

PLANNING COMMISSION MEETING 2005

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January 18, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Clark, McDowell, (Alternate), Sennstrom, and Dempsey.

ABSENT: Williams, Murray, Pricket and Houston.

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

AMENDMENT TO THE MASTER WATER AND SEWER PLAN- MSM Investments, LLC Map: 14, Parcel: 651. Proposed - Valley Road (Four-Lot) Subdivision.

Mr. Will Whiteman, Whiteman Land Surveying, Inc., along with Ms. Natalie Ricci representing MSM Investments, LLC. We would like the Planning Commission to give an approval to be passed on to the County Commissioners to include the proposed property and sub-division into the Cecil County Master Water and Sewer Service Plan. In February 2003 the Cecil County Planning Commission approved a Concept Plat on the above referenced property for a six-lot mini road subdivision. Mr. Whiteman's clients are seeking a four-lot subdivision on this property. This parcel sits adjacent to the Lands of the County Commissioners, Water Treatment Plant, located by the Highlands. This property is zoned Suburban Residential, (SR) and is within the growth corridor of Cecil County. His clients (MSM Investments, LLC) wrote a letter to the Department of Public Works before they purchased this property (October 2003) requesting to hook into the Highlands Water Treatment Plant, and Public Works stating there was adequate allocation for these four lots. The letter actually states the Department of Public Woks will grant water and sewer and Public Works would present the application to the County Commissioners with their approval. The client felt there was adequate allocation, so MSM Investments, LLC purchased the property. This all falls within the Smart Growth initiatives that have come out of Annapolis indicating that growth should take place in and around infrastructure.

Mr. Mortimer asked if the original six-lot proposal based on your belief that you had allocation for water.

Mr. Whiteman stated "no" that was before his clients purchased the property.

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Mr. Mortimer asked how you were proposing to get water and sewer on the six lots previously.

Ms. Ricci stated the lots were promised verbally to the previous owner. The previous owner showed Ms. Ricci the approved concept plan drawn up by McCrone and were told they had approval from the Department of Public Works for the water and sewer allocation.

Mr. Mortimer asked why you are shrinking it from six-lots to four-lots.

Ms. Ricci stated it makes it more appealing with fewer lots and less allocations.

Mr. Mortimer asked how big are the lots?

Mr. Whiteman stated there is an acreage table on the map.

Mr. Brown stated a little larger than ½ acre.

Mr. Whiteman and Ms. Ricci stated if you look at the previous concept plan you can see that they were smaller lots along with a road involved, so they were trying to limit impervious surfaces as well.

Mr. Mortimer asked if they would be pulling water from wells or delivered from the Highlands.

Mr. Whiteman stated “no” there is a water line in Valley Road.

Mr. McDowell asked what is the reason that you elected not to go with on-site septic and wells?

Mr. Whiteman stated that septic is all a matter of geology, you either have the septic area or you do not. In this particular section of the County if you go with an on-site septic that is 10,000 sq. ft., which is close to a ¼ of an acres of septic area and then you must keep a well 100 ft. away from it. This best utilizes that zoning to go with the water and sewer available. Individual wells and septic allows a 1 to 1 density. The client felt that

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if you have four lots instead of six and do away with the large cul-de-sac do away with two homes and do away with all the clearing, utilize the water and sewer.

Ms. Ricci stated this is a heavily wooded parcel and is their intention to keep as much of the woods as possible. Ms. Ricci stated that they would like this to be a nice development and not a lot of homes all crammed in together.

Mr. Brown stated since Mr. Matt Carter stated this meets D.P.W's approval everything should be o.k. is that correct?

Mr. Sennstrom stated Mr. Carter- D.P.W. can only give approval to the sewer allocation and it would be up to the Board County Commissioners to amend the Master Water and Sewer Plan to include the property within the future service area.

Mr. Brown stated after reading the letter for approval it seems clear to him that they would have water and sewer approved.

Mr. Sennstrom stated there is a difference between an approved allocation and amending the Master Water and Sewer Plan. These are different things one is saying there is availability for the proposed project.

Mr. McDowell asked if they are adjacent to a water and sewer plant, why aren't they in the water and sewer allocation district?

Mr. Sennstrom stated that when the new map was adopted as part of the 2004 Master Water and Sewer Plan the Highlands was mapped as an existing service area to reflect that it had sewer and water service privileges.

Mr. Whiteman stated, "Where else would you put your water and sewer district service area accept in a growth corridor adjacent to the existing treatment plant."

Mr. Mortimer stated this would cause a domino effect if this amendment would be approved.

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Mr. McDowell stated there are two levels of density in the Suburban Residential, (SR) zone, one with public utilities and one without.

Mr. Whiteman stated (SR) stands for Suburban Residential and it is the highest density that you can have outside of Mobile Homes, it allows for that type of growth. This area is looked at as being a growth corridor.

Mr. Brown stated he understands that the Suburban Residential, (SR) zones acts as an effective buffer between the Northern Agricultural Residential, (NAR) and a more dense development district around the towns. Does this project do this?

Mr. Whiteman stated keep in mind that if from the very beginning neither himself nor his client was told that this water was not available, that this was not in the growth corridor then this project may have been looked at quite different. Upon receiving the letter from the Department of Public Works they went ahead and invested in this property.

Mr. Brown asked if these lot sizes would be characteristic of the surrounding lots,

Ms. Ricci stated they are very similar to the Highlands as a matter of fact they are a little bit bigger than the lots in the Highlands. This property literally butts to the Highlands. It almost looks as if it is an extension of the Highlands. Ms. Ricci does not understand when the mapping was done why was the County not planning for additional water and sewer when there are fire-hydrants all up and down Valley Road and Barksdale Road and they were put in for a reason, they are not usable at the moment because they are not attached to the water system, but the hydrants have been there for several years, so someone must have been planning to use them and they go all the way to the Delaware line.

Health Department Report – Water and sewer allocation must be granted by Cecil County Department of Public Works; final subdivision approval is also contingent on submittal of a satisfactory plat.

COMMENTS IN SUPPORT- None.

COMMENTS IN OPPOSITION- Mr. Ron Hamlen, 9 Lochcarron Drive, Elkton, MD speaking in opposition of the Master Water and Sewer Plan. Mr. Hamlen is stating six reasons against this project:

1. Properties outside the Rt. 40 I-95 urban growth boundary area as established by the County Commissioners.
2. This will not border any town and does not plan for residential density based on public water and sewer.

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3. Will limit water availability for the proposed planned business development.
4. Doubling residential density.
5. Degrading the water quality of the Christina Creek. The Christina Creek is a major source of the water from Meadowview through purchase of water from United Water of Delaware.
6. MSM Investments, Inc. purchased property without any known approval for the Master Water and Sewer Plan. This was pointed out to the owners of this property by the letter dated October 29, 2003 from Mr. Matt Carter, Director of Public Works.

Ms. Sue Fuhrman, 9 Lochcarron Drive, Elkton, MD has been a resident in the Highlands for twenty-five years. The developers notion of a spay irrigation system has failed and the County had to pick up the tab as well as the taxpayers for this failing system already in place. This whole thing is a big mistake; please do not approve this plan.

Mr. Ken Wiggins, 504 Blacksnake Road, Elkton, MD, retired Military Officer stated if this plan if adopted it will set precedence for other developers. If the County Commissioners do not look at these amendments as a basis for future development, the developers will dictate the County. Maybe we should call the County Commissioners the Zoning Administration Commission and give the task of Planning to someone else. Planning requires the idea of managing future consequences in a way that gets us to the objective. Mr. Wiggins' opinion is a County should maintain the character of the community while accommodating growth in a smart way. Please be objective of the County Comprehensive Plan. The Board should listen to the citizens speaking; they are trying to help the Planning Commission in their decisions. There are 4,200 new homes on the books in Cecil County. After listening to hours of expert testimony last month at the Planning Commission meeting the Department of Planning and Zoning gave a recommendation of approval; did they listen to anything that the expert witnesses were saying? The County Commissioners hold the responsibility for the future of Cecil County in their hands; please do not amend the Master Water and Sewer Plan. Also, ARCA feels it would be more constructive if the Office of Planning and Zoning gave their recommendation at the beginning of the hearing rather than at the end.

Mr. John Williams, 2 Woodbine Circle, Elkton, MD is speaking in opposition to the proposal to amend the County's Master Water and Sewer Plan to include the housing development being proposed on Valley Road by MSM Investments in the Service Areas designated for public water and sewer. Letter marked exhibit one attached and in file for reference.

Mr. Joe Volpa, 11 Blacksnake Road, Elkton, MD spoke to the Board on traffic conditions at the intersection of Valley Road and Barksdale Road. Mr. Mark Markwardt, Board of Education, has some concerns that were discussed at the meeting for the Concept Plat Review for this Valley Road subdivision. He feels this intersection is very hazardous for school buses. This amendment has a direct impact on the traffic that will be using these intersections. Valley Road winds through Christine Manor in Delaware and crosses the state line into Cecil County and intersects with Barksdale Road. The traffic load from Delaware is now 507 vehicles a day and at the state line it picks up the Highlands traffic more than doubling traffic to 1,158 vehicles per day. Barksdale Road has 2,010 vehicles per day, so now this intersection carries over 3,100 vehicles per day. These figures came from traffic studies done by Cecil County Department of Public Works in 2003. Map marked exhibit two in file and attached for reference. These roads are very dangerous because they have no

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shoulders and the site is very limited at the intersection.

Ms. Laura Gleason, 60 Glen Brook Drive, Elkton, MD stated if this amendment is approved this will cause problems with density and the residents of the County will have to take legal action. The public schools are a critical part of the infrastructure and are on the verge of massive overcrowding. There is a capacity of 478 additional students in the entire county. There are 4,200 new homes in the county and based on an average of 1.12 children per family it will make the public schools increase to 4,700 students. Ms. Gleason feels that the County needs responsible planning. Twenty of the twenty-eight schools are in need of repair and additions to exist. There are no new schools planned in Cecil County for more than a decade. Cecil County is 26% below the state average for schools. Lack of money forces us to use portable trailers at overcrowded schools. All 53 of the County's trailers are in use and more are needed. The tax payers get the bills for the trailers because Cecil County does not have the money to pay for them. The schools are suffering because of lack of state funding. Adding high density housing to our low funds is a recipe for disaster. The children of Cecil County have the right to a good education, so please do not approve this amendment.

Mr. Alan Fox, 67 South Edgewood Lane, Elkton, MD stated he sees no current benefit to the community if this Master Water and Sewer Plan is approved. The rules seem to change as more development comes along. The Comprehensive Plan indicates the residential growth to be encouraged near the Rt. 40 I-95 corridor and this area that is in question is far away from that corridor. If this is approved in spite of the lack of demonstrated benefit to the community and to the list of objections, what would take for the County Commissioners to deny any petition? If this passes there will be more developers in line to have their property approved, it will be a domino effect. Now is the time to draw the line.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD read a letter and presented map to be entered into the minutes from John R. and Susan J. Marcheski, 25 Lochcarron Drive, Elkton, MD, attached and in file for reference.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD read a statement marked exhibit five, in file and attached for reference.

Mr. Brown had a question on part of the statement that Mr. Cairns read on "one per perkable acre."

Mr. Mortimer stated that is not what the ordinance says, it is one per acre. The guidelines do not read per perkable acre; those words are not in there. Let's make sure we get all the correct facts on the table.

Mr. Cairns stated that that was in quoted in Mr. and Mrs. Marcheski's letter.

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Ms. Sandy Schuler, 1736 Appleton Road, Elkton, MD stated this is the first time she has spoken because she feels this is so important. If we let this amendment be approved we as a community are done; look at New Castle County, and Middletown DE all the building that is going on. The Bridge on Barksdale Road has been down to a single lane for over a year and now you want to put more traffic on the road. If there is this kind of money for all this development why can't we get a bridge fixed? Ms. Schuler is not opposed to development but she feels that wells and septic should be used instead.

Ms. Lindsie Carter, 131 Blacksnake Road, Elkton, MD stated there are many developments trying to amend the Master Water and Sewer Plan. If this amendment is granted to MSM Investments then any adjacent properties and developers would expect to be granted amendments as well. This opens the doors for all developers to come into Cecil County and put high density developments where ever they wanted. The County needs to attend to the water facilities that are already in place along with roads and bridges that need to be repaired. Ms. Carter does not understand why the developers can't build homes with septic and wells to lower density in our community.

Ms. Andrea Haley, 16 Hillwood Road, Elkton, MD stated she has read the Comprehensive Plan cover to cover and has some questions on certain items. Ms. Haley stated the page numbers and they are as follows highlighted in orange:

Page 2- Infrastructure (key word)

Page 3- Item 1 - Physical Environment (ignored)

Page 3- Item 10 - (encroachment)

Page 3- Item 5 – Economic Development (tax revenue of the County)

Page 5- (land use)

Page 35- (transportation) (goals and objectives) (other goals)

Page 55- Referred to page 55- Public services

Page 56- Goals and objectives- (rural county areas)

Page 56- (developers)

Page 57- Adequate public facilities ordinance

Mr. Ron Hartman, 164 Little Egypt Road, Elkton, MD read into the minutes a statement from the Master Water and Sewer Plan; "The Department of Public Works may issue commitment to a specific project for water and or sewer service, however; the commitment will remain valid only if the original conditions of the commitment remain unchanged. The applicant cannot propose changing the project without risking the

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commitment. The commitment is to be granted in a public meeting and is to be executed between the County Commissioners and the developer/owner.”

Mr. Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD wishes the Board deny this amendment for many of the reasons that have been stated this evening, particularly on the economic development stand point and also the lines that are drawn on the maps for the planning process and the people that need to hold these lines, (Planning Commission Members). Mr. Rossetti was at the meeting to show his support for the northeast end of the County.

Mr. Chris Canning, 911 West Church Road, Elkton, MD stated he has been a Landscape Architect with ten years experience and is interested in ecological planning and storm water management. Mr. Canning’s primary concern is the increased density present. This precedent will allow other developments with higher density to move to Cecil County. Density will increase traffic on the County’s rural roadways. He feels that piecemeal developments will have an affect on regional issues for many years to come. Mr. Canning made a suggestion to put a six-month moratorium on building in Cecil County.

Ms. Jane Schaefer, 4 Dare Drive-Glenn Farms, Elkton, MD stated there a lot of citizens very concerned about this amendment and she encourages the Board not to approve this amendment. This will change the whole picture of our committee if this amendment is approved.

Mr. Tom McWilliams, 245 Plum Point Road, Elkton, MD is concerned about economic development in Cecil County.

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated when this land was purchased this land was outside the borders of the existing Master Water and Sewer Plan. Homes could be built on this property today under the current regulations, but they have chosen not to do that. Mr. Thorne feels this is not the correct route to take.

Mr. Clark asked Mr. Sennstrom as it exists right now with on site septic and wells, how many homes can they build?

Mr. Sennstrom stated maximum density that you can get in the Suburban Residential, (SR) zone with on site sewage disposal and wells is one unit per acre. There is approximately three acres so they could get three lots if it perked for three individual septic systems.

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Mr. Mortimer stated he added the acreage up and it is 2.704 and then add the road dedication and that would come to about three acres.

Ms. Ricci stated that the assumption all along was based upon the letter that they were going to be included in the new plan that was approved after the letter was issued.

Mr. Whiteman also pointed out that the Storm Water Management already has been approved for this site with their plan and that site distance is already been approved. Mr. Matt Carter, Director of Public Works seems to think that there is adequate water and sewer space available.

REZONING:

FILE: 2005-01-APPLICANT: Domenic Inglisa.

PROPERTY LOCATION: 1 Deer Run Parkway, Elkton, MD 21921.

ELECTION DISTRICT: 3, **TAX MAP:** 26, **PARCEL:** 535.

PRESENTLY ZONED: Suburban Residential, (SR) and Manufactured Home, (MH).

REQUEST: Request to rezone 12.4 acres from Manufactured Home, (MH) to Suburban

Residential, (SR) and 19.5 acres from Suburban Residential, (SR) to Manufactured Home,
(MH).

PROPERTY OWNER: Domenic R. and Lois M. Inglisa.

Mr. Domenic Inglisa, 1 Deer Run Parkway, Elkton, MD is the owner and developer of Forest Green Court, (manufactured homes) and has 34 years of experience. Of the 47 acres zoned Manufactured Housing there exists 12.4 acres on the south side of West Branch Laurel Run. See letter and maps marked exhibits 1-A and B and exhibit two in file and attached for reference. Forest Green Court offers affordable living in a country setting. Mr. Inglisa prefers to put concrete footers around the perimeter; however the way each mobile home has its own construction to where to put the piers, so in addition to putting the concrete all the way around the home you still have to come and look at the "snow load" of the roof. Mr. Inglisa is trying not to disturb any of the environments by having this rezoned, so he feels that there was a mistake made in the 1993 Comprehensive Rezoning. He does not want to destroy the tree lines and change the flow in the stream. At the present time this land is surrounded woods, railroad and farm land.

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Mrs. Lois Inglisa stated there are only three boundaries on this piece of property because of the shape of the lot.

Health Department Report – Water and Sewer approval required for future expansion of Mobile Home Park or for subdivision of Suburban Residential, (SR) lands.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

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).

Mr. Douglas and Mrs. Donna Herrmann, 87 Piccadilly Court, Colora, MD want to renew there in home occupation to operate a photography business. The business has been going very well for the last two years with no complaints from the neighbors.

Mr. Mortimer asked how many deliveries is there a week.

There is one delivery per week from U.P.S. and the Herrmann's operate on a part time basis.

Health Department Report – Sanitary Permit D5041 issued in 1993 for dwelling; satisfactory.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3103 - APPLICANT: William 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.

PROPERTY OWNER: William Cooper.

PRESENTLY ZONED: Business Local, (BL).

Mr. Robert Jones, Esquire representing Mr. William Cooper, 199 Old Chestnut Road, Elkton, MD stated that in Section 315- Pre-existing Special Use it states: a legal use existing at the time of adoption of this Ordinance, even though such use requires a special exception under this Ordinance, shall after adoption of this Ordinance be considered a conforming use. However, if such use ceases to exist for a period of ninety (90) consecutive days, any future use shall conform to the provisions of this Ordinance. It is important to go through the history of this property. In 1980 William Cooper opened a convenience store called "Coopers Market", operated the business, but the property was owned by a corporation of investors. In 1988 Mr. Cooper sold the business to Mr. Tim Wilson, and Mr. Cooper purchased the property from the investors. Mr. Wilson applied for a Special Exception for a liquor license to sell wine and beer and the license was obtained and operated at that location basically until this past summer June 1, 2004. In 1997 Mr. Cooper had to foreclose on Mr. Wilson due to faulting of the loan and the business was then bought by Mr. Dave Holdaway. The liquor license then was transferred to Mr. Holdaway as the tenant and Mr. Cooper was still the owner. Mr. Cooper took over the property June 1, 2004 and Mr. Holdaway was not operating the business there anymore. Mr. Cooper presented some pictures to the Board of the property before and after Mr. Holdaway was the tenant. Mr. Cooper stated the property was in terrible shape, it was run down, over grown with weeds, interior of the building was very dirty and the whole thing was in terrible disrepair. At this point Mr. Holdaway decided to move the liquor license (per special exception) to the adjoining property where he was building a new convenience store, this property is owned by his father-in-law, (Molly's Market). Mr. Cooper had closed his store for 3 ½ months while renovations were being done. In July Mr. Cooper went to the Liquor Board in July 2004 to apply for a new license and was told he would have to have a special exception approved first, but Mr. Cooper did in-fact have a special exception that was approved and it had no special conditions listed on it would then continue on the property even though the liquor license had moved, but for a period of ninety days he was not in business as he was renovating the store, (Cooper's Market). The renovations cost approximately \$200,000.00. Mr. Cooper has the support of the community and has a petition attached to his application of people in support and would like to have a liquor license to sell beer and wine at Cooper's Market. There are four (4) liquor licenses available in district 5.

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Health Department Report – Food Service License has been issued for Cooper’s Market; satisfactory, with approval of structural and / or equipment changes.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Dave Holdaway, 1034 Old Field Point Road, Elkton, MD stated he is the owner of Molly’s Market located at 191 Old Chestnut Road, Elkton, MD. He stated that he did not take over Mr. Tim Wilson’s Liquor License he applied for a special exception and had his own license issued. Mr. Holdaway operated the other market for seven years with no problems. It was under his understanding that Mr. Cooper had to go through the special exception process when the other liquor license was moved to the new location. During the time he rented the location from Mr. Cooper he was not the owner so any improvements or renovations that needed to be done should have been done by Mr. Cooper since he was the owner of the property. The petition consisted of 113 names that Mr. Cooper had signatures and addresses on, 26 of them lived out of state (New York, New Jersey, Florida, Arkansas, and Rising Sun and Colora, MD residents) and 39 could not be read. If this special exception is passed there will be four (4) Liquor Stores within a 4 mile radius.

Mr. Eric Sennstrom, Director of Planning and Zoning read into the minutes a letter from Robert M. and Joyce C. Logan marked exhibit one, in file and attached for reference.

Ms. Lee Hubbard, 99 Gina Lane, Elkton, MD has lived in the area for two years and has shopped at Molly’s Market since she has moved here. Ms. Hubbard feels the area does not need two stores to sell beer and wine.

RECOMMENDATIONS:

AMENDMENT TO THE MASTER WATER AND SEWER PLAN

APPLICANT: MSM Investments, LLC.

FOR: Proposed – Valley Road (Four-Lot) Subdivision.

Staff recommended approval.

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

VOTE: Two to one to disapprove, motion carried.

REZONING:

APPLICANT: Domenic Inglisa.

FOR: Request to rezone 12.4 acres from Manufactured Home, (MH) to Suburban Residential, (SR) and 19.5 acres from Suburban Residential, (SR) to Manufactured Home, (MH).

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

ACTION: Motion made to approve by Clark, seconded by McDowell.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Douglas and Donna Herrmann.

FOR: Renewal of a home occupation to operate a photography business.

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

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

VOTE: All in favor, motion carried.

APPLICANT: William Cooper.

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FOR: Special Exception for alcoholic beverage/liquor store.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION:

Rules and Procedures of the Planning Commission Meetings.

Add: Page 1 - II. Officers

Vice Chairman:

In addition, the Vice Chairman shall read the comments from the Health Department into the record **when a member of the department is not present.**

Add: Page 3 - VI. Meetings

A. – Time and Place

2.

In anticipation of inclement weather, lack of quorum or other unforeseen events **or Government Holidays** the posted agenda shall contain an alternate day for both the Monday daytime meeting and the Monday evening meeting, which shall be held on the Wednesday immediately following the said Monday meetings. Either the Monday meeting or the Monday evening meeting or both can be rescheduled.

Amendment to Section 157 – Privately Owned Golf Courses as part of some Residential Development (5.03.000). The Planning Commission discussed various wording changes made for the Golf Courses and Mr. Eric Sennstrom, Director of Planning and Zoning will be making the recommended changes by the Board.

The meeting was adjourned at 10:25 p.m.

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NEXT PLANNING COMMISSION MEETING: Tuesday, February 22, 2005, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

February 22, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Clark, McDowell, (Alternate), Sennstrom, Houston, Kilby (ex-officio) and Dempsey.

ABSENT: Williams, Murray and Pricket.

MINUTES- Motion made by Mortimer, seconded by McDowell and unanimously carried to approve the Tuesday, January 18, 2005, 7:00 p.m., minutes as mailed.

NOMINATION FOR HISTORIC DESIGNATION:

HDC -05-01

NAME OF PROPERTY: The Onion Bed.

LOCATION: 3288 Blue Ball Road, North East, MD 21901.

OWNER: David & Linda Holsten.

TAX MAP: 12: PARCEL: 407: ELECTION DISTRICT: 4.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Eric Sennstrom, Director of Planning and Zoning presented “The Onion Bed” application for Historic Designation for David and Linda Holsten. This property has historical significance of a relatively complete 18th century Quaker style plantation home. It consists of a dwelling, a spring house, an outbuilding, kitchen/cooper’s shop, and a granary, all dating to the 18th or early 19th century. A small barn/garage also remains and dates to the late 19th or early 20th century. The original was erected in 1726 and was expanded and updated in 1786. The house consists of two brick sections and a frame section. The property was originally part of Nottingham Lot No. 35 decedents of two family members Andrew Job and Henry Reynolds who accompanied William Penn in the lots. Construction of the dwelling was approximately begun around 1722 and in 1732 a petition was submitted to sell beer and cider on the property. In 1783 a tax assessment of the property indicates there were one dwelling, one barn and one outhouse existing on the property.

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Mr. David Holsten presented some photographs of the home and out building to the Board, marked exhibit one, attached and file for reference.

Mr. Sennstrom stated this application was before the Historic Commission on February 1, 2005 and they recommended approval of the application for historic designation. This application will be presented to the Board of County Commissioners on March 15, 2005.

Mr. William Mortimer asked if Mr. Sennstom could describe what it means to be designated to the historic district with restrictions.

Mr. Sennstrom stated the once the property receives Historic District designation from the Board of County Commissioners at that point the property is protected from destruction and any external renovations that would require a building permit. This would require the Historic Commission to grant a certificate of appropriateness and the property would then qualify for a property tax credit equal to the amount of 10% of any renovation costs.

Mr. Clay McDowell stated that the property currently has a designation as being on the Cecil County inventory of Historic Properties, what is the significance of that?

Mr. David Holsten stated this was done some time ago and he does not know what was involved. Mr. Holsten's wife's grandparents actually were involved in that part of the process. This was performed in the 1970's or 1980's when an inventory was done of historic properties in Cecil County.

Ms. Phyllis Kilby, (ex-officio) asked where the name of "The Onion Bed" came from.

Mr. Holsten stated after the Mason/Dixon Line was laid out the Nottingham Lots were actually determined to be in Maryland rather than Chester County, Pennsylvania. At this point Mr. Holsten's wife's 6th great-grandfather applied for the original Maryland Land patent and he called it "The Onion Bed" in 1787.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: Ms. Ann Lane, 154 Russell Road, Elkton, MD would like to see the land surrounding this home be preserved so it could not be developed.

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Mr. Brown asked Ms. Lane when you are talking about the property are you speaking of the owner's property or adjacent properties?

Ms. Lane answered "both".

Mr. Brown stated once the Historic Designation is received any additional building renovations have to go through the approval of the Historic Commission.

COMMENTS IN OPPOSITION: None.

Mr. McDowell was under the impression the balance of the farm had been subdivided already.

Mr. Sennstrom stated a minor subdivision has been done and this property has been separated from the previous configuration. The balance of 4+ acres is subject to a major subdivision that the Planning Commission has already seen in the fall of 2004 proposed by Mr. David Willis.

HDC-05-02

NAME OF PROPERTY: Cherry Hill United Methodist Church.

LOCATION: 33 Elk Mills Road, Elkton, MD 21921.

OWNER: Cherry Hill United Methodist Church Trustees.

TAX MAP: 20: PARCEL: 213: ELECTION DISTRICT: 4.

PRESENTLY ZONED: Village Residential, (VR).

Mr. Eric Sennstrom, Director of Planning and Zoning presented The Cherry Hill United Methodist Church application for Historic Designation for Ms. Nancy Simperts, Trustee. The Cherry Hill United Methodist Church began meeting in 1800 in a small lot house near Singerly Station, in 1813 the church moved to Cherry Hill and in 1833 a 20 x 24 Church was erected across the street from the present church. The present church was erected between 1857 and 1859. The parsonage and stable were built in 1872 and the land for the cemetery was purchased between 1877 and 1879, and in 1888 the church added an organ. The stained glass window was added in 1890. The Cherry Hill School was added to the rear of the church in 1960. The application for nomination includes the church, parsonage, church house and cemetery and is presently included in the Maryland inventory of historic places.

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Ms. Nancy Simpser explained the church house was formerly the two room school house.

The Historic District Commission reviewed this on the February 1, 2005 agenda and has recommended approval for this application.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Clay McDowell asked does this designation have any significant impact on the cemetery and the house and the use of the cemetery and the monuments that would be placed there.

Ms. Simpser stated the cemetery has restrictions to the type of stones that can and cannot be there.

Mr. William Mortimer asked if the cemetery is included in the application.

Ms. Simpser stated “yes”, it is part of the request.

AMENDMENT TO 2004 MASTER WATER AND SEWER PLAN:

Town of Elkton – Text changes to reflect additional sewer capacity, Average Daily Flow, BNR and ENR enhancements.

Ms. Jean Minner, Director of Planning for the Town of Elkton, is requesting an amendment to the 2004 Cecil County Master Water and Sewer Plan. Ms. Minner and Mr. Thomas G. Speche, P.E, from K.C.I. Technologies has been representing the Town for eight (8) years. This amendment is a request to increase the capacity of the Plant as reflected in the water and sewer plan from 2.7 million gallons per day to 3.2 million

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gallons per day. The Town has continued to grow and the water and sewage utilization has continued to grow along with the growth and population. The Town currently provides sewer service to residents of both the Town and several unincorporated residential communities via a collection and conveyance system comprised of gravity lines, force mains and twelve (12) pumping stations. At the end of last year the Town entered into a consent order with the Department of the Environment which required the Town to upgrade the Wastewater Treatment Plant to provide biological nutrient removal and enhance nutrient removal to meet the Chesapeake Bay nutrient reduction goals. This new Plant will cost approximately 25 million dollars. The consent order required that the Town enter into a schedule of compliance to design and build this Plant over the next year. The Town completed an upgrade to the Route 40 sanitary interceptor in January, 2005, and has developed design plans for the upgrade of a portion of the Blue Ball sanitary sewer interceptor from Landing Lane/West Main Street to the Elkton Wastewater Treatment Plant. This project should go out to bid in 2005 and the Town of Elkton is hoping to have this new Plant on line in late 2008. McCrone Engineering did a study of the projection along with K.C.I. Technologies of the next twenty (20) years. Letter from Mr. Lewis George, Town administrator and flow charts marked Exhibit one and two in file and attached for reference.

Mr. William Mortimer asked if Mr. Speche could describe the difference on page 4 (flow charts/building permits) of the McCrone projection and K.C.I. Technologies projection.

Mr. Speche stated the more accurate projections are the two lower lines which would indicate a .11 million gallon per day per year per annual growth of flow, see charts in file and attached. This shows an average of about five (5) to six (6) years. The consent order requires the Town to constrain building permits such that no more than 60,000 gallons per day per year would be added to the flow.

Mr. McDowell asked what "I and I" stand for.

Mr. Speche stated it stands for infiltration and inflow, which is the wet weather flow component that gets into the sanitary sewers. The Town wants this new Plant constructed in two phases, phase one being finished in ten (10) years and phase two being finished in twenty (20) years. This plan will be cost efficient and the day you start the plant up you do not want to be at full capacity.

Mr. Eric Sennstrom explained to the Board exactly what the Town of Elkton is asking for. The Town of Elkton is requesting consideration by the Board to amend its plan to enable additional capacity for Elkton's continuing growth and development and to provide consistency with the proposed wastewater treatment plant design capacity of 3.2 MGD.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: Ms. Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD stated she is not in opposition, but would like to make some comments. If you wish to increase capacity does this mean you need to find a source to increase the capacity. Does this mean you are going to hook it with the Little Elk Creek to get this water to increase this capacity?

Mr. Spreche stated there is an existing withdrawal from the Big Elk Creek in the surface water treatment plant that pulls from the Big Elk Creek in addition to several wells that are operated by the Town of Elkton.

Ms. Arbuckle asked where the water is going to come from.

Mr. Speche stated there is some existing excess capacity remaining in the current water supply system of the Town. There is a need for increasing the water supply capacity for the Town.

Mr. Mortimer asked how the current water supply capacity is related to the discharge.

Ms. Minner stated according to the latest figures it is 2.15 M.G.D from a combination of two wells and the surface water treatment plant. Two wells are within the cooperate limits.

Mr. Jen Jensen, 664 Elk Mills Road, Elk Mills, MD stated every time they increase capacity either in Cherry Hill or Meadowview it never goes where it is supposed to go. What is going to stop this from happening when this Plant is increased? What is going to stop over building in Elkton just like other parts of Cecil County?

Mr. Brown stated this is not the County's Plant it is the Town's Plant. The Plant's usage will be bounded by the Town limits, so this will be a fairly significant restriction.

Mr. Joe Gilbert, 2399 Biggs Highway, North East, MD stated when you increase the sewage will the smell increase. He is mainly concerned with the smell.

Ms. Minner stated that the Mayor is adamant that the new Plant will reduce the current odor problems that they are presently having. The new system will not entail composting which tends to give quite an odor. This

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is going to be a new Plant with a new system and it will reduce the amount of odor significantly, this is a whole different technology. The old Plant will be shut down when the new Plant is on line.

Mr. John McDaniel, 2068 Singerly Road, Elkton, MD stated the Plant in Cherry Hill has been upgraded and now there is an odor problem when if fact we did not have one before the upgrade. At the present time the County Commissioners have awarded a \$33,000.00 contract for this Plant to correct these issues in Cherry Hill. Is going to be the same scenario?

TEXT AMENDMENTS:

Amendment to Cecil County Zoning Ordinance – Transfer of Development Rights Ordinance.

Mr. Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment, Article XI, Section 246, Transfer of Development Rights. The State mandates that the Comprehensive Plan needs to be reviewed every six (6) years to make sure it is timely and viable. As part of this review the County Commissioner have appointed a Citizen Review Committee and out of that Committee came recommendations and proposed text changes for the following three items on the agenda this evening. This ordinance was originally set up as an insentient program that would identify certain areas as sending and receiving areas. The idea behind the transfer of development rights ordinance was to permit individuals who are presently engaged in an agricultural operation to realize some equity from their land, short of selling to a developer. See office **copy one** in file and attached for reference.

Mr. Josh Brown asked about bonus density.

Mr. Sennstrom explained the presentment regulations leave bonus density in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) as a discretionary matter to the Planning Commission, you can elect to grant or elect to reject it depending on what you would see is the most appropriate density and layout for the proposal being submitted. If somebody chooses to submit a design at the concept plat stage using bonus density then they must provide 60% open space, which 15% has to be common and the balance of 45% can be one large lot. The proposal before the Board includes the recent changes to include not only the Development Residential, (DR) and Suburban Residential, (SR) as receiving areas but also the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) as receiving areas as well only if bonus density is being proposed.

Mr. McDowell has some confusion about Section 22- Northern Agricultural Residential, (NAR) speaking of serving as a receiving area if you are greater than 30 acres or less than 30 acres and Section 23 speaks of 50 acres greater than or less than, but elsewhere in the proposed change to the ordinance the minimum size for

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receiving is 50 acres.

Mr. Sennstrom stated that would be removed as part of the amendment process.

Ms. Phyllis Kilby, (ex-officio) stated as the situation stands now that bonus density is granted by the Planning Commission. The intent of this proposal was if you have a farmer that is going to develop their property, in order for bonus density to be accomplished on their property they are going have to buy TDR's to accomplish that from another farmer who is determined to keep their farm. This means you are not encouraging development in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR), you are taking a situation which is occurring requiring the developer to pay for the bonus density.

Mr. Brown stated "this will create sprawl" and not have clustering.

Ms. Kilby stated she disagrees, she feels this will encourage clustering.

Mr. McDowell has some questions on the wording in Section 25 D and E.

Mr. Mark Clark explained to the audience the process the Board was going through discussing the Text Amendments as the audience looked very confused. The Board does not discuss any of these items ahead of time, so this is the first time all this has been brought to their attention, so please be patient while the discussion is taking place.

Mr. Mortimer stated this is the first time the Board is allowed to talk about these items collectively.

Amendment to Cecil County Zoning Ordinance – Shared Facilities Ordinance.

Mr. Eric Sennstrom, Director of Planning and Zoning explained the Shared Facilities Ordinance allowing the County to permit a group septic system and group water and treatment distribution system for fifteen (15) lots or more. The ordinance is proposing new language to be added to the zoning ordinance and deleting some language, see **office copy two** in file and attached for reference.

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Discussion took place by the entire Board members on the wording of this entire ordinance. Mr. McDowell is concerned with the word “**shall**” how it is being used.

Mr. Clark asked why “shared facilities” is even being discussed - he would expect this should be discussed with the Department of Public Works and the Health Department not fall under Zoning in his opinion.

Amendment to Code of Cecil County – Purchase of Development Rights Program.

Mr. Eric Sennstrom, Director of Planning and Zoning explained the purpose of this section is for the County to establish a fund to purchase of development rights. In the past the Maryland Agricultural Land Preservation Foundation, (MALPF) program took precedence. It is the intent of this section to provide another method to landowners wishing to retain their properties in agricultural use, see **office copy three** in file and attached for reference.

Mr. McDowell stated he is concerned about the clarification of 30% and the 15 % difference in the open space.

Health Department Report – Shared facilities ordinance – Proposal is satisfactory to the Health Department.

COMMENTS IN SUPPORT – Ms. Ginger Reece, 309 Little New York Road, Rising Sun, MD stated she is in favor.

Mr. Dan Derr, 724 Conowingo Road, Conowingo, MD stated he was on the Transfer of Development Rights (TDR) Committee and he is pleased about this process is taking place. Mr. Derr promotes the Cecil County Comprehensive Plan and feels a good TDR and PDR is necessary. A TDR is more economical for a local government than a paid program such as the Maryland Agricultural Land Preservation Foundation, (MALPF) program. He feels the County needs a better refinement of sending area in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) areas.

COMMENTS IN OPPOSITION: Mr. Robert Hodge, 11 Elk River Lane, North East, MD stated he would like the Planning Commission not to recommend proposed transfer of development rights to the ordinance. He strongly feels a well drafted Transfer Development Rights (TDR) ordinance can be a win, win situation for the property owners and developers in Cecil County. The proposed TDR ordinance needs more work and it will not have enough developers or property owners to participate and the County will loose an opportunity to have farm land and open space. Some of the items that need more attention, discussion and or clarity are the

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minimum size of land parcels, calculation of the number of PDR's, separation of the selling size of the transfer from the receiving side of the transfer, density in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) zones and other details to clarify of the TDR plan.

Mr. Tim Smith, 74 Willow Oak Court, St. Johns Vista, Elkton, MD read a letter he prepared to the Board, exhibit one, in file and attached for reference.

Ms. Paula Gilley, 136 Liddell Road, Colora, MD stated she served on the Comprehensive Plan Review Committee. Ms. Gilley submitted and read items for consideration in the TDR regulations, exhibit two, in file and attached for reference. She respectfully requests that the Planning Commission table this until further review to get back to the original language of the TDR program.

Mr. Bud Felty, McCrone Engineering, Inc., 118 North Street, Elkton, MD submitted comments and questions on the TDR proposed zoning ordinance, exhibit three, in file and attached for reference. Mr. Felty stated Mr. Harlan C. Williams has promoted shared facilities for over twenty (20) years it has been a part of the ordinance that long. The problem has always been, "who can maintain it and who is responsible for it". The County Health Department does not want it, Public Works Department does not want to take care of it, and the only way that shared facilities have been permitted in Cecil County is under condominium regime because the Health Department felt like the condominium association was a strong enough organization that if the septic system failed they could go back on the condo association and assess them and make them do the repairs. The home owners associations are not functioning nor have any money for the subdivisions. Mr. Felty's main question is **"who is going to be responsible"**?

Mr. Harlan C. Williams, 166 Little Egypt Road, Elkton, MD stated the big national companies/big interstate developers could well buy up all the TDR's that were ever available. This would then be big towns in a rural area. Mr. Williams feels that Cecil County could have the best of both worlds by the message he is presenting this evening, exhibit four, in file and attached for reference.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated he agrees with some of the items that Harlan Williams has discussed. Mr. Cairns feels these amendments need more refinement; in fact these proposals will do a lot more harm than good. In general he feels the comments of the amendments are vaguely worded and much too permissible. This allows development contrary to their purpose. This opens the door to more density and sprawl. Exhibit five, in file and attached for reference.

Ms. Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD stated she opposes the sewage system because of the word "community". Her homeowners association is recorded on her deed and they have had only one meeting in twelve years, this does not work. Nothing has been done, never checked on. When you are speaking about sewage, this is not going to work.

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Mr. Richard Boyce, 11 Harvest Lane, Elkton, MD stated these amendments clearly should not be approved this evening. The ordinance for shared facilities calls out individual lots up to four (4) units per acre with sewage facilities on these lots. This is entirely impossible when you have to allow 10,000 square feet requirement for each individual drain field. This ordinance is very un-clear.

Mr. Thomas McWilliams, 2454 Plum Point Road, Elkton, MD agrees with everyone else who has spoke in opposition this evening. Mr. McWilliams feels more work needs to done on these amendments.

Ms. Mary Scheeler, 6740 Augustine Herman Highway, Cecilton, MD stated she is confused on how you determine Southern Agricultural Residential, (SAR) and Northern Agricultural Residential, (NAR) on the maps and also she would like to make a suggestion that maps and codes for the zoning districts (definitions) be provided for the meeting for the public to understand what is being discussed.

Mr. Bruce Rineholt, 18 Bradley Court, Elkton, MD stated he is just an average citizen who lives in the Suburban Residential, (SR) and is concerned with the receiving areas that have been discussed this evening.

REZONING:

FILE: 2005-02-APPLICANT: David L. Anderson.

PROPERTY LOCATION: 1292 Rock Springs Road, Rising Sun, MD 21911.

ELECTION DISTRICT: 8, TAX MAP: 2, PARCEL: P/O 180.

PREZENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 2 Acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

PROPERTY OWNER: Emory F. and Lissa J. Holbrook, Jr.

Mr. David H. Parrack, 226 East Main Street, Elkton, MD representing David and Gilda Anderson in this application for rezoning. This parcel is presently owned by Mr. and Mrs. Emory Holbrook. Mr. and Mrs. Anderson are the contract purchasers of the two (2) acre parcel. The property fronts on New Bridge Road approximately 330' and about 275' deep. The request to rezone this parcel is to Business General, (BG) and the specific use purposed would be for the sale of utility trailers and the storage of the trailers that are for sale. This property is adjacent to parcel 109, occupied by Rock Springs Hardware and Rock Springs Deli. Mr. Anderson started selling trailers back in late 1997 and early 1998. The Andersons submitted a rezoning

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back in 2000 on another parcel (parcel 16) to operate the same business and that rezoning was disapproved for failure to show a change or mistake in the neighborhood. Back in 1997 there was another rezoning done, (Johnston's Liquors) from Business Local, (BL) to Business General, (BG) and was granted upon a mistake in the 1993 Comprehensive Rezoning. There was also another rezoning in the neighborhood approved in 2003 from Rural Residential, (RR) to Business General, (BG) on the Ragan property. The Andersons have two successful businesses at the present time and have no commercial acreage surrounding them.

Mr. Clay McDowell asked if this parcel when divided off will it stand alone or will it be attached to parcel 109.

Mr. Parrack stated it would be an "add on".

Ms. Phyllis Kilby, (ex-officio) asked what is parcel 109 zoned?

Mr. Parrack stated it is Business Local, (BL) and the difference between Business Local, (BL) and Business General, (BG) is that Business Local, (BL) does not allow the outside storage of goods for sale.

Ms. Kilby asked where are the trailers presently located.

Mr. Parrack stated the trailers are in Pennsylvania and some are located on the Anderson's property. A benefit of this rezoning would be increased assessment for taxes at the commercial rate which would bring more tax revenue into the County.

Mr. Mortimer asked what parcel 116,130,105, 96,103 and 148 across the street are zoned.

Mr. Parrack stated they are all zoned Rural Residential, (RR) except for Parcel 148 is in the Historic designation.

Mr. Clark asked what kind of trailers are these?

Mr. Anderson answered construction and utility trailers.

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Mr. Mortimer asked how much of the two acres will be consumed by inventory.

Mr. Anderson stated about half of it.

Health Department Report - No application received for water and sewage approval for proposed commercial use: Sanitary Permit #10110 in 1969 for existing dwelling on parcel 180.

COMMENTS IN SUPPORT: Ms. Kathleen Gambill, 1908 Conowingo Road, Conowingo, MD stated the Anderson's are a real asset to the community and a real necessity to the elderly of the community. The property is kept spotless and looks beautiful all the time.

Mr. Joseph Gilbert, 2399 Biggs Highway, North East, MD is in favor of this rezoning as the Anderson's are the only dealers in the Conowingo area to purchase trailers.

Mr. Wendell Boyle, 490 Little New York Road, Conowingo, MD stated all the "Mom and Pop" businesses are struggling and he feels the Andersons would do a great job of running this business and he is not opposed to the rezoning.

Mr. Parrack pointed out the Mr. and Mrs. Holbrook (sellers) are in the audience this evening and he would like to point out that this is not a matter of somebody selling and getting out of the area, Mr. and Mrs. Holbrook actually reside on parcel 180 immediately adjacent to the store operation.

COMMENTS IN OPPOSITION: Mr. John Downs, Attorney, 157 East Main Street, Elkton, MD, representing Mr. and Mrs. Frank Allen, 35 New Bridge Road, Rising Sun, MD, own parcel 148 and parcel 199. The Andersons (applicants) also own parcel 16 and are storing trailers on that site and are also running a business on parcel 109 and have been storing trailers on that site. They have been using this property for some time without the use being permitted. Back in the year 2000 a petition was brought forward on parcel 16 and the argument was made there was a mistake in the Comprehensive Rezoning. In the year 2000 it was determined it was not. This is the same argument being used for the property directly across the street. Mr. and Mrs. Allen feel that they do not want more traffic and building in this area. This will not add to the character of the community.

SPECIAL EXCEPTIONS:

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FILE: 3108 - APPLICANT: Ginger Kilby.

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

PROPERTY LOCATION: 309 Little New York Road, Rising Sun, MD 21911, Election

District: 6, **Tax Map:** 4, **Parcel:** 203.

PROPERTY OWNER: Ginger Kilby.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Ginger Kilby, 309 Little New York Road, Rising Sun, MD stated she has a forty-five (45) acre farm with room for eight (8) horses, loafing shed for cattle, two year old barn built to house equipment, sheds and a big hay field. Part of the farm is in soil conservation. Ms. Kilby has farmed large and small farms for forty (40) years and has been in health care for thirty (30) years and assisted living homes for the last three (3) years.

She has a great love for the land and older people and in her assisted living home she tries to give the elderly a country atmosphere. There are cedar trees out in the front of the property, fenced in yard but the manufactured home would not be visible from the road and it already has septic and well from a previous permit. Ms. Kilby spent \$750,000.00 for this property so she would not put anything tacky on the property.

Mr. Mortimer stated he thought you were asking for farm help.

Ms. Kilby stated she cannot be on this property all the time because she has other assisted living homes to operate, so she needs some help with this farm. Ms. Tammy Gallego and her children would be living in the doublewide manufactured home.

Health Department Report – Sanitary Permit G0057 issued in 2001 for existing dwelling; satisfactory for connection to existing septic system with upgrade of system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Scott Adams, 81 Foxboro Drive, Rising Sun, MD lives in Wellingborough Estates which is adjacent to Ms. Kilby's property. Mr. Adams presented a petition in opposition signed by forty (40) of residents of Wellingborough Estates, exhibit one in file and attached for reference. The second document marked exhibit two "Amended Declaration of Restrictions" in file and

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attached for reference. Mr. Adam's wonders what is being farmed because he does not see any farming activity taking place at this 6,000 square foot home and half of the forty-four (44) acres is wooded.

Mr. Dean Diamond, 31 Boyle Court, Rising Sun, MD stated when he looks out his window he can see everything and when he was looking at this property before it was developed he was told it only perked with one house and only one house. He does not want to look at a trailer right next door to him.

Ms. Sandra Lambert, 103 Foxboro Drive, Rising Sun, MD stated her property backs up to this property and she does not want a mobile home in her backyard. Also, the house houses assisted living residents, what is to say that there will not be more assisted living homes built on this property. Ms Lambert asked how she could be running an operation of assisted living when she is not a Cecil County resident.

Ms. Kilby stated she is a resident and resides on this property the she showed her driver's license to the Board.

Mr. Phil Lyons, 40 Foxboro Drive, Rising Sun, MD is concerned about the deed restrictions numbers 6 and 8. If Ms. Kilby is asking for agricultural help, what is it for, farming or planting or what? Can Ms. Kilby provide an income statement for gross income that could be lost if additional farm hands are not obtained. Does it mean the 6,000 square foot home has a finished basement, obviously because looking at the house it is probably only a 3,000 square foot home. What constitutes the extra help for this farm? There are horse and cows which is a violation of the deed restrictions.

Ms. Cliff Houston, Zoning Administrator stated that the Board does not enforce deed restrictions and this would be a separate matter from the zoning ordinance. Deed restrictions can be enforced by a home owners association or any individual property owner in Circuit Court.

Mr. Clark asked if assisted living facility is a permitted use in this zoning district

Mr. Houston stated "yes" it is a permitted use in that district for eight (8) or less people without a special exception.

Mr. Josh Brown asked Ms. Kilby to describe the farm help task that would be preformed.

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Mr. Ginger Kilby stated feeding the cattle and she needs help with the gardening because she supplies food to older people and people that cannot afford food and they also farm the hay. She bought this farm to keep cows and horses on so children will be able to ride and enjoy them.

Ms. Melanie Paul, 6 Foxboro Drive, Rising Sun, MD stated she has never seen a garden on this property and there are only three (3) cows and two (2) horses. How do you call this a farm? This is very small and she feels Ms. Kilby does not need additional help.

Mr. Mike Smith, 320 New York Road, Rising Sun, MD stated that Ms. Kilby has approximately eight (8) to ten (10) acres of hay and is cut once a year by a farmer down the road. The horses that are bordered there are taken care of by the owners of the horses in the morning and evening.

Ms. Martha Nichols, 19 Bull Court, Rising Sun, MD stated she has never seen a garden, children riding the horses or any farming activities.

Mr. Wendell Boyle, 109 Little New York Road, Rising Sun, MD is the gentlemen who developed Wellingborough Estates and everyone who built their homes were made aware of the deed restrictions. The deed restrictions were dated March 19, 1998. Number 8 on the deed restrictions states “**no mobile homes will be permitted on any of the aforesaid property for any purpose**”.

Ms. Emily Smith, 320 Little New York Road, Rising Sun, MD stated since this is being used as agricultural she would like to see some sort of income statement to show what kind of income would be lost. Ms. Smith is concerned about perk because the property is very damp and wet in the wooded area. Also, with eight (8) people living in the assisted living home this will cause restraints on the current wells and septic systems. What is the plan for agricultural use is there a plan?

FILE: 3109 - APPLICANT: Matthew and Jennifer Watts.

FOR: Special Exception for a home occupation to sell dog and horse retail supplies.

PROPERTY LOCATION: 130 Old Line Drive, Elkton, MD 21921, Election District: 4, Tax
Map: 6, Parcel: 22.

PROPERTY OWNER: Matthew and Jennifer Watts.

PRESENTLY ZONED: Rural Residential, (RR).

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WITHDRAWN.

FILE: 3110 - APPLICANT: Donald Paul Gambill.

FOR: Special Exception to locate school buses on the property.

PROPERTY LOCATION: 1908 Conowingo Road, Rising Sun, MD 21911, Election District: 6,

Tax Map: 10, Parcel: 575.

PROPERTY OWNER: Donald Paul Gambill.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Paul Gambill, 1908 Conowingo Road, Rising Sun, MD stated he would like to locate a school bus on his property. If he gets permission from the School Board he would like to have two or three buses. Mr. Gambill stated he has adequate off street parking and the bus will not be visible from the road, he owns thirty-one (31) acres. The only type of maintenance he would be doing would be oil changes and fixing flat tires, minor mechanical work.

Mr. Clay McDowell stated according to Section 142, if the Special Exception is granted they are required to put a Buffer Yard "C", is this correct and also they cannot park within 100' of the front and 50' of any side property line.

Mr. Eric Sennstrom stated "yes" that is correct.

Health Department Report – Records show the following Sanitary Permits issued for dwellings on parcel 575.

A3619 in 1973

B3757 in 1982 and

F4028 in 1998

No Sanitary Permit required for storage of school buses, however, any proposed office/shop building would require water and sewage approval.

COMMENTS IN SUPPORT: Mr. Joseph Gilbert, 2399 Biggs Highway, Rising Sun, MD stated the Board should approve this, but as he stated he does not think you need a special exception for one bus.

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COMMENTS IN OPPOSITION: None.

FILE: 3111 - APPLICANT: John W. Stapleford 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 & Christina Mitchell.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Cliff Houston, Zoning Administrator stated Mr. Stapleford has been in front of the Board once before, but he is back with additional information this evening.

Mr. John Stapleford (Grandson) and Ms. Christina Mitchell (Grandmother) stated one of the reasons that he did not get approved the first time was lack of proving hardship. The main reason is financial the only thing his Grandmother survives on at the present time is social security. The reason Ms. Mitchell survived so long before was her daughter was living with her and now her daughter has moved. Ms. Mitchell gets \$918.00 from social security, she has a \$615.00 mortgage payment, and this does not leave much money for other bills and other expenses. Bills are in file attached to the application. The house is too small for two families to reside in and not functional for an elderly person. She has numerous medical problems and is unable to drive at night. Mr. Stapleford would like to purchase a new doublewide manufactured home for his Grandmother to reside in.

COMMENTS IN SUPPORT: Ms. Eleanor Crossan, 3315 Singerly Road, Elkton, MD stated she has lived in the Fairhill area for eighty-two (82) years and she does not want to loose a good neighbor. Ms. Mitchell is a fine Christian lady.

Health Department Report – Soil evaluations were conducted on the property on March 2001 for a proposed minor subdivision; satisfactory in area tested.

Ms. Kathy Burns (Daughter) stated her mother is not able to live and survive on the income she has by herself. She needs to be in a one-story residence of her own.

PLANNING COMMISSION MEETING 2005

Ms. Katie Stanley, entered into the minutes a letter from Ms. Mitchell's other daughter (Margaret R. Clifton), in file and attached for reference.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

NOMINATION FOR HISTORIC DESIGNATION:

APPLICANT: The onion Bed.

FOR: Historic Designation.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cherry Hill United Methodist Church.

FOR: Historic Designation.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

AMENDMENT TO 2004 MASTER WATER AND SEWER PLAN:

PLANNING COMMISSION MEETING 2005

APPLICANT: Town of Elkton.

FOR: Text changes to reflect additional capacity, average daily flow, BNR and ENR enhancements.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

TEXT AMENDMENTS:

APPLICANT: Cecil County.

FOR: Transfer of Development Rights Ordinance.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Shared Facilities Ordinance.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

February 22, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING 2005

APPLICANT: Cecil County.

FOR: Purchase of Development Rights Program.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: David L. Anderson.

FOR: Request to rezone 2 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

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

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Ginger Kilby.

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

Staff recommended approval for two years.

PLANNING COMMISSION MEETING 2005

ACTION: Motion made to disapprove no demonstrated need for agricultural help, by McDowell, seconded by Mortimer.

VOTE: All in favor, motion carried.

APPLICANT: Matthew and Jennifer Watts.

FOR: Special Exception for a home occupation to sell dog and horse retail supplies.

WITHDRAWN.

APPLICANT: Donald and Paul Gambill.

FOR: Special Exception to locate school buses on the property.

Staff recommended approval for two years with no more than five (5) buses stored on the property.

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

VOTE: All in favor, motion carried.

APPLICANT: John W. Stapleford and Christina Mitchell.

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

Staff recommended approval, as long as grandmother resides in the Doublewide Manufactured Home and the grandson owns the property.

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

VOTE: All in favor, motion carried.

PLANNING COMMISSION MEETING 2005

The meeting was adjourned at 11:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 21, 2005, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

March 21, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Clark, Murray, Pricket, McDowell, (Alternate), Sennstrom, Houston, Kilby (ex-officio), Dempsey, Slicer, D. Black and Hollenbaugh.

ABSENT: Williams.

MINUTES- Motion made by McDowell, seconded by Mortimer and unanimously carried to approve the Tuesday, February 22, 2005, 7:00 p.m., minutes as mailed.

PROGRAM OPEN SPACE:

FOR: Trailhead Design.

LOCATION: Perryville Landing - Roundhouse Drive, Perryville, MD 21903.

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. This project will build upon an exiting facility and is being done to give pedestrians, bikers, hikers greater access to vacant town owned land adjacent to the towns existing boat launch and Canning House Run Trail which parallels the Susquehanna River. This project will enhance the area with lighting, landscaping and signage. The Town of Perryville hopes to design the area as a park with many amenities such as picnic tables, grills vehicle parking, benches for viewing the river. After the park is developed they would like to put a pier for fishing, a kayak launch and additional walkways to the water's edge. They will include the addition of electricity, water and sewage to this design for even further development as funds become available. The Public Works Department will be installing the water and sewage services. The County will provide \$1,500.00 from project open space and the Town of Perryville will provide \$13,500.00, grand total \$15,000.00. The County is only contributing about 10% due to lack of funds available.

Mr. Bill Mortimer asked what the \$15,000.00 was for.

PLANNING COMMISSION MEETING 2005

Mr. Slicer stated the entire amount will be for the design.

Mr. Clay McDowell asked if there is road access and parking for visitors.

Mr. Slicer stated there is parking available and the Town of Perryville has been interested in developing this new section as a scenic area in association with Rodgers Tavern and the Lower Susquehanna Heritage Greenway, which runs down to this area and continues to the community park. The Town of Perryville would like to make this a cultural area.

Mr. Mortimer stated you expect 10,000 people per year to visit, is this correct?

Mr. Slicer stated that figure may be a little high but this would include repeat visitors.

Ms. Phyllis Kilby (ex-officio) stated she has seen people walking on this trail in all different kind of weather, there are town houses and single-family homes all around and these people utilize the trail. There is parking at Rodgers Tavern and at the other end.

Mr. Mark Clark stated he has done some pro-bono work for the Town of Perryville and there has been a lot of interest in this project.

Health Department Report – No comments requires.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FOR: Kayak Launch Parking Paving.

LOCATION: Marion Tapp Parkway, Perryville, MD 21903.

March 21, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING 2005

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. In fiscal year 2005 there was a parking lot with crusher run newly constructed at the kayak launch in the Town of Perryville's Community Park. The parking lot was not included in the design for the launch and is a necessity to keep vehicles from parking on the river banks and creating erosion problems around the launch site. However there were not sufficient funds for the blacktop and to do the required landscaping. Open Space is funding \$6,000.00 for the blacktop and the Town is going to fund \$3,880.00, grand total \$9,880.00 for the additional funds needed to finish the project. There is a big demand for boating on the Susquehanna River.

Health Department Report – No comments requires.

Comments were tabled on the two open space projects as Mr. Eric Morsicato, Town Administrator will be coming later in the evening. All in favor, motion carried.

Mr. Eric Morsicato, Town Administrator of Perryville stated the Community Park has become a regional park in nature. Currently there are five baseball diamonds, pavilions, grills and new kayak launch and 60–70% of the users of the facility are county residents. The Town is providing a service to the broader community and he hopes the Board will approve the project. The second project is along the waterfront and it is monies for continuing a design study of a six to seven hundred thousand dollar parking and community facility along the waterfront. There are some monies from the Department of Natural Resources and the Town is working with the Maryland Transportation Authority to get funding to build promenade piers along the northern edge of Roundhouse Drive. The Town really needs this additional funding. Currently the boat launch is located there and this area will connect to Rodgers Tavern. This will be interconnected with the Lower Susquehanna Heritage Trail.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Samuel P. Craig. FOR: Establishing an Agricultural Preservation District. PROPERTY

PLANNING COMMISSION MEETING 2005

LOCATION: 954 New Cut Road, Earleville, MD 21919. Tax Map: 57, Grid: 9, Parcel: 3, Acreage: 146

Acres, 1st Election District. PROPERTY OWNER: Samuel P. Craig. PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. David Black, Planner II, Department of Planning and Zoning presented this application for Mr. Samuel P. Craig for a petition to establish an Agricultural District. The parcel contains a total of 151 acres and 6 acres are being withheld from the proposed district the withheld acreage consists of three (3) two (2) acre parcels as Mr. Craig envisions giving a two acre lot to each of his three (3) sons. The proposed district is located directly across from New Cut Road from two easement properties and one district property. Five other easement properties are located within a two mile radius of the property. The Department of Agricultural Code for the State of Maryland, Title 15, Sub-title 15 sets the criteria for the establishment of an agricultural district, the district has to be at least fifty (50) acres in size and contain at least sixty (60%) of class one, two, three and woodland group one and two soils. The proposed Craig District consists of 79.6 % of the required soil types and with 145 acres in the district they exceed the size requirement. The Agricultural Preservation Advisory Board recommended approval at the February 28, 2005 meeting and with a favorable recommendation the Craig District will proceed to the Board of County Commissioners on April 5th and to the State Board of Trustees on April 26th.

Mr. Josh Brown asked why the lots were spaced out for the three sons.

Mr. Black stated since Mr. Craig has three lots that he wishes to provide for each of his sons, he can either do so up front or later through the lot exclusion process. With revisions in 2003 to the State Code an individual can get up to three child lots or one un-restricted lot meaning for someone un-related to him. Mr. Craig has taken one of the proposed lots to the Technical Advisory Committee (TAC) in May 2004, but as for spacing Mr. Craig feels that given the perk location in the lot that is going through TAC that the other soil types will perk as well.

Mr. Brown asked does Mr. Craig have to indicate this to the State now or can he put the lots in at a later date.

Mr. Black stated he has to indicate it now to the State if he wants to withhold the acreage up front, there is a process where if he should find for some reason the property does not perk where he thought or one son wants to be right next to the other son they can relocate that, this is called a revision to easement or district acreage. The process goes before the Agricultural Advisory Board and the State Board of Trustees.

Mr. Clay McDowell asked if the lots have been surveyed off.

PLANNING COMMISSION MEETING 2005

Mr. Black stated one of them had a submittal to TAC last year. The Pelsa Company was the surveyor for this project and the other two lots have not been surveyed. The acreage has to be set aside at the present time

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

2004 ANNUAL REPORT FOR CECIL COUNTY PLANNING COMMISSION.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the 2004 Annual Report for the Planning Commission. Article 66B of the Annotated Code of Maryland requires the Planning Commission to have an annual report and to file the report with the Board of County Commissioners and the Maryland Department of Planning. This annual report is for the calendar year 2004. Mr. Sennstrom summarized the report for the Board, attached and in file for reference.

Ms. Phyllis Kilby, (ex-officio) would like the word “Sold” changed to “Donated” on the next to the last page titled MALPF Easements.

Health Department Report – No comments required.

Amendment to the 2004 Master Water and Sewer Plan to include property in future service area along Rowles Lane off Irishtown Road, North East, MD, Tax Map: 31, Parcel: 355, Vernon D. and LaReda R. Tome.

Mr. Vernon and Mrs. LeReda Tome stated they applied for a minor subdivision several months ago, two lots were approved and at the last moment we found out that they were not in the sanitary sub-district, but are in the North East water sub-district and they were confused between the water and sewerage. The third lot which is ½ acre lot is not within the sub-district, it needed to be included within the sanitary sub-district. It will be a pump station application and can connect along the edge of Irishtown Road to the sanitary main in North East. Mr. Tome spoke to the Department of Public Works two years ago concerning allocation and it was not a problem and received a letter of allocation from Public Works. There is a plan for the installation and

PLANNING COMMISSION MEETING 2005

connection in place and it has met all the requirements. The allocations are all approved for water through the Town of North East.

Mr. Clay McDowell asked if the pipe has already been extended from the property to Irishtown Road and Rowles Lane.

Mr. Tome stated "yes".

Health Department Report – Minor Subdivision No. 3519 approved in November, 2004 for two lots served by on-site sewage; subdivision of an additional lot served by public sewer will require a revised minor subdivision.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Amendment to the Master Water and Sewer Plan for the North East Advanced Waste Water Treatment Plant.

Mr. David Hollenbaugh, Deputy Director, Department of Public Works representing Mr. Matt Carter, Director of Public Works stated he was submitting some minor errors (memo 11/15/04) that were found during a recent review of the August 2004 Master Water and Sewer Plan marked exhibit one, in file and attached for reference.

Mr. Hollenbaugh submitted a second (memo 2-8-05) requesting to amend the Master Water and Sewer Plan to reflect new information regarding the North East Advanced Wastewater Treatment Plant and correct information related to other County operated facilities, in file and attached for reference.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

March 21, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING 2005

CONCERNS: Mr. George Whitmyre, 24 Lochcarron Drive, Elkton, MD stated he is concerned about the water tank at the Highlands because of the bladder and the air pressure. There is more air coming out of the faucets than water, so there needs to be an upgrade in the Master Plan to fix this problem.

Mr. David Hollenbaugh, Deputy Director of Public Works stated there should not be air in the lines like that and he will have maintenance check in to that.

Mr. John Marcheski, 25 Lochcarron Drive, Elkton, MD stated he has the same concerns about the water as Mr. Whitmyre and would like to have it corrected in the Plan also.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2005-03 APPLICANT: George Whitmyre.

PROPERTY LOCATION: 24 Lochcarron Drive, Elkton, MD 21921.

ELECTION DISTRICT: 4, TAX MAP: 14, PARCEL: 693, LOT: 1.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 13.86 acres from Suburban Residential, (SR) to Northern Agricultural Residential, (NAR).

PROPERTY OWNER: George Whitmyre.

Mr. George Whitmyre, 24 Lochcarron Drive, Elkton, MD handed out a revised plat marked exhibit one to the Board, copy in file and attached for reference. This is a revised plat that was made in 1993 when he sold an access lane to his neighbor Raymond Christian approved by the Planning Commission. His premise is that there was an error made in the rezoning in 1993 and his farm was overlooked so it remains classified as a residential zone. Mr. Whitmyre bought the fourteen (14) acre plot from Davitt Mackie Associates in

PLANNING COMMISSION MEETING 2005

September 1987 and the deed was recorded in February 1988. Mr. Whitmyre built his house in April 1988 thru December 1988. In the spring of 1989 and he built a six stall barn pole barn and three stalls are finished out and he fenced two (2) acres of pasture with post and board in summer and fall of 1989. Once the tack room and stalls were finished the horses arrived in November 1989. Mr. Whitmyre has had horses on the farm continuously since 1989. He incorporated as a Delaware Corporation in May 2003 as Tic Acres Farm and now he is boarding horses of two of his friends. The basic premise is there was an error in the zoning. Mr. Whitmyre showed the Board some panoramic pictures he had taken of his farm. He wishes to request his residential zoning be changed to residential agricultural; also he has an interest in establishing a priority as a farm operation with the upcoming "Aston Pointe" development. He does not want his new neighbors to have issues with horses.

Mr. Brown asked if Mr. Whitmyre is not zoned Southern Agricultural Residential, (SAR) or Northern Agricultural Residential, (NAR) he can not qualify for farm status, is this correct.

Mr. Eric Sennstrom stated "no" it does not have anything to with the zoning, agricultural zoning is permitted in all the residential zoning districts.

Ms. Murray asked why it took you twelve (12) years to decide to do this rezoning.

Mr. Whitmyre stated he did not realize that he was not zoned Northern Agricultural Residential, (NAR) and would like to get it corrected.

Mr. Brown stated the Board does not understand why you want your property rezoned to Northern Agricultural Residential, (NAR) because you can already do farming on Suburban Residential, (SR).

Mr. Whitmyre stated he wants it changed so he does not have any problems with future neighbors.

Ms. Phyllis Kilby (ex-officio) is having a problem seeing what the problem is because Mr. Whitmyre is voluntarily down zoning his property.

COMMENTS IN SUPPORT: Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated there are over 500 acres of farm land in Cecil County that were zoned residential at the end of the twentieth century, and has been agricultural since the Native Indians were forced out and this land is still used for agricultural purposes. Mr. Whitmyre's land is one such parcel. There was a mistake made when this land was zoned residential rather than agricultural the only reason for residential zoning was because of its proximity to the City of

PLANNING COMMISSION MEETING 2005

Newark. Also the infrastructure ends at the state line and Cecil County has done very little to provide roads, water, sewer, schools, etc. needed to support residential land in the area. It would be more costly for the Cecil County taxpayer to supply this infrastructure than the tax return from residential development. Summing up it is high time that Cecil County corrects this past mistake; doing so will benefit the County by more than the need for costly infrastructure? Cecil County has successful utilization of the land why change it. Most important is the landowner Mr. Whitmyre wants to do this, so for the owners, county and the adjacent landowners benefit please recommend approval for this rezoning.

Mr. John R. Marcheski, 25 Lochcarron Drive, Elkton, MD read a letter that his wife (Susan) wrote marked exhibit two, in file and attached for reference.

Mr. Cliff Houston, Zoning Administrator read a letter into the minutes marked, exhibit three, from Scott and Denise Reynolds, 26 Lochcarron Drive, Elkton, MD., in file and attached for reference.

COMMENTS IN OPPOSITION: Ms. Marcella Murray Lockwood, 432 Jackson Hall School Road, Elkton, MD stated she personally does not like horses. She is not in favor of changing the zoning for a couple of reasons. She feels that no matter where you live if someone wants to complain about smelly horses or smelly cows or chickens it does not matter where you live they will do it. Ms. Lockwood understands that Mr. Whitmyre wants to keep his farm as a farm however; her property is under contract and she and her husband are taking a different route and are trying to develop a new housing area (Aston Pointe). Changing the zoning on this property does change the setbacks and what can and cannot be done. Changing the zoning can change the surrounding areas of how many houses could be built in the surrounding areas and in the future this will have an affect on her property. Ms. Lockwood's property is zoned residential and eighteen (18) acres of her property is being taxed at the agricultural rate, she pays residential tax rate only for her house and three and half (31/2) acres.

Mr. Wayne Lockwood, 432 Jackson Hall School Road, Elkton, MD stated his property does adjoin Mr. Whitmyre's property. Mr. Lockwood stated there are too many **real** farms being lost in Cecil County at the present time. A large area of Mr. Whitmyre's farm is not farmable, and he does not turn his ground. He farms his farm and the ground is turned every year. This whole area was zoned Suburban Residential, (SR) for a reason as Mr. Mortimer stated, there is a bigger picture than Mr. Whitmyre's little piece of property or his own piece of property. This is a master plan for the whole county. This will have detrimental effects on his property because the rezoning will change the setbacks. If Mr. Whitmyre would get rezoned to Northern Agricultural Residential, (NAR) the adjoining neighbors will have a 100' setback from Mr. Whitmyre's property. This whole area was zoned Suburban Residential, (SR) for a reason so it can be a buffer zone between Newark, DE and Cecil County.

Health Department Report – Property was recorded in 1986 as Lot # 1, Section IV of The Highlands, served by on-site septic: Sanitary Permit C1949 issued in 1988 for existing dwelling.

SPECIAL EXCEPTION:

FILE: 3116 -APPLICANT: Bobby Joe Moretz

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

PROPERTY LOCATION: 1433 East Old Philadelphia Road, Elkton, MD 21921, Election

District: 5, Tax Map: 32, Parcel: 124.

PROPERTY OWNER: G & B Realty, LC.

PRESENTLY ZONED: Heavy Industrial, (M2).

Mr. Robert V. Jones, 157 East Main Street, Elkton, MD representing Mr. Bobby Joe Moretz, 49 Lumber Mill Lane, Elkton, MD is the Managing Member of G & B Realty, LC which is a limited liability company which owns the eleven (11) acre parcel on the north side of Old Philadelphia Road. Mr. Moretz stated his family has been in the lumber mill business for three (3) generations in Cecil County. Mr. Moretz stated they have been in operation at 55 Lumber Mill Lane, Elkton, MD since 1979. He bought this property in January 2003 and the previous owners operated a saw mill/logging operation for many years and at that time there was no water and sewer on the property. Since Mr. Moretz has bought the property he has had a well dug and installed. There is different mill equipment and equipment that is related to logging operations located on the property and Mr. Moretz is in need of some security to watch this equipment. There has been some vandalism in the past and he needs some security on this property. There is a singlewide mobile home on the property presently, but for someone to reside in the singlewide a special exception would have to be approved in order to have someone residing in the mobile home for security purposes. There are several hundred thousand dollars of equipment located on the property most of the time.

Ms. Ethel Murray asked if there was a fence around the property and equipment.

Mr. Moretz stated “no not at the present time because it is hard for lumber trucks to get in and out.”

Mr. Robert Jones stated that Mr. Moretz is considering some type of fence to go along with the singlewide for security purposes.

PLANNING COMMISSION MEETING 2005

Mr. Clay McDowell asked are there other buildings on the property.

Mr. Moretz stated yes, two of the buildings are a shop and garage.

Mr. McDowell asked is this 400' from the road.

Mr. Moretz stated "yes".

Health Department Report – Sanitary Permit G8323 issued in 2004 for office trailer; installation of an additional residential mobile home may require additional soil evaluations and or upgrade of existing septic system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

PROGRAM OPEN SPACE:

APPLICANT: Town of Perryville.

FOR: Trailhead Design.

Staff recommended approval.

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

March 21, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING 2005

VOTE: All in favor, motion carried.

APPLICANT: Town of Perryville.

FOR: Kayak Launch Parking Paving.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Samuel P. Craig.

FOR: Establishing an Agricultural Preservation District.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Planning and Zoning.

FOR: 2004 Annual Report for Cecil County Planning Commission.

Staff recommended approval.

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

March 21, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING 2005

VOTE: All in favor, motion carried.

APPLICANT: Vernon D. and LaReda R. Tome.

FOR: Amendment to the 2004 Master Water and Sewer Plan to include property in future service area along Rowles Lane off Irishtown Road, North East, MD.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Department of Public Works.

FOR: Amendment to the Master Water and Sewer Plan for the North East Advanced Waste Water Treatment Plant.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: George Whitmyre.

FOR: Request to rezone 13.86 acres from Suburban Residential, (SR) to Northern Agricultural Residential, (NAR).

PLANNING COMMISSION MEETING 2005

Staff recommended disapproval, no demonstrated mistake in 1993 comprehensive rezoning, no demonstrated change in character of neighborhood since last comprehensive rezoning.

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

VOTE: Three to one to disapprove, one abstained, motion carried.

SPECIAL EXCEPTION:

APPLICANT: Bobby Joe Moretz.

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

Staff recommended approval for five (5) years.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 8:50 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 18, 2005, at 7:00 p.m.

Respectfully submitted:

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March 21, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING 2005

Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

April 18, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Clark, Murray, Prickett, McDowell, (Alternate), Sennstrom, Houston, Kilby (ex-officio), Slicer, and Dempsey.

ABSENT: Williams.

MINUTES- Motion made by Prickett, seconded by Mortimer and unanimously carried to approve the Monday, March 21, 2005, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT:

Text Amendment to the Zoning Ordinance concerning golf course regulations.

Mr. Eric Sennstrom, Director of Planning and Zoning presented this amendment on the golf course. The proposed amendment is adding a new Section, Section 157 to the zoning ordinance. The Planning Commission was made aware that through some developments and some comments that were made as part of the hearing process that perhaps the County Zoning Ordinance was deficient when it came to the lay out of golf courses in relation to housing developments that were all part of a single proposal. The Planning Commission formed a sub-committee to look into the issue and the committee looked at various documents, different zoning ordinances from other jurisdictions and directed the staff to put those findings into a proposed text amendment. This amendment has not been scheduled with the Board of County Commissioners, the reason being is that the Board of County Commissioners earlier took a position on this very same issue and issued a letter stating that they felt that the County's regulations concerning golf courses are adequate as they are. The amendment is in file and attached for reference.

Mr. Josh Brown (Chairman) commented on the proposed language on item number seven (7) which addresses the concerns that were previously raised by the Planning Commission with regard to whether or not food and refreshment facilities would be patronized by the general public if it was not commercially zoned.

Mr. Sennstrom stated that is the reason it is worded the way it is on item number seven (7) so commercial restaurants would not have any problems.

PLANNING COMMISSION MEETING 2005

Mr. Clay McDowell had some question on item number four (4) concerning dwellings on lots approved as part of the development, shall be setback a minimum of fifty (50') feet from the nearest lot line. Mr. McDowell stated there might be some confusion on the lot lines.

Mr. Sennstrom stated the Commission was concerned that even with the requirements laid out in the first two points in sub-sections 1 and 2 that it may be good to specify how far back the setback has to be on the lot adjoining those areas and therefore the Planning Commission felt was adequate.

Mr. McDowell stated that it does not say that.

Mr. Sennstrom stated we can certainly change it if you wish. We can amend that to say "fifty (50') from the nearest lot line adjoining fairways, tees or greens.

Ms. Ethel Murray is concerned with item number nine (9) stating "to the extent possible".

Mr. Sennstrom stated if you are uncomfortable with that wording we can certainly delete that wording.

Ms. Murray asked why the Board of County Commissioners had felt the ordinance was alright the way it was written.

Mr. Sennstrom stated the Board of County Commissioners felt that other questions on the lot lines was a private issue and should be dealt with by the developers and golf course owners. There were issues being made that the greens and fairways were to close to the homes. This was a safety and liability issue because balls were flying into the residents' yards. The County Commissioners felt that Sections 100 and 106 were adequate. No additional regulations needed to be adopted at the present time.

Mr. Brown stated "what will happen to existing golf courses'?"

Mr. Sennstrom stated this would only be applied to property being developed not existing golf courses and homes.

PLANNING COMMISSION MEETING 2005

Mr. Bill Mortimer stated this will only affect development plans that have not been through “final”.

Mr. Sennstrom stated this only applies to someone that is proposing a golf course as part of a subdivision.

Mr. Mortimer stated the intent of this was based solely around liability, safety and best practice. When Mr. Mortimer and Ms. Caroline Prickett did the work for the committee they talked to golf pros, residents in golf course communities, talked to other counties and what they did and the conclusion was responsible practice to insure the safety of the community that they were not negatively impacted by the golf course.

Mr. McDowell asked if there are buffer yard requirements in the other amendment.

Mr. Sennstrom stated “yes”. If they are privately owned there is a Buffer Yard “C” appendix. Buffer Yard “B” are around the maintenance facilities and golf tees, see exhibits one and two in file and attached.

Mr. Mark Clark stated he feels the residents on golf courses do not want a buffer yard because it will obstruct their view that is why most people want to live on a golf course.

Ms. Prickett stated the whole concept of the committee was the safety and also so the developers would not have to re-design the golf course, do it before not after.

Mr. Sennstrom read a letter into the minutes from Mr. Al Wein, County Administrator dated 12-11-03, in file and attached for reference.

Ms. Prickett stated the reason that the committee (Caroline Prickett, Bill Mortimer and Keith Williams) was formed was because the County Commissioners could not come to a decision in reference to the golf courses.

Mr. Sennstrom stated he did receive one comment from Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stating he would like to have “or adjacent to” added to Section 157 so it would read “public or privately owned golf courses approved as part residential development or adjacent to”.

Health Department Report – No comment requires.

April 18, 2005, 7:00 p.m.

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COMMENTS IN SUPPORT: None.

Mr. William Stritzinger, Aston Development Group, Inc. stated is not in support or in opposition he just has a few comments. He has read through the regulations and good design is hard to regulate. A good designer will design the golf course with all the safety features in mind. One item that was mentioned this evening was 200' from the center line to the lot line and he agrees there needs to be that distance, but 150' is adequate for a nice buffer. It depends on if the course is private or public. From the centerline of the fairway a typical golfer goes 15 degrees on either side of the center line. To provide the restriction of 200' is not necessary, 150' would be adequate with a good buffer as long as the lots have the setback as well. The other comment he would like to touch on is "where you are in the plan in terms of design". Between the "preliminary and the final" plans there is a tremendous amount of site work and expense to have to go back and change the distances to 200' from 150'. Anything beyond preliminary will be too costly.

COMMENTS IN OPPOSITION: Mr. Michael Pugh, Corridor Land Services and Mr. David Parrack, Esquire presented drawings to the Board, in file for reference. They are already in a concept phase that was approved in the early 1990's for the Chesapeake Club and already half way through that development portion at the present time. Originally when this project was started homes were built to close to the fairways without any protection. They do not want to have an unsafe golf course that is not the intention. What is the applicability to this amendment to Mr. Pugh's project? The intent of this language is not just for new projects that come in, but now you want to retrofit regulations on to a portion of the Chesapeake Club. What about the 200' buffer would it affect the Chesapeake Club and future homes?

Mr. Clark stated it would affect new homes but not the golf course already built.

Mr. Sennstrom stated this would not affect the golf course, it is already there.

Mr. Pugh is concerned with future building of what the setbacks are going to be. Mr. Pugh presented his drawings to the Board so he could explain existing use and future use for housing. If you apply these 200' setbacks around the fairways it would yield about fifty (50) acres of lost ground which would adequate on a average of six (6) units per acre because it is zoned Multifamily Residential, (RM) with water and sewer. This would adequate to about 300 units which would be the net affect of this amendment. They have applied a forty (40') foot retention buffer and have the protection of the woods and are fully wooded along the buffer. There is additional thirty-five (35') feet for a setback which is now a total of seventy-five (75') feet to the rear of the house that is being built. The Chesapeake Club will have a wooded buffer and a setback of seventy-five (75') feet from the property line. This is a good faith way to address this problem that was not addressed before. The best buffer is natural buffer if it is wooded. Mr. Pugh feels that they should be given some credit in the setback consideration for the fact that they are an existing facility, that they are already in planning and engineering through half of the project, concept on the rest and are seeking to element this problem, but feel a 200' buffer placed unilaterally is punitive. Mr. Pugh feels this is all about taking away

PLANNING COMMISSION MEETING 2005

land that is currently usable.

Mr. Mortimer stated the Board needs some time to talk to Ms. Clara Campbell, (County Attorney) about all the legal aspects of this amendment and suggests it be tabled until May 16, 2005 meeting.

PARKS AND RECREATION – OPEN SPACE

Cecil County 2005 Land Preservation Parks and Recreation Plan, (LPPRP).

Mr. Eric Sennstrom, Director of Planning and Zoning, Mr. Ed Slicer, Manager of Parks and Recreation and Mr. Clive Graham, Consultant from ERM presented the 2005 Land Preservation Parks and Recreation Plan. Mr. Sennstrom stated that the County is required to have a land preservation parks and recreation plan and update that plan periodically. The County has hired the consulting services of ERM. They had prepared the previous plan that was adopted in 1998. This 2005 round of LPPRPs is intended to provide a common benchmark to assist the State's evaluation of each county's land preservation and recreation programs and thereby ensure good return on public investments.

Mr. Clive Graham stated the LPPRPs qualify local governments for State Program Open Space (POS) funds and other programs related to the plan's objectives for three land resource elements: Recreation and Parks, Agriculture Land Preservation and Natural Resource Conservation. This plan will serve for the next six (6) years. See draft in file and attached for reference.

Mr. Mortimer stated "I guess a lot of this is dependent on funding".

Mr. Graham stated "absolutely". The State is getting plans like this one from every County and is compiling a list of needs to go to the State Legislature. The Open Space Program in 2006 is going to be the best ever in Cecil County.

Ms. Phyllis Kilby (ex-officio) stated hopefully in the next budget cycle the County will be able to show the State why the monies are needed.

Mr. Ed Slicer, Manager of Parks and Recreation stated the plan reflects all the goals that have been set by the County and State. This plan does an excellent job in putting forth and caring over many of things that were in

PLANNING COMMISSION MEETING 2005

the previous plan with regards to Program open Space.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE:2005-04 APPLICANT: John Harrison.

PROPERTY LOCATION: 567 Mechanics Valley Road, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 25, PARCEL: 248.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 0.344 acres from Development Residential, (DR) to Business General, (BG).

PROPERTY OWNER: John R. Harrison.

Mr. Keith Baynes, Esquire, 210 East Main Street, Elkton, MD represented Mr. John Harrison in this rezoning. Mr. Harrison owns property 567 Mechanics Valley Road, North East, MD. 248 and is currently zoned Development Residential, (DR) and would like to have it rezoned to Business General, (BG). The property is completely surrounded by Business General, (BG) property near the intersection of Rt. 40 and Mechanics Valley Road. The property on the north east corner is where the Super Wa-Wa is going to be built property to the north-west corner belongs to the Telephone Company, as you go north on Mechanics Valley Road there are a few residential properties on the left and a Sewing/Stitching Store. There has been substantial change in the character of the neighborhood since the last comprehensive rezoning and with the other rezoning in the area this property would be more suitable zoned Business General, (BG).

Mr. Bill Mortimer asked “what is the intent of this rezoning”.

PLANNING COMMISSION MEETING 2005

Mr. Baynes stated the Mr. Harrison has no intent at the present time but may rent the house for some type of business if the rezoning is approved.

Mr. Mark Clark asked what other properties does Mr. Harrison own that are zoned Business General, (BG).

Mr. Baynes stated he is not sure he did not bring any of that information with him this evening.

Ms. Phyllis Kilby (ex-officio) asked if the County has rezoned the property right next to Mr. Harrison.

Mr. Baynes answered "yes".

Mr. Cliff Houston, Zoning Administrator stated parcels 204 and 470 on the other side of the road all have been rezoned within the past year to Business General, (BG).

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: None.

FILE:2005-05 APPLICANT: Lonnie McMillan, Jr.

PROPERTY LOCATION: 1402 East Old Philadelphia Road, Elkton, MD 21921.

ELECTION DISTRICT: 5, TAX MAP: 32, PARCELS: 276 & 326.

PRESENTLY ZONED: Heavy Industrial, (M-2).

REQUEST: Request to rezone .24 acres & .331 acres from Heavy Industrial, (M-2) to Development Residential, (DR).

PROPERTY OWNER: Lonnie J. and Jenny L. McMillan, Jr.

PLANNING COMMISSION MEETING 2005

Mr. Keith Baynes, Esquire, 210 East Main Street, Elkton, MD representing Mr. Lonnie McMillan, 1402 East Old Philadelphia Road, Elkton, MD presented this rezoning application on parcels 276 and 326. Mr. McMillan and his wife have owned this property since 1989 and this property has always been used for residential since 1951. The two parcels combined are just over ½ acre. Letter marked exhibit one from the Cecil County Department of Economic Development stating they have no objection to these parcels be rezoned, in file and attached for reference. The simple reason for the request in the rezoning is that Mr. McMillan has made application to re-finance his existing mortgage and the mortgage company will not let him because his property is zoned Heavy Industrial, (M-2).

Mr. Bill Mortimer stated that if this is rezoned this will restrict possible use and value.

Mr. Baynes stated Mr. McMillan is aware of that. There was a mistake made when this was zoned. This property is not compatible for industrial use when it has always been a residential property.

Health Department Report – Sanitary Permit F9900 issued in 2001 for addition to existing dwelling – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Cliff Houston, Zoning Administrator read into the minutes a letter from Mr. Bob Moretz, 1401 East Old Philadelphia Road, Elkton, MD in opposition, in file and attached for reference.

Mr. McMillan stated he does have a home improvement business, but there is no work done at his residence, just a sign out front advertising his business.

FILE: 2005-06 APPLICANT: Lewis Montgomery.

PROPERTY LOCATION: 207 Sycamore Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 21, PARCEL: 652.

PRESENTLY ZONED: Business Intensive, (BI).

REQUEST: Request to rezone 0.54 Acres from Business Intensive, (BI) to Multifamily

PLANNING COMMISSION MEETING 2005

Residential, (RM).

PROPERTY OWNER: Lewis I. Montgomery.

Mr. Lewis Montgomery, 207 Sycamore Road, Elkton, MD stated he would like his property rezoned to Multifamily Residential, (RM) because his property assessments have doubled and the State Assessment Office (Mr. Dale Deweese) told him to apply for a rezoning to get the assessment and his taxes reduced. In file and attached is the history of Mr. Lewis I. Montgomery's property along with a map marked exhibit one. Mr. Montgomery stated since he had bought this property he has been paying residential property tax rates, so this year (2005) the Assessment Office split his property which is 6/10's of an acre into two parcels, one has his house and the other has his garage and increased his assessment by \$186,000.00. He is being denied the right to the homeowner's tax credit, based on the two parcels being split. With his income he should be only paying \$1,250.00 a year in taxes.

Health Department Report – Parcel 652 has no approval for on-site well or septic for commercial or residential use; public water and sewer may be available.

COMMENTS IN SUPPORT: Mr. Cliff Houston, Zoning Administrator read into the minutes a letter from Mr. Steve Moon, Moon Services, 1638 Elkton Road Elkton, MD in support, in file and attached for reference.

COMMENTS IN OPPOSITION: None.

FILE:2005-07APPLICANT: Delaware Land Associates, L.P., c/o Peter O'Rourke.

PROPERTY LOCATION: W/S Baron Road, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 25, PARCEL: Part of 440.

PRESENTLY ZONED: Heavy Industrial, (M-2).

REQUEST: Request to rezone 44 Acres from Heavy Industrial, (M-2) to Multifamily Residential, (RM).

PROPERTY OWNER: George L. Mars.

Mr. David H. Parrack, 226 East Main Street, Elkton, MD along Mr. Peter O'Rourke, Delaware Land Associates, L.P. to present this rezoning application. Delaware Land Associates is the contract purchaser from Mr. George Mars of approximately 122 acres. The request of this rezoning is both change and mistake.

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In 1979 the entire property south of the railroad were zoned Multifamily Residential, (RM), in 1983 approximately 22 acres of the property for purposes of conducting an auto salvage yard operation. Then in 1993 when the comprehensive rezoning occurred approximately 44 acres was rezoned. The aerial photos of this property showed the balance of the 44 acres became zoned Heavy Industrial, (M2) and the use (salvage yard) of this property have expanded over time. A problem of the use of the property today is that there are some pockets of wetlands in the Heavy Industrial, (M2) zone and the access to the property does not support heavy industrial trucking. In addition there has been intensification of residential use in the area, Meadow Run and North Woods to the west continue to develop. The plans that Mr. O'Rourke has would involve basically removing the salvage yard and developing it is a part of the overall development of the 122 acres. Water and sewer are now available and would support multi-family dwellings.

Ms. Phyllis Kilby (ex-officio) asked Mr. O'Rourke about the availability of water and sewer.

Mr. O'Rourke stated he talked to Ms. Melissa McKenzie (Town of North East) and the water availability would be there and the sewer line is already on the property (Stoney Run Interceptor).

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Cliff Houston, Zoning Administrator read into the minutes a letter from Mr. John F. Jansen, 402 Brook Shore Court, Sugar Land, TX (adjoining property owner) in file and attached for reference.

SPECIAL EXCEPTIONS:

FILE: 3118 - APPLICANT: Gina LaRuffa.

FOR: Special Exception renewal for a Commercial dog kennel.

PROPERTY LOCATION: 27 Slicers Mill Road, Rising Sun, MD 21911, Election

District: 6, Tax Map:10, Parcel: 699.

PROPERTY OWNER: Lowell McCoy- MocCoy Enterprises, Inc.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

PLANNING COMMISSION MEETING 2005

Ms. Gina LaRuffa, 27 Slicers Mill Road, Rising Sun, MD would like to renew her commercial dog kennel business. She has been operating her business for one (1) year now with no problems with any neighbors and has no parking problems. She has boarding, grooming and doggie day care. She has about four (4) customers a day dropping and picking their dogs up from the daycare.

Health Department Report – Sanitary Permit G3764 issued in 2003 for kennel- satisfactory.

COMMENTS IN SUPPORT: Tony and Sharon Faby, 75 Slicers Mill Road, Rising Sun, MD stated there property is immediately adjoining Ms. La Ruffa. She keeps a clean and well kept kennel, never any odors and it is a very nice facility.

Jackie and Bernie Able, 236 Hitching Post Drive, Rising Sun, MD stated she is a customer of Ms. La Ruffa's daycare. The kennel is very clean with heated floors and air conditioning and she and her husband just love the care their dog gets at the daycare.

COMMENTS IN OPPOSITION: None.

FILE: 3119 - APPLICANT: Quality Enterprises General Contracting, Inc.

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

PROPERTY LOCATION: 1637 East Old Philadelphia Road, Elkton, MD 21921,

Election District: 3, Tax Map: 32, Parcel: 1.

PROPERTY OWNER: Quality Enterprises General Contracting, Inc.- John Schneider,
President.

PRESENTLY ZONED: Heavy Industrial, (M-2).

Mr. John Schneider, 1637 Old Philadelphia Road, Elkton, MD would like to renew his special exception for singlewide manufactured home for security purposes. He has not had any problems with any of his neighbors. Occasionally he is having vandalism but on the whole this seems to be working out great.

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Health Department Report – Sanitary Permit F6073 issued in 1999 for mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3121 - APPLICANT: Charles and Susan Jennifer Taylor.

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

PROPERTY LOCATION: 2650 Crystal Beach Road, Earleville, MD 21919, Election

District: 1, Tax Map: 56, Parcel: 38.

PROPERTY OWNER: James and Gail Price.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Charles and Susan Jennifer Taylor 2650 Crystal Beach Road, Earleville, MD are requesting to renew their special exception to operate a gun shop. The gun shop has been open for two (2) years now without any problems. Most of the neighbors are presently customers. Mr. Taylor stated that the business did very well last year and he would request that this special exception be made permanent. There have not been any complaints and they are the only full time gun shop in Cecil County. The building is complete and the Fire Marshall and the State Police have been out to inspect and do their audit and everything is fine.

Mr. Bill Mortimer asked about traffic.

Mr. Taylor stated it depends on the season with fall being the busiest time of the year with hunting. The Taylor's live on a 160 acre working farm. They installed a secondary road off the main driveway and added extra parking facilities off to the side. The only thing that they did not get to do in the past two years was to install a bathroom and it is being installed this summer.

Health Department Report – Sanitary Permit D6202 issued in 2003 for gun shop – satisfactory.

COMMENTS IN SUPPORT: None.

April 18, 2005, 7:00 p.m.

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COMMENTS IN OPPOSITION: None.

May 17, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Clark, Murray, Prickett, Gerweck, Slicer, Sennstrom, Houston, Kilby (ex-officio), and Dempsey.

ABSENT: McDowell, (Alternate).

MINUTES- Motion made by Prickett, seconded by Murray and unanimously carried to approve the Monday, April 18, 2005, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT:

Continued from April 18, 2005 meeting.

Text Amendment to the Zoning Ordinance concerning golf course regulations.

Tabled until June 20, 2005 meeting, workshop pending, (Wednesday, May 25, 2005 at 4:00 p.m.).

PROGRAM OPEN SPACE:

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development-Fiscal Year, 2006.

Mr. Edward Slicer, Manager of Parks and Recreation presented the Annual Program for Fiscal Year 2006. Many of the projects are carried over from previous years. The Board may recall from reviewing the plan that several of the projects such as, Chesland, Sports Complex, Elk River Park, Conowingo Park and Stoney Run, would continue in this program in the six year plan. Parks and Recreation needs more than \$25,000.00 to continue with the plan and there is only \$25,000.00 available per fiscal year.

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Ms. Phyllis Kilby, (ex-officio) asked Mr. Slicer under the Perryville Trailhead Design, did you mean that Perryville would be holding its first triathlon in 2003.

Mr. Slicer stated that was the information that came to him at the time. He is not sure what is happening because of delays in the progress. There is difficulty in preparing and getting the information to the commission because some things change and unfortunately this document have some items that are in need of correction.

Mr. Brown asked if Mr. Slicer needs to go over the projects.

Mr. Slicer stated the packet is basically a continuation of the old projects.

Ms. Kilby stated there is item that is of interest to the Planning Commission, that Parks and Recreation is holding some monies for the possibility of doing a regional park in the county to be named by the County Commissioners. Is there going to be any input from the Parks and Recreation Board on that?

Mr. Slicer stated "yes". The State has been rather generous with the department and has received the largest allocation for FY 2006 that Parks and Recreation had ever received (\$624,304.00), and stated they have a low projection in this annual program, so they still have about \$456,069.60 left. The monies left can be used to enhance the projects that are mentioned in this Annual Program for 2006 or for the regional park.

Ms. Kilby asked "what is the split on that, because some has to be used for acquisition".

Mr. Slicer stated "50/50", so it would be split \$228,034.80 for acquisition and the same for development. The monies can all be used for acquisition, but not all for development.

Mr. Bill Mortimer stated it is not very clear to him about the local and state funds that are committed, some of these projects that are two and three years old, how much is spent and how much is remaining?

Mr. Slicer stated that was difficult, he did not know what to add in or subtract out. He did not know whether to use the allocated figures to begin with or not, so he decided to use the original allocation figures.

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Mr. Slicer stated he could give a special report to the Planning Commission on all these figures if you would like.

Mr. Mortimer stated he would appreciate that, so Mr. Slicer will prepare that as soon as possible for the Boards review.

The Program Open Space Annual Program Fiscal Year 2006 Park Acquisition and Development Plan for Cecil County Maryland is in file for reference.

Health Department Report – Annual Program FY 2006 – Projects which require on-site water supplies and sewage disposal should involve this office in the process.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Amendment to the Master Water and Sewer Plan for Cecil County for a proposed Subdivision to be known as “Estates at Barksdale”. Tax Map: 14, Grid: 24, Parcels: 45 & 288.

Mr. Ramesh C. Batta, Consulting Engineer, 4600 New Linden Hill Road, Wilmington, DE representing the owners W. Harris Construction presented this amendment to the Master Water and Sewer Plan. This site is zoned Suburban Residential, (SR) and consists of 29.6+/- Acres in total. The timing of this project is not known at the present time.

Mr. Bill Mortimer asked where you are proposing to get your water from.

Mr. Batta stated there is an existing 8” water line in Barksdale Road, (capacity is not known) along the westerly side with an existing fire hydrant 250’+/- southwest of the proposed entrance road. They have been before the Technical Advisory Committee on January 5, 2005 and are in the process of addressing their comments. Also, the Planning Commission reviewed the concept plat at their last meeting on April 18, 2005.

This 8” line runs from Meadowview up to the Highlands. A branch of Christina Creek is the westernmost boundary and all lands along there and the required buffers as well as the forested areas will remain as Open

PLANNING COMMISSION MEETING 2005

Space. They propose a cluster of thirty-nine (39) lots along the eastern side of the property with future access to the ad joiners on the east as well as access to the north which parcel is owned by the Commissioners of Cecil County. The adjoiners (Miller and Torres) will have direct access to their property via the proposed road rather than using the existing 1700' +/- dirt drive.

Mr. Mortimer asked if they have tested with any perc holes and where did you come up with the number of thirty-nine (39) homes as opposed to twenty-nine (29).

Mr. Harris stated that it does not perc. When they went before the Technical Advisory Committee they suggested that they go two to one looking for sewer and water.

Mr. Mortimer asked if the property is being used for anything at the present time.

Mr. Batta stated "it is not being used for anything at the present time".

Mr. Eric Sennstrom, Director of Planning and Zoning stated this property is in the Suburban District and is zoned Suburban Residential, (SR) and is part of the County's designated growth area. The Planning Commission will have to determine whether or not this is consistent with the Comprehensive Plan to recommend in favor of this request or if you do not think there is enough information provided to you to make a recommendation since there is no approved plan pending you can recommend disapproval and wait and see what happens when they come back with the Concept Plat. If they want to develop the property and it does not perc they will have to serve it with water and sewer. The Planning Commission can not approve any lots that do not either have individual on site water and sewerage disposal or a community system serving them so they could go through subdivision process. This would then have to be approved by the Department of Public Works, there are two separate processes going on.

Mr. Bill Gerweck asked does the sewer and water master plan run parallel to the development master plan.

Mr. Sennstrom stated "yes".

Mr. Josh Brown asked if this meets all the approvals when this project would be started.

PLANNING COMMISSION MEETING 2005

Mr. Batta stated two to three years. He stated this site is within the growth area, this site does not perk and has other constraints and he feels this is a logical solution for development.

Mr. Clark asked is the capacity in this area being close to being “tapped out”. Does Public Works have to make this decision?

Mr. Sennstrom stated before the Final Plat would be approved there are two things that would have to be done: 1. The Board of County Commissioners amend the Master Water and Sewer Plan to show it as a future water and sewer service area.

2. Have to have water and sewer allocation from the Department of Public Works.

Health Department Report – Water and sewer allocation must be obtained from Cecil County Department of Public Works; subdivision approval required.

COMMENTS IN SUPPORT: Mr. Wayne Lockwood, 432 Jackson Hall School Road, Elkton, MD stated any property that is in a growth area needs all the rules and regulations to be approved. The Board is not approving any projects, they are approving a service.

COMMENTS IN OPPOSITION: Mr. Efrain Torres, 2004 Barksdale Road, Elkton, MD stated he is going to loose his road to go into this property. He does not want this development there.

Mr. Harry Miller, 2006 Barksdale Road, Elkton, MD asked “how can they build houses on his utility right-of way”? He paid a lot of money putting his utilities in and he is not going to let them build on top of them.

Mr. Cliff Houston, Zoning Administrator passed out to the Board and read into the minutes two letters marked exhibits one and two from Ms. Lindsie Carter, 131 Black Snake Road, Elkton, MD. and Mr. John M. Williams, 2 Woodbine Circle, Elkton, MD., in file and attached for reference.

Mr. Ed Cairns, 104 Jackson Hall Road had two questions to propose to the Board. 1. If you are included in the Master Water and Sewer Plan does this put an obligation on the County to provide those services, his understanding is it does. 2. Do you set density at the Concept level for the Suburban Residential, (SR) zone?

PLANNING COMMISSION MEETING 2005

Mr. Brown stated “yes” they set density at the concept level. It is his understanding that the Suburban Residential, (SR) zone is a dual zone and it is permitted, one density with water and one density without water.

Mr. Cairns then stated the amount of density is dependent upon the available of public water and sewer, is that correct?

Mr. Brown answered “yes”.

Mr. Bill Mortimer reminder everyone that wants to speak that they have a five (5) minute limit, including asking any questions.

Mr. Cairns stated he is representing the ARCA Group and they feel this will start a domino affect if this amendment is approved. The Comprehensive Plan remains even after recent updates a multi-meaning document voted by developers and conservation people in supporting their respected causes. Growth is to be encouraged in the I-95 and Rt. 40 corridor and surrounding existing towns and villages. This is clearly supported by the Cecil County Urban Growth Boundary Plan and the newly adopted Master Water and Sewer Plan, the later under consideration for amendment at this evenings meeting. This property in question is not in that area. Is Suburban Residential, (SR) a growth area? This has been expressed several times and he would like to point out the Development Districts (DR, MH and RM) are clearly growth areas. Town Village districts (TR and VR) are limited growth areas around existing towns and villages. Rural conservation and agricultural areas are in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) areas where we discourage growth. The Suburban District (SR) is described as a medium density transitional district where some growth should occur but rural character should be preserved. Residential density varies from one to two for an acre because of availability of public water and sewer. The density issues are traffic, schools, run off water and sewer capacity all directly relate to density, the more houses allowed the more problems and more taxes need to support them, so we should be extremely careful to allow public water and sewer only where it is economically feasible to supply this infrastructure and reasonably achievable and sustainable to do so. There is a dangerous intersection at Valley Road and Barksdale Roads that will get worse with development now under way in Newark, Delaware and Cecil County and will be worsened further by increasing the density. The schools are over capacity at the present and are already using trailers because of over crowding. The Christina and Delaware River watersheds are over burdened. The Department of Public Works will not support the Master Water and Sewer Amendment that widens the deficit. The Meadowview Plant is short on capacity and expansion underway was partially justified to support industry in this area, but it is being consumed by heavy new residential development in the Fletchwood Road area. Please turn down this Master Water and Sewer Plan Amendment, it will not help Cecil County, it will only benefit the developer.

Mr. Cairns also stated that he thinks the time constraint is unfair.

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Mr. Ron Hamlen, 9 Lochcarron Drive, Elkton, MD stated he opposes amending the Master Water and Sewer Plan for the Estates at Barksdale. This area has been incorrectly referred to as growth area, it is not, and it is a transitional area. He would assume that the Commission would follow the growth region defining guidelines. This development is proposed for a tie in to the proposed Aston Pointe development pipeline. This amendment will set a precedent for additional amendments to the Master Water and Sewer Plan for the pending development neighboring this property. Providing public water will cause greater dependency on United Water of Delaware because the Meadowview wells are maxed out. In 2004 the Board established a clear precedent by not recommending amendments to the Master Water and Sewer Plan for the Barczewski, Milburn and the initial Aston Pointe request.

Mr. Richard Boyce, 11 Harvest Lane, Elkton, MD read his presentation the Board, in file and attached for reference.

Mr. Chris Canning, 911 West Church Road, Newark, DE, which borders Valley Road in Elkton, Landscape Architect with eight years of experience and two degrees in landscape architecture and this evening he wishes to ask the Planning Commission to vote against the amendment. His primary concern regarding this development is the increase density precedent of public water and sewer concerning the Estates at Barksdale. This precedent has the potential to allow other developments to be built with higher density in Cecil County. This density will increase traffic on roads that do not seem capable of supporting increase of vehicular traffic. This will impact our health, safety and welfare on both sides of the state line. On January 11, 2005 Planning Commission meeting for the MSN Development Mr. Canning stated isn't about time there is a moratorium put on building in Cecil County. There has been a lot of community expertise wasted attending these meetings if the Board will not take some of the advise that has been presented.

Mr. Michael Walker, 644 Jackson Hall School Road, Elkton, MD stated the Board has the choice of accepting or rejecting this proposal. There have been people with years of study and many more with years of experience, weeks of complying information for the Board, hours to consolidate it into five minutes and for Mr. Mortimer to make a statement that the "detail is not enough", you the Board are more than welcome to ask any people that oppose this water and sewer amendment for more information. It has been stated that Mr. Stritzinger will get the water and where will he get it from? He will get it from United Water of Delaware because they have an excess, do we really want to be dependent on another state such as Delaware. Mr. Walker is opposed to this amendment as everyone on the Board should be.

Mr. Bill Mortimer stated for the record "he said he did not want detail he simply wants people to adhere to the five (5) minute rule so everyone has the chance to speak".

Ms. Robanne Palmer, 25 East Parkway, Elkton, MD, President of the Glenn Farms Civic Association and is speaking this evening on behalf of the Board of Directors and hundreds of residents and tax payers. She cannot reiterate enough the opposition everyone in the community has on the wells, traffic and overcrowding of schools. The community has cautioned about the on slot of development proposals as a result of the Aston Pointe, and here is one such case that is directly dependent on Aston Pointe. This will be the domino affect

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that everyone has been cautioning and warning the Board about. Do not include the Estates at Barksdale in the master water and sewer area. Please adhere to the rules and make no special exceptions.

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated this is really about large homes, tiny lots and bad perc tests. Doubling density in an area known to be unsuitable for housing admitted by the developer, lack of adequate public facilities should make this an easy decision for the Board. An amendment will increase the demand for County infrastructure while providing less in revenue than will be needed to cover the additional costs. This project is out of character with the existing community and doubling density doubles the burden on local schools. The County needs to buy three (3) school trailers per school. Density is at the heart of this issue, because if approved you will be doubling the density. Amending the Master Water and Sewer Plan will require the County to provide sewer service from Meadowview whether we have capacity or not. The future plans for the Meadowview Plant are reserved for future industrial and commercial growth, not residential. What is left at Meadowview? At the present time 60% of Meadowview customers get their water from United Water of Delaware. This dependency needs to be reduced on Delaware not compound it with new amendments. The developer stated this evening that he would like to tap into Aston Pointe pipelines. If approved this will start the domino affect. The Barczewski, Milburn and Aston Pointe projects were denied last year and that sets a good precedent that you can reject un-wise projects such as the Estates at Barksdale. Within a mile are 1,500 more acres that could be developed if the Board sets new precedents.

Mr. Thomas McWilliams, 245 Plum Point Road, Elkton, MD stated he is against the amendment and has three (3) items he would like to discuss. First, Mr. McWilliams feels that Suburban Residential, (SR) areas are transitional areas as to what is to be considered a growth area. Second, this will set a precedent for future developers. Third, Mr. McMillan has been working with the Economic Commission on trying to attract more economic development into Cecil County. He feels it is important that the County reserves some of the water and sewer resources for those projects.

Ms. Kristen Magas, 6 Ballantrae Court, Elkton, MD stated she has some information on the Meadowview Wastewater Treatment Plant that she feels that is relevant. This is from the Engineering Feasibility Study for the Meadowview Wastewater Treatment Facility prepared for the Department of Public Works, prepared October 2001 by GNB Architects and Engineers. This document discusses how the flow of projections was established. This file is located in the Public Works Department.

Mr. Ken Wiggins, 504 Blacksnake Road, Elkton, MD stated he would like this amendment disapproved. It establishes a precedent that would remove all barriers to development. Property taxes are going up and there are limited resources of the infrastructure, sewer and water cost a lot of money. It is our tax dollars paying for these projects. The resources that are available should be future job growth in Cecil County.

Ms. Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD stated that we all know the saying of the Realtors is location, location, location. In 2005 this county has changed that somewhat to location sewer capacity of gallons per day. Water and wastewater was studied by a Task Force, the findings published March 14, 2005. Page 19 of page 51 has the following recommendations for Eastern Cecil County: "Evaluate a secondary

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water source from Artisan Water Company, east of Elkton, via an interconnection from Delaware along Rt. 40". Consider additional water use from United Water of Delaware connection for use in this area. In short, sufficient capacity of the expanded Meadowview Plant has to be complete by September 2005, (reserve for future commercial and industrial growth). Please do not squander this money away.

Mr. John Shaw, 106 Black Oak Drive, Elkton, MD stated he appreciates the volunteer service of the Planning Commission. He urges the Board to collect the facts, because without the facts you can not make a good decision. This is Mr. Shaw's tax dollars current and future. Mr. Shaw is against any amendment to the Master Water and Sewer Plan for the reasons of overcrowding, increased taxes and increased traffic.

Mr. Ken Oswalt, 690 Union Church Road, Elkton, MD stated before you change the Master Plan you should ask where the money is coming from to pay for all these changes. If this approved, the County Commissioners are going to be stuck paying for these projects if there is no other monies available.

Mr. Steven Wohner, 218 Catswamp Road, Elkton, MD stated he would like the Commission to put on a moratorium on all development, north of the railroad tracks until the County has the infrastructure to pay for any type of sewerage and water treatment. The County does not have the roads, schools, fire protection and police force to withstand this development (Estates at Barksdale). The County is stretching the finances and infrastructure to the limits. Please put a moratorium on this project until the tax monies increase.

Master Water and Sewer Plan Update for "Donna's Village"- Request the property to be upgraded from W3 to W2.

Ms. Cornell McTaggart representing Mr. Christopher Diebold for an upgrade from W3 to W2 in the Cecil County Water and Sewer Master Plan for "Donnas Village". This project is comprised of thirty-three (33) single family lots located on Old Bayview Road, North East, which will be served by Cecil County sewer system and the Town of North East water system. At a Technical Advisory Meeting which was held on February 2, 2005 it was recommended that Mr. Diebold (client) upgrade their water and sewer allocation from W3 to W2 for the back half of the site. The client is proposing that Donnas Village be served by Cecil County for the sewer and the Town of North East for the water and hooking up to a 12" water line out on Old Bayview Road. According to the Master Plan this site is actually in W1. They would like to upgrade to W1 not W2 as the front half of this site is already W1.

Mr. Christopher Diebold stated his initial request was for 40 allocations and the Town of North East has approved and committed to that, but they only need 33. The gross density allowed 40 lots, but the structure of the property did not allow 40 lots.

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Ms. McTaggart added the 33 single family lots will have a daily capacity of 9,900 gallons per day.

Ms. Phyllis Kilby (ex-officio) asked does this have an approved concept plat.

Ms. McTaggart stated “yes” we have concept plat approval by the Planning Commission.

Ms. Ethel Murray stated the letter from Frederick Ward Associates (Architect) mistakenly put the Town of Elkton instead of the Town of North East.

Mr. Mortimer asked will the project be done within the next five years.

Mr. Diebold stated “yes”.

Health Department Report – Water allocation has been granted by the Town of North East; subdivision approval required.

COMMENTS IN SUPPORT: None.

QUESTION: Ms. Karen Blankenship, 157 Old Bayview Road, North East, MD asked where the water line is located? She believes that line was run down Phenneger Lane illegally because that is a private road.

Mr. Diebold stated that there is a 12” main on Old Bayview Road and a previous developer has put a loop system in down Phenneger Lane to serve a development at the end of Phenneger Lane. They are not looking to tie into the existing 10” line, but they are going to tap in at Bayview Road 12” main. Donnas Village will not be tapping into anything on Phenneger Lane.

COMMENTS IN OPPOSITION: Mr. James Hodge, 104 Old Bayview Road, North East, MD stated Donnas Village will be directly across from his home and he is opposed to this. There is too much traffic at the present time, Hotel down the street and the Cecil County Drag Strip. The road needs some attention before another project would go into the area.

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Mrs. Amy Hodge, 104 Old Bayview Road, North East, MD stated she feels the same as her husband (James).

REZONINGS:

FILE: 2005-08-APPLICANT: Douglas E. Willard.

PROPERTY LOCATION: 108 Stoney Battery Road, Earleville, MD 21919.

ELECTION DISTRICT: 1, **TAX MAP:** 52, **PARCELS:** 455 & 457, **LOT:** 3.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

REQUEST: Request to rezone 66.03 Acres from Southern Agricultural Residential, (SAR) to Rural Residential, (RR).

PROPERTY OWNER: Douglas E. Willard.

Mr. Douglas E. Willard, 23 Union Folley Road, Earleville, MD presented his application for a rezoning change from Southern Agricultural Residential, (SAR) to Rural Residential, (RR) on two parcels of property that front on Stoney Battery Road. He would like to design a subdivision of executive homes on lots of 1.3 acres or larger for a maximum of fifteen (15) lots. The basis of the application is a substantial change in the character of the neighborhood. There have been major changes made to this area since the comprehensive rezoning in 1993. Many families have moved to this area since 1999-2000. This is a desirable place to call home and raise their children and feel safe. Area neighborhoods like Club Lane, Heather Drive and Bray Avenue exist within a close proximity. His acreage touches Battery Point Farms which is zoned Rural Residential, (RR) and was once a working farm. He has lived in this area for over for five (5) years and he can understand if there will be a resistance to change. There has been a major change in the local area. His girlfriend Karen Hanna owns the local General Store in Hacks Point and business and gross numbers have risen in the last year let alone the last five (5) years. The local area use to be a more seasonal summer area, but now more and more people are staying in the area for the winter.

Mr. Mortimer asked have any other changes taken place in this time period.

Mr. Willard stated possibly Bayside Developers.

Mr. Mortimer stated with the current zoning you can put thirteen (13) homes on this amount of land.

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Mr. Willard stated he is only asking for two (2) extra lots with bonus density.

Mr. Mark Clark asked about Battery Point Farms being zoned Rural Residential, (RR).

Mr. Cliff Houston, Zoning Administrator stated it has been zoned Rural Residential, (RR) since 1993.

Health Department Report – Some percolation tests / soil evaluations have been conducted; additional testing is required to delineate a 10,000 sq. ft. sewage area for each lot and subdivision approval is required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD stated she is opposed of these two (2) extra lots to be rezoned.

Mr. Wayne Lockwood, 432 Jackson Hall School Road, Elkton, MD stated until the County needs to come to grips along with the Planning Commission and the County Commissioners we either have to decide that we are going to develop the areas like Suburban Residential, (SR) that were designed to relieve the pressure in the master plan, you do not hear from the opposition, it was designed to relieve the pressure from the Newark, DE area. We have to decide if we are going to develop those areas and do everything we can save the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) properties. If we do not save the real farms then the plan was useless. Please save the farms in Cecil County.

Mr. Harold Davis, 645 Glebe Road, Earleville, MD stated he owns the farm land directly across from this property and he objects to the rezoning. There was no mistake made in the original zoning and there has not been any change in the neighborhood.

Mr. Cliff Houston, Zoning Administrator stated Mr. Harold Davis had also sent a letter into the office to read into the minutes if he could not attend the meeting, in file for reference.

Ms. Rachel Davis, 645 Glebe Road, Earleville, MD stated this area is a one way road in to a dead end. When you go down Stoney Battery Road every lot is minimum of five (5) acres, some eight (8) or ten (10). Nothing has changed along Stoney Battery Road and she hopes it shall not. She has eighteen (18) acres across the street and nothing has changed there.

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Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD representing Battery Point Farms Management Corporation stated that the changes that Mr. Willard has spoken about were changes that were contemplated by the zoning that was enacted in 1993 and there have been no changes in the character of the neighborhood. This does not constitute a change.

Mr. Norman Wilson, Esquire, 109 Bridge Street, Elkton, MD representing Mark and Marie Coffman who own property that adjoins Mr. Davis and across from the Willard property. There has been absolutely no change in the neighborhood and he feels this rezoning should not be passed.

Mr. Dennis Smith, 100 Stoney Battery Road, Earleville, MD stated his property borders 108 Stoney Battery Road and he concurs with the rest of the speakers that there has not been a change in the character of the neighborhood. When he bought his lot he was told he was one lot of a three lot minor subdivision parcel and the land could not be subdivided and he does object to this rezoning.

Mr. Thomas McWilliams, 245 Plum point Road, Elkton, MD supports what has already been said in opposition to this rezoning. Mr. McWilliams wants to see all the Southern Agricultural Residential, (SAR) land preserved.

Mr. Al Seither, 88 Morton Creek Road, Earleville, MD is a neighbor of the subject party. He has two (2) children and one boards the school bus at the intersection that was described as a wonderful child neighborhood. Mr. Seither has been in contact with the Board of Education and Cecilton Middle School because of the dangerous bus situation on this one way road. At that intersection there are eight (8) or nine (9) little crosses on the corner for all the lost animals at that intersection, this is not conducive to a lot of general traffic. The Department of Soil Conservation came in and planted trees and constructed a pond on this property because they were told it was going to remain a farm and a wildlife refuge.

Mr. Willard answered stating the he is involved with the Ducks Unlimited and four or five years ago they planted 1,200 pines and planted eight (8) acres of warm and cool season grasses for the wildlife. Part of that was a pond project funded partially by the State of Maryland, Ducks Unlimited and an organization PIAA, as part of that project the landowner signs a contract and part of this proposed subdivision what would remain would be some of the tree plantings and the pond which would be open space for the neighborhood and a storm water management basin.

FILE: 2005-09-APPLICANT: Herron 393, LLC, David F. Herron.

PROPERTY LOCATION: Zeitler Road, Elkton, MD 21921.

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ELECTION DISTRICT: 3, TAX MAP: 26, PARCELS: 21 & 23.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 393+ Acres from Suburban Residential, (SR) to Multifamily Residential, (RM) and Business General, (BG).

PROPERTY OWNER: Marva Ltd. Partnership.

WITHDRAWN.

SPECIAL EXCEPTIONS:

FILE: 3124 - APPLICANT: Steven and Laurie Germain.

FOR: Special Exception for a home occupation for preparation of engineering or architectural drawings.

PROPERTY LOCATION: 401 Bailiff Road, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 633.

PROPERTY OWNER: Steven and Laurie Germain.

PRESENTLY ZONED: Development Residential, (DR).

Mr. Steven Germain, 401 Bailiff Road, North East, MD stated his home business is a Three-D CAD computer business for tradeshow, exhibits and events. This is all a computerized business and there would not be any clients coming to his home. The only deliveries would be once or twice a week from UPS, DHL or Federal Express.

Mr. Ethel Murray asked are there any other employees.

Mr. Germain stated "no".

PLANNING COMMISSION MEETING 2005

Health Department Report – Sanitary Permit A6772 issued on 1976 for existing dwelling; minimal water usage anticipated from proposed use – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3125 - APPLICANT: Gerald P. and Doris M. Purnell.

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

PROPERTY LOCATION: 1828 Conowingo Road, Rising Sun, MD 21911, Election District: 6,

Tax Map: 9, Parcel: 169.

PROPERTY OWNER: Gerald P. and Doris M. Purnell.

PRESENTLY ZONED: Business General, (BG).

Mr. Gerald Purnell, 1828 Conowingo Road, Rising Sun, MD, Cape Cod Furniture would like to renew his special exception for a singlewide manufactured home for security reasons. A few years ago this mobile home was put on the property and it has been very effective with security and there has been very little vandalism.

There is one family living in the mobile home so there are lights on most of the time and this deters from vandals.

Health Department Report – Sanitary Permit G5013 issued in 2003 for mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

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FILE: 3126 - APPLICANT: James Moore.

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

PROPERTY LOCATION: 1872 West Pulaski Highway, North East, MD 21901, Election

District: 5, Tax Map: 25, Parcel: 217.

PROPERTY OWNER: James and Steve Moore.

PRESENTLY ZONED: Business General, (BG).

Mr. James Moore, 1872 West Pulaski Highway, North East, MD stated ten (10) years ago we asked to put this mobile home on the property for security reasons and Mr. Moore wishes to renew this special exception for security reasons for lifetime. He runs a used car lot and this has stopped people from stealing parts and tires from the used cars. There is one gentleman that lives in the mobile home and has run people off and has called the police several times.

Health Department Report – Sanitary Permit F8185 issued in 2000 for mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3127 - APPLICANT: Adam H. and Sheila Wolle.

FOR: Renewal of a Home Occupation to conduct an embroidery business.

PROPERTY LOCATION: 5891 Telegraph Road, Elkton, MD 21921, Election District: 4, Tax

Map: 14, Parcel: 720.

PROPERTY OWNER: Adam H. and Sheila Wolle.

PRESENTLY ZONED: Suburban Residential, (SR).

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Mr. Adam Wolle, 5891 Telegraph Road, Elkton, MD would like to renew his special exception to operate his embroidery business. He has not had any complaints from any of his neighbors. He does not have a sign out front for advertising and no customers come to his home. UPS comes two (2) or three (3) times a week.

Health Department Report – Satisfactory for proposed use – no Sanitary Permit required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3128 - APPLICANT: Pauline T. Jones.

FOR: Renewal of a Home Occupation to operate a hair salon.

PROPERTY LOCATION: 12 Hopewell Court, Port Deposit, MD 21904, Election District: 6,

Tax Map: 17, Parcel: 552.

PROPERTY OWNER: Pauline and George Jones.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Pauline Jones, 12 Hopewell Court, Port Deposit, MD would like to renew her special exception to operate a hair salon. Her business is wonderful, no problems with the neighbors, no parking problems and she just put an addition on her home to expand the business. Previously she was approved for two (2) chairs and she would like to keep the approval the same. She has about fifteen (15) clients a day.

Health Department Report –Sanitary permit G4964 issued in 2003 for addition to dwelling for beauty shop – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3129 - APPLICANT: Philip D. Maloney.

May 17, 2005, 7:00 p.m.

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FOR: Special Exception for a home occupation to operate a commercial kennel.

Tax
PROPERTY LOCATION: 774 Union Church Road, Elkton, MD 21921, Election District: 3,

Map: 20, Parcel: 169.

PROPERTY OWNER: Philip D. and Tracy L. Maloney.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Philip D. Maloney, 774 Union Church Road, Elkton, MD presented this application for a home occupation for a commercial kennel. He moved to Cecil County two (2) years ago and purchased this parcel with 16.92 acres. Between him and his wife (Tracy) they have ten (10) years combined of animal care and related services. They would like to operate a small upscale boarding kennel. They would like to operate with the natural surroundings and in harmony with their neighbors. See exhibit one in file and attached for reference.

Mr. Bill Mortimer asked how much traffic there would be.

Mr. Maloney stated that traffic will be minimal they will be providing a pick-up and delivery service in the association with drop-offs. The hours for pick-up and drop-off will be 8:30 a.m. to 11:30 a.m. and 4:00 p.m. to 6:30 p.m. and Wednesday by appointment only and closed on Sundays.

Mr. Bill Gerweck asked if they do any grooming.

Mrs. Maloney stated "not at this point".

Mr. Mortimer asked what the capacity would be.

Mr. Maloney stated they would have eighteen (18) runs for the dogs confined in the existing kennel building.

Health Department Report – No application received for water and sewage approval for proposed kennel – provision must also be made for disposal of kennel waste, wash down water, etc.(Sanitary Permit G4126 issued in 2003 for interior renovations to existing house).

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Ken Oswalt, 690 Union Church Road, Elkton, MD is in opposition of this kennel because this is a residential area and he does not want to hear dogs barking at his house at night. To the best of his knowledge there is no one living at this residence.

Mr. Maloney stated he does reside in the residence.

Mr. Mark Clark asked if he has dogs at the present time.

Mr. Maloney stated yes we have one very spoiled dog. There is a security fence around the kennel area and there are no employees.

FILE: 3130 - APPLICANT: Dennis Wilson & Richard Gamble.

FOR: Renewal of a Home Occupation to operate a Bed and Breakfast.

PROPERTY LOCATION: 67 Poplar Hill Lane, Elkton, MD 21921, Election District: 4, Tax

Map: 13, Parcel: 361.

PROPERTY OWNER: Dennis Wilson & Richard Gamble.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Dennis Wilson and Richard Gamble, 67 Poplar Hill Lane, Elkton, MD would like to renew their Special Exception for a Bed and Breakfast in their home. They have had this business for the past five (5) years and have had numerous compliments. They can handle ten (10) guests at one time and have adequate parking. They would like this special exception renewed for as long as they own the property and operate the business.

Mr. Josh Brown asked how far back the Bed and Breakfast off of the road is.

Mr. Wilson stated 2/10 of a mile.

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Health Department Report – Health Department comment for April, 2000 Planning Commission meeting for this Special Exception was “no application received for water and sewage approval for proposed use”. We have no record that a Change of Use Permit was applied for or issued for establishment of a Bed and Breakfast at this location.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3136 - APPLICANT: Sharon D. Santmyer.

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

PROPERTY LOCATION: 548 Conowingo Road, Conowingo, MD 21918, Election District: 8,
Tax Map: 9, Parcel: 306.

PROPERTY OWNER: Sharon D. Santmyer.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Sharon Santmyer, 548 Conowingo Road, Conowingo, MD stated she wishes to put a doublewide manufactured home on her property so her father could reside next to her. Her father had a stroke in 1993 and has steadily gotten worse and her mother has had to get a full time job for financial reasons and health benefits and there is no one to stay home with her father. He uses a walker full time and a wheel chair to get around. Presently he lives 20 minutes from the closest relative. They have not had any complaints from the neighbors. This will be a Bayside Home and will have skirting around it.

Mr. Mortimer asked if Ms. Santmyer was home during the day.

Ms. Santmyer stated “yes” she is a stay at home mom and she has three (3) children.

Mr. Brown asked why her parents could not live with her.

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Ms. Santmyer stated she has steps in her home and they would not have any privacy.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Stephen Mecler, 528 Conowingo Road, Conowingo, MD sent in a letter and pictures to be entered into the minutes, in file for reference.

RECOMMENDATIONS:

TEXT AMENDMENT:

APPLICANT: Cecil County.

FOR: Text Amendment to the Zoning Ordinance concerning golf course regulations.

Continued until June 20, 2005 Planning Commission meeting, workshop pending.

PROGRAM OPEN SPACE:

APPLICANT: Cecil County Parks and Recreation.

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development – Fiscal Year, 2006.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

WATER /SEWER AMENDMENT AND UPDATE:

APPLICANT: Ramesh C. Batta.

FOR: Amendment to the Master Water and Sewer Plan for Cecil County for a proposed Subdivision to be known as "Estates at Barksdale".

Staff recommended disapproval.

ACTION: Motion made to disapprove by Prickett, seconded by Clark.

VOTE: Murray abstained, Four to one to disapprove, motion carried.

APPLICANT: Christopher Diebold.

FOR: Master Water and Sewer Plan Update for "Donnas Village" – Request the property to be upgraded from W3 to W2.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Douglas E. Willard.

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FOR: Request to rezone 66.03 acres from Southern Agricultural Residential, (SAR) to Rural Residential, (RR).

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

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Steven and Laurie Germain.

FOR: Special Exception for a home occupation for preparation of engineering or architectural drawings.

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: Gerald P. and Doris M. Purnell.

FOR: Renewal of a Special Exceptions to retain a singlewide Manufactured home for security purposes.

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

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

VOTE: All in favor, motion carried.

PLANNING COMMISSION MEETING 2005

APPLICANT: James Moore.

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

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

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

VOTE: All in favor, motion carried.

APPLICANT: Adam H. and Sheila Wolle.

FOR: Renewal of a home occupation to conduct an embroidery business.

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

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

VOTE: All in favor, motion carried.

APPLICANT: Pauline T. Jones.

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

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

ACTION: Motion made to approve for as long as applicant owns property and operates the business (limited to

two employees) by Mortimer, seconded by Gerweck.

VOTE: All in favor, motion carried.

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APPLICANT: Philip D. Maloney.

FOR: Special Exception for a home occupation to operate a commercial kennel.

Staff recommended approval for two years.

ACTION: Motion made to approve for two years, restricted to three employees by Murray, seconded by
Mortimer.

VOTE: All in favor, motion carried.

APPLICANT: Dennis Wilson and Richard Gamble.

FOR: Renewal of a home occupation to operate a Bed and Breakfast.

Staff recommended approval for as long as applicant owns and operates the bed and breakfast.

ACTION: Motion made to approve for as long as applicant owns and operates the Bed and Breakfast, (must
comply with Health Department requirements), by Mortimer, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Sharon D. Santmyer.

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

Staff recommended approval for five years or as long as parents reside in home whichever shall sooner occur.

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

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VOTE: All in favor, motion carried.

The meeting was adjourned at 10:30 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 20, 2005, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

June 18, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown, (Chairman), Mortimer, Clark, Murray, McDowell, (Alternate), Gerweck, Sennstrom, Houston, Kilby (ex-officio), and Dempsey.

ABSENT: Prickett.

MINUTES- Motion made by Murray, seconded by Gerweck and unanimously carried to approve the Monday, June 20, 2005, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT:

MASTER WATER AND SEWER PLAN Amend Chapter 3: Water Systems Principio Water Company.

Mr. Eric Sennstrom, Director of Planning and Zoning presented this text amendment to the Master Water and Sewer Plan specifically concerning an amendment to water systems, Chapter 3. The amendment is proposing to add a new section, Section 3.2.12 concerning a private water company known as the Principio Water Company. Also, two of the tables are being proposed to be amended, (Table Two Private Community Water Systems) and (Table six Summary of Planned Water Improvements). The first portion of the amendment concerns Chapter 3, specifically adding a new section to Chapter 3 which would be sub-section 3.2.12 concerning the Principio Water Company. The text of that portion of the amendment will add language that will describe what the company is, describe the existing system, describe the proposed improvements and refer to Table 3.1 which is the map that accompanies the document where the water service area W-1, W-2 and W-3 areas are located in the County. Chapter 3, Table 2 and 6 Water systems in file and attached for reference.

Mr. Bill Mortimer asked if the property falls outside the designated growth area would they be able to use this private system.

Mr. Sennstrom stated the map shows the areas that are proposed to be served within this area. It is primarily in the County's Designated Growth Area.

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Mr. Bill Gerweck asked if there would be a minimum that they would be supplying.

Mr. Sennstrom stated what they need to serve this would be the maximum usage. Minimum usage would change with use over time that figure would fluctuate as more industrial users take advantage of the system and more residential uses are added to the system.

Health Department Report Groundwater Appropriation Permit is required from Maryland Department of the Environment, as are Construction Permit (s) for the privately-owned public water system.

COMMENTS IN SUPPORT: Mr. Randy Lutz, Council to Principio Water Company and Mr. Michael Vaughn, Stewart Associates stated to build these two projects they need a reliable and reasonably priced water system that will have water in place in a timely fashion that meets the development needs of his clients. They have perused a number of other options in the past several years and the only viable option at this point in time is to create their own water company and the wells would be in the park itself.

Mr. Vaughn stated there is an existing well that has preliminary testing that is about 85 to 100 gallons per minute which would supply more than sufficient water for a big portion of the park. There are additional wells that have been drilled in the Charlestown Crossing Project also. They plan to do more wells after they get through the process with Cecil County.

Mr. Lutz stated they have already built a storage tank of ½ million gallons and about 2 ½ miles of water line put into place as an investment in to the park itself. They also have put in a few thousand feet of sewer line to service the park. The G.E. building is on site and they plan to build a couple of office buildings this year when this is all approved off of Rt. 40. The well is near an existing line and it is in the central growth area. This project will interconnect with neighboring systems so that regional distribution of water in the central County will be more efficient.

Mr. Mortimer stated he understands that by doing this project they will be able to attract new business to the County.

Mr. Vaughn stated without this it would be very difficult to attract new business into the area. This would attract higher quality type business and to make the investment that they continue to make to have this type of infrastructure in place.

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Mr. Mortimer asked about other utilities.

Mr. Vaughn stated there is more than sufficient capacity at the Seneca Point Plant which they are connected to at the present time and there is plenty of power and will be designing I.T. lines to go through the park. They have been working very closely with the County's Economic Development Department in looking for new businesses.

Mr. Mortimer asked why you decided to go private .

Mr. Vaughn stated it has been a long process and if they were willing to invest the money to do it that was the only way for us to continue to do it, to be able to have a consistent dependable, reasonable sure able amount of water for the long term for the park.

Mr. Gerweck stated this will open the growth corridor, is that correct.

Mr. Vaughn stated yes .

Mr. Mortimer asked if the State has to weigh impact on this kind of pull on surrounding areas.

Mr. Sennstrom stated they would need to do as part of the process, they make their application to the Maryland Department of the Environment for their ground water appropriation and to do that they have to show that they are consistent with the County's Master Water and Sewer Plan. They need the approval from the Board of County Commissioners first then they can proceed with permits that would be required by the Maryland Department of the Environment.

Mr. Josh Brown asked what would happen if the water supply fails or would become a problem, who would be responsible?

Mr. Vaughn answered Principio Water Company would be responsible. They plan to hire very qualified and experienced operators.

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Mr. Mortimer would like to know if this would all be regulated by the State and County for quality standards.

Mr. Vaughn stated that everything would be reviewed by MDE, (Maryland Department of Environment), Planning and PCS, (Public Service Commission) and there would be quality audits performed.

Ms. Phyllis Kilby, (ex-officio) asked if there are plans for a reservoir.

Mr. Vaughn stated presently they are having continuing discussions with the County on reservoirs and this will be a long term process in working with Cecil County and the Municipalities to provide a water system in the middle of the County. They are in the very preliminary stages of this reservoir process.

Mr. Gerweck asked will this eventually be turned over to the County when you are done with it.

Mr. Vaughn stated all options are open at this point. Their primary goal is not to be in the water business, their primary goal is to make sure they have a long term assured reasonable cost water system.

Mr. Thomas McWilliams, 245 Plum Point Road, Elkton, MD stated he is educated in infrastructure (including water) and the Rt. 40 & I-95 corridor and is also a member of the Chamber of Commerce Government Relations Committee and a member of Economic Commission he supports the approval of this amendment to the Master Water and Sewer Plan. This is a move in the right direction.

COMMENTS IN OPPOSITION: Albert J.A. Young, Brown, Brown and Young, 200 South Main Street, Bel Air, MD presenting the Town of North East stated that the Town of North East did not receive any notification of the meeting this evening and if you look at the website agenda for this meeting which was printed out 7-18-05, this item is not on the agenda. For purposes of their notice that is why they are not attending they had a regularly scheduled Commissioners meeting. If you look at the urban growth boundary plan which is a study that was commissioned by the County and studied comprehensively this issue among others of supplying water interestingly chases a forty-five (45) year history of the County's struggles to get MDE to get water into Cecil County and to approve a comprehensive water plan. There were five or six previous attempts all of which were previously rejected because the County did not include working in conjunction with the Towns. After forty-five (45) years of trying finally the urban growth boundary plan was commissioned to deal with a comprehensive way of doing this. It came to the conclusion that the way to do it was to enter into a comprehensive plan with the towns and have water service agreements with the towns and for the towns to enter into agreements with developers to have that infra-structure built by the developer. This plan was well conceived, well thought out, well done and first time in forty-five (45) years accepted and approved by MDE. Pursuant to that plan a water service agreement was entered into between the County and the Town of North East. Mr. Sennstrom had indicated that this water service agreement only prohibits the

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County from supplying water, but by approving this change to the Master Water and Sewer Plan and the County doing so they are violating that agreement and they agreed to give the Town of North East this exclusive water service area. This area was granted and promised to the Town of North East. The County and Public Works had entered into agreement with the Town, which is how the water tank got there. Private water systems are privately controlled and you are at their mercy. The system that the Town has can work and will work and has been approved by MDE, there is no reason why this could not proceed in accordance with the plan that has been developed and improved.

Mr. Gerweck stated since all this is in place why is the water service not done, where is the downside?

Mr. Young explained that part of the downside is that based on the water service area that was granted by the County the Town of North East went out and expended \$6,000,000.00 in infra-structure cost and committed to spend \$9,000,000.00 more infrastructure cost that are out there. The downside by doing it privately would be the review and inspections by governmental agencies that you would not have if it is a private system.

Mr. McDowell questioned why the Board is getting two different scenarios on this project? One being from the Town of North East and the other from the Developer.

Mr. Sennstrom stated that would be a question for the Town of North East and the Principio Water Company.

REZONING:

FILE:2005-11-APPLICANT: Herron 393, LLC, David F. Herron.

PROPERTY LOCATION: Zeitler Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 26, PARCELS: 21 & 23.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 393+/- acres from Suburban Residential, (SR) to Multifamily

Residential, (RM), Heavy Industrial, (M-2) and Business General, (BG).

PROPERTY OWNER: Marva Ltd. Partnership.

Mr. Michael Pugh, Corridor Land Services, Elkton, MD, Mr. Albert J. A. Young, Brown, Brown and Young, 200 South Main Street, Bel Air, MD and Mr. David Meiskin, Applicant presented this application for rezoning. Mr. Pugh stated the Herron property is located off Zeitler Lane, Elkton, MD and consists of 393

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acres and is currently zoned Suburban Residential, (SR).

Mr. Pugh stated they are seeking to rezone to three different zones than Suburban Residential, (SR). They are requesting the lower corner be rezoned to Heavy Industrial, (M-2) contiguous to ATK, then the bulk of the property be rezoned to Multifamily Residential, (RM) and the little corner off Blue Ball Road known as Zeitler Lane be rezoned to Business General, (BG) for a small commercial area. The purpose of this is to create a Planned Community which would show a varied type of residential usage, townhouses, single-family homes, villas, apartments and open space. A PUD under the Suburban Residential, (SR) zone would let them approximately apply for 1590 units. What they are seeking in all of this rezoning is merely the re-arrangement of the type of units and they have a plan not to exceed 1500 units. In the context of the rezoning the effort is not to increase the density, it is to allow for a re arrangement. Also under the Suburban Residential, (SR) zoning there is a requirement for at least 30% open space. In this mixture the residential usages are largely on the western most part of the property and a little bit to the north of Zeitler Lane. There also will be a substantial amount of open space that will be created by this plan which will exceed 50%, so in a sense they are increasing the opportunity for the open space of the site by this rezoning to allow them to cluster the multifamily type units.

Map in file and attached for reference marked exhibit one.

Mr. Mortimer asked would it be correct in saying that 195 acres will be open space.

Mr. Pugh stated that s right .

Mr. Pugh stated they have had numerous meetings with ATK to review the placement of the various units and the types of open space that buffers this property and based on those meetings they are supportive of the way the three zonings are laid out. The M-2 creates additional industrial buffer along with the open space area that they are creating enhances the amount of buffer that is created and creates a transition zone between the residential zone to the north and west and industrial to the south. At the present time this whole complex comes off of Blue Ball Road. Other public roads would make connections in the future after the traffic study would be completed.

Mr. McDowell stated that on the application that was turned into the office the request is for environmental clean-up, and increased opportunity for employment - could you please explain in more detail.

Mr. Pugh stated he will get to that later in the meeting.

Mr. Mortimer asked what the different colors on the map represent.

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Mr. Meisken stated that yellow would be single-family detached homes, the other two colors would be town homes, garden homes or apartments. The remainder of the tract would be open space. The commercial portion would be 8 acres that fronts onto Blue Ball Road

Mr. Josh Brown asked why you did not come in with a PUD instead of a rezoning.

Mr. Pugh stated the PUD would not enable them to vary the housing types to include town homes and apartments which allow them to do greater clustering, which is more protective in saving greater amounts of open space. They feel they can create a better plan with the three zonings in place then they could by being more limited with a special exception for a PUD. Mr. Pugh also stated they are working closely with ATK on not making having any residential units too close to where the rocket testing is performed.

Mr. Mark Clark has concerns where M-2 zoning is located along with the buffer area.

Mr. Pugh stated that it is known well and broadly that there are environmental issues associated with this property and a number of others in the area. The EPA has superfund site considerations and other clean-up issues going on throughout this area. Until the EPA issue on this property is cleared up this property will not be built on. This property also does not have a water and wastewater plant associated with it. It is contiguous to the Town of Elkton, but is not intended to be served by the Town of Elkton. They feel the feasibility to create the infrastructure on this site is there.

Mr. Pugh stated this proposed rezoning is consistent with the comprehensive plan and shows substantial change in the area and/or mistake in the existing zoning. The consistency with the comprehensive plan is absolute. It is clearly in the development corridor, shown in the master water and sewer plan not as an area to be served, but it is actually shown within the service district of the Cecil County Comprehensive Plan. It is in a development district and it would support this type of project as the way they should feature the development in the development corridor. To show change in the area is the clean-up of the environmental problems and this is ongoing to show there will be a re-use of the area creates a powerful context to show change in the area.

Mr. Gerweck stated you have no designation for the manufacturer .

Mr. Pugh stated we do not . ATK is more comfortable with having the property zoned Heavy Industrial, (M-2) than Suburban Residential, (SR).

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Mr. McDowell stated that one thing that concerns him is if this property is rezoned what is to say that that this development would be tied to the rezoning.

Mr. Young, Council stated that the Planning Commission is not aloud to condition a rezoning because it is illegal. Prior to approval of the County Commissioners they would enter into a declaration of covenant with the conditions of the rezoning. This would all be recorded on the deed restrictions.

Ms Phyllis Kilby (ex-officio) stated the past six (6) months there has been a committee (Little Elk Review Committee) working on various contaminated sites within the area, with this property being one of them, Maryland Sand and Gravel, Triumph Industrial Park in cooperation with EPA, MDE , Johns Hopkins, ATK and affected businesses in the area. These people have spent six months looking at these properties and this fall they will be coming in with comprehensive suggestions, and she feels this proposed rezoning is premature, why not wait until fall until there findings are in. Also you are thinking about putting a water system in over a contaminated site. There are a lot of superfund sites in this area. Ms. Kilby feels we need to look at this all very carefully, so we do not create more problems for future residents.

Health Department Report No application received for indication of proposed water supply or sewage disposal site is subject of MDE/EPA investigation of contamination related to explosives manufacturing findings may limit future use of property.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Phil Muhlmichl, 872 Marley Road, Elkton, MD stated there would be too much traffic on Blue Ball Road and Marley Road if another entrance would be constructed.

Ms. Rebecca Demmler, 30 Childs Road, Childs, MD stated she lives about a mile from this site and she feels this will change the character of the neighborhood as it is a very rural site. In 1993 when the Comprehensive Rezoning was done if they had known about all the environmental problems they would have never zoned this for multi-family residences. There is sulfate, arsenic and lead to name a few in the ground which would contaminate the water. Please wait until the clean-up is completed before considering rezoning of this piece of property.

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated the Suburban Residential, (SR) zoning has been extended in the buffer area between the higher density along Rt. 40 and the Town and the industrial area and also the buffer between the farming area to the north, northwest and northeast that is why it why zoned

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Suburban Residential, (SR) in the first place and now they want to rezone the buffer zone into the higher density. At least 300 acres is going to be Multifamily Residential, (RM) times 12 per acre, do the math. Why are there 786 homes currently aloud in the Suburban Residential, (SR) not enough homes for this project? With the 1,500 homes that they are proposing this would yield about 15,000 new trip-ends a day. Is all this traffic going to be on Blue Ball Road? PUD laws are just too cumbersome and too difficult for them to operate under. Where is the water and sewer coming from? You can say that the ground water is definitely contaminated. There is an area with all the ammunition that has not even been started to be cleaned up. This project is very premature.

Ms. Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD feels this is a very premature application. Ms. Arbuckle agrees with Commissioner Kilby in what she stated. Ms. Arbuckle stated we know that you have had discussions with ATK, did they give the Board any type of letter on their letterhead stating what has been said this evening. Has this rezoning been discussed with Mr. Matt Carter, (Director of Public Works)? Has this been discussed with the Town of Elkton or the schools? All these questions need to be answered.

Mr. Thomas McWilliams, 245 Plum Point Road, Elkton, MD has served for six years on the Aberdeen Proving Ground Board for cleaning up hazardous waste sites that are contaminated. This site needs to be cleaned up and please disapprove this rezoning until all the results are in.

Ms. Marie Ward, 32 Laurel Run Road, Elkton, MD stated there is no substantial change in the neighborhood shown and she is concerned about the buffer in the M-2 zoning. Ms. Ward feels the zoning is correct as it is.

Mr. Tom Huebner, 586 Zeitler Lane, Elkton, MD stated he is representing the owners of the property and they are concerned about traffic density off Blue Ball Road. The Huebner property would be involved if there was a connection to Marley Road in the near future. They are concerned about the high density dwellings if they would be low income housing, this will decrease their property value.

Mr. Russell Morgan, 898 Marley Road, Elkton, MD stated his property is adjacent to where the developer wants to come out. His home was built in 1995 and he looked for it for two years to find a nice area to raise his family in Cecil County. He bought on a dead end Road (Marley Road) for a reason. When he built his home in 1995 he looked for single-family residential, now if it is rezoned there will be apartments, townhouses and commercial businesses. If the zoning changes the composition of the neighborhood will change. The changes they are proposing are not for his benefit but for their own. Mr. Morgan feels that the Board should wait the six months for the committee s results.

Mr. Vito Papagno, 285 Black Snake Road, Elkton, MD stated he has been sitting in the meeting thinking about what tomorrows newspaper will read Cecil County is supporting the investigation of a site that has explosives , just to approve a multi-residential dwelling zoning for that site. This does not make any sense to him.

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Ms. Joy Wilson, 984 Marley Road, Elkton, MD is opposed to this rezoning because Cecil County is a nice place to live with all the trees around her and it is very quiet. If this area is rezoned it will bring in crime and low-income housing. Ms. Wilson stated this is a beautiful piece of property and she does not want to walk outside and see lights shining and hear a lot of noise. She does not want this rezoning passed.

Mr. John Bowlesby, 73 Laurel Run Road, Elkton, MD stated he feels this rezoning is premature. It could have good possibilities long term, but not right now.

Mr. Cliff Houston, Zoning Administrator stated the office has received one letter in opposition from Ms. Lindsie Carter, Chairman CHARGE, Inc., 131 Black Snake Road, Elkton, MD, marked exhibit two in file and attached for reference.

SPECIAL EXCEPTIONS:

FILE: 3149 - APPLICANT: Ann Marie Blevins.

FOR: Special Exception for a home occupation to operate an office for a fencing company.

PROPERTY LOCATION: 403 Baron Road, North East, MD 21901, Election District: 5, Tax

Map: 25, Parcel: 559.

PROPERTY OWNER: Donald R. and Ann Marie Blevins.

PRESENTLY ZONED: Development Residential, (DR).

Ms. Ann Marie Blevins, 403 Baron Road, North East, MD, presented her application for an office in her home to operate her fencing company. There would not be any heavy equipment on the property. There is a garage in the back of her property for storage of some small materials. Ms. Blevins has her licensing and insurance all in place and eventually would like to become a general contractor. She worked for MITCO Fence Company (closing last year) for ten years and has decided to start her own company. There will not be any customers coming to her home. She picks up the fencing materials with her pickup truck and an 18 trailer in Bladensburg which is near Washington D.C. The road and the right of way are consistent with Cecil County regulations if big trucks need to drop off materials at her property, but most of the time she picks the materials up herself.

Mr. Gerweck asked her about the storage in the back of her garage.

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Ms. Blevins stated you can not see any storage from the front yard. There have not been any appearance changes to the yard. If any big deliveries need to be delivered she would have them sent to Mr. Les Cooke (fencing company) at his yard then pick them up with her truck and trailer.

Mr. Mortimer asked if she could be restricted to what materials she presently has at her home.

Ms. Blevins stated that would be fine . She has two employees at the present time, they are dropped off in the morning at 6:30 a.m. because neither one of them drives. The only equipment that is located on the property is one small Bobcat that is kept in the back lot.

Mr. Gerweck asked why she is requesting this special exception now, since she has been doing this for a while.

Ms. Blevins stated she want everything to be legal, documented and wants everything up front with this business.

Mr. Gerweck asked how big the fenced in area is.

Ms. Blevins stated approximately 42 x 48 .

Health Department Report Sanitary Permit A2798 issued in 1972 for existing dwelling; minimal increase in water usage anticipated satisfactory.

COMMENTS IN SUPPORT: Ms. Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD stated she would like to vouch for Ms. Blevins character as a professional and she is a woman of her word.

FILE: 3155 - APPLICANT: John J. Osani.

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

PROPERTY LOCATION: 244 Rock Springs Road, Conowingo, MD 21918, Election District:
8,

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Tax Map: 9, Parcel: 243.

PROPERTY OWNER: John J. and Kathleen Osani.

PRESENTLY ZONED: Business Local, (BL).

Mr. John and Ms, Kathleen Osani, 205 McCauley Road, Conowingo, MD presented this application for a special exception for security for a restaurant that they have just purchased recently (Rocking Horse Restaurant). There was a mobile home there in the past and the previous owner took it out. It was located on lot #6 and there is an existing septic system and metered pedestal. The biggest problem they are having at the present time is people are putting trash into their dumpster.

Mr. Brown asked who would be living in the singlewide.

Mr. Osani stated he has twelve (12) employees at the present time and hopefully one of his employees could live there. They have made a substantial investment in this restaurant and feel it has been an asset to the community. They live 4 miles from the restaurant and this would make them feel better if someone was watching over things for them.

Health Department Report Sanitary Permit C0278 issued in 1987 for septic system for a mobile home satisfactory to connect to existing system with a new building permit.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Donald Wallace, 220 Rock Springs Road, Conowingo, MD stated he lives next door to this piece of property. He has lived there for twenty (20) years and this is the fourth owner of this restaurant. The most he has ever seen happen on this property was a child broke a window a few years ago when it was empty. The trailer that had been on this property before was there illegally because the owners lied and did not tell the truth to the Planning and Zoning office. The trailer has been moved from location to location over the years. Mr. Wallace said this trailer is for rent not security. Mr. Wallace is opposed to this as the trailer is right next to his house.

Ms. Kathleen Osani stated the woman that had leased this before her and her husband told her she had money stolen when someone broke into the restaurant and two other incidences they had meat stolen. They have made a substantial investment in this property and would like to have security there to guard their investment.

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Mr. McDowell asked how close this trailer would be to the adjacent house.

Mr. Osani stated the previous trailer was about 44 and there is about a 6 overgrown wall with brush.

RECOMMENDATIONS:

TEXT AMENDMENT:

APPLICANT: Principio Water Company.

FOR: Master Water and Sewer Plan - Amend Chapter 3: Water Systems

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Herron 393, LLC, David F. Herron

FOR: Request to rezone 393+/- acres from Suburban Residential, (SR) to Multifamily Residential, (RM), Heavy Industrial, (M-2) and Business General, (BG).

Staff recommended approval with four (4) conditions. 1. Mistake by County to not provide high density development opportunities in Designated Growth Area. 2. Not to contemplate inclusion in future service areas for water and sewer. 3. Not to provide adequate commercial opportunity in the area. 4. Not to include M-2 buffer next to industrial use.

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

June 18, 2005, 7:00 p.m.

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VOTE: Four to one to disapprove, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Ann Marie Blevins.

FOR: Special Exception for a home occupation to operate an office for a fencing company.

Staff recommended approval for two years with no additional outdoor storage.

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

VOTE: All in favor, motion carried.

APPLICANT: John J. Osani.

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

Staff recommended approval for two years.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 9:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 15, 2005, at 7:00 p.m.

Respectfully submitted:

June 18, 2005, 7:00 p.m.

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

July 18, 2005, 10:00 a.m.

PLANNING COMMISSION MEETING

Present: Brown, Josh; Clark, Mark; Gerweck, Bill; du Pont Prickett, Caroline; Mc Dowell, Clay; Mortimer, William; Murray, Ethel; Orr, Fred, Woodhull, Mark; Di Giacomo, Tony; Sennstrom, Eric; Dempsey, Gale; Campbell, Clara; Kilby, Phyllis, ex-officio

Absent: none

Call to Order: Chairman Brown called the meeting to order at 10:00 a.m. The withdrawal announcements for Montgomery Oaks, Section 2, Lots 62-140; Chesapeake Club, Lots 344-876; and Estates at Barksdale were made by Chairman Brown.

Approval of Minutes: Motion made by Ethel Murray to approve the minutes of the 20 June 2005 meeting. Motion seconded by Mark Clark. All in favor, motioned approved.

1. The Tradition, Lots 5-82, Maryland Routes 310 & 342, Concept Plat, McCrone Inc., Second Election

Donny Sutton of McCrone and John Price appeared to present this proposal. Mr. Sutton stated this project was continued from the June Planning Commission meeting. The proposal is clustering development on 20% percent of the acreage with the remaining 80% becoming open space. Mr. Sutton continued by stating a portion of the property is in an agricultural district. However, the owner has started the process of terminating that district.

Tony Di Giacomo read Planning & Zoning comments as follows:

This project was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs as of 5/24/05.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better

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serve the public.

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 78 lots on 425.4 acres, for a proposed bonus density of 1/5.45.

It was **tabled** at last month's meeting in order to obtain information on bonus density as it relates to potential impacts upon the County's receiving agricultural preservation funds.

Parcels 5 and 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission's review of the Final Plat.

A **boundary line survey** must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. [1]

Slopes greater than 25% must be shown on the Preliminary Plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (**JD**) must be done prior to preliminary plat review by the

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Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

No **landscaping of the development envelope** is required in the **SAR** zone.

No **sidewalks** are recommended in the **SAR** zone.

15% **common open space** is required; 23.4% is proposed. The proposed large lot (82 56.7%) and common open space together comprise 80.1% of the total acreage, thus qualifying for bonus density eligibility.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of St. Augustine and Cayots Corner Roads.

Staff would support a modified **Bufferyard Standard A**, without the normal 100' building restriction line, in lieu of the Bufferyard C, as that could better preserve, and be more consistent with, the local rural character. The modified Bufferyard A that is depicted on sheet 2 should be expanded to encompass the rear lot lines of proposed Lots 42-46.

This Bufferyard A would be modified to require only the normal building restriction lines (BRL's) rather than the Bufferyard A's 100' BRL.

Rows of **street trees** with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the **natural vegetative equivalent** may be used to satisfy the bufferyard and street tree requirements.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Forest Stand Delineation (**FSD**) has been **approved**.

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The Preliminary Forest Conservation Plan (**PFCP**) must be approved prior to Planning Commission review of the Preliminary Plat (**§6.2.B(1)**, Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (**FCP**) and **Landscape Plan** must be approved prior to Planning Commission review of the Final Plat (**§6.3.B(1)(a)**, Cecil County Forest Conservation Regulations).

A **Landscape Agreement** must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

This proposed design includes **3** panhandle lots (28, 29, & 82).

The **road names** Eagle Terrace, Heritage Drive, and Legend Court have been **approved**.

A Traffic Impact Study (**TIS**) will be required. It must be completed prior to the TAC's review of the Preliminary Plat.

Access to common open space between and beside lots must be marked with **concrete monuments**.

Covenants **prohibiting the subdivision of the large lot** must be recorded and noted on the plat prior to recordation.

A **Homeowners Association** for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of **Article I, § 4** are being complied with.

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Proposed Lots 2, 3, & 4 must be approved via the Minor Subdivision process prior to this proposal's Final Plat review by the Planning Commission.

1. Fred Orr read CCDPW comments. **hearing on this concept remain applicable. With the Chairman's permission, the Department will not re-read these comments, rather we will make these comments part of the record by reference alone.**
2. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

*Final Plat: A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to **All of the Department's comments from the June 20, 2005 Planning Commission** the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.*

Grading Plan: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. On Sheet 2 of 3 Lot 1 must be identified.
4. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
5. The internal street grade leaving Maryland Route 310 may not exceed 5% within the limits of the intersection right-of-way. A Maryland State Highway Administration access permit is required.
6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense.
7. If existing paved lane is intended to serve the barn on lot 82, include an ingress and egress easement across parcel 28, and identify any maintenance responsibilities in the lot 82 deed restrictions. Conversely, if the paved lane on the lot 82 panhandle is intended to serve parcel 28 also, show an ingress and egress easement and identify maintenance responsibilities in deed restrictions for lot 82 and parcel 28.
8. At TAC the applicant was instructed to confirm with the Department that the horizontal curves shown meet the geometric requirements of Section 3.04.1 of the Road Code or revise the same prior to concept submittal to Planning Commission as this is a layout issue. Line of sight easements are shown, which will normally be accepted with ready justification on minor road alignments where design speed does not exceed 30 mph. In the case of collector roads, and Heritage Drive is proposed as one, the engineer must conclusively demonstrate that standard geometrics design is not suitably applied in this particular application, along with engineering documentation to support the safety of the geometrics provided. The line of sight easement

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along lots 33 & 34 cannot bisect at a point of no easement width based upon the geometry shown.

9. Lots 6, 14, 20 & 26 should access Eagle Terrace and be denied access to Heritage Drive. Lots 66, 67 & 81 should access Legend Court and be denied access to Heritage Drive. Add a note indicating the same to the final plat.

10. All driveways must be paved at least to the right of way. Driveways accessing the internal roads classified as collector or higher must be designed with on-lot turn around capabilities. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

11. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Based upon the detail of topography shown, any concentrated discharge from the northernmost stormwater management facility may need to enter the perennial stream onsite (i.e. before it leaves the property boundaries) or an offsite easement may be required by the Department. Field-run site topography along with the outfall location and orientation must be shown for this area on the preliminary plat submitted for TAC review.

12. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

13. If the stormwater management facilities outfall(s) along Heritage Drive are to be directed across lot 4, and adjoining holdings, add and show a private stormwater management easement across the same.

14. If the proposed use of the lot 82 and/or common open space non-forested areas is agriculture, the applicant is reminded that per the 2000 Maryland Stormwater Design Manual, these onsite areas are part to the subdivision and must be modeled in their proposed conditions for determination of site Overbank Flood Protection Volume requirements. For areas not intended to be converted to meadow, this may translate to stormwater management requirements for active farming operations proposed on lot 82 or the common open space. The consulting engineer should thoroughly discuss this item with the applicant prior to preparing any site stormwater management designs.

15. Is the site civil engineer aware of the MDE supervised remedial work proceeding on Tract II of Sycamore Hall Farm for PCB contaminated soil? If not see the DPW for contact information with the engineer involved with the remediation. If so, continue your information sharing towards an approvable design.

16. A PWA is required for the internal streets & storm drains.

17. An I&M Agreement is required for all private SWM facilities.

Clay Mc Dowell read Health Department comments. Groundwater appropriation permit is required by MDE prior to final plat approval. Test wells may be required by MDE. Approximately 200 percolation test and soil evaluations have been conducted to define satisfactory 10,000 sq. ft. sewage areas on each lot. Additional percolation tests must be conducted after TAC review of preliminary plat. Percolation tests must be conducted on proposed lots 14 & 82. Show all swales on preliminary plat. Identify stormwater management facilities as dry or wet pondson a revised preliminary plat. Sewage areas must be 100' from the designed

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water level of pond. Show wells and septic system/sewage areas within 100' of property lines.

Mr. Sennstrom notified the Planning Commission that Mr. Thomey, attorney for the property owner has contacted MALPF to initiate the termination process for the agricultural district. He also notified the Planning Commission that we have received correspondence from Richard L. Golden, property owner, regarding this proposal and from Wendy Moon, concerned citizen in opposition to this proposal. Mr. Sennstrom also provided a map showing the subject property's location in relation to other district and easement properties.

Dan Rosen, MDP appeared on behalf of Secretary Audrey Scott to present a letter outlining the concerns of MDP with this project (copy in file for reference). Commissioner Kilby reiterated the importance of the points in Secretary Scott's letter. Caroline du Pont Prickett referenced the 7 July 2005 meeting between the MDP, MALPF and Board of County Commissioners and how nice the presentation by the State was on the importance of agricultural preservation. Ethel Murray questioned Mr. Rosen on whether approval of this project would effect agricultural preservation and Mr. Gerweck questioned if the State was threatening to pull funding from the County. Mr. Rosen referred them to Secretary Scott's letter.

Mrs. Murray and Mrs. du Pont Prickett discussed the state's agricultural preservation program. Mr. Brown presented a brief overview of the steps involved with the program. Mr. Sutton reminded the Planning commission that 80% of the acreage was proposed to be open space with no development. Mr. Gerweck interjected that the design was not very attractive and bordered on being ugly in that it is similar to what one would find in Delaware. Mr. Brown opined on the difference between base density and bonus density. Mr. Gerweck mused on the potential impact to the intersections impacted by the project. Mr. Sutton stated that a TIS could be done.

The Planning Commission pondered the project as designed. Mr. Sutton reminded them that the large lot could not be further subdivided. Ms. Campbell stated that proposed lot 82 would be deed restricted. Commissioner Kilby stated that her personal opinion is that bonus density will create too many lots on this property. Discussion ensued on suitability of the soils on proposed lot 82 to perc.

Mr. Brown asked if the Planning commission would like to take additional public comment. Mrs. du Pont Prickett moved to take additional comment. Clay Mc Dowell seconded the motion. Mark Clark stated that only new comments should be made. All in favor of motion.

Mr. Brown provided the oath to all wishing to speak on this proposal. No individual spoke in favor. Stephen Klingelhofer spoke in opposition, his comments are in the file for reference. Wendy Moon spoke in opposition, her comments are in the file for reference. Steve Jones representing the Eastern Shore Land Conservancy and its executive director Rob Etgen spoke in opposition relative to zoning, bonus density, ag districts, and lack of compliance with County's Comprehensive Plan. Jeff Foster spoke in opposition regarding impacts on schools. Steve Ritchie representing Mrs. Richard C. du Pont read a letter in opposition

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(copy in file for reference). Allaire Hummell read a letter from Comptroller of Maryland William Donald Schaeffer in opposition to the proposal. Ed Cairns spoke in opposition regarding impact on roads and historic resources in the area. Bob Hirshfeld spoke in opposition regarding impact on tourism. Jim Mullin spoke in opposition regarding the subject of bonus density being out of character with the area. Alice Arbuckle spoke in opposition due to concerns with the watershed. The Planning Commission queried staff on the presence of commercial zoning in the vicinity of the Cayots Corner Road/Maryland Route 213 intersection. Mr. Sennstrom provided a summary of the zoning in that area. Lauren Mc Leer spoke in opposition to the proposal regarding impact on preservation funding and referenced a letter from Bill Kilby and Cecil Land Trust (copy in file for reference). Charles Herzog spoke in opposition to this proposal in regard to his concerns on future preservation funding. Owen Thorne spoke in opposition in regard to granting bonus density.

DECISION

Tony Di Giacomo stated that staff recommended approval with the following conditions:

1. The jurisdictional determination being completed prior to Planning Commission review of the preliminary plat;
2. The boundary line survey being completed prior to the TAC's review of the preliminary plat;
3. The bufferyard C requirements being waived in favor of a modified bufferyard A as depicted on sheet 2 plus the rear lot lines of proposed lots 42-46;
4. A TIS being completed prior to TAC's review of the preliminary plat.

Motion made by Caroline du Pont Prickett to **disapprove** concept plat due to bonus density being detrimental to agricultural preservation efforts. Motion seconded by Clay McDowell. All in favor of motion to **disapprove**.

2. Estates at Barksdale, Barksdale Road, Concept Plat, Ramesh C. Batta & Associates, Fourth Election District

WITHDRAWN

3. Brooks, Timothy & Laranda, Lands of, MD. Rte. 274, Concept Plat, Welsh Engineering, Sixth Election District

Joseph Welsh appeared to present this proposal. The project is proposing to create 4 lots with one being reserved for a family member.

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Mark Clark stated that the road is not clearly defined. Mr. Welsh stated that the lots will be accessed by the private mini-road and that lot 1 will be denied access to Md. Rte. 274.

Tony Di Giacomo read Planning & Zoning Comments.

Inspection of the site conducted on 7/12/05 revealed that this project is **in compliance** with **§3.8** of the Subdivision Regulations regarding public notification signs.

Given that the property was conveyed to Robert and Donna Pyle on 5/10/05, why does the title block still refer to this plan as the Lands of Timothy D. Brooks and Laranda K. Brooks?

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: **NAR**

Density: The **NAR** zone permits a maximum base density of **1 du/ 5 ac**. Bonus density eligibility carries with it a permitted density of **1/3**.

This Concept Plat proposes 4 lots on 17.07 acres, for a proposed bonus density of **1/4.268**.

Tax records indicate the acreage to be 17.0846 acres. The **boundary line survey** must be completed in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Minor Subdivision # **662** has been referenced on the plat.

Proposed Lot 1 consists of 60.1% of the site's total acreage, thus making the proposal eligible for bonus density.

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If and when approved, covenants **prohibiting the subdivision of the large lot (Lot 1)** must be recorded and noted on the plat prior to recordation.

Parcel 22 retains full minor subdivision potential, per §4.2.1 of the Subdivision Regulations, but none of the lots proposed are situated exclusively on Parcel 22.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.[2]

Slopes greater than 25% must be shown on the preliminary plat.

No perennial streams are present on the site, per the approved FSD.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A permit for the proposed disturbance to the non-tidal wetland buffer located in the **panhandle portion of proposed Lot 4** must be obtained.

A Jurisdictional Determination (**JD**) must be done prior to preliminary plat (or preliminary/final plat) review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. Per the Natural Heritage letter, the site is not home to any rare species, nor does it contain FIDS habitat.

No common **open space** is required for fewer than 10 lots.

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Sidewalks are not required in the **NAR** zone.

Bufferyard Standard **C** is required, outside the right-of-way, along the Biggs Highway road frontage.

Bufferyard Standard **A** is required to buffer all adjacent agricultural uses. Bufferyards A require a 100 building restriction line (BRL). The existing structures on proposed Lot 1 are partially within the BRL, so a setback modification must be granted by the Planning Commission in order for this subdivision proposal to be approved.

Per §187.2, a zone-separating bufferyard must be installed along the common boundary line of the **SR**-zoned Lamonica property to the north. This has been shown on the concept plat and must be reflected in the Landscape Plan when it is submitted.

Rows of **street trees** with 10 planting easements are required, outside the right-of-way, along both sides of the proposed Kaylee Court. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Forest Stand Delineation (**FSD**) and Preliminary Forest Conservation Plan (**PFCP**) were both approved on 7/11/05. The layout and configuration of the lots as shown on the PFCP does not match the layout and configurations shown on the concept plat.

The final Forest Conservation Plan (**FCP**) and **Landscape Plan** must be approved prior to the Planning Commission's review of the Preliminary-Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the Preliminary-Final and Record plats.

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A **Landscape Agreement** must be executed prior to recordation.

This design includes **two** (out of four, or 50%) **panhandle lots**. Proposed lots 1, 3, and 4 exceed the 3:1 length to width ratio established in §7.4.2. Has any consideration been given to an alternative design that is more consistent with the Subdivision Regulations?

Proposed Lot 1 must be **denied** direct **access** to MD 274, as noted on the plat.

Per the **State Highway Administration** s comments at TAC, a permit must be obtained from SHA for the proposed access (Kaylee Court) onto Route 274.

The **road name** Kaylee Court has been approved.

A **Mini-road Maintenance Association** for maintenance of the proposed Kaylee Court mini-road must be established prior to recordation, with the owners of all lots becoming members.

For subdivisions proposed on property **contiguous** to **operating farms**, **notice** shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of **Article I, § 4** are being complied with. Said notice has been provided on the plat (Note #13)

1. Fred Orr read DPW comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. A SHA access permit is required. The internal Street grade leaving Route 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

2. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance

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with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
4. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.
5. We agree with your proposed use of a common driveway and cul-de-sac entrance for the panhandle areas of lots 3 & 4. Deed restrictions for the two lots should address shared maintenance responsibilities for the driveway. The shared portion of the driveway should be built with the mini-road construction to avoid confusion as to the party responsible for constructing the same.
6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
7. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.
8. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. Discuss the anticipated configuration for the SWM facilities.
9. A PWA will be required for the private mini-road shown.
10. An Inspection and Maintenance Agreement will be required for the private SWM facilities

Clay McDowell read Health Department comments. Groundwater appropriation permit is not required for 5 lots. Percolation tests have been conducted to define a satisfactory 10,000 sq. ft. sewage area for each lot. A written request for a well variance is required for lots 2 & 3 prior to record plat approval. Show house on lot 4 50' from sewage area on lot 3; required revision of sewage area on lot 3 will be 50' from dwelling on lot 4. Revise sewage areas on lots 1 and 3. Wells on lots 2 & 3 are too close to septic tanks, must be 100' separation. Show perc results in table for holes 101 through 107.

Joe Welsh stated that some changes have been made in regard to Health Department comments. Joe Moore confirmed this statement.

Chairman Brown asked if anyone wished to speak in favor or in opposition. No one appeared.

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Discussion ensued regarding panhandle lots and stormwater management.

DECISION

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Tony Di Giacomo stated that staff recommended approval conditioned on:

1. A boundary line survey for density calculation purposes being completed prior to the TAC's review of the preliminary or preliminary final plat;
2. A jurisdictional determination being completed and submitted to Planning & Zoning prior to preliminary final or preliminary plat review by the Planning Commission;
3. A setback modification (for the 100' bufferyard A building restriction line) for the existing structures on proposed lot 1 being granted by the Planning Commission;
4. The details shown on the final forest conservation plan matching the details shown on the preliminary final plat;
5. A permit being obtained from the SHA in accordance with the SHA's letter of 7/8/05 prior to recordation.

Motion made by Ethel Murray to **approve** with staff conditions. Motion was seconded by Clay McDowell. All in favor, motion **approved**.

4. Pearce's Landing, Stemmers Run Road, Preliminary Plat, Northern Bay Land Planning, First Election District

Mike Estes from Northern Bay and Michael Schmidt appeared to present this proposal. Mr. Estes stated that the design is proposing to create the lots on the back of the property and to provide open space along Stemmers Run Road. He continued that the original name for the internal road has been disapproved by Emergency Management and a new name has been submitted for their review.

Commissioner Kilby queried as to the location in the open space of the stormwater management facilities and whether that will effect the bonus density? Mr. Estes replied that the stormwater management devices will be in the open space. Mr. Di Giacomo stated bonus density was granted at the concept plat approval. He further stated that locating stormwater management facilities in the open space is preferable to having it located on private property from a maintenance perspective. Commissioner Kilby inquired if the sewage line under the internal road would impact the wetlands? Mr. Estes replied that it would avoid the wetlands. Mr. Gerweck inquired if there was any Chesapeake Bay Critical Areas on site. Mr. Sennstrom replied that there was not since Pearce Creek is not subject to tides.

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Tony Di Giacomo provided Planning & Zoning Comments.

This proposal is **in compliance** with **§3.8** of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: **SAR**

The Concept Plat was approved[3] at a density of **1/5.18** on 4/20/05, conditioned on:

- 1) The **JD** being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat.

The JD has not been received. Has it been conducted? When will it be submitted to the Office of Planning & Zoning?

Note #5 indicates that a **boundary line survey** has been done. The survey revealed that the proposed large lot, Lot 8, was at least 20 acres in size (per the requirements of Section 23.2(b) of the Zoning Ordinance).

Covenants **prohibiting the subdivision of the large lot** must be recorded and noted on the plat prior to recordation.

This Preliminary Plat is **consistent** with the Preliminary Plat submitted for TAC review. This plan differs from the one reviewed by TAC in **minor ways**. Namely:

- 1) Notes 16, 17, and 18 have been added;
- 2) A stopping sight distance easement area has been added to the legend and in the vicinity of proposed Lot 1; and

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- 3) The placement of the dwellings on proposed Lots 4 & 5 have changed slightly;
- 4) The well location on proposed Lot 4 has changed; and
- 5) The proposed road name has changed from Pearce s Landing Drive to Creeks Knoll Drive

The former **road name** (Pearce s Landing Drive) was approved by the County **911** Emergency Center on 6/30/05. The proposed road name (Creeks Knoll Drive) has not

been approved. As noted at TAC, the proposed road name had to be approved by the County 911 Emergency Service Center prior to Planning Commission review of the Preliminary Plat.

As indicated in Note #4, proposed Lot 8 shall be denied access to Stemmers Run Road.

Slopes greater than 25% have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.[4]

The plat shows no non-tidal wetlands on site.

The perennial and intermittent stream buffers have been depicted on the plat.

Permits are required from the (US Army) Corps of Engineers and MDE for the proposed stream and stream buffer impacts prior to recordation.

This proposal satisfies the **common open space** requirements of the **SAR** zone. 15% is required; 22.12% is proposed.

The proposed large lot, Lot 8, and the proposed common open space together comprise 60.73% of the total acreage, thus maintaining bonus density eligibility.

Sidewalks are **not recommended** in the **SAR** zone

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No **landscaping of the development envelope** is required in the **SAR** zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Stemmers Run Road. **Bufferyard Standard A** is required to buffer any adjacent agricultural uses, unless principal structures are set back at least 300 .

Rows of **street trees** with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (**FSD**) was approved on 4/14/05, and the Preliminary Forest Conservation Plan (**PFCP**) was approved on 6/30/05. The site is not home to any rare species, but it does contain FIDS habitat

The final Forest Conservation Plan (**FCP**) and **Landscape Plan** must be approved prior to Planning Commission review of the Final Plat (**§6.3.B(1)(a)**, Cecil County Forest Conservation Regulations).

A **Landscape Agreement** must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Access to common open space between lots must be marked with concrete monuments.

A **Homeowners Association** for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The **contiguous operating farm notice** has been provided on the plat.

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1. Fred Orr provided DPW comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Stemmers Run Road may not exceed 5% within the limits of the intersection right-of-way, *(or a minimum of 55' from the centerline of Stemmers Run Road)*.
2. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
4. Lots 1 and 2 must be denied access to the mid-block turn-around per the Road Code Standard R-16. Lot 8 is denied access to Stemmers Run Road. Include a note to the final plat reflecting the same.
5. Section 3.07.15 of the Road Code requires that Stemmers Run Road be upgraded to Minor Road standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development's road frontage on the street construction drawings. Applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or request and receive departmental approval for line of sight easements.
6. The curvature of the proposed Pearce's Landing Drive at Lot 1 appears to require a Sight Distance Easement on Lot 1 and the common open space. The size of this easement will depend on the design speed of the internal street.
7. Lot 1's sanitary sewer road crossing sleeve is to be steel.
8. All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road right-of-way at the time of surface course installation for the internal streets. This requirement includes vacant but platted lot driveways. All driveways exceeding 5% up-gradient-slope must be paved to the crest. The Lot Grading Plan must include notes to this effect.
9. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
10. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance

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11. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

12. PWA's will be required for all public infrastructure shown.

13. An Inspection and Maintenance Agreement will be required for any private SWM facilities.

Clay McDowell read Health Department comments. Groundwater appropriation permit has been issued by the MDE. A variance has been granted for lots 1, 2, 3 and 4. Sleeve is required for pressure line underneath Pearce's Landing Drive right of way; must comply with Cecil County DPW requirements. A revised preliminary plat showing forest retention afforestation areas and stormwater devices, including drywells must be submitted to the Cecil County Health Department prior to record plat approval.

Chairman Brown asked if anyone wished to speak in favor or against the proposal. No one spoke in favor. Jim Kyte spoke in opposition. He stated a 30,000 drafting tank should be required and that the internal street width needs to be wider up to the first cul-de-sac. Mr. Estes indicated that the road is wider up to the first cul-de-sac and that the drafting tank is not a regulatory requirement, but he will discuss it with the developer. Alice Arbuckle stated that homeowners associations don't maintain their stormwater devices and that kids ride dirt bikes and four wheelers on them.

William Mortimer and Mark Clark discussed the safety situation in regard to firefighting and the necessity of a drafting tank. Mr. Sennstrom and Ms. Campbell reminded the Planning Commission that although the fire company representative requests a tank, their regulatory regime cannot compel one. They need to request its placement.

DECISION

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Tony Di Giacomo presented the staff recommendation of approval with the following conditions:

1. Health Department requirements being met;
2. DPW requirements being met;
3. The proposed road name issue being satisfactorily resolved prior to the Planning Commission's review of the final plat;
4. The final forest conservation plan and landscape plan being approved prior to the Planning Commission's review of the final plat; and
5. Permits being obtained from the US Army Corps of engineers and MDE for the proposed stream and buffer impacts prior to recordation.

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Motion made by Clay McDowell to **approve** with staff conditions. Motion seconded by William Mortimer. All in favor, motion **approved**.

5. Silverado, Lots 5-75, Razor Strap Road, Concept Plat, McCrone Inc., Fifth Election District

Mike Burcham of McCrone and Tom Montgomery appeared to present this proposal. Mr. Burcham presented a summary of the proposal and stated that the original single family project is now proposed as a townhouse community since public water is now available from the Town of North East. Additionally, the layout has been revised to provide a stub road to the lands of Jansen.

William Mortimer was vexed by a single entry point for this magnitude of lots. Mark Clark was unsettled by the length of the single entrance road. Fred Orr provided an overview of the County's Road Code requirements. Mark Clark questioned whether the townhouses will have garages? Mr. Burcham replied lots 5-49 will have garages, the rest will park on the street. He further requested that the road not be any wider than presently proposed. Tom Montgomery stated that at TAC the fire company representative was fine with the design. Mr. Kyte interjected that he is still okay with the design. Commissioner Kilby questioned the necessity to utilize public water versus individual wells and questioned the size of the Jansen property. Mr. Sennstrom replied that the Jansen property is approximately 20 to 30 acres in size with limited access to public roads. The Subdivision Regulations compel stubs to adjoining properties when possible to eliminate landlocking of parcels. Clay McDowell questioned the amount of time it takes to accomplish an add-on? Discussion ensued between the Planning Commission, Mr. Burcham, and Fred Orr regarding stormwater management placement, road widths, site characteristics and the condition of Razor Strap Road.

Tony Di Giacomo read Planning and Zoning comments.

This proposal is **in compliance** with **§3.8** of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: **RM**

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Density: The **RM** zone permits a maximum base density of **6 du/ 1 ac.** with community facilities, and up to **12/1** for townhouses. This Concept Plat proposes 71 townhouse lots on 14.93 acres, for a proposed density of **4.76/1.**

A **boundary line survey** must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

An earlier major subdivision, **Montgomery Springs, Lots 5-14,** was recorded on 4/23/04 for this site. Montgomery Springs building permits have either been issued, or are to be issued, for Lots 5, 7, 8, 10, 12, and 14. What effect is this submission proposed to have on Montgomery Springs and existing homeowners?

If Silverado is proposed to replace Montgomery Springs, **then** a resubdivision resolution to that effect must appear on all subsequent plats submitted for review. Such a note has been provided on the plat.

Should the Silverado subdivision receive Final Plat approval, the structures built as part of Montgomery Springs, Lots 5-14 must be removed.

Is Lot 2 of Minor Subdivision **#2650** proposed to remain or be eliminated as part of this plan? It appears to be proposed as common open space. All structures on Lot 2 must be removed prior to recordation. A note to this effect must be placed on the plat.

As noted on the Montgomery Springs, Lots 5-14 record plat, the Razor Strap Road driveway for Lot 1 of Minor Subdivision #2650 must be removed at the completion of Stoney Run Creek Road. A new access must be provided on Stoney Run Creek Road.

The recorded subdivision plat indicates that the **30 road widening strip** has already been dedicated in fee simple to the Board of County Commissioners. Why, then, does this plat indicate that the road dedication is still proposed?

A Montgomery Springs, Lots 15-16 Preliminary Plat for the 1.028 acre area identified as lands reserved for future development by the owner was approved on 12/20/04, with conditions.

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A Concept Plat for the adjacent Jansen property (parcel 749) was reviewed by the TAC in September, 2004. That proposal, Stoney Run Creek Estates, did not have a stub road located in the vicinity of the stub road shown on the Silverado plan. While that proposal has no official status (since it was never subsequently reviewed or approved by the Planning Commission), coordination between the two projects to effectuate enhanced access is encouraged.

Townhouse developments in the **RM** zone are required to be served by public **water** and **sewer** facilities. The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas. The Town of North East has been indicated as the water provider, and the Department of Public Works has been indicated as the sewer provider.

The 10' wide access easement running along the southeastern part of the site (per MS #2699, allowing access to parcel 771) has been shown on the plan.

Parcel 1348 **must be included** in the list of parcel numbers shown under the vicinity map.

In Note #7, the deed reference for parcel 1348 (WLB 1644/218) must be added.

Per **§4.0.13(m)** of the Subdivision Regulations, the total number of **off-street parking spaces and the space to unit ratio** must be provided on the Concept Plat submitted for review by the Planning Commission.

Three bedroom townhouses, per **Article XIV** of the Zoning Ordinance, require 2.5 parking spaces per unit. Thus, 71 units x 2.5 spaces results in 178 required parking spaces. Only 28 off-street parking spaces are shown graphically on the plan, yet the Parking Rationale Note (Note #13) indicates that 215 spaces are provided. Even if Lots 5-49 are garage units (thus providing 44 parking spaces), this still leaves the site short 106 ($178 - 28 - 44 = 106$) of the required parking spaces. The locations of all parking spaces **must be explicitly shown on the plan**.

The requirements of **Article XIV** of the Zoning Ordinance must be adhered to in calculating the required number of spaces, locating the parking areas, sizing the parking spaces, etc.

Per **§29.4(g)**, no townhouse structure may be closer than 20 feet to an interior roadway or closer than 15 feet to any off-street parking area.

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Per §29.4(c), the proposed **building heights** must be provided. **Why has this information been excluded from the plat?** The **RM** zone's maximum building height is 35'. No building shall be constructed closer to any other building than a distance equal to the height of the higher of the two buildings.

The minimum distance between townhouse structures shall be 60' if the structures are face to face.[5]

Per § 4.0.13(i), all utilities within 200 feet of the subject parcel must be shown on the plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. [6]

Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (**JD**) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the **common open space** provisions of the **RM** zone. 20% is required; 47.4% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. Those thresholds must be calculated and included on the Preliminary Plat.

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§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they **cannot be included in the open space total acreage**. This plan has separated the area of common overflow parking areas from the area of common open space.

Maintenance of the **common overflow parking** areas will be the responsibility of the Homeowners Association.

A minimum of **25% landscaping** of the development envelope is required in the **RM** zone. In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, on the road frontage along Razor Strap Road.

In addition, a 25' **Bufferyard Standard C** is required around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard. This required bufferyard has been shown only in portions of the site.

Rows of **street trees** with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The **Forest Stand Delineation (FSD)** has not been approved. As noted at TAC, the **FSD** must be approved prior to Planning Commission review of the Concept Plat. (**§5.1.C**, Cecil County Forest Conservation Regulations).

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The Preliminary Forest Conservation Plan (**PFCP**) must be approved prior to Planning Commission review of the Preliminary Plat (§**6.2.B(1)**, Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (**FCP**) and **Landscape Plan** must be approved prior to Planning Commission review of the Final Plat (§**6.3.B(1)(a)**, Cecil County Forest Conservation Regulations).

A Forest Conservation Plan for parcel 1019 (Montgomery Springs, Lots 5-14) was approved on 1/7/97, and an FCP for Lots 15 & 16 was approved on 12/10/04. As the proposed subdivision layout differs from the approved plans, revised PFCPs and FCPs shall be required.

A **Landscape Agreement** must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Per §**4.1.22 (l)**, the proposed lot dimensions must be provided on the Preliminary Plat.

The approximate locations of the townhouse structures have been shown, per §**4.1.22 (s) 1**.

A number of townhouses do not appear to have any direct **access to their rear yards**. Instead of forcing future owners, for example, to carry lawn mowers through the interior length of their home in order to mow the rear yard, there should be common open space or clear rear yard access easements. The common open space/access easements should be located between townhouse structures and along the rear yards of such dwellings.

The **internal road name** Stoney Creek Run Road was previously approved by the County 911 Emergency Center as part of the Montgomery Springs development.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and the department of Public Works.

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Access to common open space between lots must be marked with concrete monuments.

A **Homeowners Association** for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Water allocation must be confirmed by the Town of North East prior to Final Plat review by the Planning Commission.

Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat review by the Planning Commission.

All required documents from **AT&T** granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

A Traffic Impact Study (TIS) must be submitted for review prior to TAC's review of the preliminary plat.

The **contiguous operating farm notice** has been provided on the plat.

1. Fred Orr read DPW comments. It is the Department's understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

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2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner(if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

Final Plat: Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Grading Plan: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The mid-block turn-around shown requires a variance for the paved radius shown. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.

4. The applicant and the applicant's engineer must provide a suitable permanent turn-around at the end of Stoney Run Creek Road, approvable to the Department of Public Works. The tee turn-around shown is not a suitable permanent turn-around.

5. Applicant must request and receive public sewer allocation for the residential units shown prior to submittal for final plat approval by the planning commission.

6. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. How do you anticipate the maintenance access to the stormwater facility will be designed?

7. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

8. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration and deceleration lanes. The concept plat does not show an availability of current right-of-way along Razor Strap Road for the required entrance improvements. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

9. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

10. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

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11. Closed section road is required. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.
12. The Department recommends that the Town require a PWA for the water.
13. Public works agreements are required for the internal streets & storm drains and sanitary sewer work.
14. An Inspection & Maintenance Agreement is required for the private SWM facilities.

William Mortimer read Health Department comments. Public water and sewer statements are required on final and record plats. Allocation from public water and sewer sources required prior to final plat approval. Engineering of water and sewer lines must be reviewed and approved by the appropriate agencies prior to record plat approval.

Commissioner Kilby questioned the parking rationale. Mr. Burcham provided an explanation on the location of the 215 spaces.

Chairman Brown asked if anyone wished to speak in favor or in opposition to the proposal. No one spoke in favor. Rupert Rossetti spoke in opposition with concerns over lack of watershed planning, the number of units proposed, the situation regarding Jansen property, the effect on Stoney Run, and the effect on the Chesapeake Bay. Owen Thorne spoke in opposition regarding the impact of the proposal on the Mason-Dixon Trail. Norman Wehner provided elucidation on the Mason-Dixon Trail to lift the veil of confusion occluding Mr. Thorne's understanding of the situation regarding the trail.

DECISION

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Tony Di Giacomo presented the staff recommendation of disapproval with the recommendation the plat be resubmitted once:

1. The forest stand delineation has been approved;
2. The proposed disposition of lot 2 of minor subdivision #2650 has been clarified and noted on the plat;
3. The status of the 30' road widening strip has been determined and conflicts between the plan, which indicates the dedication is still proposed, and the Montgomery Springs record plat, which indicates the dedication has already been made, has been resolved;
4. All of the sites deed references and parcel numbers have been referenced;
5. The parking space to unit ratio has been noted on the plat and all required parking spaces have been explicitly shown on the plat;
6. The proposed building heights have been provided;

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7. Common open space access easements have been provided between the townhouse structures and along the rear yards of such dwellings to allow for direct access to rear yards;
8. The Mason-Dixon Trail has been graphically superimposed on the AT&T easement;
9. A report on the feasibility of a looped road has been completed.

Motion made by William Mortimer to **disapprove** with staff conditions. Motion seconded by Ethel Murray. All in favor of motion to **disapprove**.

6. Montgomery Oaks, Section 2, Lots 62-140, Bailiff Road, Revised Concept Plat, McCrone Inc., Fifth Election District

WITHDRAWN

7. Chesapeake Club, Lots 344-876, MD. Rte. 272 & Irishtown Road, Preliminary Plat, Fifth Election District

WITHDRAWN

8. Mews at North East Creek, Lots 1-204, US Route 40 & Mechanics Valley road, Preliminary Plat, McCrone Inc., Preliminary Plat

Donny Sutton and David Strouss, McCrone Inc. and David Dodge appeared to present proposal. Mr. Dodge provided an overview of the project that consists of 204 lots on 170.66 acres with public water and sewer. The project will be contributing to the construction of a new sewage pump station and will have a second entrance on Route 40. They have conducted borings on Mechanics Valley Road at the request of DPW and will be providing 2.25 inch thick overlay from bridge to U.S. Route 40. William Mortimer queried as whether tract 3 will be placed in agricultural preservation? Mr. Sutton responded it will not. He further stated that the road is in good condition. David Strouss commented on the vertical curve on Mechanics Valley Road and the necessary reconstruction for sight distance, the repairing of the failed areas and the uniform width to be 12 lanes with 24 total. Clay McDowell inquired as to the adequacy of the distance between the Route 40 bridges to accommodate acceleration and deceleration lanes? David Dodge indicated that SHA is fine with the separation of the bridges.

Tony Di Giacomo read Planning & Zoning comments.

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SR density without community facilities 1 unit per 1 acre

SR density with community facilities 2 units per acre

Project proposes 204 lots on 170.66 acres for a density of 1.2 units per acre.

Acreage of Tracts 2 & 3 is excluded from density calculation due to note #2 stating that these tracts will be conveyed to adjoiners.

This proposal received concept plat approval on 12/20/04 and this preliminary plat is consistent with that concept.

Previous preliminary plats were withdrawn from the Planning Commission's agenda on 5/16/05 and 6/20/05.

Project is proposing public water from Town of North East and public sewer service from CCDPW.

Verification of water allocation must be received from North East prior to final plat review and verification of sewer allocation must be received from CCDPW prior to final plat review. A note must be placed on the record plat to be signed by the owner stating that public water and sewer will be available to all lots offered for sale. A note must be placed on the record plat to be signed by the Health Department stating that the provision of public water and sewer is in conformance with the Master Water and Sewer Plan. The project is located in an S-3 and W-2 service areas.

15% (25.6 acres) COS is required, 49.2% (83.86 acres) is provided. COS exceeds requirements for sensitive area exclusivity.

The jurisdictional determination has been completed and the wetlands are accurately depicted on the plat.

The boundary line survey has been completed as per Note #14.

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An executed AT&T easement re-alignment agreement must be presented to the Planning Commission prior to the review of the final plat and must be recorded prior to recordation of the plat.

None of the lots have slopes in excess of 25%. However, lots 31, 32, 68, 69, 77-80, 89, 90, 99, 100, 112-114, 141 & 142 have slopes between 15% and 25%. These lots must employ good engineering practices to insure sediment & erosion control before, during and after disturbance activities and to minimize cut and fill.

Permits are required from USACE and MDE for all wetland impacts and stream crossings prior to recordation.

The perennial streams and buffers are accurately depicted.

The 100 year floodplain is accurately depicted.

An alignment for an easement for a future greenway needs to be shown in COS along the North East Creek on the final and record plats.

The access road to lands of Guiberson and Tract 2 is located in the COS and on lots 81, 86, 87, 88 and 90. The road will need to be removed or a joint access easement will need to be established on the final and record plats.

Deed restrictions must be recorded for the long term protection of the FRA's on Tracts 1, 2 & 3.

Bufferyard C is required along U.S. Route 40 and a modified Bufferyard C is required along Mechanics Valley Road.

Street trees and associated 10' wide planting easement are required along both sides of the internal roads.

Sidewalks are recommended for at least one side of the internal roads.

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20% landscaping is required.

A landscape plan must be approved prior to final plat review. A landscape agreement must be executed prior to recordation.

The FSD was approved on 12/5/03.

The PFCP was approved on 5/12/05.

The FFCP must be approved prior to final plat review.

A HOA must be formed for maintenance of the COS with \$50/lot placed in escrow for improvements.

The TIS has been submitted and reviewed.

1. Mark Woodhull read DPW comments. It is the Department's understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

Final Plat: Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

PLANNING COMMISSION MEETING 2005

Grading Plan: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.
4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
5. Final sight distance measurements along Mechanics Valley Road must be confirmed by the engineer as part to the offsite Road Improvements Plan engineering which must precede final plat submittal for Planning Commission review.
6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
7. On Mews Drive, does the horizontal curvature geometry shown meet Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way?
8. Construction entrance for Phase Two improvements shall be South Falls Drive. This requirement is intended to minimize construction traffic impact to the community area of phase one development. Phase Three construction entrance should be at the Mechanics Valley Road entrance, with the intent to minimize phase three construction traffic impact on existing portions of the phase one and two community development.
9. The Department recommends that the Planning Commission condition their approval of Phase One final plat on the applicant having obtained the stream crossing permits for the entire subdivision layout.
10. All lots must front Minor Roads wherever possible.
11. All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, and South Falls Drive, must be provided with on-lot turnaround capability (on the final lot grading plan). The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
12. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.
13. The village greens, proposed with this layout, require some type of decorative barrier, to separate the active recreation and/or tot lot usage from traffic lanes. The barrier is to be installed along their road frontages and maintained by the homeowner's association.
14. Has the TIS been revised to address the existence of a second entrance into the development and how this impacts internal traffic distribution as well as trip distribution onto Mechanics Valley Road and U. S. Route 40?

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15. A Road Condition Survey, as identified in the Department's Road Code Guidance Manual, is required for Mechanics Valley Road from 250' north of the entrance to the Maryland SHA owned part of the intersection with U.S. Route 40. The applicant's engineer submitted a condition survey and an initial road improvements proposal to the Department on May 5, 2005, with a subsequent addendum on July 8, 2005. Departmental response to the same is anticipated within the next thirty (30) days. The initial proposal is generally acceptable, but will remain subject to final engineering and departmental approval of the final proposal. We recommend planning commission condition their approval of this preliminary plat on the applicant providing offsite road improvements as identified by the department of public works, pursuant to satisfying the provisions of 2.7.1 of the subdivision regulations. The applicant will be responsible for all necessary right-of-way acquisition at their cost.

16. Engineering and plans for the phase three Mechanics Valley Road entrance and offsite road improvements must be complete and approvable to the Department of Public Works prior to phase two and/or phase three record plat approval by the department. The plan must address the acceleration, deceleration, and bypass lane requirements of the Cecil County Road Code.

17. The TIS identifies deficient guardrail at Mechanics Valley and Bouchelle road which must be upgraded and replaced as part of the offsite road improvements required of the Developer. Additionally, the engineer must incorporate the TIS improvement recommendations into the overall offsite road improvements proposal for Mechanics Valley Road.

18. The Route 40 pumping station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC is currently in the process of conducting the required upgrades (in accordance with their agreement with the BOCC) that if successfully completed, will provide build-out capacity for the area identified by the Department as the MD Route 40 corridor.

19. A preliminary sewer system layout has been submitted and review comments were provided. The consulting engineer must resubmit a final version of the layout for comment prior to commencing site engineering.

20. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.

21. The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.

22. Please offer an update on the status of the AT&T easement relocation and removal of any existing conduit within the easement. The new easement layout along Vista Creek Drive, South Falls Drive, and Mechanics Court appears to conflict with intended county utility structures and future sidewalk alignment. Have you obtained an approval from the Director for this proposed AT&T easement relocation along a proposed county street right-of-way? What has AT&T indicated their intended use and restrictions for this easement will be? Relocate the easement along the lot frontages, within the front BRL's if future use by AT&T is identified or expected to conflict with the public utilities the same or immediately adjacent areas. Provide copies of the AT&T relocation agreement to the County for review and acceptance prior to final plat recordation.

23. Please offer an update on the status of your public water allocation request with the Town of North East.

William Mortimer read Health Department comments. Water allocation must be obtained from the Town of North East prior to final plat approval. Sewer allocation must be obtained from the Cecil County DPW prior

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to final plat approval. Plans for the sewer lines must be approved by the Department of Public Works prior to record plat approval. Plan for the water lines must be approved by the Town of North East engineer prior to record plat approval. Show approximate location of water and sewer line to the dwelling of Ward and Mabel Futtly; show well and septic system location on preliminary plat. Required statements must be on the final and record plat. This project must be included in the Master Water & Sewer Plan. Identify and properly abandon all existing wells and septic tanks on prior to record plat approval of phase 2. If private grinder pump units are proposed on lots 1, 2 and 86 through 90, grinder pump units must be approved by the Cecil County Department of Public Works. Submit an approval grinder pump unit spec sheet to the Cecil County Health Department. Show proposed lot 1 having access public water access. State use of each building on lot 1; the plat notes regarding septic and well on the Futtly property also apply to lot #1.

Commissioner Kilby voiced concerns over increased flooding as a result of this project. Mark Woodhull countered that the stormwater ponds are designed for the 100 year storm. David Strouss proclaimed that the problem lies in the Town of North East. Bill Gerweck questioned if the Futtly driveway would remain on U.S. Route 40. Donny Sutton stated it would not. William Mortimer questioned when the second entrance would appear? David Dodge stated that it would be done at the conclusion of the affected phase.

Chairman Brown asked if anyone desired to speak in favor or against the proposal. Alma Faul spoke in favor of the project and provided an abbreviated history of the Futtly family and the tribulations of the subdivision process to date. She further stated that this is in the area that Cecil County wants to see development. Mark Maxwell spoke in favor and read his wife's letter. Lorraine Fortune spoke in favor of the Futtly family and this project. No comments were received in opposition.

DECISION

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Tony Di Giacomo provided the staff recommendation of approval with the following conditions:

1. Health Department requirements being met;
2. DPW requirements being met;
3. Verification of sewer allocation being received from DPW prior to final plat review;
4. Verification of water allocation being received from town of North East prior to final plat review;
5. The easement re-alignment agreement with AT&T being executed prior to final plat review;
6. The easement for a future greenway in the common open space being shown on the final plat;
7. The access road to Guiberson and tract 2 being relocated or joint access easement being established on the final plat.

Motion made by William Mortimer to **approve** with staff conditions. Motion seconded by Ethel Murray. All in favor, motion **approved**.

9. Murphy s Run, Lots 1-43, Liberty Grove Road, Preliminary Plat, McCrone Inc.

Donny Sutton, McCrone Inc. appeared to present this request for a one year extension of the preliminary plat. David Dodge stated that they are working on obtaining additional land from an adjoining property and are nearing the culmination of that process.

Tony Di Giacomo read Planning & Zoning comments.

Per a field inspection conducted on 7/12/05, this proposal is **in compliance** with §3.8 of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County website, notice is hereby given that jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: **NAR (Northern Agricultural Residential)**

Density: The NAR zone permits a maximum base density of 1 dwelling unit per 5 acres. **Bonus density** of 1 dwelling unit per 3.059 acres (Lots 1-43) was granted by the Planning Commission on 6/16/03 conditioned upon the following:

- 1) A boundary line survey being done for the preparation of the preliminary plat for density calculation purposes;
- 2) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission; and
- 3) The proposed Gerald s Way connecting through to New Valley Road.

A Preliminary Plat for proposed Lots 1-39 was approved on 8/18/03 conditioned upon:

- 1) Health Department Requirements being met;
- 2) DPW requirements being met;

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- 3) The Bufferyard C along Lot 1's frontage on Liberty Grove Road being waived;
- 4) Proof of permission to cross the power company's lands being obtained from BG&E prior to final plat review; and
- 5) The forest retention areas being shown on the final plat and matching the Final Forest Conservation Plan.

It should be noted that the Preliminary Plat's approval on 8/18/03 effectively eliminated the requirements for connectivity to New Valley Road.

A Preliminary Plat for Lots 40-43 and revised Lots 24 & 25 was approved on 11/17/03 conditioned upon:

- 1) Health Department Requirements being met;
- 2) DPW requirements being met;
- 3) The details of the FCP and Final Plat matching up;
- 4) The FCP and landscape plan being approved prior to final plat review;
- 5) A Homeowner's Association for maintenance of common open space and landscaped islands being established with \$50 per recorded lot placed in escrow for improvements prior to recordation; and
- 6) Proof of permission to cross the power company's lands being obtained from BG&E prior to final plat review; and

No final plats have been submitted for any section of Murphy's Run.

Section 4.1.17 of the Subdivision Regulations states that Preliminary Plat approval is valid for two years from the date of Planning Commission approval. Thus, if an extension is not granted, the Preliminary Plat for Lots 1-39 shall expire on 8/18/05 and the Preliminary Plat for Lots 40-43 and revised Lots 24 & 25 shall expire on 11/17/05.

Section 4.1.18 of the Subdivision Regulations outlines the requirements for obtaining an extension of the Preliminary Plat's approval. In connection with an extension request, the Planning Commission shall consider the following:

- a) Change of adjoining land use;
- b) Change in street or highway plan;

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- c) Change in zoning or subdivision regulations.

No such changes have occurred in regards to this submittal.

1. Mark Woodhull read DPW comments. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

Grading Plan: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. This must include but not be limited to roadside drainage ditches and piping along New Valley, Liberty Grove, and Basin Run Roads and the intermittent stream particularly at Basin Run Road.

3. Basin Run is classified as a Use III-P stream and the SWM plan must address this accordingly.

4. The Department is concerned with the possibility that the SWM Facilities will discharge a concentrated outflow on to an adjacent property owner and or that the existing pond on the Lands of Truslow will be impacted. If the SWM discharge is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 and 251-15(D) of the Cecil County SWM Ordinance.

5. Section 3.07.15 of the Road Code directs that Liberty Grove Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Liberty Grove Road and the proposed entrance.

6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense. As it appears now at least one pole, south of the proposed entrance, will require relocation.

7. Will the lot one driveway access along Liberty Grove Road be extinguished as part of this project?

8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

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9. An Inspection and Maintenance Agreement will be required for the SWM facilities.
10. A PWA will be required for the internal roads and storm drains.

Commissioner Kilby requested that Mr. Di Giacomo read the Planning & Zoning comments again. Bill Gerweck asked if any land from across the street is being acquired. David Dodge stated no. Bill Gerweck asked why no access was proposed from New Valley Road? Donny Sutton stated that steep slopes, forested areas and wetlands did not make it conducive to another access.

William Mortimer read Health Department comments. Groundwater appropriation permit CE2003G011 (01) has been issued by MDE. Show restricted tank on lot 11. Show second swale on lot 32 and revise sewage area. Show surveyed test holes 122 through 127 on plat and list results. Perc rates for lot 11 require 125' lot width. Revision to sewage areas on lots 32 and 39 will be necessary after missing perc holes and second swale are located. A revised preliminary plat showing forest retention afforestation areas and stormwater management devices including drywells must be submitted to the Cecil County Health Department prior to record plat approval. Identify type of stormwater management facility adjoining lot 36.

Chairman Brown asked if anyone wished to speak in favor or against this proposal. No one spoke in favor. Sharon Mayse spoke in opposition with concerns regarding the hazard to existing residents including her family. She is concerned with sight distance and her special needs child. School bus service is presently dangerous and will get worse with 150 additional houses. Her grandparents farm is below Murphy's Run and it will get flooded by runoff. Charles Herzog spoke in opposition. He is concerned by the amount of development proposed for Liberty Grove Road and its effect on the agricultural operations in the area. The roads are inadequate and it is not safe for farm equipment to travel on them. Clay McDowell queried as to the location of the other developments Mr. Herzog referenced. Donny Sutton provided an overview of the other developments. Commissioner Kilby commiserated with Mr. Herzog's concerns over traffic and difficulties with farm equipment and with granting of bonus density.

DECISION

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Tony Di Giacomo provided staff recommendation that the preliminary plat be extended for one year with all previously required conditions of approval to remain in effect.

Motion made by Ethel Murray to **approve** one year extension of preliminary plat with staff conditions. Motion seconded by William Mortimer. Clark, McDowell, Mortimer and Murray were in favor of granting a one year extension of the preliminary plat. Gerweck was opposed. The one year extension of the preliminary plat was **approved** by a vote of 4 to 1.

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10. Baldwin Station, Lots 1-18, Elk Mills Road, Preliminary Plat, McCrone Inc. Third Eection District

Donny Sutton of McCrone appeared to present this proposal. Mr. Sutton presented a summary of the project to date and noted that the open space has been revised, stormwater management is below lots 16, 17 and 19, and the future stub to the adjoining lands.

Tony Di Giacomo read Planning & Zoning comments.

Per an inspection conducted on 7/12/05, this proposal is **in compliance** with **§3.8** of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: **SR**

The Concept Plat, proposing 20 lots on 21.07 acres for a proposed density of 0.95 dwelling units per 1 acre (or more intuitively, 1 dwelling unit per 1.05 acres), was approved on 5/16/05 conditioned on:

- 3) The boundary line survey being completed prior to Preliminary Plat review by TAC;
- 4) The JD being completed prior to Preliminary Plat review by the Planning Commission;
- 5) The proposed density being correctly stated on all subsequent plats; and
- 6) A stub being shown north of Lot 1 connecting Sunburst Drive to a possible future mini-road.

This Preliminary Plat proposes 18 lots on 21.52 acres for a proposed density of 0.84 dwelling units per 1 acre (or more intuitively, **1 dwelling unit per 1.19 acres**).

Based upon the changes to the parcel s configuration and size since June s TAC meeting, this office assumes that a **boundary line survey** has been conducted. Is this correct?

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The **JD** has not been received. Has it been conducted? When will it be submitted to the Office of Planning & Zoning?

Proposed lots 14 and 16 exceed the **3:1 length to width ratio** established in Section 7.4.2 of the Subdivision Regulations.

How will the driveway for **proposed Lot 15** impact the proposed drainage swale?

What does the **XFNR** symbol located southeast of proposed Lot 9 represent?

The areas shown as **future State Highway Admin. R.O.W. Dedication** must be dedicated to the State Highway Administration prior to recordation.

All of the site's **parcel numbers** (Parcels 8, 136, and 582) have been referenced on the plat.

The **deed reference** for parcel 136 (WLB 1889/80) is incorrect as shown and must be revised.

No steep slopes have been depicted on the plat.

15% common open space is required, and 19.1% (4.11 acres) has been provided.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened, and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

This information has been provided on the plat, but **however**, the presence of an intermittent stream (as shown on the PFCP and approved FSD) throws the **validity** of the data into question. Further, a typo exists in the required acreage exclusive of non-tidal wetlands (40% is 1.29 acres, not 1.94 acres). The common open space

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table must be revised to account for these discrepancies.

The proposed **road name** (Sunburst Drive) has been approved.

Sidewalks are recommended along at least one side of Sunburst Road and the future 50' wide right-of-way.

20% landscaping of the development envelope is required in the SR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Elk Mills Road.

Rows of **street trees** with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads and the future 50' wide right-of-way.

The **Forest Stand Delineation (FSD)** was approved on 5/9/05, and the Natural Heritage letter was received on 7/11/05. Per the Heritage letter, the site is not home to any rare species, but it does contain FIDS habitat.

The preliminary Forest Conservation Plan (**PFCP**) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). **The PFCP has not been approved.**

The final Forest Conservation Plan (**FCP**) and **Landscape Plan** must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

The extent of the **forest retention area** located in the southwestern portion of the site has not been clearly defined.

All afforestation areas must be **relocated** outside of the proposed septic reserve areas.

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What do the five **circular symbols** located within the southwestern portion of the common open space represent?

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

A **Landscape Agreement** must be executed prior to recordation.

Access to common open space between lots must be marked with concrete monuments.

A **Homeowners Association** for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

For subdivisions proposed on property **contiguous** to **operating farms**, **notice** shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of **Article I, § 4** are being complied with. Said notice has not been provided on the plat.

1. Mark Woodhull read DPW comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. A SHA access permit is required for the Elk Mills entrance location shown. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right-of-way.

2. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner(if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance

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with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
4. Lands of Lane shall be denied access to Elk Mills Road and a new driveway location must be shown on the construction drawings accessing Sunburst Drive. Driveway shall be set back a minimum of 75' from the intersection right-of-way. The preliminary plat shows this information. Add a note to the final plat indicating the denied access requirement.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense.
6. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.
7. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What configuration do you anticipate for the SWM facility discharge at the entrance? Will a private drainage and stormwater management easement and structure(s) be needed to cover conveyance along the rear of lots 1, 2, & 3 and direct the same to the proposed SMW facility at the entrance?
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. We recommend designing a shared access location with designed closed section drainage for the lot 7 & 8 driveway locations. Driveways do not need to adjoin only be located in manner to allow for proper culvert pipe installation and roadside drainage.
10. A PWA will be required for the street and storm drain improvements.
11. An Inspection and Maintenance Agreement will be required for the private SWM facilities.
12. Please clarify to which lot 3 the future 50' wide will ROW be dedicated to?

William Mortimer read Health Department comments. Groundwater appropriation permit must be issued by MDE prior to final plat approval; application has been submitted. Revise sewage area on lot 15. Septic tank on lot 12 too close to swale (must be 25'). Show pumping details on lots 12, 13 and 14 and show sleeve for pressure line across the 20' wide drainage easement; depth of pressure lines and sleeve must be approved by the Cecil County Department of Public Works. Show side view on revised preliminary plat. Change note for existing berm to be removed upon completion of stormwater management facility. Submit a site grading plan for lots 12, 13, and 14 and 15 showing that stormwater will not be diverted within 25' of the sewage areas on these lots. A revised preliminary plat showing stormwater management facilities including drywells and forest retention afforestation areas must be submitted to the Cecil County Health Department prior to record plat approval. A written request for a well variance is required for lot 15. Driveway across sewage areas on

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lots 10-12 must be relocated and graded prior to record plat approval. Joe Moore stated that the drainfield note is fine.

Mark Clark question the configuration of lot 15. Donny Sutton replied that it is due to the minimum sewage area and the well being downslope.

Chairman Brown asked if there is anyone desiring to speak in favor or against the project. No one appeared in favor or against.

DECISION

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Tony Di Giacomo presented the staff recommendation for disapproval with the recommendation that the plat be resubmitted once:

1. The preliminary forest conservation plan has been approved;
2. All forest retention areas have been shown on the plat;
3. The intermittent stream located within the common open space has been shown on the plat;
4. The common open space thresholds have been revised to account for the intermittent stream and the typo in the common open space table;
5. The correct deed references have been provided.

Motion made by Ethel Murray to **disapprove** with staff conditions. Motion seconded by William Mortimer. All in favor of motion. Proposal was **disapproved**.

11. Bayline Estates, Lots 13-19 Joe Meltz Road, Concept Plat, McCrone Inc. First Election District

Donnie Sutton of McCrone Inc. and Darrell Evans appeared to present this proposal. Mr. Sutton provided an overview of the project that included a shortened Bayline Boulevard, a private mini-road, minimization of wetland impacts, shorter panhandle lots and shared driveway for proposed lots 16 & 17.

Tony Di Giacomo read Planning & Zoning Comments.

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Zoning: **SAR (Southern Agricultural Residential)**

The original Butler's Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of **1/21.2**, conditioned on:

- 1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;
- 2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and
- 3) Elimination of the street tree requirement.

A Butler's Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,
- 4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;
- 5) Landscape Agreement being executed prior to recordation;
- 6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;
- 7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;
- 8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and
- 10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

- 1) Health Department requirements being met;

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- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;
- 5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and
- 6) Persistent misspellings being corrected.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;
- 5) The title block on sheet 2 being corrected; and
- 6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

A Concept Plat for Section 3, lots 11-**18**, was approved on 5/20/02 at a density of **1/8.42**, conditioned on: **1)** The proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat for lots 11 and 12 was approved on 12/16/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;

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- 3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation ;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat; and
- 5) The standard forest retention note being placed on the record plat.

A concept plat for Section 3, Lots 13-19 was **disapproved** by the Planning Commission on 6/20/05 due to layout issues. Although disapproved concept plats **have no status** (per Section 4.0.12 of the Subdivision Regulations), this office must point out that this proposal differs from the disapproved concept plat in **minor ways**. Namely:

- 1) Wetlands have been shown on proposed Lots 14 & 15;
- 2) Buckingham Court has been lengthened, and Bayline Avenue has been shortened;
- 3) Bayline Avenue has shifted slightly to the south, such that it now adjoins the Lands of Livingstone; and
- 4) The acreages of proposed Lots 13, 14, 16, and 17 have changed slightly.

Upon inspection, this project was found to be in compliance with **§3.8** of the Subdivision Regulations, regarding public notification signs.

Density: The **SAR** zone permits a maximum base density of **1 du/ 8 ac**. Bonus density eligibility carries with it a permitted density of **1/5**. This Concept Plat proposes 7 lots on 61.08 acres, for a proposed density of **1/8.73**. Considering all sections, 19 lots on 169.3 would yield a density of **1/8.91**.

The **boundary line survey** has been completed.

The Section 3, Lots 11 & 12 Record Plat was signed on 7/22/03. Per **§4.0.9** of the Subdivision Regulations, both previously-approved Concept Plats have expired. The approved Section 3 Preliminary-Final Plat consisted only of Lots 11 & 12.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. [7]

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Slopes greater than 25% must be shown on the Preliminary Plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A **JD** has been completed.

The habitats of rare, threatened, and endangered species must be avoided.

15% **common open space** is required.

A common condition of the 12/20/99, 3/20/00, and 10/16/00 approvals was Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation.

The 15% required in those recurring conditions of approval was based upon 169.3 acres. Therefore, since 3.802 acres of common open space were **proposed** in Section 3, Lots 11 & 12, 21.593 acres of common open space are still required. 22.43 acres been proposed here. The Section 3, Lots 11 & 12 Record Plat must be revised to convert the proposed common open space to actual common open space.

No **landscaping of the development envelope** is required in the **SAR** zone.

No **sidewalks** are recommended.

Bufferyard Standard A is required along the northern lot lines of proposed Lots 15, 16, & 18.

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Rows of **street trees** with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

A Forest Stand Delineation (**FSD**) **approved** on 10/12/99. Its validity was extended on **6/2/05**.

Why does the approved forest stand delineation not show the wetlands on proposed Lots 14 & 15? **Has a JD been conducted?**

The Preliminary Forest Conservation Plan (**PFCP**) must be approved prior to Planning Commission review of the Preliminary Plat (**§6.2.B(1)**, Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (**FCP**) and **Landscape Plan** must be approved prior to Planning Commission review of the Final Plat (**§6.3.B(1)(a)**, Cecil County Forest Conservation Regs.).

A **Landscape Agreement** must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRAs**) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal **road names** (Bayline Avenue and Buckingham Court) have been approved by the County **911** Emergency Center.

Access to common open space beside lots must be marked with **concrete monuments**.

A **Homeowners Association** for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. The owners of these lots must become

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members of the Homeowners Association, along with the owners of lots 4-12, consistent with previous conditions of approval.

A **Mini-road Association** for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

As stated at previous reviews, any development of the remaining lands in New Castle County via the private mini-road, then the mini-road maintenance association must be formed and the incorporation documents recorded in both counties prior to recordation of the roadway in Cecil County.

The mini-road cannot be accessed by more lots than is permitted for mini-roads in Cecil County, even if some of those lots accessing the mini-road are located in New Castle County and their allowable densities would permit more.

As noted on the plat, Lots 14 & 15 are **denied access** to Joe Meltz Road, Lot 13 is denied access to both Bayline Avenue and Buckingham Court, and the Lands of Livingstone are denied access to Bayline Avenue.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of **Article I, § 4** are being complied with.

1. Mark Woodhull read DPW comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Joe Meltz Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

2. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.

No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance

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with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

3. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
4. ***Show plat reference for existing ROW shown along Joe Meltz Road, north of the SRC Plat reference. If none exists, specifically naming the Board of County Commissioners of Cecil County as owner, the Applicant is responsible to have a title search completed and a clear deed conveyed to Cecil County for the portion of Joe Meltz Road not currently maintained by Cecil County (i.e. from the north right-of-way of SRC plats referenced to 10' beyond the tee turn-around). Cost to be borne by the applicant. The issue of ROW ownership must be resolved prior to final plat submittal to the planning commission as this layout is dependent upon the additional Joe Meltz Road ROW. Applicant may wish to pursue this sooner rather than later to avoid the potential of investing heavily in perc testing and design without being sure of available right-of-way for this concept. However, the applicant may proceed knowingly at their own risk***
5. The Applicant will be responsible to upgrade Joe Meltz Road to a Minor Road standard from approximately the southern boundary line of the Livingstone parcel to and including the tee turn-around shown. A public works agreement and plan design will be required for this work.
6. Sight distance measurements must be provided for the Bayline Avenue/Joe Meltz Road intersection.
7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. Any areas of the existing gravel lane intended to be used for the private mini road must be evaluated by a geotechnical engineer for depth, material suitability, and sub grade stability and by a civil engineer for grade and width suitability in accordance with the Road Code standards. The cross culvert must also be analyzed for the 10-year storm event conveyance and condition. Guardrail may be necessary along the crossing. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. No more than three (3) additional lots may access the private mini-road from the Delaware side of the site without a design variance.
8. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense.
9. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.
10. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What configuration do you anticipate for the SWM facilities?
11. A PWA will be required for the private mini-road shown.
12. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

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William Mortimer read Health Department Comments. Groundwater appropriation permit CE2002G033(01) must be updated to include lots 18 and 19. Percolation tests and soil evaluations have been conducted to define a satisfactory 10,000 sq. ft. sewage area on each lot. Additional tests may be required after preliminary plat review by TAC. Show well locations and septic systems/sewage areas within 100' of property lines on preliminary plat.

Clay McDowell questioned why Joe Meltz Road ends where it does? Mr. Sutton responded that the State deeded that portion to the County when U.S. Route 301 was built. Mark Woodhull stated that the t-turnaround can be moved further to the south.

Chairman Brown asked if anyone wished to speak in favor or in opposition to this proposal. No one spoke either in favor or in opposition.

DECISION

-

Tony Di Giacomo presented the staff recommendation of approval with the following conditions:

1. The Section 3 Lots 11 & 12 record plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots;
2. A jurisdictional determination being completed and submitted to the Office of Planning & Zoning prior to preliminary plat review by the Planning Commission;
3. The FSD being revised to the wetlands on proposed lots 14 & 15.

Motion made by Mark Clark to **approve** with staff conditions. Motion seconded by Ethel Murray. Clark, Murray, Gerweck, McDowell in favor of motion to approve. Mortimer was opposed. Motion **approved** by a vote of 4 to 1.

[1] The Cecil County Subdivision Regulations define steep slopes as 15 percent or greater incline. The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a

PLANNING COMMISSION MEETING 2005

contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as areas with slopes greater than 25 percent slope.

[2] The Cecil County Subdivision Regulations define steep slopes as 15 percent or greater incline. The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as areas with slopes greater than 25 percent slope.

[3] Three lots fronting on Pond Neck Road were approved on 9/15/97 (lands of Eugene & Nancy L. Herman). That plat was signed 8/26/98, and a condition of approval was that those lots be included in any future density calculations.

Subsequently, the cited Minor Subdivision #3040 was approved on 2/20/98, making adjustment to the different deed parcels. The remaining balance of the original property other than Parcel 152 has been put into agricultural preservation, so those acres could not be used for any density calculation.

It has been determined that despite Minor Subdivision #3040, the first three lots still needed to be included in the density calculation for Parcel 1 Part 1 which is below the Parcel Line shown on the plat. Its overall area is 32.46 acres. With bonus density, 3 more lots/dwellings could be situated in that area.

The area of Parcel 1 Part 2, above the Parcel Line shown on the plat, consists of 23.71 acres. With bonus density, 4 lots could be situated in that area. In addition, that area retained its full minor subdivision potential, and per §2.4.1, 3 of the 5 possible minor subdivision lots were proposed.

Even if bonus density had not been granted, then 1 lot could have been achieved on Parcel 1 Part 1, 3 lots could have been achieved on Parcel 1 Part 2, and 5 minor sub. lots could have been achieved per §2.4.1, for a total of 9 lots. In this case, the granting of bonus density yielded 1 additional lot.

[4] The Cecil County Subdivision Regulations define steep slopes as 15 percent or greater incline. The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as areas with slopes greater than 25 percent slope.

[5] The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.

[6] The Cecil County Subdivision Regulations define steep slopes as 15 percent or greater incline. The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as areas with slopes greater than 25 percent slope.

[7] The Cecil County Subdivision Regulations define steep slopes as 15 percent or greater incline. The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as areas with slopes greater than 25 percent slope.

August 15, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Mortimer, (Vice-Chairman), Clark, Bowlsbey, Knutsen, Sennstrom, Houston and Dempsey.

ABSENT: Brown, (Chairman), Gerweck, McDowell (Alternate).

MINUTES- Motion made by Knutsen, seconded by Bowlsbey and unanimously carried to approve the Monday, July 18, 2005, 7:00 p.m., minutes as mailed.

TEXT AMENDMENTS:

MASTER WATER AND SEWER PLAN Chapter 4: Sewerage Systems Section 4.1.9.B Proposed Improvements: Thomas Avenue Sewer Line.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the Text Amendment for the Thomas Avenue Sewer Project. This amendment is being requested by the Department of Public Works to reflect some up-grades that they are presently doing in the North East vicinity. This amendment is proposing to add a third paragraph stating The County is in the process of improving the Thomas Avenue sewer line, which connects to the North East River Advanced WWTP. To resolve existing hydraulic performance problems the project consists of the replacement of the existing 8 gravity sewer with a 15 gravity sewer for approximately 811 linear feet, between manhole 119 and manhole 122. This sewer service quality improvement will not increase sewer service area coverage. They are seeking this amendment so they can verify to MDE that there proposed improvement is consistent with the County Master Water and Sewer Plan. Letter attached and in file for reference.

Health Department Report- No comment required.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION: Ms. Ann Lane, 164 Russell Road, Elkton, MD speaking on behalf of Mr. Ed Cairns on shared facilities.

Mr. Mark Clark stated he appreciates her comments but this is not related to what is before them this evening that this Master Water and Sewer Plan has nothing to do with shared facilities. The shared facilities amendment has been heard in a prior planning commission meeting.

Ms. Ann Lane stated she was misinformed by Mr. Cairns.

Mr. Eric Sennstrom, Director of Planning and Zoning stated the shared facilities will be heard tomorrow (August 16, 2005 at 2:00 p.m.) by the County Commissioners. Mr. Sennstrom stated this proposed amendment tonight is a separate document that the Department of Public Works needs to get the permits that they need. These comments are irrelevant to the issue at hand this evening.

SUBDIVISION REGULATIONS: Amend Article II, Section 2.0 (12)

Amend Article IV, Section 4.2.6

Amend Article IV, Section 4.2.13 (b)

Mr. Eric Sennstrom, Director of Planning and Zoning stated the next text amendment concerns the county subdivision regulations on adding new language for the Senior Engineer being an approving authority in addition to the Director of Public Works. This amendment is being done to create better flexibility within the department. Copy in file and attached for reference.

Health Department Report No comment required.

COMMENTS IN SUPPORT: Mr. Barry Montgomery, Rising Sun, MD stated this is would be great to expedite the process of signature approval for plans and or plats.

COMMENTS IN OPPOSITION: None.

REZONING:

PLANNING COMMISSION MEETING 2005

FILE:2005-12- APPLICANT: Montgomery Brothers Bedrock Two, LC.

PROPERTY LOCATION: 1154 West Old Philadelphia Road, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 31, PARCEL: 261.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 4.3807 acres from Suburban Residential, (SR) to Business General, (BG).

PROPERTY OWNER: H. Barry Montgomery.

Mr. Barry Montgomery, Rising Sun, MD and Mr. Jeff Sellers, Director of Operations for Montgomery Brothers presented this application for rezoning. This parcel is approximately 4.3 acres currently zoned Suburban Residential (SR). This property is located on Rt. 7 West. They are requesting this rezoning change for the following two reasons: (1). Mistake in the original Zoning Ordinance, the current Suburban Residential (SR) zoning does not make sense for a residential subdivision. This parcel and the broken down residence currently front on two state highways and back up to the Amtrak line. This parcel is contiguous to parcels currently with commercial uses. The only possible use that Mr. Montgomery has thought of would be high-density housing such as town houses or apartments, which does not seem to be needed at this current time in this area. (2). Significant changes in the area, dealing with the population changes current developments in the area directly across the street would be Trinity Woods development, Charlestown Crossing (approximately 500 new residential lots), Tom Dye development (40 + lots) and the Scott Gardens development. Sewer is directly across the street and the parcel currently has existing well water. The traffic pattern is located on State Highway 7 West and State Highway 267 West. Mr. Montgomery believes this parcel has rural character and the increased volume in the summer months is due to the Marinas and the water recreation in and around Charlestown. They believe it is very compatible with the existing and proposed developments in the area. Growth of local commercial property goes right along with growing residential communities. Recently a 250 acre (rezoned Charlestown Crossing) was changed from Light Industrial (M-1) to Suburban Residential (SR) due to the need of residential property to accommodate the industrial growth. They believe this commercial rezoning should be in place to accommodate the residential growth to go along with this trend in the area. This rezoning is compatible with the Comprehensive Plan because the property is located in the growth area and the development corridor of the Comprehensive Plan. The proposed uses could be a commercial center with retail, eateries and or medical offices. There is a possibility in the Business General (BG) zoning for fenced storage which is currently being done in North East for marine equipment and possible mini-storage units.

Mr. Bill Mortimer asked if they have a specific plan at the present time.

Mr. Jeff Sellers stated the plan is just to develop a commercial center on this corner.

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Mr. Barry Montgomery stated they have done the commercial center at Mechanics Valley Road and Rte. 40 and the old Johnnies Restaurant. People have been developing small businesses in their homes and they believe these commercial centers are needed. This is a nice corner for commercial space.

Mr. Bill Mortimer stated you feel there was a mistake made in 1993, is that correct?

Mr. Jeff Sellers stated he feels the mistake was made in the lay out of the parcels back in 1993.

Mr. Bill Mortimer asked what is located on parcel 266.

Mr. Barry Montgomery stated that is a Suburban Residential (SR) piece of ground which drops off into the marshy wetlands.

Ms. Joyce Bowsbey asked if they have any specific plans targeted for this parcel.

Mr. Barry Montgomery stated they would like to build two commercial buildings in the front and in the back have marine storage and maybe some mini-storage buildings. He has existing tenants that would go to these buildings if they were built.

Health Department Report Montgomery Brothers Bedrock Two LC No application received for water and sewerage approval for a proposed commercial use (Sanitary Permit B0630 issued in 1979 for a mobile home).

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. David England, 1143 West Old Philadelphia Road, Charlestown, MD stated he lives directly across the street from this parcel and is definitely opposed to the proposal. One reason is the congestion that will be in the area, it is a highly traveled area already. It will be very difficult to get out of his driveway. Mr. England feels a red light will be needed on Rt. 7. If they build storage for boats or R.V. s there will have to be security lights on the property and they will be very bright and shine into his windows. Also, there is a church across the street and evening worship would have problems with the lighting and the traffic.

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Ms. Ann Lane, 164 Russell Road, Elkton, MD asked if an environmental impact study should be done before the rezoning would be approved.

Mr. Eric Sennstrom stated if they are successful with the rezoning being approved, then before it could be developed there would have to be a site plan review process and part of that process they would have to have an Engineer or Surveyor licensed in the State of Maryland prepare a plan showing what they are proposing to do. If there are wetlands involved they would have to obtain the proper permits from the Maryland Department of the Environment or the Corp of Engineers.

Mr. Mark Clark stated the zoning process comes first and other items such as environmental, site plans, etc. would come second. If the rezoning is not passed then there would be no reason to take the process any further. Mr. Clark feels there is more need in the county to have small neighborhood shopping centers.

SPECIAL EXCEPTIONS:

FILE: 3157 - APPLICANT: Lois Workman.

FOR: Special Exception for a home occupation to operate a dog/cat grooming business.

PROPERTY LOCATION: 393 Rowlandsville Road, Conowingo, MD 21918, Election District:

8, Tax Map: 16, Parcel: 464.

PROPERTY OWNER: Lois and Patrick Workman.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Lois Workman and Ms. Fay Ingerson 393 Rowlandsville Road, Conowingo, MD would like to operate a dog/cat grooming business in her home. Ms. Ingerson has the most experience with grooming the animals. She currently grooms animals in Kentucky and is relocating to Maryland and would like to continue her business with Ms. Workman. The property is off the road and there is plenty of parking and the dogs will remain inside in kennels until the owners would come to pick them up. Most of the dogs will be small dogs with a few large ones. As far as the grooming it will be clipping and bathing. They will stay in touch with a local Veterinarian in case anything would happen to any of the animals. Basically it will be a small business with one Ms. Ingerson doing the grooming and Ms. Workman running the rest of the business.

Mr. Mortimer asked about traffic.

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Ms. Ingerson stated there would not be a lot of traffic, people dropping and picking up their animals, Maybe 8-10 vehicles a day.

Mr. Knutsen asked if there would be any boarding of any animals if someone does not pick up there animals.

Ms. Ingerson stated they will have kennels but would rather not keep any over night in less it was an emergency.

Mr. Mortimer asked about chemicals.

Ms. Ingerson stated there will be shampoo, flea and tick treatments and everything she uses is organic.

Health Department Report Sanitary Permit F3996 issued in 1998 for existing dwelling, with an upgrade of the septic system previously installed under Permit A8738 in 1997 Satisfactory for proposed use, with installation of an outlet filter in the septic tank.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Mike Dillon stated he had a question, what are the ladies credentials?

Ms. Ingerson just finished eight (8) months at Nash Academy in Kentucky and had interned for two months and has her diploma and is board certified.

FILE: 3158 - APPLICANT: Dan E. Banks.

FOR: Renewal of a Special Exception for a Home Occupation.

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PROPERTY LOCATION: 341 Middle Road, Elkton, MD 21921, Election District: 4, Tax

Map:

13, Parcel: 189.

PROPERTY OWNER: Dan E. and Joyce E. Banks.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Charles Scott, Jr., Law Office of Scott and Scott, 109 East Main Street, Elkton, MD and Mr. Dan E. Banks, 341 Middle Road, Elkton, MD presented his renewal application. Mr. Banks is seeking renewal of his special exception of a home occupation to conduct his home improvement business. The special exception was first granted in July 2001, file # 2780 and then renewed and granted in July 2003 file # 2951. Then one of the adjoining property owners appealed the last decision made by the Board of Appeals and appealed the case to Circuit Court and the Court affirmed the decision that was previously made. Mr. Banks owns and is president of his building company named Dan Banks Company, Inc. He is seeking to continue using his sunroom in his home for an office. Mr. Banks makes phone calls, sets appointments for meetings of clients, billing and paper work for proposals and the clients do not come to his home, he goes to their homes. He needs to work out of his home because his wife has major depression and can not take care of their children, so he has to get them breakfast and get them off to school or stay at home when they are ill. His children are 7, 8 and 10 years old and Mr. Banks is the primary care giver. Mr. Banks owns 1 3/4 acres and the lot is fairly flat, wooded on two sides and open on two sides. There is no construction work done at his residence. There is a small unlit sign out front for advertising purposes. There is plenty of parking for the trucks and vehicles he has, (3 company vehicles). All the construction work is performed off site and some supplies are kept in the garage. There are no traffic problems and the ingress and egress are adequate and the property is not in the critical area. There are other home offices in the area: Big Daddy's Auto Glass, Litton Photography and Fair Hill Recording Studio. The use of the home office is in compliance with all of Cecil County's rules and regulations.

Mr. Bill Mortimer asked about the three (3) commercial vehicles - who uses these vehicles?

Mr. Banks explained he uses them all. The employees take their work vehicles to their homes.

Mr. Mark Clark asked Mr. Banks if he has a facility on Rt. 40.

Mr. Banks stated yes .

Ms. Joyce Bowlsbey asked why you have a sign in your yard.

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Mr. Banks stated he is allowed to and for advertising .

Health Department Report Sanitary Permit F7388 approved in 1999 for addition to existing dwelling; no anticipated increase in water usage and no sanitary permit required Satisfactory.

COMMENTS IN SUPPORT: Mr. Willard Smith, 363 Middle Road, Elkton, MD stated Mr. Banks in the past built a large building and the noise from the trucks was amplified by the size of the building, but now there is no work being done in the large building, so there is no noise. He has cleaned up the property and everything seems to be running quite smooth, but all the neighbors are still keeping an eye on the process of the business.

Mr. Charles Scott stated for the record that Mr. Banks did have an apartment over the garage, but he later dismantled it when he found out it was not permitted, but he was never sited.

COMMENTS IN OPPOSITION: Mr. Cliff Houston, Zoning Administrator read into the minutes a letter received from the Law Office of Clower, Parrack & Seaman on the behalf of Samuel D. Pierson, exhibit one attached and in file for reference.

FILE: 3159 - APPLICANT: Martha K. King.

FOR: Special Exception to operate a commercial kennel.

PROPERTY LOCATION: 1310 Crystal Beach Road, Earleville, MD 21919, Election District:
1,

Tax Map: 56, Parcel: 17.

PROPERTY OWNER: Melvin and Martha King.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Melvin King, 1310 Crystal Beach Road, Earleville, MD would like to operate a commercial kennel to sell puppies from the farm. Mr. King has 140 acres with a long lane and feels none of the neighbors would be opposed to this operation. They have thirteen (13) breeder stock females five different kinds of dogs and they raise puppies, advertise and then sell them.

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Mr. Bill Mortimer asked how many dogs have you sold.

Mr. King stated they have really just started the business, but so far they have had two (2) litters a year. Some dogs are too small to have puppies there are only three (3) females at the present time that are producing puppies. He does not sell the puppies until they are eight (8) weeks old.

Ms. Joyce Bowsbey asked if Mr. King could describe the condition of the kennel.

Mr. King stated they have new kennels 8 x 24 building, heated, no air conditioning, but the windows are open. Every kennel has a 3 x 3 inside and 3 x 5 outside run. The puppies and dogs are always closed in they do not let them run loose. Mr. King's wife takes care of all the animals while he works on his dairy farm. This kennel is located in the middle of his property so the neighbors will not hear any barking. The S.P.C.A. has given them the o.k. to sell puppies.

Health Department Report No application received for water and sewage approval for proposed use. Disposal of kennel wash down water and dog waste must also be addressed.

COMMENTS IN SUPPORT: Mr. Charles Scott, Jr. stated he lives near Mr. King and has never heard any noise come from his farm but an occasional cow mooing. Mr. King is a very religious man and does a fine job with his dairy farm, so there should not be any problems with a kennel operation.

COMMENTS IN OPPOSITION: None.

FILE: 3161 - APPLICANT: Michael Dillon.

FOR: Special Exception renewal of a home occupation to operate an auto repair business.

PROPERTY LOCATION: 47 Star Route Road, Elkton, MD 21921, Election District: 3, Tax

Map: 20, Parcel: 154.

PROPERTY OWNER: Michael Dillon.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

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Mr. Michael Dillon, 47 Star Route Road, Elkton, MD presented his application for renewal. Mr. Dillon stated he has had his special exception for the last two years part time and within the next two (2) to four (4) months he is looking to open the door full time. Mr. Dillon is requesting that this renewal be for as long as he owns the property and abides by the regulations of the special exception, as he has put a tremendous amount of investment in the building to comply with the in-home requirements. The business is attached to his house in excess of \$100,000.00. The investment time is done so now is the time to open the doors and let it pay for itself. Mr. Dillon spoke with Mr. Cliff Houston, Zoning Administrator stating that he cannot run a business if every two (2) years he has to come back and renew his request. He wishes to ask for more than one employee, he needs two (2) technicians and possibly someone to answer the phone. He is right across the street from Fox Catcher Kennels and probably the same amount of traffic would be generated as the kennel has which is very minimal. You can not see his house from the road and you cannot see that an auto repair business is even operating at this location.

Ms. Joyce Bowsbey asked about parking.

Mr. Dillon stated that there is 3,000 square feet for his driveway and parking. There should be four (4) to twelve (12) vehicles there at any one given time. The garage is 4,000 square feet, so there is plenty of room for vehicles inside the building.

Health Department Report Sanitary Permit B4863 issued in 1983 for dwelling. Permit G0387 issued in 2001 for attached garage Satisfactory for proposed use. It must comply with Maryland Department of the Environment requirements for disposal of waste oil and anti-freeze, scrap tire storage, etc.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3162 - APPLICANT: William L. Sigman.

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

PROPERTY LOCATION: 447 Ward's Hill Road, Warwick, MD 21912, Election District: 1,
Tax

Map: 63, Parcel: 25.

PROPERTY OWNER: William L. Sigman.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

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Mr. William L. Sigman, Sr. (Father) and William L. Sigman, Jr. (Son), 447 Ward s Hill Road, Warwick, MD would like to locate a singlewide manufactured home on their property for agricultural help. Mr. Sigman, Sr. stated that his oldest granddaughter and her husband and two grandchildren want to move onto the farm so he is giving them his home. Mr. Sigman s wife passed away three (3) months ago and he does not need a big house so he will be the one moving in the singlewide. This is a family run operation, so Mr. Sigman, Sr. would still be working on the farm.

Mr. Bill Mortimer asked how big the property is.

Mr. Sigman, Sr. stated his property consists of 331 acres.

Mr. Mortimer asked if there would be a footing around the singlewide.

Mr. Sigman, Jr. stated that Cecil County does not require one, but they plan to do that to make it more secure.

Ms. Joyce Bowlsbey asked if the manufactured home will be visible from the road.

Mr. Sigman, Jr. stated it will not be visible from the road.

Health Department Report Sanitary Permit G9942 signed in July 2005 for septic system for proposed mobile home Satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3164 - APPLICANT: Harlan D. Sjolie, Jr.

FOR: Special Exception for a home occupation to operate a nursing care facility.

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PROPERTY LOCATION: 1670 Liberty Grove Road, Conowingo, MD 21918, Election

District:

6, Tax Map: 16, Parcel: 335.

PROPERTY OWNER: Harlan D. Sjolie, Jr.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Harlan D. and Mrs. Lisa Sjolie, Jr., 1670 Liberty Grove Road, Conowingo, MD have been running an assisted living facility for the last three (3) years. On the first inspection from the Maryland Department of Mental Health and Hygiene they made a recommendation to them based on the size of the bedrooms that they go to twelve (12) residents versus the eight (8) that they originally were planning and licensed for. Instead of single bedrooms they will be having shared rooms as the rooms are good size. They are planning on adding on an addition 15 x 25 for a dinning room to the rear of the house and property. The neighbors have not complained. Most of the residents stay in the house most of the time and are very quiet and well behaved and do not intrude or impose on any of the neighbors. Mr. Sjolie read a letter from one of the neighbors, (Mr. Charles Herzog) stating: He is writing this letter in support of Harlan Sjolie special exception file # 3164 of the Cecil County Planning Commission. He is the owner of Stoney Batter Farms an adjoining property of Mr. Sjolie and has always found him to be a good neighbor and citizen. He has been running a nursing facility at his home for two (2) years and as of this date he has had no problems with his home business. He has always been a considerate neighbor as well as a professional business owner and I have no problems with his expansion of this facility.

Mr. Bill Mortimer asked if his facility is regulated by anyone.

Mr. Sjolie stated he is regulated by the Department of Mental Health and Hygiene and the Cecil County Department of Aging.

Mr. Mortimer asked what your educational background is.

Mr. Sjolie stated high school and he and his wife are certified medication technicians. Also, there is very strong support group that they deal with (Veterans Administration) and social workers visit once a week and the geriatric department visits once a month.

Ms. Joyce Bowlsbey is there an area where the residents can go outside and sit and get some fresh air.

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Mr. Sjolie stated yes there is an area where they can smoke, walk, hammock and picnic tables.

Health Department Report Sanitary Permit G0492 issued in 2001 for addition to dwelling and conservation to assisted living facility. A septic system was upgraded at that time. Septic system Satisfactory for up to 14 occupants.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3165 - APPLICANT: Larry and Melissa Conover.

FOR: Special Exception for a home occupation to operate a group daycare.

PROPERTY LOCATION: 420 Whitehall Road, Elkton, MD 21921, Election District: 3, Tax

Map: 33, Parcel: 770.

PROPERTY OWNER: James and Ruth Parker.

PRESENTLY ZONED: Development Residential, (DR).

WITHDRAWN.

RECOMMENDATIONS:

TEXT AMENDMENTS:

APPLICANT: Cecil County Department of Public Works.

FOR: Master Water and Sewer Plan Chapter 4: Sewerage Systems Section 4.1.9B. Proposed Improvements: Thomas Avenue Sewer Line.

Staff recommended approval.

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ACTION: Motion made to approve by Knutsen, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Subdivision Regulations: Amend Article II, Section 2.0 (12)

Amend Article IV, Section 4.2.6

Amend Article IV, Section 4.2.13 (b)

Staff recommended approval of all three.

ACTION: Motion made to approve all three by Bowsbey, seconded by Clark.

VOTE: All in favor, motion carried

REZONING:

APPLICANT: Montgomery Brothers Bedrock Two, LC.

FOR: Request to rezone 4.3807 acres from Suburban Residential (SR) to Business General (BG).

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

ACTION: Motion made to approve by Clark, seconded by Knutsen.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

PLANNING COMMISSION MEETING 2005

APPLICANT: Lois Workman

FOR: Special Exception for a home occupation to operate a dog/cat grooming business

Staff recommended approval for two years or as long as applicant owns the property, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Bowsbey, seconded by Clark.

VOTE: All in favor, motion carried.

APPLICANT: Dane E. Banks.

FOR: Renewal of a Special Exception for a Home Occupation.

Staff recommended approval for as long as applicant owns the property and operates the business, restricted to three (3) commercial vehicles stored on the property.

ACTION: Motion made to approve with staff conditions by Knutsen, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Martha K. King.

FOR: Special Exception to operate a commercial kennel.

Staff recommended approval for two years or as long as applicant owns the property, whichever shall sooner occur.

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

VOTE: All in favor, motion carried.

PLANNING COMMISSION MEETING 2005

APPLIANT: Michael Dillon.

FOR: Special Exception renewal of a home occupation to operate an auto repair business.

Staff recommended approval for as long as applicant owns the property and operates the business, limited to one employee.

ACTION: Motion made to approve for five years, limited to three (3) employees by Clark, seconded by Knutsen.

VOTE: All in favor, motion carried.

APPLICANT: William L. Sigman.

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

Staff recommended approval for as long as applicant owns property and farming operation continues.

ACTION: Motion made to approve with staff conditions by Knutsen, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Harlan D. Sjolie, Jr.

FOR: Special Exception for a home occupation to operate a nursing care facility.

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

ACTION: Motion made to approve with staff conditions by Bowsbey, seconded by Clark.

VOTE: All in favor, motion carried.

PLANNING COMMISSION MEETING 2005

Meeting was adjourned at 8:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 19, 2005, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

September 19, 2005, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Brown (Chairman), Mortimer, Clark, Bowlsbey, Houston and Dempsey.

ABSENT: Gerweck, Knutsen, Sennstrom (Director of Planning and Zoning), Kilby (ex-officio), McDowell (alternate).

MINUTES- Motion made by Mortimer, seconded by Bowlsbey and unanimously carried to approve the Monday, August 15, 2005, 7:00 p.m., minutes as mailed.

NOMINATION FOR HISTORIC DESIGNATION:

HDC-05-03

NAME OF PROPERTY: Barnes Inheritance.

LOCATION: 696 Colora Road, Colora, MD 21917.

OWNER: George E. and Elizabeth Glessner.

TAX MAP: 9, PARCEL: 318, ACREAGE: 1.953.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

ELECTION DISTRICT: 6

Stayed until October 17, 2005 meeting.

PROGRAM OPEN SPACE:

FOR: Elk Landing Acquisition Phase II, Installment IV.

PLANNING COMMISSION MEETING 2005

LOCATION: East side of Landing Lane, Elkton, MD 21921.

FUNDING: Reimbursement funds available FY 2005-06 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer, Manager of Parks and Recreation and Ms. Jeanne Minner, Director of Planning for the Town of Elkton presented this application on Elk Landing Acquisition Phase 2 to the Board. This is the fourth installment on the second phase, (\$83,449.54). This is all state funding 100% reimbursable. The co-acquisition cost is \$550,000.00 with approximately \$7,000.00 in surveying and engineering costs. 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, Elkton, Maryland. These twenty acres will be purchased for open space purposes and this tract was originally part of a sixty-eight (68) acre tract of land. The additional twenty acres will provide direct access from Rt. 40 and will provide parking, location for a visitor's center away from the historic structures and will be a buffer from the adjacent land uses for the Living History Museum. The Elk Landing foundation was established in January 2000 and has a 99 year lease with the Town of Elkton to maintain and operate the site of the Living History Museum and to restore the structures on the site. The Elk Landing Foundation has worked diligently in the five years it has been established to raise money for the restoration of the site in excess of about one million dollars. This money has allowed the foundation to acquire services of an architect, to do endocrinology on the stone ruins and to pay for the rehab of the Manor House which involves heating, air conditioning, electricity and sewer and water hook-ups. The Board is working on the Swedish Tavern which sits on the bank of the Little Elk Creek. On the Town's website there is a list of the upcoming events.

Mr. Mark Clark asked where the money is coming from.

Mr. Ed Slicer stated it comes from program open space the state sets aside a portion of the property transfer tax for purchase of recreation property and development of recreation facilities.

Health Department Report no comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Cliff Houston, Zoning Administrator stated this application will be heard by the County Commissioners on October 4, 2005 at 7:00p.m., 107 North Street, Elkton, MD.

SPECIAL EXCEPTIONS:

FILE: 3166 - APPLICANT: Charles Riley.

FOR: Special Exception for a home occupation to conduct installation of ignition monitor device.

PROPERTY LOCATION: 21 Deer Trail, Conowingo, MD 21918, Election District: 8, Tax Map:

8, Parcel: 199.

PROPERTY OWNER: Charles Riley.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Charles Riley, 21 Deer Trail Lane, Conowingo, MD stated he retired from Chrysler with 34 years experience as an electrician. After he retired he decided he would like to do something with his time and he ran into a friend of his and his friend had one of these ignition monitors on his car and he asked what it was and how it works. Mr. Riley decided that this would be a good part time business. He has been doing this for four (4) years now and he would like to do this in his garage since it is too hot and cold to do it outside anymore. He spoke to the people from the MVA and they explained how these monitors all work. These monitors are for people that have been court ordered or MVA ordered who have received convictions of drinking and driving. These monitors are attached to the car so if you have been drinking the car will not start. Mr. Riley is fully insured to have this business on his property.

Mr. Mortimer asked if there are delivery trucks that come to his home.

Mr. Riley stated maybe one every other week (Fed-ex). Mr. Riley has letters from all his neighbors stating that they have no problem with this business being at his home and traffic is not a problem.

Mr. Brown asked about the amount of noise.

Mr. Riley stated there is no noise.

PLANNING COMMISSION MEETING 2005

Health Department Report Sanitary Permit issued in 1988 for existing dwelling; insufficient information with application to make further comment.

COMMENTS IN SUPPORT: Mr. Franklin Ragan, Jr., 20 Deer Trail Lane, Conowingo, MD stated he is Mr. Riley's neighbor and has no problem with his business. There is no extra traffic.

COMMENTS IN OPPOSITION: None.

FILE: 3168 - APPLICANT: Chris Kendall.

FOR: Renewal of a Special Exception to operate a sawmill.

PROPERTY LOCATION: 361 Leeds Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 118.

PROPERTY OWNERS: Chris and Scott Kendall and Barbara Saletnig.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Chris Kendall, 16 Tall Oaks Drive, Hockessin, DE stated he wishes to renew his special exception to operate a saw mill located at 361 Leeds Road, Elkton, MD. He owns 62.4 acres of land zoned Northern Agricultural Residential, (NAR). The saw mill is located in one of the barns which he keeps locked at all times. He utilizes the saw mill for personal use only and he saws wood that he gets from the State, Cecil County Landfill or local tree service companies. By utilizing this wood it saves from the county dumping it in the landfill which helps the environment and provides him with lumber so he can build his house and the building of furniture. Mr. Kendall has a full time engineering job in North East, MD so he will only be sawing on weekends and vacation time. His brother used to do this with him, but he has moved out of the area, so he does it by himself now. Mr. Kendall had a heart attack in May so that is why he is late in renewing his special exception. He would like to renew this special exception for the period of time in which he owns this property. The saw mill is at the backside of the property by the PECO power lines. The saw mill is about 75 to 100 from the power lines so he had to obtain a variance.

Mr. Mortimer asked what you do with the wood.

Mr. Kendall stated he stickers and stacks it so it can dry. It has to air dry for a year per inch in thickness.

PLANNING COMMISSION MEETING 2005

Mr. Brown asked when he does this cutting.

Mr. Kendall stated he is not allowed to cut on Sundays or after 6:00 during the light hours.

Mr. Brown asked if he has had any neighbors complaining.

Mr. Kendall stated he has had no complaints.

Health Department Report Building Permits F7597 and G1983 have been issued for Pole Barns in 2000 and 2002 respectively, with no sanitary facilities or water supply. If a commercial operation with employees is proposed, appropriate permits must be obtained and sanitary facilities provided.

COMMENTS IN SUPPORT: Mr. Chris Jennings, 389 Leeds Road, Elkton, MD stated he is Mr. Kendall's closest neighbor and he approves of what he is doing and he does not bother him.

Mr. David Ford, 141 Farrow Drive, Elkton, MD stated he lives about three miles from Mr. Kendall and has known him for twenty years. At the last meeting there was opposition with Mr. Kendall running this saw mill and he wishes to speak in support instead of against the following:

1. There are many fire extinguishers and there are no fire hazards.
2. The power company mows regularly.
3. Crusher run on the driveway all homes close by have crusher run on their driveways.
4. Pays Maryland taxes on his property and also works in Maryland paying income tax.
5. The property is posted.
6. There is no noise.
7. Property damage is done by 4-wheelers not Mr. Kendall's equipment. All drainage is being changed by the 4 wheelers.
8. There is no mud in the road and he put in culvert pipe so it will not wash away.
9. Leeds Road has a lot of garbage from other people, not Mr. Kendall.

COMMENTS IN OPPOSITION: Ms. Victoria McLaren, 352 Leeds Road, Elkton, MD stated her mother (Rebecca Hitchens) own the property right across the street from Mr. Kendall. This special exception was made for personal use- how long does personal use go to operate a saw mill, when does it turn into a business? It degrades the property value of the surrounding properties. She understands there were specifications where the saw mill should be located and there is actually is not 300 between the saw mill and the property lines. Ms. McLaren is just looking down the road for what may happen. Mr. Kendall is operating two days a week now, what will happen when he operates more? A saw mill in a residential area is

PLANNING COMMISSION MEETING 2005

not good.

Mr. Cliff Houston, Zoning Administrator stated that Mr. Kendall applied for a variance in February 2004 and he is in compliance with the restriction of the setbacks (160).

Mr. Clark asked Ms. McLaren if she has heard any loud noise or seen any truck traffic.

Ms. McLaren stated no , but she is concerned it would be in the future.

Mr. Charles Birney, 433 Leeds Road, Elkton, MD owns the farm next to Mr. Kendall. Mr. Birney stated that on Mr. Kendall s application he stated that he was 310 from one side and 320 from the other side line and 140 from the back. After the last hearing he retained some information from PECO and got their measurements for the lines along with the deed. The part in the back is only 394 - that is where the property goes on an angle. Approximately it is 511 across where the saw mill is located. Mr. Birney feels there is a discrepancy in the footage all the way around.

Mr. Clark asked Mr. Birney if he hears any noise from the saw mill.

Mr. Birney stated yes it echoes through the woods.

Mr. Birney also stated he noticed that Mr. Kendall is putting another addition on, (40 x 40) lien too. How many more buildings does he need to stock wood in? He has been stocking up on wood for four years. Mr. Birney has been there since 1986 and stated it was very peaceful up until Mr. Kendall started with the saw mill operation and now it is very noisy and not peaceful. There is a home made outhouse on the property- where does he pump it out? Is it going into the ground? If he moves the saw mill to the back of the property maybe it would be quieter. Mr. Birney would like to know why he did not apply for his renewal of his special exception on time (April 2005).

Mr. Kendall stated that the finished wood never leaves on tractor trailers except when it leaving the property to be kiln dried.

Ms. Bowsbey asked where are you building your home and would the home be on this property eventually.

PLANNING COMMISSION MEETING 2005

Mr. Kendall stated yes he would like to build it close to the barns or on property close by, but the home will be in Cecil County since he works near by.

FILE: 3171 - APPLICANT: Sharon M. Gar-El.

FOR: Special Exception for a home occupation to operate a photography service.

PROPERTY LOCATION: 86 Gina Court, Elkton, MD 21921, Election District: 4, Tax Map:
13,

Parcel: 690.

PROPERTY OWNER: Sharon and David Gar-El.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Sharon Gar-El, 86 Gina Court, Elkton, MD presented her application to operate a portrait service in her home. This business would be basically family pictures, passport photos and baby pictures. She is working full time at another job, so this will be only part time. This will be appointment only and there will be no signs in the yard. Parking will not be a problem and there will not be any traffic other than one car at a time. There will not be any deliveries.

Mr. Mortimer asked if she developed her own film.

Ms. Gar-El stated no there will be no chemicals, it will be digital photography.

Mr. Brown asked what kind of hours you are thinking about.

Ms. Gar-El stated she is off from her other job on Fridays, so she will probably see the clients on that day and maybe on Saturday.

Health Department Report Sanitary Permit C2797 issued in 1988 for existing dwelling; minimal additional water usage anticipated satisfactory.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3173 - APPLICANT: Seth Garvin.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for construction

purposes.

PROPERTY LOCATION: 499 New Bridge Road, Rising Sun, MD 21911, Election District: 8,

Tax Map: 2, Parcel: 21.

PROPERTY OWNER: Thomas and Jane Garvin.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Seth Garvin, 499 New Bridge Road, Rising Sun, MD presented his application for renewal of a special exception to retain his singlewide manufactured home. He is currently in the process of building a home on his own lot out in front of this property; he has not started it yet, but has retained a building permit.

Ms. Bowsbey asked how long he anticipates it will take him to build his home.

Mr. Garvin stated his father owns a construction company and he works for him. His brother lives next to him and also is in construction so it should only take a year to get the house finished as long as there are no delays.

Ms. Bowsbey asked if the trailer would be removed when the house is completed.

Mr. Garvin stated yes .

Health Department Report Sanitary Permit G5354 issued in 2003 for mobile home satisfactory.

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COMMENTS IN SUPPORT: Mr. Luke Garvin, 521 New Bridge Road, Rising Sun, MD stated he also built a house on his parents farm and the trailer is about 300 yards from the road and you can not see it from the road.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

PROGRAM OPEN SPACE:

APPLICANT: Town of Elkton.

FOR: Elk Landing Acquisition Phase II, Installment IV.

Staff recommended approval.

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

VOTE: Josh Brown abstained - All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Charles Riley.

FOR: Special Exception for a home occupation to conduct installation of ignition monitor device.

Staff recommended approval for two years.

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

VOTE: All in favor, motion carried.

PLANNING COMMISSION MEETING 2005

APPLICANT: Chris Kendall.

FOR: Renewal of a Special Exception to operate a saw mill.

Staff recommended approval for as long as property owner owns property and operates the saw mill for personal use only. Hours limited to no Sunday hours and no operation after 6:00 p.m. Monday thru Saturday.

ACTION: Motion made to approve for three years or as long as property owner owns the property and operates

the saw mill whichever shall sooner occur, for personal use only. No Sunday hours and no operation

after 6:00 p.m. Monday thru Saturday by Mortimer, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Sharon Gar-El.

FOR: Special Exception for a home occupation to operate a photography service.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Bowsbey, seconded by Clark.

VOTE: All in favor, motion carried.

APPLICANT: Seth Garvin.

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

Staff recommended approval for two years.

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ACTION: Motion made to approve for two years or 120 days after receipt of Occupancy Permit whichever shall sooner occur by Mortimer, seconded by Clark.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

Meeting was adjourned at 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 17, 2005, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant

Office of Planning and Zoning

PLANNING COMMISSION MEETING

October 17, 2005

7:00 p.m.

PRESENT: Brown, Mortimer, Bowsbey, McDowell, (Alternate), Knutsen, Clark, Kilby, (ex-officio), Sennstrom, Houston and Dempsey.

ABSENT: Gerweck.

MINUTES- Motion made by Mortimer, seconded by Knutsen and unanimously carried to approve the Monday, September 17, 2005, 7:00 p.m., minutes as mailed.

Mr. Josh Brown, Chairman announced a change in the agenda for the evening meeting. Mr. David Parrack, Esquire requested a continuance of rezoning (File 2005-14 - Dwain D. Felts) until next months Planning Commission meeting (November 21, 2005 at 7:00 p.m.). Motion made by Clark, seconded by Mortimer, all in favor, motion carried to approve the continuance.

NOMINATION FOR HISTORIC DESIGNATION:

HDC-05-03

NAME OF PROPERTY: Barnes Inheritance.

LOCATION: 696 Colora Road, Color, MD 21917.

OWNER: George E. and Elizabeth Glessner.

TAX MAP: 9, PARCEL: 318, ACREAGE: 1.953.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

ELECTION DISTRICT: 6.

Mr. Eric Sennstrom, Director of Planning and Zoning presented the application for Nomination for Historic District. The property is located at 696 Color Road, Color owned by George and Elizabeth Glessner and they wish to have their property designated as a historic structure. The property was originally part of Susquehanna Manor, a 32,000 acre land grant from Lord Baltimore to George Talbot. Susquehanna Manor was originally intended to create a buffer to the southward encroachment of William Penn's Pennsylvania colony. Susquehanna Manor was subsequently divided into smaller parcels after 1767. James Barnes obtained his Maryland patent in 1793. The property then progresses through different owners until the Glessners purchased it in 1965. The dwelling was built in two parts. The Smaller portion was erected sometime between 1793 and 1800. The larger portion was erected sometime near the middle of the 18th century. The house was built from stone found on the property and is an example of the German style known as double pile construction. A three inch thick top coat originally covered the exterior. The mortar was made from sand, horse hair, lime and water. The joists, beams and downstairs floor are white oak and the attic floors are yellow pine. The exterior window sills are made of black walnut. The house has 21 double sash windows, each with six panes. There are also five attic windows and two basement windows. Some of the windows still have the original glass. All the window sashes are original. The newel post on the interior stairs goes through to the basement and can be tightened with a wedge if it starts to wobble. The old kitchen retained its oak lintel until replaced in 1985. The new kitchen was erected around the well and the hand pump is still present. This item was reviewed by the Historic Commission at their October 11, 2005 meeting and they have recommended approval of this request.

Health Department Report – No comment required.

Ms. Bowsbey asked if the Glessners would receive a tax credit.

Mr. Sennstom stated “yes”.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Letter marked exhibit one in support from Raymond Michael Borland, M.D., Ph.D., in file and attached for reference.

REZONINGS:

FILE:2005-13-APPLICANT: Harrol L. & Mary J. Roberson.

PROPERTY LOCATION: 52 Ratlaedge Lane, Conowingo, MD 21918.

ELECTION DISTRICT: 7, TAX MAP: 16, PARCEL: 437.

PRESENTLY ZONED: Open Space.

REQUEST: Request to rezone .807 acre from Open Space to Rural Residential.

PROPERTY OWNER: Harrol L. & Mary J. Roberson.

Mr. Harrol Roberson, 52 Ratledge Lane, Conowingo, MD presented his application for rezoning. He received this piece of property from his wives (Mary) parents in 1982. He would like to give one lot to his daughter and her husband. His daughter applied for a building permit and the Permits Office stated it is zoned open space and you can not build on open space. Mr. Roberson has been paying residential taxes on this piece of property since 1982.

Mr. Houston, Zoning Administrator stated prior to the comprehensive rezoning in 1993 this property was zoned residential. In 1993 for whatever reason it was changed to open space. There are other areas of open space close to this property and this piece was accidentally included. There also is a current well and septic system on the property. When they came in for a building permit they were denied because of the zoning being open space. Mr. Roberson would like it put back to rural residential zoning, the way it should be.

Mr. Mortimer asked what were on parcels 146 and 413, adjacent to Mr. Roberson.

Mr. Houston stated that is open space owned by the state.

Mr. Roberson stated he would like to have this corrected so his daughter can build her home on this lot. He has lived on this property since 1982. There was obviously a mistake made when the map was drawn in 1993 when the comprehensive plan was re-done.

Health Department Report – Parcel 437 is Lot #2 of Minor Subdivision No. 2100. Sanitary Permit C4418 was issued in 1989 and a septic system and well were installed at the time.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE:2005-14-APPLICANT: Dwain Felts.

PROPERTY LOCATION: 661 Dr. Jack Road, Port Deposit, MD 21904.

ELECTION DISTRICT: 7, TAX MAP: 22, PARCEL: 184.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 1.32 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

PROPERTY OWNER: Dwain D. Felts.

Continued until November 21, 2005 meeting.

SPECIAL EXCEPTIONS:

FILE: 3174 - APPLICANT: Cellco Partnership d/b/a/ Verizon Wireless, c/o M. Gavin.

FOR: Special Exception to permit the installation of a 120' monopole communication tower.

PROPERTY LOCATION: 6096 Telegraph Road, Elkton, MD 21921, Election District: 4, Tax Map: 14, Parcel: 14.

PROPERTY OWNER: Joseph W. and Bernardina Zebley, III.

PRESENTLY ZONED: Suburban Residential, (SR).

Mr. Mike Gavin, 305 West Minor Street, West Chester, PA is the applicant on behalf of Verizon Wireless. He is requesting a cellular tower to provide telecommunications services thru out the area. The site was picked after an extensive search. This property was picked for its higher elevation. The antennas need to be a certain height fixed in space, the height would go up and down depending on the topography, the higher it is the lesser the height of the tower. Once he found higher areas then he looked for properties that were large in size and had wooded areas that he could put the structure inside to hide as much of the tower as he could. The property that he is presenting this evening has met these two requirements. The last thing he looked for is an easy access route with no additional curves or stopping points along the roadway. Mr. Gavin presented to the Board a copy of the FCC license marked exhibit one, in file and attached.

Mr. Paul Dugan, Professional Engineer prepared four different reports, in file and attached for reference:

1. FAA Screening for Proposed 120' Monopole – marked exhibit two.
2. Radio Frequency Design of Proposed Communication Facility – marked exhibit three.
3. Non-Interference Certification of Proposed Communication Facility – marked exhibit four.
4. RF Safety FCC Compliance of Proposed Communication Facility – marked exhibit five.

Mr. Clark asked when this project would be all finished what would you see as you drive down Rt. 273

Mr. Gavin explained you will see the top portion of the tower at the tree line which is about 40' in height, so you would see 80' since the whole tower is 120' height. At the top of the tower there will be a lightning rod that would be installed and would extend over the 120'. The antennas are roughly 4' high and 6" wide and you would see twelve of them at the top on triangular mount.

Mr. Dugan, Professional Engineer, 303 Valley Hunt Drive, Phoenixville, PA is representing his firm Millennium Engineering, P.C. Mr. Dugan stated he did a search in a two (2) mile radius. There is a big gap in this service area and it is critical they stay within the state boundaries of Maryland since we are so close to Delaware. The facility has to fit in well with the base structure station (120') that has been designed.

Mr. Knutsen asked what happens to the present towers when these towers become obsolete because of new technology. Do you maintain ownership of them through the period and responsible for taking them down?

Mr. Gavin answered 'yes' we would remove the telecommunication tower if it is out of use for six (6) months. This is general not 15 on the site plans. The site needs to be designed for co-location areas.

Mr. Houston stated that is also one of the requirements in the county zoning ordinance.

Mr. Knutsen asked what the tax implications on the tower are and what would be the impact of property values around this monopole tower?

Mr. Houston stated that would be up to the State Department of Assessments and Taxation.

Health Department Report – No Sanitary Permit or Health Department approval required for a communication tower (Based on Site Plan, tower location appears to be on Parcel 16 rather than Parcel 14).

COMMENTS IN SUPPORT: Mr. Owen Thorne, 4th election district, Elkton, MD lives around the corner from the proposed site for the cell tower stated if this is the best place to build a cell tower in Cecil County this is a good idea. The owner (Mr. Zebley) of the property can then keep his land in farming along with the extra income of the tower. Mr. Thorne does have some reservations about the location of this cell tower being in the front of the property, why can't it be more to the back? All the neighbors in Hillcrest will see this tower every time they leave their development. Is this the best place to build on the property? This proposed site is good for Verizon but is this location good for the citizens of Cecil County?

COMMENTS IN OPPOSITION: Mr. Gene Hildabrant, 6138 Old Telegraph Road, Elkton, MD stated the zoning ordinance certainly encourages search for this kind of structure being built in a non-residential area. This whole property is zoned Suburban Residential, (SR). Mr. Hildabrant has been told by someone some information, even though this information is second hand, someone offered their property in the Business General, (BG) and was turned down, why?

Mr. Given is not aware of that, but if someone would like to get in touch with him that would be fine.

Mr. Julian Blackwell, 5696 Telegraph Road, Elkton, MD stated he lives adjacent to the property and he feels that this will affect property values. There are a lot of beautiful trees such as black walnut trees on the property, but there are no trees around where they are planning the proposed cell tower, so there will be no screening from his property. This tower will be an ugly eyesore to the area. Mr. Blackwell is very opposed to this proposed tower.

Mr. Daniel Strible, 6150 Telegraph Road, Elkton, MD read and submitted a letter into the minutes marked exhibit one in opposition, in file and attached for reference.

FILE: 3175 - APPLICANT: James Louis Marshall.

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

PROPERTY LOCATION: 936 Ebenezer Church Road, Rising Sun, MD 21911, Election District: 5, Tax Map: 18, Parcel: 349.

PROPERTY OWNER: James Louis Marshall.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. James Louis Marshall, 936 Ebenezer Church Road, Rising Sun, MD would like to renew his application for a singlewide manufactured home for his mother-in-law to reside in. His wife's mother has heart problems and had a stroke, so she needs to live close to her. The Marshall's have had the manufactured home for two (2) years now and there have not been any problems with any of the neighbors.

Health Department Report – Sanitary Permit G5371 issued in 2003 for mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3176 - APPLICANT: Patricia A. Fitzgerald.
FOR: Renewal of a Home Occupation to conduct a business of Insurance Agent.
PROPERTY LOCATION: 188 Wells Camp Road, North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 1125.
PROPERTY OWNER: Patricia A. Fitzgerald.
PRESENTLY ZONED: Multifamily Residential, (RM).

Ms. Patricia A. Fitzgerald, 188 Wells Camp Road, North East, MD would like to renew her special exception for an insurance agent. The business has been good and none of the neighbors have complained. There is not much traffic most of the work is done over the phone or she goes out for appointments.

Health Department Report – Sanitary Permit B1625 issued in 1980 for dwelling; minimal water usage for proposed use – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3177 - APPLICANT: James and Christy Given.
FOR: Special Exception to increase the number of children allowed in a group daycare facility.
PROPERTY LOCATION: 79 Nottingham Road, Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 638.
PROPERTY OWNER: James and Christy Given.
PRESENTLY ZONED: Suburban Residential, (SR).

James and Christy Given, 79 Nottingham Road, Elkton, MD presented this application along with Ms. Jen Long, 16 Cabbitt Court, Warwick, MD. Ms. Long is making sure that the daycare the Givens' are running is in compliance with Cecil County curriculum. All about Kids Daycare opened in June 2005 and has no problems of any sort. At the end of week twelve thirty (30) children were all ready enrolled. The original plan for the center was to accommodate up to fifty (50) children. All building specifications set forth by the County and regulations set forth by the Maryland Child Care Administration for a facility of this capacity were closely followed. During the original zoning meeting in October 2003 community members brought concerns about increase traffic on the road and parking, and neither of these items have been a problem. The program is child centered, clean and it is safe. The staff of five (5) full time employees is currently enrolled in an associate degree program for early childhood education. The parents are satisfied with the learning goals addresses with their children each day. Ms. Given has letters from the parents stating how nice the center is and how well it is being run. Ms. Long also has two children that attend the daycare.

Ms Bowsbey would the ratio of teachers change.

Ms. Given stated "yes", the more children the more teachers.

Health Department Report – Sanitary Permit G7092 issued in 2004 for group daycare facility – satisfactory for proposed expansion. Approval required from the Child Care Administration.

COMMENTS IN SUPPORT: Ms. Tonya Semler, 12 Tree Lane, Elkton, MD stated this daycare is a first class facility. The facility is clean and the children are well cared for, but they are also loved. This day care is a home away from home. They do arts and crafts, have special events and demonstrations. As a parent you do not have to worry about your child in this daycare.

Ms. Barbara Goad, 639 Elk Mills Road, Elkton, MD, Director of the daycare center stated there are no traffic problems and the school buses pick the children up at the end of the lane and there is a staff member that accompanies them to the stop.

COMMENTS IN OPPOSITION: Mr. Walter Given, 95 Nottingham Road, Elkton, MD would like to know where 79 Nottingham Road is. The Givens are conducting another daycare at 51 Nottingham Road, how can they run two daycares, the other one is at 71 Chesmont Lane. The children stand on the porch and wait for the bus to blow their horn and then the children do not come out and they take them to school by car. There are also two mosquito ponds near by and the mosquitoes are terrible.

Ms. Givens stated she did have a daycare in her home before the daycare center was opened, but that day care center in her home is now closed. She can not be two places at one time. She expanded so the daycare would not be in her home anymore. Ms. Johnson is aware of all these changes. The ponds he is speaking of are storm water management ponds which are required by the county.

FILE: 3179 - APPLICANT: Matthew Joseph Harris.

FOR: Special Exception to operate a Blacksmith Shop.

PROPERTY LOCATION: 1723 Principio Furnace Road, Port Deposit, MD 21904,

Election District: 5, Tax Map: 30, Parcel: 116.

PROPERTY OWNER: Principio Iron Co., L.P.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Matthew Harris, 160 Linton Run Road, Port Deposit, MD stated he is a blacksmith and he is in the process of opening his own business. With his blacksmith business he creates a little bit of noise and smoke, so he felt he should be somewhere where there are no neighbors to bother. This shop is located on a 1300 acre parcel and the address is 1723 Principio Furnace Road, Port Deposit. This is a very suitable place to operate his business. The Principio Furnace Foundation is in full support of Mr. Harris using their property. This building was a hay storage shed at one time and it has a lot of history. This building is about 30' from the original blacksmith shop at one time. This building sits 100 yards off the road and occasionally he has deliveries made. There are no customers that come to the shop. He provides a lot of hardware for restorations. The general hours are from 7:00 a.m. to 5:00 p.m.

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

COMMENTS IN SUPPORT: Ms. Sarah Colenda, Executive Director of Principio Furnace Foundation, stated that they have been existence since 1720 and they are exited that Mr. Harris would like to put his blacksmith shop on their property. Ms. Colenda stated that after Mr. Harris gets his shop in the building, the foundation plans to turn part of this into a museum. Ms. Colenda stated that Mr. Harris is an artist in his work and he is a very talented man. There are also bathroom facilities for Mr. Harris to use at the main mansion.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

NOMINATION FRO HISTORIC DISTRICT:

APPLICANT: George E. and Elizabeth Glessner - Barnes Inheritance.
FOR: Historic District Designation.

Staff recommended approval.

ACTION: Motion made to approve by Bowlsbey, seconded by Mortimer.
VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Harrol L. and Mary J. Roberson.
FOR: Request to rezone .807 acre from Open Space, (OS) to Rural Residential, (RR).

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

ACTION: Motion made to approve with staff conditions by Clark, seconded by Knutsen.
VOTE: All in favor, motion carried.

APPLICANT: Dwain Felts.
FOR: Request to rezone 1.32 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

Continued until November 21, 2005 meeting.

SPECIAL EXCEPTIONS:

APPLICANT: Cello Partnership d/b/a/ Verizon Wireless, c/o M. Gavin.
FOR: Special Exception to permit the installation of a 120' monopole communication tower.

Staff recommended approval.

ACTION: Motion made to disapprove; location is more detrimental than elsewhere in the zone by Knutsen, seconded by McDowell
VOTE: Four to one to disapprove, motion carried.

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

Staff recommended approval for as long as mother-in-law resides in mobile home and applicant owns the property whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Knutsen, seconded by McDowell.
FOR: All in favor, motion carried.

APPLICANT: Patricia A. Fitzgerald
FOR: Renewal of a Home Occupation to conduct a business of Insurance Agent.

Staff recommended approval for as long as applicant owns the property.

ACTION: Motion made to approve with staff conditions by Bowlsbey, seconded by Mortimer.
VOTE: All in favor, motion carried.

APPLICANT: James and Christy Given:

FOR: Special Exception to increase the number of children allowed in a group daycare facility.

Staff recommended approval for expansion to fifty (50) children.

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

VOTE: All in favor, motion carried.

APPLICANT: Matthew Joseph Harris.

FOR: Special Exception to operate a Blacksmith Shop.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by McDowell, seconded by Clark.

VOTE: All in favor, motion carried.

The meeting was adjourned at 9.40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 21, 2005, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

November 21, 2005

7:00 p.m.

PRESENT: Brown (Chairman), Mortimer, Clark, Gerweck, Bowlsbey, Knutsen, Houston and Dempsey.

ABSENT: Sennstrom (Director), McDowell (Alternate).

MINUTES- Motion made by Knutsen, seconded by Mortimer and unanimously carried to approve the Monday, October 17, 2005, 7:00 p.m., minutes as mailed.

Mr. Cliff Houston, Zoning Administrator announced that the Wapiti rezoning was withdrawn today (11-21-05) from the agenda.

2006-2011 CAPITAL IMPROVEMENT PLAN (CIP) – Presentation of the Capital Improvement Program (CIP) for FY 2006-2011.

In attendance were the following:

Al Wein – County Administrator

Craig Whiteford – County Budget Manager

Matt Carter – Capital Projects Administrator

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 2007 operating budgets.

The County Commissioners will be holding their public hearing on December 6th at 7:00 p.m. at the County Administration Building, 107 North Street, Elkton, Maryland.

Mr. Al Wein, County Administrator stated he would be presenting the FY 2006-2011 Capital Improvement Program. The County Commissioners last Thursday, November 17, 2005 sold a \$28.1 million bond issuance for general fund projects. The low bidder Merrill Lynch and Company was awarded the sale which also included a re-funding component where they received some \$450,000.00 in interest savings. The interest rate which is a twenty year term is 4.1%. The low interest rate reflects the continued good ratings that the County has been able to receive. The County sells bonds each fall of the year for capital projects that have been approved by the County Commissioners over that past several years.

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 thirty-five million five hundred and four thousand one hundred thirty four dollars, (\$35,504,134.00) in the up coming General Assembly for bond authority. The projects being proposed within this total number are as follows: See file and attached for reference.

1. Continuation of the Elkton High School renovations.
2. Construction of Perryville Middle School addition renovation.
3. Deferral to FY 2008 of the School of Technology and the Calvert Elementary addition project.
4. Perryville Library.
5. Complete the communication system at Emergency Services.

6. Renovation of vacated space at the Sheriffs Office.
8. Various bridge rehabs and replacement projects.
9. Proposal of the new County Office facility.

Mr. Matt Carter, Capital Projects Administrator explained the enterprise fund projects as follows:

Solid Waste Fund: Some forward thinking about the next cell space that will be needed for the next landfill. If the Landfill that is presently being used is managed well, this should have enough room to deposit refuse there from 2042 to 2053. The Landfill gas collection system is under design currently and hope to be under construction in July 2006.

Water Fund: The most significant change is some rather substantial additions regarding eastern, western and central trunk line corridors for a water line down Rt. 40 and also reflection of some cost regarding source development in the Perryville area and in the Elkton West area.

Waste Water Fund: Most of the changes are the reflection of possibility working with the Town of Perryville on a waste/water treatment plant upgrade to capitalize off of plans that they already have.

Mr. Bill Mortimer stated that Mr. Nelson Bolender is on the record stating that there will be infrastructure along the Rt. 40 corridor, is this really reflected in these figures.

Mr. Al Wein stated “yes” that the Commissioners are in negotiations with the Town of Perryville similar to the 1997 plan where they would offer some participation toward an upgrade of their water treatment facility.

Mr. Josh Brown stated that if the supply is available, how far down Rt. 40 does it run.

Mr. Matt Carter stated they would take the western trunk line from Jackson Station Road to Belvedere Road. Mr. Carter also spoke on the bridge work being done in the County and he stated for the record “if the bridge is not safe the bridge will be closed”. There are a number of projects ready to go in the County as soon as the right-of-ways are signed and in place.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: Mr. Carl Roberts, Superintendent of Cecil County Schools, stated he is grateful for these proposals that have been presented. He appreciates the support for Elkton High School and Perryville Middle School projects.

Mr. Jim Mullen, 1676 Glebe Road, Earlville, MD stated the County should try to tap into funds that would be available through the State for water/sewer projects to go along with their monies.

COMMENTS IN OPPOSITION: None.

AMENDMENT TO THE MASTER SEWER PLAN – Reynolds Farm Subdivision – Tax Map: 12, Parcel: 34.

Mr. Faron Pyles, Consultant with Northern Bay representing the owners of the Reynolds Farm Subdivision. In September of 2005 Mr. Pyles came to the Planning Commission and requested a one year extension of concept plat approval for the Reynolds Farm Subdivision which was granted by the Planning Commission. Subsequently before the last meeting perc testing had been performed for this subdivision and based on those results a shared facility ordinance was something that was seriously being considered. They feel this project would be a model project to be developed within the guidelines of that ordinance. This is a text book example

of what the authors of this ordinance had envisioned in the Northern Agricultural Residential, (NAR) zone. There is a very extensive study period that must be put in place prior to that system being submitted for approval on an engineering basis and they felt it would take every bit of that year extension to complete that study. A step in this process for the project to be implemented within the shared facilities ordinance is a revision to the Master Sewer Plan adding this as a future service area and this must be adopted and approved by the County Commissioners.

Mr. Bill Mortimer asked why we would provide community septic and water in the Northern Agricultural Residential, (NAR) zone.

Mr. Faron Pyles stated there are provisions within this ordinance for developments using shared facilities in the Northern Agricultural Residential, (NAR) zone. The density can not exceed one unit per three acres which on this project that is the base density that has been approved. There must be a 30% clustering and other provisions that are within that ordinance that are applicable within the NAR zone.

Mr. Josh Brown stated this project is seeking to be base density not bonus density, is that correct.

Mr. Faron Pyles stated this project was granted bonus density on the original concept plat approval and that bonus density was extended with the concept plat extension that was granted by the Planning Commission on September 19, 2005.

Mr. Bill Mortimer stated he is not clear what Mr. Pyles is asking for.

Mr. Faron Pyles responded stated on lot wells and community septic. This would be a shared facility which is described within the ordinance.

Mr. Cliff Houston, Zoning Administrator stated you need 70% of open space and the lots have to be placed on 30% of the total acreage of the parcel.

Mr. Faron Pyles stated there is a large area of the project that they have done some preliminary testing on that has shown great promise for a shared community system. This is what was in mind when the shared facilities ordinance was put in place. If there were a substantial reduction in lots on the project and there was any kind of considerable change in configuration of course they would have to come back to the Planning Commission and request the approval.

Mr. Bob Knutsen asked how many lots and have you done any testing.

Mr. Faron Pyles stated that there are 56 proposed lots and on a preliminary basis they have "yes". As a condition for the bonus density they proposed this configuration which would push the project toward the rear of the property to preserve the rural vista, but maintain the agricultural area.

Mr. Mortimer stated that the typical lot size would be .85 and some up over 2 and the smallest would be .7. If you had to cluster these lot sizes would be reduced, is that correct.

Mr. Faron Pyles stated, "yes". This is going to a very costly venture to do the study and without this amendment to the sewer plan the facility cannot be realized.

Mr. Bill Gerweck asked "who would own this".

Mr. Faron Pyles stated that the homeowners association would own the facility. This is already written and approved in the ordinance.

Health Department Report – Reynolds Farm Subdivision – A proposed Shared Facility must meet the requirements of Maryland Department of the Environment regulations and Cecil County Ordinance, including soil evaluations, issuance of a Groundwater Discharge Permit and approval of a controlling authority.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Jerry Calloway, 2411 Biggs Highway, North East, MD stated from what he heard this evening that this system would be built on a hill and he hopes that the flow would go towards the septic collector whether it is some kind of pumping apparatus or something else. His other concern as a home owner of lot #2 he feels he would be paying 98 to 100% of the operation of this facility until all the lots are completed.

Mr. Faron Pyles stated that all this would have to be phased in and if that system was put in place and designed for 56 lots at some point there would be a mechanism in place that somebody is going to have to provide for the maintenance of that facility until a percentage of the lots are built and the home owners association would take the project over. After a certain percentage of lots are sold there would be a meeting between the developer and the home owners concerning when to turn this project over to the home owners association.

Mr. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated this is not the first shared facility in Cecil County; this is the first shared facility under this new ordinance. The first one was the Highlands. He is not against the shared facility but he is strongly against amending the Master Water and Sewer Plan. Mr. Cairns proceeded to quote sections from the Master Water and Sewer Plan, see Section 175 of the ordinance for reference. This is not in the I-95 / US Rt. 40 corridor as the Comprehensive Plan states. This area being discussed is not an appropriate place for this shared facility, is not where there is a lot of population; it is a scattered development in the middle of nowhere. What will happen if this shared facility fails like it did in the Highlands? Who will pay for that? Will Cecil County pick up the tab? The language in the Comprehensive Plan is very plain that this shared facility should not be built there. This is a bad precedent to establish. Is this consistent with the Comprehensive Plan?

Mr. Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD stated this will allow more building in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) areas. Once this is set as a precedent this will have a domino affect. These shared facilities will allow more and more higher density developments in the future. What will happen when this area is saturated?

Ms. Eva Walker, 644 Jackson Hall School Road, Elkton, MD asked when you are talking about open space what do you mean? Is this facility going to be underground?

Mr. Michael Walker, 644 Jackson Hall School Road, Elkton, MD stated “Shared Facilities” nice concept, but it will not work in this area. The density should be dictated on the amount of percs on the existing lots. When this would be turned over to the home owners association what would happen if one home owner says no to paying for any maintenance, then everyone else would end up paying that persons portion. Who will take care of any law suits that may arise: Cecil County?

Mr. Mark Poulsen, 3341 Telegraph Road, Elkton, MD stated he has a couple on concerns about this project. He would like to know what the tax implications will be to the home owner. What if one person does not want to pay his or her share of the fees, which will pick up the tab? The homes are too close together and the lot size is too small. The maintenance of the open space will be a big factor, who will take care of that? There has not been any approval from engineering at the present time. What kind of system is this that we the public really are looking at and are there any safeguards being added. If this fails – who is going to pick up the tab?

Mr. Owen Thorne, 20 Hillwood Road, Elkton, MD stated that the Department of Public Works needs to provide the public with a set of guidelines for this shared facility. The average lot size is going to be .69 and most of the lots surrounding the area are 2 acres or more. The concept plat was approved with density on the lots to perc and they did not pass perc. The developer is saying he talked you into giving us bonus density out in the middle of nowhere on little tiny lots and now he can not get it to perc. Now the developer wants these shared facilities to be approved so he can go on with his development plans. This will set a precedent and a domino affect. This project sounds like it will be a large underground system; where are the plans and where will the plant be located on this property. This will encourage sprawl in the Northern Agricultural Residential, (NAR) and Southern Agricultural Residential, (SAR) zones.

Mr. Bill Mortimer stated for the record “the County Commissioners should not have put the stipulations for the County Master Water and Sewer Plan and there needs to more discussion and some alterations to the ordinance to accommodate this operation”.

REZONINGS:

FILE:2005-15 APPLICANT: Joseph J. & Edwina E. Gilbert.
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 10 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).
PROPERTY OWNER: Joseph J. & Edwina E. Gilbert.

Mr. Jay Emery Esquire, 153 East Main Street, Elkton, MD is representing the Gilberts in this rezoning. This property is on Biggs Highway, Rt. 274 and Mr. and Mrs. Gilbert have operated a school bus facility on this property for 15 years by virtue of a Special Exception. At a previous Planning Commission meeting eleven (11) months ago when the Gilberts were trying to rezone their whole parcel of 21.219 acres it was suggested by Ms. Phyllis Kilby (ex-officio) that they come back at a later date to rezone just ten (10) acres of their property for their school bus operation. This would allow Mr. Gilbert to work on other vehicles other than school buses which he is currently under contract. This would allow him to work on fire trucks, ambulances and other commercial vehicles and be paid to perform the work instead of doing it gratis. He can not charge anyone for this work if the zoning is not changed.

Mr. Cliff Houston, Zoning Administrator stated you have a bus storage facility by a special exception and you are allowed to work on your own buses but to work on other people’s vehicles and buses it is then considered not to be a bus storage facility, but a commercial operation.

Mr. Joseph Gilbert stated there is only one repair facility in Cecil County for international school buses at the present time which is North East International and they get backed up tremendously and call him to help and with the zoning he has at the present time he can not help them and charge any money. He can not afford to do this work for free anymore with the price of fuel going up. There will not be anymore activity on his property than there is currently, but he will be allowed to charge for his services.

Mr. Jay Emery stated the driveway will be included in this rezoning which was left off the original application. The driveway is commercial size so there is room to maneuver the school buses and has been inspected by the State Highway Department.

Mr. Bill Mortimer asked how many vehicles would be on site at any given time.

Mr. Joseph Gilbert stated about forty (40) to eighty (80) buses. He has a lot of room for parking big vehicles. He stated that the buses are under warranty for five (5) years, so he can not touch them for five (5) years and the remainder of the warranty goes to North East International. He has had this operation of storage for school buses since 1989 and everything is legal under his current special exception. He has a two (2) bay garage 42 x 75.

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 / construction will require site plan approval.

COMMENTS IN SUPPORT: Mr. Wendall Sexton, 2200 Biggs Highway, Rising Sun, MD stated you can not find a better man in the County. His place is always kept clean and manicured.

Mr. Brian Lockhart, 97 Binom McMillan Lane, North East, MD stated his property backs up to Mr. Gilbert and his property is immaculate.

Mr. Robert Kennard, 2323 Biggs Highway, Rising Sun, MD is in support of Mr. Gilbert doing what he wants to do with his property. Mr. Kennard was at the previous meeting when the Board and Ms. Kilby stated to come back and request this rezoning. He recommends this rezoning be allowed.

Mr. Michael Dillon, 47 Star Route Road, Elkton, MD has a special exception for repair of automobiles instead of buses and would like to know what the difference is in the special exception for storage versus repair.

Mr. Cliff Houston explained the difference is that Mr. Gilbert has a separate building and it is not attached to the house like Mr. Dillon's building is attached.

COMMENTS IN OPPOSITION: Mr. Jerry Calloway, 2411 Biggs Highway, North East, MD stated this will lead to other businesses in the area if approved. This rezoning would go with the ownership of the property if the Gilbert's ever decide to sell their property.

Ms. Margaret Allen, 2400 Biggs Highway, North East, MD stated the Gilbert's are great neighbors, but if this rezoning is granted it will change the area for other businesses to come in. She objects to him to trying to change his business to earn money.

Mr. Bill Mortimer noted for the record that the County Commissioners "to alter the ordinance to accommodate Mr. Gilberts operation".

Mr. Cliff Houston, Zoning Administrator stated the County Commissioners can not specifically change the ordinance for Mr. Gilbert the ordinance for "bus storage facilities" would have to be changed to allow work on other vehicles under the Special Exception.

Mr. Bill Mortimer stated for the record "that the County Commissioners alter the ordinance relative to buses allowing people to work on other buses and similar vehicles on their lot." Motion made by Mortimer for this recommendation to change the ordinance, seconded by Bowsbey, all in favor, motion carried.

FILE:2005-16 APPLICANT: Wapiti-The Wilderness Retreat, Inc., c/o Mark Retz.
PROPERTY LOCATION: 470 Wapitit Lane, North East, MD 21901.
ELECTION DISTRICT: 5, TAX MAP: 46, PARCEL: 27.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).
REQUEST: Request to rezone approximately 5 acres at three separate locations from Northern Agricultural Residential, (NAR) to Business Intensive, (BI) - Business General, (BG).

PROPERTY OWNERS: Conservation Fund & Episcopal Diocese of PA. & Mark Retz.

WITHDRAWN.

FILE:2005-14 APPLICANT: Dwain Felts.

PROPERTY LOCATION: 661 Dr. Jack Road, Port Deposit, MD 21904.

ELECTION DISTRICT: 7, TAX MAP: 22, PARCEL: 184.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 1.32 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

PROPERTY OWNER: Dwain D. Felts.

Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD representing Mr. Dwain Felts to rezone his property. The property is approximately 1.32 acres and on this property is Mr. Felts residence and a substantial garage. He has owned this property since 1984 and Mr. Felts is an Electrical Contractor. Since 1984 he has operated out of this property located at 661 Dr. Jack Road, Port Deposit, MD. At the present time he has two bucket trucks, a pick-up truck (personal) and also has vans, trucks and other vehicles that are driven by his employees. The two bucket trucks are very valuable to Mr. Felts as he uses them as a repository for a lot of very valuable equipment and supplies that he uses in the performance of his job. Mr. Felts does most of his work at Aberdeen Proving Grounds and when he is working there he can leave his valuables on the site because of the security on the post. When the trucks are not at Aberdeen Proving Grounds the trucks are garaged at his home. There has been some vandalism over the twenty years when the trucks are being stored on his property. Mr. Parrack presented some photos to the Board showing the garage in the back of his home, the garage itself and a split rail fence around the property. There are no signs advertising his business at his home. With the zoning ordinance written the way it is written presently you can not store two or more trucks on your property. Mr. Felt's business is doing very well and he needs to have his property rezoned so he can store more vehicles on his property without being what is called a "Truck Terminal". This is a problem that affects a broad range of people that are self employed and their business does well and grows over the years. Mr. Felts cannot qualify as a home occupation because he does all his work off-site. Mr. Parrack stated this property does not change external appearance of this site because the garage is already located on the property and the trucks could be parked inside. Mr. Felts could operate his business legally and would not disturb any of his neighbors while running his business. This is not going to be a commercial area Mr. Felts just wants it rezoned for the parking of his company vehicles. The character and the appearance are not going to change on this property. Under the Comprehensive Plan this property is located in the resource conservation district, and the resource conservation district recognizes that commercial uses in that area are recommended to be local convenience or business service operations and this essentially is what Mr. Felts does in the way of his electrical business. Mr. Felts also does charitable work for the Town of Port Deposit with his bucket trucks.

Health Department Report – Sanitary Permit B0831 issued in 1979 for existing dwelling; no application received for water and sewage approval for any commercial use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD stated he does not want to see business general rezoning on this part of Dr. Jack Road. Once you open the door and change the rezoning how many other people would want to do the same? Mr. Rossetti is for economic development in the area and he wishes there was a way that people could have a small business on their property without changing the zoning, but that is not how the zoning laws are written in certain districts.

SPECIAL EXCEPTIONS:

FILE: 3180 - APPLICANT: Lisa Marie Topper.

FOR: Special Exception for a home occupation to operate a dog grooming business.

PROPERTY LOCATION: 62 Locomotive Lane, Colora, MD 21917, Election District: 6,

Tax Map: 10, Parcel: 776.

PROPERTY OWNER: Todd Michael Abramovitz.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Lisa Marie Topper, 62 Locomotive Lane, Colora, MD would like to operate a dog grooming business. She has been a sub contractor in the dog grooming business for eighteen (18) years at another location in Baltimore County. This business would be on a part time basis and she would only groom three (3) to four (4) dogs a day. She also has raised and shown dogs for fifteen (15) years. Basically the dogs will be housed in crates that are easily cleaned, easy to keep sanitary. The dogs will have plenty of room to stand up and turn around in the crates. Most of the clients will drop their dogs off in the morning and pick them up when they are done, so they are not in the crates for very long. All of the neighbors have been wonderful and have encouraged her to open this business. There will not be any boarding of dogs. There are no walk-ins everyone has to have an appointment for their dog. Ms. Topper will have flexible hours and the owners do not stay while the dogs are getting groomed. Ms. Topper lives in a 4,400 sq. ft. home on an acre and half of property and the dogs are inside so the neighbors will not be bothered by any barking. She has no employees and there is ample parking (2,200) sq. ft. driveway.

Health Department Report – Sanitary Permit D9879 issued in 1995 for existing dwelling; application for water and sewage approval required to determine water usage and possible septic system upgrade requirements.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3181 - APPLICANT: Michael Dillon.

FOR: Special Exception renewal of a home occupation to operate an auto repair business.

PROPERTY LOCATION: 47 Star Route Road, Elkton, MD 21921, Election District: 3,

Tax Map: 20, Parcel: 154.

PROPERTY OWNER: Michael Dillon.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Michael Dillon, 47 Star Route Road, Elkton, MD. stated he presented this renewal of his special exception at the August 18, 2005 meeting, but the week between the Planning Commission meeting and the Board of Appeals meeting he had some dental surgery, so he was unable to attend the Board of Appeals meeting and therefore that application was withdrawn so he had to re-apply and the County Commissioners waived his application fee. See minutes from August 18, 2005 meeting in file and attached for reference. Mr. Dillon's only request at the previous meeting was to approve this Special Exception for as long as he owns the property so he does not have to come back again in a few years. He plans to operate this business from his home for only a few more years and then he plans to purchase a piece of commercial property as his business expands.

August 18, 2005 Meeting:

Mr. Michael Dillon, 47 Star Route Road, Elkton, MD presented his application for renewal. Mr. Dillon stated he has had his special exception for the last two years part time and within the next two (2) to four (4) months he is looking to open the door full time. Mr. Dillon is requesting that this renewal be for as long as he owns the property and abides by the regulations of the special exception, as he has put a tremendous amount of investment in the building to comply with the in-home requirements. The

business is attached to his house in excess of \$100,000.00. The investment time is done so now is the time to open the doors and let it pay for itself. Mr. Dillon spoke with Mr. Cliff Houston, Zoning Administrator stating that he cannot run a business if every two (2) years he has to come back and renew his request. He wishes to ask for more than one employee, he needs two (2) technicians and possibly someone to answer the phone. He is right across the street from Fox Catcher Kennels and probably the same amount of traffic would be generated as the kennel has which is very minimal. You can not see his house from the road and you cannot see that an auto repair business is even operating at this location.

Ms. Joyce Bowsbey asked about parking.

Mr. Dillon stated that there is 3,000 square feet for his driveway and parking. There should be four (4) to twelve (12) vehicles there at any one given time. The garage is 4,000 square feet, so there is plenty of room for vehicles inside the building.

Health Department Report – Sanitary Permit B4863 issued in 1983 for existing dwelling. Permit G0387 issued in 2001 for attached garage – satisfactory for proposed use. Must comply with Maryland Department of the Environment requirements for disposal of waste oil, anti-freeze, scrap tire storage, etc.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3185 - APPLICANT: David R. Burroughs.

FOR: Special Exception for a home occupation to practice law from home.

PROPERTY LOCATION: 185 Springfield Drive, North East, MD 21901, Election

District: 9, Tax Map: 12, Parcel: 266.

PROPERTY OWNER: David R. Burroughs.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. David Burroughs, 185 Springfield Road, North East, MD stated he would like to have an in-home law office. He is newly admitted to the Maryland Bar and does not have many clients at the present time. The practice will be largely focused on family law. Mr. Burroughs has a 4,000 sq. ft home and his 1st floor of his house is a study/office and this is what he would be using. There will not be a lot of clients coming and going and there will be no criminal clients coming to his home. Before he filed for this Special Exception he drafted a letter to his neighbors dated September 26, 2005, in file and attached for reference. None of the neighbors have any complaints. There will be no employees (secretary) or sign and this will have no impact on any of the neighbors.

Health Department Report – Sanitary Permit C6220 issued in 1990 for existing dwelling. Minimal increase in water usage from proposed use – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3186 - APPLICANT: Timothy Allan Cunningham.

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

PROPERTY LOCATION: 165 Pond Neck Road, Earleville, MD 21919, Election District:

1, Tax Map: 56, Parcel: 165.

PROPERTY OWNER: Timothy Allan Cunningham.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Timothy Allen Cunningham, 165 Pond Neck Road, Earleville, MD would like to locate a singlewide manufactured home on his property for his mother to live in. This past October 2005 Mr. Cunningham's father passed away. His mother and father were living in West Virginia and now with his father passing away his mother would like to be closer to her son since she does not drive. Mr. Cunningham's house sits at least ¼ mile from any other residences and from the road. It would not be visible from the road. None of his neighbors have any objections to him putting a singlewide on his property. When his mother would pass away the manufactured home would be removed from the property.

Health Department Report – Sanitary Permit B4873 issued in 1983 for existing dwelling; soil evaluations conducted in November 2005 found a satisfactory sewage disposal area for the proposed mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Capital Improvement Program (CIP) – 2006-2011.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANTS: Reynolds Farm Subdivision- Gene and Francis Mackie, Paul and Margaret Bowman and Lynn and Ann Widener.

FOR: Amendment to the Master Sewer Plan.

Staff recommended approval.

ACTION: Motion made to approve with four (4) conditions by Mortimer, seconded by Gerweck.

1. Professionally maintained system.
2. Clarity of ownership until build out of development.
3. Inspection and regulation of facility during and after construction.
4. Underground system.

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Joseph J. and Edwina E. Gilbert.

FOR: Request to rezone ten (10) acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

Staff recommended disapproval, no mistake or change in the character of the neighborhood since the 1993 Comprehensive Rezoning.

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

VOTE: Four to two to disapprove, motion carried.

APPLICANT: Wapiti- The Wilderness Retreat, Inc., c/o Mark Retz

FOR: Request to rezone approximately five (5) acres at three separate locations from Northern Agricultural Residential, (NAR) to – Business General, (BG).

WITHDRAWN.

APPLICANT: Dwain Felts.

FOR: Request to rezone 1.32 acres from Northern Agricultural Residential, (NAR) to Business General, (BG).

Staff recommended disapproval, no mistake or change in the character of the neighborhood since the 1993 Comprehensive Rezoning.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Lisa Marie Topper.

FOR: Special Exception for a home occupation to operate a dog grooming business.

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

APPLICANT: Michael Dillon.

FOR: Special Exception renewal of a home occupation to operate an auto repair business.

Staff recommended approval for five (5) years, limited to six (6) cars and two (2) additional employees.

ACTION: Motion made to approve with staff conditions by Bowsbey, seconded by Gerweck.

VOTE: All in favor, motion carried.

APPLICANT: David R. Burroughs.

FOR: Special Exception for a home occupation to practice law from home.

Staff recommended approval for three (3) years.

ACTION: Motion made to approve with staff conditions by Bowsbey, seconded by Clark.

VOTE: All in favor, motion carried.

APPLICANT: Timothy Allan Cunningham.

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

Staff recommended approval for five (5) years or as long as mother resides in mobile home, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Gerweck, seconded by Knutsen.

VOTE: All in favor, motion carried.

The meeting was adjourned at 10:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 19, 2005, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

December 19, 2005

7:00 p.m.

PRESENT: Brown, (Chairman), Mortimer, Bowsbey, Clark, Kilby, (ex-officio), Sennstrom and Dempsey.

ABSENT: McDowell, (alternate), Gerweck, Knutsen and Houston (Zoning Administrator).

MINUTES- Motion made by Mortimer, seconded by Bowsbey and unanimously carried to approve the Monday, November 21, 2005, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3188 - APPLICANT: Peggy Dieter.

FOR: Renewal of a Home Occupation to operate a small craft/gift shop.

PROPERTY LOCATION: 191 Jackson Station Road, Perryville, MD 21903, Election District: 7, Tax Map: 30, Parcel: 111.

PROPERTY OWNER: Frank J. and Peggy L. Dieter.

PRESENTLY ZONED: Suburban Residential, (SR).

WITHDRAWN.

FILE: 3189 - APPLICANT: Collette's, LLC

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

PROPERTY LOCATION: 4905 Pulaski Highway, Perryville, MD 21903, Election District: 7, Tax Map: 29, Parcel: 637.

PROPERTY OWNER: Collette's, LLC.

PRESENTLY ZONED: Business General, (BG).

Mr. David H. Parrack, Esquire, 226 East Main Street, Elkton, MD representing David and Kathleen Collette to locate a doublewide manufactured home for security purposes. This property consists of approximately 6 1/2 acres on Route 40. Presently this property houses part of the Collette's towing service in addition to serving temporarily as a place that Cowan Trucking has their trucks parked until Principio Industrial Park is developed. The Collette's have a towing service where there are primarily large trucks that they will tow off interstate I-95 to Rt. 40 to house there temporarily. In addition the Cowan Trucks are there also. In the recent past they have had problems with vandalism and breaking into the trucks. In addition Chesapeake Landing residential subdivision is located immediately across Rt. 40 and the paved ramp into the Collette property seems to be very attractive to the children across the street for skateboarding. The Collette's would like to have a manufactured home with someone living in it at all times for security purposes. The Collette's business is a business that is operated 24 hours a day and seven days a week.

Ms. Mortimer asked how much of the area is presently fenced.

Mr. Collette stated that 200' x 175' is fenced and is required by the Maryland State Police and the Maryland Transportation authorities for the vehicles that are towed in off the highway. In the back along the railroad tracks is a 16' concrete wall. The incidences are happening where the area is not fenced at the entrance where the trucks come in.

Mr. Mortimer asked if the State Police were notified when certain insurances happen.

Mr. Collette stated "yes". The real problem is with the children skateboarding at the entrance, he is afraid some is going to get hurt or killed. There are no trespassing signs up and you can not put a gate across the entrance because when the trucks would be entering they would partially be sitting out on to Rt. 40 which would be very dangerous.

Mr. Parrack stated that Mr. Collette spoke to the President of the civic association across the street and they do not have any problems with a manufactured home being put on the property.

Health Department Report – Sanitary Permit G6237

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Peggy Dieter.

FOR: Renewal of a Home Occupation to operate a small craft/gift shop.

WITHDRAWN.

APPLICANT: Collette's, LLC

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

Staff recommended approval for two years or as long as Collette's own the property and operate the business, whichever shall sooner occur.

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

VOTE: All in favor, motion carried.

The meeting was adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, January 17, 2006, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning