 5419 issued in 1965 for dwelling. Minimal increase in water usage/wastewater flow satisfactory.

Mr. Walbeck asked how many customers do you have a week?

PLANNING COMMISSION MEETING 2002

Ms. Baker stated she has eight customers two days a week on Tuesday and Friday.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2890 - APPLICANT: Michael W. Hirst.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 780 Warburton Road, Elkton, MD 21921, Election District: 3, Tax
Map: 19, Parcel: 402.

PROPERTY OWNER: Michael W. Hirst.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Michael Hirst and wife Patty, 780 Warburton Road, Elkton, MD presented this application. He would like a special exception to locate a singlewide manufactured home for hardship purposes. Mr. Hirst's mother-in-law was killed in a car accident: so they would like to be able to have a manufactured home to take care of her husband (Mrs. Hirst's Father). They would like to have him close by, so they could assist him with his medications and any other duties he may need. A previous owner had a Special Exception for agricultural help.

Mr. Walbeck asked if the home was already purchased?

Mr. Hirst stated that it had not been bought at the present time.

Health Department Report Sanitary Permit A5788 issued in 1975 for mobile home/farm help and septic system, Sanitary Permit A8674 issued in 1977 for the existing house satisfactory.

COMMENTS IN SUPPORT: None.

October 21, 2002, 7:00 p.m.

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COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Town of Elkton.

FOR: Elk Landing Acquisition- Installment 4 & 5 of 5.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: Chesland Park Development II

FOR: Development of the park to include facilities for soccer, football, baseball/softball.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Harbor View Development II Amendment.

FOR: Project to provide new ADA play system and safety surface.

Staff recommended approval.

October 21, 2002, 7:00 p.m.

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ACTION: Motion made to approve by Rossetti, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Town of North East.

FOR: North East Community Park.

Staff recommended approval.

ACTION: Motion made to approve by Coudon, seconded by Hair.

VOTE: All in favor, motion carried.

APPLICANT: Town of North East.

FOR: Turner Park Expansion.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Town of Perryville.

FOR: Conrail Land Acquisition.

Staff recommended approval.

ACTION: Motion made to approve by Coudon, seconded by Hair.

October 21, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING 2002

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Anna L. Baker.

FOR: Special Exception Renewal of a home occupation to conduct a nail-care business.

Staff recommended approval for as long as owner owns the property and operates the business.

ACTION: Motion made to approve with staff conditions by Rossetti, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Michael W. Hirst.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for as long as father-in-law resides in the mobile home.

ACTION: Motion made to approve with staff conditions by Rossetti, seconded by Hair.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 8:05 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 18, 2002 at 7:00 p.m.

November 18, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Coudon, Rossetti, Hair, Brown, Slicer, Kilby, Sennstrom, Houston, and Dempsey.

ABSENT: Smith and Farrell (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Coudon, seconded by Brown and unanimously carried to approve the October 21, 2002, 7:00 p.m., minutes as mailed.

2003 2008 CAPITAL IMPROVEMENT PROGRAM (CIP)- Presentation of the six-year Capital Improvement Program (CIP) for FY 2003-2008.

In attendance were the following:

Al Wein- County Administrator

Craig Whiteford- County Budget Manager

Matt Carter- Director of Public Works

Frank Muller- Director of Emergency Management

Eric Sennstrom- Director of Planning and Zoning and Parks and Recreation

Not in attendance:

Winston Robinson- Accounting Manager, County Treasurer's Office

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County Administrator Wein and the Department Heads listed above presented this agenda item. If the CIP is approved, the budget numbers will be incorporated into the FY 2003 and 2004 operating budgets. The Committee made the following comments regarding CIP requests:

Mr. Craig Whiteford, Budget Director gave a brief overview of the debt affordability model. The debt affordability is a planning document to try to project revenues and potential expenditures for the Capital Program for a period of approximately six years, with the first year of the program upon approval to become part of the operating budget. The County can borrow up to \$68 million over the next five years and stay within its affordability limits. A copy of the Debt Affordability Model, attached for reference.

Mr. Al Wein, County Administrator stated the debt affordability model is a key to future capital planning efforts. It will provide the framework for maintaining and improving the ratings at the bond market next fall. There were two projects that were true mandates to pursue to construction, which are the Elkton High School addition renovation projects and the Department of Emergency Services communication project. The size of the County bond funding for Elkton High School is around \$21 million. State funding is available for this project. The only projects that the County can accommodate are the Elkton High School and Perryville Middle School at the present time.

Secondly the Committee has deferred indefinitely the following projects:

Perryville Elementary Addition Renovation

Rising Sun High School

North East High School

Leeds Elementary Renovation Project

The Elkton Station Project (Cecil Community College) and Elkton High in the current fiscal year cause the County to exceed three debt affordability thresholds. At the present time the committee is prepared to delete the Elkton Station project until after FY 2008.

Ms. Rossetti asked about the source of funding of \$20 million and over half of that is listed as other, what is other? Is that the bond issues?

Mr. Whiteford answered no. The bond issue item is listed as bonds for local bonds. The other is funds for water, wastewater and landfill. These are all at different stages of commitment for funding.

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Ms. Hair asked about the size of debt.

Mr. Whiteford stated that most of the debt comes from the landfill.

County Administrator Wein stated that the Board of Education was not part of the CIP, but they are submitting costs to the committee, attached for reference.

The next project County Administrator Wein spoke briefly on was the Libraries, Perryville Branch Library, Port Deposit Branch Library and North East Branch Library Expansion. There has been \$324,000.00 in 2004 put aside for the purpose of a new branch in Perryville.

Mr. Walbeck asked if the project for a combined library in Perryville and Port Deposit is still on the table.

Mr. Wein stated that would not be done at the present time.

Mr. Wein stated the time frame on the college would be deferred as it is out side the time frame for the Elkton Center. The only funding in the current fiscal year is for roof replacement work at the Bayview Campus.

Mr. Frank Muller, Director of Emergency Services stated that in 2004 begins the construction of the multi-unit station for communications infra-structure. This project is for all phases of the telecommunications system of the County. This would also upgrade the 911 Center. There are four areas that need to be addressed. The Paramedic Station 1, Paramedic Station 2, Communications System Implementation and Farr Creek Acquisition. We are working with a forty year old system. Many homeowners use cell phones instead of their home phones, and we cannot identify the locations or numbers.

The Cecil County Sheriff s Office currently needs \$75,000.00 to finish the lighting project. In the FY 2004-2008 there are other projects being requested, the Sheriffs Office Southern Precinct, Land Acquisition for a future facility, Computer System-phase II, Security Fencing with cameras and parking lot repairs and repaving.

Mr. Matt Carter, Director of Public Works presented their proposed CIP. The Solid Waste Division is in need of equipment, such as an Articulated Haul Truck, which is the biggest piece of equipment. Mr. Carter read off all the pieces of equipment that would be needed which is listed on the CIP list attached for reference.

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Mr. Walbeck asked if the problem with the landfill odors still exists.

Mr. Carter stated that we believe it is dormant for the moment. There has been a study done for the long and short-term study of the landfill gas. We are working on some solutions for this problem.

Ms. Rossetti asked where the homeowner's station is located?

The Central Landfill currently has three homeowner's areas. One is the bulk of the re-cycling center, and the other two are mix and straight refuse only.

The Water Division is in need of monies in several areas (Harborview, Pine Hills, Meadowview and Arundel) Mr. Carter spoke about numerous projects such as Harborview WTP Upgrade, Pine Hills Water Additional Well, Meadowview Water Supply, Arundel/Pine Hills Service Connection and Meadowview Water Distribution Upgrades.

Mr. Carter spoke about wastewater projects. There are a number of ongoing projects and projects ready to begin. The North East Seneca Point Treatment Plant is one of the projects on going. The rest of the list of project descriptions is attached for reference.

Mr. Carter then spoke about projects for the Road Department. There are 93 bridges in the County and 28 of them are high priority.

Mr. Walbeck asked about the bridges over railroads. Is it the railroads responsibility to maintain the bridges?

Mr. Carter stated that CSX does not want to pay for the maintenance of the bridges.

Ms. Rossetti asked if the intersection problems are based on current traffic or projected increase.

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Mr. Carter stated they are based on current traffic needs.

Mr. Walbeck asked about the Gilpin Falls Covered Bridge, why is there a significant amount of money left?

Is there going to be State funding?

Mr. Carter stating there is a cost sharing grant on going with the enhancement program 221. There is \$75,000.00 in grants from the Maryland Historical Trust for design and construction.

Mr. Walbeck asked why is Red Toad Road and Rt. 40 a County responsibility? Is it the responsibility of the State and the Developer?

Mr. Carter stated the developer of Whitaker Woods was required to pay \$30,000.00 toward the signal and it was a cost share with the State.

Mr. Walbeck asked about the ongoing project of Old Elk Neck and Rt.272. They do not connect, why are we dealing with a State road?

Mr. Carter stated that is not clear at the present time what can be done at this intersection for widening the road.

The lists of roads that are also going to be addressed are attached for reference.

