

PLANNING COMMISSION MEETING 2004

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January 20, 2004, 8:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, Prickett, Mortimer, Farrell (alternate), Sennstrom, Houston and Dempsey.

ABSENT: Walbeck, Williams, Murray.

Vice Chairman, Josh Brown called the meeting to order at 8:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Prickett, seconded by Mortimer and unanimously carried to approve the December 15, 2003, 7:00 p.m., minutes as mailed.

FILE: 3002 - APPLICANT: Meadows Materials and Trucking, LLC.

FOR: Special Exception to expand existing gravel pit.

PROPERTY LOCATION: 260 Calvery Lane, Rising Sun, MD 21911, Election District: 5, Tax

Map: 24, Parcel: 33.

PROPERTY OWNER: Meadows Materials and Trucking, LLC.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Cliff Houston, Zoning Administrator announced Meadows Materials and Trucking, LLC, requested that their application be stayed until the February 17, 2004 meeting because their Attorney (Norman Wilson) for the case could not be present due to change in date of the meeting.

Motion made to postpone the Meadows Trucking application until February 17, 2004 meeting by Mortimer, seconded by Prickett. All in favor, motion passed.

REZONING:

January 20, 2004, 8:00 p.m.

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FILE: 2004-01 - APPLICANT: Paris Miller.

PROPERTY LOCATION: 546 Mechanics Valley Road, North East, MD 21901. ELECTION

DISTRICT: 5. TAX MAP: 25, PARCEL: 470.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone .42 acres from Development Residential, (DR) to Business

General, (BG) for the purpose of a small business.

PROPERTY OWNER: Paris M. Miller.

Mrs. Paris Miller, 546 Mechanics Valley Road, North East, MD presented this application. Mrs. Miller would like to rezone her property to commercial because she wants to sell it for a small business. She will be moving in with her daughter soon. When she purchased this property she was under the impression it was commercial, but there was no title search done on this property and when she got ready to put it up for sale her deed stated it was not commercial it was Development Residential.

Ms. Cherry Long, (Granddaughter), 1653 West Pulaski Highway, Elkton, MD spoke on Mrs. Miller's behalf as she did not understand the procedure that should be followed for a rezoning. The Wawa Store has just purchased property next to her Grandmother's property and they are interested in purchasing Mrs. Miller's property, as they would like to install a car wash.

Mr. Cliff Houston, Zoning Administrator showed the Board the zoning map of the area and explained that Mrs. Miller's property is surrounded on three sides by commercial property.

Mr. Brown asked if any of the neighbors had a problem with this rezoning?

Mrs. Miller stated no.

Health Department Report No application received for water and sewage approval for any commercial use.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 2995 - APPLICANT: Stewart Associates.

FOR: Special Exception for an Office Building, Class C.

PROPERTY LOCATION: 1723 Principio Furnance Road, Perryville, MD 21903, Election

District: 5, Tax Map: 30, Parcel: 117.

PROPERTY OWNER: Principio Iron Company.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Sarah Warrington Colenda representing Stewart Associates stated that at the present time there is a Mansion House, which is located in Principio Furnace, built in 1836, which is currently being restored. This building is used for meetings for the Principio Foundation and the College. They would like to use the second floor of the Mansion House for offices.

Mr. Mortimer asked if anyone was living in the Mansion House.

Ms. Colenda stated no ; it is purely for meetings for the Foundation or Stewart Associates. You could comfortably have twenty people in the House at one time. There is ample parking, but most of the time there are only four vehicles parked daily. The building is being refurbished for the public to enjoy, since it is a beautiful old home.

Mr. Mortimer asked if this house is on the Historic Registry?

Ms. Colenda stated, yes .

Health Department Report No application received for water and sewage approval for proposed use.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2997 - APPLICANT: Neeley Spotts.

FOR: Special Exception Renewal of a Home Occupation to operate a graphic design business.

PROPERTY LOCATION: 737 Doctor Miller Road, North East, MD 21901, Election District:
9,

Tax Map: 12, Parcels: 190 and 222.

PROPERTY OWNER: Brett Spotts.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Neeley Spotts, 737 Dr. Miller Road, North East, MD presented this application for renewal. She would like to renew her business of free-lance graphic design. One of her bedrooms in her home has been turned into an office. There is no retail performed out of the home. There are never more than one or two people at her home at a time. Ms. Spotts has had this business at this location for two years.

Mr. Brown asked if any of her neighbors have complained.

Ms. Spotts stated, no .

Health Department Report Sanitary Permit R1949 issued in 1996 for repair of septic system; no anticipated increase in water usage and no Sanitary Permit required-satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

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FILE: 3001 - APPLICANT: William and Sandra Gibbs.

FOR: Special Exception for a home occupation to conduct an air and water purification business and health related consumables vending service business.

PROPERTY LOCATION: 79 Remington Road, Port Deposit, MD 21904, Election District: 7,

Tax Map: 23, Parcel: 497.

PROPERTY OWNER: William L. and Sandra K. Gibbs.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. William and Ms. Sandra Gibbs, 79 Remington Road, Port Deposit, MD presented their application. Ms. Gibbs stated that they are looking for two separate businesses. The first being Air and Water Purification System and second a Vending Service Business. The Gibbs would like to run these two businesses out of their home.

Mr. Brown asked if they would be storing any products in the home.

Mr. Gibbs stated there would be limited equipment and inventory. No clients would be coming to the house. They would take the equipment to the clients after it would be ordered.

Mr. Brown asked if there would be vending machines located on the property.

Mr. Gibbs stated, no .

Mr. Brown asked if there is ample parking.

Mr. Gibbs stated that no one would be coming to the house.

Mr. Mortimer asked if there would be a lot of inventory on site.

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Ms. Gibbs stated very little would be stored on site. The vending machines would be stored off site.

Health Department Report Sanitary Permit A8399 issued in 1977 for dwelling. No application received for water and sewage approval, or food service approval if applicable, for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Paris Miller.

FOR: Request to rezone .42 acres from Development Residential, (DR) to Business General, (BG) for the purpose of a small business.

Staff recommended approval, based on a mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by Prickett, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Stewart Associates.

FOR: Special Exception for an Office Building, Class C.

Staff recommended approval.

ACTION: Motion made to approve by Mortimer, seconded by Prickett.

VOTE: All in favor, motion carried.

January 20, 2004, 8:00 p.m.

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APPLICANT: Neeley Spotts.

FOR: Special Exception Renewal of a Home Occupation to operate a graphic design business.

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

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Mortimer.

VOTE: All in favor, motion carried.

APPLICANT: William and Sandra Gibbs.

FOR: Special Exception for a home occupation to conduct and air and water purification business and health related consumables vending service business.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Mortimer, seconded by Farrell.

VOTE: All in favor, motion carried.

The meeting was adjourned at 8:30 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, February 17, 2004, at 7:00 p.m.

February 17, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Williams, Murray, Brown, Mortimer, Sennstrom, Houston and Dempsey.

ABSENT: Prickett, 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 Brown, seconded by Mortimer and unanimously carried to approve the January 22, 2004, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT TO THE CECIL COUNTY SUBDIVISIONS REGULATIONS: AMEND ARTICLE VII, DESIGN STANDARDS AND REQUIREMENTS. Section 7.2 Highways, Streets and Roads, Subsection A-2 Right of Way Widths and Pavement Requirements.

Mr. Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment. This amendment was originally proposed as a block of other amendments last fall. The comments from the public were such that the Board of County Commissioners felt it should be revisited and reviewed. A committee consisting of four surveyors in the County working with the staff in Planning and Zoning drafted this amendment. The new language that is being proposed is shown in bold within the brackets: **(Major and Minor subdivisions shall dedicate a fee simple strip of land on the lots being created. Any remaining road frontage not encumbered by a new lot shall dedicate a road widening easement along the total remaining road frontage. The County shall prepare and execute with the landowner a fee simple dedication/easement agreement to be recorded in the land records of Cecil County. The fee simple dedication and/or road widening easement shall be indicated on the record plat)**. Such dedication to the public use shall be to the full extent of the right of way as required by the Cecil County Road Code, **(to permit sufficient width of the right of way to meet the applicable standards of the Cecil County Road Code. Any improvements located within the easement, such as fences, accessory buildings, etc., that need to be removed or relocated due to road construction or widening activities, or installment of County utilities by the County or its contractor, shall be relocated at the County s expense)**.

The County Attorney has reviewed this language subsequent to the task force meeting and feels this will be sufficient to provide him with a sound standing in the event the an appeal would be filed for the easement

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dedication or the fee simple dedication.

Mr. Josh Brown mentioned that this was brought to the Board before and wondered if this is just for minor subdivisions.

The language the first time was not sufficient and needed to be reviewed. The Board asked Mr. Sennstrom to draft language that would be suitable to the County, and address the development community's comments.

Health Department Report No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Joe Meadows, 284 Little New York Road, Rising Sun, MD asked does this mean that the Developer would have to be the one to widen the road

Mr. Sennstrom stated that the fee simple dedications were part of the major subdivisions process. Any road widening beyond the requirements for the subdivision entrance would be made at a later time.

Amendment to the Cecil County Subdivision regulations attached for reference.

FILE: 3009 - GROWTH ALLOCATION DISTRICT PLAN AND ENVIRONMENTAL ASSESSMENT REPORT: Special Growth Allocation Application Patricia Whiteoak 1 Acre from RCA to LDA for Subdivision Purposes.

Ms. Patricia Whiteoak and Mr. Chuck Schneider, Frederick Ward Associates presented this growth allocation to propose changing one (1) acre from RCA to LDA for subdivision purposes. This is the last piece of Ms. Whiteoak's property on Knights Corner Road and she would like to subdivide it. This lot is not accessible to her home (Bed and Breakfast) as there is a stream and wetlands running through this lot from her other property. This is a beautiful piece of property for someone to build a home on. It is close to the I-95 corridor

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and was perked a year ago. Ms. Whiteoak and Mr. Schneider feel that all the criteria have been met to make this lot.

Mr. Chuck Schneider stated that part of the special growth allocation district means meeting the criteria. The first part of the criteria would be the size of the parcel. The size is 76.97 Acres, of which 47.20 is found within the Chesapeake Bay Critical Area. This area has two designations, 41.40 Acres is found in the RCA and 5.80 Acres is found in the LDA. Currently there are three parcels that have been cut out of this entire property found within the critical area. Ms. Whiteoak would like to have four parcels instead of three. The next criteria would be the maximum lot size should not exceed the minimum individual lot size required by the Cecil County Health Department. The road frontage requirement of 100 ft. has been met, septic system and topography

have also been met. They would be in full compliance with all other Cecil County Critical area program regulations, such as forestry and habitat protection. From May 1 thru August 31 there would be no clearing of land due to the habitat. The next criteria would be to meet all subdivision requirements. A soil conservation plan would have to be prepared. This property has no agricultural use. Any time you would be clearing in a critical area it would have a one to one replacement. The rest of the area would be put into a conservation easement. Ms. Whiteoak has taken active steps to protect the plants and wildlife. The Environmental Assessment Report has come back with no threatening damage for plants or animals. The U.S. Fish and Wildlife stated there are no endangered species on the property.

Health Department Report Percolation tests and soil evaluations conducted in February 2003 were satisfactory for on-site sewage disposal; a Minor Subdivision Plat must be submitted and approved.

Mr. Williams asked where the re-forestry is going to be?

Mr. Snyder pointed the site out to the Board on the map.

Mr. Walbeck asked if there was a formal forestry plan prepared?

Mr. Snyder stated it was in the Conservation Plan. They would be replacing the trees that would be lost one to one.

Mr. Mortimer asked if this was a one-time deal or are you planning on subdividing more lots?

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Ms. Whiteoak stated this would be the last lot subdivided. In the critical area this is all that is left and outside the critical area that is mostly wetlands.

Mr. Cliff Houston stated that the Planning and Zoning Office has received a letter from the Critical Area Commission, in file for reference.

Section 211- Special Growth Allocation District (SGA), attached for reference.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3002 - APPLICANT: Meadows Materials and Trucking, LLC.

FOR: Special Exception to expand existing gravel pit.

PROPERTY LOCATION: 260 Calvery Lane, Rising Sun, MD 21911, Election District: 5, Tax

Map: 24, Parcel: 33.

PROPERTY OWNER: Meadows Materials and Trucking, LLC.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Joe Meadows, 284 Little New York Road, Rising Sun, MD and Mr. Norman Wilson, Esquire, Elkton, MD representing Mr. Meadows in this application. Mr. Wilson explained the mining areas shown on the map to the Board. Mr. Meadows has had a permit to mine a particular area and now he would like to extend the area to be mined. The permit allowed so much acreage to be mined. The State is willing to extend the permit to allow Mr. Meadows to take additional sand and gravel out. The approval of a Special Exception is needed before the permit could be issued.

Mr. Sennstrom, Director of Planning and Zoning stated that you need a Special Exception for mineral extraction. Mr. Meadows would like to amend his permit with the State to mine a larger area and he would

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need a new Special Exception and site plan approval.

Mr. Meadows stated that soil conservation plan has been approved, but not stamped. Mr. Meadows would like to mine an additional 6.72 acres. At the present time there have been 15.91 acres already mined. There have been 7.7 acres reclaimed with topsoil and trees planted. There are no explosives being used in the mining operation.

Mr. Norman Wilson presented a letter in which Mrs. Deborah Meadows had received from Molly K. Edsall, C.P.G., Maryland Department of the Environment, marked exhibit one, attached for reference.

Mr. Brown asked if the staff would be remaining the same or be expanded?

Mr. Meadows stated it would be staying the same.

Health Department Report Must comply with the requirements of the Mining Program, Maryland Department of the Environment.

Mr. Mortimer asked about the property lines.

Mr. Meadows stated that they have to maintain 100 ft from the property line or 300 ft. from a dwelling.

Mr. Walbeck asked who owns Calvery Road and maintains it?

Mr. Meadows stated that he has a deeded right-of way and maintains the road. The road does not go all the way through. Half way the road stops both directions. The section that goes to Goosemar Road is maintained by Mr. Meadows and the other residents would maintain their own portion.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: Mr. Robert McKnight, 181 Calvery Lane, Rising Sun, MD asked what the difference is between MEA and MEB.

Mr. Eric Sennstrom explained the difference between the two. MEB requires a Special Exception and MEA does not.

Mr. McKnight had some complaints about the mining area being too close to his residence. The neighborhood is changing by losing the wooded area and the children may get hurt with the mining so close to his home.

Mr. Kevin Curry, 148 Calvery Lane, Rising Sun, MD is in opposition because the west side of the gravel pit would be within 75 feet of Rob McKnight's home which would make a new line of disturbance.

Mr. Houston stated that a new site plan would have to be submitted and approved.

Mr. Sennstrom stated that he had spoke to McCrone's referencing the regulations of separation of 300 feet from the existing dwellings on the maps for the Board of Appeals meeting.

Mr. Meadows stated that he has had an on site inspection performed by Mr. Ed Larimore of the Mining Department and he has walked the whole site and everything seem to be up to standards. There is a very high cliff on the property line, which the mining department is very concerned about as it is unsafe.

Mr. Anthony Weymouth, 55 Patrick Ward Drive, Rising Sun, MD his property abuts the property which is to be expanded. He does not want to see more of the woods mined. This will have a big impact on his property values. His property is already under pressure by the Cecil County Dragway presence. He would like to see the rural character and retain the beauty and existence of the woods.

Mr. Wayne Church, 81 Calvary Lane, Rising Sun, MD asked what is the mining operation for?

Mr. Norman Wilson stated sand and gravel.

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Mr. Dan Shultz, 525 Goosemar Road, Rising Sun, MD stated his property is North of the mine. Mr. Shultz feels that there is a problem with the maps in the Planning and Zoning Office, Room 300, County Office Building, Elkton and the over lay on the maps should be corrected.

FILE: 2988 - APPLICANT: Jean Blakeley.

FOR: Special Exception renewal of a Home Occupation to operate an antique shop.

PROPERTY LOCATION: 149 Colora Road, Colora, MD 21917, Election District: 6, Tax

Map:

9, Parcel: 287.

PROPERTY OWNER: Marion and Jean Blakeley.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Jean Blakeley, 149 Colora Road, Colora, MD would like to renew her special exception to operate an antique shop. The first time the special exception was approved for four (4) years. Nothing has changed in the running of her business.

Health Department Report No anticipated increase in water usage and no Sanitary Permit required satisfactory.

Mr. Josh Brown asked if any of her neighbors have complained.

Ms. Blakeley stated no .

Ms. Blakeley s husband has been ill and she is home all the time. When she needs help her Grand children and her son help her.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

February 17, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

FILE: 3004 - APPLICANT: Nelson and Sharon Malbone, Sr.

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

District: PROPERTY LOCATION: 352 Old Conowingo Road, Conowingo, MD 21918, Election

8, Tax Map: 8, Parcel: 285.

PROPERTY OWNER: Nelson and Sharon Malbone, Sr.

PRESENTLY ZONED: Rural Residential, (RR).

Mrs. Sharon Malbone, 352 Old Conowingo Road, Conowingo, MD presented her application for renewal of her special exception for hardship purposes. They need her daughter and her family living in the manufactured home adjacent to her because her family helps take care of Mrs. Malbone's totally disabled mother. Mrs. Malbone's mother is 79 years old and needs constant attention as she cannot speak and cannot walk.

Mr. Mortimer asked if there have been any complaints by her neighbors.

Ms. Malbone stated no. There are other trailers close by on Mt. Zoar Road.

Health Department Report Sanitary Permit G0925 issued in 2001 for septic system, Building Permit G0523 issued for mobile home satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3008 - APPLICANT: Nextel Communication of the Mid-Atlantic, Inc.

FOR: Special Exception to locate and install a 150' Monopole Communications Tower.

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PROPERTY LOCATION: 1660 Crystal Beach Road, Earleville, MD 21919, Election District:

1,

Tax Map: 56, Parcel: 9.

PROPERTY OWNER: Taylor Keen.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Ms. Amy Cavero represented Nextel in this special exception application. Nextel is proposing a 150 ft monopole communications tower. This monopole tower is a single pole and does not require guy wires. Mr. Taylor Keen, 1660 Crystal Beach Road, Earleville, MD is the homeowner requesting this monopole be placed on his property. The zoning is Southern Agricultural Residential, (SAR) and the use is permitted by special exception. Ms. Cavero stated along with herself she has brought a Radio Frequency Specialist, Planner and Site Acquisition Specialist for any questions that the Board may have.

Health Department Report Sanitary Permit G0925 issued in 2001 for septic system, Building Permit G0523 issued for mobile home satisfactory.

Mr. Brown asked they arrived at this particular piece of property?

Ms. Victoria Brennan did a search ring of the area. Ms. Brennan was commissioned by Mr. Saju Paul of Nextel to drive the search ring to find a suitable place to put up the communication tower. The tallest structures in the area were 60 to 80 ft. silos. The closest water tank is 4.4 miles away. Ms. Brennan takes into account the visual surroundings and the impact on the community. There is a commercial use at the front of this property, which makes this a benefit.

Mr. Mortimer asked about the water tower being high enough.

Ms. Brennan stated the water is high enough, but it is 4.4 miles away. The search rings are only ½ mile in diameter and we do not need anything in the area where the water tower is located. The tower is needed more in the Crystal Beach area.

Mr. Brown asked about the existing monopole on Glebe Road.

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Ms. Brennan did the search in a two-mile radius and nothing else seemed to be suitable.

The Board was given the maps to peruse showing the colors for their signal level and their distinctions by Mr. Saju Paul. Attached for reference.

1. White-no coverage
2. Red-in building
3. Green-in vehicle.

Ms. Cavero stated that you would be able to continue your call down Crystal Beach Road and there would not be any interference level with the signal.

Mr. Walbeck asked what the distance would be for a good signal level.

Mr. Paul stated that you would be able to space towers between three to four miles.

Mr. Brown asked if the tower would be high enough for other carriers to place their equipment on the monopole.

Mr. Paul stated yes it would be high enough for three to four carriers to use the same monopole. There are only five carriers at the present time on the market.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: Mr. Joe Walls, 1740 Crystal Beach Road, Earleville, MD wondered why the monopole tower could not be placed at another location. This location that has been chosen is at the corner of his building lot.

Ms. Cavero stated it needs to be close to power and telephone lines and Nextel would like to disturb as little of the farmland as possible. They would like to stay as far away from the North West side as possible as this area is wetlands. They meet all setbacks with the location they have chosen. It would be more costly away

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from the road and power area.

Mr. Hugh Whalen, 15 Fingerboard School House Road, Earleville, MD asked how big is the tower?

Ms. Cavero stated 150 ft tall and 5 feet in diameter.

Mr. Whalen asked if the pole would have to be a certain distance from another building.

Ms. Cavero stated they are required a one to one setback from side and rear property lines and from the street a three to one setback. It would be a 158 ft. from your property and 450+ from the front of the street. These towers can be located next to any building and it would be very safe.

Mr. Stephen Wolf, Surveyor with Andersen Engineering, presented the plans and aerial photography and stated Mr. Keen (owner) wants the tower set close to the road so he would not be able to see it. Mr. Keen is also concerned about the wetlands. They also do not want to interrupt the farming on the property. This site is also the easiest to get power and telephone to and minimizes the impact on the farm.

Mr. Taylor Keen (owner) stated that if this monopole would be moved the topography of the land would be different. On the western side there could be a problem with elevation as it falls off on Stemmers Run Road.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Text Amendment to the Cecil County Subdivision Regulations: Amend Article VII, Design Stands and Requirements.

Staff recommended approval.

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

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VOTE: All in favor, motion carried.

APPLICANT: Patricia Whiteoak.

FOR: Growth Allocation District Plan and Environmental Assessment Report: Special Growth Allocation
1 Acre from RCA to LDA for Subdivision Purposes.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Meadows Materials and Trucking, LLC.

FOR: Special Exception to expand gravel pit.

Staff recommended approval, conditioned on site plan approval, verification of 300 ft. setback from adjoining residences and obtaining State Mining Permit.

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

VOTE: All in favor, motion carried.

APPLICANT: Jean Blakeley.

FOR: Special Exception renewal of a Home Occupation to operate an antique shop.

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

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

VOTE: All in favor, motion carried.

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APPLICANT: Nelson and Sharon Malbone, Sr.

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

Staff recommended approval, as long as applicant owns property and parent resides with applicants.

ACTION: Motion made to approve with staff conditions by Williams, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Nextel Communications of the Mid-Atlantic, Inc.

FOR: Special Exception to locate and install a 150 Monopole Communication Tower.

Staff recommended approval.

ACTION: Motion made to approve, with site analysis showing proposed location being better than alternate location along Stemmers Run Road by Mortimer, seconded by Brown.

VOTE: All in favor, motion carried.

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

NEXT PLANNING COMMISSION MEETING: Monday, March 15, 2004 at 7:00 p.m.

March 15, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Williams, Murray, Brown, Farrell (alternate), Manlove, Sennstrom, and Dempsey.

ABSENT: Prickett, Mortimer, Houston.

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

MINUTES- Motion made by Brown, seconded by Williams and unanimously carried to approve the February 17, 2004, 7:00 p.m., minutes as mailed.

2003 ANNUAL REPORT FOR CECIL COUNTY PLANNING COMMISSION.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the 2003 Annual Report for Cecil County Planning Commission. The Planning and Zoning Office is required by Article 66B of the Annotated Code of Maryland to prepare an annual report summarizing the activities of the previous calendar year. The report starts out with a summary of activities breaking down the Major Subdivisions, Minor Subdivisions, Site Plans, Historic District Application, Rezonings, Agricultural Preservation, Special Exceptions, Variances and Appeals, Building Permits and Zoning Violations.

The 2003 Annual Report for Cecil County Planning Commission, attached for reference.

Health Department Report No comment required.

Mr. Walbeck pointed out to the Commission and the audience that 72 % of approved lots were in the Rural Conservation District and 24% were in a more intense area for development.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

COMPREHENSIVE PLAN LAND USE DISTRICT AMENDMENT. Rural Conservation to Town District.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the Comprehensive Plan Land Use District Amendment for Rural Conservation in a Town District. The Town of Chesapeake City would like to grow on the North side of the Town for employment and future growth of the Town. With this amendment the County is attempting to change the County's land use plan to change a portion of the RCD to TD, which would reflect the future growth plans of the Town.

The Amendment to the Cecil County Comprehensive Plan, attached for reference.

Mr. Walbeck asked if the Towns have an automatic right to annex and can the County influence that?

Mr. Sennstrom explained they do not have an automatic right to annex stated in Article 23A in the Annotated Code lays out the procedure that should be followed. If a landowner wants to annex they may approach the Town. If it is a group of area then 25% of the registered voters or individuals who own equal a percentage of assessed real estate can petition for the property to be annexed into the Town. The Board of County Commissioners also would get involved in the process of annexation.

Mr. Bill Manlove, County Commissioner, asked if someone does not want there property annexed, do they have to?

Mr. Sennstrom stated that they could request a referendum be held on the request and the Board of County Commissioners can do so with a 2/3 vote.

Health Department Report No comment required.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OLPPPOSITION: None.

AMENDMENT TO ARTICLE X, SECTION 186, STREET TREES.

Mr. Eric Sennstrom, Director of Planning and Zoning presented this amendment to the Street Trees. This section is proposing to add new language to establish a planting easement. The new language states there shall be, parallel to the to the front property line, a ten foot wide planting easement established on each new lot created for the purpose of permitting the developer, at a minimum, to plant or retain sufficient trees.

This new language would help inform the new lot owners of the landscaping or buffer yard requirements. This will help explain to the new owners why the developer is installing the trees.

The Amendment to the Cecil County Zoning Ordinance, attached for reference.

Mr. Sennstom stated this would give people notification in advance of planting of trees required by the landscape requirements.

Ms. Ethel Murray asked has this been difficult for this to be done?

Mr. Sennstrom stated that before a final plat is approved the landscape plan has to be approved and this will help people buying lots so they know the planting will be performed. Mr. Sennstrom explained the process of the landscape agreements.

Mr. Bill Manlove, County Commissioner asked if the homeowners are told about the tree planting.

Mr. Sennstrom stated this would be on the homeowner s copy of their lot survey.

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Health Department Report No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE: 2004-02: APPLICANT: Jeanne A. Barbee.

PROPERTY LOCATION: 149 Main Street, Warwick, MD 21912.

ELECTION DISTRICT: 1. TAX MAP: 59, PARCEL: 60.

PRESENTLY ZONED: Village Residential, (VR)

REQUEST: Rezone approximately ¼ Acre from Village Residential, (VR) to Business Local,

(BL) for the purpose of operating a small store.

PROPERTY OWNER: Donnie J. and Jeanne A. Barbee.

Ms. Jeanne Barbee, 149 Main Street, Warwick, MD presented this application. The building on this site used to be an old store and the Barbee s would like to fix it up and re-open it to sell items such as work clothes and supplies to the local people in the area, such as Hunters.

Health Department Report Sanitary Permit R1184 issued in 1991 for repair of septic system at the 2-story dwelling. No application received for water and sewage approval for proposed commercial use.

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Mr. Carl Walbeck asked if there was running water and toilet facilities in the building?

Mr and Mrs. Barbee stated no . Mr. Marbee stated he does not see a need to have that in the store.

Ms. Murray asked if public places have to provide public facilities for the public to be able to use.

Mr. Sennstrom stated that was an issue for Environmental Health. Places that do not perc there may be permitted to have holding tanks installed and pumped out on a regular basis.

Mr. Farrell asked how long the building had been vacant.

The Barbee s do not know, as they had just moved into the area two years ago. Mr. Barbee stated that this property had been zoned commercial before.

Mr. Josh Brown asked if there is ample parking?

Ms. Barbee stated there is parking available and they plan to extend the parking. Also the Church stated the Barbee s could use there lot.

Mr. Bill Manlove, County Commissioner asked if the sore would be next to the Church?

Mr. Barbee stated yes .

COMMENTS IN SUPPORT: Mr. Robert Bramble, 25 Wilson Street, Warwick, MD sttated it would be a pleasure to see the store re-opened. It would be good for the area to be able to buy work clothes, boots and hunting equipment close by. It would be a pleasure not to have to drive 25 miles to a store to purchase these kind of items.

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COMMENTS IN OPPOSITION: None.

Mr. Walbeck entered into the minutes a letter from Suzanne and Harold Cheyney, in file for reference.

COMMENTS IN OPPOSITION: None.

FILE: 2004-03: APPLICANT: Independent Construction Materials/Division of AI-MD, Inc.

PROPERTY LOCATION: 618 West Pulaski Highway, Elkton, MD 21921. ELECTION

DISTRICT: 3. TAX MAP: 32, PARCEL: 262.

PRESENTLY ZONED: Heavy Industrial, (M2).

REQUEST: Rezone 9.294 Acres from Heavy Industrial, (M2) to Business Industrial, (BI) for
the purpose of Mobile Home Sales.

PROPERTY OWNER: Ca-Ma-Ro Corporation.

Mr. Curtis Kuhn, Attorney for Independence Construction Materials filed this petition for 9.29 Acres from Heavy Industrial, (M2) to Business Industrial, (BI) for the purpose of Mobile Home Sales. This property has changed over a period of time becoming more residential and retail than manufacturing. In 1994 Ca-Ma-Ro Corp. bought this property. Prior to 1994 this property was used as a concrete plant for ready mix concrete by the Davis Concrete Company until 1985, then Newark Concrete began using the property. In 1996 T.C. Simmons, Inc. rented the property with the option to purchase and utilized the property under a permit under the State of Maryland to operate an Asphalt Plant which was operated until a year and half ago. This property is bounded on a couple of sides by Residential use that has become very intense over the past few years.

Mr. Kuhn presented aerial photographs marked exhibit 1-3 to the Board. In 1970-1973 there were approximately 25 visible homes and in 1986 there were 38 visible homes. Mr. Kuhn presented a petition in support of zoning reclassification with 50 signatures marked exhibit 4, all exhibits in file for reference.

Mr. Curtis Hall, representative of Independence Construction Materials, General Manager stated that the Asphalt Plant was new and state of the art. This plant has been moved to a new location and has been in operation for the last six years. There were numerous random inspections of the plant and there were never any violations and were always in compliance. There were still a number of complaints within the community about noise, odor complaints and truck traffic. The trucks would have to make u-turns onto Rt. 40 and this

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was very unsafe. Out of the 9.29 acres only 4 acres is usable for the purpose of trucks hauling, also this property also has a split zoning. During the circulation of the petition some of the comments that were made were no trucks, no dust, noise, would rather utilize Rt.40 rather than Rt. 7. What are the new owners going to be doing there?

Mr. Rasnake wants to locate his Modular and Manufacture Home Sales at this location.

Health Department Report Sanitary Permit or Health Department approval required. The use, storage or disposal of chemicals may require for water and sewage approval for prosed use.

Mr. Keith Williams asked if any manufacturing would being going on at this property location?

Mr. Rasnake stated this site would only be for sales .

Mr. Rasnake explained that most of his operation would be in the flat bottom section of this parcel. There would be smaller model homes off the Rt. 7 entrance. Mr. Rasnake was located for 40 years at his previous location. He would only need 10-12 model homes at this location and there should be enough room to display that number. Only 50% of his business in Modular Homes and he just uses one model for display.

COMMENTS IN SUPPORT: Mr. John Rasnake, 80 Davis Lane, North East, MD feels it would be great to eliminate a place in the community that has such dangerous chemicals such ast the Black Top Plant and locate the Manufactured Home Models there instead.

COMMENTS IN OPPOSITION: Mr. Wally Murray, 31 Hollis Circle, Elkton, MD stated he has a problem with the petition because they did not show anybody what was going to happen. They did not show the easement off Rt. 7 after everyone had signed the petition. About four years ago this piece of property was discussed and none of the neighbors were notified and he feels the same thing is happening that the neighborhood is being left out in the dark. The neighbors all feel the wood line would be cut down, which backs up to their properties. Mr. Murray stated that he thought Manufactured homes were only permitted in the Business Intensive, (BI) Zone.

Mr. Glen Jackson, 11 Hollis Circle, Elkton, MD stated there was a lack of information given when the petition was given to the residents. He would not like to see this Manufactured Home Sales as the traffic off Rt. 7 would be terrible. Mr. Jackson does not want the tree line taken down as there would be too much noise.

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Ms. Doris McCoy, 1975 East Old Philadelphia Road, Elkton, MD is worried about the trees being cut down. Ms. McCoy is just worried about what will happen on this piece of property after the zoning would be changed.

Mr. Paul B. Schneider, 43 Hollis Circle, Elkton, MD stated he does not have a problem with Manufactured Homes being there if the entrance would be off Rt. 40 not Rt. 7. He does not want to see any trees cut down also.

Mr. Rasnake stated they sell approximately 50 homes a year. There would not be a lot of truck traffic.

Mr. Eric Sennstrom stated you need 10 acres to do a Mobile Home Park and there is not enough acreage with this parcel.

Mr. Curtis Kuhn stated change in character of the area. With the size and configuration of the parcel it would better served as one zoning and one use.

FILE: 3012 - APPLICANT: Rashik Abdullahi.

FOR: Special Exception for a home occupation to conduct a business of packing and delivery of

incense.

PROPERTY LOCATION: 53 Dixon Lane, Elkton, MD 21921, Election District: 3, Tax Map: 21, Parcel: 661.

PROPERTY OWNER: Raskik and Sharon M. Abdullahi.

PRESENTLY ZONED: Development Residential, (DR).

Mr. Rashik Abdullahi, 53 Dixon Lane, Elkton, MD manufactures incense at another location and wishes to use his home for delivery of his product. There would be no customers coming to his home. U.P.S. would make one pick-up a day picking up two to three packages.

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Mr. Josh Brown asked what kind of vehicle he drives?

Mr. Abdullahi stated he drives a mini van.

