

PLANNING COMMISSION MEETING

January 16, 2007

7:00 p.m.

PRESENT: Brown, (Chairman), Mortimer, Bowsbey, Doordan, Clark, Demmler, (Ex-officio), Houston, Slicer, Sennstrom, and Dempsey.

ABSENT: Knutsen and McDowell (alternate).

MINUTES- Motion made by Doordan, seconded by Mortimer and unanimously carried to approve the Monday, December 18, 2006, 7:00 p.m., minutes as mailed.

**NOMINATION FOR HISTORIC DESIGNATION:**

APPLICANT: Edward & Mary Reynolds.

LOCATION: 2062 Liberty Grove Road, Colora, MD 21917.

TAX MAP: 17, PARCEL: 95, PRESENTLY ZONED: Village Residential, (VR).

OWNER: Edward & Mary Reynolds.

Eric Sennstrom, Director of Planning and Zoning presented this Historic District application. Edward and Mary Reynolds would like to designate their dwelling at 2062 Colora Road, Colora, Maryland as a historic structure. The basement and attic are still in tact. The roof structure, fireplace and front door are original. Chairman Ed Cairns (Historic District) visited the dwelling and reported that the dwelling was erected circa 1864 by Street Brown. Mr. Brown was Colora's original postmaster and the long time freight agent for the railroad. Mr. Brown lived in Colora until 1918 when he passed away, he was 86 years old. Eric Sennstrom, Director presented photographs to the Planning Commission members and explained that if this dwelling would be approved for Historic Designation the Reynolds' would receive a 10% tax credit on their property taxes.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**TEXT AMENDMENT:**

2004 Cecil County Master Water & Sewer Plan

Morning Cheer, Inc., /Sandy Cove Ministries (WWTP Improvements)

Amend Table 9 and Table 10

Gene Neff, P.E. representing Sandy Cove Morning Cheer Ministry. The Waste Water Treatment Plant is worn out. They have been watching this facility very carefully and there is a definite need to replace this facility. The Plant has been there for 25 years and it needs to be replaced to meet the new state environmental regulations, including nitrogen and phosphorous discharge. This will be more expensive but they feel they have

an obligation to make all the latest improvements. The Treatment Plant will be inside of a building which will present a nicer appearance outside.

Josh Brown asked if it is the intent to bring it up to modern standards not to increase the capacity.

Gene Neff answered that they will be increasing the capacity, so the facility will be there for at least 30 to 35 more years.

Mark Clark stated there is a lot of discussion about capacities and repair, where are the allocations coming from?

Eric Sennstrom, Director stated the county has a proposal before the Maryland Department of the Environment to allow the treatment of up to 14,000,000 gallons per day for future growth.

Patrick Doordan asked is it possible for Sandy Cove to wait to start this project.

Gene Neff stated it needs to be done as soon as possible and financing needs to be planned.

Commissioner Rebecca Demmler stated maybe Sandy Cove should hold off until Matt Carter, (Cecil County) looks at this plan.

Health Department Report – Discharge Permit for Morning Cheer Wastewater Treatment Plant was reissued by MDE in 2002.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**OPEN SPACE:**

APPLICANT: Town Of Port Deposit

FOR: Hopkins Quarry Park-Master Site Plan

PROPERTY LOCATION: Rte. 222, Port Deposit, MD 21904, Election District: 5, Tax Map: 700, Parcel: 30

FUNDING: Reimbursement funds available FY 2006-07 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Edward Slicer, Manager of Parks and Recreation presented Hopkins Quarry Park Master Site Plan for the Town of Port Deposit. The park consists of 67 acres of land. This is a historic site which was once a granite quarry. The park is used as a trail head for the Lower Susquehanna Heritage Greenway for a nature discovery site, parking and other activities. The Historic Scale House would be renovated if there is money left in the grant. The purpose of the grant would be to clear the site, perform Environment Assessments and develop a Master Site Plan. This is a beautiful unique site.

Health Department – Development of the Master Site Plan for the park must include consideration of provision of sanitary facilities.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**SPECIAL EXCEPTIONS:**

**FILE: 3282** - APPLICANT: Wrangle Hill Enterprises, LTD  
FOR: Special Exception to locate a singlewide manufactured home for security purposes.  
PROPERTY LOCATION: 1565 Principio Road, Port Deposit, MD 21904, Election District: 5,  
Tax Map: 18, Parcel: 15.  
PROPERTY OWNER: Wrangle Hill Enterprises, LTD.  
PRESENTLY ZONED: Business General (BG).

William F. Riddle, Esquire, 204 East High Street, Elkton, MD 21921 representing Wrangle Hill Enterprise, LTD., Hubert Dexter Miller, Jr. (owner) would like to locate a singlewide manufactured home for security purposes. This property is presently zoned commercial and Mr. Miller owns a construction company, (Samco Inc.). There is a "L" shaped building located on this property which has open garages. When Mr. Miller purchased this property from Wrangle Hill Enterprises there was already a singlewide manufactured home located on the property for security. Mr. Miller stated they have been robbed three times already since he has bought the property, it is essential to have someone living in the manufactured home for security. The manufactured home presently has an employee living there. The back of the property is an open field and the nearest resident is 1,500 to 2,000 feet. There have not been any complaints by anyone, when the property was purchased a few years ago there was already a mobile home there.

Health Department Report – Sanitary Permit F3013 was issued in 1997 to a previous owner to replace an existing singlewide mobile home with a doublewide mobile home, connecting to an existing septic system. Apparently the SWMH was not removed or another SWMH was installed without approval, as both dwellings are presently on the property. If both dwellings are to remain, satisfactory soil evaluations / percolation tests are required and an additional septic system must be installed or the existing system upgraded. Alternatively a proposal to convert one dwelling to an office can be submitted for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3283** - APPLICANT: Holly J. Kehler.  
FOR: Renewal of a Home Occupation to conduct a stained glass business.  
PROPERTY LOCATION: 6651 Augustine Herman Highway, Cecilton, MD 21913, Election District: 1, Tax Map: 62, Parcel: 21.  
PROPERTY OWNER: Holly J. Kehler.  
PRESENTLY ZONED: Rural Residential (RR).

Holly Kehler is requesting a renewal of her special exception for a home business. Her hours are by appointment only and she has very few deliveries to her home. Ms. Kehler deals mostly with buying stained glass from antique dealers, so no one comes to her home. She has had no complaints from her neighbors in the past. Ms. Kehler would like this renewal for the life of the business.

Health Department – Sanitary Permit R1844-96 issued in 1996 for repair of existing septic system. Little to no increase in water anticipated – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3284** - APPLICANT: Ernest H. & Carol A. Duff.

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

PROPERTY LOCATION: 495 Grove Neck Road, Earleville, MD 21919, Election District: 1,  
Tax Map: 61, Parcel: 36.

PROPERTY OWNER: Ernest H. & Carol A. Duff.

PRESENTLY ZONED: Southern Agricultural Residential (SAR).

Ernest and Carol Duff presented their special exception for a singlewide manufactured home for hardship purposes. Mr. and Mrs. Duff have medical problems with their back and spine. They request their son could live in the singlewide to help them. The Duff's presented letters from their Doctor to the Planning Commission stating their medical conditions. Their daughter who is 26 lives with them in their house so there is not enough room for their son to live with them in their principal residence. Mrs. Duff works for the Cecil County School Board Credit Union and Mr. Duff is a General Contractor.

Patrick Doordan stated map 56, parcel 25 surrounds two sides of your property, what is that?

Mr. Duff stated that is the Schrader Farm and farm land surrounds the rest of his property.

Mr. Duff presented a petition ( within a 4 mile radius) signed by neighbors stating they had no problem with the singlewide.

Bill Mortimer asked Mr. Houston what he made of an eviction notice by the Health Department.

Cliff Houston, Zoning Administrator stated the mobile home is already there and was put there without a permit and the septic system was also installed without a permit, and that is basically what the Health Department Report stated. If this Special Exception is not approved the mobile home and the septic system will both have to be removed. Mr. White (Health Department) has already been down to the property and Mr. Duff is aware what he has to do to satisfy the Health Department.

Mr. Duff's son is currently living in the mobile home and Mr. Duff presented paperwork from the Health Department passing everything.

Health Department Report – Mobile home placed on property and septic system installed without permits. An order was sent to bring the property into compliance with applicable regulations; in response percolation tests have been conducted and satisfactory soil has been found for on-site sewage disposal . If a Special Exception is not granted, and required permits cannot be obtained, mobile home and septic system will be required to be removed.

COMMENTS IN SUPPORT: Matt Morgan, 6239 Telegraph Road, Elkton, MD 21921 stated he has known Ernie and his son for a while and they are fine hard working guys.

COMMENTS IN OPPOSITION: Barbara Duff Stevenson and her two brothers Howard and George are in opposition to this singlewide. Howard and George also live on this property which is subdivided from the farm. The farm belongs to Viola Duff who is 87 years old and very immobile. Mrs. Stevenson has power of attorney over her mother (Viola). She had a long discussion with her mother and she is not in favor of the mobile home. This mobile home has been on the property for two years, with hooked up electric (not by the electric company). There is a family problem and it is tearing the family apart. Years ago Viola Duff entered into a perpetual easement agreement with the Eastern Shore Land Conservancy. Prior to closing this agreement photographs were taken and it was made quite clear that the property was to be kept in the same condition as it was when the easement was finalized. This mobile home was pulled in out of Brantwood Court off Rte. 213 at night. This mobile home went on Ernest Duff's property. The first time the conservancy came out to do a full inspection (2006) and everything was fine until they came up to the back of Ernest Duff's property and saw the mobile home. They could not see how the septic system was installed because of the skirting around the mobile home. If this septic system is on her mother's property she will be fined. Ernest Duff also has trash and a Grader on his property from his construction business. This is incompatible with any other property around 495 Grove Neck Road. His property is zoned Agricultural Residential and it is being used for his contracting business, (commercial).

**FILE: 3290** - APPLICANT: Timothy John Price.

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

PROPERTY LOCATION: 25 Pinewood Road, Earleville, MD 21919, Election District: 1, Tax Map: 56, Parcel: 4.

PROPERTY OWNER: Timothy John Price.

PRESENTLY ZONED: Southern Agricultural Residential (SAR).

Timothy John Price would like to renew his special exception to retain a doublewide for harship purposes. His mother has health problems. This doublewide has been on the property for one year with no complaints from the neighbors. This doublewide is 500' off the road and it cannot be seen from the road.

Health Department Report – Sanitary Permit G8584 issued in 2005 for existing mobile home- satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

### **RECOMMENDATIONS:**

APPLICANT: Edward and Mary Reynolds

FOR: Nomination for Historic Designation

Staff recommended approval.

ACTION: Motion made to approve by Mortimer and seconded by Doordan.  
VOTE: All in favor, motion carried.

APPLICANT: Morning Cheer Inc. / Sandy Cove Ministries  
FOR: Text Amendment for 2004 Cecil County Master Water and Sewer Plan - Amend Table 9 and 10.

Staff recommended approval.

ACTION: Motion made to approve by Mortimer, seconded by Bowlsbey.  
VOTE: All in favor, motion carried.

APPLICANT: Town of Port Deposit - Open Space  
FOR: Hopkins Quarry Park – Master Site Plan

Staff recommended approval.

ACTION: Motion made to approve with recommendation of historic scale house renovation by Mortimer, seconded by Doordan.  
VOTE: All in favor, motion carried.

APPLICANT: Wrangle Hill Enterprises, LTD  
FOR: Special Exception to locate a singlewide manufactured home for security purposes.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Mortimer.  
VOTE: All in favor, motion carried.

APPLICANT: Holly J. Kehler  
FOR: Renewal of a Home Occupation to conduct a stained glass business.

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

ACTION: Motion made to approve with staff conditions by Bowlsbey, seconded by Clark.  
VOTE: All in favor, motion carried.

APPLICANT: Ernest H. and Carol A. Duff  
FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for two (2) years.

ACTION: Motion made to disapprove, no demonstrated hardship by Mortimer, seconded by Clark.  
VOTE: Two to one to disapprove, one abstained, motion carried.

APPLICANT: Timothy John Price

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

Staff recommended approval for as long as applicant owns the property and mother resides in manufactured home.

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

VOTE: All in favor, motion carried.

**GENERAL DISCUSSION:** None.

Meeting Adjourned: 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, February 20, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

February 20, 2007

7:00 p.m.

PRESENT: Brown, (Chairman), Mortimer, Clark, Doordan, Bowsbey, Sennstrom, Houston, Shertz, and Dempsey.

ABSENT: Knutsen, McDowell, (alternate) and Demmler (Ex-officio).

MINUTES- Motion made by Doordan, seconded by Mortimer and unanimously carried to approve the Tuesday, January 16, 2007, 7:00 p.m., minutes as mailed.

Josh Brown, Chairman announced that Special Exception File # 3297, T-Mobile will be heard at next months (March 19, 2007) Planning Commission Meeting and (March 27, 2007) Board of Appeals Meeting, per their request.

**TEXT AMENDMENTS – ZONING ORDINANCE**

Add Article V, Part XII, Section 160 – Neighborhood Essential Services

Amend Article V, Part III, Section 71 – Dwelling Manufactured Home Single Wide

Amend Article V, Part III, Section 70 – Dwelling Manufactured Home Double Wide

Amend Article III, Part II, Section 30 – MH Manufactured Home District

Eric Sennstrom, Director of Planning and Zoning presented these Text Amendments. First on the agenda, add new language to Article V, Part XII, and Section 160 –Neighborhood Essential Services. Neighborhood essential services shall be permitted in all zones provided below:

The Department of Public Works would like this Text Amendment to be passed; Harford County already has theirs passed. Public Works does not want to see any conflicts arise on the setbacks in the future.

1. All water and sanitary sewer pump station, shared water systems, sewage treatment facilities and/or wastewater treatment plants shall be setback a minimum of 200 feet from the nearest property line. Water conveyance pipes and sewage collection pipes do not need to comply with the setback requirement;
2. A bufferyard meeting the “A” standard of Appendix B shall be provided to screen the facility from all adjoining properties.
3. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plant established in existing communities shall be setback as far from the nearest property line to the greatest extent possible based on existing community constraints. Water conveyance pipes and sewage collection pipes do not need to comply with the setback requirement.

Bill Mortimer, asked if the 200 feet is designed to mitigate the noise and smell issue.

Eric Sennstrom, Director stated the noise issue is governed by Comar regulations and the Director of Public Works figures that the minimum of 200 feet will mitigate any potential conflicts that would arise due to odor.

Pat Doordan stated the concerns that were expressed by Mike Pugh were that there are situations in these kinds of circumstance where one set of rules might work here and might not work over there. It might serve to the detriment over here because it would not allow something that would actually be good and he used the example of a pumping station that they were collecting some current septic systems and turning them into a sewer line.



Mr. Doordan feels this Text Amendment may need some fine tuning and to form a Committee to look into some of the problems that may arise. This Committee could change some of the wording to yet achieve the same goals that would not be so restrictive.

Eric Sennstrom stated the Planning Commission may want to recommend a Committee be formed to the Board of County Commissioners. The Director of Public Works has contacted MDE to find out what is the minimum distance that MDE would recommend.

Josh Brown, (Chairman) asked if other jurisdictions have the same setback statements.

Eric Sennstrom stated that language was suggested to Cecil County by the Department of Public Works based on the existing regulations in Harford County.

Joyce Bowsbey asked if this change were in effect, the pumping station that was approved at this morning's Planning Commission meeting would not have been able to be approved.

Eric Sennstrom, Director stated "yes".

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: David Meiskin, 4345 Route 9, Suite 28, Freehold, New Jersey stated he was there to talk about this ordinance, not a specific project. Mr. Meiskin stated the way this Text Amendment is drafted you could not put a Pump Station in the right place, it is set too far back Who will be building this state of the arc Pump Station, what about the smell and the noise? These are items that should be discussed by a committee of other people, along with the Planning Commission and the County Commissioners, these decisions should be made with public input also. Is this amendment going to be grandfathered in for old subdivisions? These items are too broad of standards, take sometime and think this Amendment through. You need to have the Pump Station close to the property, not 200 feet away. Please think about what the Board of Appeals will be voting on. See attached and in file for reference.

Eric Sennstrom, Director of Planning and Zoning presented the second set of Amendments listed below:

Amend Article V, Part III, Section 71 – Dwelling Manufactured Home Single Wide  
Amend Article V, Part III, Section 70 – Dwelling Manufactured Home Double Wide  
Amend Article III, Part II, Section 30 – MH Manufactured Home District

Amend Article V, Part III, Section 71 – Dwelling Manufactured Home Single Wide listed below:

Addition: A singlewide manufactured home may be permitted as a special exception in the Manufactured Home zone provided that a single wide manufactured home presently exists on the property and provide that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For the purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.

Bill Mortimer asked if there is a minimum lot size.

Eric Sennstrom, Director stated 20,000 square feet. Some of the old lots recorded in the 1930's that are not conforming lots are grandfathered in.

Amend Article V, Part III, Section 70 – Dwelling Manufactured Home Double Wide, listed below:

Addition: [and in the Manufactured home provided that it is not on permanent foundation and if a doublewide manufactured home presently exists on the property]

Amend Article III, Part II, Section 30 – MH Manufactured Home District, listed below:

Addition: [Unless a special exception is granted by the Board of Appeals]

See attached and in file for reference.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**AGRICULTURAL PRESERVATION DISTRICT:**

**Establish Agricultural Preservation Districts (MALPF) for the following property:**

OWNER: Robert McCauley. LOCATION: 125 Carter Mills Road, Elkton, Maryland 21921. Tax Map 13, Grid 23, Parcel 102, Election District 3. ACREAGE: 60.3 (District); 60.3 (Total farm). ZONED: NAR (Northern Agricultural Residential).

Eric Shertz, Plans Reviewer presented this application for Robert McCauley which was withdrawn from the November 20, 2006 Planning Commission meeting, more information was needed. Mr. Shertz stated the application was approved by the staff of the Planning and Zoning office in November 2006 and Agricultural Advisory Board in December 2006 and the County Commissioners will hear this application on March 6, 2007, at 7:00 p.m. at their monthly meeting. Three (3) new lots would be available for minor subdivision potential and one (1) new lot in a major subdivision would be available. Application in file for reference.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**REZONING:**

**FILE:2007-01** APPLICANT: Steven and Dana Fersch.

PROPERTY LOCATION: 700 Old Elk Neck Road, Elkton, MD 21921.

ELECTION DISTRICT: 5, TAX MAP: 41, PARCEL: 348.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 10.083 Acres from Northern Agricultural Residential, (NAR) to Rural Residential, (RR).

PROPERTY OWNER: Steven and Dana Fersch.

Steven and Dana Fersch, 700 Old Elk Neck Road, Elkton, MD presented their rezoning application. Mr. Fersch would like to be able to make two (2) lots (subdivision potential) on his 10.083 Acres for his children, but the

zoning needs to be changed to Rural Residential, (RR) from Northern Agricultural Residential, (NAR). In 1992 the Fersch's purchased the property with the hopes of building their own home and someday subdividing the property into two (2) lots to give to their children. The property has always been used for residential purposes not for agricultural. Prior to 1992 there was a trailer on the property. When they purchased this property it was before the rezoning took place in 1993. The Assessment Office overlooked this property when the rezoning took place in 1993 and all the rest of the property that surrounds them is rural residential.

Bill Mortimer asked if this property could serve as agricultural.

Mr. Feresch stated "no" there is a 90 degree elevation from end to end. This property is being used as residential currently and will always be used as residential.

Health Department Report – Percolation tests and soil evaluations for a proposed subdivision were conducted in April, 2005. Subdivision plan must be submitted for review under regular procedures.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**SPECIAL EXCEPTIONS:**

**FILE: 3297** - APPLICANT: T-Mobile Northeast, LLC.

FOR: Special Exception to locate a cell tower on the property.

PROPERTY LOCATION: 2816 Biggs Highway, North East, MD 21901, Election District: 5, Tax Map: 19, Parcel: 41.

PROPERTY OWNER: George & Joyce Gray & Wayne & Karla Howell.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

**Stayed until March 19, 2007 Planning Commission meeting.**

**FILE: 3300** - APPLICANT: Suzanne T. Leone.

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

PROPERTY LOCATION: 48 Knollwood Road, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 351.

PROPERTY OWNER: Suzanne T. Leone.

PRESENTLY ZONED: Rural Residential, (RR).

**Withdrawn.**

**RECOMMENDATIONS:**

APPLICANT: Cecil County.

FOR: Text Amendments: Add Article V, Part XII, Section 160 – Neighborhood Essential Services.

Amend Article V, Part III, Section 71 – Dwelling Manufactured Home Single Wide.

Amend Article V, Part III, Section 70 – Dwelling Manufactured Home Double Wide.

Amend Article III, Part II, Section 30 – MH Manufactured Home District.

Staff recommended approval.

ACTION: Motion made to disapprove, form a Committee for review, needs more refining by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Robert McCauley.

FOR: To establish Agricultural Preservation District (MALPF).

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Steven and Dana Fersch.

FOR: Request to rezone 10.083 Acres from Northern Agricultural Residential, (NAR) to Rural Residential, (RR).

Staff recommended approval based upon substantial change in the neighborhood and not suitable for Agricultural use.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: T-Mobile, LLC.

FOR: Special Exception to locate a sell tower on the property.

Stayed until March 19, 2007 Planning Commission Meeting.

APPLICANT: Suzanne T. Leone.

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

Withdrawn, did not attend meeting.

The meeting was adjourned at 8:00 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 19, 2007, at 7:00 p.m. at the County Administration Building, 107 North Street, Elkton, MD.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

March 19, 2007

7:00 p.m.

PRESENT: Brown, (Chairman), Clark, Bowsbey, Doordan, McDowell, (Alternate), Slicer, Sennstrom, Houston, Demmler (Ex-officio) and Dempsey.

ABSENT: Mortimer and Knutsen.

MINUTES- Motion made by Doordan, seconded by Bowsbey and unanimously carried to approve the Tuesday, February 20, 2007, 7:00 p.m., minutes as mailed.

Cliff Houston, Zoning Administrator stated Special Exception File #3297, T-Mobile is requesting to have their application stayed until the April 16, 2007 Planning Commission meeting. Patrick Doordan made the motion for staying the application until April, seconded by Clay McDowell, all in favor, motion carried.