Mr. Eric Sennstrom, Director of Planning and Zoning stated the department would be continuing to work on the Elk River Dredging Project. There is a new Contractor on board, due to the bankruptcy of the previous Contractor Augusta Georgia. Upon completion of the project they will be removing approximately 20,000 cubic yards of material. This will make a 50' wide channel, 4 to 5 feet deep, and 21,000 feet long.

Mr. Wein presented the Department of Aging proposed CIP. They will be looking into the feasibility study for the County's elderly and the Elkton Senior Center.

Mr. Wein presented the Facilities Management Department CIP. The CIP committee will be looking at some studies for more space in the Courthouse and for parking. The Courthouse needs some roof replacement and

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the Administration Building renovations should be on going.

Economic Development has one project listed for FY 2003, listed as the Perryville Access Road in the amount of \$1,450,000. There is State Highway funding and some Block Grant monies for this project.

PUBLIC COMMENTS: Capital Improvement Plan:

COMMENTS IN SUPPORT: Board of Education: Dr. Carl Roberts, Superintendent of Schools is very pleased that Elkton High School and Perryville Middle School are part of this recommendation from the County Government.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: Cecil County Libraries: Ms. Denise Davis, Director of the Cecil County Library stated they are in appreciative of the CIP Committee for the proposed construction of the Perryville Library and the upgrading of the systems in the Library.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: Cecil Community College: Ms. Jean Minner, Town of Elkton Planning and Zoning Director stated she is in support of the Cecil Community College Project.

COMMENTS IN OPPOSITION: Dr. Pannell is in opposition to the recommendation the CIP Committee made on the Elkton Center Project. The construction money for this project was discussed with the County in FY 2003. The Elkton Station Project is attached for reference.

COMMENTS IN SUPPORT: Emergency Management: Mr. Skip Mahan, Chief of Police for the Town of Elkton stated the 40 year old system we have today is very antiquated. The system we have today is based solely on hard wire phone lines, which is a tremendous cost to the County. There are very poor communications in the County and the system needs to be replaced and updated.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: Cecil County Sheriff: None

COMMENTS IN OPPOSITION: None.

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COMMENTS IN SUPPORT: Department of Public Works: None.

COMMENTS IN OPPOSITION: Department of Public Works- Road Division: Mrs. Emily Manlove stated that she was in opposition to item 462-27 which is the Mill Lane Dam construction. This is a privately owned dam. This area is in the critical area and is in agricultural land preservation. She feels that County monies should not be spent on this project. A Bridge makes more sense than a Dam. She requests that this line item be deleted from the CIP.

Mr. Matt Carter stated in response to Mrs. Manlove's opinion that a public hearing had been held, and there was a great deal of support from other homeowners. Federal monies fund most of this project.

COMMENTS IN OPPOSITION continued: Mr. Kenneth Richmond, 1500 Glebe Road, on Scotchman Creek, is concerned about the traffic of boats, also that a private owner owns most of the land for this project that the County is paying for.

COMMENTS IN SUPPORT: Elk River Dredging Project: None.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: Department of Aging: None.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: Facilities Management: None.

COMMENTS IN OPPOSITION: None.

The Cecil County Commissioners will hold their meeting on the Capital Improvement Program, (CIP) on December 3, 2002 at 7:00 p.m.

Amendment to the 1993 Master Water and Sewer Plan presented by Mr. Sennstrom, Director of Planning and Zoning. A consultant is currently working for Sandy Hill Camp noted that the tables #5 and #11 of the 1993 Master Water and Sewer Plan do not accurately reflect water or wastewater capabilities now or in the past. We are attempting to update our 1993 Water and Sewer Plan so MDE can finalize their permits. Attached is a letter from Frederick Ward for reference

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Ms. Rossetti asked if the expansion has already taken place?

Mr. Sennstrom stated no they just have submitted a site plan for review. There are issues with not only the Planning and Zoning Department, but with the Department of Public Works and Chesapeake Bay Critical Area Commission.

Health Department Report: Sandy Hill Camp Site Plan approval required for proposed expansion.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

PROGRAM OPEN SPACE:

FOR: Holly Tree Park Addition.

LOCATION: Holly Tree Lane, Perryville, MD 21903.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer, Manager of Parks and Recreation and Mr. Michael Morgan, Vice President of the Holly Tree Corporation presented this application. Holly Tree Park is the home of the travelers Christmas tree. Additional 5 acres of land is needed to provide safe parking areas for the visitors. Currently due to the lack of parking area, visitors must cross the railroad tracks or walk down a poorly lighted roadway. Additional land will provide an opportunity for better facilities particularly for the elderly. This will also give them an opportunity to construct a small museum suitable for year round activities, adequate storage and lavatory facilities. The figure for the cost of the land \$62,073.00 that the State will provide and approximately \$11,050 for incidentals, total being \$73,123.00. Mr. Morgan stated that the owner Mr. Frank Paragallo is donating his front field for parking.

Health Department Report- No application received for water and sewage approval for future sanitary facilities for park; should be resolved prior to acquisition of the property.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None

FOR: Elk Landing Acquisition, Town of Elkton.

LOCATION: 590 Landing Lane, Elkton, MD 21921.

FUNDING: Reimbursement funds available FY 2002 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer, Manager of Parks and Recreation and Ms. Jean Minner, Director of Planning and Zoning for the Town of Elkton presented this application. Mr. Josh Brown abstained himself from the Planning Commission vote as he is on the Elk Landing Committee. The proposed project involves the fee simple acquisition of approximately twenty-six (26) acres of land situated to the North of the Historic Hollingsworth House on Landing Lane. Twenty (20) acres will be purchased for open space purposes, while six (6) acres adjacent to the Elkton Wastewater Treatment Plant will be utilized for future expansion. This acquisition is part of an earlier acquisition of a forty-two (42) acre tract of land that includes historic structures. The owner of the property has granted the Town of Elkton first right of refusal. Acquisition of this site will provide the necessary space for parking, a visitor center and historic reenactment activities. This project is private and non-profit.

Health Department Report No comment required.

Ms. Rossetti stated you have already purchased this property, so what you are asking from Project Open Space is for re-imbusement of funds.

Ms. Minner stated, yes .

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

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REZONINGS:

FILE: 2002-10 -APPLICANT: Kings Way Ninety-Five, Inc.

PROPERTY LOCATION: 189 Bell Hill Road, Elkton, MD 21921, Election District: 3, Tax map: 27, Parcel: 260, 257, 1129-lot 2.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Rezone 26 Acres from Development Residential, (DR) to Business Intensive, (BI)

for the proposed use of Business-Flex Space or any other use permitted in a Business Intensive,

(BI).

PROPERTY OWNER: Todd Montgomery.

Mr. Barry Montgomery, Kings Way Ninety-Five and Mr. John Burkley and Mr. Pat Ulrich, Appraisers (Real Estate) presented this application. Ms. Diane Hair was advised by council to abstain from the Planning Commission as she is an adjoining property owner to the location requesting to be rezoned. Mr. Montgomery purchased this property in 1995 at a public auction, at that time it was zoned Development Residential, (DR). In 1998 Mr. Montgomery attempted to annex it into the Town of Elkton, and change the zoning in this particular area to C3 (Town). The same type of zoning we are asking for surrounds this property on three sides. Requesting rezoning from the West side of the transmission lines to Motel 6 to Business Intense, (BI). There have been some perk tests done on this property.

Mr. Pat Ulrich feels that there is a substantial change in the area. Many new businesses have been built such as: High's Store, Waffle House, Lort Building Signs, Hotel, Food Processing Plant, Keystone Overhead Door, S & M Paving, W. L. Gore, Mini Warehouses, K.F.C. and Taco Bell and six (6) acres on Warner Road the zoning was changed from C3 to C2. These are the changes that have taken place in the past few years. There is a desire for people to go there, which constitutes a change in the area.

Mr. John Burkley stated he felt there was a mistake in the original rezoning. This area abuts to Commercial uses on three sides. The portion of this property to be changed to Business Intensive, (BI) should be partly changed and the balance of the property should be Rural Residential, (RR) use. This property is so close to I-95 it is perfect use for industry and business. Residential use in this subject use is not desirable.

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Health Department Report Parcel 1129 (Lot #2 of Minor Sub. No. 2896) has been tested and approved for on-site well and septic for one dwelling or comparable wastewater flow; no application received for water and sewage approval for parcels 257 and 260.

Ms. Rossetti requested to see the zoning map in this area.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION:

Ms. Diane Hair, 19 Feeder Road, Elkton, MD stated she has lived there 60+ years and is opposed to this rezoning. If there is to be a rezoning she feels that the road needs to be changed as it is very narrow and has no shoulder. Belle Hill and Appleton Roads are narrow, no shoulders and The Hill is a very dangerous egress area. Traffic is very heavy on these roads and is opposed to any more entrances off Belle Hill Road or Appleton Road.

Ms. Lisa Driscoll, 590 Appleton Road, Elkton, MD has lived there for 17 years. She is concerned about the traffic. There is a small creek in the area, what will happen to the run-off?

Mr. Greg Lochten, 620 Appleton Road, Elkton, MD is new to the area. His biggest concern is that this property is very close to his property to be rezoned and opposed to how it will affect Appleton Road.

Ms. Rossetti asked as Development Residential, (DR) what would the density be?

Mr. Sennstrom, Director of Planning and Zoning stated. The density is 1 unit per acre for use of septic systems and 4 units per acre if community facilities are used.

Mr. Montgomery stated the corner of this property is within two hundred yards of a major traffic controlled intersection. The emphases are that there has been a mistake in this little block.

FILE: 2002-11-APPLICANT: Thomas and Linda Squires.

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PROPERTY LOCATION: S/S Pulaski Highway, S/E Corner of Redtoad Rd. & Rt. 40, North East, MD 21901, Election District: 5, Tax map: 31, Parcel: 942.

PRESENTLY ZONED: Multifamily Residential, (RM).

(BG) REQUEST: Rezone 0.92 acres from Multifamily Residential, (RM) to Business General,

for the proposed use of vehicle storage for business purposes or any other use permitted in a Business General, (BG) Zone.

PROPERTY OWNER: Tom and Linda Squires.

Mr. Robert Jones, Esquire represented Mr. Thomas Squires in this application. The request is that this property be rezoned from Multifamily Residential, (RM) to Business General, (BG). Basically this is a commercial strip along this area. Mr. Squires adjoining property has been rezoned along with the Maccari property across the street. Mr. Squires has about a half a dozen employees working for him in his paving business. Mr. Squires stated he has dump trucks, pick-up trucks, paving machines, rollers, loaders, and construction trailers. At the present time he is storing all this equipment behind his home. Mr. Squires explained how the property would be handled if it is rezoned. He would take a 70 x 70 are and parking his equipment there when not on a job site. He also would put evergreen screening around this area. The general population has been growing in this area since the last comprehensive plan. This property does not need public water or sewer. There would be no improvements on the property, only parking of trucks.

Mr. Walbeck what parcel the equipment would be parked on.

Mr. Jones pointed out to Mr. Walbeck where the parcel was on the map.

Health Department Report no application received for water and sewage approval (remaining lands of Minor Sub. No.382).

Ms. Rossetti requested to see the zoning map in this area.

Mr. Squires stated he would be using a back entrance off Red Toad Road not off Rt. 40.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Alvin Russell, 2665 Pulaski Highway, North East, MD has lived there most of his life and feels that most of the area is residential and feels there would be too much traffic.

Ms. Isalena Childers, 164 Red Toad Road, North East, MD stated she just bought her home and does not want to see this made commercial, as she does not want to look at heavy equipment from her front porch. When she had bought her home the Real Estate agent called Planning and Zoning and was told there was a foundation going on this property for a office and storage, not heavy equipment. She would rather see apartments on this property rather than heavy equipment parked.

Ms. Kimberly Clevenger, Red Toad Road, North East, MD stated there is too much congestion and there are no other businesses on Red Toad Road.

Mr. Charles Childers, 164 Red Toad Road, North East, MD stated when he bought his home a year and half ago he was advised the area is residential and would stay that way, not commercial. Thirty feet next to his house there are trucks constantly going in and out.

Ms. Pamela Russell, 2665 Pulaski Highway, North East, MD stated she has lived there thirty years and traffic in the area is congested. The Maccarri property is on going an appeal.

Mr. Alvin Russell, 2637 Pulaski Highway, North East, MD stated there has more accidents at the traffic light at Red Toad Road and Rt. 40. There is enough traffic at the present time; we do not need any more.

FILE: 2002-12-APPLICANT: John Downs, Esquire.

PROPERTY LOCATION: 973 Tome Highway, Port Deposit, MD 21904, Election District: 7,

Tax map: 23, Parcel: 31, 32 & 64.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Rezone 1.493 acres from Suburban Residential (SR) to Business General, (BG)
for

the proposed use of a paving business or any other use permitted in a Business General, (BG)

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Zone.

PROPERTY OWNER: Deborah Niebel.

Mr. John Downs, Esquire represented Ms. Debra Niebel. The property is at 973 Tome Highway, Port Deposit. There has been a substantial change in the community. Mr. Downs presented a booklet with pictures for the Planning Commission to view. The parcels that are in question for the rezoning are parcels 31, 32 and 64. There is large equipment behind the fence. The trees are used as a buffer and there is screening on both sides. There is a large mobile home behind this property. Mr. Downs explained each picture, which is in the file in the Planning Office. Across the street from Ms. Niebel there is a farm, which is used for a business facility similar to what Ms. Niebel wants for her rezoning. The facility is used for storage of equipment overnight, no work is being performed at the site. Each picture shows how everything in the surrounding areas is zoned commercial. School buses are being stored across the street. These pictures prove that there have been changes in the area. There is no need for water and sewer hook-ups. The main use is for the storage of equipment.

Health Department Report No application received for water and sewage approval for proposed business; Sanitary Permit R2651-01 issued 2001 for repair of existing septic system at the house.

Ms. Rossetti asked how long have you owned this property?

Ms. Niebel stated two years and when it was purchased it was residential.

Ms. Rossetti asked when did you start your business?

Mr. Downs, explained that they did not conduct their business there, they just stored their equipment at this site. There is presently an injunction, and the Planning and Zoning Office agreed to hold off until after the rezoning was heard at the Planning Commission meeting and the meeting with the County Commissioners on 11-25-02.

Ms. Kilby, County Commissioner asked if there is a sign for this business displayed presently.

Mr. Downs stated that is correct. There are also some problems with the sign as well.

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Mr. Walbeck stated last week when he visited the property there was a sewage disposal truck parked in the driveway, is that part of the business also?

Ms. Niebel stated, yes .

Ms. Rossetti asked since sewage disposal is part of the business, where is it disposed?

Ms. Niebel stated it is disposed at Seneca Point Treatment Plant.

Ms. Rossetti asked what is involved with your business.

Ms Niebel stated paving, dumping, sewage disposal, etc.

Ms. Rossetti asked what the argument would be for the rezoning.

Mr. Downs stated, change . There are many new commercial properties in the area, such as Landhope Farms, Mini-Storage, and various other businesses.

Ms. Rossetti requested to see the tax map of this area.

Ms. Hair asked if the business was operated out of her home. Is there any place available to rent instead of using your property.

Ms. Niebel stated she operates her business out of her home and has no other place to rent.

Ms. Rossetti asked if this was a brand new business or did you get it from someplace else.

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Ms. Niebel stated that they had had bought it from the Principio Road area.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Ken Hall, 749 Tome Highway, Port Deposit, MD lives across the street and is opposed because if he can not rezone why should the Niebel s be able to rezone. If you would sell your property that is zoned commercial you would get a better price, rather than selling residential.

Mr. Rupert Rossetti, 2825 Dr. Jack Road, Port Deposit, MD has been a resident there since 1994 and is opposed to the equipment and the sign. This property sits in the middle of a residential neighborhood. This is the only property with this activity in the area. This property also sits at the headwaters of Basin Run and there would be more run off.

SPECIAL EXCEPTIONS:

FILE: 2892 - APPLICANT: Gerald Daniels, Jr.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 269 Jackson Station Road, Perryville, MD 21903, Election District:

7, Tax Map: 29, Parcel: 684.

PROPERTY OWNER: Gerald Daniels, Jr.

PRESENTLY ZONED: Suburban Residential, (SR).

Mr. Gerald Daniels, 269 Jackson Station Road, Perryville, MD, has a home under construction and needs another ninety, (90) days for completion to maintain his mobile home. He has been waiting since early September for the power company to hook us up. The background was we have a mobile home pending construction and his building permit has expired. He still needs carpeting, molding, trim and flooring. He plans to move in ninety, (90) days. The power company stated they would out this week to finish up. Then a bill would need to be paid before the occupancy permit could be issued.

Ms. Hair asked what are you asking for.

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Mr. Daniels stated this new special exception would be for a mobile home for hardship purposes.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Gerald Daniels, Sr. (Father) stated his son lives with him and is Bi-polar and he feels it is time to remove the trailer, his son has had more than enough time to finish the home.

Mr. Jeff Creswell, 40 Creswell Lane, Perryville, MD stated this is the year 2002 and we have Inspectors to do there job, lets get it done and move the trailer out.

Health Department Comments Sanitary Permit F2276 issued in 2000 for dwelling, Sanitary Permit F8107 issued for mobile home pending construction of the dwelling satisfactory pending completion of dwelling.

FILE: 2893 - APPLICANT: Douglas and Donna Herrmann.

FOR: Special Exception for a home occupation to conduct a Photography business.

PROPERTY LOCATION: 87 Piccadilly Court, Colora, MD 21917, Election District: 6, Tax

Map: 17, Parcel: 578, Lot: 40.

PROPERTY OWNER: Douglas and Donna Herrmann.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Douglas and Ms. Donna Herrmann want to request a Special Exception to conduct their Photography business in their home. They conduct their business in the basement of their home, interviewing of clients for weddings, etc. They do not do any developing in their home, everything is sent out to a private developer. There would be a small sign out by their mailbox saying Photography by Herrmann.

Health Department Report Sanitary Permit issued in 1993 for dwelling information required on proposed additional wastewater flow and proposed means of disposal of any chemical waste generated.

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Mr. Walbeck if this would be a part time job.

Mr. Herrmann stated, yes .

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2895 - APPLICANT: Joseph Pursley.

FOR: Special Exception for an existing home to be used as a guest house.

PROPERTY LOCATION: 88 Russell Road, Elkton, MD 21921, Election District: 4, Tax Map:
21, Parcel: 197.

PROPERTY OWNER: Joseph Pursley.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Joseph Pursley stated he would like to have a Special Exception for his existing home to be used as a guesthouse. He is building a new house on the same property and his family has owned and lived on this property for one hundred fifteen (115) years. He was born in the old house and would like to keep it for his family when they come to visit.

Health Department Report Percolation tests and soil evaluations were conducted and this office signed Sanitary Permit G3197 for the new dwelling November 13, 2002; additional tests would be required for any future subdivision of the property.

Ms. Hair asked about the existing house. Would it just exist or would it be suitable for someone to rent.

Mr. Pursley stated it would not be for rent, it would just be for family.

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Ms. Rossetti asked why does he need a Special Exception?

Mr. Cliff Houston, Zoning Administrator stated it requires a Special Exception because it is less than fifty, (50) acres. In order to have two homes on one parcel of ground this was the only way it could be done. This home has sentimental value and is over two hundred (200) years old.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2897 - APPLICANT: Cecil Upper Room Gospel Tabernacle.

FOR: Special Exception to establish a private club for the church to use for youth activities and social functions.

PROPERTY LOCATION: 327 Old Bayview Road, North East, MD 21901, Election District: 5,

Tax Map: 19, Parcel: 48.

PROPERTY OWNER: Cecil Upper Room Gospel Tabernacle.

PRESENTLY ZONED: Village Residential, (VR).

WITHDRAWN.

FILE: 2898 - APPLICANT: William and Betty Battaglia.

FOR: Special Exception for a senior assisted living housing in Cecil County

PROPERTY LOCATION: Lot 1 - Singerly Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 897.

PROPERTY OWNER: William and Betty Battaglia.

PRESENTLY ZONED: Suburban Residential, (SR).

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Mr. David Parrack, Esquire represented Mr. William and Betty Battaglia in their application for a Senior Assisted Living housing in a single-family dwelling. The retirement housing can be permitted in the Suburban Residential, (SR) zone. This area is served by community sewer facilities. There will be eight, (8) rooms for residences, two, (2) residents per room. The house itself would be in residential in appearance approximately 3,300 sq. ft. and a separate area where meals would be served. There will not be a lot of off street parking by the residents, as most do not have vehicles.

Health Department Report Sanitary Permit G3181 was issued earlier this month for a 4-bedroom dwelling, however, the question of whether sufficient sewage capacity is available from CECO Utilities for the proposed use must be resolved. Approval is also required from the division of Licensing and Certification, Maryland Department of Health and Mental Hygiene.

Mr. Walbeck stated when he stopped by there, there was a sign advertising Bay Country Developers, what is the status of this parcel.

Mr. Parrack stated Mr. and Mrs. Battaglia own this parcel.

Ms. Rossetti asked if the grading had started on this parcel.

Mrs. Battaglia that she thought it had started today.

Mrs. Battaglia stated they have two other facilities for Senior Assisted Living. There are no handicapped residents living in these homes. They like converting homes into assisted living in residential areas instead of big buildings that do not blend well with the community.

Ms. Rossetti asked if the Battaglia s take part in the care of the residents.

Ms. Battaglia stated they have a very competent staff and there is one staff member per eight residents depending on the care that particular resident would need. There are different levels that the residents are accessed when they would move in. We have 24 hour care for our residents. We would like to see the resident s age in the same home; we treat this as a family unit. The Department of Aging sends us referrals. We deal mainly with low-income senior citizens under the Medicaid Waiver, so they do not have to pay the high prices of a nursing home. Most residents are from Cecil County.

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Ms. Hair asked we got involved with this program.

Ms. Battaglia grew up in a household with elderly people and she put herself through college working with the handicapped; and now is a licensed Occupational Therapist. There are no other vacancies in the County for group homes.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Cliff Peterson, 409 Little Egypt Road, Elkton, MD stated he was the original developer of the land. The sewer line is not big enough for commercial use. This is a residential community and the residents would like to keep it that way. This road is heavily traveled and there are a lot of children in the area. The entrance to Manchester Park is less than 2/10 of a mile and Johnstown Road, which are heavy traffic roads. Parking they could have to 22 vehicles with staff and visitors. You have the Forest Retention area not far away from the property.

Mr. Charles Chambers purchased Lot 2 next to this parcel representing Iron Hill Builders are opposed to this happening because this is to be a residential neighborhood, not a commercial run business. There will be staff members coming and going 24 hours a day, traffic, and this will lower our property values. We have two clients waiting for the outcome of this Special Exception before they would be in this area.

Mr. James Lankford, 1910 Singerly Road, Elkton, MD and bought the property at 35 Johnstown Road and is building his new home. He thinks it is nice what the Battaglia's are doing, but they are doing it in the wrong place. I have three children and I do not want to see this Senior Assisted Living coming into a residential neighborhood. One thing that concerns him the most is there is no age limit of people that can be brought into the house. I really want to see my children grow up in a correct setting. A facility like this should be built in an area that is more suited for this type of community.

Mr. Clyde Machamer, 60 Highland Ave, Elkton, MD lives very close to this activity going on and is opposed to this because this will totally bring the property values down. This is a residential area and we did not expect this kind of activity to occur. Nothing has been advertised in the newspaper to suggest that this activity was to occur. I have lived in the community for twenty years, and do not want to see this happen.

Ms. Karen Moody, 73 Highland Ave. has a problem with sixteen, (16) people living in a single-family dwelling. When this property was sub-divided we were all under the impression that this would only be a single-family home. This will bring our property values down.

PLANNING COMMISSION MEETING 2002

Mr. Richard Truitt, 56 Highland Ave., Elkton, MD stated this down sound like any kind of retirement home he would want to go to. What kind of bathroom facilities would there be, and only one central kitchen. I think it would be a fire hazard with all these residents to cook for. Are the residents going to be outside? Who will take care of the property outside?

Ms. Anna Shelly, 34 Highland Ave., Elkton, MD stated that she feels property values will go down and there will be problems with water.

Ms. Ann Dryer, 57 Highland Ave., Elkton, MD stated she opposed to the idea for the same reasons that her neighbors do. This is a residential community and it should stay that way. Manchester Park is already having problems with CECO, and do not need any more utility problems.

Mr. Lloyd Alger, Manchester Park, Elkton, MD has lived there for thirteen, (13) years and have looked a nice farmers field, now it sounds like I am going to be looking at a parking lot.

Mr. Scott Schwartz representing Iron Hill Homes, 1667 Iron Hill Road, Elkton, MD stated three days after we went to settlement this Special Exception was applied for. Ms. Battaglia told him that there would be only eight people in the house, not sixteen. The parking lot borders our home and we are moving our home back ninety, (90) feet to get away from this dwelling. The values of the property will go down.

Mr. Walbeck stated the residents that were in opposition to this it was not a Rezoning, that this is a Special Exception being applied for.

Ms. Amanda Van Scoy, 409 Little Egypt, Elkton, MD is concerned because of the drought we have been having, she is concerned about sixteen (16) residents living in this home. She also concerned about the age restriction of the residents that would be living there.

RECOMMENDATIONS:

APPLICANT: Capital Improvement Program 2003-2008.

FOR: CIP for FY 2003-2008

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Staff recommended approval.

ACTION: Motion made to approve with the exception of the Community College portion, which should be revisited prior to the budget being finalized by Rossetti, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Planning and Zoning Department.

FOR: Amendment to the 1993 Master Water and Sewer Plan.

Staff recommended approval.

ACTION: Motion made to approve by Coudon, seconded by Brown.

VOTE: All in favor, motion carried.

PROGRAM OPEN SPACE:

APPLICANT: Cecil County Parks and Recreation-Open Space.

FOR: Holly Tree Park Addition.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Town of Elkton.

PLANNING COMMISSION MEETING 2002

FOR: Elk Landing Acquisition.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Rossetti, Brown abstained.

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Kings Way Ninety-Five, Inc.

FOR: Rezone 26 Acres from Development Residential, (DR) to Business Intensive, (BI) for the purposed use of Business-Flex Space or any other use permitted in a Business Intensive, (BI).

Staff recommended approval, based on change since the last Comprehensive Rezoning.

ACTION: Motion made to approve based on change by Coudon, seconded by Brown, Hair abstained.

VOTE: One to three to approve, motion carried.

APPLICANT: Thomas and Linda Squires.

FOR: Rezone 0.92 Acres from Multifamily Residential, (RM) to Business General, (BG) for the proposed use of vehicle storage for business purposes or any other use permitted in a Business General, (BG) Zone.

Staff recommended approval, based on change since the last Comprehensive Rezoning.

ACTION: Motion made to approve based on change by Rossetti, seconded by Hair

VOTE: Three to two to approve, motion carried.

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APPLICANT: Deborah Niebel.

FOR: Rezone 1.493 Acres from Suburban Residential, (SR) to Business General, (BG) for the proposed use of a paving business or any other use permitted in a Business General, (BG) Zone.

Staff recommended Disapproval, no demonstrated change since last comprehensive rezoning.

ACTION: Motion made to disapprove based on no demonstrated change, no demonstrated mistake by Hair, seconded by Rossetti

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Gerald Daniels, Jr.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended disapproval, no demonstrated hardship.

ACTION: Motion made to disapprove with staff conditions by Coudon, seconded by Hair.

VOTE: Three to one to disapprove, motion carried.

APPLICANT: Douglas and Donna Herrmann.

FOR: Special Exception for a home occupation to conduct a Photography business.

Staff recommended Approval for two years.

ACTION: Motion made to approve with staff conditions by Rossetti, seconded by Brown.

VOTE All in favor, motion carried.

November 18, 2002, 7:00 p.m.

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APPLICANT: Joseph Pursley.

FOR: Special Exception for an existing home to be used as a guest- house.

Staff recommended approval.

ACTION: Motion made to approve by Coudon, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Cecil Upper Room Gospel Tabernacle

FOR: Special Exception to establish a private club for the church to use for youth activities and social functions

WITHDRAWN.

APPLICANT: William and Betty Battaglia.

FOR: Special Exception for a Senior Assisted living housing in Cecil County.

Staff recommended approval for two years.

ACTION: Motion made to disapprove by Rossetti, seconded by Hair.

VOTE: Three to two to disapprove, motion carried.

GENERAL DISCUSSION: None.

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The meeting was adjourned at 11:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 16, 2002 at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

December 16, 2002, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Rossetti, Hair, Farrell (alternate), Kilby, Sennstrom, Houston, and Dempsey.

ABSENT: Coudon, Smith and Brown.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Hair, seconded by Rossetti and unanimously carried to approve the November 18, 2002, 7:00 p.m., minutes with an amendment to page 10, paragraph two, changing the word bought to brought.

NOMINATION FOR HISTORIC DESIGNATION:

APPLICANT: Debra Ann Schwer.

FOR: Wherry-Jordan-Logan-Schwer House.

PROPERTY LOCATION: 159 Little Elk Creek Road, Elkton, MD 21921,

Election District: 4, Tax Map: 13, Parcel: 170.

PROPERTY OWNER: Debra A. Schwer.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Eric Sennstrom, Director of Planning and Zoning presented this application. The house was erected circa 1750. Items of architectural significance include a split-level design built into the hillside that permits ground level entry on both floors, 24" thick fieldstone walls, original pine flooring on 2nd and 3rd floors, original staircase to attic, original doors and hardware, original oak roof framing, two end chimneys with one possessing a colonial fireplace, several original pegged window frames remain, original kitchen, original shutters, original lime coating remains throughout beams and planking, roof has a box cornice. Ebenezer Wherry, a descendant of Revolutionary War hero David Wherry, occupied the house. Mr. Sennstrom

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presented photographs to the Planning Commission for their perusal. HDC voted unanimously to recommend historic designation.

Mr. Carl Walbeck asked about the porch around the front of the house. Was the porch added after the original house?

Mr. Senntsr tom stated, yes according to the application it is not connected to the house. If this becomes an issue the applicant stated the porch could be removed.

Health Department Report No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2899 - APPLICANT: Gregory and Carol Halsey.

FOR: Special Exception for a home occupation to conduct a small motorcycle repair shop.

PROPERTY LOCATION: 25 Greenbank Road, Perryville, MD 21903, Election

District: 5, Tax Map: 35, Parcel: 595.

PROPERTY OWNER: Gregory and Carol Halsey.

PRESENTLY ZONED: Suburban Residential, (SR).

Gregory and Carol Halsey presented their application. They wish to open a small motorcycle shop in their garage and residence. He wishes to repair, and build bike kits, kick off from Harley s and such. There will be limited hours in the evening and on Saturdays.

Health Department Report Sanitary Permit G1196 issued in 2001 for a dwelling; must comply with all Maryland Department of the Environment requirements relating to waste oil, paint, etc.

Ms. Rossetti asked how would you deal with the waste oil and paint?

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Mr. Halsey stated he would have a waste oil tank and take it to the Cecil County Landfill. He would also be selling parts out of his house. In order to do that, he would have to comply with all State and Local codes for the Company he will be dealing with to sell their parts.

Ms. Hair asked if there would be an addition added on the house or will it be existing buildings.

Mr. Halsey stated, it would be the existing garage, which is about 800 sq.ft. and can get three motorcycles in there at a time.

Mr. Walbeck asked if the garage was attached to the house.

Mr. Halsey stated, yes .

Ms. Hair asked if there were any employees.

Mr. Halsey stated that it was his wife and son helping him at the present time. They want to see if the business works at a small level before they would move to a larger level.

Ms. Rossetti asked if you would be expanding at that facility.

Mr. Halsey stated, not there. If it works at the house garage he would rent a storefront building to expand. The hours would be 4:00 p.m. to 8:00 during the week and 9:00 a.m. to 5:00 p.m. on Saturday, closed on Sunday.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

GENERAL COMMENTS: Mr. George Dorbert, lives next door to Mr. Halsey. If he sold his home how would this business affect the sale of his home?

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Mr. Sennstrom stated that it is an issue to discuss with your potential Realtor, when listing the house. A disclosure statement may be required.

FILE: 2901 - APPLICANT: Ronald J. Arches.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 2235 Blue Ball Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 220.

PROPERTY OWNER: Ronald J. Arches.

PRESENTLY ZONED: Business General, (BG).

Mr. Ronald Arches presented his application. He is the new property owner of the property located at 2235 Blue Ball Road, Elkton. He wishes to have a special exception to retain a singlewide manufactured home for security purposes. He applied for a building permit and was denied stating he need to go to the Planning and Zoning Office to apply for a Special Exception before he could have his permit issued. When Mr. Arches purchased the property he was unaware that he had to renew the Special Exception. He is putting additional storage units on the property and they will require security. This property has a tenant there and they store laboratory equipment.

Mr. Walbeck stated that Special Exceptions usually go with the person, not the property.

Health Department Report Sanitary Permit F1894 issued to William Farmer in 1997 for replacement of existing mobile home; upgrade of septic system was required at that time but was apparently never done.

Mr. Arches spoke to Mr. Joe Moore at the Health Department, and he stated that does not need to be done immediately, but will have to be done if the present use of the property would change. He has applied for a perc test to be done, but there is a moratorium on tests because of the drought this year.

Ms. Hair asked if the mobile home is rented, or does the person live there just for security?

Mr. Arches stated that he does rent the Mobile Home at a reduced rate. The renters handle the security for him in place of higher rent. The renters wife is a housewife, so she is at the property 24-7.

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Ms. Rossetti asked if these are the same people living in the mobile home as before.

Mr. Arches stated that they are different people.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2902 - APPLICANT: Mark W. and Sandy M. Jones.

FOR: Special Exception renewal of a Home Occupation to conduct a small equipment rental business.

PROPERTY LOCATION: 105 Andora Drive, Elkton, MD 21921, Election

District: 4, Tax Map: 13, Parcel: 338.

PROPERTY OWNER: Mark W. and Sandy M. Jones.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. and Mrs. Mark Jones presented the application for renewal of a home occupation to have a small equipment rental business. Mr. Jones stated he has had the business for two years in his home with no complaints or problems. He would request instead of every two years filing for an application that he would like the Special Exception as long as he owns the property.

Health Department Report Sanitary Permit B7984 issued in 1985 for dwelling; no anticipated increase in water usage/wastewater flow-satisfactory.

Mr. Walbeck asked if this was his sole occupation.

Mr. Jones works for U.P.S. on a full time basis. This home occupation business is just a hobby.

PLANNING COMMISSION MEETING 2002

Mr. Walbeck asked if any of the neighbors mind him doing this business.

Mr. Jones stated none that he is aware of.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2903 - APPLICANT: Paul D. Atwood.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 247 East Red Hill Road, Conowingo, MD 21918,

Election District: 8, Tax Map: 8, Parcel: 287.

PROPERTY OWNER: Paul D. Atwood.

PRESENTLY ZONED: Business General, (BG)/ Northern Agricultural

Residential, (NAR).

Mr. Paul Atwood stated that when he purchased this property he was told that the trailer could stay. He would not have purchased this property for \$80,000.00 if he felt that he could not use this for security purposes. He has had some problems over the last year, and has called the Sheriff's Department and asked them to patrol the area. Renters have changed hands, and he had some items stolen and windows broken in the office trailers. He would like to know why it was all right for Mr. William Newsome (previous owner) to have this mobile home there for fifteen years, and have the same business and why he has to apply every year.

Mr. Walbeck stated that he would have to talk to the Zoning Administrator about that procedure.

Mr. Atwood presented a small drawing to the Planning Commission, showing six or seven trailers surrounding his property.

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Health Department Report Sanitary permit B7984 issued (to William Newsome) in 1983-satisfactory.

Ms. Rossetti stated that we granted a Special Exception for you a year ago, it is not unusual for the Commission to ask someone to come in every year to see how things are being handled. This is the normal procedure.

Mr. Atwood feels he is being harassed, because this is three or four years straight in a row he has had to apply. He went around to every neighbor and retained signatures on a petition for him to continue his business and retain the mobile home. Attached for reference, (exhibit one). One neighbor did not sign the petition because they always complain about everything.

Mr. Walbeck stated that the last time he was there for the Special Exception there were complaints about loud noise all the time.

Mr. Atwood explained that his daughters have been living there the last six months, and he does not have that problem anymore. He does not permit drinking or loud parties.

Mr. Walbeck asked why do you need security?

Mr. Atwood stated he has a small construction business. He has the same business Mr. Newsome had for fourteen years. He has more equipment than Mr. Newsome had, such as nail guns, air compressors, tools, and at the present time he has two small storage trailers to store the equipment. The Sheriff's Department is coming in every so often to patrol for me at the present time.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Phyllis Grover, 213 E. Red Hill Road, Conowingo, MD adjoining property to Mr. Atwood, read a letter marked as exhibit two, attached for reference. MS. Grover wants to go on the record stating that she has not been able to enjoy the peaceful use of her property for the past three years that Mr. Atwood has owned the property. Mr. Atwood has rented the singlewide mobile home to people that do not respect adjoining neighbors property rights or peaceful enjoyment.

Mr. Walbeck stated that Mr. Atwood presented the Commission of copies of his business license for his construction business.

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Mr. Atwood stated that last year he presented six years worth of business licenses.

Mr. Ray Grover, 213 E. Red Hill Road, Conowingo, MD stated it does not matter whether he has a construction business or not, he does not need security on this property. The police come to this property numerous times over noise and disturbances. The police will not provide us with a police report. For three years we have asked for you as a Board to deny his application. We feel our safety and welfare are at stake.

Mr. Walbeck asked Mr. Sennstrom if he new anything about police reports that had been filed on an assault.

Mr. Sennstrom stated that he felt we would not be able to obtain a police report.

Ms. Mary Nesbitt, 140 E. Red Hill Road, Conowingo, MD stated she was representing her mother Ms. Eleanor K. Foster who is 75 years old. She is very disturbed by this. We all have nice homes in the area and she does not want her mother surrounded by noise. There is one trailer around the property it is used for another neighbor to take care of her mother. Ms. Nesbitt is comparing this trailer to Mr. Atwood s trailer.

Mr. Atwood stated that all the people that are in opposition are all from one family.

FILE: 2905 - APPLICANT: Dennis Cather.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home
for hardship purposes.

PROPERTY LOCATION: 746 Blue Ball Road, Elkton, MD 21921, Election

District: 3, Tax Map: 26, Parcel: 289.

PROPERTY OWNER: Dennis and Charlotte E. Cather.

PRESENTLY ZONED: Development Residential, (DR).

Mr. Dennis Cather, 746 Blue Ball Road, Elkton, MD presented this application. He has lived in his home for eight years. When we bought this house we bought a larger home, more than we could afford so we need the income from the singlewide to help us pay our mortgage payment. Mr. Cather lives in the house and the

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trailer that he rents is behind his house. He has no complaints from the neighbors. He was not aware when he bought the home with the trailer that he had to apply for a Special Exception; he thought it came with the sale of the home.

Health Department Report Sanitary Permit issued (to Ferd Barnett) in 1985 Satisfactory.

Mr. Cather stated that the trailer has its own septic system.

Ms. Rossetti asked if a family member lives in the trailer.

Mr. Cather stated not at the present time . He had a renter in there and their fourteen-year-old son tore the trailer apart. Originally there was family, but not now.

Mr. Walbeck stated this request is based on hardship, what is the hardship?

Mr. Cather stated again that when they bought the house they needed the income from the trailer to make their mortgage payment. We need the rent for a second income.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2907 - APPLICANT: Michael and Paula Bierman.

FOR: Special Exception for a home occupation to conduct social events in the home.

PROPERTY LOCATION: 362 Little Egypt Road, Elkton, MD 21921, Election

District: 4, Tax Map: 7, Parcel: 155.

PROPERTY OWNER: Michael and Paula Bierman.

PRESENTLY ZONED: Suburban Residential, (SR).

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Ms. Paula Bierman, 362 Little Egypt Road, Elkton, MD presented her application. Ms. Bierman has lived in her home for five years and would like to sponsor social events in her home. In the last two years she has been laid off her job of thirteen years. Her home is a quaint two story colonial, beautiful place for entertaining. It is very cozy and homey. Ms. Bierman presented pictures to the Planning Commission. She would keep the gatherings to a minimum. The functions she would like to have are small weddings, meetings, showers and teas. There will be no alcohol or food served. Large parking area, which would be kept to a minimum.

Health Department Report No application received for water and sewage approval for proposed use; food service facility plans and approval required.

Mr. Walbeck stated, to check with the Health Department, since this is different than having family and friends to your home.

Ms. Rossetti asked how many of these parties have you given?

Ms. Bierman stated one Wedding, July 4th, Christmas, Showers, Retreat.

Ms. Rossetti asked how many parties do you plan on having as a professional occupation?

Ms. Bierman stated she does not know if there is a market for this type of business yet. Most functions would be held on Friday night and Saturday. The functions would be scheduled to her family's life.

Mr. Walbeck is concerned about parking. How many cars can you handle in your driveway?

Ms. Bierman stated about twenty cars. She does not want to hurt or hinder any of her neighbors with parking problems. Ms. Bierman respects her neighbors she just wants to pursue an adventure that has been her heart.

COMMENTS IN SUPPORT: None.

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GENERAL COMMENTS: Leslie and Mary Anderson, 344 Little Egypt Road, Elkton, MD has lived in their home for twenty years, which is next to the Bierman s. The Anderson s are concerned about the number of people that will be attending these functions, and where they will park.

Ms. Hair asked if the property was in view to the Anderson s.

Ms. Bierman stated that there are a lot of trees between them.

COMMENTS IN OPPOSITION: None.

Mr. Walbeck made a general announcement stating that several groups wish to speak to the Planning Commission after the meeting tonight concerning the Comprehensive Plan. We ask that you limit your presentation to 5 minutes

FILE: 2908 - APPLICANT: Chris and Donna Culberson.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 1616 Dr. Jack Road, Conowingo, MD 21918, Election

District: 7, Tax Map: 16, Parcel: 361.

PROPERTY OWNER: Chris and Donna Culberson.

PRESENTLY ZONED: Rural Residential, (RR).

Chris and Donna Culberson, 1616 Dr. Jack Road, Conowingo, MD, want to locate a singlewide manufactured home for their daughter who is 23 years old and a single mother. Their daughter works the 3rd shift in a nursing home and this would make it more convenient for them to baby sit and take the grandchild to the daycare.

Health Department Report Sanitary Permit A6403 issued for 1975 for dwelling, additional drain field added this year under Permit R2866 Satisfactory with addition of septic tank for mobile home.

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Ms. Rossetti stated that you would be putting in a separate driveway for the trailer. Is there any way you could arrange this so you could share a driveway.

Mr. Culberson stated that they have two driveways there at the present time. The second one is a stone driveway. We plan to pave that second driveway that leads to the barn, which would be the driveway the daughter would be using.

Mr. Walbeck asked why the daughter and child could not live in the same house with the parents.

Ms. Culberson stated that they could, but the house is rather small. There are three very small bedrooms. When we purchased the home in June 2002 they planned on the daughter living in another dwelling.

Mr. Walbeck stated that there is a large tree in front of the proposed site of the trailer, what are you planning to do with the tree?

Ms. Culberson stated that the pine tree would stay, but the other two trees would have to be cut down. No large trees would be taken out, just three small ones. The property is tree lined on the front and the one side.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: Ms. Patricia Parks, 1608 Dr. Jack Road, Conowingo, MD live next to the Culbersons and have resided there for twenty-six years. They had a hardship case a few years ago when Ms. Parks mother could not stay by herself, we had to put a mother-in-law suite on the house. We do not want a Manufactured Home put in there next to the barn.

Mr. Danny Parks, 1608 Dr. Jack Road, Conowingo, MD stated feels the same as his wife. He feels that this will depreciate his property.

Mr. Jim Zambuto, 1565 Dr. Jack Road, Conowingo, MD stated he is concerned with the view and the run-off in his fields. There are problems at the present time and we do not need additional run-off.

Mr. Cliff Houston, Zoning Administrator read a letter that the Office of Planning and Zoning received from Norman F. Gordner, Jr. and Kristin H. Laferte. The letter stated that their recommendation is tat a time limit

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(no greater than 10 years) should be placed on this application, if it is approved. The letter is in the file in the Planning and Zoning Office.

FILE: 2909 - APPLICANT: Ronald Miller.

FOR: Special Exception to locate a doublewide manufactured home for hardship purposes.

PROPERTY LOCATION: 275 Cassidy Wharf Road, Earleville, MD 21919,

Election District: 1, Tax Map: 61, Parcel: 42.

PROPERTY OWNER: Ronald Miller.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Ronald Miller and Fiancé Charlotte, 275 Cassidy Wharf Road, Earleville, MD stated he has lived in his home for thirty years. He is a farmer and just bought 25 acres. He also has two farms with cattle on them, since he has purchased them he has developed bad health and that is why he needs to have a Special Exception for a doublewide for farm help for hardship purposes. He would like to keep the farm going and his son will able to stay there and help him part time. He would like to tear down the barn, and the manufactured home would go where the barn is located.

Health Department Report No application received for water and sewage approval for mobile home. (Parcel 42 created by Minor Sub. No. 2234)

Ms. Rossetti asked who would be living in the manufactured home?

Mr. Miller stated that his fiancé and himself would use it and his son could have the older house.

Mr. Walbeck wanted to know why he needed farm help for a 25-acre farm.

Mr. Miller stated he is using that farm as a base unit because he has more than one farm. He farms more than 25 acres in another operation that his son helps him with. His son has a full time job and helps his Dad on a part time business.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2910 - APPLICANT: The Conservation Fund.

FOR: Special Exception to establish a conference center and camp ground.

PROPERTY LOCATION: 307 Wapiti Lane, North East, MD 21901, Election

District: 5, Tax Map: 46, Parcel: 26 & 27.

PROPERTY OWNER: Wapiti Farm, LLC, c/o Gardner Management Corp.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Nick Dilks, Vice President with The Conservation Fund a non-profit land and water conservation organization based in Arlington, VA. They are currently under contract to buy this property on Wapiti Lane in North East, MD. The purpose of them buying the property is for conservation purposes. We want to preserve the forest and the rural and scenery integrity of the area. We are in partnership with the Diocese of Pennsylvania. Mr. Dilks introduced the committee involved with this project; they are as follows:

Ms. Pat Pregman, Council representing the Diocese.

Mr. Bill Roberts, representing the planning firm retained for the design of the conference camp center.

Mr. Martin Eustaces, Engineer retained by the Diocese.

Mr. Len Lockhart, Council to the Diocese.

Mr. Walbeck asked what is the relationship between The Conservation Fund and the Diocese.

Mr. Dilks, stated The Conservation Fund is contracted to buy the entire property. We feel the buildings will be compatible with the use of the property. Also the Diocese will be funding the project.

Ms. Pregman is Council for the Church foundation also she is on the Board of Directors for the Diocese and is speaking in their behalf. They would like to have a retreat center and a camp for the youth during the

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summer.

The Conference Center is a continuation of the Youth Center. The Conference Center will be used 12 months a year. The property will maintain to be woodlands. It will still have the scenic views to Elk Neck State Park and will protect the waterways.

Mr. William Roberts, Partner of a Landscape and Architectural firm based in Philadelphia, PA. The firm is Wallace Roberts and Todd, LLC. They were the consulting group when the Inner Harbor was planned in Baltimore, MD. Mr. Roberts explained the maps to the Commission. There are a total of over 600 acres involved with this project, 56% is in the woodlands. There are wonderful wetlands, big broad meadows, wonderful waterfront with improved dock, stabilizing the banks on the Elk River, a few very large trees near the swales and creeks. There will be a very exciting entry drive down to the water. No one is living on the property except for one caretaker, as the property is need of much repair. Some of the foundations may be utilized in the new buildings. The Diocese will have to change a small portion of this land. Some of it will be granted for meadows and playfields. Also there will be tent sites for adults and youths. Possibly if funding is available there will be an Environmental Center for studying the wetlands. Some of the property is on the North side of Turkey Point Road. There will be a critical area setback of 1,000 from the waterfront. There is a 100 buffer right at the waterfront and adjacent to that is the 100-year flood plain. Research Centers could possibly be put on the old foundations. The Church, dinning hall, cabins and other facilities will be in the vicinity of the ruins of the old farmstead. A safer entry off Turkey Point Road will be necessary.

Health Department Report Approvals required for water supply, sewage disposal, food service and campground prior to Site Plan approval for project.

Mr. Walbeck asked how many people would be on this site at any one time.

Mr. Roberts stated about 200 children being in tents or cabins, there would be about 30-40 Councilors. A youth Camp that might have another 100. Adults would be Clergy, Sunday School Teachers, and others associated with the mission of the Camp. At the maximum about 350 to 400 people total would be at the Camp.

Ms. Rossetti stated that you had mentioned the use of the foundations of the cottage. Is there any possibility that the foundations would be preserved?

Mr. Roberts stated that most of the buildings are in disrepair and falling down. The Cottage has birds and raccoons living there at the present. The building is not secure and the roof is sagging. It would be more efficient for the Diocese to build a new building that would be safer.

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COMMENTS IN SUPPORT: Mr. John Tinklepaugh, 400 Walnut Lane, North East, MD believes that this would be a wonderful project.

Ms. Rebecca Benson, 3768 Turkey Point Road, North East, MD supports this project.

Ms. Sally Cairns asked how old the structures were.

Mr. Roberts does not know the age of the existing structure. It is a wood structure on a concrete slab with cedar shingles and asphalt shingles on the roof; not in good condition, has no value as a historic site or structure.

Mr. Mike Zepp, President of the Civic Association in Chesapeake Isle, stated there is a lot of traffic on Turkey Point Road and with the Lighthouse also being there the association is concerned about the amount of traffic.

The Association is not in opposition of the project, but we are very concerned about the traffic and accidents since the State Highway owns that portion.

Mr. John Baynes, Chesapeake Isles, North East, MD stated he wrote a letter to the State Highway Department a month ago because the road is not wide enough now, what will it be like with more traffic. He feels this is a great project, but bad for the roads. Also we have to share the road with the deer. The deer population is very high in that are because there is no hunting aloud.

Mr. Jim Mullen, 1676 Glebe Road, Earleville, MD wants to know about the easements on the property. Will there be any easements for conservation?

Mr. Roberts stated that is the primary goal of this whole project. There will be a forest legacy on the majority of the property.

Mr. Joe Carabetta, 1611 Carpenters Point Road, Charlestown, MD wants to support this project because the use is consistent with the other uses in the area. This will be a better project versus having a housing development. There is a lack of Conference Centers in the County, so this will be very welcome.

Mr. Patrick Ulrich, 184 Cat Swamp Road, Elkton, MD wanted to know if this property would be taken off the tax rolls.

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Ms. Pregman stated that has not been looked into yet, but if we can get a tax exemption that would be great.

Mr. Craig Joseph, Sandy Hill Camp, 3380 Turkey Point Road, North East, MD is in support of this project. The Sandy Hill Camp is next to this property and we feel this will be great to have this next to them. Are there plans to have someone living there 24 hours a day?

Ms. Pregman stated there would be someone at the site 24 hours a day, 7 days a week and 52 weeks a year.

Mr. Cliff Houston, Zoning Administrator had one question for clarification, earlier the Planning and Zoning Office thought the Conservation Fund was going to own the property and you would lease a portion of the property to the Diocese. Is that going to happen?

Ms. Pregman stated it would not be a lease agreement, it would be owned by the Diocese.

Mr. Len Lockhart, Local Attorney, Elkton, MD has had the privilege of working with these people from day one and this project has gone from a dream to reality. These are good, good people. In answer to the question of Mr. Ulrich none of the Churches in our County pay taxes.

Mr. Pete Swyka, Walnut Lane, North East, MD is concerned who will be taking care of Walnut Lane, and who would take care of the property. The last property owner did not take care of this road.

RECOMMENDATIONS:

APPLICANT: Debra Ann Schwer.

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FOR: Wherry-Jordan-Logan-Schwer House.

Staff recommended approval.

ACTION: Motion made to approve by Hair, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: Gregory and Carol Halsey.

FOR: Special Exception for a home occupation to conduct a small motorcycle repair shop.

Staff recommended approval for two years.

ACTION: Motion made to approve for one year by Rossetti, seconded by Hair.

VOTE: All in favor, motion carried.

APPLICANT: Ronald J. Arches.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

Staff recommended approval for as long as applicant owns the property and operates the business.

ACTION: Motion made to approve with staff conditions by Rossetti, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Mark W. and Sandy M. Jones.

FOR: Special Exception renewal of a home occupation to conduct a small equipment rental business.

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Staff recommended approval for as long as applicant owns property and operates business.

ACTION: Motion made to approve with staff conditions by Hair, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: Paul D. Atwood.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

Staff recommended approval for five years.

ACTION: Motion made to disapprove for failure to demonstrate need for security by Rossetti, seconded by Hair.

VOTE: Two to one to disapprove, motion carried.

APPLICANT: Dennis Cather.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for hardship purposes.

Staff recommended approval for five years, non-renewable.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Hair.

VOTE: Two to one to approve, motion carried.

APPLICANT: Michael and Paula Bierman

FOR: Special Exception for a home occupation to conduct social events in the home.

Staff recommended approval for two years, all activities to take place in the home limited to two events per week, maximum of 50 people per event.

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ACTION: Motion made to approve for one year, all activities to take place in the home limited to two events per week, maximum of 50

people per event, by Farrell, seconded by Rossetti.

VOTE: All in favor, motion carried.

APPLICANT: Chris and Donna Culberson.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for two years.

ACTION: Motion made to disapprove based on failure to show hardship by Rossetti, seconded by Hair.

VOTE: All in favor, motion carried.

APPLICANT: Ronald Miller.

FOR: Special Exception to locate a doublewide manufactured home for hardship purposes.

Staff recommended approval as long as applicants own property and operates farming business.

ACTION: Motion made to approve with conditions by Rossetti, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: The Conservation Fund.

FOR: Special Exception to establish a conference center and campground.

Staff recommended approval, conditioned on major site plan approval and growth allocation, if necessary being granted, and sub-division approval.

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ACTION: Motion made to approve with staff conditions by Hair and seconded by Rossetti.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION:

COMPREHENSIVE PLAN REVIEW:

Mr. Walbeck explained that there have been several people that would like to address the Commission concerning the Comprehensive Plan. The Comprehensive Plan is in the middle of the first stage of the review. There were three regular Planning Commission members missing at this meeting, George Coudon, Tim Smith, and Josh Brown. There will be an additional meeting on Monday, January 13, 2003 at 7:00 p.m. in the Courthouse. There is a five-minute limitation on individual speakers.

Mr. Ed Cairns, representing ARCA, (Appelton Regional Community Alliance), and himself as a tax payer explained the LF and M study, which was done for the Economic Development and supported the conclusion that Cecil County could not pay the cost of developments strictly as a bedroom community, costs greatly exceeded revenue. He submitted written comments with charts, which he read, a copy attached for reference. What changes can be made to the plan to cut land use development expenses instead of increasing as it is being done now. For every tax dollar we put out we only ask for .67 worth of services. New people coming in with school children, the cost is much higher than \$1.27, because the more mature population was in that average.

Rupert Rossetti submitted written comments, which he read the bolded portion, a copy attached for reference. He is representing a group called The Partnership of Cecil County. He is not going to read the five- page document you can read at your leisure with the comments attached. We are not asking for a re-write of the plan, we are asking for a targeted review, update of the Comprehensive Plan that does not work. In the attachments we feel, as these items need some work. The review process should be able to be completed within six months.

Elaine Ore, member of The Partnership for Cecil County, also has an interest in the Historic Preservation and The Cecil Land Trust. She submitted written comments, which she read, a copy attached for reference.

Joe Carabetta represented himself. He feels that we have had excess spending the last four years and it is putting the County in a bind. Basically he feels that there has to be a review of this plan, he feels we do not a

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full Comprehensive review like we did with Janet Gleisner in 1990. The issues such as Bainbridge, the Urban Growth boundaries, how that effects the Comprehensive Plan especially the Town s so spread out. His opinion is the County loses control over the planning, because it will fall within the towns. There is a triangle, one leg is the Comprehensive Plan, second leg is the enforcement and the third leg is the Zoning Ordinances. At least two legs of the triangle have been non-existed. The water use especially this year we had a big problem with the drought. One single source is not the answer, because if it was to be damaged or un-usable for some reason, or population increases there would be real problems. We need use for Agriculture it is one of the biggest businesses in the County. The Citizens should have a say in this issue. We need less than a year time frame on this study. He feels the issues need to be brought out in the open and discussed. We also need to follow up and enforce these rules.

Bill Kilby is a full time farmer and the President of The Cecil Land Trust. We presented the Planning Commission with a series of reports. We are interested in a review of the Comprehensive Plan. Why should you review the plan, what has changed in Cecil County to call for the review of the plan. A few things that have changed are that agriculture is very involved in Cecil County. Ten years ago there were no Amish in Cecil County, today the Amish are a significant part of growing industry in dairy and tobacco. There are forty-one dairies in the area. The Amish are also good for Tourism, which is a positive growth factor; a moneymaker for the County. Increasing horticulture to the industry, large wholesale plant growers in the County because of the location and the soils. Ten years ago there was no department of smart growth in the State. How are we going to function in the crisis with few Federal and State funds? This is why the Comprehensive Plan needs to be re-written. There is lack of funds for infrastructure. The developers are going to pay more for those infrastructure changes. In the past ten years we had a crisis in water and today we still have the same crisis in water. We need to look at the upper part of the watersheds as a place where impervious surfaces, houses and roads are increasing. There is a whole section on sports fishing that needs to be changed to Tourism. The County set a goal of 55,000 acres of permantently-protected land in the County. In the past ten years there has been about 1,400 acres a year preserved. We have about 16,000 acres preserved which leaves 39,000 acres left from the Counties goal. At the rate we are going it would take 28 years, which we do not have the time to do it because the cost will be to high and the land sold. We need to look at the implementation part. We need these goals set and the citizens communities to implement.

Robert Hodge, resident outside of North East owns 9 parcels of land on Rt. 40 from Elkton to Charlestown. He thinks the Comprehensive Plan is a good plan and the Planning and Zoning Department is doing a good job. The problem is that there is no infrastructure in the County. We do not have water or sewer capacity. We can develop where we want to develop. Smart Growth and the Comprehensive Plan said lets put our businesses on Rt. 40 and near the interstates, but we cannot build because we do not have sewage or water. We need somebody to make any investment in our future and the County is not doing this, neither are the towns. The Towns have very high connection fees and double water and sewer rates. The Planning Department needs to spend some money for our future. Somebody has to make an investment. The pipeline could have solved this problem. We need leadership. We need the County and the Developers to pull together.

Mr. Walbeck stated that at the last Planning meeting that the CIP Committee stated that all of our bondable funding is locked up for the next six years in two High Schools and the Communication System. There is no money for the next six years.

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Harlan C. Williams feels that a lot of the items discussed tonight are important such as the cost of housing whether it is in the County or Town. The biggest part of our budget is the School Board Budget. His question tonight is about procedure, how is it going to be done? The Comprehensive Plan has not been used properly, there is no infrastructure and he would like to see a committee formed from all walks of life. Everyone in the room tonight is interested in Cecil County all we need is leadership. Every leadership listens to good advice. We need to create more Open Space and leave our Highways open and by leaving frontage and putting developments in the back and by giving awards for farmers to buy land at a farmers price. We need people that are licensed with the State of Maryland to run water and sewer. He would like to see a broad based committee to come back to the Planning Commission and to the County Commissioners.

Vaughn Ellerton representing himself fully agrees with the remarks that were just made and the remarks actually prove the case that we do need a review. He feels the plan is very sound plan and has not been implemented quit as well as it should be. He feels we have everything to gain and nothing to loose by having public meetings where we want to go with it in the future.

Wyatt Wallace is speaking on behalf of himself. He feels there is a lack of congruency with the Comprehensive Plan and implementation of the enforcement. He feels that some time should be spent making sure the words are clear and facilitates the implementation and enforcement. He is speaking as an average citizen and he has two points to make, first, public input is very important, second, sprawl is not only an environmentally bad thing with water being a key issue, but it is a financially bad thing such as higher taxes for all of us. He feels that parts of the plan need to be done by the Planning Commission and The County Commissioner and any other public servant involved in this process.

Jim Mullen lives in the first district, owns and operates a Real Estate and Appraisal Consulting Firm. Highest and best use is defined as the reasonably probable legal use of vacant land or improved property which is physically possible appropriately supported and financially feasible and results in the highest value of the vacant or improved property. The Comprehensive Plan plays a key role in the Zoning Ordinance in the highest and best use of real property when the zoning ordinance is up for review. Private property rights deal in nothing more than real property. Real property includes all the interest benefits rights inherit in ownership of physical real estate a right or interest in real estate also referred to as an estate. Interest in property varies so real property is said to include a bundle of rights. In the ownership of real estate ownership rights include the rights to use real property, sell it, and lease it, to enter into it or give it away or choose to excess none of it. The biggest misnomer is when someone voluntary decides to put an agricultural easement on there property. Through the sale or donation of the easement the property owner s rights are taken away. It is when the uninformed or the misinformed do not understand that and then when certain organizations such as Cecil Land Trust or the Eastern Shore Land Conservancy or the Conservation Fund. All of a sudden these people are viewed as the bad guys, which is not true, because what these people do is the show you avenues that are out there to provide infrastructure for agriculture. The bashing of those organizations has to stop somewhere. When the plan is up for review he hopes the committee takes a look at that, in reality no ones private property rights are being taken away.

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Mr. Walbeck stated this came up rather quickly for this meeting tonight. One week ago he received a call for three or four organizations that wished to speak. We will take all the recommendations very seriously that we heard tonight to take to the County Commissioners.

The meeting was adjourned at 9:45 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday January 21, 2003 at 7:00 p.m.