Health Department Report No anticipated increase in water usage; no Sanitary Permit of Health Department approval required. The use, storage or disposal of chemicals may require approval of Maryland Department of the Environment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Brian Thacker, 31 Dixon Lane, Elkton, MD stated there are more than one pick-up a day, there are two or three a day and there is not where for the U.P.S. truck to turn around. The smell of the incense makes you sick to smell. This is zoned a residential area and it needs to stay that way. A petition has been signed by the residents that live on Dixon Lane stating they do not want incense made, packaged or delivered from 53 Dixon Lane, in file for reference.

Mr. Carl Walbeck asked Mr. Abdullahi if there is manufacturing being preformed at his residence?

Mr. Abdullahi stated he has not done manufacturing there for two or three months, it is performed at a different location.

Mr. Edward Lewis, 38 Dixon Lane, Elkton, MD stated there are two to three U.P.S. trucks at Mr. Abdullahi s home a day. All the trucks turn around in his driveway and he tired of his gravel driveway being torn up.

Mr. William Harford, 15 Dixon Lane, Elkton, MD stated that along with the U.P.S. truck coming two to three times a day, Federal Express comes once in a while. There is nowhere for the trucks to turn around except in his neighbors driveway. Mr. Harford stated the trucks making pick-ups is a big nuisance.

Mr. Henry Denny, 61 Dixon Lane, Elkton, MD stated the smell from the incense is bad on days when it is damp outside.

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Mr. Walbeck asked Mr. Denney if had smelled any odors in the past tow to three months?

Mr. Henry Denny stated no .

Mr. Abdullahi stated he has an account with U.P.S. and under his contract U.P.S. can only deliver and pick-up once a day. He does not have an account with Federal Express. He discontinued his manufacturing at his home two months ago.

FILE: 3014 - APPLICANT: Martin P. and Phyllis J. Shestock.

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

PROPERTY LOCATION: 189 Chestnut Springs Road, Chesapeake City, MD 21915, Election

District: 2, Tax Map: 43, Parcel: 168.

PROPERTY OWNER: Martin P. and Phyllis J. Shestock.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Martin and Mrs. Phyllis Shestock 189 Chestnut Springs Road, Chesapeake City, MD would like to locate a doublewide manufactured home for their daughter and her family to live in, so her daughter could help them around the house, lawn and drive them to Doctor s appointments. They need help as they have arthritis and are getting up in age, 82 and 86 years old.

Health Department Report Percolation tests and soil evaluations conducted in February 2004 found a limited area of acceptable soil for on-site sewage disposal satisfactory for proposed use and connection to existing septic system with installation of septic tank for the mobile home.

Ms. Ethel Murray asked if the Shestock s have a house and how big is it?

Mrs. Shestock stated they have a 1,200 sq. ft. home.

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Mr. Walbeck asked why couldn't her daughter and family move into their home?

Mrs. Shestock stated the house was too small for three more people to move in. They have lived in this home 47 years and would rather stay there and her daughter and family move into the Manufactured Home.

COMMENTS IN SUPPORT: Ms. Kathryn Piri, 200 Chestnut Springs Road, Chesapeake City, MD thought this would be a good idea as their daughter could help some of the other neighbors also.

Ms. Christine Donahue, 138 Melbourne Blvd., Elkton, MD (Daughter) stated she is an only child and she would like to be closer to her parents to help them so she does not have to travel so far when they need help around the house or going to Doctor appointments.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: 2003 ANNUAL REPORT FOR CECIL COUNTY PLANNING COMMISSION.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: COMPREHENSIVE PLAN LAND USE DISTRICT AMENDMENT. Rural Conservation to Town District.

Staff recommended approval.

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

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VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: AMENDMENT TO ARTICLE X, SECTION 186, STREET TREES.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Jeanne A. Barbee.

FOR: Rezone approximately ¼ Acre from Village Residential, (VR) to Business Local, (BL) for the purpose of operating a small store.

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

ACTION: Motion made to disapprove with staff conditions by Brown, seconded by Murray.

VOTE: Three to one (abstained- Farrell) to disapprove with conditions, motion carried.

APPLICANT: Independent Construction Materials/Division of AI-MD, Inc.

FOR: Rezone 9.294 Acres from Heavy Industrial, (M2) to Business Industrial, (BI) for the purpose of Mobile Home Sales.

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

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ACTION: Motion made to disapprove with staff conditions by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Rashik Abdullahi.

FOR: Special Exception for a home occupation to conduct a business of packing and delivery of incense.

Staff recommended approval for two years.

ACTION: Motion made to disapprove by Brown, seconded by Murray.

VOTE: Three to one to disapprove, motion carried.

APPLICANT: Martin P. and Phyllis J. Shestock.

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

Staff recommended approval for two years.

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

VOTE: Three to one to approve for two years, motion carried.

The meeting was adjourned at 8:25 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 19, 2004 at 7:00 p.m.

April 19, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Williams, Murray, Brown, Mortimer, Farrell (alternate), Kilby, Beland, Slicer, Sennstrom, Houston and Dempsey.

ABSENT: Prickett.

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

MINUTES- Motion made by Brown, seconded by Murray, Mortimer abstained and unanimously carried to approve the March 15, 2004, 7:00 p.m., minutes as mailed.

AMENDMENT OF THE WATER AND SEWER PLAN:

Update for CECO Utilities, Inc. Wyndale Farm.

WITHDRAWN.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: John F. Coleman. FOR: Establishing an Agricultural Preservation District. PROPERTY LOCATION: N/S Crystal Beach Road, Earleville, MD 21919. Tax Map: 58, Grid: 17, Parcel: 72, Acreage: 273.588 Acres, 1st Election District. PROPERTY OWNER: John F. Coleman, Trustee. PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Ms. Jocelyn Beland, Planning Aide, Planning and Zoning Department presented this application for John F. Coleman to establish an Agricultural Preservation District. Mr. Coleman has decided to create two MALPF Districts in an effort to make the districts more affordable to the state of Maryland. Mr. Coleman's soils, size and land use make him a strong candidate to receive an offer in this cycle. This parcel consists of 273.588 acres and meets all the criteria.

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Health Department Report- No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

PROGRAM OPEN SPACE:

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development- Fiscal Year, 2005.

Mr. Edward Slicer, Manager of Parks and Recreation, presented this application. This an annual report presented by the Board of Parks and Recreation for Fiscal-Year 2005 for Park Acquisition and Development Plans. This annual program consists of Municipal projects, County projects, and both past and future projects.

Health Department Report Annual Program Projects, which will require on-site water supplies and sewage disposal, should involve this office early in the process.

Mr. Slicer read the following projects:

Active Fiscal-Year 2004 Acquisition Projects

1. Land preservation, Parks and Recreation Plan

Active Fiscal-Year 2004 Development Projects

1. Cecil County Sports Complex Phase I
2. Cecilton Community Park Development
3. Chesland Park Development

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4. Conowingo Multi-Use Park
5. Conowingo Park Development Phase II
6. Diddie Richardson Park Play Train
7. Elk River Park Development Phase I
8. Elk River Park Development Phase II
9. Hopkins Quarry Survey
10. Marina, Brown and Rice Parks ADA Improvements
11. North East Little League Park Development V
12. North East Little League Park Development VI
13. Rising Sun Town Park Safety Surface
14. Stoney Run Park Master Plan
15. Trailhead Design
16. Trinity Woods Basketball Court

Fiscal Year 2005 Acquisition Projects

1. Cecil Sports Complex Addition
2. Elk Landing Acquisition Phase II (3rd Installment)
3. Land Preservation, Parks and Recreation Plan (2nd Installment)
4. Trinity Woods Acquisition

Fiscal Year 2005 Development Projects

1. Diddie Richardson Park Safety Surface
2. Fair Green Park Fencing
3. Helen Titter Park Play System
4. North East Little League Development VI (2nd Installment)
5. Perryville Community Park Paving

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6. Rising Sun Town Park Safety Surface
7. Trinity Woods Playground Equipment

Mr. Walbeck asked Mr. Slicer for the totals of all these projects. The Local Funds are \$295,964.77, State Funds are \$1,233,597.46 and the Total Cost is \$1,529,562.23.

Program open Space Annual Program Fiscal-Year 2005 Park Acquisition and Development Plan, in file for reference.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FOR: Conowingo Park Development Phase II.

LOCATION: MD Route 222, Conowingo, MD 21918.

FUNDING: Reimbursement funds available FY 2004 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 on Conowingo Park Development Phase II. Funding is requested to implement the master park design, which is currently being developed. The goal is to include a number of facilities for baseball, soccer, football, tennis, pavilion and playground. This will compliment both the facilities at Port Deposit and serve as a hub for the Lower Susquehanna Heritage Greenway. Mr. Fred Orr, Licensed Engineer in the State of Maryland is developing a plan for this Park.

Health Department Report Conowingo Park Development No application received for on-site water and sewage approval.

Mr. Keith Williams asked if there were any plans to access the River from the Park?

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Mr. Edward Slicer stated, no, there are wetlands and a marsh in the way. This area is all natural and Mr. Slicer does not want to see it disturbed.

Mr. Mortimer asked what would not get done if the money was not available?

Mr. Slicer stated he did not have the plan with him with all the figures listed. It would be very hard to speculate on, but he feels they would start out with an entrance and start out with as much of the fieldwork as possible.

Community Park Development Phase II, in file for reference.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE: 2004-04: APPLICANT: Janet Dooling.

PROPERTY LOCATION: 1282 Susquehanna River Road, Port Deposit, MD 21904.

ELECTION DISTRICT: 7. TAX MAP: 16, PARCEL: 421, 424 & 507.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 1.25 Acres from Northern Agricultural Residential, (NAR) to

Business General, (BG) for the purpose of a Gift Shop.

PROPERTY OWNER: Janet M. Dooling.

Mr. William Riddle, Esquire, 204 East High Street, Elkton, MD is representing Ms. Janet Dooling in this rezoning application. There are three small parcels adjacent to her present business The Union Hotel

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which is a Restaurant located on Rte 222. Ms. Dooling would like to have these three small parcels be rezoned to Business General, (BG) for a small gift shop. There are two reasons that the zoning should be changed, first being a change in the neighborhood. There is a place on the same road called The Crab Shack and it has been rezoned to Business General, (BG). Secondly, The Union Hotel is presently zoned Business General, (BG) and these parcels are adjacent to the Restaurant. This is consistent with the master plan and a mistake in the Comprehensive Rezoning in 1993 along the roadway. There are no residents that are adjoining to these parcels. There is a need to have more businesses brought into the Port Deposit area.

Health Department Report Parcel 507 is vacant and Parcel 424 has an existing older dwelling no application received for water and sewage approval for commercial use. Parcel 421 has been tested and approved for an alternative sewage disposal system for a repair to the existing older dwelling satisfactory for a commercial use with limited water usage in lieu of a dwelling.

Mr. Mortimer asked what Ms. Dooling s plans were?

Ms. Dooling stated she would like a Gift Shop where the house is.

Mr. Mortimer asked if there would be more traffic?

Ms. Dooling stated not any more than when customers come to the Restaurant.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2004-05: APPLICANT: William Riddle.

PROPERTY LOCATION: E/S Blythedale Road, Perryville, MD 21903. ELECTION

DISTRICT: 7. TAX MAP: 29, PARCEL: 397.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 4.35 Acres from Development Residential, (DR) to Business

PLANNING COMMISSION MEETING 2004

General, (BG) for the purpose of Commercial use.

PROPERTY OWNER: Estate of Jones and Helen L. Douglass.

Mr. William Riddle, Esquire, 204 East High Street, Elkton, MD presented this rezoning application. Mr. Riddle passed out some pictures and a map of parcel 397 (request change in zoning), attached for reference. Mr. Riddle stated that from 1962 to 1979 that parcels 3 and 397 were zoned R3 (Residential). From 1979 to 1993 the parcel 3 changed zoning to C2 (Commercial or Business Use) property, the other lot was changed to R1, (Residential). In 1993 when the Comprehensive Plan changed the C2 changed to BG and the other lot (p.397) changed to DR, which increased the residential density. Mr. Riddle feels there has been a mistake in the rezoning by not including Parcel 397. Years ago the Douglas Motel used both these lots in conjunction with each other. Mr. Douglass used these parcels for rental properties of Mobile Homes and the Douglas Motel. If this rezoning would be passed it would bring in more business in the area. Also, the site would be cleaned up from all the debris and trash and vacant Mobile Homes. All the Mobile Homes are currently vacant. There would not be any more traffic by rezoning this parcel to Business General, (BG), and it would not create any traffic hazards. There has been a change in the surrounding neighborhood, which is attached for reference.

Health Department Report Application has been made for soil evaluations for proposed commercial use in conjunction with adjoining Parcel 3 Site Plan approval required for specific proposed use.

Mr. Russell Farrell asked how long has it been since the Mobile Homes were occupied.

Mr. Riddle stated he is not positive but he thinks within the last six months.

Mr. Mortimer asked what the intended use would be for the two lots?

Mr. Riddle stated clearing off the lots and building an Apartment Building on the lot that was already zoned Business General, (BG), and the other parcel would have retail shops which would face Blythedale Road. There is already Commercial property on the corner of Blythedale Road.

COMMENTS IN SUPPORT: None.

Mr. Carl Walbeck asked if Apartments were allowed in a Business General, (BG) zone?

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Mr. Eric Sennstrom, Director of Planning and Zoning stated that in a Business General, (BG) zone if it were new you would be allowed two apartments per lot.

Mr. Riddle stated he has been in touch with the County and they have approved it as a non-conforming use.

COMMENTS IN OPPOSITION: Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD representing Joe and Michele Dougher, Parcel 382, 192 Blythedale Road, Perryville, MD have resided on this property since 1993. The Dougher's feel that just because the County zoned Parcel 3 Business General, (BG) does not mean that Parcel 397 should be zoned Business General, (BG). There have not been any changes in the neighborhood since the last Comprehensive Rezoning in 1993, and this property has been non-conforming through the years. There have been problems with the water and septic systems in the past and traffic problems. There has been a lack of change in character of the neighborhood or mistake in the 1993 Comprehensive Rezoning.

Ms. Cathy Lloyd, 60 Blythedale Road, Perryville, MD stated that frequently she runs out of water. There is no water supply even for a new well. The traffic is horrible. There are children and dogs outside that you have to worry about, so if this would be rezoned it would be worse. Her home is 200 years old and this would lower her property value if these buildings were built.

Ms. Joyce Caldwell, 177 Blythedale Road, Perryville, MD lives directly across from this property. She has already had one well go dry and feels bringing new business into the area would be very detrimental.

Mr. Arnold Haugh, 172 Blythedale Road, Perryville, MD stated that he agrees with everything else his neighbors stated. The speed limit is only 35 M.P.H. and rezoning this property would cause more traffic and be very dangerous for children and residents walking on the road.

Ms. Colleen Chamberlain, 744 Jackson Station Road, Perryville, MD stated the traffic is bad and the road is very dangerous, so she does not want to see more traffic with the construction of shops and apartments.

Mr. Mike Jackson, 816 Jackson Station Road, Perryville, MD has lived there his whole life and there has been numerous problems with the wells. He has seen where the neighbors have had to run a hose from the creek to get water.

PLANNING COMMISSION MEETING 2004

SPECIAL EXCEPTIONS:

FILE: 3016 - APPLICANT: Thomas P. Amarin.

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

PROPERTY LOCATION: 53 Wilson Road, Rising Sun, MD 21911, Election District: 6, Tax

Map: 11, Parcel: 351.

PROPERTY OWNER: Thomas P. and Jane P. Amarin.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Thomas P. Amarin, Architectural, Ink, Inc., 53 Wilson Road, Rising Sun, MD presented this application on conducting an Architectural business out of his home. Mr. Amarin supplies a drafting service for clients and builders with the drawing of construction plans. The house sits off the road quite a distance, and borders the Rising Sun Community Center on the left side of the property. Mr. Amarin presented some pictures marked exhibits 1-5, in file for reference. He meets with the clients mostly at their locations, but when clients come to the house they are there usually 20 to 40 minutes. The only traffic would be a U.P.S. truck and Staples delivering once or twice a month. Exhibit 6, running total of clients and delivery trucks for a time period of four weeks, in file for reference. All drawing is done on a computer, so the only orders would be paper for blueprints.

Health Department Report Sanitary Permit A8363 issued in 1977 for existing dwelling; minimal water usage from proposed business and no Sanitary Permit is required-satisfactory.

Mr. Mortimer asked if he had talked to any of his neighbors?

Mr. Amarin stated he has an issue with one neighbor, Ms. Cynthia Ortega, over dogs and that is how this whole issue of his home occupation came about.

Mr. Walbeck asked if Mr. Amarin was a licensed Architect?

Mr. Amarin stated he was not a registered Architect.

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Mr. Brown asked if Mr. Amarin was required by the State of Maryland to be licensed?

Mr. Amarin stated no .

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Cynthia Ortega, 47 Wilson Court, Rising Sun, MD stated that Mr. Amarin has been doing this business for two years with no Special Exception. Before Mr. Amarin applied for the Special Exception there were Clients, U.P.S. trucks, Contractors at his home all the time. The U.P.S. truck would have to back up his driveway at least two acres and with these trucks there are blind spots and she is concerned about children and animals being run over. There are twenty homes in the area and it should stay Rural Residential with no business in the area.

FILE: 3019 - APPLICANT: Linda Sue Rhoades.

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

PROPERTY LOCATION: 2199 Colora Road, Colora, MD 21917, Election District: 6, Tax Map:

17, Parcel: 178.

PROPERTY OWNER: Roy Bruce Farmer.

PRESENTLY ZONED: Rural Residential, (RR).

Linda Sue Rhoades, 2199 Colora Road, Colora, MD would like to have her Special Exception renewed. Ms. Rhodes Father has Ticdouloureux which affects the nervous system. The medicine he takes makes him dizzy and he falls. He needs someone to look after him. Ms. Rhoades lives in the Mobile Home and her Father lives next to her in his small home.

Health Department Sanitary Permit G1786 issued in 2002 for mobile home satisfactory.

Ms. Murray asked how big her father s home was and does he live by himself?

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Ms. Rhoades stated her fathers home is three bedrooms and he lives with her Mother, but she works and Ms. Rhoades does not, so she is able to take care of her father.

COMMENTS IN SUPOPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3022 - APPLICANT: Cecil County Farm Museum, Inc.

FOR: Special Exception to establish an agricultural museum.

PROPERTY LOCATION: N/S Elk Mills Road, Elkton, MD 21921, Election District: 4, Tax

Map: 21, Parcel: 586.

PROPERTY OWNER: Board of County Commissioners of Cecil County.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Cecil County Farm Museum, N/S Elk Mills Road, Elkton MD, presented by Mr. Dave Reed, President of the Museum and Mr. Paul Gray, Director of the Museum. This is a non-profit corporation (under 501C3) devoted to education and preservation of the County s agricultural past. This organization was started in 1997 and was created to preserve and promote the rich agricultural heritage, which contributed to the socio-economic development in Cecil County. The members are local farmers and residents and do this on a volunteer basis. The group would like to collect tools that relate to farming to display in the Museum. A working Farm Museum within the County will help educate the young people and the community on the importance of agriculture and its preservation. The Museum will also serve as a focal point to display important local historical artifacts important to Cecil County. The Museum will also help to attract tourist to the area. There would be demonstrations on butter making and how a sawmill would be operated.

The Cecil County Farm Museum signed a 99-year lease (formerly the Lanzi Farm) in the Spring 2003 on an 84-Acre tract of land, north of 106 Elk Mills Road. This property was purchased by Cecil County with Rural Legacy Funds and is being leased for \$1.00. There are 120 paid memberships in this organization.

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Mr. Paul Gray explained there is a 10 to 15 year plan in the process. The intent is to construct a working farm on the formerly Lanzi property. This working farm would be open to the public, so groups and organizations would be able to participate. There will be a farm pond, which will double as a source for fire fighting and for a dry hydrant. There will be two to four events per year held over the weekends. They will be providing a 150 - 200' crop buffer between any residents. The closest residence would be about 500'. There will be wells and septic systems installed. Also the dust will be controlled from traffic on the road. Traffic would be bad mainly in the summertime when 1,000 to 2,000 people would be attending the events.

Health Department Report Percolation tests conducted in May 2003 found a satisfactory area for sewage disposal. Site Plan approval required.

Mr. Mortimer asked what is the access to the Museum?

Mr. Dave Reed stated it is off Elk Mills Road and crusher run would be on top of the dirt for the roadway.

Ms Murray asked if there would be a charge to visit the Museum?

Mr. Reed stated there would probably be a small charge of \$4.00 to \$5.00. There are memberships that can be bought for \$10.00 per person and \$20.00 for a family. Most likely there will be no charge at all the first several years. This organization does have fund-raisers to raise money and perform services to groups for small donations.

COMMENTS IN SUPPORT: Mr. John Laird, 123 North Edgewood Drive, Elkton, MD is in support of the volunteers and the work that they are doing. He feels it is very important that we preserve our heritage for future generations so they can understand the history of Cecil County. This is a fine thing that this group is doing.

Mr. Philip Johnson, 3910 Blue Ball Road, Elkton, MD stated he is a member of this farm group and all the activities that have been conducted so far have been conducted at his farm. They have had as high as 3,500 children and 510 vehicles there at one time and did not have any trouble with traffic or any complaints from the neighbors regarding noise.

COMMENTS IN OPPOSITION: Ms. Tina Dyer, 23 Bradley Court, Chesterfield, Elkton, MD stated the Civic Association has met and they have concerns as this will affect their entire development of Chesterfield. The first concern they have is that the original charter has changed. The original plans were to have a full working

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farm and small amounts of traffic. They were told that nothing in their landscape would change. The group feels they have been misinformed by the Cecil County Farming Society. The new plan is to take the land that was to be farmed and turning it into parking lots for 4,000 to 8,000 vehicles. Gallaher Road, Elk Mills Road and Leeds Circle cannot handle all this traffic. We the residents were only expecting school buses during the week and now there will be thousands of vehicles. The events will be very loud and will be a nuisance to the community. There will a working saw mill and tractor pulls. We as a community want to know why Fair Hill Fair Grounds could not be used? This will also make the community of Chesterfield property values depreciate. After the events, who will be responsible for all the trash and cleaning up? What about the water supply, will it deplete our wells? These are all questions the Civic Association from Chesterfield would like answered. This is all different from a working Museum.

Mr. Robert Aulgur, 62 Bradley Court, Chesterfield, Elkton, MD is concerned about the open space funds. The second phase of this project is to construct a 50x100 building and a 20x40 pavilion. These facilities should not be in the open space. This space was meant for the community to use for walking horses and for Fair Hill. The third phase will be another building 100x200, mobile home for security person, sawmill, creamery, tenant housing and a black smith shop. There will also be a construction trailer on the premises during all this construction and Mr. Aulgur does not want to sit outside his home and look at a construction trailer and all these buildings being constructed. There should be a traffic study done of the area. This type of facility should not be in the open space or in the Northern Agricultural Residential, (NAR) zone this is not suitable for this area.

Mr. Bruce Reinhold, 18 Bradley Court, Chesterfield, Elkton, MD has three small children under the age of ten and is concerned about all the noise and the lighting particularly after dark and his children would be in bed.

Mr. Reinhold was under the impression that all these events and facilities would be on the West side of the property and now they are going to be on the East side. The plot plan is completely different from what they had intended to do.

Mr. Paul Miller, 70 Bradley Court, Chesterfield, Elkton, MD stated he feels this sound like a business being run instead of a Museum. It sounds like the cultural events are for raising money to support the business operation not to operate a Museum. This will affect the quality of life in the Chesterfield neighborhood. We do not want a Dover Downs in this field and that is what it sounds like because of having tractor pulls, etc. Traffic will be terrible.

Mr. Jim Fulghum, 131 Bradley Court, Chesterfield, Elkton, MD stated he agrees with everyone else that has spoke. This will affect the property values. One of the reasons he moved there was because of the low density. Having this farm in his backyard just does not seem right. The roads cannot handle the amount of traffic they are talking about having. The entrance that is there at the present time does not meet the requirements.

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Ms. Gail Jusiewicz, 82 Bradley Run Road, Chesterfield, Elkton, MD stated that the parking will be a nightmare. They plan on using 25 to 30 Acres for parking alone where the farming was to be done. Ms. Jusiewicz moved here two years ago from Delaware to get away from all the traffic and now there is going to be more traffic on Elk Mills and Gallaher Roads. The pictures that were taken show inconsistencies with the original document.

Ms. Brenda Ley, 63 Bradley Court, Chesterfield, Elkton, MD stated she grew up in Minnesota on a farm and is a former Elementary School Teacher. She has great respect for what this group is trying to do, but some of these venues should be held at Fair Hill or covered by the County Fair.

Mr. Buddy Camors, 39 Bradley Court, Chesterfield, Elkton, MD stated he has been involved in agriculture for 30 years and is not against the farmers, but there are so many inconsistencies from what the group said and what is in their document. There is nothing in the document about 150' buffers for the noise and dust. With these big events you will have a lot of noise and dust.

Mr. Dave Williams, 390 Cherry Hill Road, Elkton, MD stated his property borders this property. He has lived in his home for 45 years. His concerns are the setbacks of the property because it backs up to his home and pool. Mr. Williams is not for or against this project, but he feels that maybe the Board should take a second look at this whole project.

Ms. Eleanor Repole, 52 Bradley Run Road, Chesterfield, Elkton, MD stated that all the roads involved Elk Mills, Gallagher and Russell Roads do not have any shoulders, which makes it very dangerous for a lot of traffic. Ms. Repole does not want to look outside her home and see a bunch of strangers in her yard or community.

Mr. Steve Repole, 52 Bradley Run Road, Chesterfield, Elkton, MD is in favor of the Farm Museum but the plans have changed considerably since it was first presented.

Ms. Maryann Snyder, 7 Bradley Court, Chesterfield, Elkton, MD lives directly behind the area that is being proposed for the parking lot. She has a pool, three children and a dog and does not want this in her back yard.

She does not want this Farm Museum behind her house.

Ms. Faye Campbell, 39 Bradley Court, Chesterfield, Elkton, MD stated there are no limits on the types of events or number of events. What kind of lighting is there going to be? How is security going to be controlled to keep visitors off our property? Is there going to be an on-site caretaker for security and how is it to be handled for cleaning up after these events? These are a few questions that need to be answered.

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Mr. Rick Snyder, 7 Bradley Court, Chesterfield, Elkton, MD stated that about 80% of the time there is always a steady breeze, but when these events go on the smell will be horrible from trash laying around and port-a-potty s.

Ms. Laura Miller, 70 Bradley Court, Chesterfield, Elkton, MD stated she does not understand why we are even talking about doing this Farm Museum on this property when Fair Hill is only two miles away. Why not use those facilities instead of duplicating.

Ms. Lisa Hostetler, 96 Bradley Run Road, Chesterfield, Elkton, MD agrees with everyone what they said. She has young children and does not want to see this come so close to her development.

FILE: 3023 - APPLICANT: Lisa A. Corrado.

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

PROPERTY LOCATION: 48 Clear Creek Glen, Elkton, MD 21921, Election District: 3, Tax

Map: 32, Parcel: 492.

PROPERTY OWNER: Robert J. and Lisa A. Corrado.

PRESENTLY ZONED: Suburban Residential, (SR).

Ms. Lisa Corrado, 48 Clear Creek Glen, Elkton, MD presented her application to operate a Beauty Salon in her basement. The room itself will be 8x9 room. She has adequate parking for four vehicles and plans to work about 25 to 30 hours a week. There will be no sign in the yard but maybe a flag instead hanging off the house.

Ms. Corrado got in touch with the Health Department and they want her to put in a new septic system.

Health Department Report Sanitary Permit F5540 issued in 1999 for existing dwelling satisfactory with upgrade of septic system.

Mr. Mortimer asked how many clients would she be seeing a week?

Ms. Corrado stated 5 to 15 customers a week by appointment only.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3024 - APPLICANT: John B. Esh.

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

PROPERTY LOCATION: W/side of MD Rt. 213, Cecilton, MD 21913, Election District: 1,
Tax

Map: 62, Parcel: 11.

PROPERTY OWNER: Daniel E. Riehl.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. John B. Esh, West side of MD Rt. 213, Cecilton, MD, stated he would like to a singlewide mobile home on a four acres parcel that his Father-in Law has given him. The nature of the hardship is financial. A singlewide would less expensive than building a house.

Mr. Riehl, (Father-in Law) stated his Son-in-law and Daughter would like to live in the singlewide with their three children until they could afford to build a house on this piece of property.

Health Department Report Sanitary Permit R899 issued in 1989 for repair of septic system at existing dwelling satisfactory with upgrade of septic system.

Mr. Walbeck asked why do you need a singlewide on this property when your Father-in Law already has a house.

Mr. Esh stated he needs this because his Father-in-Law lives in the house and with his three children and wife there would not be enough room in the house.

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Mr. Murray asked how big is the house?

Mr. Riehl stated he only has two bedrooms.

Mr. Walbeck asked how long would you expect this hardship to last?

Mr. Esh stated probably two to three years.

COMMENTS IN SUPPORT: Mr. Dick Taylor, 1027 Town Point Road, Chesapeake City, MD is a Realtor. He stated he knows how hard it is for the Amish to find small farm to purchase. Mr. Esh is young and has a young family and special needs. It is very hard to find land for not only Mr. Esh but for the Amish community, it is very challenging.

COMMENTS IN OPPOSITION: None.

FILE: 3026 - APPLICANT: Sharon L. King.

FOR: Special Exception for a home occupation to operate an accounting business.

PROPERTY LOCATION: 99 Honeysuckle Drive, Port Deposit, MD 21904, Election District:
7,

Tax Map: 23, Parcel: 609.

PROPERTY OWNER: Scott E. Barnhart & Sharon L. King.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Sharon King, 99 Honeysuckle Drive, Port Deposit, MD would like to start an Accounting business out of her home. As she would gain clients she would move it out of her home and rent an office. At the present time she would be putting an office in her spare bedroom and the only office supplies she would need is a computer, printers and software. There would not be any clients coming to her house, she would meet her clients at their place of business. Ms. King is going to specialize in restaurant accounting.

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Health Department Report Sanitary Permit issued in 1986 for existing dwelling; minimal water usage from proposed business and no Sanitary Permit is required satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3027 - APPLICANT: Paul F. and Dorothy A. Norvell, Sr.

FOR: Special Exception to locate a doublewide manufactured home in the Rural Residential, (RR) Zone.

PROPERTY LOCATION: Lots 286,287,288-Crystal Beach, Earleville, MD 21919, Election District: 1, Tax Map: 51, Parcel: 60.

PROPERTY OWNER: Paul F. and Dorothy A. Norvell, Sr..

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Belinda Simpson is representing Paul and Dorothy Norvall, Sr., Crystal Beach, Earleville, MD. Ms. Simpson is a Realtor and is selling three small lots for the Norvells. The three lots combined are under a ¼ Acre. There have been many people interested in these lots to put a doublewide trailer on them. They do not want to invest a lot of money on building a house on that size lot. She stated the next three rows down from Fourth Ave are all mobile homes.

Health Department Report No application received for water and sewage approval for proposed construction.

Mr. Mortimer asked if the Norvells were taking three current lots and combining them?

Ms. Simpson stated, yes .

April 19, 2004, 7:00 p.m.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Stephen Lee, 29 Fifth Ave., Crystal Beach, Earleville, MD stated there are only single-family homes no Manufactured Homes. Mr. Lee has lived adjacent to these three lots since 1962 and has maintained them all these years. Putting a doublewide on these lots will depreciate his property value. The closest Mobile Home is about three football fields away, there is all single homes surrounding these lots. It is zoned for single homes in this area and that is what it should stay.

Ms. Barbara Jacowski, 100 White Crystal Beach Road, Crystal Beach, Earleville, MD read a letter in opposition, marked exhibit one, copy in file and attached for reference. This doublewide would change the character of the neighborhood. Property values will decrease if a doublewide is put in a Rural Residential, (RR).

Mr. Carl Spangler, 49 Valley Road, Crystal Beach, Earleville, MD stated he agrees with Barbara Jacowski and thought it was a good presentation. There is a certain area in Crystal Beach that is zoned for Mobile Homes and he feels they should stay in that area. Mr. Spangler has lived in Crystal Beach for 45 years and stated there is no way you could even deliver and setup a Mobile Home on these lots because this is a dead end street and very narrow to get down.

Mr. John Swain, 18 Redding Avenue, Crystal Beach, Earleville, MD stated he has lived there since 1945 and started out as campsites and has improved to an up and coming community. The Mobile Homes belong in White Crystal Beach, outside the fence line and not in the immediate area.

The following residents all agree with Ms. Barbara Jacowski:

Ms. Peggy Papili, 4th Avenue, Crystal Beach, Earleville, MD.

Mr. Jack McGee, 123 Bay Blvd., Crystal Beach, Earleville, MD.

Mr. Charles Esbin, 54 Bay Blvd., Crystal Beach, Earleville, MD.

Ms. Rose Zaffiri, 25 Holly Street, Crystal Beach, Earleville, MD.

Mr. Charles Hershey, 20 Maryland Avenue, Crystal Beach, Earleville, MD.

Mr. John Stapleford, 98 Bay Blvd., Crystal Beach, Earleville, MD has lived on his property for 50 years.

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Ms. Belinda Simpson stated she has received some incorrect information of where the three lots were located by the homeowners.

RECOMMENDATIONS:

APPLICANT: Amendment of the Water and Sewer Plan.

WITHDRAWN.

APPLICANT: John F. Coleman.

FOR: Establishing an Agricultural Preservation District.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Parks and Recreation.

FOR: Open Space Annual Program for Acquisition and Development Fiscal-Year 2005.

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Farrell, Brown recuses.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Parks and Recreation.

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FOR: Conowingo Park Development Phase II.

Staff recommended approval.

ACTION: Motion made to approve by Williams, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Janet Dooling.

FOR: Request to rezone 1.25 Acres from Northern Agricultural Residential, (NAR) to Business General, (BG) for the purpose of a gift shop.

Staff recommended approval, based on change in neighborhood since last comprehensive rezoning.

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

VOTE: All in favor, motion carried.

APPLICANT: William Riddle.

FOR: Request to rezone 4.35 Acres from Development Residential, (DR) to Business General, (BG) for the purpose of Commercial use.

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

ACTION: Motion made to disapprove with staff conditions by Mortimer, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Thomas P. Amarin.

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

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Linda Sue Rhoades.

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

Staff recommended approval for as long as applicant resides in Manufactured Home and Father resides in home.

ACTION: Motion made to approve with staff conditions by Mortimer, seconded by Williams.

VOTE: Four to one to approve with staff conditions, motion carried.

APPLICANT: Cecil County Farm Museum.

FOR: Special Exception to establish an Agricultural Museum.

Staff recommended approval.

ACTION: Motion made to disapprove, more detrimental than other places in zone, as presented, by Brown,
seconded by Murray.

VOTE: Three to two to disapprove, motion carried.

APPLICANT: Lisa A. Corrado.

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

Staff recommended approval for two years.

ACTION: Motion made to approve with staff condition, by Mortimer, seconded by Brown.

VOTE: Four to one to approve, motion carried.

APPLICANT: John B. Esh.

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

Staff recommended approval for two years.

ACTION: Motion made to disapprove, failure to show hardship, by Mortimer, seconded by Brown.

VOTE: Three to two to disapprove, motion carried.

APPLICANT: Sharon L. King.

FOR: Special Exception for a home occupation to operate an accounting business.

Staff recommended approval for two years.

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

VOTE: All in favor, motion carried.

APPLICANT: Paul F. and Dorothy A. Norvell, Sr.

FOR: Special Exception to locate a doublewide manufactured home in the Rural Residential, (RR) Zone.

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Staff recommended disapproval, due to being more detrimental at this location than other areas within the community.

ACTION: Motion made to disapprove with staff conditions, by Mortimer, seconded by Murray.

VOTE: All in favor, motion carried.

The meeting was adjourned at 9:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 17, 2004, at 7:00 p.m.

May 20, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Murray, Prickett, Farrell (alternate), Kilby, Sennstrom, Houston and Dempsey.

ABSENT: Brown, Williams, Mortimer.

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

AMENDMENT OF THE WATER AND SEWER PLAN:

Master Water and Sewer Plan Proposed Amendment Aston Pointe.

Mr. Walbeck, Chairman announced that the amendment to the water and sewer plan for Aston Pointe will be heard at the June 21, 2004 meeting at 7:00p.m.

MINUTES- Motion made by Prickett, seconded by Murray and unanimously carried to approve the April 19, 2004, 7:00 p.m., minutes as mailed.

2004 Cecil County Master Water and Sewer Plan Adoption.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the 2004 Cecil County Master Water and Sewer Plan. Presently the County is working under the 1993 Master Water and Sewer Plan. A revision to this plan was proposed in 1997 based on a plan by the County Commissioners that were in office at that time. This Master Water and Sewer Plan will provide the mechanism for the cooperative implementation of the Urban Growth Boundary Plan and the Comprehensive Plan. The provision of water and sewer infrastructure in the designated growth area is to be achieved with input and cooperation from the Towns. The County, working with the Towns will use municipal infrastructure to disperse water and/or sewer service to the Urban Growth Boundaries. The provision of water and sewer infrastructure to the Urban Growth Boundaries represents a staged growth that will allow the County and Towns to keep pace with other infrastructure and service needs. This process has taken eleven years to finally get into place. The Annotated code of Maryland, Environment Article, Sub-Section: 9 requires the County to have Master Water and Sewer Plan in affect and to update this plan every three years. Document for the 2004 Master Water and Sewer Plan, in file for reference.

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Mr. Sennstrom explained the Water Service Area Maps and the Sewer Service Area Maps. W-1 (Water) and S-1 (Sewer) denotes existing water and sewer service, additionally where this will occur in a five-year period is denoted W-2 (Water) and S-2 (Sewer) and W-3 (Water) and S-3 (Sewer) in a ten-year period. These documents have been available for examination to the different municipalities in the County. The Town of Rising Sun has requested that certain revisions be made to both the water and sewer service area map to reflect the Towns draft Comprehensive Plan which they propose for future annexation. They are requesting an area East of Pierce Road and North of Biggs Highway be included, and North of Rte.1, West of Red Pump Road and South of Ridge Road also be included for the future. Letter in file for reference.

Melissa Cook-MacKenzie, Town Administrator, Town of North East has concerns with the Master Water and Sewer Plan. Letter in file for reference.

Mr. Walbeck asked Mr. Sennstrom how he proposes to handle the requests made by the Town of Rising Sun and the Town of North East?

Mr. Sennstrom stated at the conclusion of this evenings meeting there will be a recommendation made to the Planning Commission, on how this should be recommended to the Board of County Commissioners, not only these recommended changes, but whatever recommended changes that the Board may receive from the audience this evening.

Mr. Russell Farrell asked if there is any contention from these various towns?

Mr. Sennstrom stated that the suggestion from the Town of Rising Sun will require us to amend our Comprehensive Plan so it would be consistent with the Towns Comprehensive Plan for future annexation, so there would be no conflicts. Most of the issues the Town of North East has are consistent with what the County is trying to achieve. Over the past three years the County has been meeting on a regular basis with the municipalities in the County through the water/sewer implementation council. Some of the Urban Growth boundaries have changed in these areas.

Mr. Farrell stated he noticed that the North East area borders Charlestown and asked what would happen if the Town of Charlestown would want to annex into the Town of North East's water and sewer system. I understand that North East is forbidding Charlestown from requesting annexation.

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Mr. Sennstrom stated that this is an issue at the present time and is very contentious. It would depend what Attorney you would speak to in reference to this annexation.

COMMENTS IN SUPPORT: Mr. David Parrack, Esquire representing Caldicott Properties, LLC and they are in favor of the water and sewer plan, but they would like the plan be amended to include parcels 971, 235, 1272, 1279 and 675 on Tax Map 31, (approved concept plan for Ridgely Forest). Exhibit one, letter in file for reference. They are asking this be designated in the S-2 area under the Master Water and Sewer Plan. Part of this property is partially in the water district and part is not, we would request this would be put into the Master Plan also. There are some upgrades going on at the present time with respect to the sewer system and improvements being done to accommodate 700 units in the Ridgely Forest complex, but we are talking about 364 units, so there should be adequate capacity.

Mr. Michael Pugh of Corridor Land Services, Inc. is representing Tax map 36, Block 5, Parcel 76- Villages of North East and Tax Map 32, Block 3, Parcel 11- Milburn Limited Partnership, marked as exhibit two, letter in file for reference. These properties are currently in the Master Sewer Plan, but not in the Master Water Plan.

Ms. Melissa Cook-Mackenzie, Town Administrator of North East. She addressed one comment with regard to the service area. The reason we have included this on the map is for clarification of where the service areas are located, so they could be consistent with the Counties maps. Ms. Mackenzie would like the map to be clarified so every map would be consistent.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD member of ARCA, recommends that the Master Water and Sewer Plan be adopted as written. He feels it very appropriately represents the intent of the Comprehensive Plan, as it now exists. Mr. Cairns stated he has two minor corrections on the map, the school at the top of the map should be labeled Rising Sun High School not North East High School and U.S. 40 and Telegraph Road are both labeled the same on the map and that is not correct either.

Mr. Ron Hamlin, 9 Lochcarron Drive, Elkton, MD and is also a member of ARCA. He would encourage the Board to adopt the Master and Water and Sewer Plan as it is written. The creation of the Urban Growth Boundary Plan as a mechanism for creating long term sewer and water infrastructure to the high density areas which are along the I-95 and the U.S 40 corridor. Mr. Hamlin stated that Baltimore County has a similar plan and the plan seems to be working very well. The topic of Aston Point has be excluded from this meeting tonight and it should not have been discussed by Mr. David Parrack, due to lack of a quorum.

Mr. David Strouss representing McCrone, Inc. is in favor of the Comprehensive Water and Sewer Plan and would like to add three properties to the plan. First, Bethel Springs Section 2 has received Final Subdivision approval from Cecil County Planning Commission on April 27, 2004 for 46 single-family lots. The sanitary sewer lines for Bethel Springs, Section 2 are engineered to connect into the existing sanitary sewer system located in Bethel Springs, Section 1. Second, Warwick Orchards, Sites 1-74 on Camp Meeting Ground Road

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is an expansion of an existing mobile home park. This received Preliminary Subdivision approval from the Cecil County Planning Commission on October 20, 2003 for 74 mobile home sites. The sanitary sewer lines for Warwick Orchards will be engineered to connect into the existing sanitary sewer lagoon system located in the Woodlawn Mobile Home Park. Third, Bedrock Subdivision, Bethel Church Road, has received preliminary approval for 104 single-family lots.

Mr. Barry Montgomery, Montgomery Brothers Inc., stated he was not clear on what the map is showing. The gray is what exists and in the white area is not in existence. The Harbison Walker property is in the white and it does have existing water and sewer and should be located in the gray area on the map. This correction should be made on the map.

Mr. Sennstrom stated that one of the purposes of this meeting is receive comments that need to be addressed and corrected.

Mr. Montgomery stated the Whitaker Woods, Harbison Walker, Northwoods, Fineburg Village and Bedrock are not shown on the map.

Mr. Sennstrom stated the maps would be brought up to date and corrected if need be.

Mr. Carl Walbeck stated the Board would bring everything up to date on items that were omitted.

Mr. John Gill, 152 Kirkcaldy Drive, Highlands, Elkton, MD is in favor of the Master Water and Sewer Plan. One request is that you consider seriously in the future amendments to the plan and the impact relative to the overall Comprehensive Plan for the County. It is important to keep the County growth to the way we all the want it. Smart Growth and Smart Amendments would be in order.

Ms. Murray asked Mr. Gill if he had studied the Comprehensive Plan.

Mr. Gill stated he has studied it somewhat. He wants the Board to consider the impact to some of the residents that live close by if you change and add more to the plan.

Mr. Owen Thorne, 20 Hillwood Drive, 4th Election District of Cecil County stated he approves the Master Water and Sewer Plan. Mr. Thorne thought it was inappropriate for these last minute changes to be included

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in the Plan that had been already been presented.

Ms. Laura McCann, Old Field Point Road, Elkton, MD felt that the Developers presenting items this evening is pretty late in the game. If we were going to add amendments she would suggest adding amendments to existing facilities or resources that are part of the County.

Mr. Stanley Hearne, 144 Katherine Court, Hillcrest, Elkton, MD stated he lives across the street from the Aston Point proposed subdivision and would like to see the Water and Sewer Plan kept as it was proposed.

COMMENTS IN OPPOSITION: None.

Health Department Report The Health Department supports the stated goals and objectives of the Plan; they may have more specific comments on particulars of the Plan after the opportunity for future review.

REZONINGS:

FILE: 2004-06 APPLICANT: John Van Dyke, Sr.

PROPERTY LOCATION: 290 Stevens Road, Rising Sun, MD 21911.

ELECTION DISTRICT: 6. TAX MAP: 3, PARCEL: 202.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: To rezone 3.8 Acres +- from Northern Agricultural Residential, (NAR) to Business General, (BG).

PROPERTY OWNER: John R. Van Dyke, Sr.

Mr. David Parrack, Esquire represented Mr. John Van Dyke, Sr. in this rezoning. They are asking for a part of this property to be rezoned. Parcel 202 contains about 33 acres, 2 acres of it is presently zoned Business General, (BG) and this 2 acres is located on the South East corner of Stephens Road and U.S. Rte 1.

Mr. Van Dyke is asking for and additional 3.7 acres to be rezoned Business General, (BG) for expansion of the Trucking Business, which is located on that 2-acre parcel at the present time. In 1990 Mr. VanDyke was granted a rezoning of 2 acres into Business General, (BG). He needs more room for a garage and parking for

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the trucks. Mr. Parrack presented change in character of the neighborhood and mistake in the Comprehensive Rezoning of 1993. This area is becoming more commercial. This property also has twelve to thirteen hundred feet of road frontage on U.S. Rte 1. Truck tonnage in the United States has almost doubled between the years of 1990 to 2000. More and more commodities are being transported by truck.

Mr. Van Dyke would like this approved so he can accommodate his trucking business in Cecil County. This is one of nicest truck garages in the County.

Health Department Report Sanitary Permit D7669 issued in 1994 for Steel Building with Office-satisfactory for proposed parking and storage without further Health Department approval.

Mr. Farrell asked if there were any plans to expand the structure of the building presently located on the site.

Mr. Parrack stated there are no plans to expand the structure itself.

Mr. Walbeck stated that there seems to be ample parking and storage on this site. Why does he need more space?

Mr. Parrack stated that this is a big piece of property and he needs the room to expand. There is a need for this space to be rezoned.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2004-07 APPLICANT: Vincent J. Jones and Vincent B. Jones.

PROPERTY LOCATION: East side of MD. Rte 222, Perryville, MD 21903.

ELECTION DISTRICT: 7. TAX MAP: 29, PARCELS: 193, 304, 305 & 306.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: To rezone 2.02 Acres+- from Development Residential, (DR) to Business General,

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(BG).

PROPERTY OWNER: Vincent J. and Vincent B. Jones and Sheila Anderson.

Mr. David Parrack, Esquire represented Mr. Vincent Jones in this rezoning. Mr. Parrack stated there was a mistake made on the application and instead of 2.02 acres it should be 3.7 acres. In the year 2000 this request was also made for this rezoning, but because of traffic concerns it was withdrawn. Mr. Jones has had numerous requests to sell the property for Commercial use. These three parcels sit to the South of the Perryville Outlets. There is a traffic issue that needs to be dealt with, but Mr. Jones has spoken to a traffic group to perform some preliminary work on traffic studies. The engineering of safe access in and out of the property could be accomplished. There is a mistake in the area because of lack of Business General, (BG) zoning in the County around the interchange. There has been an auto parts store and numerous convenience stores talk to Mr. Jones about his property.

Health Department Report No application received for water and sewage approval for commercial use. The two parcels closest to Reservoir Road have been tested and disapproved for on-site sewage disposal; parcel 193 was tested in 1997 and showed a limited area of satisfactory soil for on-site sewage disposal any commercial use proposing on-site sewage would be limited in wastewater flow.

Mr. Walbeck stated the last time this rezoning was before us before we disapproved it because of traffic reasons.

Mr. Jones stated, they have hired Traffic Group out of Baltimore and they did give them a proposal and Mr. Jones would be glad to review it with the committee and the public.

Mr. Parrack stated that parcel 193 to the South might be approved as an entrance and exit. Mr. Jones lives behind this piece of property.

Mr. Walbeck asked if this was a high or low traffic area for business.

Mr. Jones stated he has requests for a car wash, storage buildings, and Royal Farms

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: Mr. Wayne Powell, 1812 Perryville Road, Perryville, MD lives directly adjacent to this property on Rte 222. Traffic is a problem and this will make his property value go down on his home if a convenience store would be next to him. Environmentally the removal of trees will cause run-off and his well is less than 30' from the property line.

FILE: 2004-08 APPLICANT: York Building Products Co./ Stewart Associates.

PROPERTY LOCATION: Elk Neck Blvd., Elkton, MD 21921.

ELECTION DISTRICT: 5, TAX MAP: 42, PARCEL: 435.

PRESENTLY ZONED: Business General, (BG).

REQUEST: To rezone 5.7 Acres from Business General, (BG) to Suburban Residential, (SR).

PROPERTY OWNER: York Building Products Co., Inc.

Mr. David Parrack, Esquire representing Stewart Associates is requesting a rezoning from Business General, (BG) to Suburban Residential, (SR). Mr. Michael Vaughn representing the Village of Elk Neck stated construction is halfway through the original development. Originally York Building Products thought they would like to have a convenience store in the area, but as time has gone on the residents do not want a convenience store or offices located in their neighborhood, so York Building Products would like to rezone it back to what it was originally. There is plenty of perc on this acreage. They would be able to have one acre to one-and-half-acre lots, which would stay in character with the neighborhood.

Health Department Report A sewage disposal area was delineated for the commercial parcel when this section of Villages of Elk Neck was approved. Redesign for residential use will likely require additional testing.

Mr. Walbeck asked what had happened that no commercial development had gone into the area.

Mr. Vaughn stated, They just made a bad guess .

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: None.

Mr. Parrack, Esquire asked that both Rezoning be heard together, since that there are inter-mingled.

FILE: 2004-09 APPLICANT: Charlestown Crossing, LLC, c/o Michael Vaughn.

PROPERTY LOCATION: S/S Pulaski Highway. West of North East, North East, MD 21901.

ELECTION DISTRICT: 5. TAX MAP: 30, PARCEL: 124.

PRESENTLY ZONED: Light Industrial, (M1).

REQUEST: To rezone 7.34 Acres from Light Industrial, (M1) to Business General, (BG).

PROPERTY OWNER: Tri-State Motor Transit, Co., c/o Glen Garrett.

AND

FILE: 2004-10 APPLICANT: Charlestown Crossing, LLC, c/o Michael Vaughn.

PROPERTY LOCATION: 1300 Pulaski Highway, North East, MD 21901.

ELECTION DISTRICT: 5. TAX MAP: 30, PARCEL: 11.

PRESENTLY ZONED: Light Industrial, (M1).

REQUEST: To rezone 245.6 Acres from Light Industrial, (M1) to Suburban Residential, (SR)

and Business General, (BG).

PROPERTY OWNER: Tri-State Properties, LLC, c/o Glen Garrett.

Mr. David Parrack representing Charlestown Crossing, LLC along with Mr. Michael Vaughn and Mr. David Meiskin.

Mr. Vaughn stated that his group is in the process of developing the Principio Business Park on the other side of Rte. 40. This project will generate jobs and generate tax revenue. The total tax base may be in the area of \$750,000,000.00. Mr. Vaughn had been looking at this Tri-State property for quite some time for development. He would like to have this rezoned for a Residential Community from Light Industrial, (M1) to Suburban Residential, (SR) to create a nice community for the County. The Town of Charlestown mentioned to them if they would develop this community the Town could annex this property giving them a front door to Rte. 40.

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Mr. David Meiskin stated that the topography of the area is broken up in wetlands. This piece of property would not be good for Commercial use, but would be great for Employment for a Town Center and working with the different topography make a nice Residential Community. They would like to create an entrance with trees and monuments, Single Family Homes, Multi-family Homes, Hiking/Biking Trails, Retail, and numerous opportunities for employment. Drawings and maps in file for reference.

Mr. Vaughn stated that they felt it would be exiting to keep the area Historical (Colonial) in nature.

Mr. Meiskin stated the Town of Charlestown would like to be able to have municipal services such as a Fire Company, Library, Police, etc. There would also be various recreational uses, a pool, tennis courts, clubhouse, hiking trails, activities for children and clusters of Open Space. This would be a planned community with all the amenities of a PUD. With plans to leave as many trees and existing areas as possible, so the topography would not change.

Mr. Walbeck asked how many residents or housing units are they talking about?

There is approximately 252 acres. There will be 15% for Commercial Town Center, 15% for Business and two units per acre for Residential and 40% Open Space in the Suburban Residential Zone, (SR).

Mr. Farrell asked about pricing of the homes?

Mr. Vaughn stated between \$250,000.00 and \$400,000.00 for Single-family and under \$200,000.00 for Town Homes.

Mr. Walbeck asked if they had talked to the School Board about the impact?

Mr. Vaughn stated, yes there have been studies done.

Mr. Farrell asked if they had sent these plans to the Town of Charlestown since you are looking for annexation for water.

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Mr. Vaughn stated, yes they have spoke to them numerous times. Either the Town of Charlestown or the Town of North East could give them service.

Health Department Report Sanitary Permit R576-85 was issued in 1985 for septic repair at existing offices. Proposed commercial use with on-site sewage will require soil evaluations to delineate an appropriate sewage disposal are.

Health Department Report Parcel 11 Percolations tests and soil evaluations required if proposal is for on-site sewage.

COMMENTS IN SUPPORT: Mr. Vernon Duckett, 1061 Union Church Road, North East, MD, Architect, stated that high density would be best for Cecil County and he highly recommends this project.

COMMENTS IN OPPOSITION: None.

Mr. Stan Hearne, Town of Charlestown Administrator asked when the County Commissioners would hear the rezonings?

Mr. Cliff Houston, Zoning Administrator stated they would be heard on Wednesday, June 2, 2004 at 5:00 p.m.

SPECIAL EXCEPTIONS:

FILE: 3028 - APPLICANT: John David Reisler, Jr.

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

PROPERTY LOCATION: 80 Lombard Road, Rising Sun, MD 21911, Election District: 9, Tax

Map: 12, Parcel: 1.

PROPERTY OWNER: John David Reisler, Jr. and John David Reisler, Sr.

May 20, 2004, 7:00 p.m.

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PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. David Reisler, Jr. and Sr., 80 Lombard Road, Rising Sun, MD would like to renew their Special Exception for a Singlewide Manufactured Home for Agricultural purposes. They have a tenant in the Manufactured Home who helps with the farm work.

Health Department Report Sanitary permit F6464 issued in 1999 for mobile home satisfactory.

Mr. Farrell asked how long has the Manufactured Home been there?

Mr. Reisler, Jr. stated five years and Mr. Reisler, Sr. stated they have lived on the farm for 35 years and this Special Exception is for part-time help.

Ms. Prickett asked if there have been any complaints in the last five years?

Mr. Reisler, Jr. stated, no . This property is buffered with cypress trees.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3029 - APPLICANT: Tara W. Miller.

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

PROPERTY LOCATION: 1127 Ridge Road, Rising Sun, MD 21911, Election District: 6, Tax

Map: 2, Parcel: 156.

PROPERTY OWNER: Shannon M. and Tara W. Miller.

PRESENTLY ZONED: Rural Residential, (RR).

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Mr. Shannon Miller represented his wife Tara Miller as she was working and could not attend the meeting. Ms. Miller would like to have a part-time hair salon in her home so she can spend more time with her pre-school age daughter. Ms. Miller would like to work local in the community instead of out of state. She has her Maryland Cosmetology License.

Health Department Report Sanitary Permit F9205 issued in 2000 for dwelling satisfactory for proposed additional use with upgrade of septic system.

Mr. Walbeck asked if she would be operating alone?

Mr. Miller stated, yes , one chair.

Ms. Murray asked if there was ample parking.

Mr. Miller stated they have a paved driveway, 75 long, with a turn around that could park four or more cars. The Dining Room on the first floor of the house will be used for the one chair salon.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3030 - APPLICANT: Tiffany N. Ward.

FOR: Speceial Exception Renewal of a home occupation to operate a hair salon.

PROPERTY LOCATION: 448 Harrisville Road, Colora, MD 21917, Election District: 6, Tax

Map: 10, Parcel: 535.

PROPERTY OWNER: Tiffany N. Ward.

PRESENTLY ZONED: Suburban Residential, (SR).

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Mr. Richard Ward represented his wife Tiffany Ward as she was working and could not attend the meeting. She has had this Special Exception for two years and would like to renew. This Salon is attached to the house and she would like to renew this permanently.

Health Department Report Sanitary Permit G1055 issued in 2001 for hair salon satisfactory.

Mr. Walbeck asked if there have been any complaints from the neighbors?

Mr. Ward stated, no, most of the neighbors are her customers.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

FILE: 3031 - APPLICANT: Omnipoint Communications Enterprises, LP. Attn:Larry Washington.

FOR: Special Exception to locate and install a 150' Monopole Communications Tower.

PROPERTY LOCATION: Warburton and Blue Ball Roads, Elkton, MD 21921, Election

District: 3, Tax Map: 20, Parcel: 1.

PROPERTY OWNER: Ralph J. & Doris N. Speakman & Robert & Donna F. Moux.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Alan Swendiman represented Omnipoint Communication, Rockville, MD. This application is for a 150 Monopole and could be extended to 190 . The property belongs to Ralph and Doris Speakman, and Donna Moux, 2329 Blue Ball Road, Elkton, Maryland. The following persons are with him this evening for any questions that may need to be answered. Mr. Larry Washington, Zoning Manager, Mr. Raid Kahwaldea, Engineer, Mr. Michael Bowden, Site Acquisition, and Mr. Mark Daniamo, Professional Licensed Engineer in the State of Maryland with the Firm of Daniamo and Wong, LLC.

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Omnipoint Communications tries to co-locate and utilize public facilities. T-Mobile has co-located on Singerly Road, which is over 2 miles away from the supposed site, Appleton Road at the railroad tracks which is 2 miles away, New London, PA, which is 4 miles away and the water tank on Rte 896 which is 2.3 miles away. These particular sites are all too far away, so Omnipoint would like to fill a gap between I-95 and Telegraph Road.

Mr. Raid Kahwaldea pointed out and explained existing sites to the Planning Commission. The proposed location is along Rte 545. The coverage map shows no coverage between I-95 to Rte. 273.

Mr. Michael Bowden, Site Acquisition explained the search ring area. The areas that were searched were Blue Ball Road, Warburton Road, Kirk Road and Hilltop Road. One location had a significant wooded area, which would provide screening for the tower, the rest were smaller lots without woods and in a residential area. The only one found to be good from the search was the Speakman property. This parcel provides the setbacks that are needed as well as vegetation coverage. There is a 600' setback from both the principal roads and it is a perfect location for a tower. There is a 50' tower across the road, but this tower would have to be modified and is visible from the road. There is no pole or tower within 2 miles of where it needs to be located.

Mr. Al Speakman, 2329 Blue Ball Road, Elkton stated that this property would not perc in this area and it would be perfect for a tower.

Mr. Cliff Houston, Zoning Administrator stated that the tower is 200' from Warburton Road, so they would need to apply for a setback Variance in the Northern Agricultural Residential, (NAR) to be 600' from Warburton Road.

Mr. Alan Swendiman stated that the plan would be changed to move the tower back. The Monopole will meet FAA requirements and there will be a 6' chain link fence around the tower. Omnipoint will put in the required buffering. This is a low maintenance site and will have maintenance every four to six weeks. It will withstand 75 mph winds and 1 1/2' of ice, and it will not be lit. No strobe light will be on the tower. The nearest house is 750' to 800' away. The adjacent property is also owned by the Speakmans. This property is not in the critical area or in the 100-year floodplain. The Speakmans have signed a lease. There will be a 12' wide access road off the street to the site. The color will be gray and will be four levels. If this site were not needed anymore, it would be taken down. More and more people are using cell phones in their homes instead of land-based phones.

Health Department Report No Sanitary Permit or Health Department Report approval required for communications tower.

Mr. Farrell asked how close this would be to other property lines?

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Mr. Mark Daniamo explained the property lines 730 to the West and about 750 in width from Warburton Road.

Mr. Walbeck stated that the tower has to be 600 off Wheatley Road.

COMMENTS IN SUPPORT: Mr. Al Speakman (property owner) is in favor.

COMMENTS IN OPPOSITION: Mr. Vernon Duckett, 1061 Union Church Road, Elkton, MD stated he has recently bought a new home in this location and if this tower had been in place, I would not have bought it. The area is not dead for cell phones, Cingular works just fine. Mr. Duckett presented a report from The American Cancer Society, along with a petition of 39 signatures in opposition to this tower, exhibits one and two in file for reference. Once the tower is in place the owners (Omnipoint) would be able to add more frequencies. The tower will be unmanned which will leave it open to be freely used by unruly juveniles to commit nuisances. Pleasant Hill is a residential community with agricultural residential zoning, which does not include antenna towers. Mr. Duckett is very concerned about health effects.

Ms. Rose Gulley, 1161 Appleton Road, Elkton, MD owns property on Warburton Road and is opposed to this tower.

Ms. Bernice Nickerson, 1029 Union Church Road, Elkton, MD has 40 acres adjoining to this piece of property that the tower would be installed. Ms. Nickerson is concerned about health issues, safety for animals in the pasture and gates being installed.

Ms. Christine Duckett, 1061 Union Church Road, Elkton, MD is opposed to this because this is a residential area and there are a lot of children around this area and it is very important that we think about the future of our children. This would not be a safe area.

Mr. Alan Swendiman responded saying that this would not be a health issue, that these towers are safe. As far as security for the children this tower area would be locked, buffered, and a chain-linked fence around the area.

Ms. Murray asked about the wind speed that this tower could withstand.

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Mr. Daniamo stated that it could withstand 75 mph in Cecil County per the Telecommunications Industry Association. There are safety factors and gust factors taken into account.

Ms. Phyllis Kilby, County Commissioner, asked if she heard correct, stating that the Federal Government stated that this is not a health risk.

Mr. Swendiman stated that is correct.

FILE: 3032 - APPLICANT: David A. Holdaway.

FOR: Special Exception to operate and move (Molly's Market) liquor license and convenience store to an adjoining piece of property.

PROPERTY LOCATION: 191 Old Chestnut Point Road, Elkton, MD 21921, Election District: 5, Tax Map: 37, Parcel: 570.

PROPERTY OWNER: Richared and Grace Taranto.

PRESENTLY ZONED: Business Local, (BL).

Mr. David Holdaway, 1034 Old Field Point Road, Elkton, MD would like to move his liquor license (Molly's Market) to a different location. This would be a brand new, slightly bigger building than the one he is leasing at the present time next door. He will carry produce, more groceries, an ice cream stand, flowers and plants, and this would be a larger lot, so there will be more room for parking. Family community store and Mr. Holdaway has a petition signed with 600 signatures by customers and residents. The Liquor Board has approved the move with the sale of Beer and Wine only. He has had this license for seven years and takes this very seriously when it comes to the sale of liquor. Mr. Holdaway has recommendations from the Maryland State Police and they do ads for local support groups, with a different ad to run for school programs excluding the sale of beer and wine. He donates to the Boy Scouts, Girl Scouts, Chesapeake Bay Museum and other numerous organizations in the community.

Health Department Report Sanitary Permit G3699 issued in 2003 for septic system for a produce stand with ice cream and snowballs. Site Plan approval required for proposed market; may require upgrade of the septic system.

Mr. Walbeck asked what is going to happen to the existing building?

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Mr. Holdaway stated he does not know his lease is up at the end of May 2004. He does not know what the owner has planned for the building at the present time. Mr. Holdaway explained that an entrance off of Old Field Point Road would be a better situation than coming off Old Chestnut Road, which is where the present entrance is located. .

COMMENTS IN SUPPORT: Mr. Roger Owens, 51 Lance Court, Elkton, MD owns the house right next to where the new store would be located. He has known Mr. Holdaway ever since he has opened the store and he runs a first class operation. A larger community store will serve the community well.

Mr. Richard Toranto, stated he owns the property that Mr. Holdaway wants to build the new store on. Mr. Holdaway is his Son-in-Law. For the past seven years Dave and his wife Stacey have worked diligently to develop a family business with the highest professional standards and all the responsibilities.

COMMENTS IN OPPOSITION: Mr. William Cooper, 171 Justice Way, Elkton, MD stated he owns the property which is now Molly s Market located at 199 Old Chestnut Road, Elkton, MD. He stated that Mr. Holdaway s lease did not expire, but Mr. Holdaway terminated it because of numerous violations of the lease agreement. Mr. Copper will be going back to the property after June 1,2004 and it will be re-opened as a convenience store and a deli after some renovations. He is strongly opposed to Mr. Holdaway opening the other store because of safety reasons. Mr. Cooper does not agree that two entrances to the property will make it better. The entrance coming off Old Field Point Road is 300 from the crest of a hill and 100 from the intersection of Old Field Point and Old Chestnut Road. He does not feel that an ice cream store along with a package store is appropriate. Allowing Mr. Holdaway to do this will diminish the value of his property by 50%. Mr. Cooper has an application pending with the Liquor Board on June24, 2004 for a Class A beer and wine license on this property, which is property zoned for this. To grant Mr. Holdaway a Special Exception will just lower his property value. Mr. Cooper presented pictures of the condition of Molly s Market as of this month, (May). This is one of the reasons his lease was terminated because of conditions of the store and grounds. The pictures showed the un-safe road conditions and there is no need for two stores.

FILE: 3033 - APPLICANT: Omnipoint Communications Enterprises, LP.

FOR: Special Exception to locate and install a 190' Monopole Communications Tower with antennas.

PROPERTY LOCATION: 2080 Appelton Road, Elkton, MD 21921, Election District: 4, Tax Map: 14, Parcel: 563.

PROPERTY OWNER: Charles W. Brinton.

PRESENTLY ZONED: Suburban Residential, (SR).

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Mr. Alan Swendiman, representing Omnipoint Communications Enterprises, (T-Mobile) presented this application for a 190 Monopole located at 2080 Appleton Road, Elkton, MD owned by Mr. Charles W. Brinton, zoned Suburban Residential, (SR).

Mr. Michael Bowden described this site on Appleton Road and this site proposed to very difficult, as Appleton Village is where we wanted to locate the monopole and this area has a high number of homes. To the east more residential and not as many open farm plots, to the south it borders Open Space and on the west side of the road is Fair Hill s Department of Natural Resources. Mr. Brinton s property is about ½ mile of Rte. 273 and it seems to be perfect. In this area there is a tower south of the Barksdale area, to the north about 4 miles away is the New London, PA site located on Stricklerville Road. This site has it owns access with a horseshoe shaped driveway that goes around the residence and comes back on to the other side. Limited need for access being every four to six weeks. There also is tree cover that will be of good use for a buffer.

Mr. Walbeck asked they were aware that a Major Subdivision, (Aston Pointe) might be coming into the area?

Mr. Bowden stated, yes and he had spoke to Mr. Williams of Aston Pointe and he stated that they would not want the tower on their property.

Mr. Cliff Houston, Zoning Administrator stated that a 95 side yard setback Variance would have to be approved.

Mr. Raid Kahwaldea explained the proposed site on Rte. 273. The purpose of building the tower in this location is to cover the area of Rte. 273. This would cover an area from Newark, Delaware to Rising Sun, Maryland. A 190 Monopole Tower is needed. Other carriers have this area covered, but T-Mobile has no coverage in this area off Rte. 273.

Mr. Mark Daniamo explained the structural integrity at the tower regarding with safety of the site. The proposed site would be 337 front yard setback from the road and 95 side yard setback and 850 rear yard setback. These Monopoles are designed to break in the middle like a straw and fold on itself. These towers are very flexible and are an ideal type of structure for high winds.