**PLANNING COMMISSION'S ANNUAL REPORT -2006**

Eric Sennstrom, Director of Planning and Zoning presented the 2006 Annual Report. Article 66B of the Annotated Code of Maryland requires the Planning Commission to have a copy of the annual report and to file it with the Board of County Commissioners and the Maryland Department of Planning. There is an executive summary with the report to give you an overview of the documents and how it relates to the requirements of Article 66B. The executive summary is located on pages one (1) and two (2). The Cecil County Planning Commission members are on page three (3), The Board of Appeals are on page four (4), The Agricultural Preservation Board is on page five (5), The Historic District Commission is on page six (6), The Agricultural Reconciliation Committee on page seven (7), and the Staff of the Planning, Zoning page eight (8), followed by the Appendices of the report along with maps, attached and in file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**TEXT AMENDMENT – Zoning Ordinance**

Amend Article II, Part I, Section 12 Definitions of Basic Terms

Summary – Proposing to define developer in the Chesapeake Bay Critical Area, define program amendment, and define program refinement

Amend Article XI, Part I, Section 205 Growth Allocation District

Summary – Proposing to add language relative to the location of new Intensely Developed Areas and new Limited Development Areas

Amend Article XI, Part I, Section 203 Amendments in the Critical Area District

Summary – Proposing to add language relative to information required to be sent to CBCAC and the Chairman's action thereon

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment. This is a recommendation to amend the zoning ordinance regarding the Chesapeake Bay Critical Area requirements, marked exhibit (1) one attached and in file for reference.

Joyce Bowsbey asked “do you have a definition of what a new intensely developed area is”?

Eric Sennstrom, Director stated intensely developed areas are already defined and it is not changing the definition of what that area is. It is adding new language to say where, if you are considering establishing a new IDA where that would be located.

Patrick Doordan asked about the paragraph stating that you have to be 300’ from tidal water, is that a change or is that a clarification of what already exists.

Eric Sennstrom, Director stated this would be a change to the present language. Planning and Zoning received a letter from the Chesapeake Bay Critical Area Commission notifying us of this enactment of legislation and the County needs to incorporate this language into the Zoning Ordinance, Chesapeake Bay Critical Area section.

Health Department – No comments required.

COMMENTS IN SUPPORT: Tom McWilliams, 245 Plum Point Road, Elkton, MD supports the critical bay area program, but he thought it was 1,000’ for construction instead of 300’. Mr. McWilliams feels this is not very clear the way this text amendment is being presented.

COMMENTS IN OPPOSITION: None.

**PROGRAM OPEN SPACE:**

APPLICANT: Town of Chesapeake City.

FOR: Little League Community Park, Basil Avenue – Installment #2.

PROPERTY LOCATION: 100 Basil Avenue, Chesapeake City, MD 21915.

FUNDING: Reimbursement funds available FY 2006-07 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Edward Slicer, Manager of Parks and Recreation presented this application for Little League Park Basil Avenue, Installment #2. Mr. Slicer stated the lighting at the senior boy’s field at the town’s community park provides facilities for teams from Chesapeake City, Cecilton and North East. The previous allocation of \$75,000.00 in Program Open Space was insufficient to cover the entire project cost, but was approved based on the projected Program Open Space allocation; no County funds are involved in this project. Development Capital Renewal application and Project Agreement marked exhibit two (2), attached and in file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS INM OPPOSITION: None.

**SPECIAL EXCEPTIONS:**

**FILE: 3302** - APPLICANT: Sarah Hawks.

FOR: Special Exception for a home occupation to operate a dog grooming business.

PROPERTY LOCATION: 1752 Appleton Road, Elkton, MD 21921, Election District: 4, Tax Map: 14, Parcel: 381.

PROPERTY OWNER: Francis J. Asti.

PRESENTLY ZONED: Suburban Residential, (SR).

Sarah Hawks, 1752 Appleton Road, Elkton, MD would like to operate a dog grooming business out of her home. Ms. Hawks stated this piece of property is zoned Business General, (BG) commercial except where the house is located, Suburban Residential, (SR). When Ms. Hawks leased this property from Mr. Asti she was under the impression it was all zoned Business General, (BG). Ms. Hawks also grooms dogs and cats at a shop in Newark, Delaware during the daytime hours and she wishes to do grooming in her home in the evening and weekends. She started a small business at her home a year ago and then was told she had to stop because it was not zoned for commercial use. Ms. Hawks has ten (10) dogs of her own that she shows and has two (2) litters of puppies at the present time that she will be selling. She has been in business since 1983 and is a Certified Master Groomer. There will not be a lot of traffic in and out of her driveway, maybe two or three customers a day in the evening.

Health Department Report – Sanitary Permit R2674 issued in 2001 for repair of existing septic system at 1752 Appleton Road. No application received for water and sewage approval for proposed commercial use.

COMMENTS IN SUPPORT: Francis Asti, (Owner) 409 Little Egypt Road, Elkton, MD stated when he bought this property in 2001 this property was all commercial. He misunderstood, the house was not commercial, just the land around it. He lived in this house for four years and now is renting it to Sarah Hawks (Applicant). Mr. Asti told Ms. Hawks he did not want her doing grooming in the house as he only has one well and four septic systems on the property. Mr. Asti received a letter from the County stating he has a non-conforming use in the house and it should cease. He then received another letter and told her she could not do grooming in the house without applying for a special exception.

COMMENTS IN OPPOSITION: Don Nichols, 1764 Appleton Road, Elkton, MD stated his property borders The Asti property to the north and to the east. One more business added to this property is unnecessary. This business adds to distractions, inconvenience, violations of personal rights and the right for him to enjoy his own property. Prior to 1995 the business that operated out of this location was opened Monday thru Friday from 8:00 to 5:00, Saturday 8:00 to 12:00, Sunday it was closed. This was a very nice place to live for sixteen years, but now there is a lot of traffic, noise, litter, trespassing and people walking their pets and they do not clean up after them. Please do not grant this special exception, we do not need any more businesses in the area.

Sandy Schuler, 1736 Appleton Road, Elkton, MD lives next to this property. She is concerned about the amount of dogs that Ms. Hawks has personally. There is an odor from the garage in the summertime. There has been a concrete pad poured and a large fence installed near her property. What are the hours of operation that Ms. Hawks is considering? Ms. Schuler would like to enjoy her home and her yard in peace on the weekends and not listen to dogs barking. Grooming is not her main concern; she may start to run a kennel on this property.

**FILE: 3297 - APPLICANT:** T-Mobile Northeast, LLC.

FOR: Special Exception to locate a cell tower on the property.

PROPERTY LOCATION: 2816 Biggs Highway, North East, MD 21901, Election District: 5,  
Tax Map: 19, Parcel: 41.

PROPERTY OWNER: George & Joyce Gray & Wayne & Karla Howell.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Stayed until April 16, 2007 Planning Commission meeting.

## **RECOMMENDATIONS:**

APPLICANT: Cecil County.

FOR: Planning Commission Annual Report - 2006

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Text Amendment – Zoning Ordinance.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Town of Chesapeake City – Open Space.

FOR: Little League Community Park, Basil Avenue – Installment #2.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Sarah Hawks.

FOR: Special Exception for a home occupation to operate a dog grooming business.

Staff recommended approval for two (2) years.

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

VOTE: Three to one to disapprove, motion carried.

APPLICANT: T-Mobile Northeast, LLC.

FOR: Special Exception to locate a cell tower on the property.

Stayed until April 16, 2007 Planning Commission meeting.

GENERAL DISCUSSION: None.

The meeting was adjourned at 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 16, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning



PLANNING COMMISSION MEETING

April 16, 2007

7:00 p.m.

PRESENT: Brown, (Chairman), Mortimer, Clark, Bowsbey, Doordan, Janusz, Sennstrom, Houston, Demmler (Ex-officio), and Dempsey.

ABSENT: McDowell, (Alternate).

MINUTES- Motion made by Doordan, seconded by Bowsbey and unanimously carried to approve the Monday, March 19, 2007, 7:00 p.m., minutes as mailed.

Josh Brown, (Chairman) announced that Special Exception File# 3297 T-Mobile has been withdrawn.

**ZONING ORDINANCE TEXT AMENDMENT:**

Eric Sennstrom, Director of Planning and Zoning presented the following Zoning Ordinance Text Amendments:

Amend Article II, Part I, Section 12 – Storage Trailer definition

Summary: Insert container into storage trailer definition

Add Article V, Part XII, Section 159 – Storage Trailer or Container

Summary: Add language concerning conditions by which a storage trailer or container can be located in the residential zones.

{Deletion} to Section 159 – Storage Trailer or Container

[Addition] to Section 159 – Storage Trailer or Container

Storage Trailer [and Container]. A trailer [or container], not designated for human habitation, that is located for the storage of items and materials [.] {that is permitted in the zone in which it is located.} Manufactured homes shall not be considered storage trailers.

[Storage trailers or containers shall be permitted in the NAR, SAR, RR, SR, DR, VR, TR, RM and MH zones provided the following conditions are met:

1. The storage trailer or container is placed on the property due to new construction, remodeling or emergencies such as fire, flood or other natural disasters.
2. Storage trailers or containers shall be permitted for an initial one year period, renewable for additional six month periods provided construction or remodeling is continuing or the natural disaster repairs are still occurring.
3. The Office of Planning and Zoning shall issue a certificate of zoning to an applicant prior to the placement of a storage trailer or container on their property.
4. Storage trailers or containers shall be in good repair and shall not be a hazard to the community.
5. The maximum number of storage trailers or containers on a property shall be the minimum necessary to accommodate the immediate need for temporary storage identified in the certificate of zoning.
6. Storage trailers or containers shall not be placed closer than ten (10) feet to side or rear property line.]

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Amend Article XVII, Part IV, Section 324.1.a –Hearing Required; Notice

Summary: Clarifies language regarding withdrawal of applications to amend, supplement or modify

Amend Article XVII, Part II, Section 313.7 – Approval of Special Exceptions

Summary: Provides clarity on withdrawal of special exception applications

Amend Article XVI, Part II, Section 298.7.b – Board of Appeals Established

Summary: Provides specificity as to withdrawal of applications before the Board of Appeals

Amend Article XVII, Part IV, Section 324.1.a to read as follows:

The County shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented, modified or repealed. However, a regulation, restriction or boundary may not become effective until at least one public hearing in relation thereto, at which parties in interest and the citizens shall have the opportunity to be heard and the decision with regard to said matter has been signed by the County Commissioners. Notwithstanding the a foregoing, once a hearing has begun with regard to said amendment, supplementation or modification, said request for amendment, supplementation or modification may not be withdrawn.

Amend Article XVII, Part II, Section 313.7 to read as follows:

The decision of a Board on a special exception shall be effective as of the date such a decision is signed by the Chairman of the Board of Appeals or his designee; provided, however, that no application may be withdrawn once a hearing has begun before the Board with regard to any application to the Board.

Amend Article XVI, Part II, Section 298.7.b to read as follows:

The Board of Appeals shall then decide the matter within thirty-five (35) days from the time of the hearing, such decision to become effective as of the date the decision is signed by the Chairman of the Board of Appeals or his designee; provided, however, that no application may be withdrawn once a hearing has begun before the Board concerning any such application.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: Diana Broomell, 1000 Nesbitt Road, Colora, MD 21917 spoke to the County Commissioners on this issue and there is some confusion when this would actually be enforced and signed. This is important so a citizen would have enough time to retain an attorney if they had a good basis for an appeal. Ms. Broomell is in full support of this so an application can not be withdrawn after a decision has been rendered.

Owen Thorne, 20 Hillwood Road, Elkton, MD 21921 stated this would be a good decision to rectify problems, which in turn would give you more time to contract legal council.

COMMENTS IN OPPOSITION: None.

Amend Article II, Part I, Section 12 – Campground definition

Summary: Revises language relative to what defines a campground

Amend Article V, Part IV, Section 101 – Campgrounds

Summary: Revises language as to the number of days a campground may be used

Amend Article II, Part I, Section 12 – Campgrounds definition to read as follows:

Any area or tract of land owned by a single entity or any area or tract of land subdivided as a campground prior to 1980 whereby units could be transferred to various owners to be used as a campground on which accommodations for temporary and not year round occupancy are located or may be placed, including cabins, tents, recreational vehicles and campers which are primarily used for recreational purposes and retains an open air or natural character.

Amend Article V, Part IV, Section 101 – Campgrounds to read as follows:

No camp patron shall be permitted to maintain and/or use the camping site or facilities of any camp or campground permitted under this Ordinance for a period longer than 100 days in succession or for a total of more than 150 days within any one calendar year.

Health Department Report – No comments required.

Patrick Doordan and Josh Brown (Chairman) questioned the 100 days in succession.

Eric Sennstrom, Director of Planning and Zoning stated the 100 days presently has existed since 1993 when the Zoning Ordinance was adopted. Dwight Thomey, (County Attorney) is recommending that new language be added to say that the 100 days is in succession or for a total of no more 150 days in any one calendar year.

Rebecca Demmler, (Ex-officio) asked if the owners of the campgrounds were notified of this proposed change in the ordinance?

Eric Sennstrom, Director of Planning and Zoning stated “no” mailing was done, but this has been posted on the Counties WEB site since March 28, 2007 and advertised in the legal notices in Cecil Whig twice.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Thomas Darome, 9-158 Knight Island Road, Earleville, MD stated there needs to be considerable opposition to this proposal because the issue is not the days of usage, this is disenfranchising the property owners. The County is seeking to take a piece of property that is not a campground and force it in to becoming a campground. There is currently litigation in the courts on this very issue. This will make it that home owners will not be able to use their own property when they would like to. This will make it that an individual does not own their own property, but a multitude of people will own. This will disenfranchise handicapped people, senior citizens and people on fixed incomes. Leave the definition alone. How many people are going to be impacted by this?

Mark Clark stated we are not trying to take away peoples property rights; they are trying to clarify and define this ordinance better.

Diana Broomell, 1000 Nesbitt Road, Colora, MD 21917 stated the homeowners of Indian Acres were lead to believe that they could live there all year round in their residences and that is what the litigation stems from. It sounds like this ordinance is being brought forward to help the case. The resident’s property rights are being attacked. Wait for the litigation to be over to bring forth a change in the ordinance.

Owen Thorne, 20 Hillwood Drive, Elkton, MD 21921 stated this ordinance needs to be presented clearer. Why is this legislation being brought forward now? Why does the County feel we need to change this law? This question has not been answered.

Zoning Ordinance Text Amendments in file for reference.

**AGRICULTURAL PRESERVATION DISTRICT:**

RE: Establish Agricultural Preservation Districts (MALPF) for the following property:

- 1) OWNER: The Knoll, LLC (Lands of Willis)
- LOCATION: Wade Lane & Dr. Miller Road, 57 Wade Lane; North East, MD 21901  
Tax Map 12, Grid 15, Parcel 61, Election District 9
- ACREAGE: 109.44 (District); 109.44 (Total farm)
- ZONED: Northern Agricultural Residential, (NAR).

Eric Sennstrom, Director of Planning and Zoning presented this Agricultural Preservation District for property known as The Knoll, LLC (Lands of Willis), 57 Wade Lane, North East, MD 21901. The proposed district will encumber all the acreage (109.44 acres). It is not contiguous to any other existing preserved properties at this time. The property is located outside the Master Water and Sewer Plan for future water and sewer areas. The property meets the minimum soil criteria of 50 % USDA soil capabilities classes 1, 2 or 3 or woodland group 2 soils. It will have 60.3% of classes 1, 2 or 3 soils and .8 woodland group 2 soils, for a total of 61.2 acres. The Agricultural Preservation Board will be meeting on April 27, 2007 and County Commissioners on May 1, 2007 to vote on this agricultural preservation district.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**REZONING:**

**FILE: 2007-02**APPLICANT: Thomas E. Kemp.

PROPERTY LOCATION: 1952 Colora Road, Colora, MD 21917.

ELECTION DISTRICT: 6, TAX MAP: 17, PARCEL: 148.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Request to rezone 11.191 Acres from Northern Agricultural Residential, (NAR) to Rural Residential, (RR).

PROPERTY OWNER: Thomas E. and Darlene L. Kemp.

Thomas and Darlene Kemp, 1952 Colora Road, Colora, MD 21917 wish to rezone 11.19 acres from Northern Agricultural Residential, (NAR) to Rural Residential, (RR). The Kems on August 25, 2004 applied to get a variance File # 3053 for road frontage and this was approved for a subdivision of two (2) lots by the Board of Appeals. On the opinion letter it stated it was zoned Rural Residential, (RR). After the percolation tests done by the Health Department and the Engineers were finished they stated it was zoned Northern Agricultural Residential, (NAR). There was a mistake made on the zoning. All the surrounding neighbors are zoned Rural Residential, (RR). Ms. Kemp stated they have occurred expenses of \$23,000.00 for engineering fees at Taylor Wiseman and Taylor.

Cliff Houston, Zoning Administrator explained there was a mistake made in the Planning and Zoning Office, but the Assessment books showed it was zoned Rural Residential, (RR), but on the official maps it was zoned Northern Agricultural Residential, (NAR).

Health Department Report – Proposed Minor Subdivision of Lot #3 of Minor Sub. 3262. Percolation tests have been conducted; a satisfactory subdivision plat must be submitted for approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Diana Brommell, 1000 Nesbitt Road, Colora, MD 21917 asked Cliff Houston, Zoning Administrator if there has been a zoning change in this area?

Cliff Houston, Zoning Administrator stated there have not been any other rezonings within a ½ mile radius of this property.

Diane Broomell stated there has not been a significant change of character in the area and there was no mistake on the 1993 Rezoning, so as a resident of Colora she requests the Planning Commission recommend against approval of this rezoning. The Northern Agricultural Residential, (NAR) rezoning protects and restricts certain uses of the property as well in order to preserve the Agricultural industry and the rural character. There is not a reason listed on the Rezoning Application made by the Kemps. The applicant will have the burden of proof of the rezoning and this has not been shown this evening by the Kemps. If the Rural Residential, (RR) zoning is granted this opens up the flood gates for other zoning requests in this area. If approved this compromises the new TDR Plan that took affect at the end of 2006, see letter (presentation) marked exhibit one (1), attached and in file for reference.

Ken Jenkins, 1115 Colora Road, Colora, MD 21917 has lived in Cecil County his whole like. Mr. Jenkins checked minor subdivision # 3262 dated September 25, 2000, which was subdivided off the Montgomery property and it was zoned Northern Agricultural Residential, (NAR). Mr. Jenkins checked the County zoning maps in the Planning and Zoning Office and it is still zoned Northern Agricultural Residential, (NAR) as of the 1993 Comprehensive Rezoning. The Board of Appeals application dated June 16, 2006 and was submitted by the applicant shows that File #3053 duplicates this Rural Residential, (RR) zoning. Taylor Wiseman and Taylor failed to complete the subdivision in a year. Since the three reasons for rezoning shown on the rezoning application have not been met, Mr. Jenkins opposes this rezoning, see letter (presentation) marked exhibit two (2), attached and in file for reference.

Josh Brown, (Chairman) read a letter into the record from Mr. Kaplan stating his opposition to this rezoning. Mr. Kaplan does not know the Kemp's however; their application for rezoning does not list a justification that is provided in the Cecil Counties Zoning Ordinance. Letter marked exhibit three (3), attached and in file for reference.

Charles Hertzog, 56 McCush Drive, Conowingo, MD 21918 lives within a ½ mile of the Kemp's home. Mr. Hertzog is in the Northern Agricultural District and also is in the Maryland Ag. Land Preservation Foundation MALPF Program. He has concerns on a couple of issues; if a mistake was done he really sympathizes with the Kemps, but do not change the zoning which is clearly stated from the zoning maps. The Engineers should have gone to the zoning maps instead of the assessment records. Do not approve this rezoning on a clerical mistake; this will set a precedent for others.

Owen Thorne, 20 Hillwood Road, Elkton, MD stated this will set a precedent for others to apply for a rezoning in the Northern Agricultural Residential, (NAR) or Southern Agricultural Residential, (SAR) zones. Mr. Thorne stated for the Board needs to think hard about approving this rezoning on a small mistake made on a document.

#### **SPECIAL EXCEPTIONS:**

**FILE: 3305** - APPLICANT: Lemuel P. and Sarah J. Vaughan.

FOR: Special Exception to locate a doublewide manufactured home in the Rural Residential,

(RR) zone.

PROPERTY LOCATION: 21 Maryland Ave., Earleville, MD 21919, Election District: 1, Tax Map: 60, Parcel: 95.

PROPERTY OWNER: Lemuel P. and Sarah J. Vaughan.

PRESENTLY ZONED: Rural Residential, (RR).

Lemuel and Sarah Vaughan, 2418 North Greenhill Road, Broomall, PA 19008 own lot # 26, 21 Maryland Ave., Earleville, MD 21919 wish to locate a doublewide manufactured home a summer home. They would have to conform to all the rules, such as putting the manufactured home on a permanent foundation and the roof would have to have a certain pitch.

Health Department Report – Percolation tests conducted in March 2006, satisfactory with submittal of site plan. House size is restricted due to undersized lot.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3306** - APPLICANT: Elkton Investment Co., Inc. c/o David H. Ayres.

FOR: Special Exception for a conversion of existing dwelling into a Type "C" Office Building.

PROPERTY LOCATION: 5 Cemetary Road, North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 247.

PROPERTY OWNER: Elkton Investment Co., Inc. c/o David H. Ayres.

PRESENTLY ZONED: Development Residential, (DR).

David Ayres, President of Elkton Investment Company in North East and Patricia Daniels, 5 Cemetery Road, North East, MD 21901 stated he has a single family house which is used as a rental property. Dr. Sachdev's office joins his property and Dr. Sachdev and Ms. Daniels would like to use this house for a Community Health Care Study for diabetes. There would only be about five (5) patients a day so this will not generate a lot of traffic. The house will not be changed in any way either inside or outside. This would be a Medical Office which is authorized in a Development Residential, (DR) zone.

Health Department Report – Existing dwelling connected to public water and sewer – must have approved allocations for both for proposed new use.

COMMENTS IN SUPPORT: Dawn McClanahan, 7 Cemetery Road, North East, MD 21901 would be happy to see this Medical Building next to her property.

COMMENTS IN OPPOSITION: Amanda Sandborn, 320 East Cecil Avenue, North East, MD 21901 shares a common driveway with Dr. Sachdev's property. Ms. Sanborn is concerned about traffic and parking since she shares her driveway. This is a stone driveway and only room for three (3) cars in the current parking area, also there are a lot of deliveries made. Her main concern is the parking and delivery trucks blocking the common driveway.

**FILE: 3308** - APPLICANT: Donald Paul Gambill.

FOR: Special Exception Renewal 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).

Donald Gambill, 1908 Conowingo Road, Rising Sun, MD 21911 would like to have a renewal of his special exception to locate school buses on his property. Mr. Gambill has 31 acres to park the school buses. Mr. Gambill has not received the contract (lottery) from the School Board at the present time but he is hopeful he will receive it so he will be able to operate the school buses for Cecil County.

Health Department Report – Records show the following Sanitary Permits issued for dwelling on parcel 575:  
A3619 in 1973  
B3757 in 1982  
F4028 in 1998

Cliff Houston read a letter into the record from Infra-Tech, LLC marked exhibit four (4) stating they have no objections to Mr. Gambill’s request for a special exception for storage of school buses, attached and in file for reference.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3310** - APPLICANT: Patricia Holman.  
FOR: Special Exception to locate a doublewide manufactured home for hardship purposes.  
PROPERTY LOCATION: 1906 Red Toad Road, Port Deposit, MD 21904, Election District: 5,  
Tax Map: 24, Parcel: 299.  
PROPERTY OWNER: Thomas and Katherine Breslin.  
PRESENTLY ZONED: Rural Residential, (RR).

Patricia Holman, 1906 Red Toad Road, Port Deposit, MD 21904 would like to locate a doublewide manufactured home on her parent’s (Thomas and Katherine Breslin) property for hardship purposes. Ms. Holman has five (5) children and is getting a divorce and needs somewhere to live. She is a stay at home mom for the last eleven (11) years. Ms. Breslin would like to go back to school so she can get back into the work force, so she needs somewhere to live that she will not have to ask for state aid. The manufactured home will not be visible from the road because the woods surround the property.

Health Department Report – Sanitary Permit C3424 issued in 1988 for existing dwelling; satisfactory for proposed mobile home with upgrade of existing septic system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3297** - APPLICANT: T-Mobile Northeast, LLC.  
FOR: Special Exception to locate a cell tower on the property.  
PROPERTY LOCATION: 2816 Biggs Highway, North East, MD 21901, Election District: 5,  
Tax Map: 19, Parcel: 41.  
PROPERTY OWNER: George & Joyce Gray & Wayne & Karla Howell.  
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN.

**RECOMMENDATIONS:**

**ZONING ORDINANCE TEXT AMENDMENT:**

APPLICANT: Cecil County.

FOR: Amend Article II, Part I, Section 12 – Storage Trailer definition

Summary: Insert container into storage trailer definition

Add Article V, Part XII, Section 159 – Storage Trailer or Container

Summary: Add language concerning conditions by which a storage trailer or container can be located in the residential zones.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Amend Article XVII, Part IV, Section 324.1.a –Hearing Required; Notice

Summary: Clarifies language regarding withdrawal of applications to amend, supplement or modify

Amend Article XVII, Part II, Section 313.7 – Approval of Special Exceptions

Summary: Provides clarity on withdrawal of special exception applications

Amend Article XVI, Part II, Section 298.7.b – Board of Appeals Established

Summary: Provides specificity as to withdrawal of applications before the Board of Appeals

Staff recommended approval.

ACTION: Motion made to approve by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Amend Article II, Part I, Section 12 – Campground definition

Summary: Revises language relative to what defines a campground

Amend Article V, Part IV, Section 101 – Campgrounds

Summary: Revises language as to the number of days a campground may be used

Staff recommended approval.

ACTION: Motion made to disapprove, clarification of impact on Litigation and how the numbers of days were determined, by Janusz, seconded by Clark.

VOTE: All in favor, motion carried.

**AGRICULTURAL PRESERVATION DISTRICT:**

APPLICANT: The Knoll, LLC (Lands of Willis).

FOR: Establish Agricultural Preservation Districts (MALPF) for the following property:

Staff recommended approval.

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

VOTE: All in favor, motion carried.

**REZONING:**



APPLICANT: Thomas E. and Darlene L. Kemp.

FOR: Request to rezone 11.191 Acres from Northern Agricultural Residential, (NAR) 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 Doordan, Seconded by Bowsbey.

VOTE: Three to two to approve, motion carried.

**SPECIAL EXCEPTIONS:**

APPLICANT: Lemuel P. and Sarah J. Vaughan.

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

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Elkton Investment Co., Inc. c/o David H. Ayres.

FOR: Special Exception for a conversion of existing dwelling into a Type "C" Office Building.

Staff recommended approval for proposed use as a Doctor's Office.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Donald Paul Gambill.

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

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Patricia Holman.

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

Staff recommended approval for as long as daughter resides in manufactured home and the Breslin's own the property.

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

VOTE: All in favor, motion carried.

APPLICANT: T-Mobile Northeast, LLC.

FOR: Special Exception to locate a cell tower on the property.

Withdrawn.

The meeting was adjourned at 8:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 21, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

May 22, 2007

7:00 p.m.

PRESENT: Brown, (Chairman), Mortimer, Clark, Bowsbey, Doordan, Janusz, Demmler, (Ex-Officio), Sennstrom, Houston, and Dempsey.

ABSENT: McDowell, (Alternate).

MINUTES- Motion made by Doordan, seconded by Clark and unanimously carried to approve the Monday, April 16, 2007, 7:00 p.m., minutes as mailed.

**REZONING:**

**FILE:2007-03**APPLICANT: Acorn Investments Co., II, LLC

PROPERTY LOCATION: S/S Pulaski Highway, Elkton, MD 21921.

ELECTION DISTRICT: 5, TAX MAP: 26, PARCEL: 548.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 1.1445 acres from Development Residential, (DR) to Business General, (BG).

PROPERTY OWNER: Paul Palmer.

David Parrack, Esquire representing Paul Palmer (Owner) of Acorn Investments Company II, LLC. Mr. Palmer would like to have his property located on the south side of Route 40 rezoned from Development Residential, (DR) to Business General, (BG). The subject property is near B & H Auto Parts Salvage Yard, McCann Contractors, property that is mostly wooded and S & M Paving. This parcel is immediately adjacent to the S & M Paving parcel and that parcel is presently developed in the sense of having an asphalt parking lot. There was a Medical Facility there which has burned down. This property is approximately 1.145 Acres. The property which burned down is also owned by Acorn Investments, so it only makes sense to join the two of them together. Mr. Parrack feels there have been both a change in the neighborhood and a mistake in the 1993 Comprehensive Rezoning.

Joyce Bowsbey asked "what type of business will be on this parcel"?

Paul Palmer stated it will be office space.

Joyce Bowsbey stated this will encourage commercial growth in the development corridor of the county.

Health Department Report – Parcel 548 is approved for on-site water supply and sewage disposal as a residential lot, recorded as Pine Bluffs, Section 3, Lot # 8. Satisfactory for commercial use with a comparable wastewater flow with Site Plan approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**SPECIAL EXCEPTION:**

**FILE: 3320** - APPLICANT: Diane E. Lewis.

FOR: Special Exception for a home occupation to sell salsa.

PROPERTY LOCATION: 70 Honeysuckle Drive, Port Deposit, MD 21904, Election District: 7,

Tax Map: 23, Parcel: 609.  
PROPERTY OWNER: Diane E. Lewis.  
PRESENTLY ZONED: Rural Residential, (RR).

Diane Lewis, 70 Honeysuckle Drive, Port Deposit, MD would like to sell salsa out of her home to restaurants. She will be growing her own tomatoes in the summer months and buying them from Florida in the winter months. There will be no traffic, no customers, this will be all wholesale. She stated U.P.S. will be coming once a week maybe with deliveries. There will be no employees; she will be doing this on a part time basis as she has a full time job during the day. The FDA will have to approve the kitchen space where the process will take place. Ms. Lewis will have all the State of Maryland requirements, permits and classes she needs.

Health Department Report – Sanitary Permit B9188 issued in 1986 for existing dwelling. Food service facility plans must be submitted and License issued; septic system may also need to be upgraded.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITIONS: None.

**RECOMMENDATIONS:**

**REZONING:**

APPLICANT: Acorn Investments Co., II, LLC  
FOR: Request to rezone 1.1445 acres from Development Residential, (DR) to Business General, (BG).

Staff recommendation approval based upon change in the character in the neighborhood since the 1993 Comprehensive Rezoning.

ACTION: Motion made to approve with staff recommendations by Doordan, seconded by Janusz.  
VOTE: All in favor, motion carried.

**SPECIAL EXCEPTION:**

APPLICANT: Diane E. Lewis.  
FOR: Special Exception for a home occupation to sell salsa.

Staff recommended approval for two (2) years or as long as property owner owns the property whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Mortimer, seconded by Janusz.  
VOTE: All in favor, motion carried.

The meeting was adjourned at 7:17 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 18, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

**CECIL COUNTY PLANNING COMMISSION**  
**Meeting Minutes**  
**18 June 2007**

**Present:** Bowsbey, Joyce; Brown, Josh; Doordan, B. Patrick; Janusz, Joe; Mortimer, William; Demmler, Rebecca – Ex-officio; Houston, Clifford; Sennstrom, Eric

**Absent:** Clark, Mark; McDowell, H. Clay – Alternate; Dempsey, Gale

**Call to Order:** Chairman Brown called the meeting to order at 7:00 p.m. and announced that File #3325, an application from Keith Blomquist for a special exception to establish an assisted living facility has been withdrawn.

**Approval of Minutes:** Motion made by B. Patrick Doordan to approve the May meeting minutes. Motion was seconded by William Mortimer. All members voted in favor of motion to approve May meeting minutes.

Nomination for Historic Designation – St. Patrick’s Chapel

Director Sennstrom appeared to present this application to nominate the St. Patrick’s Chapel located at 287 Pleasant Grove Road in Pilottown as a historic structure. He stated that the chapel was erected in 1819 and is the second oldest Roman Catholic Church in the County. The first recorded baptism occurred in 1827 and first recorded wedding occurred in 1832. The Chapel afforded newly arrived Irish immigrants the opportunity to practice their religion at a time when they were precluded from doing so in their native land. Director Sennstrom notified the Planning Commission that the Historic District Commission recommended approval of this nomination. Discussion ensued by the Planning Commission members on the application.

Chairman Brown inquired as to whether anyone desired to speak in favor of the application. Mr. William Pare´ spoke in favor.

Chairman Brown asked if anyone desired to speak in opposition. No one spoke.

Staff recommended approval of the application to nominate for historic designation.

Motion was made by B. Patrick Doordan to recommend approval. Motion was seconded by Joyce Bowsbey. All members of the Planning Commission voted in favor of the motion to recommend approval.

Agricultural Preservation

Eric Shertz of the Office of Planning & Zoning appeared to present three applications to form agricultural districts. Mr. Shertz presented the following information:

1. Application has been received from Paul & Richard Montgomery to create an agricultural district of 67 acres on property (TM 4 Parcel 9) located at 689 Little New York Road. Mr. Shertz stated that the application exceeded both the minimum acreage requirements and the soil criteria. He also stated that the Agricultural Preservation Advisory Board has recommended approval.

Chairman Brown asked if anyone wished to speak in favor or in opposition to this application. No one rose to speak.

Staff recommended approval of the application to form an agricultural district.

Motion was made by Joe Janusz to recommend approval of the application. Motion was seconded by B. Patrick Doordan. All members of the Planning Commission voted in favor of the motion to recommend approval.

2. Application has been received from Dirk & Bethany Meulenberg to create an agricultural district of 125.1038 acres on property (TM 18 Parcel 318) located at 360 Post Road. Mr. Shertz stated that the application exceeded both the minimum acreage requirements and the soil criteria. He also stated that the Agricultural Preservation Advisory Board recommended approval.

Chairman Brown asked if anyone desired to speak in favor or in opposition to the application. No one rose to speak.

Staff recommended approval of the application to form an agricultural district.

Motion was made by Joe Janusz to recommend approval of the application to form an agricultural district. Motion was seconded by B. Patrick Doordan. All members of the Planning Commission voted in favor of the motion to recommend approval.

3. Application received from Carroll Davis to create an agricultural district of 188.616 acres on property (TM 61 Parcels 3&19) located at 1145 Grove Neck Road. Mr. Shertz stated that the applications exceed the minimum requirements for acreage and for soils. He also stated that the Agricultural Preservation Advisory Board recommended approval with the condition that both parcels be under the same ownership prior to State submittal.

Chairman Brown asked if anyone desired to speak in favor or in opposition to the application. No one rose to speak.

Staff recommended approval of the application to form an agricultural district.

Motion made by B. Patrick Doordan to recommend approval with Agricultural Preservation Advisory Board conditions. Motion was seconded by Joe Janusz. All members of the Planning Commission voted in favor of motion to recommend approval.

## Text Amendments

Director Sennstrom appeared to present the text amendments to the Code of Cecil County and to the Cecil County Zoning Ordinance. He stated that the text amendments proposed to delete from Chapter 200 of the Code Sections 200.2.F and 200.2.G in their entirety and that they would be replaced with the addition of Article XV, Section 293 Property Disclosure and Hold Harmless agreement to the Zoning Ordinance. Director Sennstrom summarized the contents of the proposed Section 293 language.

Chairman Brown asked if anyone desired to speak in favor of the text amendments. H. Barry Montgomery stated that he was in favor and opined that the proposed changes were necessary.

Chairman Brown inquired as to whether anyone desired to speak in opposition. No one rose to speak.

Staff recommended approval of the text amendments.

Motion made by B. Patrick Doordan to recommend approval of the text amendments. Motion was seconded by Joe Janusz. All members of the Planning Commission voted in favor of the motion to recommend approval.

## Master Water & Sewer Plan Amendment

Dave Parrack Esq., Lee Larson and Brian Morgan appeared to present a request to include the Wilna Farm (TM 20 Parcels 369 & 618) in the 2004 Master Water & Sewer Plan as a W-3 and S-3 service area. Mr. Parrack introduced the applicants and asked Mr. Morgan to present the request. Mr. Morgan presented his justification for inclusion of this property due to its location in the County's designated growth area, its proximity to Cherry Hill WWTP and the proposed Elkton West WWTP, the plans to use an artesian well on the property for a shared water system, and its conformance with the goals and objectives of the County's Comprehensive Plan. Discussion ensued regarding possible alternate scenarios for service, criteria for designation, and Maryland Department of the Environment powers of final approval.

Chairman Brown asked if anyone desired to speak in favor. No one rose to speak.

Chairman Brown asked if anyone desired to speak in opposition. Alice Arbuckle rose to express her consternation with this request.

Staff recommended approval of the request to amend the 2004 Master Water and Sewer Plan.

Motion made by B. Patrick Doordan to recommend approval of the amendment to the 2004 Master Water and Sewer Plan. Motion was seconded by Joyce Bowlsbey. Planning Commission members in favor of request to amend the Plan: Mortimer, William;

Doordan, B. Patrick; Bowsbey, Joyce. Planning Commission members opposed: Joe Janusz. Motion to recommend approval carried by a vote of 3 in favor to 1 opposed.

### Rezoning

H. Barry Montgomery and Jeff Sellars appeared to present the application to rezone 5.509 acres of property (TM 303 Parcel 1130) located on Belle Hill Road from Development Residential (DR) to Business Intensive (BI). Mr. Montgomery provided elucidation on the neighborhood surrounding this property and provided a description of the change that has occurred since 1993 that would justify his request. Discussion ensued regarding traffic, bufferyards and landscaping.

Chairman Brown asked if anyone desired to speak in favor of this request. No one rose to speak.

Chairman Brown asked if anyone desired to speak in opposition. Polly Dougherty Hoopes rose to state that she is a neighbor and finds this request to be most disconcerting.

Staff recommended approval based on substantial change in the character of the neighborhood since the last comprehensive rezoning.

Motion was made by Joe Janusz to recommend approval based on substantial change in the character of the neighborhood since the last comprehensive rezoning. Motion was seconded by William Mortimer. All members of the Planning Commission voted in favor of the motion to recommend approval.

### Special Exceptions

George Gibney appeared to present his application to locate a double wide manufactured home on property (TM 4 Parcel 184) located at 124 Greenmont Road presently zoned Business General (BG). Mr. Gibney explained that he needed security for his on-site business as there is no one in close proximity to respond when his alarm is triggered. Discussion ensued regarding the remoteness of the site, the prospective tenant envisioned to provide security and the nature of the surrounding businesses.

Chairman Brown asked if anyone desired to speak in favor or in opposition to the request. No one rose to speak.

Staff recommended approval for 2 years.

Motion made by William Mortimer to recommend approval for two years. Motion was seconded by B. Patrick Doordan. All members of the Planning Commission voted in favor of the motion to recommend approval for 2 years.

General Discussion: The Planning Commission discussed the draft text changes regarding Neighborhood Essential Services and to the Subdivision Regulations. Planning



Commission comments will be provided to staff with alacrity. The Planning Commission opined in regard to their meetings with the Board of County Commissioners.

Meeting adjourned at 8:35 p.m.

Respectfully submitted:

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Eric S. Sennstrom, AICP  
Director – Planning & Zoning

Next Meeting: Monday, 16 July 2007

PLANNING COMMISSION MEETING

July 16, 2007

7:00 p.m.

PRESENT: Brown, (Chairman), Mortimer, Clark, Bowlsbey, Janusz, Doordan, Demmler, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: McDowell (Alternate).

MINUTES- Motion made by Clark, seconded by Janusz and unanimously carried to approve the Monday, June 18, 2007, 7:00 p.m., minutes as mailed.

Cliff Houston, Zoning Administrator announced that Special Exception, File No. 3330, Niall Nestor has been withdrawn.

**TEXT AMENDMENT – Zoning Ordinance**

Add Article V, Part XII, Section 160 Neighborhood Essential Services

Summary: Proposes to add language relative to the placement of water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants.

Eric Sennstrom, Director of Planning and Zoning presented the text amendment, Add Article V, Part XII, Section 160, Neighborhood Essential Services. In February 2007 there was an earlier version that became before the Planning Commission and the Board of County Commissioners and the Planning Commission recommended that the language be adjusted in the earlier version because they were not satisfied that it truly addressed the needs that it was intended to address. The Board of County Commissioners tabled the amendment and directed the staff of Planning and Zoning to work with the oversight committee, not to exceed a three (3) month time period to revisit the language and come back with a revised version. An oversight committee was then appointed to work with the office staff and the result of this effort is the proposed text amendment that is before the Board this evening.

**Add Article V, Part XII, Section 160 Neighborhood Essential Services**

Neighborhood essential services shall be permitted in all zones provided, Text Amendment marked exhibit one (1) attached and in file for reference, proposal listed below:

1. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants shall be placed in a soundproof building that utilizes the latest odor control techniques and shall be screened by a vegetative buffer meeting the Bufferyard E 1.0 standard of Appendix B. The noise emitted from the structure shall not exceed 75 decibels at the nearest property line. The Bufferyard E 1.0 standard may be modified by the Office of Planning and Zoning to a 0.75 or 0.60 when it is demonstrated that the modification will not have an adverse effect on adjacent properties and that the modification will contribute to a better design. Water conveyance pipes and sewage collection pipes do not need to comply with this requirement;
2. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants established in existing communities shall be placed in a soundproof building and shall be screened by an evergreen vegetative buffer approved by the Office of Planning and Zoning. Water conveyance pipes and sewage collection pipes do not need to comply with the

setback requirements;

3. The soundproof buildings will have an exterior façade that is harmonious and consistent with the character of the surrounding neighborhood. A lighting plan must be approved by the Office of Planning and Zoning. Exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect adjoining properties or shine into residential structures;
4. A landscape plan for the Bufferyard E or vegetative buffer, prepared by a Landscape Architect, shall be approved by the Office of Planning and Zoning. A landscape agreement must be executed for the Bufferyard E or evergreen vegetative buffer and be accompanied by a performance bond or other form of surety executed by the developer in the amount of 100% of the proposed plant materials, labor and maintenance costs. The minimum caliper of a canopy, understory or evergreen planting shall be 1". The amount of surety may be released in accordance with Article X, Section 188 of the Zoning Ordinance;
5. The developer shall notify all property owners within a 500' radius of the proposed location of the treatment plant and/or pumping station of the impending location of the facility and shall provide proof of said notification to the County.
6. These regulations shall only apply to any water treatment plant, wastewater treatment plant, or pump station constructed after the adoption of these regulations. Existing plants and pump stations will not be required to retrofit to meet these standards.

Bill Mortimer stated the Planning Commission members received a letter from Laura L. Shanahan, 120 Beauchamp Road, Elkton, MD 21921 claiming the 75 decibels would be too loud. Attached with her letter, Ms. Shanahan had a letter that was sent to Jeffrey Coale, Superintendent, Department of Public Works from the Maryland Department of the Environment, Dave Jarinko, Noise Control Specialist, marked exhibit one, in file and attached for reference.

Bill Mortimer would like to know how the oversight committee came up with the figures of 75 decibels and the State regulation are 65 decibels (daytime) and 55 decibels (nighttime). A fan running 24 hours a day is in violation of the state regulations.

Eric Sennstrom, Director of Planning and Zoning stated the oversight committee was part of the process to develop this language for COMAR regulations for noise. To reconcile the number of 75 decibels being too high, the Planning Commission can make a recommendation the County Commissioners to make it lower.

Mark Clark and Bill Mortimer think 75 decibels is too much, they feel it should be 65 (daytime) and 55 (nighttime) decibels.

Eric Sennstrom, Director of Planning and Zoning stated the committee consisted of himself, Tim Whittie, Chief of Development Services, Department of Public Works, George Perdikakis, Rubert Rossetti, Nick Inglisia and Jim Buckland from Artesian Water (resource experts).

Joe Janusz asked "why were there no odor standards set"?

Eric Sennstrom, Director of Planning and Zoning stated the committee felt a berm with the vegetative plantings should suffice for the odor problems.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Eva K. Walker, 644 Jackson Hall School Road, Elkton, MD 21921 stated first of all citizens of Cecil County are trying to keep it as clean as possible. Why would the County want to implement the higher requirements? Instead all the noise that will be happening will have to be revisited and discussed five years from now. Let's fix the problems now, (noise and odors). If people do want some of these problems to deal with they do not have to live in Cecil County. Let's do the best we can do for the environment and people's health.

Michael Pugh, Corridor Land Services, 117 North Street, Elkton, MD asked for some clarification on the terminology of the pump stations that have already been approved in plats and for which the engineering has been completed. Could you please clarify "Grandfathering" in the context of this regulation?

Joyce Bowsbey stated the way she interprets it, unless it is constructed it is not grandfathered.

Mike Pugh stated he is already working on many areas in the county for pump stations such as Villages of North East on Shady Beach Road and the Chesapeake Club. Mr. Pugh feels this would be unfair if all the projects currently under process could not be "Grandfathered".

Eric Sennstrom, Director of Planning and Zoning mentioned to look at sub section six (6) stating that these regulations should only apply to any water treatment plant, waste water treatment plant or pump station constructed after these regulations would be adopted. Existing pump stations will not be required to retrofit to meet these standards.

**TEXT AMENDMENT - Subdivision Regulations**

Article III, Section 3.9; Article IV , Sections 4.0, 4.1 & 4.2, add Appendix A - fee schedule, add Appendix B - submittal schedule.

Eric Sennstrom, Director of Planning and Zoning presented the text amendment, Article III, Section 3.9; Article IV , Sections 4.0, 4.1 & 4.2, add Appendix A - fee schedule, add Appendix B - submittal schedule. This amendment will be presented to the Board of County Commissioners for their approval. Exhibit two (2) attached and in file for reference.

Josh Brown, Chairman asked will there be any "Grandfathering" with this amendment?

Eric Sennstrom, Director of Planning and Zoning stated that once this is adopted and signed it would become affective as of that date.

Joe Janusz asked about 4.2.13 had some questions about Engineers signing plats, that it must be a Surveyor, is this statement accurate? Why on 4.2.14 are we doing away with the land Surveyor?

Eric Sennstrom, Director of Planning and Zoning stated this allows an Engineer Surveyor to sign the plat so if the Engineer can not seal and sign it the Surveyor would have to seal and sign. 4.2.14 has to do with comments received from Public Works with their review of the document and requires a Professional Engineer seal and signature. This would be keeping within the state regulations.

Bill Mortimer asked about withdrawals of plats?

Eric Sennstrom, Director of Planning and Zoning stated they would need to re-apply.

Bill Mortimer asked about "public notices" on page 1 of the amendment, this outlines signage but does not talk about the adjoining property owner letters. Why don't we let the developers send the letters and let the post

office validate the letters and turn them into the Planning and Zoning office? Mr. Mortimer feels the developer should be sending the certified mail to the adjoining property owners instead of the County staff.

Eric Sennstrom, Director of Planning and Zoning stated that is not included in this text amendment for any changes. Originally when the County revised the notification requirements the previous Board of County Commissioners, they contemplated putting this on the developer to send out the certified letters to the adjoining property owners rather than having the County do it, but as the discussion evolved it was felt that there was a better level of comfort if this duty was assigned to County staff rather than the developer.

Health Department Report – The Health Department supports the Major Subdivision Development Review Submittal Schedule in Appendix B, which will allow for increased review time for plans being submitted to the Planning Commission.

COMMENTS IN SUPPORT: Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD commented on Section 3.8 prior to submittal of a concept plat the County should send out certified mail. Ms. Arbuckle feels this should be changed from the County sending adjoining property owner's letters to the developer; this will save the tax payers a lot of money, presently it costs the County \$3.60 or more to mail a certified letter and this will also save the staff of Planning and Zoning a lot of time.

COMMENTS IN OPPOSITION: Michael Burcham, McCrone, Inc., 106 East Main Street, Elkton, MD stated he would like to go through the amendments that he feels need some revisions listed below marked exhibit two (2) and Mike Burcham:

Page 3 – 4.0.9 - Should coincide with preliminary plat approvals.

Page 3 – 4.0.10 - Extensions should be approved by Director of Planning and Zoning. Insert the word “**year**”.

Page 4 – 4.0.13 – Proposed zoning should not be shown on existing adjoining parcel. Proposed zoning only on subject parcel.

Page 5 – 4.1.10 - From the date of the preliminary approval.

Page 6 – 4.1.18 – Insert the work “**year**”.

Page 7 – 4.1.22- Section C – Why “date of approval”? If you know the name and recording reference the date is not necessary.

Page 8 - 4.1.22 - Section C, l – State the actual requirements.

Page 8 - 4.1.22 - Section C, m- Grades and preliminary storm drains.

Page 10 – 4.2.13 – Should be at least 24” x 36” minimum.

Page 10 – 4.2.13 – Section A – Engineers are not licensed to sign subdivision plats, must be a Surveyor.

Page 10 – 4.2.13 – Section D – State time requirements.

Page 11 – 4.2.14 – Section A – Insert the work “**technical**”.

Page 12 – 4.2.14 – Section F – Leave in “Professional Land Surveyors and licensed for these tasks.

Page 14 – Appendix “A” – Should note whether fees are required for plans which are **tabled** or **withdrawn** at a previous meeting and then resubmitted.

David Meiskin, Windsor Companies, LLC, 4345 Route 9, Suite 28, Freehold, NJ 07728 asked for some clarification of the Sign Ordinance, is that still in place?

Eric Sennstom, Director of Planning and Zoning stated “yes”.

David Meiskin suggested on larger projects there would be more time granted (preliminary approval within two (2) years), and remarks sent to him in a timelier manner. Section 4.0.10 needs to be more consistent, it should be from when your extension was granted. Suggestion, change Appendix A to set up an escrow account to draw against for any payments that need to be made. The Health Department needs new plans every eighteen (18) months to follow COMAR regulations.

Listed changes marked exhibit three (3) made by Eric Sennstrom, Director of Planning and Zoning, per the Planning Commission, to be presented to the Board of County Commissioners, attached and file for review.

**2004 Master Water & Sewer Plan – Water Service Area Map Amendment Summary:**

Amend Water Service Area Map to include the Whitaker Woods, Fineburg Village & Meadow Run Subdivisions as a W-2 service area.

Eric Sennstrom, Director of Planning and Zoning presented this Water Service Area Map Amendment Summary. The Board of County Commissioners has been made aware that there are some wells going dry in the Whittaker Woods subdivision. The three developments listed above are not included in the water service area map. The Board of County Commissioners felt in an effort to help the individuals within this community, (Whittaker Woods) if they choose to do so to explore other methods of water provision to their dwellings to show it as a future water service area so it would be consistent with the counties plan. They thought while they were doing Whitaker Woods they should add the other two (2) subdivisions with individual wells at the same time. There is no county water in this area so it would be up to every resident if they would want this service to be extended, (towns or private water company). Map attached and in file for reference, marked exhibit four (4).

Joe Janusz stated he has talked to some of the families about wells going dry in Whitaker Woods and also pulling less than 10 gallons a day off their wells.

Health Department Report – Many individual on-site wells in the proposed service area, especially Whitaker Woods’s subdivision, have shown low yields.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Amanda Anderson, 11 Cobblestone Court, North East, MD 21901 stated she and her neighbors had recently received a letter about the change converting over the water supply from their wells. If your have a pre existing well and the well goes dry, why won’t the County automatically step in? Was there a water study done before the development was approved? Ms. Anderson stated that when she went to closing on her home she was told there was a good amount of water supply. Who will supply the cost if they have to hook up to the town or a private water supply company?

Bill Mortimer stated this would be handled by the State of Maryland Health Department. The homeowners would have to pay a connection fee if the town or a public facility would get involved, it would vary from town to town.

**REZONING:**

**FILE:2007-05**APPLICANT: Route 40 Hayes, LLC

PROPERTY LOCATION: Marley Road, Elkton, MD 21921.

ELECTION DISTRICT: 5, TAX MAP: 26, PARCEL: 671.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 5.874 Acres from Development Residential, (DR) to Heavy Industrial, (M2).

PROPERTY OWNER: H. Barry Montgomery.

Barry Montgomery, P.O. Box 707, Rising Sun, MD 21911-0707 would like to rezone 5.78 acres to Development Residential, (DR) land to Heavy Industrial, (M2). This is an isolated piece of property that is located next to B & H Auto Salvage and Marley Road along Rt.40. Mr. Montgomery already has 40 acres

zoned Heavy Industrial, (M2) which joins this parcel. Mr. Montgomery wants this all zoned the same so it will all be consistent, the parcel is land locked at the present time. The tax map is incorrect that is listed in the tax records, parcel 671. There was a mistake when the Comprehensive Rezoning was done in 1993 and the area is all zoned for business.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Michael Jobson, 266 Bear Christiana Road, Bear, DE 19701 sent a letter into the office, marked exhibit five (5) in which Cliff Houston, Zoning Administrator read into the minutes, in file and attached for reference. Mr. Jobson also attended the meeting and would like to know how far this parcel goes back.

Barry Montgomery stated the parcel on the map goes back to the railroad tracks. He plans on using this property for flex space for industrial use if the zoning Heavy Industrial, (M2) is approved.

### **SPECIAL EXCEPTIONS:**

**FILE: 3326** - APPLICANT: Philip D. and Tracy L. Maloney.  
FOR: Special Exception Renewal of a home occupation to operate a commercial kennel.  
PROPERTY LOCATION: 774 Union Church Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 169.  
PROPERTY OWNER: Philip D. and Tracy L. Maloney.  
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Philip and Tracy Maloney, 774 Union Church Road, Elkton, MD would like to renew their special exception to operate a commercial kennel. They have had the kennel for the last two (2) years and have had no complaints from any of their neighbors. They would like to have a permanent special exception. The Maloney's board about eighteen (18) dogs. They take each individual dog out because there are not any runs attached.

Health Department Report – No Sanitary Permit required for a kennel unless restroom (s) are provided.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3327** - APPLICANT: Tina Dulaney.  
FOR: Special Exception for a home occupation to conduct a pressure washing operation offsite.  
PROPERTY LOCATION: 35 Walker Drive, North East, MD 21901, Election District: 5, Tax Map: 24, Parcel: 334.  
PROPERTY OWNER: Tina Dulaney.  
PRESENTLY ZONED: Suburban Residential, (SR).

Tina Dulaney, 35 Walker Drive, North East, MD 21901 would like to operate a pressure washing operation off site. Mr. and Mrs. Dulaney clean restaurants in the evenings when they are not open for business and other industrial sites when closed. They have two (2) employees that come in the night and leave in the morning. There is no advertising or work done at their home. They have a 40' x 60' garage where the trucks and trailers are stored. Ms. Dulaney does paperwork and invoices from home and there property is 2 1/2 acres, there are only three (3) houses in her development.

Health Department Report – Sanitary Permit C4839 issued in 1989 for existing dwelling. Proposed in home office with minimal water usage – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Annette and Jim Goodyear, 33 Walker Drive, North East, MD 21901 stated they are very happy for the Dulaney's with their business but their garage (Dulaney's) faces their home and they have three (3) children they can not sleep when the lights from the trucks shine in their bedrooms. Mr. Dulany does use the power washer on his own vehicles at home and the water and chemicals come into his garage since they share a driveway. If 911 would have to get down the lane (Goosemar Extension) the lane is blocked once in a while with an eighteen wheeler. Ms. Dulaney's employees fly up and down this single lane, someone is going to be seriously hurt or killed one day.

**FILE: 3328** - APPLICANT: James and Pamela McCarthy.

FOR: Special Exception Renewal for a home occupation to operate a septic service business.

PROPERTY LOCATION: 657 Nottingham Road, Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 311.

PROPERTY OWNER: James and Pamela McCarthy.

PRESENTLY ZONED: Development Residential, (DR).

James and Pamela McCarthy, 657 Nottingham Road, Elkton, MD 21921 would like to renew their septic service business. They have been in business for nine (9) years with no complaints from the neighbors. The hours of operation are 8:00 to 5:00, five (5) days a week. They leave in the trucks in the morning and come back in the afternoon. They have three (3) trucks which are all kept in the garage.

Health Department Report – Sanitary Permit 6138 issued in 1965 for existing dwelling. McCarthy and Son Septic Service have a valid Septage Hauler Permit from the Health Department – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3329** - APPLICANT: Jason and Anna Barrow.

FOR: Special Exception for a home occupation to be able to park two (2) dump trucks on their property for business purposes.

PROPERTY LOCATION: 2520 Biggs Highway, North East, MD 21901, Election District: 5, Tax Map: 18, Parcel: 25.

PROPERTY OWNER: Jason and Anna Barrow.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

William Riddle, Esquire representing Jason and Anna Barrow, 2520 Biggs Highway, North East, MD. Mr. Riddle stated the Barrow's own one (1) ten wheel dump truck and use another one that is not owned by them. Both of the dump trucks are parked on their property. The Barrow's received a letter from James Black, Code Compliance Inspector that they were in violation of the zoning ordinance to have the two (2) dump trucks parked on the property. The trucks are parked in the back of their house in a large level gravel parking area. Mr. Barrow only does minor maintenance on the trucks at his home and he takes the trucks to Blue Beacon Truck Wash to be cleaned which costs him around \$72.00 a week. There is no hazardous material being hauled, so there is no contamination in the ground soils. You can barely see the dump trucks from the road since it is a major roadway (Biggs Highway). Mr. Barrow drives one truck and his wife drives the other dump truck except when she is caring for her six year old son, in that case there is another driver.



Health Department Report – Sanitary Permit R1394 issued in 1992 for repair of septic system at existing dwelling. No Health Department approval required for parking of dump trucks.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: John Gray, 2515 Biggs Highway, North East, MD 21901 stated he has a petition that he and his twelve (12) neighbors have signed with several concerns with the dump trucks at the Barrow's, marked exhibit six (6), attached and in file for reference.

**FILE: 3330** - APPLICANT: Niall Nestor.  
FOR: Special Exception for a Double Wide Manufactured home in the Rural Residential Zoning District.  
PROPERTY LOCATION: 44 No Name Street, Earleville, MD 21919,  
Election District: 1, Tax Map: 56, Parcel: 78.  
PROPERTY OWNER: Niall Nester.  
PRESENTLY ZONED: Rural Residential, (RR).

**WITHDRAWN.**

**FILE: 3331** - APPLICANT: Alysia Asp.  
FOR: Special Exception for a home occupation.  
PROPERTY LOCATION: 1688 Perryville Road, Perryville, MD 21903, Election District: 7,  
Tax Map: 29, Parcel: 25.  
PROPERTY OWNER: Alysia Asp.  
PRESENTLY ZONED: Development Residential (DR).

**WITHDRAWN.**

**RECOMMENDATIONS:**

**TEXT AMENDMENTS:**

APPLICANT: Cecil County.  
FOR: Zoning Ordinance- Add Article V, Part XII, Section 160 Neighborhood Essential Services.

Staff recommended approval.

ACTION: Motion made to approve, grandfathered (exempt) after final plat approval and adjoining properties receiving no more than 65 decibels (daytime) and 55 (nighttime) for noise control by Mortimer, seconded by Janusz..

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.  
FOR: Subdivision Regulations- Article III, Section 3.9; Article IV , Sections 4.0, 4.1 & 4.2, add Appendix A - fee schedule, add Appendix B - submittal schedule.

Staff recommended approval.

ACTION: Motion made to approve with modifications attached on the County Commissioners letter marked exhibit two (2) by Doordan, seconded by Bowlsbey.

VOTE: All in favor, Motion carried.

APPLICANT: Cecil County.

FOR: 2004 Master Water & Sewer Plan – Water Service Area Map Amendment Summary:  
Amend Water Service Area Map to include the Whitaker Woods, Fineburg Village & Meadow Run  
Subdivisions as a W-2 service area.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

**REZONING:**

APPLICANT: Rt. 40 Hayes, LLC - H. Barry Montgomery.

FOR: Request to rezone 5.874 Acres from Development Residential, (DR) to Heavy Industrial, (M2).

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

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

VOTE: All in favor, motion carried.

**SPECIAL EXCEPTIONS:**

APPLICANT: Philip D. and Tracy L. Maloney.

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

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Tina Dulaney.

FOR: Special Exception for a home occupation to conduct a pressure washing operation offsite.

Staff recommended approval for two (2) years.

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

VOTE: Three (3) to two (2) to disapprove, motion carried.

APPLICANT: James and Pamela McCarthy.

FOR: Special Exception Renewal for a home occupation to operate a septic service business.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Jason and Anna Barrow.

FOR: Special Exception for a home occupation to be able to park two (2) dump trucks on their property for  
business purposes.

Staff recommended approval for two (2) years.

**ACTION:** Motion made to approve for one (1) year with two (2) trucks by Doordan, seconded by Janusz.

**VOTE:** Three (3) to one (1) approve, one (1) abstained, motion carried.

**APPLICANT:** Niall Nestor.

**FOR:** Special Exception for a doublewide manufactured home in the Rural Residential, (RR) zoning.

WITHDRAWN.

**ACTION:** Alysia Asp.

**FOR:** Special Exception for a home occupation.

WITHDRAWN.

**GENERAL DISCUSSION:** None.

Meeting was adjourned at 10:15 p.m.

**NEXT PLANNING COMMISSION MEETING:** Monday, August 20, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

August 20, 2007

7:00 p.m.

PRESENT: Mortimer, (Chairman), Bowsbey, (Vice-Chair), Doordan, Janusz, Edwards, McDowell, (Alternate), Slicer, Demmler, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: Vacancy

Joe Janusz would like it reflected into the minutes the general discussion from the July 16, 2007 meeting, stating Pat Doordan, (Planning Commission Member) was placed on the Comprehensive Review Plan Committee.

MINUTES- Motion made by Doordan, seconded by Janusz and unanimously carried to approve the Monday, July 16, 2007, 7:00 p.m., minutes as mailed.

**TEXT AMENDMENT: Zoning Ordinance**

Amend Article V, Part XI, Section 135 – Motor Vehicle Filling Station

Summary: Proposes to add subsection 6 that will only permit motor vehicle filling stations if all adjoining properties are served by public water.

Eric Sennstrom, Director of Planning and Zoning presented this text amendment. Currently Section 135 permits motor vehicle filling stations in the Business Local, (BL), Business General, (BG) and Business Intensive, (BI) zones. The proposed text amendment would be adding a sixth condition which would read, [6. A motor vehicle filling station shall only be permitted if all adjoining properties adjacent to the filling station are served by public water.] Attached and in file for reference.

Joyce Bowsbey asked if there were any current properties in the county that would comply with this new ordinance.

Eric Sennstrom, Director of Planning and Zoning stated that maybe some properties near the Town of North East that would fill this new condition if adopted by the Board of County Commissioners. Pine Hill would meet the conditions required as there are a few commercial parcels in that area. In the Northern Agricultural Residential, (NAR) and the Southern Agricultural Residential, (SAR) districts there is no intention of providing public water or public sewer service. The current gas stations would be grandfathered.

Joyce Bowsbey is concerned that this currently would prohibit any gas stations along the Rt. 40 growth corridor. Another concern Ms. Bowsbey has is the new State regulations requiring double shell tanks, is there a safety concern?

Eric Sennstrom, Director of Planning and Zoning stated we would refer that to the Maryland Department of the Environment.

Clay McDowell stated that this will place a hardship on a large number of people potentially who live in areas of the county that will never be served by a public water and they will be driving five (5) miles or so to some town to get their gasoline. This would be a significant drive and this appears that this is a solution that does not

have a problem, since the State and Federal regulations have severely restricted the possibility of any leak occurring with the double walled tanks.

Pat Doordan agrees with Clay McDowell, this situation will cause far more problems than it solves.

Guy Edwards would like to know what recourse the property owner has if he finds his well is contaminated by a local gas station. The only recourse would be to take him to court, correct?

Eric Sennstrom, Director of Planning and Zoning stated you would have to go to court and it would be up to the Judge to decide.

Joe Janusz has lived in the country for many years and personally he would not want a gas station next door to his home and property. He would be concerned about his well.

Health Department Report – Cecil County is classified by Maryland Department of the Environment as a “high-risk” groundwater use” area, due to the generally unconfined aquifers found in the upper (piedmont) area of the county. Unconfined aquifers are more susceptible to contamination from local sources such as leaking underground storage tanks and protection of groundwater aquifers from this type of contamination is very important. The Health Department recommends approval of the proposed amendment.

COMMENTS IN SUPPORT: Owen Thorne, 20 Hillwood Road, Elkton, MD stated he is a member of the group (ARCA) and they fought against a gas station in the Fairhill area which is now also a convenience store and lost. There are thousands of customers a year; the average gas station dispenses about 900,000 gallons of gasoline a year in Maryland. This is a dangerous chemical and normally chemicals are distributed in industrial areas, not residential. There have been spills in Cecil County before. There is a problem with monitoring and inspections of systems, the State do not have enough Inspectors. This is a good proposal, good research, easy quick fix until we can assure people that there is a perfect system and there will be no accidents, no one will spill gas filling their vehicles and no storms that would wash gas into the ground water or neighbor’s yard. This is a good proposal and the County Commissioners should adopt it.

Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD agrees with everything that Owen Thorne just stated. Ms. Arbuckle feels the county is full of gas stations. She does not want to see a big ugly gas station built at the corner of Cayot’s Corner Road and Rt. 213. Ms. Arbuckle is for this amendment.

Anne Lane, 164 Russell Road, Elkton, MD is in favor of this proposal, this is a pro-active way of dealing with it rather than fixing what’s wrong later on. It is not an ideal world, things that are not supposed to happen, happen all the time.

Paul Gray, 3437 Blue Ball Road, North East, MD strongly urges the board to adopt this amendment. If you average out each customer spilling a little gas this would average out to be about 50 to 60 gallons of fuel spilled on the ground which the environmental regulations have no control over. The State has no control over spilled gasoline.

Joyce Bowsbey stated that Mr. Gray stated there are a number of double lined tanks that have leaked in Cecil County or Maryland, can you please explain that.

Paul Gray stated he can provide that information to her or you can look at the WEB site.

Roman Grypa, 3420 Blue Ball, North East, MD stated he is in favor of this regulation. In 2000, Governor Glendening created a task force to investigate gas leakage into ground water. The following year the task force issued their final report with their recommendation; local governments to adopt zoning restrictions to protect

drinking water resources. The task force does not want well water contaminated. Maryland Department of the Environment, (MDE) has issued strict regulations requiring double walls storage tanks and double wall delivery pipes. Eight and half million gallons of water were contaminated and had to be cleaned up and disposed of off site. If this amount of water was not contaminated this could have provided water for over a 120 homes over a year period of time. Residents in Cecil County should have clean domestic water.

Michael Walker, 644 Jackson Hall School Road, Elkton, MD stated if you live along side a gas station and you have a well and there was a chance of contamination, and there was a spill, how could you prove this was a hardship to you?

Eva Walker, 644 Jackson Hall School Road, Elkton, MD is in favor of this amendment.

Tom McWilliams, 245 Plum Point Road, Elkton, MD is in favor of this amendment and feels it should be adopted.

Robert Hodge, North East, MD submitted a letter to the Planning Commission members stating he is in strong opposition to the proposed zoning ordinance text amendment to prohibit motor vehicle filling stations, if all adjoining properties are not served with public water, marked exhibit one (1), attached and in file for reference.

COMMENTS IN OPPOSITION: None.

#### **NOMINATION FOR HISTORIC DESIGNATION:**

NAME: Gilpin Falls Covered Bridge  
LOCATION: E/S Maryland Route 272 north of Bayview  
TAX MAP: 19 PARCEL: 570  
OWNER: Board of County Commissioners of Cecil County

Eric Sennstrom, Director of Planning and Zoning presented the Nomination for Historic Designation. The bridge is approximately ½ mile northeast of Bay View; the Gilpin's Falls Covered Bridge is one of only six (6) or seven (7) wooden covered bridges left in Maryland. This bridge was constructed by George Johnson between 1859 and 1860, the bridge originally connected Old Nottingham Road and the Town of North East in the 19<sup>th</sup> century. The bridge's exterior roof, siding and flooring were replaced during 1958-1959, after they were destroyed by a storm. The Gilpin's Falls Covered Bridge represents the only historic bridge under the State Highways administration ownership. It was identified by Maryland Historical Trust for the Maryland Department of Transportation in a jointly conducted survey which took place in 1980-1981.

1. On January 15, 1988, the Gilpin Falls Covered Bridge was officially transferred from the Maryland State Highway Administration to Cecil County. Due to an apparent oversight this historic structure was not placed on the Cecil County Register of Historic Places.
2. Local recognition is necessary for the MHT approval for this structure to be listed on the National Register of Historic Places.
3. Many grant foundations require that the structure for which grants are requested be listed on the National Register. Cecil County is presently seeking grants to be used toward the restoration of this bridge.

Pat Doordan asked if this is approved, are there any tax dollars that would be allocated.

Eric Sennstrom, Director of Planning and Zoning stated the local designation only makes it eligible for the County's 10% property tax credit. Since the County Commissioners own the bridge this will also assist in getting State and Federal monies to help with the restoration of the site.

Clay McDowell mentioned that this has already been designated a Historic site by the State, is that correct?

Eric Sennstrom, Director of Planning and Zoning stated this is only for local designation, the State of Maryland and Maryland Historic Trust has an easement on the property presently.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: Ed Cairns, Chair of the Historic Commission, 104 Jackson Hall School Road, Elkton, MD would like to preserve as many of these sub-structures with historic significance as they can. This promotes tourism in the county and he recommends this, as it will be historically significant to Cecil County.

W. Earl Simmers, 99 Simmers Road, Rising Sun, MD, Chairman of Gilpin Falls Covered Bridge Committee appealed to the Planning Commission to approve this application for the Covered Bridge to be listed on the Historic District Commission. This Bridge already qualifies for the Commission's list. This Bridge was transferred from the State Highway Administration to Cecil County in January 1988. We need to have this placed on this Commissions list so it can be registered because they are seeking grants from numerous foundations, and in order for the money to go towards the repairs of this Bridge, many of the foundations require the structure be registered as a Historic Designation.

COMMENTS IN OPPOSITION: None.

#### **PROGRAM OPEN SPACE:**

Maryland's Open Space Annual Program for FY 2008. Cecil County's Plan for Park Land Acquisition and Recreation Facility Development – Preliminary Draft.

Edward Slicer, Manager, Parks and Recreation stated each year there is a program list of acquisitions and development projects drafted. This year most of the development projects have been carried forward from previous years. There are only two (2) new projects which is Final Installment on Elk Landing Acquisition in Elkton and money set aside for the Regional Park. See file for reference.

Health Department Report – No specific comments required, however, please be sure to contact the Health Department prior to property acquisition for those projects which will require on-site water supply and sewage disposal.

COMMENTS IN SUPPORT: Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD stated she is here tonight to submit a proposal to the Planning Commission for acquiring the Baldwin Mills Land along Elk Mills Road, Elkton. This is the third time she has come forward with this proposal starting last year (2006). When you look at preliminary draft it states that \$2,645,000.00 is available for on a Regional Park. Her idea for purchasing this other land meets quite a few of the criteria that are listed for regional parks. This land is in the I-95 corridor and the purchase of this land would provide a lot of protection of Elkton's water supplies. The Big Elk Creek runs next to this proposed development. Keeping the forest in tact would keep run-off from pollutants going into Elkton's water supply. This is also in keeping with the continuance of the Green Way. Ms. Arbuckle also has a vision of filling in the Elk Mills Quarry, earmarked as a reservoir. You would have the Reservoir, Big Elk Creek and then this Park.

Ed Slicer, Manager, Parks and Recreation stated Ms. Arbuckle needs to discuss this proposal with Clyde Van Dyke, Director, Parks and Recreation. At his time there has been no site acquired, that is why the money has been put into the Annual Program for reserve.

Anne Lane, 164 Russell Road, Elkton, MD is in favor of this particular area (Baldwin Mills Land) because there is a huge need for a Regional Park and it would keep from having another development. This is a wonderful idea.

Douglas Kwart, 89 Creek Drive, Elkton, MD, stated his property is close to the proposed Baldwin Mills. There is a continuous undeveloped tract with the inclusion of the Baldwin Mills site that stretches all the way to the I-95 underpass and goes all the way up to Fair Hill. We need to put land like this aside to preserve the wildlife and the fauna in Cecil County

Bill Mortimer stated this really does not have anything to do with what Mr. Slicer is presenting this evening. It is a very good idea, but it needs to be presented at another time.

COMMENTS IN OPPOSITION: None.

### **AMENDMENT TO 2004 CECIL COUNTY MASTER WATER & SEWER PLAN:**

Applicant: Aston Development Group, Inc.

Request: Amend Chapter 4, Section 4.1.9 to include Tax Map 14, Parcel 7, Lots 1 & 2 as a discharge point for treated effluent from the Meadowview WWTP to irrigate a golf course.

Richard A. Bechtel, II, Gessner, Snee, Mahoney and Lutchie, P.A., Attorneys at Law, William R. Stritzinger, President, Aston Development Group, Inc. and Paul Scott, GPA, water expert presented this amendment to 2004 Cecil County Master Water and Sewer Plan.

Richard Bechtel stated the Aston Development Group, Inc. has submitted an application to the Maryland Department of Environment, (MDE) for a Groundwater Discharge Permit, Application No. 07-DP-3572, for the purposes of irrigating the Newark Country Club Golf Course via spray irrigation. Before the permit is acted upon, MDE has requested that a text revision be included in the County Water and Sewer Plan showing map: 14, parcel: 7, Lots: 1 & 2 as a discharge point for this proposed application. Aston Development Group's prior amendment request, which was approved by MDE on September 15, 2006 by Nancy W. Young, Esquire, Assistant Attorney General, Department of the Environment states as follows:

“Upon confirmation that the proposed discharge point is in the County Water and Sewer Plan, MDE will publish a draft permit. COMAR 26.08.04.02A(2) requires the proposed discharge from a wastewater plant be in compliance with a County's approved water and sewerage plan. Thus, all discharge points for wastewater from the Meadowview plant must be in the County's water and sewerage plan, including discharges to water.”

Aston Development Group proposes to utilize treated wastewater from Meadowview Wastewater Treatment Plant to spray irrigate the golf course during the months of April through November. Such spray irrigation would obviate the need to appropriate additional water from the aquifer. Exhibit two (2) attached and in file for reference.

Richard Bechtel is asking this evening that the text be inserted in to the plan and an amendment be made to the map so MDE can proceed with their review of the application and prepare a draft permit. Mr. Bechtel would like to mention some concerns that the public may have, listed below:

1. Who is going to be responsible for this mess?
2. Who is going to build it?
3. Who is going to maintain it?
4. Who is going to deal with the problems in the future?



The Aston Development Group, as the property owner presently will be responsible for all the cost associated with the infra-structure, the line, pumping station, responsible for monitoring the biological material, (if any) that will be entering the storage pond on the Golf Course site. All this will happen until the Newark County Club purchases the property from Aston Development Group. The permit follows the property owner, so whoever the property owner is will be responsible for maintaining the infra-structure, maintaining the levels, and monitoring levels. At no point in time will the County hold liability on this.

Health Department Report – Groundwater discharge permit required from Maryland Department of the Environment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ed Cairns, 104 Jackson Hall School Road, Elkton, MD speaking on the behalf of the ARCA Board of Directors. ARCA understands that tonight you are considering the Master Water and Sewer Plan Text Amendment to supplement the Master Water and Sewer Plan Map Amendment approved for Aston Point in 2006. When MDE approved that amendment, they required a substitute Text Amendment is required to satisfy additional information specified by state law. The text amendment being presented tonight is somewhat vague and does not meet the requirements of MDE submittal and specific to the golf course part of the Aston Point property. ARCA agrees with watering the golf course the way it is being presented provided they follow all the safety and health precautions and with protection from future County liability. ARCA feels in the long run this golf course will be turned into more housing; there are more golf courses in Cecil County than there are golfers. The golf course should be turned into park land instead. Since the golf course has been separated into a minor subdivision, MDE should put in a “denied access clause” for no more housing to be built.

Rich Betchel, stated the “denied access clause” is going to be relative to an appropriation permit. The purpose of a “denied access clause” is so that future development can occur on a particular location. This is a discharge permit request not an appropriation request. This is not relevant to tonight’s request.

Hugh Campbell, ARCA Board of Directors, 7 Appleton Acres Court, Elkton, MD which is a development adjacent to the property in question this evening. Mr. Campbell has several issues that he feels need to be addressed, listed as follows:

1. Who owns the pipeline and the pumping stations for this proposed proposal?
2. What is the route of the pipe to the pumping station?
3. Is this a minor-subdivision or a major-subdivision?
4. What type of ponds?
5. The issue of shutting off the knob.
6. Monitoring wastewater treatment facilities, sterile situation.
7. Who will be legally responsible for health problems if they occur?
8. What about odor issues?
9. What if there is a malfunction with the pumping to the pond?
10. Concerned that Cecil County tax payers and residents do not get left holding the bag.
11. Clarity of the review process of the conveyance system.

Eric Sennstrom, Director of Planning and Zoning and Bill Stritzinger, President, Aston Development Group explained these concerns to the audience in attendance.

Clay McDowell asked about the letter which was in the packet from MDE, it states a different wording from what has been presented this evening. In one place it says “no increase in wastewater allocations for Aston Point Development” and what is being presented this evening is “no increase in the County’s allocation for the Meadowview Wastewater Treatment Plant.

Eric Sennstrom, Director of Planning and Zoning explained the text amendment is proposing the wastewater discharge from Meadowview instead of it going to the stream; they want to use it for spray irrigation for the golf course.

Paul Scott, (Water Expert) stated that this will not increase to County's wastewater allocations that are applicable to the Aston Development.

Owen Thorne, 20 Hillwood Road, Elkton, MD understands that this process will be handled by the Aston Point Development Group, so we as citizens need to make sure this water is safe, well taken care of and nothing bad happens to it until it is under the feet of golfers on the golf course. Everything needs to be in place with the design before the green light is given to go forward because once the map is amended the County and the public losses most of the local control. MDE will not be there everyday checking up on the process. Aston Point has failed to meet past promises. ARCA would like to see enforceable signed guarantees from the developer and the County Club. Please recommend a delay to the County Commissioners until all these important questions have been asked and answered in public, so the public can see what is being done. Also, ask for future prohibition for future subdivision of this land as a condition of any approval.

Guy Edwards asked "if the pump station is located on the County property legally how would we still hold the developer responsible for it".

Richard Bechtel answered the developer could flat out purchase the parcel that the pump station is sitting on but, typically reciprocal easements from the County where the County can go on the property or an easement back to whoever the property owner is that is responsible for maintaining the pump station.

Richard Boyce, 11 Harvest Lane, Elkton, MD, ARCA speaker, stated the applicant's proposal does not save any County water. Aston Point's current request for withdrawal is 253,000 gallons a day, if this is granted. There is no way to get the water to the golf course from the current aquifer. In the current text amendment, what does lot 1 and lot 2 mean? Is this currently in the proposed text? Lot 1 is for construction of the golf course, so lot 2 is not part of the golf course, is that correct? Is lot 2 going to be spray irrigated?

Bill Stritzinger stated that Lot 1 is for the golf course and Lot 2 is for possible landscaping, intending to use some drip irrigation. Lot 1 and lot 2 are owned by the same entity, lot 2 is where the house is currently, but there is a bufferyard requirement and the concept was to use the affluent for irrigation purposes for the landscape.

Stephen Wohner, 218 Catswamp Road, Elkton, MD stated originally the Master Sewer and Water Plan Amendment included the golf course and the housing development. In December or January it was subdivided. When it was brought to the Planning Commission it was approved as an extension, but that was not addressed at that time, that there was a change done. When you approved the extension it was on the golf course and the housing development, now it is subdivided into two different entities. This process is null and void and it needs to go all the way back to the beginning. The two are no longer together, but they were together when the Amendment was approved.

Anne Lane, 164 Russell Road, Elkton, MD would like to know how well maintained and monitored this proposed system is going to be. MDE can not be there every single day to make sure they are in compliance.

Richard Bechtel stated that MDE will be over seeing the process liability for problems with the system and health concerns.

Eva Walker, 644 Jackson Hall School Road, Elkton, MD stated all we are asking as citizens is not jump into anything before we have all the facts. Ms. Walker feels the golf course and spraying is a great idea, but she has

some reservation about the pond. We need to be cautious about passing all these amendments. The greatest concern the community has that we need concrete answers and not promises. Mr. Stritzinger's golf course will in the long run benefit from the citizens concerns.

Bob Porter, 699 Elk Mills Road, Elkton, MD has some questions. First what is the text that is going to be added to the water and sewer amendment? Mr. Porter feels a Lawyer and a Hydrologist should be in on the wording of the text. The Highlands Treatment Plant had problems with odors, etc. and eventually that Plant had to shut down. Second is there an agreement with the County on the erecting of a pumping station on County land and if so will that pumping station then be owned by the developer or will it be owned by the County? If it is owned by the County, who is to pay for the pumping of the water to provide irrigation to the pond?

**AMENDMENT TO 2004 CECIL COUNTY MASTER WATER & SEWER PLAN:**

Applicant: Morris & Ritchie Associates, Inc.

Request: Amend Water Service Area Map to include Stewart's Landing (TM 37 Parcels 12, 13 & 551) as a W-1 service area.

Fred Sheckells, Licensed Civil Engineer with Morris and Ritchie Association, Inc. Mr. Sheckells stated on behalf of their client Security Development, LLC (Stewart's Landing) they are requesting the property be upgraded to the W-1 category within the Master Water and Sewer Plan. A preliminary plat of the subdivision has already been approved. Public water should be planned for this subdivision as it is contiguous to the surrounding areas, (Pine Hills, Arundel and Mariners Cove) which all have public water. There is adequate water (288,000 gallons per day) capacity with the Pine Hills system and this system is only operating at 60% capacity. They are well within the other 40% balance.

Health Department Report – Water allocation must be obtained from Cecil County Department of Public Works.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**SPECIAL EXCEPTIONS:**

**FILE: 3331 - APPLICANT:** Alysia Asp.

FOR: Special Exception for a home occupation to operate a Art Studio.

PROPERTY LOCATION: 1688 Perryville Road, Perryville, MD 21903, Election District: 7,

Tax Map: 29, Parcel: 25.

PROPERTY OWNER: Alysia Asp.

PRESENTLY ZONED: Development Residential, (DR).

Alysia Asp, 1688 Perryville Road, Perryville, MD stated she would like a special exception to operate an Art Studio. Ms. Asp is a full time art teacher and she wishes to open the studio part time. The location of the property is right in front of the Perryville High School, so students could walk to her studio after school for lessons. She will also be selling jewelry mostly on the internet along with teaching the art courses and hopes to teach children ages ten (10) and up and some classes for seniors. Ms. Asp stated she has room to park between ten, (10) and twenty (20) cars on this property. The sole use for this property will be for business, she does not reside at this location.

Health Department Report – Prior to Health Department approval of a Sanitary Permit for Change of Use, existing well and / or septic system will have to be replaced due to inadequate separation.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3333** - APPLICANT: Independence Construction Materials.

FOR: Special Exception for a conversion of existing building into a Type "C" Office Building.

PROPERTY LOCATION: 909 Elk Mills Road, Elk Mills, MD 21920, Election District: 4, Tax Map: 21, Parcel: 193.

PROPERTY OWNER: Elk Mills, LP.

PRESENTLY ZONED: Development Residential, (DR).

Curtis E. Hall, General Manager, representing Independence Construction Materials in this application. This property is located directly across the street from the Elk Mills Quarry. They are proposing renovation of the building to allow for two (2) to four (4) offices. These offices will be used to support the quarry operations sales people and managers that are on the road. They need offices to do their paperwork and since this is right across the street from the Quarry (896 Elk Mills Road, Elk Mills, MD), this would be an ideal location. They will be making improvements to the dwelling such as new roof, demolition of an old shed, landscape improvements, new heating and air-conditioning, new driveway and parking improvements.

Health Department Report – No application received for water and sewage approval for proposed change of use; Sanitary Permit R2711 was issued in 2001 for septic repair at existing dwelling.

COMMENTS IN SUPPORT: Steve Bristow, 169 Creek Drive, Elkton, MD stated his Grandfather owned the farm where the Quarry is now located. There has been a 500% improvement since this company has owned the Quarry. He is very much in favor of this, because everything the Quarry has done has made the operation look and run better.

Douglas Kwart, 89 Creek Drive, Elkton, MD is in support of the Quarry, they have been good neighbors and they have made vast improvements over the years. The property is fenced and Mr. Hall is talking about implementing a dust abatement system, which would help the air quality. These are responsible people and an asset to the neighborhood.

Mark Pugh, 133 Creek Drive, Elkton, MD stated he has only lived there for six (6) months and he feels renovating this building will be very nice.

**FILE: 3335** - APPLICANT: Nancy Ewing Trego.

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

PROPERTY LOCATION: 136 Fair Hill Drive, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 165.

PROPERTY OWNER: Walter Eugene and Nancy Ewing Trego.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Nancy Trego, 136 Fair Hill Drive, Elkton, MD would like to locate another singlewide manufactured home for agricultural purposes on her property. The other one has been removed so there is already a water and sewer hook-up. There are twenty foot (20') high trees that surround the property so it can not be seen from the road. Mrs. Janice Strange will be living in the trailer so she will be able to help in the green houses.

Health Department Report – No application received for water and sewage approval for proposed mobile home. Sanitary Permit F8283 was issued in 2000 to replace singlewide mobile home with a modular home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3336** - APPLICANT: Cecil County Farm Museum - c/o David Reed.

FOR: Special Exception to establish a farm museum, occasional festivals and events and a Variance from parking requirements.

PROPERTY LOCATION: 123 Elk Mills Road, Elkton, MD 21921, Election District: 4, Tax Map: 21, Parcel: 586.

PROPERTY OWNER: Board of County Commissioners.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

David Parrack, Esquire representing the Cecil County Farm Museum, Inc., David Dodge, Volunteer Worker Consultant and Gerry England, President of Cecil County Farm Museum, Inc. In April 2004 the Cecil County Farm Museum applied for a special exception for a Farm Museum. The Planning Commission recommended disapproval by a vote of three (3) to two (2). The Planning Commission felt the use proposed was worse at this location than if it would be located any place else within the Northern Agricultural Residential, (NAR) zone. In May 2004 the Cecil County Board of Appeals granted the special exception, when they granted this they had four (4) conditions, listed below:

1. A traffic impact study be done
2. No more than nine (9) special events per year
3. Bufferyard approved by the Office of Planning and Zoning
4. Site plan approved by the Office of Planning and Zoning.

The Board of Appeals granted the special exception, and then there was an appeal taken to the Circuit Court of Cecil County where the Court upheld the decision of the Board of Appeals. The case then went to Annapolis to the Court of Special Appeals. The Court of Special Appeals reversed the decision of the Board of Appeals based on the board failing to make the findings of facts necessary to support this decision, and then there was a remand. The Court stated that the last time the special exception was only for the museum, not special events, so they are re-applying for a new special exception.

Mr. Parrack is applying for both (Museum and events) this time. Some of the events that will be held; Apple Butter Festival, Tractor Demonstrations, Tractor Pulls and a Native American Festival. This is an 84 Acre site and to the east is the subdivision known as Chesterfield; this subdivision would be impacted the most. No temporary sanitary facility or trash receptacle may be located within 200' of an existing dwelling, nor can any tents be within 250' of an existing dwelling. A drawing to scale will accompany the application. Seasonal business uses will not exceed 180 days in any twelve (12) consecutive months. The activity areas shall be at least 500' from the residential district, (this is already located in a residential district, so this does not apply). There are about 40 acres of parking and 10 acres of buffer.

Joyce Bowsbey mentioned there is only one entrance to this property off Elk Mills Road.

Mr. Parrack presented a Traffic Impact Study prepared by Traffic Concepts, Inc. from Gambrills, MD in December 2006, in file for reference. The traffic study showed the road system to be satisfactory and their conclusion and recommendation is the Office of Planning and Zoning approved this development from a traffic impact stand point without off-site roadway mitigation measures. Where else would you put this in the Northern Agricultural Residential, (NAR) zone?

Public comment: "How about Fair Hill"?

Dave Parrack stated Fair Hill is not available to them. This is a volunteer non-profit organization to preserve the agricultural heritage of Cecil County and they need somewhere to have events that will not cost them any

money, they need to generate income. Cecil County bought this property with Rural Legacy funds. The question is “Is it worse here than anywhere else?” This property was bought in 2002 by Cecil County and they have already spent \$30,000.00 on construction for the entrance

Dave Parrack entered into the minutes a “map of the site marked exhibit 3, in file and attached for reference.

Joyce Bowsbey mentioned the roads can not handle events that would have 10,000 people and there is only one (1) entrance.

Jerry England, President of the Cecil County Farm Museum, mentioned that antique tractor pulls are not as noisy as regular tractor pulls.

Health Department Report – Site Plan approval required for proposed construction and use.

COMMENTS IN SUPPORT: Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD feels the Farm Museum is a great idea, but it should be located in a different place. Why not locate this on an actual working farm? Ms. Arbuckle suggests locating this Farm Museum in a better location where traffic will not be a problem. When you transport antique tractors on trucks for hauling in and out, this creates a great deal of noise.

Paul Gray, 3437 Blue Ball Road, North East, MD speaking on behalf of the Cecil County Farm Museum. Mr. Gray mentioned a couple of key points that we need to keep in perspective. There are only seven (7) events in the course of a year, so people will only be inconvenienced seven (7) days out of the year. This is a volunteer organization to provide an educational program. There may be 200 people that will be attending these events and there will not be anything held in the evening after dark because there is no lighting except for security lights. There will not be a lot of traffic because it will be primarily school children and a few local visitors.

Stephen Bristow, 169 Creek Drive, Elkton, MD stated you will not hear any noise. If this is not approved Cecil County will be losing history.

Phil Johnson, 3910 Blue Ball Road, Elkton, MD stated these events will be educational. What was the purpose of purchasing this farm in the first place? It was the “open space”. The Farm Museum would be perfect on this site.

W. Earl Simmers, Secretary to Cecil County Farm Museum, 99 Simmers Road, Rising Sun, MD stated he has been a member of this organization since 1999. Mr. Simmers and others have put in a lot of personal time and energy into accomplishing their goals to educate the public about the agricultural heritage in Cecil County. Several of the volunteers have been going to schools and teaching the children about farming, so it would be nice for them to come and see how a farm functions. We also would like to teach adults that do not know anything about farming.

Donald Fritz, Rising Sun, MD stated he has been a charter member of the Farm Museum since it was started. Mr. Fritz feels that the farm museum would be a good educational tool. The one (1) entrance will be fine, as people do not come all at one time. To put up with a little noise to educate people should not be a problem.

Eva Walker, 644 Jackson Hall School Road, Elkton, MD stated she feels this is a marvelous idea to have a Farm Museum. The children and adults alike will be educated and learn about farming in Cecil County.

Michael Walker, 644 Jackson Hall School Road, supports his wife in what she just stated. A little inconvenience to the neighboring development is a small price to pay for an education for children and adults.

Charles Herzog, 56 McCush Drive, Colora, MD stated he is a proud owner of a two hundred year old farm in Cecil County. Mr. Herzog can see both sides the farmers and the neighboring residents. The goal is to educate our young people and to keep Cecil County rural. The rural legacy of this county is critically important. Cecil County needs to preserve the Farm Museum and he totally supports this idea.

James Reed, Vice President of the Cecil County Farm Museum, 2167 Blue Ball Road, Elkton, MD has been involved with this organization for quite a few years. Mr. Reed explained where the 10,000 (people) number came from. It came from other well established Farm Museums that have been in existence for at least fifty (50) years. Mr. Reed stated you can not buy another farm because this is a non-profit organization and the property was bought with Rural Legacy Program funds.

Cliff Houston, Zoning Administrator read into the minutes a note from Geraldine McKeown, Gallagher Road, Elkton, MD wishing to express her support, marked exhibit 3A, in file and attached for reference.

COMMENTS IN OPPOSITION: Tina Dyer, 23 Bradley Court, Elkton, MD stated former Commissioner Phyllis Kilby stated “this was the wrong parcel to purchase, but it was the only parcel available”. This will generate excessive noise, dust, traffic and odors. Tractor pulls are not condusive on this kind of parcel. If you take 40 acres of land and turn it into a parking lot, how is this preserving the land?

Paul Miller, 70 Bradley Court, Elkton, MD is an adjoining property owner next to the Farm Museum. Mr. Miller feels the Board of Appeals meeting on Tuesday, August 28<sup>th</sup> should be postponed until the traffic study that was presented tonight has been reviewed. The problem is not the Farm Museum itself; it is the term “multi-use facility”. The Farm Museum is in the middle of a residential district not 500’ from other residences. This property is not owned by the Farm Museum, it is owned by Cecil County, are they leasing the property?

Sarah Lane, 162 Russell Road, Elkton, MD stated she did not receive an adjoining property owner’s letter. She believes the map is incorrect in the Office of Planning and Zoning. Operating the Farm Museum is fine, but she does not want any events or festivals held there. This is also a fire hazard having people visit the area as there is a forest nearby and it is not fenced. Ms. Lane’s biggest fear is that there will be a forest fire from someone dropping a cigarette.

Gail Jusiewicz, 82 Bradley Run Road stated her property does not back up to the Farm Museum’s property. She stated her neighborhood is somewhat agricultural and some people have horses and having crowds of people will scare the horses. The traffic will impact her privacy on weekends. There are no shoulders on the road and there would not be any room for a fire truck to get through if there is traffic bumper to bumper on the road. Ms. Jusiewicz is against any events being held on this property.

Jim Fulghum, 131 Bradley Run Road, Elkton, MD stated he does not have a problem with the Farm Museum, but he has a problem with not using common sense. The County Commissioners should not have signed the lease with the Farm Museum. There are no shoulders on the road and the site distance at the entrance is terrible. If this is approved, you need to limit the amount of people admitted. Buffers are needed all around this piece of property. This will be a big mistake if the Planning Commission approves this.

Eleanor Repole, 52 Bradley Run Road, Elkton, MD is concerned these events being held at the Farm Museum will make her property value go down. Ms. Repole is concerned about emergency vehicles not being able to get through; there are no shoulders on the road. The Farm Museum is going to need to generate money, so they will not turn anyone away even if there is a large crowd already there. Ms. Repole has been a teacher for 33 years and she thought this would be a good place to take her students, but it has not turned out to be what she expected. She took her class to “Rough and Tumble” instead, which is not that far away.

The Planning Commission voted unanimously to extend the meeting past 11:30 p.m.

Buddy Camors, 39 Bradley Court, Elkton, MD stated there are four (4) new developments being developed ¼ mile away from the Farm Museum. This will be bringing in 400 new homes. On Elk Mills Road there are no ditches and no shoulders if you have security issues. They said they have spent \$30,000.00 on the entrance, but not much has been done and there has been trouble with vandalism. The Farm Museum is fine, but no events.

Richard Snyder, 7 Bradley Court, Elkton, MD stated cars cut through his yard. He has called the Sheriffs Office and put up no trespassing signs, but he still has problems. The building has mercury vapor lights up that shine on his property.

**FILE: 3337** - APPLICANT: William and Betty Battaglia.

FOR: Special Exception for a home occupation to operate an assisted living facility, (16 occupants).

PROPERTY LOCATION: 2375 Oldfield Point Road, Elkton, MD 21921, Election District: 3, Tax Map: 318, Parcel: 61.

PROPERTY OWNER: William and Betty Battaglia.

PRESENTLY ZONED: Development Residential, (DR).

Dave Parrack, Esquire representing William and Betty Battaglia. They have been operating an assisted living facility for a little over a year with eight (8) residents with no problems. They are requesting that they could have sixteen (16) residents. There have not been any complaints from any of the neighbors.

Health Department Report – Sanitary Permit H0257 issued in 2005 for 8 bedroom assisted living facility – satisfactory for 16 residents.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

## **RECOMMENDATIONS:**

### **TEXT AMENDMENT: Zoning Ordinance**

APPLICANT: Cecil County.

FOR: Amend Article V, Part XI, Section 135 – Motor Vehicle Filling Station

Summary: Proposes to add subsection 6 that will only permit motor vehicle filling stations if all adjoining properties are served by public water.

Staff recommended approval.

ACTION: Motion made to approve by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

## **NOMINATION FOR HISTORIC DESIGNATION:**

APPLICANT: Board of County Commissioners of Cecil County

FOR: Gilpin Falls Covered Bridge.

Staff recommended approval.



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

VOTE: All in favor, motion carried.

**PROGRAM OPEN SPACE:**

APPLICANT: Cecil County Parks and Recreation.

FOR: Maryland's Open Space Annual Program for FY 2008. Cecil County's Plan for Park Land Acquisition and Recreation Facility Development – Preliminary Draft.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

**AMENDMENT TO 2004 CECIL COUNTY MASTER WATER & SEWER PLAN:**

APPLICANT: Aston Development Group, Inc.

FOR: Amend Chapter 4, Section 4.1.9 to include Tax Map 14, Parcel 7, Lot's 1 & 2 as a discharge point for treated effluent from the Meadowview WWTP to irrigate a golf course.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Edwards.

VOTE: All in favor, motion carried.

APPLICANT: Morris & Ritchie Associates, Inc.

FOR: Amend Water Service Area Map to include Stewart's Landing (TM 37 Parcels 12, 13 & 551) as a W-1 service area.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

**SPECIAL EXCEPTIONS:**

APPLICANT: Alysia Asp.

FOR: Special Exception for a home occupation to operate a Art Studio.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Independence Construction Materials.

FOR: Special Exception for a conversion of existing building into a Type "C" Office Building.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

APPLICANT: Nancy Ewing Trego.

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

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff recommendations by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Farm Museum - c/o David Reed.

FOR: Special Exception to establish a farm museum, occasional festivals and events and a Variance from parking requirements.

Staff recommended approval of Special Exception for museum and festival events conditioned on:

1. Site Plan approval
2. Bufferyard "A" established adjacent to residential uses
3. No more than nine (9) festivals or events in any year
4. Waiver of 500' setback from residential district

Recommend: Approval of parking modification for museum, festival or events.

ACTION: Motion made to approve with staff recommendations with one change (from nine 9 to seven 7 events in one year) by Doordan, seconded by McDowell.

VOTE: Three to two to approve with conditions, motion carried.

APPLICANT: William and Betty Battaglia.

FOR: Special Exception for a home occupation to operate an assisted living facility, (16 occupants).

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

Meeting was adjourned at 12:00 midnight

NEXT PLANNING COMMISSION MEETING: Monday, September 17, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

September 17, 2007

7:00 p.m.

PRESENT: Bowlsbey, (Vice-Chair), Doordan, Janusz, Edwards, McDowell, (Alternate), Wallace, Demmler, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: Mortimer, (Chairman).

APPROVAL OF MINUTES- Motion made by Doordan, seconded by Janusz and unanimously carried to approve the Monday, August 20, 2007, 7:00 p.m., minutes as mailed.

**NOMINATION FOR HISTORIC DESIGNATION:**

NAME: Elk Forge Bed & Breakfast  
LOCATION: 807 Elk Mills Road, Elk Mills, MD 21920  
TAX MAP: 21 PARCELS: 12 & 834  
OWNER: Harry & LeAnn Lenderman  
PRESENTLY ZONED: Business General, (BG)

Eric Sennstrom, Director of Planning and Zoning presented this Nomination for Historic Designation. This application is a nomination from Harry and LeAnn Lenderman to designate the Elk Forge Bed and Breakfast as a historic site. The Historic District Commission found that the site's connection to Daniel Lord was basis for designation. Mr. Lord bought the property in 1830 and operated an iron forge which dated to pre-revolutionary times and supplied the Continental Army. He also operated a saw mill, grist mill, manor house, five single houses, twenty stone row tenant houses and six to ten frame row tenant houses. The mills continued to operate until the early twentieth century. The Historic District Commission reviewed this application at their meeting on September 4, 2007 and forwarded a recommendation that the Elk Forge Bed and Breakfast be designated as a historic site.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**REZONING:**

**FILE:2007-06**APPLICANT: Mark J. and Sara E. Connor, c/o Keith A. Baynes, Esquire.  
PROPERTY LOCATION: Charlestown Manor, East of Charlestown.  
ELECTION DISTRICT: 5, TAX MAP: 31, PARCELS: 1216,1296,1297 and 1298.  
PRESENTLY ZONED: Suburban Residential, (SR).  
REQUEST: Request to rezone 5.81 acres from Suburban Residential, (SR) to Business General, (BG).  
PROPERTY OWNER: Mark J. and Sara E. Connor.

Keith Baynes, Esquire, 210 East Main Street, Elkton, MD representing the Connors along with George Hobbs, son-in-law to the Connors presented this rezoning to rezone four (4) parcels of land, 5.81 acres from Suburban Residential, (SR) to Business General, (BG). Mr. Baynes stated this property is located as you come into Charlestown, go over the railroad bridge and then the parcels are located to the right of the railroad bridge down

to where the Beachcomber Restaurant is located. A definite use has not been decided upon yet, but the applicants are considering either mini-storage facility or a small commercial convenience store. There is other commercial development around these parcels. The railroad uses this property for access to the tracks for maintenance. There was another rezoning presented in 2005, ½ mile radius of the subject parcels, approximately 4.3 acres that was Suburban Residential, (SR) to Business General, (BG) which was approved for substantial change in the character of the neighborhood. There is public water and sewer available to these parcels. This property has been owned by the Connor family for three (3) or four (4) generations.

Guy Edwards asked if this was the railroad spur.

Keith Baynes, Esquire stated this is the main track that Amtrak uses.

Health Department Report – No application received for water and sewer approval for commercial use; Site Plan approval may also be required based on use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ken Simmers, 5 Shore Drive, Charlestown Manor, North East, MD stated he has lived in the Charlestown Manor community for the last thirteen (13) years. They have a nice quiet community and good neighbors. There are not a lot of transients coming and going to their neighborhood. Hurricane Isabelle hit Mr. Simmers very hard and wiped out his entire home. Mr. Simmers re-built with help from his neighbors and friends in Charlestown Manor. Mr. Simmers presented 102 signatures on a petition, which is marked exhibit one (1), in file for reference. Mr. Simmers does not want commercial zoning in a residential neighborhood.

Walter Heath, 30 Maryland Ave., Charlestown Manor, North East, MD stated he has lived there since he has been two (2) years old. There is a lot of water run-off on these parcels. One year ago he could not use his well as it went dry, then Cecil County came in and approved another twenty-five, (25) new homes to be built, which means another twenty-five, (25) new wells. Every time it rains they get a six-foot, (6') ditch four-feet, (4') deep long and all the sand runs into the river. This property is very wet and there is a pond with fish back by the woods and Mr. Heath does not want to see all that and the wildlife disturbed. Please do not destroy the beach and give the Connor's the rezoning.

Alfred Davisson, 10 Kline Ave., Charlestown Manor, North East, MD stated he also has a house at 51 Edgewater Ave., Charlestown Manor and he feels that this is a great community and he would like to see it stay that way. He feels this rezoning is a way in the back door for future commercial developments. The community does not need or want any more people; he feels this is a bad idea.

Anita Halsey, 27 Shore Drive, Charlestown Manor, North East, MD stated she is a little confused which parcels that are being discussed this evening. Are you talking about the parcels by the Beachcomber Restaurant or the other side where the beach is?

Keith Baynes, Esquire, stated the side by the Beachcomber Restaurant; back by the railroad tracks.

Mary Morganstern, 36 Edgewater Ave., Charlestown Manor, North East, MD stated she has lived in Charlestown Manor for eighteen, (18) years. Ms. Morgenstern read the definition of Suburban Residential, (SR) from the Cecil County Zoning Ordinance. There should not be any convenience stores or storage sheds. The land is very wet and she feels that the Maryland Department of the Environment should come out and inspect these parcels before anything is rezoned.

Cliff Houston, Zoning Administrator explained that before any development of a commercial nature would be built it would have to have a site plan approved and part of that site plan approval is, if there are any wetlands on the property it would be delineated and would be treated as wetlands with associated buffers. Buffers would be required to be around the property and a Landscape Agreement would have to be signed and it would have to meet State Highway entrance approval, as it is a state road.

Joyce Bowsbey wanted Mr. Houston to clarify for the audience the site plans procedure, because there is a rather intensive process before any construction could be started.

Wyatt Wallace asked “what parcels are on Charlestown Manor side are presently zoned commercial”.

Cliff Houston, Zoning Administrator showed the Planning Commission the zoning map. The Beachcomber Restaurant is zoned Business General, (BG) and Parcel 733 is zoned Business Local, (BL).

Scott Rehm, 39 Shore Drive, Charlestown Manor, North East, MD stated for the record “leave this property zoned residential”. The heritage that is in this area will be lost if it is zoned commercial. Also, there has been no intent mentioned for these parcels.

Gordon Powell, 15 Kline Ave, Charlestown Manor, North East, MD stated the Manor is a quiet, very relaxing community that is why he bought property there and built a house. There is a lot of run-off on the property also.

Robert Jones, 119 Edgewater Ave., Charlestown Manor, North East, MD had some question about parcel 733 being in the town limits. Mr. Jones does not want any more commercial properties in the Charlestown area.

Cliff Houston, Zoning Administrator stated “parcel 733 is not in the town limits” and it has been zoned Business Local, (BL) since 1993.

## **SPECIAL EXCEPTIONS:**

**FILE: 3341** - APPLICANT: Lawrence R. Carver, Jr.

FOR: Special Exception to allow a paint ball operation.

PROPERTY LOCATION: 2981 Old Telegraph Road, Chesapeake City, MD 21915, Election District: 2, Tax Maps: 43 & 44, Parcels: 87, 3 & 72.

PROPERTY OWNER: Lawrence R. and Nancy Carver, Jr.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

David H. Parrack, Esquire, 226 East Main Street, Elkton, MD representing Lawrence and Nancy Carver. The Carvers would like to have a paint ball operation on their sixty-five, (65) acre property. All the paint ball fields are in the Southern Agricultural Residential, (SAR) zones. This is a permitted use under a Special Exception, Section: 108 of the Cecil County Zoning Ordinance. The fields will be in the wooded areas and some fields and there will be netting around the fields so paint balls are not going out of the paint ball field playing area. There will not be any grading or clearing of forest. Mr. Parrack submitted a diagram (map), marked Exhibit two (2), in file and attached for reference. Mr. Parrack stated the fields are 1,000’ away from any other residents or residential zones. There is a stone parking area which would allow parking up to fifty (50) vehicles. The hours of operation are only on weekends, (Saturday and Sunday). Also, there is a port-a-potty for sanitation facilities. The fields have large hedgerows, (30’) around the property and there is no chance for wildlife to be in any danger. The paintballs are 100% biodegradable food grade material and after it rains they will swell up and then they dissipate.

Health Department Report – Sanitary Permit B8446 issued in 1986 for dwelling on Parcel 3. No application received for water and sewer approval for proposed paintball facility.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3343** - APPLICANT: Ann Marie Blevins.

FOR: Special Exception Renewal of 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: Ann Marie Blevins.

PRESENTLY ZONED: Development Residential, (DR).

Ann Marie Blevins, 403 Baron Road, North East, MD would like to renew her Special Exception to operate an office for her fencing company. The office is located inside her home and nothing is stored outside the fence. There have not been any complaints from any of the neighbors. Ms. Blevins requested she have a permanent exception instead of renewing every two (2) years.

Health Department Report – Sanitary Permit A2798 issued in 1972 for existing dwelling; minimal water usage from home occupation.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3345** - APPLICANT: Victor and Yvette Valentin.

FOR: Special Exception for a home occupation to sell laboratory glassware on the internet.

PROPERTY LOCATION: 2307 Blue Ball Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 38.

PROPERTY OWNER: Victor and Yvette Valentin.

PRESENTLY ZONED: Rural Residential, (RR).

Victor and Yvette Valentin, 2307 Blue Ball Road, Elkton, MD stated they would like to sell laboratory glassware on the internet. There is no laboratory in the house; they will be selling glass beakers. Everything will be dropped shipped directly from the manufacture not their home. No additional structures would need to be added to accommodate this business.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

### **RECOMMENDATIONS:**

APPLICANT: Harry & LeAnn Lenderman- Elk Forge Bed & Breakfast.

FOR: Nomination for Historic Designation.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Mark J. and Sara E. Connor, c/o Keith A. Baynes, Esquire.

FOR: Request to rezone 5.81 acres from Suburban Residential, (SR) to Business General, (BG).

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

ACTION: Motion made by Janusz to disapprove, no demonstrated mistake in the 1993 Comprehensive Rezoning, seconded by McDowell.

VOTE: All in favor, motion carried.

APPLICANT: Lawrence R. Carver, Jr.

FOR: Special Exception to allow a paint ball operation.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Ann Marie Blevins.

FOR: Special Exception Renewal of a Home Occupation to operate an office for a fencing company.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Victor and Yvette Valentin.

FOR: Special Exception for a home occupation to sell laboratory glassware on the internet.

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:06 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 15, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

October 15, 2007

7:00 p.m.

PRESENT: Mortimer, (Chairman), Bowsbey, Doordan, Janusz, Edwards, Wallace, Houston and Dempsey.

ABSENT: McDowell, (Alternate), Shertz, (Plans Reviewer), Sennstrom, (Director) and Demmler, (Ex-Officio).

Bill Mortimer, Chairman announced that the rezoning for Gordon D. and Mary Beck will be postponed until the November 19, 2007 Planning Commission meeting. The County Commissioners will hear the rezoning application on December 4, 2007 at 1:00 p.m.

APPROVAL OF MINUTES- Motion made by Doordan, seconded by Bowsbey and unanimously carried to approve the Monday, September 17, 2007, 7:00 p.m., minutes as mailed.

**AGRICULTURAL PRESERVATION DISTRICT:**

**Establish Agricultural Preservation Districts (MALPF) for the following property:**

OWNER: William and Doris Strohmaier. LOCATION: England Creamery Road, Rising Sun, Maryland 21911. Tax Map 11, Grid 16, Parcel 316, Election District 9. ACREAGE: 56.55. ZONED: NAR, (Northern Agricultural Residential).

Cliff Houston, Zoning Administrator presented the Agricultural Preservation District for Eric Shertz, Plans Reviewer, as he was ill. This property is owned by William and Doris Strohmaier located on England Creamery Road, Rising Sun, MD. This property consists of 56.55 acres and it is zoned Northern Agricultural Residential, (NAR). The proposed Agricultural District is located outside the County's Master Water and Sewer Plan. The agricultural code requires that the soils on the property meet certain specifications. The requirements of the soils are to maintain a minimum of 50% of Class 1, 2 or 3 and Woodland Groups 1 and 2 soils. This proposed District contains 88.14% of the required soil types which exceeds by approximately 40% of what is required by the agricultural regulations. This property can stand alone as it is over 50 acres as a Preservation District and it was also the recommendation of the Agricultural Advisory Board of Cecil County for approval and is also the staff recommendation.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Edward Plumstead is not in support or opposition, but he would like to make the Planning Commission aware that there is a restriction in this deed (WAS 350/359) that restricts any development of this property. Mr. Plumstead stated that his family has the "right of first refusal" for any transfer of land. There shall be "no buildings or mobile homes to be built or located on the property by Grantees and their assigns, and that they shall use land solely for agricultural purposes and the Grantor shall have the right of first refusal to purchase the land."

**REZONING:**

**FILE:2007-07**APPLICANT: Gordon D. and Mary M. Beck. – Harlan C. Williams, Equitable Owner.



PROPERTY LOCATION: 5880 Telegraph Road, Elkton, MD 21921.  
ELECTION DISTRICT: 4, TAX MAP: 14, PARCEL: 710.  
PRESENTLY ZONED: Suburban Residential, (SR).  
REQUEST: Request to rezone 1.42 acres from Suburban Residential, (SR) to Business General, (BG).  
PROPERTY OWNER: Gordon D. and Mary M. Beck.

Postponed until November 19<sup>th</sup> Planning Commission Meeting.

**SPECIAL EXCEPTIONS:**

**FILE: 3347** - APPLICANT: Victoria L. Kinsley.  
FOR: Special Exception to operate a group daycare center.  
PROPERTY LOCATION: 406 East Cecil Ave., North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 372.  
PROPERTY OWNER: David and Victoria Kinsley.  
PRESENTLY ZONED: Development Residential, (DR).

Victoria L. Kinsley, 5880 Telegraph Road, Elkton, MD stated two (2) months ago her husband was diagnosed with lung cancer and she would like to expand her current day care status from eight (8) children to twenty (20) so she can be home with her husband. Mrs. Kinsley would like to put an extension off the back of her home by her pool. There will be more traffic, but they will be coming and going different times of the day. Mrs. Kinsley has been in operation for the past six (6) years with no problems.

Health Department Report – Sewer allocation for proposed commercial use required from Cecil County Department of Public Works, water allocation required from the Town of North East and approval required from Child Care Administration.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3348** - APPLICANT: Lois Workman.  
FOR: Special Exception Renewal of 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 Workman.  
PRESENTLY ZONED: Rural Residential, (RR).

Lois Workman and Fay Ingersn, 393 Rowlandsville Road, Conowingo, MD stated they have been in business for about a year and half. They do grooming and doggie day care and their business is doing great and have a great cliental. Ms. Workman and Ms. Ingersn usually groom between five (5) and six (6) animals a day and the quantity of animals that come to the day care varies from day to day.

Health Department Report – Sanitary Permit F3996 issued in 1998 for existing dwelling – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3349** - APPLICANT: Gerald Fuller and Kristen Nichols.

FOR: Special Exception for a home occupation to operate a business to sell baked goods in gift baskets.

PROPERTY LOCATION: 99 Linton Run Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 23, Parcel: 229.

PROPERTY OWNER: Gerald Lee Fuller.

PRESENTLY ZONED: Rural Residential, (RR).

Gerald Fuller and Kristen Nichols, 99 Linton Run Road, Port Deposit, MD would like to convert their two (2) car garage into a kitchen. There will be no additional traffic because they will be picking up all the additional materials they need and making all the deliveries. Everything will be made to order.

Health Department Report – Sanitary Permit G1770 issued in 2002 for existing dwelling – food facility license required and may require upgrade of septic system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3350** - APPLICANT: Extreme Pressure, Inc., c/o Thomas J. Quinn, IV.

FOR: Special Exception for a home occupation to operate a pressure washing business.

PROPERTY LOCATION: 22 Hamer Road, Elkton, MD 21921, Election District: 4, Tax Map: 5, Parcel: 179.

PROPERTY OWNER: Thomas J. and Lisa A. Quinn, IV.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jay Emery, Esquire, 153 East Main Street, Elkton, MD represented Thomas Quinn, 22 Hamer Road, Elkton, MD. Mr. Quinn stated there is no power washing going on at his residence but he needs a special exception to park his work van at his residence. Mr. Emery gave the Planning Commission an overview. This property is located in Blue Ball Village Subdivision off Blue Ball Road, Elkton, MD. The Quinn's have a 10.7 acre lot and have a home and have lived there for several years. Mr. Quinn operates a sole proprietorship for a pressure washing business and keeps his two (2) vans, one of which is operated by his son in the summer, parked on his property. This is a residential neighborhood and Mr. Quinn has the largest lot in the subdivision. Mr. Quinn does not do any advertising, no signs on the property, no one comes to the Quinn's property and there are no goods for sale. The only equipment on the property is two (2) small vans less than 10,000 pounds and two (2) small trailers. The vans and trailers are not visible from the road, but the trailers are visible from the adjoining property owners, but Mr. Quinn is going to be moving the trailers behind the trees.

Health Department Report – Sanitary Permit G2930 issued in 2002 for existing dwelling; minimal wastewater flow generated by proposed use – satisfactory.

Jay Emery, Esquire stated he had one expert witness to call forward; Norm Wehner, Licensed Real Estate Broker and Appraiser for twenty (20) years and he testified on property values. If this special exception is granted it would not have any harmful affect at this location or have any negative affects on property values. There will not be any activity going on, not visible from the road and there would not be any negative impact on the neighborhood. The Quinn property is the highest tax assessed property on the road.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Donald Horton, 16 Hamer Road, Elkton, MD stated when Mr. Quinn moved in a few years ago he had one truck, the second year a second truck came and the third year he had one employee, originally Mr. Quinn stated he did not have any employees. The trailers are visible to his house and they are not parked behind any trees. There are deed restrictions in this subdivision, no trucks.

Kathy Ruth, 85 Mendenhall Road, Elkton, MD is concerned about property values. Ms. Ruth's first home was in Delaware and she decided to move to Maryland because this was a quiet residential neighborhood with restrictions for no commercial activity. This is a residential area, not a commercial business area.

Kay Collins, 61 Mendenhall Road, Elkton, MD stated Mr. Quinn's property meets behind her house. Ms. Collins does not understand why Mr. Quinn has not been aware of the deed restrictions and zoning regulations at the time of his purchase, he is violating the deed restrictions. Ms. Collins is concerned about the property values; when she purchased her property the area was so attractive and quiet, she does not want to see any business activity. If this is approved it will set a precedent for the neighborhood.

Debbie Gouge, 17 Hamer Road, Elkton, MD stated her property is along side of the Quinn's. Ms. Gouge had questions about the special exception. Is there a chance this could be zoned commercial? If the Quinn's move, would the special exception stay in place?

Bill Mortimer, (Chairman) answered "there is no chance of this being zoned commercial and if the Quinn's move the special exception is null and void".

Cliff Houston, Zoning Administrator reminded the Board that the County does not enforce deed restrictions, which would be a private civil matter.

**FILE: 3351** - APPLICANT: Michelle Heaps.

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

PROPERTY LOCATION: 2104 Theodore Road, Rising Sun, MD 21911, Election District: 5, Tax Map: 24, Parcel: 226.

PROPERTY OWNER: Betty D. Walsh.

PRESENTLY ZONED: Rural Residential, (RR).

WITHDRAWN.

**FILE: 3352** - APPLICANT: Cecil Investments, LTD., c/o John A. Ford, Agent.

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

PROPERTY LOCATION: 170/184 Childs Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 163.

PROPERTY OWNER: Cecil Investments, LTD.

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

William Riddle, Esquire, 204 East Main Street, Elkton, MD representing Cecil Investments, c/o John Ford, Agent. This property is located at 170/184 Childs Road, Elkton, MD. On this site there are several buildings that are going to be demolished and new construction built. Mr. Foard would like to have a singlewide manufactured home located on the property for security purposes. Cecil Investments is in the process of getting permits issued and some construction work is under way. The security trailer will be back off the road near the large warehouse. Mr. Ford will be on site every day because he will be managing the rental of sites after construction.

Health Department Report – Sanitary Permit R1529 issued in 1993 for repair of existing septic system at office. Soil evaluations and percolation tests conducted at that time were satisfactory for the proposed security mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Anita Magaw, 128 Childs Road, Elkton, MD stated she has lived at this address all of her life and her property adjoins this property. Ms. Magaw has concerns over this construction on this property. Is the security going to be 24 hour security? Is it going to be a security firm or a private individual living in the trailer? There is a sex offender already living in the neighborhood. There is a very steep dangerous driveway into this property and a blind curve. Ms. Magaw has concerns for safety for her community.

William Riddle, Esquire answered it will not be a security firm; it will be an individual living in the trailer 24 hours. There has been a demo permit issued to take out the old trailer and replace with a new one for someone to live in.

John Ford arrived at the meeting at 7:50p.m.; he explained they have hired an individual to live in the trailer rent free. Mr. Ford did an extensive background check on the gentlemen that has been hired. At the present time there is a tenant that stores his dump truck on site every day. There are two (2) entrances to this site so the guard will be in the back area to guard the site and any trucks that will be stored. There has already been a lot of crime at this site.

Cliff Houston, Zoning Administrator stated that eventually on this site they will need site plan approval and buffers will need to be installed around the area.

Richard Carnegie, 40 Patchell Drive, Elkton, MD stated as adjoining property owner he and his wife object to having a manufactured home there indefinitely with someone living in it under the basis of security. There are more effective ways to secure a property with monitoring devices and alarm systems. There is a structure already on this site, why can't they utilize this? On a positive note; compared to the Spectron property they have done a lot of cleaning up.

Mark Miller, 310 Childs Road, Elkton, MD stated he has resided on this property for seventeen (17) years and his basic concern is this property is an eyesore. There is so much junk piled up already and he does not want to see another mobile home on the property.

Joyce Bowsbey asked “where will the trailer be placed”?

John Ford showed pictures to Joyce Bowsbey showing where the trailer will be placed. They previously had cameras installed and they have been shot out, so that is why he feels an individual living on the premises will be better security.

**FILE: 3354** - APPLICANT: Charles G. Riley, Sr.

FOR: Special Exception Renewal for a home occupation to conduct installation of ignition monitor device.

PROPERTY LOCATION: 21 Deer Trail Lane, Conowingo, MD 21918, Election District: 8, Tax Map: 8, Parcel: 199, Lot: 1.

PROPERTY OWNER: Charles and Tracy Riley.

PRESENTLY ZONED: Rural Residential, (RR).

Charles Riley, Sr., 21 Deer Trail Lane, Conowingo, MD would like to have his special exception renewed for installation of ignition monitor devices. 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 and has been in operation since May 2001.

Health Department Report – Sanitary Permit C3180 issued in 1988 for existing dwelling – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3355** - APPLICANT: Melvin E. King.

FOR: Special Exception Renewal for a home occupation 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 E. King.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Melvin King, 1310 Crystal Beach Road, Earleville, MD stated he has been operating a small commercial kennel for two (2) years; ten (10) to twelve (12) breeding dogs. Mr. King sells all the puppies at his home. His driveway is 1500' back off the road. Mr. King also runs a dairy farm full time on this property.

Health Department Report – No record found of a building permit to construct a commercial kennel or a change of use permit to convert an existing building into a commercial kennel – unsatisfactory until a permit has been obtained.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATIONS:**

**AGRICULTURAL PRESERVATION DISTRICT:**

APPLICANT: William and Doris Strohmaier.

FOR: Establish Agricultural Preservation Districts (MALPF) for the following property.

Staff recommended approval.

ACTION: Motion made to disapprove, deed restrictions are in place, by Doordan, seconded by Edwards.

VOTE: Three (3) to two (2) to disapprove, motion carried.

**REZONING:**

APPLICANT: Gordon D. and Mary M. Beck. – Harlan C. Williams, Equitable Owner.

FOR: Request to rezone 1.42 acres from Suburban Residential, (SR) to Business General, (BG).

Postponed until November 19, 2007 Planning Commission meeting.

**SPECIAL EXCEPTIONS:**

APPLICANT: Victoria L. Kinsley.

FOR: Special Exception to operate a group daycare center.

Staff recommended approval, limited to twenty (20) children.

ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Lois Workman.

FOR: Special Exception Renewal of a home occupation to operate a dog/cat grooming business.

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

ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Gerald Fuller and Kristen Nichols.

FOR: Special Exception for a home occupation to operate a business to sell baked goods in gift baskets.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Extreme Pressure, Inc., c/o Thomas J. Quinn, IV

FOR: Special Exception for a home occupation to operate a pressure washing business.

Staff recommended approval for two (2) years, limited to two (2) vans with pressure washing trailers. Trailers must be stored in close proximity to the residence.

ACTION: Motion made to approve with staff conditions with the addition of two (2) employees including owner, by Janusz, seconded by Wallace.

VOTE: Four (4) to one (1) to approve, motion carried.

APPLICANT: Michelle Heaps.

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

Withdrawn.

APPLICANT: Cecil Investments, LTD., c/o John A. Ford, Agent.

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

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Edwards.

VOTE: All in favor, motion carried.

APPLICANT: Charles G. Riley, Sr.

FOR: Special Exception Renewal for a home occupation to conduct installation of ignition monitor device.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: Melvin E. King.

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

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 19, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning

PLANNING COMMISSION MEETING

November 19, 2007

7:00 p.m.

PRESENT: Mortimer, (Chairman), Bowsbey, Doordan, Janusz, Edwards, Wallace, Demmler, (Ex-Officio), Slicer, (Parks and Recreation), Sennstrom, Houston and Dempsey.

ABSENT: McDowell, (Alternate).

APPROVAL OF MINUTES- Motion made by Doordan, seconded by Edwards and unanimously carried to approve the Monday, October 15, 2007, 7:00 p.m., minutes as mailed.

**FY 2008 -2013 Cecil County Capital Improvement Program**

Al Wein, County Administrator along with Eric Sennstrom, Director of Planning and Zoning, Scott Flanigan, Director of Public Works and Craig Whiteford, Budget Manager presented the Capital Improvement Plan, (CIP). Mr. Wein stated this program is for the Boards consideration and recommendation of the FY 2008-FY 2013 Capital Improvement Program. There are several high priority projects this year that are competing to fall within the primary debt affordability threshold, which is annual debt service not exceeding the 10% of the annual general fund expenditure budget. The general fund capital projects are as follows:

1. Completing of the Elkton High School Renovation Project in the amount of 3.1 million dollars.
2. Construction funding for the Calvert Elementary School Renovation in the amount of 3.4 million dollars.
3. The Perryville High School HVAC Project in the amount of 1.2 million dollars.
4. Second year of planning for the Cecil Technical High School in the amount of 1.6 million dollars.
5. Cecil College Physical Education Building Renovation in the amount of 7.6 million dollars.
6. The planning of the Bainbridge Center in the amount of \$600,000, which is a project between the College and the Bainbridge property.
7. Funding for an addition and renovation for the Cecil County Detention Center in the amount of 2.7 million dollars.
8. Aggressive campaign by the Department of Public Works for the deficient bridges in the County in the amount of 4.2 million dollars. There will be five bridges per year, over a ten year time frame to be fixed and replaced.
9. 5. 8 million in PAYCO funding is being proposed in the following areas:
  - Board of Education
  - Facilities Management
  - Dept. Of Public Works

The total amount of all the projects is \$24,941,417.00. The Bond Sales meeting for FY 2008 general funds projects is scheduled for December 11, 2007, with the credit rating being approved on November 14, 2007.

Scott Flanigan, Director of Public Works discussed a few projects that are listed below:

1. Wastewater
2. Roads and Bridges



- 3. Solid Waste
- 4. Water

The Capital Improvement Program FY 2008-2013 marked exhibit one (1), attached and in file for reference.

Wyatt Wallace asked what are the criteria used in the closing of some bridges totally and some bridges with one (1) lane of traffic only.

Scott Flanigan answered those assessments and recommendations are made by Bridge Inspection Consultants who are working for the County and the State Highway Administration. The County is required by law to inspect all bridges over twenty-feet (20') in length at least once every two (2) years.

Al Wein, County Administrator announced the County Commissioners will hold their public hearing on this Capital Improvement Program proposal on December 4, 2007 at 7:00p.m.

Joyce Bowsbey asked if there are any additional allocations or expenditures for renovations of schools.

Al Wein, County Administrator stated that the schools proposal is in priority order because of being able to meet the affordability limits.

Craig Whiteford, Budget Manager stated, the reality is that the County is asking you to approve only the 2009 Capital Improvement Program, nothing in the future at this point, this is merely a matter of affordability.

Health Department Report - No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**PROGRAM OPEN SPACE:**

Maryland's Open Space Annual Program for FY 2008. Chesland Park Development II, Elk Forest Road, Elkton, MD 21921.

Edward Slicer of Parks and Recreation presented this application for Chesland Park Development II. The park consists of 164 +/- acres. This project includes un-reimbursed expenses remaining from Purchase Orders for the establishment of an entrance, parking lot and six soccer fields; additionally included is a new 30 x 40 x 10 pole building to be utilized for the storage of park maintenance equipment and other park related activities. When the facilities are completed it will include: soccer fields, football fields, baseball diamonds, walking trails, forest, non-tidal wetland habitat and recreation equipment. This will be the major recreation complex in southern Cecil County. The cost of this project is \$97,497.33. They are hoping that the State portion will be \$73,123.00 and there will be no County funds involved.

Health Department Report – Sanitary Permit G7666 issued in 2004 for septic system for future service building at Chesland Park – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

## **REZONING:**

**FILE:2007-07**APPLICANT: Gordon D. and Mary M. Beck. – Harlan C. Williams, Equitable Owner.  
PROPERTY LOCATION: 5880 Telegraph Road, Elkton, MD 21921.  
ELECTION DISTRICT: 4, TAX MAP: 14, PARCEL: 710.  
PRESENTLY ZONED: Suburban Residential, (SR).  
REQUEST: Request to rezone 1.42 acres from Suburban Residential, (SR) to Business General, (BG).  
PROPERTY OWNER: Gordon D. and Mary M. Beck.

Harlan C. Williams, applicant represented Gordon and Mary Beck. The Beck's and Mr. Williams are requesting a rezoning at 5880 Telegraph Road, Elkton, MD. The Harlan C. Williams Company has been operating at 5800 Telegraph Road, Elkton since the mid 1980s under a special exception. Mr. William's office has been sold to the Newark Country Club and he would like to purchase the Beck's property only if it can be rezoned for Class "A" office use. This request is not for "Spot Zoning", it is simply an extension or add-on to the existing and adjacent 30 acre Business General, (BG) tract next to the Beck's property. There was a mistake on this zoning as the line instead of going directly from the main body of the Business General, (BG) property to the highway it goes to the middle of the back line of the Beck's property which leaves the rear yard completely open to intensified commercial development. Also, there is a going to be a road change on Rt. 273 and the new intersection with the primary road that will be leading into the new Newark Country Club. The State Highway is demanding that a traffic circle be constructed at this location because of increased traffic. Location of the circle will lead to headlights coming into the Beck's bedroom windows.

Bill Mortimer asked for the declaration of restriction to be entered into the minutes.

### **Exhibit C, Page 1, Number 1.**

"The land hereby restricted shall not be allowed for the following uses; Kennel, Conference Center, Bed & Breakfast, Hotel, Motel, Task of Vocational School, Hospital, Crematory, Theatre (indoor or outdoor), Indoor Rifle and Pistol Range, Festival or Events, Amusement Park, Miniature Golf, Bus Depot, Restaurants: Drive-Thru, Carry-out or Fast Food Delivery, Retail Establishments with a floor area over 5,000 square feet, Adult Book Store, Auction House, Open Air Market, Wholesale Sales Establishment, Tavern, Motor Vehicle Sales, Motor Vehicle Filling Station, Motor Vehicle Rental, Motor Vehicle Repair, Motor Vehicle Salvage Yard, Motor Vehicle Towing Service, Storage Trailer and Container Sales or Service, Storage Trailer Facility, Bus Storage, Car Wash, Automobile Parking Garage, Warehouse, Mini-Storage, Non-automotive Fuel Sales, Research and Development."

Rebecca Demmler, (Ex-Officio) asked Mr. Williams "Did you have an Attorney draw up these restrictions"?

Harlan Williams answered "yes, Mrs. Scott."

Health Department Report –Sanitary Permit # 1050 issued in 1961 for existing dwelling. No application received for a proposed commercial use; satisfactory for a proposed use with water usage comparable to a single family dwelling.

COMMENTS IN SUPPORT: William Stritzinger, 241 West Main Street, Newark, DE, Principal Owner of the Aston Development Group owns 400 +/- acres which surrounds the Beck's property. Based on the evidence presented this evening, Parcel 284 is all Business General, (BG) and the Beck's property is all Suburban Residential, (SR) and if the line was drawn properly when the Comprehensive Rezoning was done their property should be Business General, (BG) also. The State Highway Department has given Mr. Stritzinger the "go ahead" to have the circle which will change the area substantially. Mr. Williams present Real Estate Office has been at the other location for over twenty (20) years with a special exception with no problems with

neighbors and not a lot of traffic. Mr. Williams is also requesting the deed restrictions also be set along with the rezoning.

COMMENTS IN OPPOSITION: Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated to rezone this land there has to be a “substantial change in the character of the neighborhood.” The facts in this case are:

1. This property and all the land immediately adjacent to it is currently zoned as it was in the 1993 Comprehensive Rezoning.
2. There have been no rezonings anywhere in the neighborhood since 1993.
3. All developed properties in the neighborhood are being used as they were zoned 1993.
4. There is neither need nor desire for more Business General, (BG) in this neighborhood.

Mr. Cairns is asking the Board not to recommend approval of this rezoning as it does not meet the legal requirements for a rezoning and will create a bad precedent for other undesirable and other un-warranted commercial rezonings in the neighborhood.

John Williams, 2 Woodbine Circle, Elkton, MD commented on some inconsistencies listed below:

1. Inconsistencies in the rezoning application with respect to the date the Beck’s required the property, (2000 or 2002).
2. The rezoning application document included declaration of restrictions. The date of this declaration of restrictions is dated September 15, 2008 where it should be dated 2007.
3. The 30 acre parcel adjacent to the Beck’s that Harlan Williams sold to Aston Development in May 2004 should have a 200’ setback for any commercial building, the Beck’s property is only 217’ total.
4. The Beck’s property does not have public water and sewer.

Given these inaccuracies and discrepancies the Department of Planning and Zoning should force this application be re-done.

Owen Thorne, 20 Hillwood Road, Elkton, MD stated the Counties zoning is designed to maintain the character of the community. The area around this property has been residential for decades. No mistake was made when this property was rezoned at the last Comprehensive Rezoning and there have been no changes in the character of the neighborhood since then. If this property is rezoned this will set a precedent for others to follow. Mr. Williams should locate his Real Estate business in a commercial center where the zoning is already zoned commercial. There is no need for new Business General, (BG) land in this area.

Julian Blackwell, 5996 Telegraph Road, Elkton, MD stated he was not notified as an adjoining property owner of this rezoning.

Cliff Houston, Zoning Administrator explained to Mr. Blackwell he is not an adjoining property owner to the Beck’s property, he is an adjoining property owner to the Aston Point property and that is why he did not receive notification. Mr. Blackwell was notified of the Aston Point Development meetings by certified mail on March 24, 2005, in file and attached marked exhibit three (3).

Judy Green, 5893 Telegraph Road, Elkton, MD stated she lives across from the Beck’s and was notified on the Beck rezoning.

Cliff Houston, Zoning Administrator stated that we consider any properties across the road as adjoining property.

Mr. Williams stated that he was not aware of the incorrect date on the declaration of restrictions and he would like to recommend you reserve recommendation on the rezoning until he can have the date corrected by his Attorney.

Cliff Houston, Zoning Administrator stated for the record and to the Board “The County does not recognize deed restrictions so it should not have any bearing on the recommendation that will be made this evening.”

William Mortimer, Chairman announced that Patrick Doordan left the meeting after a break (8:30 p.m.) due to a family emergency, but there is still a quorum and if there would be a tie he would break the tie.

### **SPECIAL EXCEPTIONS:**

**FILE: 3363** - APPLICANT: Charles P. Narvel, Jr.

FOR: Special Exception to allow a paint ball operation.

PROPERTY LOCATION: 2235 West Pulaski Highway, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 774.

PROPERTY OWNER: Charles P. Narvel, Jr.

PRESENTLY ZONED: Business General, (BG).

Charles P. Narvel, 2235 West Pulaski Highway, North East, MD would like to have a paint ball operation on his property for the youth in the area. Mr. Narvel is zoned Business General, (BG)I and has an open field on his property and is surrounded by commercial businesses on the left, to the right is a wooded area and open space to the rear and he and his son feel this would be a great place to have a paint ball field. There is an already a stoned area for parking and he would install netting between the playing fields. Mr. Narvel will be funding this himself and he and his son feel this would give the youth in the area something to look forward to doing.

Health Department Report – No application received for water and sewerage approval for sanitary facilities for a paint ball operation. Must have sewer allocation from the Cecil County Department of Public Works and water allocation / agreement from the Town of North East (or approval to use an interim private well).

COMMENTS IN SUPPORT: Robert Hodge, 11 Elk Side Lane, North East, MD stated the zoning is currently commercial and he feels this would be a great place to have a paint ball operation so the youth in the area have something to do. This use would not impact the community and it would give kids something to do other than getting in trouble.

COMMENTS IN OPPOSITION: Roger Clements, 115 Conestoga Street, Charlestown, MD owns the property immediately west of Mr. Narvel’s property. Mr. Narvel has really improved this property but he has not done any construction work to make the entrance on to Rt. 40 safe, it is very dangerous. Mr. Clements would request the State Highway Department come inspect the entrance before this business would begin operation.

**FILE: 3364** - APPLICANT: Donna Rynes.

FOR: Renewal of a Special Exception to operate a private club.

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

PROPERTY OWNER: Donna Rynes.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

William Riddle, Esquire, 204 East Main Street, Elkton, MD on behalf of Donna Rynes in the renewal of this special exception for a private club. This special exception started in 1999 when it was approved for a social club for a period of two (2) years, then the building was constructed and business opened and was approved for a period of one (1) year, then renewal in 2002 was approved for five (5) years. On this property where the

private club is located there is also a salvage yard which operates on the ten (10) acres on a daily basis in front of the club. The club is only opened on Saturday evenings when the salvage yard is closed. There is plenty of room for parking with a long lane that comes off Litton Run Road and no issue of traffic congestion. This Club has been in operation for eight (8) years secluded in the woods so the neighbors are not bothered by noise.

Health Department Report – Sanitary Permit F7259 issued in 1999 for “Private Social Club” – satisfactory.

Joyce Bowsbey asked Mr. Riddle to define the activities.

William Riddle answered “you have to be a member and pay a membership fee and people just get together from all over”. There is music and dancing and the crowd is limited to 100 people.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3365** - APPLICANT: Norbert C. & Alice A. & Shawn A. Soldon.  
FOR: Special Exception to operate a commercial kennel.  
PROPERTY LOCATION: 543 Kirks Mill Lane, North East, MD 21901, Election District: 9,  
Tax Map: 19, Parcel: 15.  
PROPERTY OWNER: Alice and Colin Rager.  
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Norbert and Alice Soldon stated they made settlement on the property at 543 Kirks Mill Lane, North East, MD today (11-19-07). Under the Northern Agricultural Residential, (NAR) zoning you are allowed to have a commercial kennel on two (2) acres, with two (2) acres you need to have a sound proof building and the kennel will not be located within 200’ from other dwellings. The building will be 40’ x 70’ foot print with a roof and the kennel runs down the middle with outdoor runs. There should be about twenty (20) to thirty (30) dogs. Mrs. Soldon’s daughter is a Breeder and will primarily being taking care of the kennel and dogs. There will be some boarding of dogs with very little traffic in and out. There is a pond toward the front of the property in which the Springer Spaniels and Labrador dogs will be able to swim.

Health Department Report – Percolation tests / soil evaluations are required if sanitary facilities are proposed in the kennel building. Proposal must be submitted for proper disposal of animal waste and wash down water from kennel.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Pete Pritchard, 95 Trinity Church Road, North East, MD stated concern for the following reasons:

1. The neighborhood is a farming district; not for commercial use.
2. Introduction of a commercial business is not keeping within the nature of the area.
3. Most of the farm houses in the area are historical and are listed in farm land preservation.
4. The rural nature of the area needs to be preserved.
5. This area is non-tidal wetlands and the Health Department will not pass percolation as run-off is a big problem.
6. If this is going to be a commercial and retail enterprise there will be a lot more traffic on a country road.

Perry Willis along with his wife Cindy, 455 England Creamery Road, North East, MD stated they are opposed to this commercial kennel on Kirks Mill Lane. This area defines the rural character of Cecil County which we

all love. This area is surrounded by fields, ponds, wooded areas and horizons that can hold your intention for hours. Farms, landscape and wildlife can hold your attention for hours. Mr. Willis' family enjoys the serenity of this area and is very fortunate to currently just have one home located just south of them. The kennel will be 400' from the Willis' family's backyard and will block their beautiful view. The sound amplifies in this area and the barking of dogs will be very annoying. This kennel will also de-value his property value. Mr. Willis is a registered Architect in Maryland and Delaware and testified that any and all buildings that have windows and doors will not be sound-proof. The vegetation around the pond attracts all kinds of wild animals and if you let dogs swim in the pond that will run-off the wildlife. The kennels will produce a need for additional septic areas for dog waste and there will be odors.

Paula Robinson, 592 England Creamery Road, North East, MD stated the acreage is too small for a kennel. All the land surrounding this property is crop land. She feels that the dogs will never get out of the pens.

Charles Robinson, 592 England Creamery Road, North East, MD stated his property is adjacent to this property and is in opposition.

Cliff Houston, Zoning Administrator entered into the minutes a letter received from Mr. and Mrs. James A. Crothers, II in opposition marked exhibit four (4), attached and in file for reference.

**FILE: 3366** - APPLICANT: Donald J. Veasey, Jr.  
FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.  
PROPERTY LOCATION: 9 Wright Ave., Elk Mills, MD 21920, Election District: 3, Tax Map: 21, Parcel: 144.  
PROPERTY OWNER: Wanda M. Veasey.  
PRESENTLY ZONED: Suburban Residential, (SR).

Wanda Veasey, 725 Elk Mills Road, Elk Mills, MD representing her Grandson (Donald) as he was called into work. Ms. Veasey stated this singlewide was located on the property when Donald's Grandfather was living for hardship purposes, ten (10) years ago and since then his father has passed away. Donald would like to continue to live in the singlewide since he has four (4) children and still owes money on it and would be a hardship to move. Also he helps his Grandmother who lives across the street with her property. This special exception expired when the father died.

Health Department Report – Sanitary Permit F2757 issued in 1997 for placement of mobile home –satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATIONS:**

APPLICANT: Cecil County  
FOR: FY 2008 -2013 Cecil County Capital Improvement Program

Staff recommended approval.

ACTION: Motion made to approve by Edwards, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Parks and Recreation – Edward Slicer – Cecil  
FOR: Maryland’s Open Space Annual Program for FY 2008. Chesland Park Development II, Elk Forest Road, Elkton, MD 21921.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Bowlsbey.

VOTE: All in favor, motion carried.

**REZONING:**

APPLICANT: Gordon D. and Mary M. Beck. – Harlan C. Williams, Equitable Owner.  
FOR: Request to rezone 1.42 acres from Suburban Residential, (SR) to Business General, (BG).

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

ACTION: Motion made to disapprove with staff conditions by Wallace, seconded by Janusz.

VOTE: Three (3) to two (2) to disapprove, motion carried.

**SPECIAL EXCEPTIONS:**

APPLICANT: Charles P. Narvel, Jr.  
FOR: Special Exception to allow a paint ball operation.

Staff recommended approval for two (2) years or as long as property owner owns the property whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Donna Rynes.  
FOR: Renewal of a Special Exception to operate a private club.

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

ACTION: Motion made to approve with staff conditions by Edwards, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: Norbert C. & Alice A. & Shawn A. Soldon.  
FOR: Special Exception to operate a commercial kennel.

Staff recommended approval for two (2) years or as long as property owner owns the property whichever shall sooner occur.

ACTION: Motion made to disapprove by Janusz, seconded by Edwards.

VOTE: All in favor, motion carried.

APPLICANT: Donald J. Veasey, Jr.  
FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for as long as Wanda Veasey owns the property and the Grandson resides in the mobile home.

**ACTION:** Motion made to approve with staff conditions by Janusz, seconded by Wallace.

**VOTE:** All in favor, motion carried.

Meeting was adjourned at 9:30 p.m.

**NEXT PLANNING COMMISSION MEETING:** Monday, December 17, 2007, at 7:00 p.m.

Respectfully submitted:

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Gale Dempsey, Administrative Assistant  
Office of Planning and Zoning



PLANNING COMMISSION MEETING

December 17, 2007

7:00 p.m.

**PRESENT:** Mortimer, (Chairman), Bowsbey, Doordan, Janusz, Edwards, Wallace, Demmler, (Ex-Officio), Sennstrom, Houston and Dempsey.

**ABSENT:** McDowell, (Alternate).

**APPROVAL OF MINUTES-** Motion made by Doordan, seconded by Bowsbey and unanimously carried to approve the Monday, November 19, 2007, 7:00 p.m., minutes as mailed.

Cliff Houston, Zoning Administrator announced, Michael Dooling is asking for his special exception to locate a singlewide manufactured home for security purposes be heard at the January 23, 2008 meeting instead of this evening, (December 17, 2007). The Planning Commission unanimously voted for a postponement until January 23, 2008, motion carried.

**SPECIAL EXCEPTION:**

**FILE: 3368 - APPLICANT:** Michael Dooling.

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

PROPERTY LOCATION: 900 Susquehanna River Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 22, Parcel: 52.

PROPERTY OWNER: Michael Dooling.

PRESENTLY ZONED: Business General, (BG).

**REZONINGS:**

**FILE:2007-08 APPLICANT:** Jay C. Emery, III.

PROPERTY LOCATION: 4595 Pulaski Highway, Perryville, MD 21903.

ELECTION DISTRICT: 7, TAX MAP: 30, PARCEL: 42.

PRESENTLY ZONED: Business Local, (BL).

REQUEST: Request to rezone 1.17Acres from Business Local, (BL) to Business General, (BG).

PROPERTY OWNER: George F. Porter.

Jay Emery, Esquire along with George Porter presented this application for a zoning change, located at 4595 Pulaski Highway, Perryville, MD. The property is situated on the corner of Route 40 and Jackson Station Road, Perryville, MD and is 1.17 Acres. This property has been used as commercial property for many years. In the 1993 Comprehensive Rezoning this parcel was rezoned to Suburban Residential, (SR) by mistake. Mr. Emery submitted photographs marked exhibits: 1 thru 5, in file and attached for reference. McGuirks Construction is across the street; Dave Dawson's Nationwide Insurance Office is also across Rt. 40 along with an Antique Shop on the corner of Jackson Station Road. Mr. Porter would like to build a construction office on this site along with parking his construction equipment, (dump trucks, back hoes and other earth moving equipment). Prior to the 1993 Comprehensive Rezoning Mr. Emery stated the property was zoned commercial as Mr. Porter's brother operated a produce stand. The use will be consistent with the Comprehensive Plan and would be consistent with development in the neighborhood; there would be no harmful effects on neighboring property values. There have been two other rezonings to Business General, (BG) in the subject properties

neighborhood. Since this property is on Route 40 it is not suitable for residential use, it is more suitable for a higher commercial use because of it being adjacent to Route 40. Mr. Emery stated change and mistake both apply in this rezoning.

Health Department Report – Sanitary Permit G7803 issued in 2004 for a produce stand. Increased commercial use will require water and septic approval which will depend on the projected water usage and wastewater flow.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE:2007-09** APPLICANT: Mohamed Sharkawy.

PROPERTY LOCATION: Lot 30 Telegraph Road, North East, MD 21901.

ELECTION DISTRICT: 4, TAX MAP: 12, PARCEL: 336.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Request to rezone 1.229 Acres from Rural Residential, (RR) to Business General, (BG).

PROPERTY OWNER: Mohamed A. Sharkawy.

Mohamed Sharkawy stated he owns Lot 30 on Telegraph Road, North East, MD and would like to have it rezoned to Business General, (BG) from Rural Residential, (RR) as the parcel next to him is going to have a 24 hour High's Convenience Store built on it. Mr. Sharkawy purchased this property originally to build a home in the Elkton area since he was employed by W.L. Gorc, Assoc. for eighteen years. Since Mr. Sharkawy purchased the property, the High's Convenience Store has been approved by Cecil County with a building permit being issued and he does not want his residence next to a convenience store. If this rezoning is approved Mr. Sharkawy feels a Medical Office Building would fit nicely on this lot. There would also be a buffer available on this lot to shield all the other homes in the area.

Wyatt Wallace and Joe Janusz feel if this rezoning would be approved this will open the door for other rezonings in the same area.

Commission Demmler asked Mr. Sharkawy "what do you have in mind to do with this lot"?

Mr. Sharkawy answered "some sort of office building, Doctors Office, Dentist or Insurance Company, not a strip mall".

Health Department Report – Lot 30, Blue Ball Village - Section 5 has well and septic approval for a single family dwelling. Any commercial use will require water and sewer approval dependent on the projected water usage and wastewater flow.

COMMENTS IN SUPPORT: Letter in file and attached for reference from Hamer Berret, marked exhibit six (6).

COMMENTS IN OPPOSITION: Owen Thorne, 20 Hillwood Road, Elkton, MD stated there are two (2) reasons to approve a rezoning, listed below:

1. There has to be a change on the ground, this is an open field and there have been no other rezonings on any other properties but the High's Convenience Store and it has not been built as of the present time. Other properties around this lot are all residential and when Mr. Sharkawy bought the property he knew it was a residential area.
2. There has been no mistake demonstrated by the applicant in the original rezoning of this property

Roman Grypa, 3420 Blue Ball Road, North East, MD is the adjoining property owner next to Mr. Sharkawy. Mr. Grypa purchased his home in 1987 and he was under the impression that Blue Ball Village would remain residential property. The County never notified him about the 1993 Comprehensive Rezoning so he was not aware of the High's Convenience store zoning being changed until after it was too late. This will set precedence for other lot owners to rezone and it will devalue property values. If this zoning is approved his property will then adjoin two (2) Business General, (BG) properties. There would not be any guarantee that an Office Building would be built, it could be any type of commercial business. Mr. Sharkawy stated that an Office Building could be a buffer, how can this be a buffer for other adjacent property owners? This property slopes toward his property and would create a run-off of ground water.

Paul Gray, 3437 Blue Ball Road, Lot 19, Corner of Blue Ball Road and Rt.273, North East, MD stated when everyone bought their property years ago they were told that Blue Ball Village was a deed restricted community and there would not be any commercial buildings and Mr. Sharkawy was made aware of the same restrictions.

Diana Broomell, 1000 Nesbitt Road, Colora, MD agrees with Owen Thorne stating that this will set a precedent. Mr. Sharkawy has owned this property for thirteen (13) years and he could have appealed the Comprehensive Rezoning when the High's store was rezoned and he did not. Under Section 326.59 of the Zoning Ordinance, states the applicant should show the burden of proof of a rezoning and Mr. Sharkawy has not.

Tom McWilliams, 245 Plum Point Road, Elkton, MD agrees with everyone else that has spoke in opposition. Mr. McWilliams does not want to see anymore business sprawl at this intersection. This will set a precedent for other lot owners to follow.

Mr. Sharkawy corrected Ms. Broomell in stating he has owned the property for thirteen (13) years, he has owned it since 1986 and was not made aware of the Comprehensive Rezoning in 1993.

#### **SPECIAL EXCEPTIONS:**

**FILE: 3371 - APPLICANT:** David R. Burroughs.

FOR: Special Exception Renewal of 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).

David Burroughs would like to continue with his Law Practice from his home. There have not been any problems with any of the neighbors. Mr. Burroughs has no employees, no sign and there is no extra traffic as he deals with family law not any criminal law.

Health Department Report – Sanitary Permit C6220 issued in 1990 for existing dwelling – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3372 - APPLICANT:** Sonya Cathryn Sapp.

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

PROPERTY LOCATION: 427 New Bridge Road, Rising Sun, MD 21911, Election District: 8,  
Tax Map: 2, Parcel: 167.

PROPERTY OWNER: Sonya Cathryn Sapp.  
PRESENTLY ZONED: Rural Residential, (RR).

ony Sapp, 427 New Bridge Road, Rising Sun, MD would like to locate a singlewide manufactured home for hardship purposes. Ms. Sapp's parents are getting older and her mother has just been diagnosed with leukemia and has diabetes. Ms. Sapp's mother does not have health insurance and is not eligible for Medicare, so this way they can sell their home and have some money for medical bills and would not have to worry about paying a mortgage. Ms. Sapp has 19.61 Acres with a hedge row so the neighbors will not be bothered or even see the manufactured home on the property.

The Health Department – Sanitary Permit B7043 issued in 1985 for existing dwelling – satisfactory for proposed mobile home with connection to and upgrade of existing septic system or for installation of a separate system with satisfactory percolation testing.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3376 - APPLICANT:** William and Betty Battaglia.

FOR: Special Exception home occupation to operate an assisted living facility for seniors.

PROPERTY LOCATION: Oldfield Point Road, Elkton, MD 21921, Election District: 3, Tax Map: 318, Parcel: 498.

PROPERTY OWNER: William and Betty Battaglia.

PRESENTLY ZONED: Development Residential, (DR).

Wright E. Thomey Esquire representing William and Betty Battaglia for a special exception to place up to three (3) structures on approximately between nine (9) and ten (10) Acres of ground on Oldfield Point Road, Elkton, MD. There is an existing structure on the adjacent property which was constructed two years ago for assisted living housing sixteen (16) residents. Mrs. Battaglia stated she has owned and operated retirement housing units since the year 2000. She currently owns Chantilly Manor at Main Street, Elkton – 24 Brownfield Loop, Elkton – Singerly Manor 213 North and 2375 Oldfield Point Road. The new structure will be 6,000 square feet with the average single room sized at 12' x 14'. The rooms will be private with their own bathroom. There will not be any forest retention removed. There will be very little traffic as there are only two (2) employees. There is a small sign posted on Oldfield Point Road advertising Assisted Living. These units will be limited to sixteen (16) residents each. All the facilities take mostly low income residents.

Health Department Report – Parcel 498 was created as Lot #1 of Minor Sub. No. 3212; sufficient sewage disposal area is available for a proposed 16 bed assisted living facility. Approval of additional phases would require submittal of plans and may require additional soil testing. The water system would require approval by Maryland Department of the Environment Water Supply Program, based on the number of residents.

COMMENTS IN SUPPORT: Lee Larson, Childs, MD sold the Battaglias the first parcel they built on, located on Oldfield Point Road, Elkton and that structure for Assisted Living has been a compliment to the community.

Charles White, Elkton, MD is a twenty (20) year resident and strongly urges this special exception be approved.

COMMENTS IN OPPOSITION: Lisa Lonabaugh, 56 Glory Lane, Elkton, MD stated she is an adjoining first time property owner and bought her home in April 2007 and she is concerned if three (3) more buildings are constructed for assisted living. Ms. Lonabaugh does not want to see any trees removed if this special exception is approved.

**RECOMMENDATIONS:**

APPLICANT: Jay C. Emery, III. and George F. Porter.

FOR: Request to rezone 1.17 Acres from Business Local, (BL) to Business General, (BG).

Staff recommendation approval based upon a mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Mohamed Sharkawy.

FOR: Request to rezone 1.229 Acres from Rural Residential, (RR) to Business General, (BG).

Staff recommended disapproval no demonstrated mistake or change since the 1993 Comprehensive Rezoning.

ACTION: Motion made to disapprove with staff conditions by Edwards, seconded by Janusz.

VOTE: All in favor, motion carried.

### **SPECIAL EXCEPTIONS:**

APPLICANT: Michael Dooling.

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

Stayed until January 23, 2008 meeting.

APPLICANT: David R. Burroughs.

OR: Special Exception Renewal of a home occupation to practice law from home.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Sonya Cathryn Sapp.

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

Staff recommended approval for two (2) years or as long as applicant owns the property and parents reside in manufactured home, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: William and Betty Battaglia.

FOR: Special Exception to operate an assisted living facility for seniors.

Staff recommended approval for three (3) housing units.

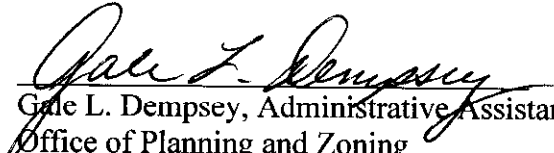
ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:02 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, January 23, 2008, at 7:00 p.m. at the County Administration Building, The Elk Room, 200 Chesapeake Blvd., Elkton, MD 21921.

Respectfully submitted:

  
Gale L. Dempsey, Administrative Assistant  
Office of Planning and Zoning