Mr. Walbeck asked about what kind of foundation there would be?

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Mr. Daniamo explained it depends on the geology. If it is not rock and is sand or clay they would use a drill pier. The size of the drill pier depends on the size of the tower and the number of carriers that would be using it. The foundation could go from anywhere from 4 to 7 in diameter and 25 to 50 deep.

Mr. Farrell asked what the other side yard setback would be?

Mr. Daniamo stated it was not on the plan, but looks to be about 100 .

Mr. Swendiman stated the stress point would be like a straw bending in half. This area would meet the FAA requirements, 7 fence, low maintenance, no noise, no smoke, no lights, no change in grades for landscaping and a 12 gravel road to the site and the owner has consented to signing the lease. This site is designed for a minimum of four carriers.

Health Department Report No Sanitary Permit or Health Department approval required for communications tower.

Mr. Swendiman stated that 2/3 of all adults in the Country have sell phones.

COMMENTS IN SUPPORT: None.

Mr. Ed Cairns stated he is not in support or opposition, but has some questions relating to the base of the structure. Would their be antennas added at a later date? How many are you going to have over a period of time? If this were sold, who would control other carriers from adding more to the Monopole?

Mr. Swendiman stated that the Monopole it self would be designed for a minimum of four carriers. You have to space it between each carrier. If it was sold to another carriers they know the regulations and laws of how much each monopole would be able to handle. Carriers are assigned a frequency and financially it does not make sense and it would not give them more space, as they would get very little coverage.

COMMENTS IN OPPOSITION: Mr. Owen Thorne is in opposition for the same reasons as the other communication tower that was presented this evening, (File # 3031).

May 20, 2004, 7:00 p.m.

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FILE: 3034 - APPLICANT: Marshall C. and Sharon R. Durkee.

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

PROPERTY LOCATION: 264 Hilltop Road, Elkton, MD 21921, Election District: 4, Tax Map:

13, Parcel: 241.

PROPERTY OWNER: Marshall C. and Sharon R. Durkee.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Sharon Durkee, 264 Hilltop Road, Elkton, MD presented this application. The house she is living in presently is not suitable for her husband, as he has been ill. They have been staying with her son in Charlestown and we need to move out. She can only afford to a manufactured home on this property as she is having financial problems.

Ms. Carla Reeves, 1824 Blue Ball Road, Elkton, MD came with Ms. Durkee for moral support.

Health Department Report No application received for water and sewage approval.

Mr. Walbeck asked Ms. Durkee if she had water and sewer at the present house?

Ms. Durkee stated, yes, but it needs to be upgraded.

Ms. Murray asked what would you do with your house?

Ms. Durkee stated, Tear it down. She would like to get rid of the home and put a new Manufactured Home; she presented pictures to the Planning Commission.

Ms. Murray stated she noticed a port a potty inn the picture, is there no sanitary there?

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Ms. Durkee stated no ; she is not living there presently.

Mr. Walbeck asked Ms. Durkee what is the nature of her husbands illness?

Ms. Durkee stated he is 63 years old and has had open-heart surgery and now he is having pulmonary problems

COMMENT IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: 2004 Cecil County Master Water and Sewer Plan Adoption.

Staff recommended approval with inclusion to:

1. Town of Rising Sun s water and sewer service areas.
2. Town of North East s water service area revisions with exception of delineation of water service area.
3. Inclusion of Ridgely Forest in sewer service as S-2.
4. Inclusion of Villages of North East in water service area map.
5. Include Bethel Springs II, S-2, Bedrock, S-2 and Warwick Orchards, S-2 and W-2.
6. Inclusion of 23-Acre parcel north of CSX, west of Appleton Road, S-2 and W-2.

ACTION: Motion made to table until June 21, 2004 meeting by Farrell, seconded by Murray.

VOTE: All in favor, motion carried.

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APPLICANT: Aston Point.

FOR: Master Water and Sewer Plan Proposed Amendment Aston Point.

Staff and Planning Commission recommended postponement until June 21, 2004 Meeting.

REZONINGS:

APPLICANT: John Van Dyke, Sr.

FOR: To rezone 3.8 Acres +- from Northern Agricultural Residential, (NAR) to Business General, (BG).

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

ACTION: Motion made to disapprove with staff conditions by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Vincent J. Jones and Vincent B. Jones.

FOR: To rezone 3.7 Acres +- from Development Residential, (DR) to Business General, (BG).

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

ACTION: Motion made to disapprove with staff conditions by Murray, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: York Building Products Company/Stewart Associates.

FOR: To rezone 5.7 Acres from Business General, (BG) to Suburban Residential, (SR).

May 20, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

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

ACTION: Motion made to approve, mistake in last comprehensive rezoning by Farrell, seconded by Murray.

VOTE: All in favor, motion carried

APPLICANT: Charlestown Crossing, LLC, c/o Michael Vaughn.

FOR: To rezone 7.34 Acres from Light Industrial, (M1) to Suburban Residential, (SR).

Staff recommended approval, based on change in neighborhood since last comprehensive rezoning.

ACTION: Motion made to approve with staff conditions by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Charlestown Crossing, LLC, c/o Michael Vaughn.

FOR: To rezone 245.6 Acres from Light Industrial, (M1) to Suburban Residential, (SR) and Business General, (BG).

Staff recommended approval, based on change in neighborhood since last comprehensive rezoning.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Prickett.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: John David Reisler, Jr.

May 20, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

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

Staff recommended approval for five years or as long as agricultural operations take place, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Prickett, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Tara W. Miller.

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

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Prickett, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Tiffany N. Ward.

FOR: Special Exception renewal of a home occupation to operate a hair salon.

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

ACTION: Motion made to approve with staff conditions by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Omnipoint Communications Enterprises, LP, Attn: Larry Washington.

FOR: Special Exception to locate and install a 150 Monopole Telecommunications Tower.

PLANNING COMMISSION MEETING 2004

Staff recommended approval providing a 600' setback is provided from Warburton Road.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: David A. Holdaway.

FOR: Special Exception to operate and move (Molly's Market) liquor license and convenience store to an adjoining piece of property.

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Omnipoint Communications Enterprises, LP.

FOR: Special Exception to locate and install a 190' Monopole Telecommunications Tower with antennas.

Staff recommended approval, provided side yard setbacks are granted by the Board of Appeals.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Marshall C. and Sharon R. Durkee.

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

PLANNING COMMISSION MEETING 2004

Staff recommended approval for as long as applicant owns the property and resides in Manufactured Home.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Prickett.

VOTE: All in favor, motion carried.

The meeting was adjourned at 10:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 21, 2004, at 7:00 p.m.

June 21, 2004, 8:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Brown, Williams, Murray, Mortimer, Kilby, Sennstrom, Houston and Dempsey.

ABSENT: Prickett, Farrell, (alternate).

MINUTES- Motion made by Murray, seconded by Mortimer and unanimously carried to approve the May 20, 2004, 7:00 p.m., minutes as mailed.

2004 Cecil County Master Water and Sewer Plan Adoption, tabled from May meeting.

Mr. Eric Sennstrom, Director of Planning and Zoning, presented the final draft of the Cecil County's 2004 Master Water and Sewer Plan. The Environment Article of the Annotated Code of Maryland requires the courts to have a Master Water and Sewer plan and to periodically update the plan mandates us. This proposal will show how the water and sewer exists now and where it is planned to be in the next five to ten years. The request from last month, (May 2004), inclusion of the following: Caldicott Properties - Ridgley Forest, Milburn Property, Corridor Land Services - Villages of North East, 32 acre piece of property of the North side of the CSX Railroad. West side of Appleton Road, Town of North East, proposed existing service areas and proposed future service areas for water in and around the Town of North East, David Strauss, McCrone Bethel Springs II, Warwick Orchards, Bedrock and from the Town of Rising Sun. The remaining comments were from individuals including Mr. Ed Cairns urging the commission to adopt the plan as it is written and to change North East High School to Rising Sun High School and properly label Maryland Rte. 7, U.S Rte. 40 and Telegraph Road. The plan is based on the Urban Growth Boundary defining which areas would be served. Mr. Ron Hamlin, Mr. John Gill, Mr. Owen Thorne all spoke stating the plan should be adopted as written. Ms. Laura McCann spoke stating to amend the existing facilities to serve existing development and not to plan water/sewer service in other areas. Mr. Stanley Hearne stated to adopt the plan as proposed and do not add Aston Point to the plan. Subsequent to the May meeting several new requests have come in that were not submitted at that time, which should be included. The Candlelight Ridge project would like County sewer and individual wells. Also a request from the Maryland Department of the Environment to amend Table seven, (7) in the Table section of the document to reflect updated figures for the Elk Neck State Park wastewater flows. The office has received correspondence on the North Bay Project where the Bower Center was formerly located to reflect the sewage treatment that is envisioned to handle the activities that are at that facility and they are anticipating a daily flow of 29,750 gallons. Mr. Matt Carter, Director of Public Works has advised us that the text and tables are incorrect with regard to the Meadowview project which is currently underway, does not reflect the treatment capacity nor the expanded capabilities once the facility is on line. Mr. Carter is requesting this be a FY 2006 projection of 1.5 million gallons a day and the treatment capacity of the immediate expansion to one million gallons a day and within ten, (10) years 1.5 million gallons a day. The existing treatment capacity should be shown as 700,000 gallons a day.

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Ms. Murray asked Mr. Sennstrom on the North Bay Amendment, do you approve that?

Mr. Sennstrom stated at the conclusion of tonight's meeting the Staff will make their recommendation to the Planning Commission and the Planning Commission will then make a recommendation to the County Commissioners, and they will make the final decision.

Health Department Report The Health Department supports the stated goals and objectives of the Plan; specific comments on the Inventory of Sewerage Problem Areas (Table 12) will be forwarded to the Office of Planning and Zoning.

COMMENTS IN SUPPORT: Mr. Mike Burcham, McCrone, Inc. 118 North Street, Elkton, MD asked that another parcel be added into the amendment. We are requesting Parcel 354; Tax map 31 which currently adjoins the Town of North East corporate limits. Currently this property is being annexed into the Town of North East. This property is currently not in the sewer district on the proposed plan. He would like this amendment to include this parcel. This property is on Cemetery Lane, Easterly side of the Town of North East.

Mr. Carl Walbeck ruled this out of order, too late in the game to receive new request, as the Board has not had time to look and study this proposal.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated he has read the proposed Cecil County Water and Sewer Plan and feels this is a good document. It is consistent with the Comprehensive Plan and the Urban Boundary Zone. Mr. Cairns stated that he disagrees with the proposed amendments at this time. Section 1.3.5 Titled Amendment Procedures, Master Water and Sewer Plan book in office for reference. Mr. Cairns stated it is improper and illegal not to publish these new amendments being proposed in the newspaper, so the public could be able to make public comments. Proper procedures must be followed. He would like to see the plan adopted, but omit the extra amendments to be considered at a later date.

Mr. Eric Sennstrom, Director of Planning and Zoning stated that the section that Mr. Cairns is referring to is the amendment section within the document, the document has not been approved as of this time. People are making requests to have their projects included in the document when it is approved. If this were an approved document then you would have to advertise. This is a draft document at this time, and we are required to go through a public hearing at the present time. After this would go to the County Commissioners it would become an official document, then if someone has a change to make after that we would have to go through the public hearing process and make individually make changes.

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Mr. Mortimer asked is there a document to amend at this time?

Mr. Sennstrom stated this is just a daft document at this point and the local Legislative body has not adopted this, which is the Board of County Commissioners.

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated we have heard testimony that the Planning and Zoning Department has spent eleven, (11) years building this new Master Water and Sewer Plan calumniating in three, (3) years of intensive negotiation with communities and municipalities, Cecil County, State, Federal, Chesapeake Watershed, Susquehanna, Delaware and Business and Developers. This plan would be for naught if last section changes would be included in the plan. The Master and Sewer Plan should be adopted as written and those who want special exemption from the law to build their higher density or a land that would not perc should go through proper channels that are already in place.

Mr. Robert Fritz, 39 Blacksnake Road, Elkton, MD agrees with Mr. Owen Thorne and Mr. Ed Cairns.

Mr. Richard Boyce, 11 Harvest Lane, Elkton, MD agrees with the comments that Mr. Ed Cairns and Mr. Owen Thorne. He agrees the plan should be adopted as written and the changes should be held in another discussion.

Mr. Stanley Hearne, 144 Katherine Court, Elkton, MD stated he would like to see this adopted as it was originally written and presented with no amendments. He also agrees with the previous gentlemen.

Mr. Mike Kelly, 18 South Parkway, Elkton, MD agrees with Mr. Owen Thorne and Mr. Ed Cairns.

Mr. Ron Hartman, 164 Little Egypt Road, Elkton, MD agrees with Mr. Ed Cairns and others that should be adopted as presented.

Mr. Wade Eshleman, 103 Cambridge Road, Elkton, MD agrees the plan should be adopted without any amendments.

Ms. Laura Hinkle, 50 South Edgewood Lane, Elkton, MD agrees with the plan being adopted as it is.

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Ms. Jacqueline Harrison, 162 Countryside Loop, Elkton, MD agrees with the plan.

Mr. John Gill, 152 Kirkcaldy Drive, Elkton, MD agrees with everything that has been said, but is against public interest to come up with last minute changes. Approve the Master Water and Sewer Plan as is without changes.

Mr. Weaver, 161 Bouchelle Road, Elkton, MD agrees with everyone's statements.

Ms. Naomi Felts, 150 Ballantrae Drive, Elkton, MD agrees with Mr. John Gill and Mr. Ed Cairns. Do not change this, let people have wells and septic.

Mr. Mike Shearon, 8 Orioles Nest Road, Elkton, MD agrees with Mr. Ed Cairns and most of the people in the room this evening agree with him.

Ms. Rhonda Ketcham, 2376 Appleton Road, Elkton, MD agrees with everyone who has spoke.

Ms. Robanne Palmer, 25 East Parkway, Elkton, MD, President of the Civic Association for Glen Farms. The Board of Directors is in agreement that this is a good plan.

Ms. Norma Calabro, 384 Blacksnake Road, Elkton, MD agrees with this plan. Approve the Master Plan as written.

Mr. Alan Fox, 67 South Edgewood Lane, Elkton, MD stated that one of the things that concern's him is that all the special projects being put in at the last minute into this Master Plan. The service of the community needs to meet first.

Ms. Mary Elizabeth Wiggins, 504 Blacksnake Road, Elkton, MD is in agreement with the Master Plan and should be approved as written.

Ms. Barbara Bandy, 96 Countryside Loop, Elkton, MD is in agreement with the Master Plan and feels it should be approved as written.

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Mr. John Marcheski, 25 Locharron Drive, Elkton, MD and his wife Susan agree with the Master Plan as written with no amendments.

Mr. Julian Blackwell, 5996 Telegraph Road, Elkton, MD feels the plan should be adopted as is without the amendments.

Ms. Laura Gleason, 60 Glen Brook Drive, Elkton, MD stated the plan should be adopted as written with no amendments.

Mr. Hugh Campbell, 7 Appleton Court, Elkton, MD stated his wife and he agree with the plan as written without the amendments.

Ms. Catherine Davis, Elkton, MD stated she agrees with everyone else.

Mr. Carl Walbeck, Chairman stated since there are so many people speaking we will drop addresses for the record, just use names.

Mr. Russell Holland, Glen Farms, Elkton, MD stated there is a set of regulations and they should be followed.

Mr. Bob Shank, 38 Breezeway, Elkton, MD stated he agrees with the plan as written with no amendments.

The following people agree with the plan the way it is written without the amendments:

1. Mr. Paul Snyder
2. Mr. George Whitmyre
3. Mr. Jeff Powell
4. Ms. Heather Gallaway
5. Ms. Maryanne Dole
6. Mr. Lawrence Clemons
7. Mr. John Hentkowski
8. Mr. Paul Hyde
9. Mr. John Van Buchem

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10. Mr. Bob Abbott
11. Ms Susan Kadel
12. Mr. Michael Walker
13. Mr. Michael Politi
14. Mr. Bruce Reinhold, 18 Bradley Court, Elkton, MD stated to put these important items on CCGOV.ORG
15. Mr. Carmen Ikorelli
16. Ms. Alice Arbuckle
17. Ms. Anna Fair

COMMENTS IN OPPOSITION: Ms. Constance Barker, 439 Old Chestnut Road, Elkton, MD lives in a watershed critical bay area. She does not believe this plan is far reaching enough.

AMENDMENT OF THE WATER AND SEWER PLAN:

Master Water and Sewer Plan Proposed Amendment Aston Pointe

Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD is representing the Aston Development Group with respect for the request for an amendment to the proposed water and sewer plan. The concept plan for Aston Pointe has been before the Planning Commission on several occasions.

Ms. Ethel Murray recuses herself as a participant in the development of Aston Pointe.

Mr. Parrack stated that the water and sewer plan should be in the guidelines of the Comprehensive Plan that governs the County. The Comprehensive Plan that is in existence at the present time is one of the goals and objectives that are stated to provide a system of community facilities, which encourages a form of development consistent with the land use, plan. The Aston Point proposed subdivision is within the Suburban District. The Suburban District itself through out the Comprehensive Plan is recognized as one of those districts in which growth and development is in fact encouraged. The Draft Comprehensive Plan, which has been presented to the Cecil County Commissioners, is part of the vision statement, which indicates that adequate public facilities and infrastructure under control of the County should be provided to areas where growth is to occur. The Comprehensive Plan that is in place now encourages growth in the Aston Point location. Mr. Parrack pointed out on the map where these locations for the Master Water and Sewer Plan would be taking place. The proposed Aston Point sewer plant would be basically use the Meadowview Wastewater Treatment Plant. The developer would be paying to run the lines for water and sewer to the Meadowview Treatment. Plant.

There would be adequate capacity at the Meadowview Facility. Mr. Parrack stated that the developer would like this plan to be amended to include the Aston Pointe site as a S-2 area in the next five years. With respect to the water service they are looking to tap into the existing water source as far as the United Water Co. contract that the County has, which they believe it has adequate capacity to support this project. There would

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be a water storage tower constructed on the Northerly part of this site. This will add additional pressure for the Highlands subdivision for additional fire hydrants to be opened also. There is an existing water line on Barksdale Road that could be tapped into the Meadowview Water Treatment Plant. The County has prepared the maps and the Aston Pointe area does not include service for the proposed golf course. This is an area that should support public water and sewer within the next five years. Move it to the S-2 and W-2 plan. The Developer would be paying for both water and sewer lines to be run to the Meadowview Plant. This is consistent with the Comprehensive Plan and it is consistent with the zoning that was enacted as a result of the adoption of the Comprehensive Plan. Amend the plan with good land use in practice.

Mr. Mortimer stated for the record again the Developer would be paying for the water/sewer construction, not the taxpayer?

Mr. Parrack stated yes that is correct.

Mr. Mortimer asked about the acreage?

Mr. Parrack stated there are approximately 390 acres.

Mr. Mortimer asked if there were no provided water, how many homes would you put in this development?

Mr. Parrack stated 390+ all with well and septic. As terms of density they are well beneath that and the Planning Commission knows that. It is Mr. Parracks understanding that the County has in place a contract with United Water Co. for Cecil County. Additionally, there is the possibility of on-site wells.

Mr. Mortimer asked if their have between any studies done on watershed quality relative to septic versus waste treatment facilities?

Mr. Parrack stated he is not aware of the Developer having any studies performed like that. The opposition feels this would be bad for the environment, but the prospect of 390 septic system failing would not be good for the environment also.

Mr. Mortimer asked if there would be any times they would be cut off in times of drought since the water would be coming from the State of Delaware? Have there been any arrangements made?

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Mr. Parrack is not aware of any arrangements, but the cushion that is there as far as the United Water Supply is a million a day. At the present it is 200,000 gallons a day.

Mr. Matt Carter, Director of Public Works stated that Mr. Parrack is correct except for the present is 225,00 gallons a day.

Mr. Walbeck asked Mr. Parrack if the amendment he is requesting is the Amendment to the Master Water and Sewer Plan or the draft that is being considered this evening?

Mr. Parrack stated apparently to the draft that the Board is considering.

Health Department Report No comment required.

COMMENTS IN SUPPORT: Ms. Marcella Murray Lockwood, 432 Jackson Hall School Road, Elkton, MD handed out a land use map to people coming into the meeting this evening and she is wondering if people are aware of the goals of the land use map? She would like to speak on the area that is marked Suburban Residential, (SR) and some of the goals focus new growth into the developments into Suburban Residential, (SR) instead of Southern Agricultural Residential, (SAR) and Northern Agricultural Residential, (NAR). This would discourage strip and scatter developments. Aston Pointe would be a concentrated area under the density factor and consistent with the Comprehensive Plan and the Master Water and Sewer Plan for development in the future.

Mr. Richard Boyce, 11 Harvest Lane, Elkton stated he has a procedural comment stating the staff and the agent for the proposed developer does not understand the regulations that are permissible. At the next meeting the ordinance should be clarified.

Mr. Walbeck stated as long as he his Chairman of the Commission we are here to receive information from the applicants, from the public, staff and they are not here to give and take or question one another. There will be no debating going on at the Planning Commission meeting.

Mr. Harley Williams wishes to make a couple clarifications speaking on the water and sewer plan. The Comprehensive Plan shows clustering. Mr. Williams cannot see how anyone would be opposed of 170 acres of open space being on the corner of Appleton Road and Rte. 273 for a golf course. Additionally to the 170

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acres there is a lot of wetlands. Mr. Williams challenges anyone at a public meeting to debate this form of clustering of homes and following the law. He would like residents to look at the plan first then make judgments. The density would be the same as for public sewer.

Mr. Wayne Lockwood, 432 Jackson Hall School Road, Elkton stated he is a farmer and his property is adjacent to the Highlands. Mr. Lockwood said he has to smell the Highlands Treatment Plant everyday and it smells terrible, so lets get this amendment passed, we all have to live in this community together.

COMMENTS IN OPPOSITION: Mr. Mike Walker, 644 Jackson Hall Road, Elkton, MD stated at one time Ms. Ethel Murray wanted to build a house for one of her daughters directly across the street from him, and she was not able to do it, her daughter was not able to do it because the land would not perc. You cannot put 800 homes in Aston Point because the land would not accept it.

Ms. Sue Marcheski , 25 Locharron Drive, Elkton, MD Lives in the Highlands next to where Aston Pointe would be built. She brought in an exhibit of a white shirt that she has washed and bleached and it is still is brown in color from the water. She feels the County should take care of the Highlands water problems before a new development like Aston Pointe would be approved. Ms. Marcheski is always without water and who ever designed it did a terrible job, Water runs down hill not uphill .

Ms. Ann Lane, 164 Wilson Road, Elkton, MD stated if this approved this gives developers a foot in the door so to speak and they would be able to build Townhouses, Shopping Centers, etc. because the water and sewer would be in place. This kind of building should be in a growth area such as Rte. 40.

Ms. Steven Wohner, 218 Cat Swamp Road, Elkton, MD stated that the proposed sewer line in running directly through his Uncles property. He knows his Uncle will never let that happen. This is drawn right through his property and across two streams; this is never going to happen.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD 432 quoted from the Comprehensive Plan on page 17, most development in the Suburban District will continue to use on-site well and septic systems or shared community facilities during much of the planning period. Public water and/or sewer service should be planned for appropriate portions of the District, particularly those portions that are contiguous to existing development. Where on-site well septic systems are required, the County should permit shared sewer facilities which may located on common open space areas . The Comprehensive Plan could be interpreted two different ways, on one hand Aston Pointe should stay on septic and well and the other hand being next to the Highlands it is contiguous to existing development for approximately 3% with perimeter that is contiguous. Some past mistakes have been made. The Highlands failed operation by the State and then the State turned it over to the County and then sited the County for having inoperable facilities. The bottom line is that Cecil County paid a very expensive price for the failure of the developer. The Highlands has never been an appropriate place for public water and sewer. It happened from a mistake not from sound planning.

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Even today it is a very expensive operation to operate and the County fails to close it. The Highlands has been a mistake, we do not need to repeat ourselves with approving Aston Pointe. Mr. Cairns asked that the Board please **not recommend** the amendment plan for Aston Pointe.

Mr. Ron Hamblin, 9 Locharron Drive, Highlands, Elkton, MD wants to address six issues as follows:

1. Rte. 40 and I 95 corridor
2. Cecil County Urban Growth Boundary Plan
3. Security of the Meadowview water source
4. Wastewater discharge
5. What will be done in times of drought, since we will have an out-of-state United Water supply company
6. Meadowview waste treatment expansion

Mr. John Williams, Elkton MD. Comments marked Exhibit one, (1), attached for reference.

Ms. Kristen Magas, 6 Ballantrae Court, Elkton, MD stated her qualifications include a Bachelors and Master degree in Civil and Environmental Engineering from Cornell University. Has experience in design construction and operation of wastewater treatment plants. She stated how many homes you could get on the site from some spotted perc tests that could be done, 100-150 homes could be built on this site. This does not include the Golf Course. Septic systems are effective and cost efficient to manage wastewater for a large area of homes. Five points about septic systems:

1. Septic system recharge local ground water/wastewater treatment plants do not
2. Calculations based on recent information from Cecil County Health Dept. show that the County s 18,500 septic systems have an average life span of over 50 years without failure.
3. The latest version of the Master Water and Sewer Plan provide a listing of County areas with problematic of failing septic systems, none of the areas are in the Northeast corner of the County, low lying coastal areas are the areas of primary concern. Fairhill is not Carpenters Point.
4. The Health Dept. has specific requirements for site selections and design of new septic systems consistent with COMAR 26.04.02.
5. Properly designed and constructed and maintained septic systems can often better remove contaminates from wastewater than many wastewater treatment plants.

The Meadowview Wastewater treatment Plant serves 2,020 people or about 750 units, so a failure of the Meadowview Plant would affect the same amount of wastewater as the simultaneous failure of the 750 septic systems. Treatment plants do not always perform the way they were designed. During power outages even the best treatment plants are unable to properly treat the wastewater and consequently raw sewage can enter

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the environment. Sewer systems are notoriously placed with the problems with infiltration and inflow. If clean water can get into the sewer sewage can certainly get out. A new pump station will certainly be needed to serve Aston Pointe; pumps are mechanical devices and will eventually fail. Allowing sewers on this site will more than double maybe even triple the number of homes on the site. These additional homes will increase more wastewater with containments impacting the local environment. This will create a more imperious area and this will place additional strains on things such as roads and schools. Septic systems pose less risk and sanitary sewers post more risk Ms. Mags stated we need to protect our quality of life in Cecil County.

Ms. Laura Gleason, Elkton, MD stated she would like to discussion infrastructure dealing with schools in Cecil County. Comments marked Save Our Schools Exhibit two, (2), attached for reference.

Mr. Owen Thorne, 20 Hillwood Road, Elkton MD stated at the Planning Commission (Subdivisions) meeting on March 15, 2004 this was quoted Do to unresolved issues concerning density in the respect to capacity of schools, unsolved traffic issues, road upgrades, unsolved sewage issues, unsolved surface for impact, unsolved water concerns, unsolved Fire Department and EMS concerns, and unsolved issues concerning lot sizes that are incompatible with the surrounding area . Aston Pointe expects to allow building at a density out of character with the community with farmland directly across the street from Fairhill in the heart of Cecil Counties equestrian and tourism industries. A private Golf Course in not open space but a fenced off Country Club, they want this higher density to fund the Club and can only do so by putting in 300 homes in just 164 remaining acres. This would leave an average lot size of 4/10ths an acre each. Schools would be a problem, and the Aston Pointe developers stated that only 41 students would be generated from 300 homes. Secondly, where is Aston Pointes road study? Who will pay for new Sheriff s Deputies, Fire and EMS attendants for this remote part of the County? Nearby Counties are littered with bad planning or no planning at all, please set a good president instead that Cecil County farms and precious rural character are not for sale to out-of-state speculators. Urban sprawl can be controlled through planning and leadership.

Mr. Richard Boyce, 11 Harvest Lane, Elkton, MD stated he is a member of the ARCA Group. Comments marked Exhibit three, (3), Master Water and Sewer Plan on Disapproving the Aston Pointe Amendment by Richard Boyce are attached for reference.

Mr. Alan Fox, 67 South Edgewood Lane, Elkton, MD stated He does not understand how this would any benefit to the community. Traffic, school, threats to the environment are all concerns he has. Mr. Fox feels that clustering of homes at the present time will almost make it certain, once the water and sewer are in, that areas of clustering will follow. What are the benefits of a project like this other than a selected group of people making a lot of money?

Ms. Evelyn Walker, Corner of 600 Jackson Hall School Road, Elkton, MD stated if this high density happens, who is going to start inflicting on people who live along the road? Ms. Walker stated that people would loose, not gain.

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Ms. Katherine Davis, Elkton, MD stated she agrees with everyone who has spoken this evening. Ms Davis read some excerpts from letters of folks who could not attend the meeting. Marked Exhibit Four, (4 A & B), attached for reference.

Mr. Wade Eshlemen, 103 Cambridge Road, Elkton, MD stated he would like to voice his opposition to this amendment. Mr. Eshlemen is not opposed to growth in the County, but it should be held to the well and septic we have now, (1 house per acre).

Mr. John Gill, 152 Kirkcaldy Drive, Elkton, MD stated he is opposed. The Highlands are on ½ acre lots; Wynlea, Hillcrest, Thabar and Tara are all unlike the proposed Aston Pointe density. When you ride into the State of Delaware it looks like a row of dominos with their developments. The County took eleven (11) years of hard work to develop the Master Water and Sewer Plan and are about to approve it and then turn around and revise it at the request of an out-of-state Developer. The Aston Pointe Developers are not interested in quality of life in Cecil County; they are just out to make money. This is a good test for our County Government to see what will happen. Is this what we want our future to look like in Northeastern Cecil County? Do not amend the Master Water and Sewer Plan for Aston Pointe; think wise.

Mr. Dave Bailey, Elkton, MD stated he would like to present a different viewpoint of this situation. The impact on the fire companies and EMS will greatly increase. Mr. Bailey has ten, (10) years experience as an Emergency Room Physician at Union Hospital and Christiana and twenty, (20) and year s service with the Volunteer Fire Company and EMS. Twenty years ago when he started the Newark, Delaware Fire Company ran about 2,000 calls and now it is about 4,200 calls a year. The resources in Cecil County are already out stretched. Building large developments like Aston Pointe will only increase the number of calls that Cecil County EMS and Fire Company will get, in turn it will become just like Newark, Delaware. Jackson Hall School Road cannot be made much wider than it is at the present time. Increased traffic along Little Egypt Road would be bad for the residents that live in the developments along this road. The number of accidents is increasing yearly. Without planning the roads, schools, fire companies, EMS it all has to be part one package, the water and sewer piece is what you have to hold to the Developers and say unless its all there, we cannot let you build . The Hospitals cannot handle the growth. There are plans to build new Hospital because there is no money. Unless you have all the resources available to you, you cannot start building large numbers of homes.

Ms. Lindsie Carter, 131 Blacksnake Road, Elkton, MD stated that people that have lived here a long time would be pushed to move to different counties. People that seem to come and go leave the facilities broken down with trash everywhere and they leave the County. There should not be high-density development; the people who are the current citizens should be shown that they are the first concern

Mr. Hugh Campbell, Appleton Acres, Elkton, MD stated that listening to all the points made this evening there are a lot of loose ends with this amendment. If you receive your water from Newark, Delaware, what would happen under a drought situation? You also have the State of Delaware in control of what would get discharged into the streams. Has anyone done an evaluation on the State of Delaware on this issue?

PLANNING COMMISSION MEETING 2004

Unacceptable odors.

Mr. Bob Abbott, Paper Mill Road, Marley Farms, Elkton, MD stated he is opposed of the Board adopting this amendment for the Master Water and Sewer Plan. High density, more houses will cause an overload. You hear about the Developers paying for installation, but when things break you never see them opening their checkbooks.

Mr. David Newth, Grand Meadows, Elkton, MD is representing the following twenty, (20) people marked Exhibit Four, (4C), attached for reference. They are all opposed to the Master and Waster Amendment. On a personal note he feels as though he his being raped, matter of fact all of Cecil County is being raped.

Mr. Mike Leavy, Little Egypt Road, Elkton, MD stated that water security is a critical issue. Delaware is mostly surface water so they get affected very quickly. If Cecil County is going to increase there water from Delaware that is a pretty scary thought.

Ms. Alice Arbuckle, Leeds Road, Chippendale, Elkton, MD commented on what Mr. Matt Carter, Director of Public Works stated. She would like more information on the existing contract between Delaware and Cecil County on the water. When does would this contract expire?

Mr. Carl Walbeck stated we do not get into question and answer period in this meeting.

Ms. Alice Arbuckle stated she has input to present; She has lived in Cecil County since 1987 in a subdivision named Chippendale of Leeds Road. Cecil County seems to be one of the green grassy areas available along the I-95 corridor from Connecticut to Richmond, Virginia. The County Commissioners have the power to keep the County from over development or urban sprawls. She hopes that other Developers will not be developing. She worries about the Counties over burdened infrastructure. The key to a decent middle class way of life is not intended with more people. The approval of this amendment would bring urban sprawl through out Cecil County.

Ms. Susan Kadel read letters from Jennifer Muldune, Mary Hinsome, Becky Pickley and Diana Carneige; they are in opposition, marked Exhibit Four, (4D), attached for reference.

Mr. Paul Snyder, Little Egypt Road, Elkton, MD stated if the Developer meets all the criteria, why do need this amendment? Please explain this to me.

PLANNING COMMISSION MEETING 2004

Mr. Carl Walbeck stated he would be happy to explain it to you after the meeting.

Ms. Robanne Palmer, Glen Farms, Elkton, MD, President of the Glenn Farms Civic Association speaking on behalf of the Executive Board of Directors. Ms. Palmer read a letter marked, Exhibit Five, (5), attached for reference. Glen Farms is a member of ARCA and they are supported of the visions and efforts. Do not amend the Master Water and Sewer Plan, to do otherwise is placing our future in jeopardy.

Mr. Ronald Dummler, Elkton, MD does not have a prepared statement but he agrees with the others that have spoke tonight. He had to move his house a few years ago because the State came and took some of his land for a right of way. Some people on Jackson Hall School Road do not have as much land as he has, so he feels that they should fight for their rights now before it is to late. Once this amendment is signed it is a done deal and further development will take place. Mr. Dummler believes in property rights but you should not interfere with someone else s property rights.

Ms. Anita Cappaructuni, Grand Meadows, Elkton, MD stated that the Sheriffs office can not handle the amount of calls they get now, can you image how it would be with more residents. You cannot compensate the growth that would be at Aston Pointe if this water and sewer plan goes through.

Mr. Jerry Clifton, Councilman and Deputy Mayor of the City of Newark, DE. They have had communication with ARCA over the past months over the situation with the water. He feels that those that have spoken this evening could not have articulated it any better. Theses are real concerns for the County to be concerned about. Mr. Clifton has not seen any traffic impact statements. Cecil County Commissioner Mr. Nelson Bolender stated to WILMPCO that this land would never be developed, (this is part of WILMAPCO S minutes). There is not enough water for the City of Newark. There is lack of infrastructure and lack of services.

Mr. Bob Tober, 219 Rhett Lane, Elkton, MD stated that in Chester County, PA they are not talking about planned developments, they are talking about moratoriums. Master water and sewer will only accelerate Cecil County into the same predicament.

Mr. Robert Fritz, 39 Blacksnake Road, Elkton, MD is in opposition of this amendment. He is not against development in the County and he believes that the farmers should be able to still develop. A septic system is a better way to go rather than the water and sewer system.

Mr. Bruce Reinhold, 18 Bradley Court, Elkton, MD stated he agrees what has been said this evening. There are two sets of different arguments being presented, the scientific and the emotional. The people represent the County and the Board should take all things into consideration.

PLANNING COMMISSION MEETING 2004

Mr. Joe Blackwell, Elkton, MD stated he has lived in Cecil County for twenty, (20) years and lives next to the area that is proposed for development. He is opposed to this plan and hopes the Board does not approve it.

Mr. Dale Mullins, 20 Pleasant Drive, Elkton, MD has lived in Cecil County all his life. As far as planning and growth the County need to plan for that, so it does not get out of hand. We need to put our children first; they need to have a quality of life.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: 2004 Cecil County Master and Sewer Plan Adoption.

Staff recommended approval with inclusion:

1. Ridgley Forest-S-2
2. Milburn Property
3. Villages of North East-W-2
4. Bethel Springs II in Sewer Plans
5. Warwick Orchards in Water & Sewer -W-2 & S-2
6. Bedrock-S-2
7. Northbay-W-2 & S-2
8. Elk Neck State Park
9. Candlelight Ridge-S-2
- 10.Meadowiew Text Revisions
- 11.Town of North East comments with exception of showing water service area agreement lines on maps.
- 12.Town of Rising Sun

PLANNING COMMISSION MEETING 2004

ACTION: Motion made to adopt by Mortimer with the inclusion of Ridgley Forest, Villages of North East, Meadowview Text Amendment, Rising Sun comments, and North East comments with the exception of showing delineation of water service area on the map, Bethel Springs table all other items, seconded by Williams.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: AMENDMENT OF THE WATER AND SEWER PLAN: Master Water and Sewer Plan Proposed Amendment Aston Pointe.

Staff recommended approval.

ACTION: Motion made to disapprove by Mortimer, seconded by Williams.

Murray abstained.

VOTE: Two to one to approve motion, motion carried.

REZONING:

FILE: 2004-11- APPLICANT: Meadows Materials and Trucking, LLC.

PROPERTY LOCATION: 260 Calvery Lane, Rising Sun, MD 21911.

ELECTION DISTRICT: 5. TAX MAP: 24, PARCEL: 33.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to amend the Cecil County Comprehensive Land Use Map by changing approximately 3.9 Acres from Resource Conservation District, (RCD) to Mineral Extraction District, (MED) and to extend the MEB zoning overlay over the same area, which would encompass the entirety of Parcel 33.

PROPERTY OWNER: Deborah L. Meadows.

PLANNING COMMISSION MEETING 2004

Mr. Norman H. Wilson, Jr., Esquire, 109 Bridge Street, Elkton, MD represented Ms. Deborah Meadows in this application for rezoning. Ms. Meadows would like to amend the Cecil County Comprehensive Land Use Map

by changing approximately 3.9 Acres from Resource Conservation District, (RCD) to Mineral Extraction District, (MED) and to extend the MEB zoning overlay over the same area, which would encompass the entirety of Parcel 33. Mr. Joe Meadows explained showed the Board the map and pointed out where they would like to mine, Parcel 33. This parcel lies in between everything that has been previously mined. There was a mistake made because of re-configuring the lots, part of it stuck out of the ME use.

Health Department Report Must comply with the requirements of the Mining Program, Maryland Department of the Environment.

Mr. Williams asked about the two adjoining parcels that have been mined out, is there any activity on them?

Mr. Meadows stated that one there has been no activity and the other one over the years has grown back thru natural vegetation. Mr. Meadows did not mine these others two areas.

Mr. Walbeck asked if the Board could have some information on the possible mistake in zoning.

Mr. Cliff Houston, Zoning Administrator stated the reason that they are talking about is not currently in the MEB and MED in the Comprehensive Plan and the MEB overlay was due to the subdivision which was done of that area in that vicinity, there were add on and reconfigurations of lots. When the land was purchased it was assumed that Parcel 33 was in the MEB prior to the rearranging of all the lot lines. When the maps were re examined the maps this was not correct. Several acres feel outside that zone.

Ms. Murray asked if reclamation was part of allowing them to mine?

Mr. Wilson stated that Mr. Meadows reclaimed areas of theirs. Someone else prior to Mr. Meadows purchasing the pit mined the adjoining parcels.

COMMENTS IN FAVOR: None.

PLANNING COMMISSION MEETING 2004

COMMENTS IN OPPOSITION: Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD representing the property owners in the nearby vicinity of the property. It is not clear where the 3.9 Acres is located on the map, could you point that out.

Mr. Meadows pointed out to Mr. Parrack where Parcel 33 was located on the map.

Mr. Parrack stated this just to be a road named Calvery Lane that ran through there.

Mr. Meadows stated it does not go through Calvery Lane.

Mr. Parrack asked is this area that Mr. Meadows would like to have rezoned?

Mr. Meadows stated, yes .

Mr. Parrack stated he is representing the following property owners on Parcels 28, 37 and 38:

1. Paul Schauman
2. Kevin and Debbie Curray
3. Rob and Barbara McKnitt
4. Bob and Susan Debuke
5. Sandy Wayman
6. David Schultz

Mr. Parrack s clients have some concerns of impact of water by the continued extraction of resources around this location, the traffic and the character of the traffic in the area, the encroachment of the mineral extraction activities closer to their residential properties and not clear where the applicant says where the other areas that were mined previously are located. Mr. Parrack stated he feels that there has been on mistake made.

Mr. Mortimer asked Mr. Meadows if he is mining this parcel?

Mr. Meadows stated, no . He is mining an area that is very close to it.

PLANNING COMMISSION MEETING 2004

Mr. Houston stated this will be heard by the County Commissioners on July 13th at 5:00 p.m. at 107 North Street, Elkton, MD.

SPECIAL EXCEPTIONS:

FILE: 3038 - APPLICANT: Harry E. Harris.

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

PROPERTY LOCATION: 329 Skyview Drive, Elkton, MD 21921, Election District: 3, Tax Map: 19, Parcel: 515.

PROPERTY OWNER: Kathy Morgan Bodine.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Harry Harris would like a Special Exception for 329 Skyview Drive, Elkton, MD for a doublewide mobile home so he can live there for health reasons. Mr. Harris has heart, eye, and prostate problems and has had heart surgery twice. Mr. Harris is presently living in Delaware and has trouble driving with his eye problems. The property belongs to his Daughter and Son-in-Law and he would like to be close to them, so he could have some help.

Health Department Report Sanitary Permit A5075 issued in 1974 for existing dwelling; soil evaluations conducted in May 2004 found satisfactory soil for repair of existing septic. Satisfactory with installation of septic tank for manufactured home and connection to existing drain field.

Ms. Murray asked Mr. Harris why he could not live with his Daughter since she lives on the property? What size is her house?

Mr. Harris stated she has a three-bedroom rancher with a full basement. He could not live with his Daughter because she has three small children and the house is not big enough.

Mr. Mortimer asked why are you living in Delaware at the present time?

PLANNING COMMISSION MEETING 2004

Mr. Harris stated with his health going down hill he would not be able live there and still get around on his own because he will be loosing his drivers license due to his eye sight.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: none.

FILE: 3040 - APPLICANT: Donna L. Wood.

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

PROPERTY LOCATION: 2963 Turkey Point Road, North East, MD 21901, Election District:
5,

Tax Map: 41, Parcel: 135.

PROPERTY OWNER: William and Pauline Wood.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Wood is purchasing some property from her parents, which back up to Camp Rodney and in the process of subdividing. At the present time she has a 14x80 mobile home that she would like to move from a Mobile Home Park to this property to be closer to her parents so she can check on them. Her Mother just had a pace maker put in and her Father has property that needs to be farmed.

Mr. Walbeck asked where the mobile home would be placed on the property?

Ms. Harris showed Mr. Walbeck on the map, (behind Camp Rodney), Perc tests have been done and also has had it surveyed to take 8 acres so it could be left Agricultural. It would back up to Camp Rodney, 2 Acres across and 4 Acres down. There is a right-of-way through her parent s driveway and for a Cellular Tower. Ms. Wood is a single parent and this would be a temporary situation, as she wants to build a home sometime in the near future. The mobile home would then be moved off.

Health Department Report Soil evaluations conducted in April 2004 found a satisfactory area for installation of an on-site sewage disposal system.

PLANNING COMMISSION MEETING 2004

Ms. Murray asked where Ms. Wood lives at the present time?

Ms. Wood stated that she lives at 57 Stoney Chase, Elkton, MD.

Mr. Brown asked why she could not live with her parents in their home.

Ms. Wood stated she has a six-year-old Granddaughter she is raising and prefers to live independently on her own.

Mr. Mortimer asked how far would you be from your parents?

Ms. Wood stated about 1/4 mile.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3041 - APPLICANT: Morenea Bennett.

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

PROPERTY LOCATION: 2006 Red Toad Road, Port Deposit, MD 21904, Election District: 5,

Tax Map: 24, Parcels: 89 and 70.

PROPERTY OWNER: James W. and Mary A. Miller.

PRESENTLY ZONED: Northern Agricultural, (NAR).

PLANNING COMMISSION MEETING 2004

Mr. James Miller presented this application for a singlewide manufactured home. Mr. Miller has had two major operations in the last six months, back surgery and hip replacement. He needs help and the present time. His Son-in-Law has been out of work for two years. His Daughter and Son-in-Law need a place to live. Mr. Miller's wife has had several surgeries also. He would like to ask for lifetime rights for the trailer to stay on his property since him and his wife are in such bad physical shape. Mr. Miller and his wife live in the house and the Mobile home would be for their Daughter and Husband.

Health Department Report Sanitary Permit B8058 issued in 1985 satisfactory.

Ms. Morenea Bennett stated she has a mental disability and she loves her parents and is a praying woman. She does not work, so she would be around to help her parents.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3042 - APPLICANT: Julie Elliott.

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

PROPERTY LOCATION: 647 Biggs Highway, Rising Sun, MD 21911, Election District: 6,
Tax

Map: 10, Parcel: 758.

PROPERTY OWNER: Steven and Nora Kierig.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Julie Elliott stated she just made settlement on this home on May 28th, so it is not in the name of Kierig. She would like to have a one-chair hair salon in her home. She does not want to pay rent space, so this would be more economical to have this in her home.

Health Department Report Sanitary Permit D5752 issued in 1993 for the existing dwelling satisfactory for beauty salon with upgrade of septic system.

PLANNING COMMISSION MEETING 2004

Mr. Mortimer asked how many clients a day would you see? Do you have enough parking spaces?

Ms. Elliott stated 4 to 6 clients a day, one at a time. There is plenty of room to park.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3046 - APPLICANT: Joseph H. Weinbrecht, Jr.

FOR: Special Exception for a home occupation to operate an equine supplements business.

PROPERTY LOCATION: 330 Sandy Bottom Road, Earleville, MD 21919, Election District:
1,

Tax Map: 62, Parcel: 157.

PROPERTY OWNER: Joseph H. Weinbrecht, Jr.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Joseph Weinbrecht stated that his wife and him would like to have a mail order business for equine supplements and equine products. There would not be any retail trade. The U.S. Mail, U.P.S. and Federal Express would move the products. Mr. Weinbrecht lives on a 38-acre farm and there will be no traffic problems and this would not be a bother to his neighbors. There would be less one truck in and out a day.

Mr. Walbeck asked if there would be any employees?

Mr. Weinbrecht stated no, just him and his wife .

Health department Report Sanitary Permit R2899 issued in 2003 for repair of septic system at existing house No anticipated increase in water usage and no Health Department approval required satisfactory.

PLANNING COMMISSION MEETING 2004

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3047 - APPLICANT: Vickie M. Barton.

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

PROPERTY LOCATION: 2042 Colora Road, Colora, MD 21917, Election District: 6, Tax Map:

17, Parcel: 515.

PROPERTY OWNER: Vickie M. Barton.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Vickie Barton would like to renew her singlewide manufactured home Special Exception. Her Brother was killed in 1995 tragically killed at work, her parents have divorced prior to that incident and her Mother is now living in the mobile home. Her neighbor is in favor of her doing this, but due to the lengthy meeting he could not stay. Her Mother is in the process of filing for disability. The last two years Ms. Barton has been supporting her Mother and her three, (3) children. The State of Maryland has seal coated the roof of the trailer and has installed a handicapped shower stall. Please consider a lifetime renewal as long as her Mother is living.

Health Department Report Sanitary Permit G1585 issued in 2002 for mobile home; septic system installed under Sanitary Permit B2669 in 1981 satisfactory.

Ms. Murray stated your Mother has lived there two years, is that correct?

Ms. Barton stated, yes . This mobile home is not visible from the road.

COMMENTS IN SUPPORT: None.

PLANNING COMMISSION MEETING 2004

COMMENTS ION OPPOSITION: None.

RECOMMENDATIONS:

REZONING:

APPLICANT: Meadows Materials and Truckling, LLC.

FOR: Request to amend the Cecil County Comprehensive Land Use Map by changing approximately 3.9 Acres from Resource Conservation District, (RCD) to Mineral Extraction District, (MED) and to extend the MEB zoning overlay over the same area, which would encompass the entirety of Parcel 33.

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

ACTION: Motion made to disapprove with staff conditions by Mortimer, seconded by Murray.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Harry E. Harris

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

Staff recommended approval for two years, or as long as applicant resides in Manufactured Home and owner owns property.

ACTION: Motion made to approve with staff conditions by Williams, seconded by Mortimer.

VOTE: Three to one to approve, motion carried.

PLANNING COMMISSION MEETING 2004

APPLICANT: Donna L. Wood.

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

Staff recommended approval for two years, or as long as applicant resides in Manufactured Home and property owner resides on property.

ACTION: Motion made to disapprove, no demonstrated hardship by Mortimer, seconded by Brown.

VOTE: Three to one to disapprove, motion carried.

APPLICANT: Morenea Bennett.

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

Staff recommended approval for five years or as long as applicant resides in Manufactured Home and property owner resides on property.

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

VOTE: Three to one to approve, motion carried.

APPLICANT: Julie Elliott.

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

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Murray, seconded by Mortimer.

VOTE: All in favor, motion carried.

APPLICANT: Joseph H. Weinbrecht, Jr.

June 21, 2004, 8:00 p.m.

PLANNING COMMISSION MEETING 2004

FOR: Special Exception for a home occupation to operate an equine supplements business.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff condition by Mortimer, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Vickie Barton.

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

Staff recommended approval for as long as applicant owns property and Mother resides in Manufactured Home.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 11:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 19, 2004, at 7:00 p.m.

July 19, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Brown, Williams, Murray, Mortimer, Prickett, Sennstrom, Houston and Dempsey.

ABSENT: Farrell, (alternate), Kilby, (ex-officio).

MINUTES- Motion made by Brown, seconded by Mortimer and unanimously carried to approve the June 21, 2004, 7:00 p.m., minutes as mailed.

PROGRAM OPEN SPACE:

FOR: Land Preservation and Recreation Plan 2004-Amendment.

Mr. Ed Slicer, Manager of Parks and Recreation presented this application. In accordance with Program open Space Law, the County shall at least every six years prepare a Local Land Preservation, Parks and Recreation Plan and submit it to the Maryland Department of Natural Resources and the Maryland Department of Planning for approval in order to participate in Program Open Space. The County received one grant for \$25,000; however the low bid was \$37,495. In anticipation of other plan related expenses the County is requesting an additional \$25,000.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

FOR: Helen Titter Park.

LOCATION: Cecil and Union Street, Chesapeake City, MD 21915.

FUNDING: Reimbursement funds available FY 2004 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

July 19, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

Mr. Ed Slicer, Manager of Parks and Recreation along with Ms. Patricia Garrett, Town Administrator for Chesapeake City and Ms. Renee McKinney, Chairperson for Parks and Recreation for the Town of Chesapeake City presented the application for Helen Titter Park. This project will cost a total of \$29,082.00. Helen Titter Park is a family oriented recreational facility located on the north side of Chesapeake City. The Park presently has an unfinished play area with one outdated and dangerous piece of equipment. They would like to mulch new beds and put down new ties to create a safe play system. They would also like to re-mulch the Tot Lot to make it safer for the smaller children. The Park has a Pavilion, which is used for family and Town picnics, Easter egg rolls and young soccer teams. The Park receives a lot of use by the north side residents and they hope to encourage its use by the south side residents. There will be a pedestrian ferry between the souths and north side of Chesapeake City; this will be ready to start operation in about a month.

Mr. Josh Brown asked about the equipment at the Park at the present time.

Mr. Slicer explained that there would be plastic used instead of wood, that seems to hold up better.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

2004-12: APPLICANT: Shady Beach, LLC

PROPERTY LOCATION: E/S MD. RTE. 272, S/S Irishtown Road, North
East, MD, 21901

ELECTION DISTRICT: 5 TAX MAP: 31 PARCEL: 1211

PRESENTLY ZONED: Business Local (BL)

REQUEST: Rezone 1.72 acres from Business Local (BL) to Business General (BG).

PROPERTY OWNER: Shady Beach, LLC, Nancy M. Hughes, Trustee

PLANNING COMMISSION MEETING 2004

Mr. Mike Pugh represented the applicant for this rezoning. Mr. Pugh would like to merge the 1st and 2nd Rezoning together as they are contiguous parcels. The Board was in agreement, therefore; Mr. Cliff Houston, Zoning Administrator read into the minutes the Rezoning on J. David McDaniel.

2004-13: APPLICANT: J. David McDaniel

PROPERTY LOCATION: E/S MD. RTE. 272, North East, MD 21901

ELECTION DISTRICT: 5 TAX MAP: 31 PARCEL: 1112

PRESENTLY ZONED: Business Local (BL)

REQUEST: Rezone 1.48 acres from Business Local (BL) to Business general (BG).

PROPERTY OWNER: J. David McDaniel

Mr. Mike Pugh stated the two parcels are located on the corner of Irishtown Road and Maryland Rte. 272, just south of the Town of North East. The purpose of the application this evening is to request an increase of the Commercial capability of the two parcels. It is currently zoned Business Local, (BL) and seek to have it zoned Business General, (BG). The BL has limitations on the amount of square footage of structures and number of uses that are permissible. Mr. Pugh would like to design a project that does not have these limitations. The basis of the application is substantial changes in the character of the neighborhood. The neighborhood is about ½ mile radius around the parcels. There have been other Rezoning in the area; 1998 The Chesapeake Club-Clubhouse from Multifamily Residential, (RM) to Business Local, (BL); 2002 The Chesapeake Club also rezoned 28.6 Acres of Business General, (BG) land to Multifamily Residential, (RM) thereby reducing the amount of commercial in the area by a net 28.6 Acres. In addition, The Town of North East rezoned The Victoria Apartments, (Senior Apartments) which is in site of the parcels they are requesting to be rezoned, therefore a substantial change in the neighborhood has occurred. Portions of these properties are located in the Chesapeake Bay Critical Area and were previously designated as Limited Development Area, (LDA) and changed to Intensely Developed Area, (IDA) and that was approved. There will be amount of pervious created and development intensity that exceeds the 15%.

Health Department Report Shady Beach, LLC - Site Plan approval required for commercial use, addressing water and sewer issues as well as any other applicable Health Department requirements.

J. David McDaniel Site Plan approval required for commercial use, addressing water and sewer issues as well as any other applicable Health Department requirements.

Mr. Mortimer asked, What are your intentions for this project ?

PLANNING COMMISSION MEETING 2004

Mr. Pugh stated there are no project designs at present. It would commercial in nature, service commercial to the general area. Mr. Pugh does not know what stores would be built on these two parcels.

Mr. Brown asked what the difference between BL and BG was.

Mr. Houston, Zoning Administrator explained that Business Local, (BL) is restricted to the types of business that serve a limited area. The Business General, (BG) is more general scope like convenience stores, retail stores, service stations, and automobile sales. There would also be a size difference in the retail areas; Business Local, (BL) is limited in size and the Business General, (BG), that limitation would not be there.

Mr. Pugh stated it would be a maximum of 5,000 square feet per parcel. These two parcels are 1 1/2 and 1 3/4 approximate acre in size.

Ms. Prickett asked if it was unusual to ask for a different zoning without knowing what was going to be built?

Mr. Pugh stated since they do not know it is better to ask for this, as one set of designs is different from the other. The calculations would be different, so we would rather wait to see how much usage they would be able to get on these two parcels.

Mr. Mortimer asked what zoning was around these two parcels.

Mr. Pugh explained that directly across the street there is Commercial Marine, (CM) and Business General, (BG). There is a Basket Company, Boat Storage, Apartments, and Marina all in this general area, of Irishtown Road and Maryland Rte. 272.

Mr. Mortimer asked Mr. Pugh if the Town of North East is aware of this request?

Mr. Pugh stated, yes, he has spoke to the Town Administrator, not the Town Board.

Mr. Houston stated that the Critical Area Commission has been notified and have responded they have no objections to the rezoning.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3051 APPLICANT: Kevin Edwards

FOR: Renewal of a special exception to retain a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 232 Red Toad Road, North East, MD 21901

ELECTION DISTRICT: 5 TAX MAP: 31 PARCEL: 291

PROPERTY OWNER: Kevin Edwards

PRESENTLY ZONED: Suburban Residential (SR).

Mr. Kevin Edwards, 232 Red Toad Road, North East, MD would like to retain a singlewide for hardship purposes. He has had this Special Exception for the last two years and would like to renew it. Three years he had a serious neck injury, three operations, steel plate in his hip. His injuries are now permanent. He has permanent paralyses in his neck and left arm. Mr. Edwards is renting his home for income, and has a Property Manager taking care of that for him while he is training for the Ministry in Louisville, KY. He needs the manufactured home to live in when he comes home from his school. After he graduates in two years, he plans on selling the singlewide manufactured home and living in the house he is presently renting.

Health Department Report Sanitary Permit G2460 issued in 2002 satisfactory.

Ms. Prickett asked how much time he spends in Louisville and how much time he spends in Maryland?

Mr. Edwards stated that most of his time is spent in Louisville, but when he comes home he needs a place to live. He is attending Southern Baptist Theological Seminary in Louisville, KY. He is living on a limited income and the purpose of the house is used for rental for income while he is taking classes to become a full time Minister. Mr. Edwards also has a ten-year old daughter that he pays custody payments on.

PLANNING COMMISSION MEETING 2004

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3054 APPLICANT: William U. Cooper

FOR: Special exception for Alcoholic Beverage Sales/Liquor Store

PROPERTY LOCATION: 199 Old Chestnut Road, Elkton, MD 21921 ELECTION DISTRICT: 5 TAX
MAP: 37 PARCEL: 512 LOT: C2

PROPERTY OWNER: William U. Cooper

PRESENTLY ZONED: Business Local (BL).

WITHDRAWN.

FILE: 3056 APPLICANT: Donna & Chris Culberson

FOR: Special Exception to locate doublewide manufactured home.

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

ELECTION DISTRICT: 7 TAX MAP: 16 PARCEL: 551

PROPERTY OWNER: Donna & Chris Culberson

PRESENTLY ZONED: Rural Residential (RR).

Mr. Chris and Ms. Donna Culberson, 1616 Dr. Jack Road, Conowingo, MD presented this application. Ms. Culberson stated she would like to permentaly place a doublewide mobile home on her sub-divided lot for her elderly parents. Both her parents are in there sixty s and her Father is retired and does not work and her Mother only works part time. Her parents could live close by and they would not have a mortgage payment on the home. Ms. Culbertson s parents moved here from KY a year ago, because her Father was not able to manage the farm they owned. She consulted with all the Departments she needed to within Cecil County and they all assured her that she could put this doublewide on her newly subdivided lot. It was when she went to apply for her building permit she was told about this Special Exception she would need to have approved to put a doublewide in a Rural Residential, (RR) Zone. They were told they did not need a Special Exception or a Variance at the time they subdivided the lot. With the net proceeds from her parent s farm they are able to

PLANNING COMMISSION MEETING 2004

purchase a brand new doublewide. At the present time her parents are living with her and her family until this situation is resolved. Ms. Culberson has a small three-bedroom rancher with two additional bedrooms that her Daughter and 2 1/2 Grandson live in. Ms. Culberson's Sister lives with her also as she is going through a divorce and has her own financial problems. This will not de-value the other neighbor's homes and it will have a permanent full foundation and be brand new with its own well, septic and own driveway. Ms. Culberson has retained copies from the Department of Assessments and Taxation on other single and doublewides on Dr. Jack Road, and it will not devalue anyone's property. The Coulberson's property value has risen 28% in the last two years, so a doublewide would not devalue her property.

Ms. Culberson presented two letters from neighbors down the street from her that are supporting the project. Statement from the Engineer who worked on the subdivision plans who addressed storm water management, grading, and erosion and sediment control. Surveyors, Engineers plans and photos, in file for reference. Her parents have already put a deposit down on a new doublewide before they were told about retaining a Special Exception.

Mr. Mortimer asked if there would be a basement?

Mr. Culberson stated a full permanent basement underneath.

Mr. Mortimer asked if there was a pool behind her home?

Ms. Culberson stated yes above ground pool.

Health Department Report Property has been tested and approved for on-site sewage disposal and water supply, and Minor Sub. No. 3490 approved in May 2004 satisfactory.

COMMENTS IN SUPPORT: Mr. Bob Hamilton, 1648 Dr. Jack Road, Conowingo, MD borders the Culberson's property and has no problem with this request.

COMMENTS IN OPPOSITION: Mr. Jim Zambuto, 1565 Dr. Jack Road, Conowingo, MD stated he has the property across the street from the Culberson's and he is concerned about the run-off. Where the doublewide will be located the run-off will come right down on his property. He has always had trouble with erosion and this would make it worse. He does not want any more water on his property.

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Ms. Patricia Parks, 1608 Dr. Jack Road, Conowingo, MD stated that this is the second time the Culberson s have presented an application for a mobile home. The first time was for a singlewide for their Daughter and it was not approved. She presented and read a letter marked exhibit one, in file and attached for reference.

Mr. Danny Parks, 1608 Dr. Jack Road, Conowingo, MD stated on the four (4) acres of land there seems to be a great deal of buildings on it. He does not a doublewide right next to his property because his property will depreciate. Mr. Parks would like to know why the County approved this subdividing of this lot to be approved?

Mr. Houston, Zoning Administrator stated that this is a buildadble lot and it passed all the County requirements.

PRESENTATION ITEM: Andrew Barbin presenting golf course Text Amendment.

Mr. William Riddle, Esquire representing Chesapeake Bay Golf Club. Mr. Andrew Barbin, Chesapeake Bay Golf Club, Leonard Lockhart, Jim Blaukovitz, Golf Course Architect were all present to ask for a Text Amendment to set basic requirements for homes built adjacent to any golf course holes. They would like an amendment set for certain setbacks in golf course communities. Mr. Andrew Barbin stated they would like to see setbacks set at certain requirements. See attached requirements proposed.

Mr. Carl Walbeck stated there should be a Sub-Committee created and designated Mr. Bill Mortimer, Ms. Carolyn Prickett and Mr. Keith Williams to serve on this Board.

RECOMMENDATIONS:

APPLICANT: Cecil County Parks and Recreation Program open Space.

FOR: Land Preservation and Recreation Plan 2004-Amendment.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Town of Chesapeake City.

FOR: Helen Titter Park.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Shady Beach, LLC.

FOR: Request to rezone 1.72 acres from Business Local, (BL) to Business General, (BG).

Staff recommended approval, based on change in the character of the neighborhood since the last Comprehensive Rezoning.

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

VOTE: All in favor, motion carried.

APPLICANT: J. David McDaniel.

FOR: Rezone 1.48 acres from Business Local, (BL) to Business General, (BG).

Staff recommended approval, based on change in the character of the neighborhood since the last Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by Williams, seconded by Mortimer.

July 19, 2004, 7:00 p.m.

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VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Kevin Edwards.

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

Staff recommended approval for two years.

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

VOTE: Four to one to approve motion, motion carried.

APPLICANT: William U. Cooper.

FOR: Special Exception for Alcoholic Beverage Sales/ Liquor Store.

WITHDRAWN.

APPLICANT: Donna and Chris Culberson.

FOR: Special Exception to locate a doublewide manufactured home.

Staff recommended approval.

ACTION: Motion made to approve by Williams, seconded by Prickett.

VOTE: Three to two to approve, motion carried.

GENERAL DISCUSSION: None.

July 19, 2004, 7:00 p.m.

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The meeting was adjourned at 8:55 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 16, 2004, at 7:00 p.m.

August 16, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, Williams, Smith, Mortimer, Prickett, Sennstrom, Houston and Dempsey.

ABSENT: Murray, Farrell, (alternate), Kilby, (ex-officio).

MINUTES- Motion made by Williams, seconded by Prickett and unanimously carried to approve the July 19, 2004, 7:00 p.m., minutes as mailed.

ZONING ORDINANCE TEXT AMENDMENTS:

Amend Article V, Part IV, Section 86 Hotels

Amend Article V, Part IV, Section 87 Motels

Amend Article V, Part X, Section 131 Restaurants, Standard

Amend Article V, Part XII, Section 145 - Winery

Mr. Eric Sennstrom, Director of Planning and Zoning presented the following Text Amendments, proposing new language. The Cecil County Commissioners requested that new language be drawn up by the Department of Planning and Zoning and presented to the Planning Commission.

Amendment to Article V, Part XII, Section 145- Winery

Wineries shall be permitted in the RR, SR, DR, VR, TR, MH and RM zones. The winery is accessory to a vineyard and access is not derived from an internal street of a subdivision, and adequate off street parking is provided. Parking areas shall be adequately screened from adjacent properties, and the facility may provide food and beverages at events such as wine tasting, weddings, business meeting and conferences. No type of advertisement for the winery shall be carried out on the property except one (1) sign identifying the winery, limited to sixteen (16) square feet in size.

Amendment to Article V, Part X, Section 131- Restaurants, Standard

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Standard Restaurants may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, MH and RM zones as a special exception provided access is directly from a collector or arterial road. A Buffer yard meeting the D standard of Appendix B is provided between the restaurant, its parking area and all property lines and all outdoor storage and refuse areas shall be fenced or screened from view. Lighting shall be designed and controlled so that any light source, including interior of structure, shall be shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

Amendment to Article V, Part IV, Section 87- Motels

Motels may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, RM and MH zones as a special exception provided Motels do not exceed ten (10) rooms and access is directly from a collector or arterial road. A Buffer yard meeting the D standard of Appendix B is provided between the motel, its parking areas and all property lines. All outdoor storage and refuse areas shall be fenced or screened from view. Lighting shall be designed and controlled so that any light source, including interior of a structure, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

Amendment to Article V, Part IV, Section 86- Hotels

Hotels may be permitted in the NAR, SAR, RR, SR, TR, VR, RM and MH zones as a special exception provided Hotels do not exceed ten (10) rooms and access is directly from a collector or arterial road. A Buffer yard meeting the D standard of Appendix B is provided between the Hotel, the parking areas and all property lines and all outdoor storage or refuse areas shall be fenced or screened from view. Lighting shall be designed and controlled so that any light source, including interior of a structure, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

Mr. Smith asked what is the difference between a Hotel and a Motel?

Mr. Sennstrom stated an internal lobby, which has access to all the rooms, defines a Hotel and a Motel has external access to the rooms.

Mr. Smith asked how do we manage the water allocation when a vineyard goes to a winery?

Mr. Sennstrom stated the amount of water they need to utilize would trigger a ground water appropriation permit through MDE. If one is necessary MDE would send out public notices and individuals can request a

PLANNING COMMISSION MEETING 2004

public hearing to hear the specifics on the proposed allocation for the proposed use. The Planning and Zoning Office is notified when applications are made for ground water appropriation permits. Property owners that would be affected are notified by MDE.

Mr. Mortimer asked about the process for approving these Text Amendments.

Mr. Sennstrom stated it would be up to the Planning Commission and then the County Commissioners. The County Commissioners requested these amendments.

Mr. Mortimer asked about how lighting would be controlled.

Mr. Sennstrom stated a site plan would have to be submitted along with a lighting plan, which would show the intensity. The Planning and Zoning and Public Works Departments would make those decisions.

Ms. Prickett asked how would complaints be handled on the lighting.

Mr. Sennstrom stated the Planning and Zoning Office would check any complaints that would be filed.

Mr. Williams asked if fast-food restaurants are included with this Text Amendments.

Mr. Sennstrom stated that fast-food restaurants are stated separately in the ordinance. A standard restaurant is defined as a restaurant where you would come in and sit down and then order your meal.

Health Department Report No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

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REZONING:

FILE: 2004-14: APPLICANT: Jeffrey McGinnis.

PROPERTY LOCATION: 1440 West Pulaski Highway, Elkton, MD 21921. ELECTION

DISTRICT: 5. TAX MAP: 26, PARCEL: 494.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: To rezone 1.0 Acre from Development Residential, (DR) to Business General,

(BG) for the purpose of Special Events.

PROPERTY OWNER: Annabelle McGinnis.

Mr. Jeffrey McGinnis, 1440 West Pulaski Highway, Elkton, MD and Mr. William Balato, 1438 West Pulaski Highway, Elkton, MD are requesting 1.0 Acres be rezoned from Development Residential, (DR) to Business General, (BG). Mr. McGinnis stated that this is a split parcel. This parcel originally was very remote and was owned by the Parks and Recreation Department, now everything around this parcel is mostly Business related. Part of the land would be used for business only; the rest would be still residential.

Mr. Mortimer asked what kind of business would be on this location.

Mr. McGinnis stated would like to have a special event around Halloween for Haunted Trail . This event would be twenty (20) days and would be held in the month of October.

Mr. Mortimer asked would there be a lot of traffic?

Mr. McGinnis stated last year there were no traffic problems at all and they were inspected by the Fire Marshall and Maryland Department of Amusement Rides (which there were no amusement rides). The rest of the parcel will stay residential, as Mr. McGinnis and his mother live there. His mother is 79 years old and has a hardship and cannot take care of herself. Mr. McGinnis explained some other business in the area: Bobby Trucking, Maryland Portable Concrete, Sysco (parking refrigerated trucks), Area Electric, Chesapeake Medical Building, Quality Pole Buildings, B and H Junkyard and Cecil County Auto Body. Basically the whole area has been built up with commercial businesses.

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Mr. Williams asked how many cars do they expect per night?

Mr. McGinnis stated the most cars in one night were 15 to 20 vehicles.

Mr. Brown asked if there was adequate off street parking?

Mr. McGinnis stated, yes .

Mr. Cliff Houston, Zoning Administrator stated that there could be split zoning. There are several in the County partially zoned residential and commercial.

Health Department Report Sanitary Permit A9724 issued in 1978 for septic system; building permit B4815 issued in 1983 for dwelling. No application received for water and sewage approval for commercial use.

Mr. McGinnis stated that last year they had portable units brought in and taken away at the end of the event. This is not a major event to make a lot of money it is just for something different for people to enjoy in the community.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. David Parrack, Esquire, representing Carl and Christine Bastek, 1456 West Pulaski Highway, Elkton, MD who are the owners of parcel 392 immediately adjacent to the subject property. Mr. Parrack's clients feel this is the wrong property for the wrong purpose. This property was the scene for un-permitted haunted trail last year (2003). There was a lot of traffic, noise, trash, and hours of operation were late. One other impact that happened last year to Ms. Bastek is that she operates a licensed daycare and there were people there during the day immediately adjacent to her property preparing for the evening events and she had restrictions placed on her as far as children playing outside in a fenced area by themselves over six years of age. This is not usually a regulation of the State of Maryland. Also these events ran until about midnight every night. This impact on their property is immediate and direct. Most of the businesses mentioned previously typically are in operation during the daytime hours not the evening hours. There has been a lot of screaming and yelling at this special event. Once a rezoning occurs no matter what was applied for it could have other businesses on this parcel.

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Mr. Mortimer asked about noise.

Mr. Parrack stated that during the event a bell or big piece of metal was wrung with a sledgehammer, which would continue, as people would continue through the haunted trails. This would take place about thirty-feet (30) from the Bastek residence. Trash would also come over on the Bastek property.

Mr. Brown asked Mr. Houston, does the County have any rules and regulations on noise?

Mr. Houston stated that County Ordinance does not have anything mentioned or regarding a noise ordinance. Those requirements are handled by the Maryland Department of Environment.

Mr. Smith asked about the children over six years of age being outside alone.

Mr. Parrack stated ordinarily children over six years of age could be outside by themselves in a fenced area.

Mr. Brown asked, how many cars would be at this event?

Mr. McGinnis stated about 15 to 20 cars with about eighty, (80) people attending this event daily. Not everyone comes at one time.

Ms. Prickett asked if the Board could put special conditions on a Rezoning?

Mr. Houston stated you could not put special conditions on a Rezoning.

Mr. McGinnis stated that Betty Johnson from the Department that regulates daycares stated, that nothing they were doing was in violation. This event will be taking place after daycare hours are over.

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Mr. Houston stated that on the application Mr. McGinnis requested 5.46 Acres and at a later time the applicant changed his mind and only wishes to have one, (1) Acre be rezoned.

Mr. Mortimer asked why couldn't this event happen on the other side of the property?

Mr. McGinnis stated that the trail is already located there from last year's event and there is no time left to re-do it for this year's event in October.

Mr. Mortimer asked the noise that would be taking place.

Mr. McGinnis stated that this area is very noisy because of all the trucks and traffic running up and down Rte. 40 in the evening hours.

SPECIAL EXCEPTIONS:

FILE: 3058 - APPLICANT: Cingular Wireless Cingular PA., LLC.

FOR: Special Exception to locate and install a 180' Monopole Communications Tower.

PROPERTY LOCATION: 2745 Telegraph Road, North East, MD 21901, Election District: 9,

Tax Map: 12, Parcel: 90.

PROPERTY OWNER: Charles and Carrie Moore.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Bill Mortimer recuse himself from File-3058-Cingular Wireless Cingular PA, LLC

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Ms. Amy K. Cavero representing Cingular Wireless is requesting Planning Commission approval and recommendation to the Board of Appeals to seek a Special Exception to construct a 180' Monopole Tower. The site is located at 2744 Telegraph Road, North East, MD. This is an active farm owned by Mr. and Mrs. Charles Moore. This would benefit them in their farming operation because this will provide monthly income to them from Cingular. The proposed location and the site is where the Moore's would prefer it to be installed as it would have the least impact on their farming activities. Ms. Cavero showed the Board the site plan of nearly eighty, (80) acres and the parcel fronts Telegraph Road. This parcel is in the Northern Agricultural District, (NAR) which allows a Monopole Tower. The pole would be 827' from the back property line and 567' from the side and 718' from the other side. This site is almost dead center of the Moore's property. This Monopole Tower is a single steel pole with an antenna located at the top and there would also be a significant tree buffer near the subdivision of Calvert Acres on Springfield Road.

Ms. Prickett asked if there would be a beacon light on the top?

Ms. Cavero stated no, the F.A.A. does not require lighting.

Ms. Cavero stated at the base of the Monopole there would be a small equipment shelter, which would be located in a fenced compound. The overall character of the area is rural with many clusters of homes.

Ms. Prickett asked how this site was picked?

Ms. Cavero stated that the best person to answer this question would be Mr. Sean Shinnen, Real Estate Project Manager for Cingular Wireless. Ms. Cavero stated that Cingular looks at all areas and when they identify a gap in coverage this would be the best place to put a tower. The parcel would have to be large and meet all the County setbacks.

Mr. Shinnen stated he starts with a search ring. He looks for a hole in coverage and that is where he starts his search. The towers in Cecil County he has worked on have been co-locations and this is the first one in Cecil County that he had to do a search ring. Mr. Shinnen contacted T-Mobile as they had an existing site on Blue Ball Road and Warburton Road, but this site was not suitable for the gap in the area. He contacted the Moores and they were agreeable to put this Monopole on their property for some extra income. The tower would be located in the middle of the farm this would have the least impact to the neighboring properties.

Ms. Cavero showed photos to the Board showing the coverage this would have by putting the Tower on the Moore Farm. This would allow you to carry a call along Rte. 273. This is the lowest possible height that Cingular could use to achieve this coverage. The structure will be built to accommodate up to five (5) more carriers.

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Ms. Prickett asked what that means if more carriers would be added.

Ms. Cavero stated the pole would stay the same to accommodate the extra carriers. Cingular antennas would go on the top of the structure so if other carriers would like to be on the same pole they would be a ten-foot (10) separation between antennas. Also this site would not generate any additional traffic and maintenance would only be once a month. This is not a manned facility and will not be lit in any fashion. This site meets all the requirements to be installed in Cecil County. There would not be any negative impact associated with this Monopole Tower.

Health Department Report No Sanitary Permit or Health Department approval required for communications tower.

COMMENTS IN SUPPORT: Ms. Carrie Elizabeth Moore, 2745 Telegraph Road, North East, MD stated she and her husband have worked this farm for the last forty-five years (45) where the Monopole Tower is to be located. In the past they have rented an adjacent farm and that is being sold for a new housing development. There is no other nearby land to rent to farm, so this added income from Cingular would compensate for this loss of farming space. The first location that the Moore s had chosen is unsuitable as it does not meet the County s regulations. The current site meets all the requirements and is in an area that is not tilled. The area south of the tower has a forest buffer approximately three hundred feet (300) in width and stretches the entire length of the property line. Another five (5) acres south of the Tower has planted with twenty two hundred (2,200) trees, which would increase the size of the buffer. This tower would be an asset to the County and it will not remove any ground water, no sewage will be necessary, and no added police or fire protection would be needed.

Mr. Donald Thomas Moore, 2677 Telegraph Road, North East, MD is in support of the communication tower. Wireless phones have become a way of life and communication towers need to be placed no farther than 2 to 2 1/2 miles apart so there would not be any interrupted service. Cecil County has a land base of a little under a quarter of a million acres. A minimum of a 100 towers would be needed in Cecil County to service all areas. The residents of Cecil County that are saying "not in my backyard" to the installation of a tower on a neighboring farm, maybe you should reconsider, remember at one time your housing development was probably a farm. In addition Mr. Moore presented a letter from a neighbor, Bob and Diane Moore, 41 Grove Miller Lane, North East, MD marked exhibit 1; read into the minutes, by Mr. Cliff Houston, Zoning Administrator, in file and attached for your reference.

COMMENTS IN OPPOSITION: Mr. Anthony Pratico, 69 Buckwheat Run Road, North East, MD, represented the community of Calvert Acres requested a sixty, (60) day continuance for the Special Exception for the Cellular Tower. The reason being is the map that was included in the notification package was misleading, it led the community to believe that the tower would be constructed on the other side of Rte. 273 (north side). They have had three community meetings in the last few weeks and they feel the time span has

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not been sufficient. The community has contacted an appraiser Mr. George Lutz of Lutz appraisal service and he feels it would require four (4) to eight (8) weeks to complete a report demonstrating a cell tower on the community and its real estate values. Letter marked exhibit 2, in file and attached for reference.

Mr. Josh Brown, Acting Chairman explained to Mr. Prattico the map that was sent to adjoining property owners in their package.

Mr. Cliff Houston stated that part of the problem might be that someone tampered with the mail. The Office of Planning and Zoning had a call on August 5, 2004 from the Postmaster of North East stating someone had copied and altered the letter that was sent out certified mail and then put the new letter into all the other residents mailboxes. The Postmaster asked Mr. Houston to make an announcement and to let them know it is illegal to tamper with the mail.

Mr. Brown then stated the Moores property, Parcel 90 continues on both sides of the road and it is marked on the map accordingly.

Ms. Prickett asked when the office received a call from the Postmaster?

Mr. Houston stated he believes it was last Tuesday or Wednesday of last week.

Ms. Prickett asked if the department did anything?

Mr. Houston stated that we did not, but we did send a copy by fax of the list of adjoining property owner names to the Postmaster and he was going to look into the situation.

Mr. Steve Messinger, 71 Ulmer Lane, North East, MD stated he received the certified letter and thought the tower would be on the other side of the road. This cellular tower would be located behind his property. He was not the only neighbor that was confused about the map and he would like it so noted for the record. He is against the Moore s putting up a cellular tower. Mr. Messinger paraphrased Section 115, Part 2, A, B, and C the way he interpreted it. The application should demonstrate that a diligent effort has been made to locate the proposed communication facility on:

1. Existing structure

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2. Non-residential area
3. Alternate locations
4. Co-location on an existing site

Exhibit 3 - pictures and map of existing telecommunication towers in Cecil County, in file and attached for reference. Map has co-locations marked in Cecil County. Cingular needs to show proof that all other locations were sought out before deciding on the Moore Farm property. Mr. Messinger used to live in Newark, Delaware and recently moved to Calvert Acres to be in a rural community, now it is going to have a tower with wires that he and his family will have to look at everyday. He would like to preserve our community and if he had seen a cellular tower when he purchased his home, he would not have purchased the property.

Mr. David Fisher, 61 Ulmer Lane, North East, MD stated that there must be other locations other than the Moore Farm, which would be less detrimental to the community. Also there are other locations on the Moore property, which would be a better location and cover all the rules and regulations of Section 115. Mr. Fisher quoted Section 115, Part 4, Where feasible the tower shall be situated within or adjacent to mature tree growth and under story vegetation that provides an effective year round visual buffer and should only be considered elsewhere on the property when technical or esthetic reasons indicate there are no other preferable locations within or adjacent to mature tree growth and under story vegetation . The proposed location on the South side has none of these specifications. The property on the north side of Telegraph Road seems to be more consistent with Section 115. There is more mature tree growth, less existing residents within eyesight, passing motorists would suffer a much lesser esthetic impact and the elevation is higher on the north side of Telegraph Road. In his opinion these specifications have not been met under Section 115.

Mr. Donald Griffin, 52 Buckwheat Run Road, North East, MD lives adjacent to the Moore Farm stated when he received his letter on July 28, 2004 he telephoned Mr. Sean Shinnen and asked him a few questions. Why are you going to put the tower on the south side instead of the north side? There are thirty (30) to fifty feet (50) more elevation on the north side than the south side. Mr. Griffin stated when he went to purchase his property and if he knew this monstrosity was going to be built there he would have never purchased the property. Also, he feels the same as the rest of the neighbors who have already spoken.

Mr. Tom Tarvin, 32 Springfield Drive, North East, MD stated he did some research on this project. His first exhibit was the elevation drawn to scale showing the perspective of the tower as seen from the street in front of his house. He has a large pine tree in his back yard that is fifty feet (50) tall and about one hundred feet (100) from his patio. The cellular tower seems to be about the same size as the pine tree. He considers this to be intrusive and esthetically unacceptable. The second exhibit are some pictures of what his view will look like after the tower would be erected super imposed on to another picture. This is also inconsistent with the character of the rural neighborhood. Mr. Tarvin moved here thirteen (13) years ago from Massachusetts and was attracted to Calvert Acres by the rural atmosphere, rolling hills and the fact there were no overhead wires. If the tower had been place at that time he would have never purchased a home in that area.

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Mr. Ken Barrick, 9 Ulmer Court, North East, MD stated he has lived in his home since 1987 and he respects the Moore s, but does not want a tower built on their farm because this will have an impact on the residents of Calvert Acres. Exhibit 4, Internet articles, in file and attached for reference. On behalf of the community we would like a little more time to see what the impact would be for the residents of Calvert Acres.

Mr. Daniel Graham, 40 Bell Rouge Farm Lane, North East, MD stated he actually lives on the farm that Calvert Acres was built on. Mr. Graham is very proud to be an American and his heritage is very important to him and his children and grandchildren. He and his wife have ten (10) acres and the farm dates back to 1790. Mr. Grahams home is on Lot 35 of the Nottingham Lots. He has researched the Nottingham Lots for their American Heritage in Cecil County. In 1702 William Penn granted 18,000 Acres for the Nottingham area in one tract of land, this area starts around the east of the Village of Rising Sun, west of Blue Ball Road and three miles north and south into Pennsylvania. Each section is about 500 Acres and was divided into 37 lots and thus it was called the Nottingham Lots. Exhibit 5 is in file and attached for reference.

Ms. Stacey Moreci, 69 Buckwheat Run Road, North East, MD stated she agrees with the committee and opposes the tower and would like to see the tower put elsewhere.

Mr. Ron Graybeal, 83 Ulmer Lane, North East, MD agrees with all the prior statements made by the community. He supports the tower being located at another location.

The following names and addresses are all residents that oppose the tower and would like to see the tower moved to another location:

1. Mary Ann Griffin, 52 Buckwheat Run Road, North East, MD
2. Walter Howell, 155 Springfield Drive, North East, MD presented letter for Ms. Janet Kelly, 154 South Springfield Drive, North East, MD, in file and attached for reference.
3. Karen Keane, 193 Springfield Drive, North East, MD, trees are seasonal for a buffer and driving while talking on a cell phone is not safe.
4. Jim Lacey, 18 Ulmer Court, North East, MD, building a brand new home, have not moved at the present time and if he knew about this proposed tower he would not have built in Calvert Acres.
5. Kay Mortimer, 21 Ulmer Lane, North East, MD
6. Steve Farsace, 196 Springfield Drive, North East, MD

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7. Mark Hyman, 118 Springfield Drive
8. Cindy Messinger, 71 Ulmer Lane, North East, MD
9. Sonny Steele, 53 Buckwheat Run Road, North East, MD
10. Jim Dacey, 17 Buckwheat Run Road, North East, MD
11. Gail Steele, 53 Buckwheat Run Road, North East, MD
12. Walter Thompson, 31 Ulmer Lane, North East, MD, resident since 1983.
13. Frank Pearce, 80 Ulmer Lane, North East, MD, resident since 1993.
14. Cameron McAlpine, 201 Springfield Drive, North East, MD, resident since 1987, scenic route.
15. Linda Porter, 155 Springfield Drive, North East, MD
16. Bob Foard, 24 Ulmer Court, North East, MD
17. Mary Kemp, 194 South Springfield Drive, North East, MD
18. Rebecca Tarvin, 32 Springfield Drive, North East, MD
19. Donald Porter, 155 Springfield Drive, North East, MD

Mr. Williams asked why the north side is not being selected? There are eight (8) adjacent property owners on the other side of the street and there is buffer moreon that side of Rte. 273.

Mr. Shinnen stated he does not know how the Morre s and other property owners would feel about a tower location on the other side of Rte. 273.

Mr. Brown stated for clarification that the adjoining property owners on the north side did in fact receive the same notification as the residents in Calvert Acres. An additional meeting would not be required.

Mr. Smith stated he would not want the tower re-located across the road to the north side without the posting and notification again. For the record Mr. Smith feels a mistake was made three (3) years ago when this was voted on to allow cell towers in the Northern Agricultural District, (NAR).

FILE: 3061 - APPLICANT: Richard and Margaret Benevento.

PLANNING COMMISSION MEETING 2004

FOR: Special Exception for a home occupation to operate an antique shop.

PROPERTY LOCATION: 1660 Oldfield Point Road, Elkton, MD 21921, Election District: 3,

Tax Map: 37, Parcel: 417.

PROPERTY OWNER: Richard and Margaret Benevento.

PRESENTLY ZONED: Suburban Residential, (SR).

Richard and Margaret Benevento stated that they would like to operate a small business of antiques and collectibles in their home. This will be operating out of their garage on Friday and Saturday from 10 to 4. A sign advertising the Antique Shop is at the end of the driveway. There will not be any deliveries made to the home, everything is bought and brought home by their on personal vehicles. Parking is not a problem and they only expect 6 to 8 vehicles a day. Ms. Benevento has been in this type of business for about twenty (20) years and she would like to keep in operation.

Mr. Mortimer asked how much traffic would there be?

Ms. Benevento stated very little traffic on Oldfield Point Road, which is the main road.

Health Department Report Sanitary Permit F9013 issued in 2000 for existing dwelling; minimal anticipated increase in water usage satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3063 - APPLICANT: Richard T. Wilson.

FOR: Special Exception for in home business.

PROPERTY LOCATION: 19 Granite Run Drive, Conowingo, MD 21918, Election District: 7,

Tax Map: 16, Parcel: 512.

PROPERTY OWNER: Richard T. and Jennifer Wilson.

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PRESENTLY ZONED: Rural Residential, (RR).

Mr. Richard Wilson stated he would like to operate HVAC Company out of his home in the basement. There is one serviceman and one installation man. The service man is dispatched by phone to where he needs to go on a particular day. None of the employees come to his home. There is no equipment stored at his home; no signs advertising the business and the neighbors do not have a problem with an in-home business. The clients do not come to his home they are contacted by phone.

Health Department Report Sanitary Permit D7881 issued in 1994 for dwelling; minimal anticipated increase in water usage satisfactory.

Mr. Smith asked Mr. Wilson if the Board put a time limit on his Special Exception would he have a problem with that?

Mr. Wilson stated he has a business loan for five years, but if the Board needs him to re-apply he would do that .

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Cecil County

FOR: ZONING ORDINANCE TEXT AMENDMENTS:

Amend Article V, Part IV, Section 86 Hotels

Amend Article V, Part IV, Section 87 Motels

Amend Article V, Part X, Section 131 Restaurants, Standard

Amend Article V, Part XII, Section 145 - Winery

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Staff recommended approval for all text amendments.

ACTION: Motion made to approve by Smith, seconded by Williams.

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Jeffrey McGinnis.

FOR: Rezone 1.0 Acre from Development Residential, (DR) to Business General, (BG) for the purpose of Special Events.

Staff recommended approval of 1 Acre based upon substantial change in the character of the neighborhood.

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

VOTE: Three to one to approve, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Cingular Wireless Cingular PA, LLC.

FOR: Special Exception to locate and install a 180 Monopole Communications Tower.

Staff recommended approval.

ACTION: Motion made to approve, site location moved to north side of the property.

VOTE: Mortimer reclused himself, three to zero, motion carried.

August 16, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

APPLICANT: Richard and Margaret Benevento.

FOR: Special Exception for a home occupation to operate an antique shop.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Mortimer, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Richard T. Wilson.

FOR: Special Exception for in home business.

Staff recommended approval for two years with no more than one truck on the property.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 9:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 20, 2004, at 7:00 p.m.

August 18, 2004, 7:00 p.m.

MASTER WATER & SEWER PLAN MEETING

PLANNING COMMISSION MEETING

Present: Brown, Josh; Mortimer, William; Smith, Tim; Williams, Keith; Sennstrom, Eric

Absent: du Pont Prickett, Caroline; Farrell, Russell; Murray, Ethel; Kilby, Phyllis

Acting Chairman Josh Brown called the meeting to order at 7:00 p.m. and read a brief statement introducing the Planning Commission members in attendance and providing elucidation on how the Planning Commission would proceed.

Chairman Brown called on Director Sennstrom to provide a summary of the eleven requests for inclusion in the recently adopted 2004 Master Water and Sewer Plan. Director Sennstrom reminded the Planning Commission that they have seen these requests previously at their May 2004 and June 2004 meetings and that the Board of County Commissioners approved the 2004 Master Water & Sewer Plan at a special meeting on 13 July 2004. The Board of County Commissioners desired that the eleven items on this evening's agenda proceed through the public hearing process prior to the County Commission making a decision on whether they should be included.

Director Sennstrom stated that the eleven requests for inclusion were as follows:

Comments from the Town of North East

Comments from the Town of Rising Sun

Bedrock

Bethel Springs

Candlelight Ridge

Inventory of Sewage Problem Areas

Meadowview Text Revisions

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Milburn Property: Appleton Road

Ridgeley Forest

Villages of North East

Warwick Orchards

Town of North East: Director Sennstrom stated that the Town had sent comments relative to the portion of the plan concerning North East. The comments contained text revisions as well as Water Service Area map revisions.

Town of Rising Sun: Director Sennstrom stated the Town is presently in the process of updating its Comprehensive Plan and desires that the 2004 Master Water & Sewer Plan accurately reflect the new areas contemplated for annexation and extension of water and sewer service.

Bedrock: Director Sennstrom stated that this project is presently proceeding through the subdivision process and is proposing to use County sewer to service the lots. The project requires inclusion in the Master Water & Sewer Plan prior to presenting a final plat to the Planning Commission for review.

Bethel Springs: Director Sennstrom stated that this project is presently proceeding through the subdivision process and is proposing to use County sewer to service the lots. The project requires inclusion in the Master Water and Sewer Plan prior to final plat review by the Planning Commission.

Candlelight Ridge: Director Sennstrom stated that this project is presently proceeding through the subdivision process and is proposing to use County Sewer to service the lots. The project requires inclusion in the Master Water and Sewer Plan prior to the Planning Commission reviewing the final plat.

Inventory of Sewage Problem Areas: The Department of Environmental Health has reviewed the Master Water & Sewer Plan and has forwarded a list of several areas that need to be included in the inventory of problem sewage areas.

Meadowview Text Revisions: The Director of Public Works has sent a memo regarding text changes that need to be made to accurately reflect the upgrades to the Meadowview wastewater treatment plant.

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Milburn Property - Appleton Road: This property presently does not have a development proposal in the process. However, the landowner's consultant is requesting inclusion in the Master Water & Sewer Plan for future growth development activity. The proponent is of the opinion that it is an ideal time to extend the service areas and prepare the conveyance methods while the Appleton Road Bridge over the CSX railroad is being replaced.

Ridgeley Forest: Director Sennstrom stated that the project is presently proceeding through the subdivision process and is proposing to use County sewer and water from the Town of North East. The project requires inclusion in the Master Water & Sewer Plan prior to the Planning Commission reviewing the final plat.

Villages of North East: Director Sennstrom stated that this project is presently proceeding through the subdivision process and is proposing to use County sewer and water from the Town of North East. The project requires inclusion in the Master Water & Sewer Plan prior to review of the final plat.

Warwick Orchards: Director Sennstrom stated that this project is presently proceeding through the subdivision process. This project is proposing to use private on-site sewage treatment and water treatment facilities. The project must be included in the Master Water & Sewer Plan prior to the Planning Commission's review of the final plat.

Chairman Brown asked if there was anyone present that wished to speak on each of the requests for inclusion.

Jay Young, Esq., appeared on behalf of the Town of North East. Mr. Young stated that the water service area should be delineated on the Water Service Area Map. The Cecil County Urban Growth Boundary Plan set up parameters for the provision of water and sewer. There has been coordination between the County and the Towns and there has been the execution of a water service area agreement between North East and Cecil County. The Town of North East is concerned that the water service area in and out of the Town is not explicit and the current map does not permit you to know where the service area is located. Timothy Smith stated he understands the Town's concerns and will take them into consideration.

Mike Burcham, McCrone, Inc. appeared on behalf of Bedrock, Bethel Springs and Warwick Orchards. Mr. Burcham stated that Bedrock requires an S-2 designation to provide sewer service to 75 proposed lots. The preliminary plat was approved in October 2003. He is only asking for amendment of the Sewer Service Area Map since individual wells will be used. Mr. Burcham is also requesting that Bethel Springs be shown as an S-2 area on the Sewer Service Area Map. Project has final approval and is proposing private on site wells and County sewer service for 46 lots. Mr. Burcham is also requesting that Warwick Orchards be included in the Master Water & Sewer Plan as a W-2 and S-2. The project has received preliminary approval in October 2003 and is proposing to use private water and sewer facilities. There are 185 existing units and 74 proposed units. Mr. John Jackson stated treatment facility was built for 700 units, they are presently using 95 gallons per day per unit.

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Robert Valliant Jones, Esq., and Tim Whittie, P.E., appeared on behalf of the Candlelight Ridge project. The project is ready for a final plat submittal but needs to be included in the Master Water & Sewer Plan. They are proposing 30 lots on County sewer and individual wells.

Chuck Smyser appeared to provide the Planning Commission with edification on his memo regarding problem sewage areas. Mr. Smyser stated that this is a required element of the Plan. He noted several problem areas from 1993 Plan were omitted and others have occurred since then. These areas need to be indicated in the Plan for future extension of facilities. Keith Williams queried Mr. Smyser as to the cause of the fecal coliform problem in the North East River. Mr. Smyser replied the cause could be from various sources.

Mike Pugh, Corridor Land Services, appeared on behalf of the Milburn Property: Appleton Road and the Villages of North East. Mr. Pugh stated that the Milburn Property: Appleton Road is adjacent to existing sewer and water service presently serving both Cargill and W.L. Gore. The County is in the process of replacing the bridge over the CSX railroad, it is reasonable to include it as part of future service area due to the property's location and the Comprehensive Plan. Proximity of existing service and opportunity for right of way acquisition are also ideal reasons for inclusion at this time. Preparation for anticipated future service should be done at this time. Mr. Pugh stated that the Villages of North East has received preliminary approval. The project is located on Shady Beach Road and is included in the Sewer Service Area Map. The project needs inclusion on the Water Service Area Map. The project proposes using County sewer and Town of North East water. The Town of North East has included this project in their earlier reviewed comments.

Dave Parrack, Esq., appeared on behalf of Caldicot Properties to present the request from Ridgeley Forest for inclusion in the Master Water and Sewer Plan. The parcel is presently zoned Development Residential and has preliminary plat approval. Mr. Parrack requested that the northerly portion of the property be included as an S-2 and that the Water Service Area Map show the project as a W-2. The project is proposing 364 units in the County's Development District.

Chairman Josh Brown asked if there was anyone in the audience wishing to speak in favor or against these requests for inclusion.

Ron Hamlen, 9 Locharron Drive, spoke against the request from the Milburn Property: Appleton Road. Mr. Hamlen objected to there being no proposal for development at this time. He stated that if water and sewer is permitted, it would be in an area that the Commissioners previously rejected. This putting cart before the horse.

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John McDaniel, 2068 Singerly Road, spoke against the request for the Milburn Property: Appleton Road. He stated that it is not appropriate to include this request in the plan. There has not been a project proposed and it is better to wait until once that occurs. This request is unfair to other property owners that may want to develop. Mr. McDaniel is of the opinion that this is similar to Milburn's property in Cherry Hill.

Ron Demmler, 30 Childs Road, spoke in opposition to the Milburn Property: Appleton Road. He feels testimony should be truthful. Mr. Pugh said there was no proposal to develop at this time. Mr. Demmler's friend was contacted by Mr. Milburn seeking to purchase the friend's land to develop with this property.

Rebecca Demmler, 30 Childs Road, spoke in opposition to the Milburn Property: Appleton Road. She inquired about the washing operation and the amount of water used. She inquired as to whether a rezoning is being applied for. Mr. Pugh responded that the washing water comes from wells with water levels that are dropping and that he is not aware of any proposal for development.

John Williams, 2 Woodbine Circle, spoke in opposition to Milburn Property: Appleton Road. He is of the opinion that this is an inappropriate precedent to request inclusion without a project being proposed. Specific details need to be presented prior to amendments. This is not consistent with intent of the plan and the argument concerning contiguity is not sufficient justification. He does not know whether they are requesting S-2, W-2 or S-3 and W-3.

Richard Boyce, 11 Harvest Lane, spoke in opposition to Milburn Property: Appleton Road. He stated that previous applications had concept or preliminary approvals. These approvals do not guarantee future approvals. The use of wells and sewer is not good and he feels this request is not justified, not needed, and bringing future service into an area that has been previously denied by the County Commissioners.

Paul Hyde, 320 Carters Mill Road, spoke in opposition to the Milburn Property: Appleton Road. He opined that this request would set up future use without specification and with unsubstantiated well problems.

Wayne Lockwood, 422 Jackson Hall School Road, stated that he lives in the area, farms in the area, knows the problems with water in the area, and that other people don't understand the situation. Two of his neighbors' wells went dry. The opponents just want to say no, just want to stop development. Questioning the need is ridiculous, the problem exists and it is not right to ask for proof when they all know the problem is there. We should be proactive and plan for future growth. We should put the sleeve in for future service to Milburn Property: Appleton Road now to provide for future growth in the SR, not in the NAR.

Alice Arbuckle, 42 Mathew Bathon Court, spoke in opposition to Milburn Property: Appleton Road. She summarized letter from Corridor Land Services and presented photographs of area in question. Mrs. Arbuckle

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objects to contiguity argument and presented definitions from zoning ordinance. She is of the opinion that the property is not contiguous to existing service and referenced her photographs. Mrs. Arbuckle is strongly opposed to this request and referenced the 1993 Comprehensive Rezoning. She stated that the disapproval of the Mews of North East is similar to this property. The roads are too narrow and Appleton Road access is not adequate. TDR's could be used as a receiving area. Cecil County should limit growth to the I-95/U.S. Route 40 corridor and CSX tracks should be northerly limit. All available Meadowview capacity should be reserved for industrial development. The Department of Public Works should require the re-use of reclaimed water. Recycling is also important, Maryland Department of the Environment regulations should be followed. Rep. Gilchrest's aide visited Cherry Hill, Meadowview and Seneca Point wastewater treatment plants. Recommendations should be tabled until report is finished.

Anne Lane, 164 Russell Road, spoke in opposition to requests for amendment. She feels the requests for the Town of Rising Sun should be turned down. The schools are overcrowded and the millionaire developers are the only ones that benefit.

Marcella Murray Lockwood, 422 Jackson Hall School Road, stated that property rights are important. We need to follow the rules and cannot pick and choose. The County's plans must be followed and must be interpreted by the experts. The applicants have followed the proper steps to get here and it doesn't matter whether you like it or don't like it. The Milburns work hard and we need to follow the rules and procedures that have been established. The Commissioners approved the plan last month, now the Planning Commission must do its job. We cannot pick and choose, if it is in Comprehensive plan it should be followed. Milburn request is similar to others, the same rules apply to all.

Decisions

Chairman Brown closed the public comment period of the meeting and commenced the deliberation portion of the meeting.

Recommendation from the staff of the Office of Planning, Zoning, Parks & Recreation was to approve the requests for inclusion in the Master Water & Sewer Plan with the exception of showing the delineation of the Town of North East's water service area boundary.

Motion was made by Tim Smith to forward staff recommendation to Board of County Commissioners

Motion died for lack of a second.

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Motion made by Keith Williams to vote on each request individually.

Motion seconded by William Mortimer

All in favor, motion carried

Town of North East comments

Motion made by William Mortimer to recommend approval without delineation of water service area on maps

Seconded by Tim Smith

All in favor, motion approved

Town of Rising Sun comments

Motion made by William Mortimer to recommend approval

Seconded by Tim Smith

All in favor, motion approved

Bedrock

Motion made by Tim Smith to recommend approval

Seconded by William Mortimer

All in favor, motion approved

Bethel Springs

Motion made by William Mortimer to recommend approval

Seconded by Tim Smith

All in favor, motion approved

Candlelight Ridge

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Motion made by Tim Smith to recommend approval

Seconded by William Mortimer

All in favor, motion approved

Inventory of Sewage Problem Areas

Motion made by Keith Williams to recommend approval

Seconded by Tim Smith

All in favor, motion approved

Meadowview

Motion made by William Mortimer to recommend approval

Seconded by Keith Williams

All in favor, motion approved

Milburn Property: Appleton Road

Motion made by Tim Smith to recommend approval as an W-3 and S-3

Seconded by William Mortimer

In Favor Tim Smith

Opposed William Mortimer, Keith Williams

Motion made by William Mortimer to recommend disapproval of the request due to no stated use for the site and it not being consistent with location

Seconded by Keith Williams

In Favor Keith Williams, William Mortimer

Opposed Tim Smith

Motion approved to recommend disapproval

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Ridgeley Forest

Motion made by William Mortimer to recommend approval

Seconded by Tim Smith

All in favor, motion approved

Villages of North East

Motion made by William Mortimer to recommend approval

Seconded by Tim Smith

All in favor, motion approved

Warwick Orchards

Motion made by Keith Williams to recommend approval

Seconded by Tim Smith

All in favor, motion approved

Chairman Brown declared the meeting adjourned at 9:35 p.m.

Respectfully Submitted:

Eric S. Sennstrom, AICP

Director Planning, Zoning, Parks & Recreation

MASTER WATER & SEWER PLAN MEETING

September 22, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, Smith, Mortimer, Murray, Kilby, (ex-officio), Sennstrom, Houston and Dempsey.

ABSENT: Williams, Prickett, Farrell, (alternate).

MINUTES- Motion made by Smith, seconded by Murray and unanimously carried to approve the August 16, 2004, 7:00 p.m., minutes as mailed.

Mr. Cliff Houston, Zoning Administrator, Planning and Zoning, announced there were some changes in the agenda for this evenings meeting as follows:

FILE: 2004-19:APPLICANT: Jim Quillen, Quillen Development, Inc.

PROPERTY LOCATION: Carpenters Point Road, Perryville, MD 21903. ELECTION

DISTRICT: 5, TAX MAP: 35, PARCELS: 200 & 586.

PRESENTLY ZONED: Manufactured Home, (MH).

REQUEST: Request to rezone 26.27 Acres from Manufactured Home, (MH) to Suburban Residential, (SR).

PROPERTY OWNER: Jeffrey L. & Monica L. & Linda J. Fronheiser.

WITHDRAWN.

FILE: 3066 - APPLICANT: Robert McKeown.

FOR: Special Exception to operate a private landing strip.

PROPERTY LOCATION: 725 Locust Point Road, Elkton, MD 21921, Election District: 2,
Tax

PLANNING COMMISSION MEETING 2004

Map: 38, Parcel: 511.

PROPERTY OWNER: McKeown Family Partnership.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Jay Emery, Esquire on behalf of Mr. Will Riddle, Esquire asked for a continuance until October 18, 2004 P.C. Meeting.

Moved to accept the request of this application to be continued by Smith, seconded by Mortimer, all in favor, motion carried.

FILE: 3073 - APPLICANT: Charlestown Crossing, LLC c/o Michael Vaughn.

FOR: Special Exception for creation of a Planned Unit Development, (PUD).

PROPERTY LOCATION: 1300 Pulaski Highway, Charlestown, MD 21914, Election District:
5,

Tax Map: 30, Parcel: 11.

PROPERTY OWNER: Charlestown Crossing, LLC-c/o Michael Vaughn.

PRESENTLY ZONED: Suburban Residential, (SR).

Continued until September 23, 2004, 10:00 a.m. Meeting.

TEXT AMENDMENT Subdivision Regulations

Amend Article VII Design Standards, Section 7.2.12.A.2 Right of Way Pavement and Width Requirements.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the Text Amendment on Subdivision Regulations. The purpose of this text amendment is to revise the language found in Article VII, Section 7.2.12A.2 of the Cecil County Subdivision Regulations. This amendment was before the Board at the March 2004 Planning Commission Meeting. The amendment was intended to codify easement and fee simple dedications for road widening, if needed. The Maryland Agricultural Land Preservation Foundation

September 22, 2004, 7:00 p.m.

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(MALPF) notified the County that they determined that the establishment of easements or fee simple dedications on properties encumbered by MALPF easements would be contrary to their program. This language will exempt those properties that have sold their development rights from the requirement for easement and fee simple dedications. The new language reads as follows: **(Properties that have sold their development rights to the Maryland Agricultural Land Preservation Foundation (MALPF) shall not be required to provide the fee simple dedication or easement if they are creating a lot, to the extent that said dedication shall cause the property owner to be in violation of the owner's MALPF agreement, but the owner shall agree to provide said dedication upon termination of the MALPF agreement).**

Mr. Sennstrom stated that the Staff as well as the County Attorney is of the opinion that this language would satisfy the concerns of the State. Individuals that have an Agricultural Easement on their property would be allowed to subdivide.

Mr. Mortimer asked if they would be using Minor-Subs for family members only with this new amendment?

Mr. Sennstrom stated when you sell your development rights to the State basically you retain ownership of the land, but all development rights belong to the State. The State allows you to create lots. There is a maximum of two lots for family members or one lot for general sale to the public.

Mr. Mortimer asked, Does the family member have to remain the owner through the life of the MALPF Agreement?

Mr. Sennstrom stated that once a lot is created, it has to be for a family member.

Mr. Sennstrom stated this would be heard before the Board of County Commissioners on October 5, 2004.

COMMENTS IN SUPPORT: None.

COMMENTS IN OIPPOSITION: None.

REZONINGS:

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FILE: 2004-15: APPLICANT: John R. Harrison.

PROPERTY LOCATION: 571 Mechanics Valley Road, North East, MD 21901. ELECTION

DISTRICT: 5, TAX MAP: 25, PARCEL: 204.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone .0344 Acres from Development Residential, (DR) to Business
General, (BG).

PROPERTY OWNER: John R. Harrison.

WITHDRAWN.

FILE: 2004-16: APPLICANT: Jacob Charles & John Miller Bailiff.

PROPERTY LOCATION: 424 Bailiff Road, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 24, PARCEL: 48.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 102.6413 Acres from Northern Agricultural Residential,
(NAR)

to Development Residential, (DR).

PROPERTY OWNER: Jacob Charles Bailiff and John Miller Bailiff.

WITHDRAWN.

FILE: 2004-17: APPLICANT: Charlotte Lyons.

PROPERTY LOCATION: 1322 Jacob Tome Highway, Port Deposit, MD 21904.
ELECTION

DISTRICT: 6, TAX MAP: 23, PARCEL: 215.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR)

PLANNING COMMISSION MEETING 2004

REQUEST: Request to rezone 10 Acres from Northern Agricultural Residential, (NAR) to Business Intensive, (BI).

PROPERTY OWNER: Charlotte Abrahams Lyons.

Ms. Charlotte Abrahams Lyons, 1322 Jacob Tome Highway, Port Deposit, MD presented her application for rezoning. Ms. Lyons is requesting this property be changed from Northern Agricultural Residential, (NAR) to Business Intensive, (BI) reason being the amount of change that has happened in the area. This property has been in her family for 141 years. In the last 10 to 15 years there has been a good bit of change in the area, as follows:

1. Joe Marshall with School Buses
2. Jackson Scrap Yard
3. Cell Tower
4. Landhope and Royal Farm
5. The Crab Shack
6. Roger Puffenberger
7. Bainbridge Market
8. Mini-Storage with Trucking Depot

This area is not conducive for residential development. The reason for wanting this change is based only on change. Ms. Lyons stated her property is located with five roads coming on to it, Camp Meeting Road, Firetower Road, Dr Jack Road, Hopewell Road and Theodore Road.

Mr. Josh Brown asked why she would like this property changed to Business Intense, (BI) versus Business General, (BG).

Ms. Lyons stated she thought it would be easier to go to the top then going back up. She has no plans for this property she wants to be ready for the future. This is a small farm in the middle of many businesses and would like it changed because there has been a tremendous amount of growth in this area.

Mr. Tim Smith asked what are the other districts in that area?

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Mr. Sennstrom stated there are some Business Local, (BL), Business General, (BG) and Business Intensive, (BI).

Mr. Cliff Houston, Zoning Administrator showed the Board the map of the area and how it is zoned.

Health Department Report No application received for water and sewage approval for commercial use; some soil evaluations were conducted in 1992 but additional testing is required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Tom McWilliams, 245 Plum Point Road, Elkton, MD is concerned about changing from Agricultural Residential to some other use. Also he is concerned why Ms. Lyons does not have a plan for this property if it would be approved for rezoning?

Mr. Mortimer asked how many other rezonings have been done in this area?

Mr. Sennstrom stated since 1993 there have been four (4) requests for rezoning within the neighborhood of the property.

See Findings of Facts Report, attached for reference.

Ms. Lyons stated she did not feel there was a mistake in the 1993 rezoning, she felt a change in the area was more suitable for the rezoning of this property.

Mr. Thomas Dye, owner of Bainbridge Mini-Storage asked how many of the four (4) rezonings were approved?

Mr. Houston stated all of them, Findings of Facts attached for reference.

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Mr. Houston presented a letter from F. Ellis Benjamin, 39 South Main Street, Port Deposit; MD 21904 presented and marked exhibit one in opposition, attached for reference.

FILE: 2004-18:APPLICANT: Leroy Scott, Jr.

PROPERTY LOCATION: 361 Fair Hill Drive, Elkton, MD 21921. ELECTION DISTRICT: 4,

TAX MAP: 13, PARCELS: 52 & 237.

PRESENTLY ZONED: Village Residential, (VR).

REQUEST: Request to rezone 1.46 Acres from Village Residential, (VR) to Business General, (BG).

PROPERTY OWNER: Leroy H. Scott, Jr.

Mr. Keith Baynes, Esquire represented Mr. Leroy Scott, Jr. in this Rezoning application. Mr. Baynes stated Mr. Scott would like to rezone parcels 237 and 53 on map 13. Mr. Baynes passed around to the Board some photographs (in file for reference) of Mr. Scott's house and surrounding commercial properties in the area. Mr. Scott's house sits no less than ten-feet (10') from the roadway and is close to the right of way on Route 273. All the properties that surround this property are business in some nature, either Business Local, (BL) or Business General, (BG). Mr. Baynes stated there has been a mistake in the 1993 Comprehensive Plan. Mr. Scott's property is the only parcel left in the area that is Village Residential, (VR); the surrounding parcels are all some type of commercial properties. Traffic would come off Fair Hill Drive for access to this property. Mr. Scott is 97 years old and has no immediate plans for this parcel. At some point he will be selling this property and would like to have it rezoned Business General, (BG) since other parcels around him are business related.

Mr. Smith asked how long Mr. Scott has lived in his home.

Mr. Scott stated since April 1917.

Health Department Report- No application received for water and sewage approval for commercial use; some soil evaluations were conducted in 1992 but additional testing is required.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD asked how could they request a rezoning without specifying use? Most of the property in this area is Business Local, (BL) not Business General, (BG). Mr. Cairns feels that Business General, (BG) is not appropriate.

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD is in opposition to this rezoning. He feels that these two parcels should be Open Space. Mr. Thorne stated that this area is mostly residential and Mr. Scott does not have a plan to develop this property at the present time. If the zoning change occurs and Mr. Scott sells the property how do we know what this parcel would become? Mr. Thorne thinks that Mr. Scott should declare his intended use for the property and have that as part of the decision making process. It is against planning principals just for the request of an individual rezoning without stating what is going to be done with the property.

Mr. Houston presented a letter from Joe Clancy, 203 Atlanta Court, Elkton, MD 21921 presented and marked exhibit two in opposition, attached for reference.

Mr. Baynes stated that you do not have conditional zoning in Maryland. It is not a requirement for rezoning a piece of property.

FILE: 2004-20:APPLICANT: Jay Emery, III, Esquire.

PROPERTY LOCATION: Greenmount Road-Sylmar Industrial Park, Rising Sun, MD 21911.

ELECTION DISTRICT: 6, **TAX MAP:** 4, **PARCEL:** 185.

PRESENTLY ZONED: Light Industrial, (M-1).

REQUEST: Request to rezone 14.843 Acres from Light Industrial, (M-1) to Business General,

(BG).

PROPERTY OWNER: Harold and Jewelnye Montgomery.

Mr. Jay Emery, III Esquire is the applicant and Attorney representing Mr. and Mrs. Montgomery. Mr. Montgomery as part of a plan in conjunction with Economic Development in Cecil County developed Sylmar Industrial Park back in the 1980 s. There is a railroad line, which runs along the length of this property of 33 Acres. Originally it was zoned M-1 in 1980; and was considered a spur rail line for the railroad. Plans were to run public water and sewer to this property so it could be used for industrial use. In the 1990 s the rail line was abandoned. There are four lots with this piece of property and Lot #1 was rezoned in 1992 to C-2, which

PLANNING COMMISSION MEETING 2004

is now known as Business General, (BG). This lot is currently used as a Flea Market and Auction Gallery Commercial Center. Lot # 2 is the lot in question for the requested rezoning, which adjoins Lot # 1. Industrial development at these properties is slim and none at the present time. Creeger's Hardware has contracted to by Lots 3 and 4 from Mr. Montgomery and they are on the agenda for next months Planning Commission to be rezoned. Mr. Montgomery plans to construct some commercial pad sites if this zoning is approved to lease these pad sites for various commercial entities. There has been one other zoning change in the area which is Van Dyke Trucking which is about ½ mile away down Route 1 toward Rising Sun and is zoned Business General, (BG). No other zoning changes since 1993 have taken place in this area. Traffic in this area has increased over the past five (5) years. As far as compatibility with existing and proposed development in the area there are two commercial operations on the adjoining properties and the Ag. Industrial operations have existed for many years across the road, so a zoning change to any of the uses permitted under the Business General, (BG) classification would be compatible with the existing uses and proposed development. Everything that has presented applies mistake.

The sale of Lots 3 and 4 are contingent of the rezoning approval.

Mr. Mortimer asked what is the current disposition of the property?

Mr. Montgomery stated vacant .

Ms. Phyllis Kilby, County Commissioner asked if the railroad line goes to Herr's?

Mr. Montgomery stated there is no track there at this time it is all covered with weeds and the railroad ties are rotten.

Ms. Kilby asked Mr. Montgomery what his intended use was for this property.

Mr. Montgomery stated he would like to put little businesses.

Health Department Report Lot # 2 of Sylmar Industrial Park (Minor Sub. No. 2504) was approved for on-site well and sewage disposal Site Plan approval required for proposed commercial use.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3064 - APPLICANT: Patricia B. Bryant.

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

PROPERTY LOCATION: 245 Knight Island Road, Earleville, MD 21919, Election District: 1,

Tax Map: 62, Parcel: 15.

PROPERTY OWNER: Patricia B. Bryant.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Ms. Patricia Bryant, 245 Knight Island Road, Earleville, MD presented her application for a singlewide manufactured home for agricultural purposes. Ms. Bryant is 70 years old and needs help around the farm and getting her hunting operation running a little bit better than in the past. Ms. Bryant has lived 30 years off the farm and now it needs some cleaning up and she needs some part time help because she is not able to do it any longer because of her age.

Mr. Josh Brown asked what she would be doing and where the manufactured home would be located?

Ms. Bryant stated the manufactured home would not be visible from the road. She plans on hiring someone part time to help with the farm and he would be living in the manufactured home.

Mr. Mortimer asked what the nature of the work would be?

Ms. Bryant stated she has a hunting business for deer and cleaning up the farm where it is overgrown.

Ms. Murray asked if she lives by herself?

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Ms. Bryant stated, Yes I do .

Health Department Report No application received for proposed use, but Minor Subdivision for approval for a lot off of Parcel 15 is pending.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3069 - APPLICANT: Basil S. Perry.

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

PROPERTY LOCATION: 1016 Telegraph Road, Rising Sun, MD 21911, Election District: 9,

Tax Map: 11, Parcel: 337.

PROPERTY OWNER: Basil S. Perry.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Basil S. Perry, 1016 Telegraph Road, Rising Sun, MD presented this application. Mr. Perry would like to retain a singlewide manufactured home for his 79 year-old parents to reside. He passed pictures around to the Board of where his home is located in conjunction with where the manufactured home would be located. Mr. Perry plans on putting a brand new 2004 manufactured home.

Letter from Dr. William D. Fetchik, D.O., in file and attached for reference.

Mr. Basil s parents would like to sell there property and move in this manufactured home because they can not take care of their home and themselves due to various health reasons stated in the letter from their Doctor. They have lived in Cecil County for 70 years and this is there home and would feel more comfortable around their children.

Mr. Josh Brown asked, Why can t they live with you and your family ?

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Mr. Perry stated he does not have the room and he would like his Mom and Dad to have as much privacy as they could. Mr. Perry cannot afford to build an In-Law-Suite onto his home at the present time.

Mr. Bill Mortimer asked if they had considered an existing Mobile Home Park in the area.

Mr. Perry stated, no, because he feels they need constant attention and would be better off closer to him and his wife.

Health Department Report Sanitary Permit F0587 issued in 1996 for existing dwelling satisfactory for proposed mobile home with upgrade of existing septic system.

COMMENTS IN SUPPORT: Mr. Cliff Houston, Zoning Administrator read the Doctors letter into the minutes and the Doctor also feels they need to seek alternative housing, see file and attached for reference.

COMMENTS IN OPPOSITION: Ms. Joanne Willey, 1112 Telegraph Road, Rising Sun, MD lives adjacent to the Perry's and has no objection to the manufactured home being there, but she would like to see it removed after the Perry's parents would not be able to live there.

Mr. Van Willey, 1112 Telegraph Road, Rising Sun, MD stated he feels the same as his wife.

FILE: 3074 - APPLICANT: Anne and Stephen Cochran.

FOR: Special Exception for a home occupation to operate an antique shop.

PROPERTY LOCATION: 1639 Blue Ball Road, Elkton, MD 21921, Election District: 20, Tax

Map: 20, Parcel: 155.

PROPERTY OWNER: Estate of Anne Bouchelle.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Dwight Thomey, Esquire, 153 East Main Street, Elkton, MD representing the Cochran's in this application for an Antique Shop in their home. Mr. and Mrs. Cochran purchased this property from the Bouchelle's. The Cochran's live next door to this Historic property that the Bouchelle's had owned. It is

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the desire of the Cochran s to fix up the home and display and sell their antiques.

Ms. Anne Cochran stated she has lived in her current residence for ten (10) years. The property that they purchased has a couple of out buildings such as a Carriage Barn and a Barn. Mrs. Bouchelle s house was built in 1858 and used to be a General Store by the owner Mrs. Woods. This is located at the intersection of Blue Ball Road and Leeds Road in Elkton. They are planning to maintain the house in its historic condition. They would like to refurbish the house so people come in and enjoy all the antiques and old home charm.

Mr. Bill Mortimer asked how much traffic would you expect and where would people park their vehicles?

Ms. Cochran stated they would make the driveway wider and there are eight (8) acres in the back of the property for a parking lot and turn around. This is going to be a small antique shop so there would not be a constant flow of traffic.

Mr. Cochran stated they would be making the whole entrance way wider, so customers could pull in and out with no obstructions. Lee Larson Nursery is located across the street, and he does not have any traffic problems. Mr. and Mrs. Cochran have full time jobs and this antique business is a hobby and would be done on a part time basis three or four days a week.

Mr. Brown asked what the hours would be?

Ms. Cochran stated maybe 5:00 or 6:00.

Mr. Brown asked would there be a lot of big trucks delivering items?

Mr. Cochran stated no ; they pick up things with their own panel van. Mr. Cochran drives a tractor-trailer for a living for Allied Van Lines, so he would be delivering any big items himself that customers would purchase.

Mr. Brown asked if the Cochran s were going to rent or have anyone reside in this house?

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Mr. Cochran stated that his Mother and Father-in Law maybe are going to come from Florida to help them with all the renovations and they may stay in the house. The house will not be rented. They would like to keep the charm of the home, because they are both very involved with the Historic Society.

Health Department Report No application received for water and sewer approval for proposed use (antique shop and museum).

Ms. Cochran stated a few years ago they applied for an entity and the name is Upper Eastern Shore Antiques .

Mr. Mortimer asked if any more structures would be put up on this site.

The Cochran s stated that there would not be any more buildings built.

COMMENTS IN SUPPORT: Ms. Rebecca Demnler, 30 Childs Road, Elkton, MD is in favor of this application as long as in the future there would not be any zoning changes.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Text Amendment Subdivision Regulations.

Amend Article VII Design Standards, Section 7.2.12.A.2-Right of Way Pavement and Width Requirements.

Staff recommended approval for text amendment.

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ACTION: Motion made to approve by Smith, seconded by Murray.

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: John R. Harrison.

FOR: Request to rezone .0344 Acres from Development Residential, (DR) to Business General, (BG).

WITHDRAWN.

APPLICANT: Jacob Charles and John Miller Bailiff.

FOR: Request to rezone 102.6413 Acres from Northern Agricultural Residential, (NAR) to Development Residential, (DR).

WITHDRAWN.

APPLICANT: Charlotte Lyons.

FOR: Request to rezone 10 Acres from Northern Agricultural Residential, (NAR) to Business Intensive, (BI).

Staff recommended approval based on change in character in the neighborhood since the last comprehensive rezoning.

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

VOTE: Two to one to approve, motion carried.

APPLICANT: Leroy Scott, Jr.

September 22, 2004, 7:00 p.m.

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FOR: Request to rezone 1.46 Acres from Village Residential, (VR) to Business General, (BG)

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

ACTION: Motion made to approve by Murray, seconded by Mortimer.

VOTE: All in favor, motion carried.

APPLICANT: Jim Quillen, Quillen Development, Inc.

FOR: Request to rezone 26.27 Acres from Manufactured Home, (MH) to Suburban Residential, (SR).

WITHDRAWN.

APPLICANT: Jay Emery, III, Esquire - Representing Harold and Jewelyne Montgomery.

FOR: Request to rezone 14.843 Acres Light Industrial, (M-1) to Business General, (BG).

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

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

VOTE: Two to one to disapprove, motion carried.

APPLICANT: Patricia B. Bryant.

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

Staff recommended approval for two years.

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

VOTE: All in favor, motion carried.

APPLICANT: Robert McKeown.

FOR: Special Exception to operate a private landing strip.

Continued until October 18, 2004 P.C. Meeting.

APPLICANT: Basil S. Perry.

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

Staff recommended approval as long as applicant owns the property and parents reside in manufactured home.

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

VOTE: All in favor, motion carried.

APPLICANT: Charlestown Crossing, LLC c/o Michael Vaughn.

FOR: Special Exception for creation of a Planned Unit Development, (PUD).

Continued until September 23, 2004, 10:00a.m. Meeting.

APPLICANT: Anne and Stephen Cochran.

FOR: Special Exception for a home occupation to operate an antique shop.

Staff recommended approval for two years.

September 22, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: Commissioner Phyllis Kilby spoke to the Board on making a decision for an alternate day of the week to schedule the Planning Commission Meeting if there is not a Quorum.

The meeting was adjourned at 9:30 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 18, 2004, at 7:00 p.m.

November 15, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Mortimer (Acting Chairman), Murray, Williams, Prickett, McDowell, (Alternate), Kilby, (ex-officio), Sennstrom, Houston and Dempsey.

ABSENT: Brown, (Chairman).

MINUTES- Motion made by Prickett, seconded by Williams and unanimously carried to approve the Monday, October 18, 2004, 7:00 p.m., minutes as mailed.

2005-2010 CAPITAL IMPROVEMENT PLAN (CIP) Presentation of the six-year Capital Improvement Program (CIP) for FY 2005-2010.

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 Services

Eric Sennstrom Director of Planning, Zoning, Parks and Recreation.

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 2006 operating budgets.

The County Commissioners will be holding their public hearing on December 6th at 4:00 p.m. at the County Administration Building, 107 North Street, Elkton, Maryland.

Mr. Al Wein, County Administrator stated he would be presenting the FY 2005-2010 Capital Improvement Plan. The County Commissioners approved a Bond Issuance last Monday, November 8, 2004 in the amount

PLANNING COMMISSION MEETING 2004

of nine million twenty five thousand (\$9,025,000.00) for the major FY 2005 bond funded projects. The bond ratings have been re-affirmed. The County has received a very favorable rate of 3.9% over a twenty (20) year term.

Mr. Al Wein, County Administrator stated he would be going through the proposal in the order listed in the handouts as follows: The CIP Committee is seeking total proposals in the amount of twenty eight million eighty four thousand eight hundred thirty six dollars, (\$28,084,836.00) in the up coming General Assembly for bond authority. The projects being proposed within this total number are as follows:

1. Continuation of the Elkton High School renovations - \$8.8 million.
2. Construction of Perryville Middle School addition renovation \$4.5 million.
3. Several renovations to accommodate the full day Kindergarten mandated by the State \$2.9 million
4. Land acquisition by the Cecil Community College for property adjacent to the College \$800,000.00.
 5. Construction of the Perryville Branch Library \$2.9 million.
 6. Funding for DES County lined communication system \$2.5 million.
 7. Renovation of the proposed vacated law enforcement space at 500 Landing Lane \$400,000.00.
 8. Various bridge rehabs and replacement projects \$4.8 million.
 9. Proposed improvements to the Courthouse - \$240,000.00.
10. Water and sewer projects do not have any implementation of water/sewer infrastructure within a group area. The County Commissioners have appointed a Task Force for wastewater. There will a report from the Task Force to the County Commissioners in early 2005.

The debt affordability for this CIP is within a self-imposed debt affordability threshold and cannot exceed 10% of the annual operating budget.

Mr. Bill Mortimer asked about infrastructure to the Rt. 40 and I-95 corridor, would the County be able to afford this?

Mr. Al Wein stated they are waiting for the results from the Task Force instead of assuming what the results would be and in his opinion there will be monies to do something. The current proposal would have to be modified.

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Mr. Craig Whiteford, Budget Director stated you would have to build in dollars not only from County money but also from other sources.

Mr. Clay McDowell asked why the County is exceeding the expenditures? Is growth and revenue a reason for concern?

Mr. Whiteford stated not at this time, the average debts for the last five years have been balanced for the budget, there has been more revenue generated than was spent. CIP proposed and requested copies, in file for reference.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENTS:

Mr. Eric Sennstrom, Director of Planning and Zoning presented exhibits 1-15 in the order as presented.

Cecil County Zoning Ordinance

Amend Article III, Part I, Section 22 Rural Character

Amend Article III, Part I, Section 23 Rural Character

Cecil County Subdivision Regulations

Amend Article II, Section 2.4.1 Minor Subdivisions

Amend Article III, Section 3.8 Notifications by County

Cecil County Comprehensive Plan

Element: Rural Legacy

Element: Groundwater Resources

November 15, 2004, 7:00 p.m.

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Element: Appearance Standards

Element: Watershed Protection

Element: Tourism

Element: Smart Codes

Element: Adequate Public Facilities

Element: Urban Growth Boundaries

Element: Historic District

Element: Greenways

Element: Agricultural Preservation

See exhibits 1-15, in file and attached for reference. General discussion ensued resulting in amendments to several of the proposals see attachments marked changes.

Ms. Phyllis Kilby, ex-officio suggested that some one be put on the TAC Committee representing the Historic District.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated there is a lack of public facilities in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) districts. Mr. Thorne stated there should be a countywide adequate public facilities program. The signs (for posting) should be maintained and erected by the Developers, not the Planning and Zoning Department.

Mr. Keith Williams asked Mr. Thorne to get the information of how this countywide adequate public facilities ordinance works in other Counties.

Mr. Thorne stated he could get the information for him.

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REZONINGS:

FILE: 2004-24:APPLICANT: Mary B. Halsey, President, Cecil Federal Bank.

PROPERTY LOCATION: Fair Hill Drive, Elkton, MD 21921.

ELECTION DISTRICT: 4, TAX MAP: 13, PARCEL: 689.

PRESENTLY ZONED: Business Local, (BL).

REQUEST: Request to rezone 1.4039 Acres from Business Local, (BL) to Business General, (BG).

PROPERTY OWNER: Cecil Federal Bank.

Mr. William Riddle, 204 East Main Street, Elkton MD representing Cecil Federal Bank, Mary B. Halsey, President. The property that they are requesting to be rezoned is on the north side of Fairhill Drive and West of Rte.213. Adjacent to this property is a Shell Station, zoned Business Local, (BL) and on the left side is a recent rezoning to Business General, (BG). There has been a change in the neighborhood, changing this to Business General, (BG) is compatible with existing development in this area. The plan for this property is to construct a new full service Bank. Presently under Business Local, (BL) they could only put a drive-thru.

Ms. Mary Halsey stated the design and style of the building would be a 5,000 square foot two-story colonial. There will be a stone front, which is similar to what the Fair Hill Inn has, and this should fit in with the character of the neighborhood.

Health Department Report Property approved for on-site water supply and sewage disposal by Minor Sub. No. 2396 in 1991; Site plan approval required for commercial use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Robert Dean, 4377 Telegraph Road, Elkton MD is concerned about runoff on to his property from the Bank property.

Ms. Mary Halsey stated that the State Highway Department is going to be reconfiguring the intersection along with drainage on Rte. 213 and Fairhill Drive in the near future.

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FILE: 2004-15:APPLICANT: John R. Harrison.

PROPERTY LOCATION: 571 Mechanics Valley Road, North East, MD 21901. ELECTION

DISTRICT: 5, TAX MAP: 25, PARCEL: 204.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone .344 Acres from Development Residential, (DR) to Business General, (BG).

PROPERTY OWNER: John R. Harrison.

Mr. John R. Harrison, 559 Pulaski Highway, North East, MD just recently purchased this piece of property which back in the 1960 s it was used as a General Store. It is 400 from the Rte. 40 intersection and borders his commercial property. There has been considerable change in the area with the amount of commercial growth and development. When the Comprehensive rezoning had been approved he had a total of twenty-four (24) acres which was zoned Residential Multifamily, (RM) and had it rezoned to Business General, (BG) and this parcel is next to his parcel which he recently purchased.

Ms. Caroline Prickett asked Mr. Harrison if he had any idea what he would do if this were granted.

Mr. Harrison stated he would be renting it out for office space or anything else someone would like to use it for.

Health Department Report No application received for water and sewage approval for commercial use (public sewer may be available).

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated that if this is approved without a firm plan for the property it would show very bad planning. Do not rezone just because everyone else is.

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FILE: 2004-25:APPLICANT: Charlestown Crossing, LLC.

PROPERTY LOCATION: 1300 Pulaski Highway, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 30, PARCEL: 11.

PRESENTLY ZONED: Suburban Residential, (SR), Business General, (BG) Light Industrial, (M1).

REQUEST: Request to reconfigure 15 Acres of Light Industrial, (M-1) and rezone 8 acres from Suburban Residential, (SR) to Business General, (BG).

PROPERTY OWNER: Tri-State Properties, LLC, & Charlestown Crossing, LLC, c/o David Meisken.

Mr. Michael Vaughn, Representative for Charlestown Crossing, LLC is asking for adjustment to a rezoning that was approved two months ago. When the final engineering was finished they found out the entrance needs some adjustments on the meets and bounds. Mr. Vaughn showed the Board the before and after maps of the entrance. The configuration was changed due to some wetlands. Both parcels areas are 15 acres and are approximately in the same location. Charlestown Crossing LLC owns all the surrounding acreage. The use and concepts will stay the same as before.

Health Department Report Water and sewer allocations must be obtained; Site Plan approval required for commercial and industrial use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3089 - APPLICANT: Timothy John and Deanna L. Price.

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

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PROPERTY LOCATION: 2145 Crystal Beach Road, Earleville, MD 21919, Election District:

1,

Tax Map: 56, Parcel: 4.

PROPERTY OWNER: Timothy John and Deanna L. Price.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Timothy and Deanna Price, 2145 Crystal Beach Road, Earleville, MD stated they would like to put a doublewide on the back of their property for Mr. Prices mother to live in for health purposes. The property has perked and a driveway is already located there. There is 3 acres of wooded property behind the Prices and it will be difficult to see the doublewide at all from the road or any adjoining property.

Ms. Zella Lane would be residing in the doublewide and her hardship is back problems and colon cancer. Her husband passed away a few years ago and she feels she needs to be closer to her family for help. Dr. Ma wrote a letter, but she did not bring it with her to the meeting, but she will bring it to the Board of Appeals meeting next week.

Mr. Ethel Murray asked Mr. Price how big a house does he have?

Mr. Price stated a two-story farmhouse and has two children, ages 15 and 21 years old.

Health Department Report Soil evaluations were conducted on the property in March 2003 for a proposed minor subdivision. Satisfactory in area tested but additional tests may be required depending on the proposed mobile home location.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Eleanor Reid, 1525 Hilltop Road, Dowingtown, PA stated she is opposed to this doublewide because you will be able to see it from the road and it will make her property value go down. What will happen if the mother does not need this doublewide anymore? Will it be a rental property?

Mr. Price stated no it will not be a rental property.

PLANNING COMMISSION MEETING 2004

FILE: 3093 - APPLICANT: Holly J. Kehler.

FOR: Special Exception for a home occupation to operate a custom design stained glass business.

PROPERTY LOCATION: 6651 Augustine Herman Highway, Cecilton, MD 21913, Election District: 1, Tax Map: 62, Parcel: 21.

PROPERTY OWNER: Holly J. Kehler.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Holly Kehler, 6651 Augustine Herman Highway, Cecilton, MD formerly of 129 Main Street, Galena, MD stated she formerly had an in-home business. Ms. Kehler does custom designs and stained etched blue chipped and kiln fired glass. Most of her work has been repairs for antique dealers. Ms. Kehler's hours are by appointment only. She presented some pictures to the Board of some of her work. The workshop will be along the side of her garage.

Mr. Mortimer asked what kind of traffic would there be and would there be any employees?

There will be no extra traffic and she would not have any employees.

Mr. Williams asked if there would be any hazardous waste?

Ms. Kehler stated she has lead, but she takes it to New Jersey to be re-cycled into lead sinkers.

Mr. Mortimer asked if there were hoods and any vapors?

Ms. Kehler stated she does very little soldering; she buys about 3 pounds of solder a year, she uses pre-formed glass, so there is no mixing of materials.

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Health Department Report Sanitary Permit R1844-96 issued in 1996 for repair of existing septic system. Little to no increase in water usage anticipated satisfactory.

COMMENTS IN SUPPORT: Mr. Ken Baldwin, 1377 Grove Point Road, Earleville, MD stated he has known Ms. Kehler for ten years while she has been in business. He sold Ms. Kehler this property. There will be no tractor-trailers or deliveries at this site. There is a doublewide driveway with enough room to turn around, so you would not have to back out on to Rte. 213. She delivers and picks up all projects she works on. There is ample ventilation and electric in the garage where her kiln would be located.

COMMENTS IN OPPOSITION: None.

FILE: 3095 - APPLICANT: John W. Stapleford, IV and Christina Mitchell.

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

PROPERTY LOCATION: 79 Lewisville Road, Elkton, MD 21921, Election District: 4, Tax

Map: 13, Parcel: 156.

PROPERTY OWNER: John W. Stapleford, IV & Christina Mitchell.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Stapleford and Christina Mitchell, 79 Lewisville Road, Elkton, MD would like to have a doublewide in the back of their property. The hardship is financial and health related. Ms. Mitchell has arthritis and lives on social security and financially cannot maintain her existing house. The property is just under 5 acres and no adjoining property owners around, just an empty field and woods on one side and W.L. Gore on the other side.

Ms. Caroline Prickett asked who would be living in the doublewide?

Ms. Mitchell (grandmother) would be living in the doublewide. She would like to sell the original house to her grandson (John Stapleford) to live in, as he is getting married in the near future and she does not want to live with newlyweds.

Mr. Mortimer asked how big is the house?

PLANNING COMMISSION MEETING 2004

Mr. Stapleford stated it is a two-story cape-cod, 4 bedrooms and 3 1/2 baths. He is planning on having a big family and his grandmother does not want to live with newlyweds.

Health Department Report Soil evaluations were conducted on the property in March 2001 for a proposed minor subdivision. Satisfactory in area tested.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

CAPITAL IMPROVEMENT PLAN: 2005-2010.

APPLICANT: Cecil County.

FOR: Capital Improvement Plan: 2005-2010.

Staff recommended approval.

ACTION: Motion made to approve by Williams, seconded by Prickett

VOTE: All in favor, motion carried.

TEXT AMENDMENTS:

APPLICANT: Cecil County.

FOR: Text Amendments.

November 15, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

Cecil County Zoning Ordinance

Amend Article III, Part I, Section 22 Rural Character

Amend Article III, Part I, Section 23 Rural Character

Cecil County Subdivision Regulations

Amend Article II, Section 2.4.1 Minor Subdivisions

Amend Article III, Section 3.8 Notifications by County

Cecil County Comprehensive Plan

Element: Rural Legacy

Element: Groundwater Resources

Element: Appearance Standards

Element: Watershed Protection

Element: Tourism

Element: Smart Codes

Element: Adequate Public Facilities

Element: Urban Growth Boundaries

Element: Historic District

Element: Greenways

Element: Agricultural Preservation

Staff recommended approval with amendments as written.

ACTION: Motion made to approve with changes. Strike bucolic from Tourism Element, strike in geographically constrained areas from rural Legacy Element, add a hyphen between on and site in Groundwater Element, replace shall with may and add woodlands to Rural Character Amendments, and revise Notification Amendment so that developer is responsible for erecting and maintaining signs, and that the signs will be provided by the developer and would meet the County's specifications. General

PLANNING COMMISSION MEETING 2004

discussion ensued resulting in amendments to several of the proposals see attachments marked changes by Murray, seconded by Williams.

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Mary B. Halsey, President, Cecil Federal Bank.

FOR: Request to rezone 1.4039 acres from Business Local, (BL) to Business General, (BG).

Staff recommended approval based on change since last comprehensive rezoning.

ACTION: Motion made to approve with staff conditions by Prickett, seconded Williams.

VOTE: All in favor, motion carried.

APPLICANT: John R. Harrison.

FOR: Request to rezone .344 acres from Development Residential, (DR) to Business General, (BG).

Staff recommended approval based on change since the last comprehensive rezoning.

ACTION: Motion made to disapprove, no change in the neighborhood by McDowell, seconded by Prickett.

VOTE: Three to one to disapprove, motion carried.

APPLICANT: Charlestown Crossing, LLC.

FOR: Request to reconfigure 15 acres of Light Industrial, (M-1) and rezone 8 acres from Suburban Residential, (SR) to Business General, (BG).

PLANNING COMMISSION MEETING 2004

Staff recommended approval based on mistake.

ACTION: Motion made to approve with staff conditions by Williams, seconded by McDowell.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Timothy John and Deanna L. Price.

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

Staff recommended approval for two years or as long as mother resides in manufactured home, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions, by Williams, seconded by Prickett.

VOTE: Three to one to approve, motion carried.

APPLICANT: Holly J. Kehler.

FOR: Special Exception for a home occupation to operate a custom design stained glass business.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions, by Murray, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: John W. Stapleford, IV and Christina Mitchell

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

PLANNING COMMISSION MEETING 2004

Staff recommended approval for two years.

ACTION: Motion made to disapprove by Murray, seconded by Williams.

VOTE: All in favor, motion carried.

The meeting was adjourned at 9.03 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 20, 2004, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

December 20, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Murray, Prickett, McDowell, (Alternate), Slicer, Kilby, (ex-officio), Sennstrom, Houston and Dempsey.

ABSENT: Williams.

The Planning Commission voted on changing the order of the agenda for this evenings meeting, hearing the Open Space, Rezoning and Special Exceptions first, secondly the Amendment of the Water and Sewer Plan for Aston Pointe. Motion made to approve by Mortimer, seconded by Prickett, all in favor.

Mr. Cliff Houston announced that the following Special Exception will not be presented this evening, it would be presented at the January Planning Commission and Board of Appeals meeting due to family emergency.

FILE: 3101 - APPLICANT: Douglas and Donna Herrmann.

FOR: Renewal of a Home Occupation to operate a photography business.

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

Map: 17, Parcel: 578.

PROPERTY OWNER: Douglas and Donna Herrmann.

PRESENTLY ZONED: Rural Residential. (RR).

OPEN SPACE:

FOR: Elk Landing Acquisition Phase 2.

FOR: Town of Elkton.

FUNDING: Reimbursement funds available FY 2004 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Manager, Board of Parks and Recreation.

PLANNING COMMISSION MEETING 2004

Mr. Edward Slicer, Manager, Parks and Recreation along with Ms. Jeanne Minner, Director of Planning for the Town of Elkton presented this application. This is the third installment of Phase 2, Elk Landing Acquisition. Mr. Slicer stated the Town of Elkton is looking for \$52, 953.00 from Program Open Space. Ms. Minner stated the proposed project involves the fee simple acquisition of approximately twenty (20) acres of land situated to the north of the historic Hollingsworth House on Landing Lane. These twenty (20) acres will be purchased for open space purposes. Acquisition application in file and attached for reference.

Mr. Mortimer asked if this would only benefit the people on the north side of Rt. 40?

Ms. Minner stated it would be a regional tourism draw with Historic interpretations and events held there.

Mr. Mortimer asked how far along is the project at the present time?

Ms. Minner stated this would be the 3rd installment out of seven and the project is about 70% finished.

Ms. Prickett asked if it was normal to build in a critical area.

Mr. Slicer stated that they are not building anything they are restoring old buildings.

Ms. Minner stated that Elk Landing Foundation has a 99-year lease on this property from the Town of Elkton. They are to interpret this site historically along with the renovations. They would like to see additional parking and handicapped accessible restrooms.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: Ms. Ann Lane, 164 Russell Road, Elkton, MD is in favor of any project that would be conserving open space.

COMMENTS IN OPPOSITION: None.

Mr. Josh Brown recused from voting as he is on the Elk Landing Foundation Board.

December 20, 2004, 7:00 p.m.

PLANNING COMMISSION MEETING 2004

MINUTES- Motion made by Murray, seconded by McDowell and unanimously carried to approve the Monday, November 15, 2004, 7:00 p.m., minutes as mailed.

REZONING:

FILE: 2004-26-APPLICANT: Jay C. Emery, III.

PROPERTY LOCATION: 2399 Biggs Highway, North East, MD 21901.

ELECTION DISTRICT: 9, TAX MAP: 18, PARCEL: 258.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 21.219 acres from Northern Agricultural Residential, (NAR) to
Business General, (BG).

PROPERTY OWNER: Joseph J. & Edwina E. Gilbert.

Mr. Jay C. Emery, III, Esquire representing Joseph and Edwina Gilbert. The Gilberts own twenty-one (21) acres zoned Northern Agricultural Residential, (NAR) on Biggs Highway. The history of this piece of property goes back to 1989 when there was a Rezoning attempted and a Special Exception was approved to operate a school bus depot. This has always been a clean operation and properly screened and does not convey a public health safety problem and has been an asset to the community. Mr. Emery passed around an aerial photo and a plat to the Board of a configuration of the twenty-one (21) acres. The Gilberts feel that there was a mistake during the Comprehensive Rezoning, which occurred in 1993, at that time it was used for commercial purpose and had been for two years. There is a complete lack of commercial zoning in their neighborhood. This property was overlooked in the Comprehensive Rezoning. The Gilberts reside and work on the property. There have been significant population changes in this area; houses are located around the golf course, which is behind the Gilberts.

Mr. Gilbert stated that he had a Special Exception approved in 1990 to allow school buses to be stored and maintained on his property. Mr. Gilbert has met all County requirements to have this business on his property. He would like to have the zoning made correct, so it will be correct in the future.

Mr. Mortimer asked if any of the neighbors have been complaining?

PLANNING COMMISSION MEETING 2004

Mr. Gilbert stated “no”, but he wants to get the zoning changed so there would not be problems in the future. In a few years his son will be coming on board to work and someday it will be his business. Mr. Gilbert has been a Fireman for almost twenty-five (25) years and he would like to start working on some of the fire trucks along with the school buses.

Mr. Mortimer stated if the rezoning would be changed to Business General, (BG) any type of business could operate on this parcel.

Mr. Gilbert is having a hard time making a living just working on 25 school buses; he needs to be able to work on other type of vehicles within the County Governments regulations.

Mr. McDowell complemented Mr. Gilbert on having a very nice looking facility. The screening is done very nicely, so you cannot see the school buses from the road.

Ms. Murray asked how many years have you been operating this business?

Mr. Gilbert stated since 1989 at this location, prior to that a couple of years in Warwick, Maryland.

Mr. McDowell asked if a “split zoning” would be possible?

Mr. Cliff Houston, Zoning Administrator stated you could have “split zoning” on a piece of property. Split zoning does exist in other areas of Cecil County. If you want some acreage in Business General, (BG) and the rest of the acreage left in Northern Agricultural Residential, (NAR), that could be done.

Mr. Mortimer asked if the zoning could be conditional?

Mr. Houston stated “no”.

Mr. Gilbert stated he is constantly being watched by the Board of Education, and has inspections at least four (4) times a year, and can be inspected at random.

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Health Department Report – Sanitary Permit D1348 issued in 1991 for septic system for bathroom in pole barn (Permits D4133-92 and G5800-03 issued for dwellings on parcel 258). Future commercial use will require site plan approval.

COMMENTS IN SUPPORT: Robert Kennard, 2315 Biggs Highway, Rising Sun, MD lives next to the Gilberts and is in favor.

COMMENTS IN OPPOSITION: Jerry Callaway, 2411 Biggs Highway, North East, MD is in opposition because this opens doors to other commercial businesses from Firehouses to Truck Stops to come into the area. This will depreciate the property values if a lot of commercial business would come into the area.

Lindsie Carter, 131 Black Snake Road, Elkton, MD stated this will let other commercial businesses into the area and would change the character of the neighborhood.

Robert Fritz, 32 Oleary Lane, Port Deposit, MD stated Mr. Gilbert has a very good business, but has a problem with the zoning being changed to Business General, (BG). He does not want to see any other business come into the area. If this property would be sold at a later date any type of business could open in a Business General, (BG) zone.

Jean Edwards, 160 Nesbitt Road, Colora, MD stated that the character of the neighborhood would change if this rezoning would be passed and property values would be adversely affected.

SPECIAL EXCEPTION:

FILE: 3099 - APPLICANT: Michele E. Yedinak.

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

PROPERTY LOCATION: 199 Deaver Road, Elkton, MD 21921, Election District: 3, Tax Map:

26, Parcel: 617.

PROPERTY OWNER: Michael and Michele Yedinak.

PLANNING COMMISSION MEETING 2004

PRESENTLY ZONED: Suburban Residential, (SR).

Michael and Michele Yedinak, 199 Deaver Road, Elkton, MD presented this application to operate an in-home hair salon. Ms. Yedinak would like to do hair at home so she can be home with her children to put them on and off the bus. The salon would be located in a separate bay on the side of her garage. There will be no employees and there is adequate parking and would operate Tuesday thru Saturday with five to seven customers a day.

Health Department Report – Sanitary Permit F7877 issued in 2000 for dwelling; septic system upgrade required for additional flow. Property is located within the Resource Water Protection Area for the water supply wells of Forest Green Mobile Home Park – special disposal methods for hair salon chemicals.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Domenic Inglisa, 1 Deer Run Parkway, Elkton, MD presented pictures and information on why the hair salon should not be allowed on the Yedinak property, attached for reference.

AMENDMENT OF THE WATER AND SEWER PLAN:

Master Water and Sewer Plan Proposed Amendment - Aston Pointe.

Ms. Ethel Murray recused herself from voting, as she is one of the owners of the proposed development Aston Pointe.

Mr. David Parrack, Esquire along with Mr. Steven Lutche and Mr. William Stritzinger, President, of Aston Development Group, Inc. presented their presentation of the amendment of the water and sewer plan. They would like to renew their request to Cecil County's master water and sewer plan as some changes have been made. Mr. Stritzinger presented to the Board the proposed sewer and water amendment changes. Aston Development Group has an approved concept plat outlining a use and density for the property, which was approved on 4-19-04. Two other parcels were denied amendments on the basis that each parcel did not have an approved use. Aston Pointe adjoins and is contiguous to the existing W1 & S1 service area of the Highlands. Approval of Aston Pointe would be consistent with the language in the comprehensive plan outlining the Suburban Residential, (SR) zones. Document in file and attached for reference.

Ms. Caroline Prickett asked if Aston Pointe would legally be obligated to help people if their wells go dry?

PLANNING COMMISSION MEETING 2004

Mr. Stritzinger stated as part of the process that MDE makes you do is go to all the surrounding wells and put sensor monitors to see what the levels do when you start testing.

Ms. Prickett asked again, what happens if the wells are low? What recourse do the neighbors have to your organization?

Mr. Stritzinger stated that in that case MDE might not approve the appropriations permit. This is a 72-hour test pumping the well at a certain rate. There is a supply in a water tank so the well is not pumping 300 gallons a minute. In the testing process you are actually pumping at full rate for 72 hours.

Mr. Clay McDowell stated that the issue Mr. Stritzinger is discussing is the adequacy of the water available, but he had gotten the impression that the real issue here was recharge to the aquifer and the recharge evaluation with the letter you presented to the Technical Advisory Committee, (TAC) at the September 2004 meeting by Geo Technical Associates. Is this still an accurate assessment?

Mr. Stritzinger stated, "yes" in terms of the technical analysis of the recharge he cannot speak on that, as he is not an Engineer.

Mr. McDowell stated that you are right at the limit with the houses and the golf course and no mention of the requirements for the Business General, (BG). If you are at the limit with the houses and the golf course when you add the Business General, (BG) you have exceeded the recharge required for the aquifer. Also the analysis they did for the golf course averaged the golf course water usage over a year, but in fact golf courses do not irrigate over a year, they irrigate for five months from May to October so in fact for ½ year the water usage is twice what they included in their analysis.

Mr. Stritzinger stated "right". There are two issues at hand, one is the supply of water for the development and the second would be the golf course. Attached for reference are Mr. Matt Carter's, Director of Public Works, and comments on irrigation for the golf course. There is a new plant coming on line at Meadowview, this will be a state of the art plant.

Mr. McDowell has another concern in the master water and sewer plan that identifies three levels of service 1,2 or 3. The 1 being current, 2 being after five years and 3 after ten years, the area that Mr. Stritzinger is speaking about is not covered by any of these three surface areas, see attached for reference.

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Mr. Stritzinger stated until he is “on the map” the Public Works Department will not discuss any of the particulars with him for homes or the golf course.

Mr. McDowell stated the County has three documents, The Comprehensive Plan, The Urban Growth Boundary Plan and The Master Water and Sewer Plan of each of those identify the I-95 and Rt. 40 corridor as being the area where water and sewer should be given priority and it lays out orderly way which the County wishes to progress with development and water and sewer. This lies outside of that area and is not keeping with the growth plans of the County and Mr. Stritzinger is coming in asking the County to accommodate a specific development that is not in the view of those documents the best interests of the growth in the County.

Mr. Stritzinger stated see-attached documents for reference.

Mr. Mortimer asked Mr. Stritzinger how the golf course is proposing to recharge the 191,000 gallons per day?

Mr. Stritzinger stated based on the acreage if you do single wells if there were 390 acres theatrically they could have 390 units (density), which means they could have 390 wells. This would not be a very efficient way to do a large development. Mr. Matt Carter would really be the one to answer this question on recharge of the 191,000 gallons. The Aston Point amendment is they feel consistent with other MWSP amendments that were approved by the County Commissioners on August 24, 2004.

Mr. David Parrack, Esquire stated that Mr. Stritzinger has laid the basis for his position that recommendation for approval of the water and sewer amendment is in order. This is a matter of taking this step by step and the first step to be taken in order for Aston Development Group, Inc. to provide further answers is the amendment of the master water and sewer plan.

Health Department Report – Water Appropriation Permit required from Maryland Department of the Environment for a proposed community water supply. Construction and operating permits required from MDE. Sewer allocation required from Department of Public Works for Meadowview Sewage Treatment Plant; must also approve plans for water and sewer lines.

COMMENTS IN SUPPORT: Mr. Wayne Lockwood, 432 Jackson Hall School Road, Elkton, MD stated he is favor of this project for one important reason; that he sees that there is an issue in the County that is drawing in two different directions. The County is supposed to be saving farm land and build in the areas that are designated to built in; Suburban Residential, (SR) and seems to him the County is loosing more farm land because we keep developing in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) corridor. The Suburban Residential, (SR) was developed to relieve pressure off the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR). We live in a

PLANNING COMMISSION MEETING 2004

changing world and things happen and you have to move on with the changes. Mr. Lockwood feels if we **compromise** with each other and try to get these developments planned the correct way and if someone is willing to put in a development and help out with the infrastructure of the County, lets let Mr. Stritzinger put out some money and help. You cannot stop growth in the County so he feels everyone should all work together. We should be using these areas and saving the Northern Agricultural Residential, (NAR) property.

Ms. Marcella Murray Lockwood, 432 Jackson Hall School Road, Elkton, MD stated her and her husband have signed a contract to sell their property to Mr. Stritzinger. She has lived on her property for thirty, (30) years. Ms. Lockwood stated that a big developer would not be sitting in meetings taking what Cecil County residents have dished out to him trying to get Aston Pointe on the map. Mr. Stritzinger would not be going to ARCA meetings trying to sympathize and compromise and listen to the residents. The plan for 302 homes and a golf course is a great project that Mr. Stritzinger is trying to develop. We as Cecil County residents need to compromise.

COMMENTS IN OPPOSITION: Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated the next four speakers plus himself will be addressing the future, past present of granting a master water and sewer plan amendment to Aston Pointe. Last summer the Commission turned down Aston Pointe for a master water and sewer amendment, as it was dependent on out-of-state sources. In August and September the Commission wisely turned down the Milburn and the Barczewski property. If Aston Point is approved many new applications from other developers will turned in to do the same. Approving Aston Point master water and sewer amendment could repeat the debacle occurred in the Highlands. About thirty, (30) years ago a developer talked the residents into a community wells and a sewer system based upon spray irrigation, both failed. This area is and has been farm land for generations, all the land being developed by Aston Point including the twenty, (20) acres of Business General, (BG) and most of the surrounding properties even though they are zoned Suburban Residential, (SR) are utilized as agricultural land. Their precedent is such they are being used as such and being taxed as such. Instead of agricultural land now Cecil County will get many, many houses and a golf course. Exhibit one in file and attached for reference.

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Ms. Ethel Murray left the meeting at 9:00 p.m.

Mr. Ken Wiggins, 504 Black Snake Road, Elkton, MD stated the decisions that will be made today would affect our citizens for decades to come. The decision the Board makes will not only impact the folks at Aston Pointe Development it will also set a precedent for all development to come. If this allowed this will be departing from the master water and sewer plan. What about the cost of infrastructure and if the developer goes bankrupt, who would bear the cost? The developer will profit from this project and then depart to leave the taxpayers holding the burden. Mr. Wiggins hopes the Board will make a wise judgment on the citizens' behalf.

Ms. Lindsie Carter, 131 Black Snake Road, Elkton, MD stated if this amendment is approved this will open up building to all other out-of state builders to build in Cecil County. If developers know that Cecil County cannot say "no" to them it will be hard to turn down large sums of money that will be offered to the residents

PLANNING COMMISSION MEETING 2004

of Cecil County. How can you give water and sewer to Aston Point and then refuse it to other developers? If the water/sewer were granted it would allow the overflow from other Counties such as New Castle County to want to build here. Adjacent Counties have saturated their open space. If water and sewer are granted now there will be no way to change the domino affect that will come in the future to Cecil County.

Ms. Eva Walker, 644 Jackson Hall School Road, Elkton, MD stated Appleton Road, Barksdale Road and Fletchwood Road have an enormous amount of industrial development. If this amendment is approved you are also approving all kinds of expansion at the Meadowview Treatment Plant which is for especially handling all the industrial growth in the County. This expansion did not include allowing high-density development in Suburban Residential, (SR) areas. To allow this it would jeopardize the efficiency and the proper performance of the Meadowview Treatment Plant. Ms. Walker is confused about the 380 acres being used for homes with half of this acreage being a golf course, a private golf course. How is that this private golf course, which you are going have to pay \$3,200.00 or better to join can say the developer can build 302 homes on this acreage? This would be considered a high-density development.

Mr. Eric Sennstom, Director of Planning and Zoning explained to the audience about density. He also explained that open space would be separate from the golf course.

Mr. Alan Fox, 67 South Edgewood Lane, Elkton, MD stated he has increasingly become concerned about the political process in Cecil County. When public officials are elected he is hoping they will represent the citizens whose influence will reflect the concerns of the citizens. Developers from outside the County are seeking to maximize personal profit. These developers are asking for special favors and waivers of our elected officials. This proposed amendment of water and sewer at Aston Point are a prime example of this. The community has showed up in massive force for meeting after meeting as a community to voice their concern. Please consider the integrity of the system, which facilitates profit of the few to the expense of the many and puts private profit above the will of the people and for the public good.

Mr. John Williams, 2 Woodbine Circle, Glen Farms, Elkton, MD has lived in Cecil County for thirty-five, (35) years, employed as an Engineer. Mr. Williams finds it very difficult to understand some of the numbers that have been discussed this evening, especially the concept of recharge. The recharge should be discussed with the Maryland Geological Survey, dealing with just Cecil County. One factor would be the geology of Cecil County and the other specifically with water resources. In this part of the County we get about forty-two, (42") inches of precipitation a year, which ten, (10") inches is recharge and twenty-two, (22") inches is evapotranspiration and (10") inches goes to surface water. About ten, (10") inches of water a year that falls on the ground which will percolate into the ground which eventually provide the recharge for the wells that exist. With Aston Pointe you are basically at the top of the ridge and there is nothing up there for wells. There are no five hundred, (500') foot or three hundred, (300') foot wells, maybe two hundred feet or less would be feasible.

Exhibit two, in file and attached for reference.

PLANNING COMMISSION MEETING 2004

Ms. Kathryn Davis, 67 Meadowview Court, Elkton, MD stated she would like to speak a little bit more on the geology of the water. There is a lot of less water available from hilltops into valleys. Larger amounts of water are available from the crystalline rock beneath. Fifty percent (50%) of the holes that Aston Pointe drilled were dry. The short-term tests (72 hours) are not as accurate as the long term testing. 2004 has been a very wet year and she would like to point out that there might be a lot of water surface, but not deep-water access. It is very unlikely that Aston Pointe would be able to get three hundred, (300) gallons per minute as the rest of the wells in Cecil County get approximately fifteen, (15) gallons per minute. Ms. Davis would like to recommend this amendment not be approved.

Ms. Kristen Magas, 6 Ballantrae Court, Elkton, MD stated she had a few questions she would like to have answered. When did the Board get this packet from Aston Development Group and can she get a copy? Is an amendment to the master water and sewer plan required for a community well? Are there any capacities already approved for new developments? The numbers she has heard quoted, she feels that this would add too much of a demand on the Meadowview Treatment Plant. Ms. Magas feels that septic is better for this site. Ms. Magas stated at the Planning Commission on June 21, 2004 she went over all the problems with Aston Pointe hooking up to this system, attached minutes from June 21, 2004 meeting, page 7 for reference.

Mr. Josh Brown, Chairman answered Ms. Magas questions in the order they asked. First, the packets we given to the Board at the start of the Planning Commission meeting and she can come to the Planning and Zoning office to retain a copy at normal business hours. Second, the community well does need an amendment. Mr. Matt Carter, Director of Public Works would be the one you need to ask about capacities for new developments.

Mr. Joe Volpa, 11 Black Snake Road, Elkton, MD stated he would like to mention some points on traffic and density regarding Aston Pointe's request for amendment of the master water and sewer plan. Exhibit three in file and attached for reference.

Ms. Sue Fuhrmann, 9 Lochcarron Road, Elkton, MD stated the schools are a critical component of Cecil County's infrastructure, and they are in great danger if Aston Pointe is allowed to be developed as currently planned. Exhibit four in file and attached for reference.

Mr. Russell Holland, 20 East Parkway, Elkton, MD was asked to read a statement (similar to the statement from the June Planning Commission meeting) from David and Kelly Bailey, Elkton, MD who could not attend the meeting tonight. Quoted from the minutes from June 21, 2004 meeting; "The impact on the fire companies and EMS will greatly increase. Mr. Bailey has ten, (10) years experience as an Emergency Room Physician at Union Hospital and Christiana and twenty, (20) and year's service with the Volunteer Fire Company and EMS. Twenty years ago when he started the Newark, Delaware Fire Company ran about 2,000 calls and now it is about 4,200 calls a year. The resources in Cecil County are already out stretched. Building large developments like Aston Pointe will only increase the number of calls that Cecil County EMS and Fire Company will get, in turn it will become just like Newark, Delaware. Jackson Hall School Road cannot be made much wider than it is at the present time. Increased traffic along Little Egypt Road would be bad for the

PLANNING COMMISSION MEETING 2004

residents that live in the developments along this road. The number of accidents is increasing yearly. Without planning the roads, schools, fire companies, EMS it all has to be part one package, the water and sewer piece is what you have to hold to the Developers and say “unless its all there, we cannot let you build”. The Hospitals cannot handle the growth. There are plans to build new Hospital because there is no money. Unless you have all the resources available to you, you cannot start building large numbers of homes.”

Mr. Ron Hamblin, 9 Lochcarron Drive, Elkton, MD stated he is speaking in opposition to the master water and sewer plan amendment for Aston Pointe from a health perspective, specifically the risk of Lyme disease. Exhibit five in file and attached for reference.

Exhibit five-“A” letter from Mr. George Whitmyre, 24 Lochcarron Drive, Elkton, MD, in file and attached for reference.

Mr. Wade Eshelman, 103 Cambridge Road, Elkton, MD has lived in Cecil County for twenty-eight (28) years. He is very concerned about the drilling of wells. The year before last was a record breaking year for rainfall in the history of Maryland, so possibly all the water in the aquifer is really less that Aston Point realizes. If the water and sewer rights are given to Aston Point, what would happen if the golf course closes, would there be more homes built on that land after the golf course would close. Mr. Eshelman would rather see wells and septic rather than this amendment be approved for Aston Pointe to hook up to Meadowview.

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD brought in a map of the Master Water and Sewer Plan as it stands now. Mr. Thorne pointed out that the Aston Point Development is no where near where the County plans to bring public water and sewer not now, five years from now, not ten years from now or not in the foreseeable future. The Board has heard from five PhD’s and one General in the Air Force this evening. There are 4,200 new homes in the process of being built in Cecil County; this does not include Aston Pointe. The Developer wants to amend the master water and sewer plan to get more homes on his property and you can more homes on smaller lots this way. This same request was denied six months ago with the only difference now being Mr. Stritzingers on site “magic wells”. MDE was unable to find any applications for any on-site well permits on file. Aston Pointe has not told anyone what their plans may be for the thirty, (30) acres of Business General, (BG) property along Rte. 273, which is already part of the concept plat.

Mr. Josh Brown, Chairman, stated the thirty acres of Business General, (BG) property is included.

Ms. Alice Arbuckle, 2 Bathon Court, Elkton, MD stated she is still waiting on a report from Mr. Drew Louch who did a study of the County wastewater treatment plant for Mr. Gillcrest. Only time will tell if there is enough water to supply this storage tank with sufficient water. If there are on-site wells, and they go dry would Cecil County be responsible to Aston Point? Ms. Arbuckle proposed this question twice to Mr. Dwight Thomey, Esquire and the Cecil County Commissioners and never received an answer. For reference see Section 265-21 of the Cecil County Ordinance (sewer code). MDE puts a guide on homeowners in Cecil

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County.

Mr. Victor Nusic, 1344 Fairhill Lane, Elkton, MD stated what would happen if the Cecil County Fair well goes dry, because of a community well being drilled. If you only allow the water that you are recycling into ecosystem that comes from sprinkler systems you will have a lot more runoff than if you have septic systems where the water is naturally being deposited into the ground three feet down there would be no evaporation with run off. If we have another drought this would shallow wells go dry? If the golf course goes belly-up the residents will be looking at more homes, which would cause higher density.

Mr. Richard Boyce, 11 Harvest Lane, Elkton, MD has been a resident of Cecil County for thirty, (30) years and has been the Treasurer of ARCA for the last six years. There is no statue of limitations that you have to agree to this amendment. The amendment is strictly to get the highest possible density to build three hundred, (300) homes, subsequently the Newark Country Club, Newark, Delaware wants to acquire the 112 acre property in Newark, Delaware for development. Exhibit six, "Meeting the Challenges of Golf Course Development" in file and attached for reference.

Mr. John Gill, 152 Kircaldy Drive, Elkton, MD would like to know what are the smallest lot size, largest lot size and average lot size of the houses that are being proposed? He highly requests that you do not amend the county water and sewer plan. Mr. Gill stated there has been a tremendous cross section of highly educated people that have spoken this evening.

Mr. Bill Stritzinger answered Mr. Boyce's questions on lot size, 12,000 being the smallest and the average lot size is 17,600 to 17,800 and the largest is 36,000.

Mr. Michael Walker, 644 Jackson Hall School Road, Elkton, MD stated let Mr. Stritzinger develop this land under the guidelines that have been set forth. Who is going to pay for all this if this does not work out? The population of Cecil County will pay for it, that's who. Please do not give Aston Pointe Development this amendment.

Ms. Jean Edwards, 160 Nesbitt Road, Colora, MD stated we have guidelines, so lets follow them. Please do the right thing; it is the Planning Commission responsibility.

Ms. Robanne Palmer, 25 East Parkway, Elkton, MD stated this will increase density and over crowding of schools, which are already at or above capacity. Because of lack of funding for the schools the County has fifty- three, (53) trailers which are all in use at the present time.

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Mr. Robert Fritz, 32 O'Leary Lane, Port Deposit, MD stated that there has been a lot of good testimony this evening and he is asking please do not amend the water and sewer plan for Aston Pointe.

RECOMMENDATIONS:

OPEN SPACE:

APPLICANT: Cecil County and the Town of Elkton.

FOR: Elk Landing Acquisition Phase 2.

Staff recommended approval.

ACTION: Motion made to approve by Mortimer, seconded by Murray.

VOTE: All in favor, motion carried.

AMENDMENT OF THE WATER AND SEWER PLAN:

APPLICANT: Dave Parrack, Esquire, Bill Stritzinger and Steven Lutche, Aston Pointe.

FOR: Master Water and Sewer Plan Proposed Amendment – Aston Pointe

Staff recommended approval.

ACTION: Motion made by Mortimer to approve with condition adding deed restrictions to prelude further subdivision of golf course to ensure replacement of aquifer. Motion died for lack of a second.

ACTION: Motion made to disapprove, lack of information on wells, Business General, (BG) portion of the

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property, golf course recharge issue and setting a presence for further development, by McDowell, seconded by Prickett.

VOTE: Two to approve, two to disapprove, split vote, motion denied.

REZONING:

APPLICANT: Joseph J. and Edwina E. Gilbert.

FOR: Request to rezone 21.219 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

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

ACTION: Motion made to disapprove with staff conditions by Mortimer, seconded by McDowell.

VOTE: Three to one to disapprove, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Michele E. Yedinak.

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

Staff recommended approval for two years or as long as applicant owns the property or operates the business.

ACTION: Motion made to approve with staff conditions and that it meet all Health Department requirements, by Murray, seconded by Mortimer.

VOTE: All in favor, motion carried.

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APPLICANT: Douglas and Donna Herrmann.

FOR: Renewal of a home occupation to operate a photography business.

Postponed until January 18, 2005 meeting.

The meeting was adjourned at 10:50 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, January 18, 2005, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning