

PLANNING COMMISSION MEETING

January 23, 2008

7:00 p.m.

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

ABSENT: McDowell, (Alternate).

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

Bill Mortimer, (Chairman) announced the Special Exception for Michael Dooling has been postponed for sixty, (60) days until the March 17, 2008 meeting.

TEXT AMENDMENT – Cecil County Master Water & Sewer Plan

Amend Chapter 3 Water Systems, Section 3.2.6 Elkton

Summary – Proposing to add language to update the description of the Town’s existing system and add language relative to water system improvements regarding Artesian-Elkton interconnection and Southside LLC wells.

Jeanne Minner, Director of Planning, Town of Elkton presented this text amendment. The principal purpose of this amendment is to include the Artesian Water Company, (Wilmington, Delaware) – Town of Elkton water distribution systems interconnection project initiated following an agreement with Artesian dated March 16, 2006 (amended October 8, 2007). Artesian and Elkton have partnered to construct a 20” water transmission line through an easement with PECO Energy located within Cecil County against and the Delaware line from Barrington (New Castle, DE) to MD 281 (Red Hill Road). A 16” line will be constructed along the north side of MD 281 to the Red Hill Reservoirs. Once constructed and implemented the Artesian-Elkton interconnection will provide both additional water (50,000 gpd) to Elkton’s system and redundancy up to (1 mgd) in the event of a surface water treatment plant failure. Proposed water system improvements marked exhibit one, attached and in file for reference.

Health Department Report – no Comments require.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – Cecil County Master Water and Sewer Plan

Amend sewer service area map to include entirety of property as S-1 service area.

Summary - This project (Acorn Village, Tax Map: 19, Parcel: 295) intends to connect to the Town of North East water system and the Cecil County Department of Public Works sewer system.

Michael Burcham, representing McCrone, Inc., Elkton, MD is requesting an amendment to the Master Water and Sewer Plan to include the balance of the subdivision known as Acorn Village. The property is currently

classified as W1, W3 and a portion as S1. Acorn Village is a proposed single family residential subdivision located on the southwest side of Maryland Route 274 near the Village of Bayview. The property is currently zoned Business Local, (BL) and Suburban Residential, (SR). The Office of Planning and Zoning and the Health Department have determined that a portion of this property is not included within the Master Sewer Plan, so therefore they are requesting the entire parcel be within the sewer plan. The project received preliminary approval in June 2007 for seven (7) lots with condition number three (3) requiring an amendment to the Master Water and Sewer Plan. The proposal is connected to the Town of North East Water System and the Cecil County Sewer System and both lines exist within the Rte. 274 right-of-way. The remaining allocations can not be made until the amendment is complete.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – SUBDIVISION REGULATIONS

Amend Article III – Section 3.4 Penalties

Summary: Revise language relative to agreeing to sell or transfer, negotiating to sell or transfer, any unplatted lots.

Eric Sennstrom, Director of Planning and Zoning stated the text amendment is proposing to amend Section 3.4 of the Subdivision regulations to change the existing language concerning penalties notating to sell lots before they have been approved by the Planning Commission and recorded in the Clerks Office. Existing language was put to the test recently with a developer advertising a project that had not completed the subdivision process.

The proposed language reads as follows: “The Final or Preliminary-Final Plat, once recorded is the official record of the devision of land within a development. No lot therein may be legally sold and the owner or agent of the owner shall not transfer or sell, agree to sell, negotiate to sell any proposed lot by reference, or to advertise any proposed lot(s) until a plat has been approved by the Office of Planning and Zoning and then recorded by the developer.

If the owner or agent of the owner of any land located within a proposed subdivision transfers or sells or agrees to sell or negotiates or advertises to sell land or proposed lot(s) by any means, including but not limited to, by reference to or exhibition of or by other use of a plat of a proposed subdivision, before the plat has been approved by the Planning Commission and recorded in the office of the County Clerk, then the owner and/or agent of the owner shall forfeit and pay a civil penalty of not less than \$200 and not more than \$1,000 at the discretion of the court, for each lot or parcel so transferred, sold, agreed to be sold, negotiated to be sold, or advertised for sale; and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedied herein provided”.

Discussion from the Planning Commission on the wording is proposed.

Commissioner Rebecca Demmler stated the code and language needs clarification.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Gary Slagle, Jr., 131 Childs Road, Elkton, MD feels there is a miscommunication; it is technically and completely legal to sell a subdivision after concept or preliminary plat approval. Mr. Slagle feels you should be able to sell a large tract of land as a developer, but you should not be able to advertise or sell individual lots after concept and preliminary plat approval.

Gary Slagle, Sr., 51 Fawn Valley Drive, Elkton, MD spoke in reference to the yellow signs that are presently posted with lots advertised on them, does this mean developers can not advertise this way? To say that a developer can not advertise their development with the lots for sale will hinder the sale of the development.

Guy Edwards made a motion not to recommend this amendment until further information can be provided, this should be tabled until the language can be clarified.

REZONING:

FILE:2008-01APPLICANT: Gary and Mary Sue Slagle.

PROPERTY LOCATION: Lot 52 Marley Farms-Childs Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 20, PARCEL: 316.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 1.16+/- Acres from Suburban Residential, (SR) to Business General, (BG).

PROPERTY OWNER: Gary and Mary Sue Slagle.

Gary and Mary Sue Slagle, Sr. and Gary Slagle, Jr. are requesting a rezoning from Suburban Residential, (SR) to Business General, (BG) for parking and office space. This piece of property has a shared driveway off Childs Road; shared by Mr. Slagle and an adjoining property owner. This would help the adjoining property owner allowing him a larger parking area and he could expand his office space. There would not be any increase in traffic flow and no cosmetic change to the appearance outside of the building; it would still remain residential in appearance. Lots 51, 54, 55 and 56 are all residential lots. Also, lot 52 (Rezoning) is currently residential. Mary Sue Slagle stated this warrants a change on this one particular lot. Gary Slagle, Jr. stated the property across the street from lot 52 is currently zoned commercial. There would not be any common driveway between lots 51 and 52.

Health Department Report – Lots 52, Marley Farms, Section D has a satisfactory sewage disposal area for a single family dwelling or for a commercial use with a comparable water usage. Site Plan approval required for commercial use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Albert Tokar, 41 Paper Mill Road, Elkton, MD resident of Marley Farms is concerned that there will be increased traffic on Childs Road and there would be a connecting road.

Gayle Barker, 37 Paper Mill Road, Elkton, MD stated Mr. Slagle tried to expand before and was denied. There were oil spills before on this lot and she does not want anymore oil spills; no more oil tanks are needed.

SPECIAL EXCEPTIONS:

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).

Postponed until the March 17, 2008 Planning Commission meeting.

FILE: 3378 - APPLICANT: Collette's, LLC

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

PROPERTY LOCATION: 4905 Pulaski Highway, Perryville, MD 21903, Election District: 7, Tax Map: 29, Parcel: 637.

PROPERTY OWNER: David and Kathleen Collette.

PRESENTLY ZONED: Business General, (BG).

David Collette, 5315 Pulaski Highway, Perryville, MD would like his special exception for a doublewide home for security purposes renewed. There have not been any reports of vandalism since they have had someone living in the manufactured home. Mr. Collette requests that this be a long-term renewal. He has been in business for four (4) years and the guard has only been there for one (1) year.

Health Department Report – Sanitary Permit G6237 issued in 2004 for septic system for commercial garage and for security mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3381 - APPLICANT: Christine A. Wertsch.

FOR: Special Exception for a home occupation to operate a home improvement / handyman business.

PROPERTY LOCATION: 459 Ragan Road, Conowingo, MD 21918, Election District: 8, Tax Map: 9, Parcel: 661.

PROPERTY OWNER: Christine A. Wertsch.

PRESENTLY ZONED: Rural Residential, (RR).

Christine Wertsch, 459 Ragan Road, Conowingo, MD would like to start a home improvement/handyman business in the basement of her home. Ms. Wersch stated 80-90% of her work will be off site. She has a workshop in her home and once in a while she will be using it to do woodworking and construct small items. There will not be any extra traffic. Currently there are two (2) businesses behind her home. She will be the sole owner and the only employee.

Health Department Report – Sanitary Permit G9397 issued in 2005 for addition to existing dwelling; minimal additional water usage anticipated.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3382 - APPLICANT: Norman V. Lehto.

FOR: Special Exception to operate a retirement housing complex for seniors.

PROPERTY LOCATION: 841 Dr. Miller Road, North East, MD 21901, Election District: 9, Tax Map: 12, Parcel: 71.

PROPERTY OWNER: Estate of Merritt Dean.

PRESENTLY ZONED: Rural Residential, (RR).

Jay C. Emery, Esquire, 153 East Main Street, Elkton, MD representing Norman Lehto in the Estate of Merritt Dean. Also Bill Heath, Real Estate Agent was present in behalf of Mr. Lehto. Mr. Lehto is the contract purchaser of this property located at 841 Dr. Miller Road, North East, MD. Mr. Lehto is interested in establishing an assisted living facility in the home that is presently on this property. There are two (2) components to this property, one of which is for a special exception and the other is for a variance which will be heard in front of the Board of Appeals. Mr. Lehto explained the house is currently 3,600 square feet and will house a sixteen (16) bed facility, single occupancy in each room taking only people that are non-ambulatory. The bedrooms will be 180 square feet each with ten (10) bathrooms. There are three (3) levels of assisted living:

1. Self care
2. More help from staff - making sure they would be taking their medications
3. Bed ridden – would have to move to a nursing home

Bill Heath, Realtor has been in real estate for seven (7) years in Cecil County stated this home is already handicapped assessable so it will be easy to make improvements. There is a huge kitchen and dining room already there and the landscape is beautiful looking out over greenery and fields. There will be no harmful effects to the neighbors, this is a rural area. There is currently a privacy fence between the property and the closest neighbor. There will no change to the foot print of the house outside, all changes will be in the interior

Health Department Report – Sanitary Permit A7120 issued in 1976 for existing dwelling; soil evaluations / percolation tests are required to verify that sufficient satisfactory soil is available for upgrading the septic system to serve the proposed expanded use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Sandra Tabor, 821 Doctor Miller Road, North East, MD stated the paperwork she has received stated retirement housing and now she is hearing assisted living, what is this going to be? What are the levels of care that will be present? What are the ages of the potential residents going to be? What kind of security will be there? Are there going to be residents that suffer from Dementia or Alzheimer's? Doctor Miller Road is a heavily traveled road; it can not take much more traffic. Will Mr. Lehto be living on the property?

Mr. Lehto stated the levels of care previously in his testimony and if they reach level three (3) they would be moved to a nursing home. There will be staff there seven (7) days a week twenty-four (24) hours a day. There will be a total of twelve (12) employees on staff. One of the requirements of the state is there will be an alarm installed at every door, and there may be some residents suffering Dementia and Alzheimer's in the beginning stages only. There will be a Registered Nurse coming in every six (6) weeks and if they feel a resident needs to be moved for more critical care facility they will be moved. As far as traffic, there should not be much more than there already is on Doctor Miller Road. Mr. Lehto will not be living on the property.

RECOMMENDATIONS:

TEXT AMENDMENTS:

APPLICANT: Cecil County Master Water & Sewer Plan - Town of Elkton.

FOR: Amend Chapter 3 Water Systems, Section 3.2.6 Elkton.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Master Water and Sewer Plan – Michael Burcham, McCrone, Inc. – Acorn Village.
FOR: Amend sewer service area map to include entirety of property as S-1 service area.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County – Subdivision Regulations.
FOR: Text Amendment - Amend Article III – Section 3.4 Penalties.

Staff recommended approval.

ACTION: Motion made to disapproval, reconstruct wording clarifying that individual lots can't be sold so developer does not misrepresent what is being sold by Edwards, seconded by Janusz.

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Gary and Mary Sue Slagle.
FOR: Request to rezone 1.16+/- Acres from Suburban Residential, (SR) to Business General, (BG).

Staff recommended disapproval, no demonstrated mistake or change since the 1993 Comprehensive Rezoning.

ACTION: Approval, based upon a change in the character of the area by Wallace, 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.

Postponed until March 17, 2008 Planning Commission Meeting.

APPLICANT: Collette's, LLC
FOR: Renewal of a Special Exception to retain a doublewide 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 Bowlsbey, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Christine A. Wertsch.
FOR: Special Exception for a home occupation to operate a home improvement / handyman business.

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: Norman V. Lehto.

FOR: Special Exception to operate a retirement housing complex for seniors.

Staff recommended approval for as long as applicant owns the property and operates the retirement housing complex, being contingent upon approval of the acreage variance by the Board of Appeals.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:32 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, February 20, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
Meeting Minutes
20 February 2008

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; McDowell, H. Clay; Mortimer, William; Wallace, Wyatt; Bakeoven, Jennifer; Demmler, Rebecca; Houston, Clifford; Sennstrom, Eric

Absent: Bowsbey, Joyce

Call to order: Chairman Mortimer called the meeting to order at 7:00 p.m.

Approval of Minutes: Motion was made by B. Patrick Doordan to approve the 23 January 2008 meeting minutes. Motion was seconded by Guy Edwards. All members in voted in favor of motion to approve the minutes. Motion carried.

Chesapeake Bay Critical Area Map Amendment: Designate Anchor Marina property (TM 31 Parcel 1104) as a Buffer Exempt Area.

Tom Kemp, Esq. and John Fellows of McCrone appeared to present this request. Mr. Kemp provided the reasons as to why the applicant has decided to seek a buffer exemption for this property. Mr. Kemp stated that a variance was initially sought. However, after consultation with representatives of the Chesapeake Bay Critical Area Commission, it was decided that this request would be more appropriate. Accordingly, the variance request was withdrawn and this application filed. Mr. Fellows proceeding to present evidence as to how this application meets the requirements of Article XI, Part I, Section 203.3.b of the Cecil County Zoning Ordinance. Mr. Fellows stated that existing development on the site as of December 1985 has altered the natural state of the site such that it has more than fifty percent impervious surface and less than twenty percent vegetative cover. He stated that the buffer does not presently exist due to paving on site, and that the area where the buffer would be can support less than fifty percent vegetative cover due to the existing paving and that the stormwater would be diverted around the area into infiltration devices and grassed swales. Discussion ensued regarding the particulars of the site.

Chairman Mortimer asked if anyone desired to speak in favor of this request. No one appeared. Chairman Mortimer asked if anyone desired to speak in opposition to the request. No one appeared.

Clifford Houston stated that staff recommended approval of the request to designate this property as a Buffer Exempt Area.

Motion was made by B. Patrick Doordan to recommend approval. Motion was seconded by H. Clay McDowell. All members voted in favor of motion to recommend approval of the request. Motion carried.

File 2008-02 and 2008-03: Application of York Building Products to change the Comprehensive Plan Land Use Designation from Rural Conservation District (RCD) to Mineral Extraction District (MED) on property (TM 23 Parcel 311) located at 347 Principio Road and to change the zoning designation from Rural Residential (RR) to Rural Residential (RR) with an Mineral Extraction-B (ME-B) overlay on property (TM 23 Parcel 311) located at 347 Principio Road presently owned by Edward & Elberta Stevens.

Mike Pugh of Corridor Land Services and James Gawthrop of York Building Products appeared to present the application. Mr. Pugh requested that both applications be merged for presentation purposes. The Planning Commission acquiesced to this request. Mr. Pugh presented arguments as to how an error occurred in 1993 when the County last engaged in a comprehensive rezoning. The mineral deposits on this property were not known at that time and consequently, the property was not included in the Mineral Extraction District. Mr. Pugh also stated that the property was not owned by an entity engaged in mineral extraction activities, therefore, no request was made to include it in the Mineral Extraction District. Mr. Pugh presented arguments relating to substantial change in the character of the neighborhood. He referenced a neighboring rezoning approved by the Board of County Commissioners in 1995 that changed the land use district from RCD to MED and placed an ME-B overlay on the property to permit extraction of minerals on the property. Mr. Gawthrop introduced exhibits indicating how the sand and gravel deposits on the property would be mined if they are successful with this request. He also presented testimony as to the requirements of the State mining permit. Mr. Gawthrop stated that the mining would most likely be completed in a two year period and then the property would be reclaimed. Mr. Pugh indicated that the mining activities would also comply with the County's zoning regulations requiring setbacks from adjoining residences and obtaining special exception approval from the Board of Appeals. Director Sennstrom indicated that since this application involves an amendment to the Cecil County Comprehensive Plan, Article 66B of the Annotated Code requires the County to notify all adjoining jurisdictions of the proposed amendment as well as the State of Maryland sixty days in advance of the hearing. Chester County, Pennsylvania and Harford County, Maryland were the only respondents to the notification. Neither had any comments to make. Discussion ensued regarding this property's location in regard to existing mineral extraction activities as well as surrounding properties.

Chairman Mortimer asked if anyone desired to speak in favor of the request. No one appeared. Chairman Mortimer asked if anyone desired to speak in opposition to the request. The following individuals rose to voice their opposition: Jean Whitsell, 372 Principio Road, Port Deposit, MD 21904, Eleanor Bockner, 362 Principio Road, Port Deposit, MD 21904, Patrick Sypolt, 287 Principio Road, Port Deposit, MD 21904, Carolyn and Bill Hendrix, 327 Principio Road, Port Deposit, MD 21904, John Hunter, 382 Principio Road, Port Deposit, MD 21904 and Tom and Tim Mason, 391 Principio Road, Port Deposit, MD 21904.

Clifford Houston stated that staff recommended approval of the request to change the Comprehensive Plan Land Use district from Rural Conservation District (RCD) to Mineral Extraction District (MED).

Motion was made by Joe Janusz to recommend disapproval of the request to change the Comprehensive Plan Land Use district. Motion was seconded by Wyatt Wallace. Edwards, Janusz, McDowell and Wallace voted in favor of motion to recommend disapproval. Doordan abstained from voting. Motion to recommend disapproval carried.

Clifford Houston stated that staff recommended approval of the request to rezone the property to Rural Residential (RR) with a Mineral Extraction B (ME-B) overlay due a mistake in the last comprehensive rezoning and substantial change in the character of the neighborhood since the last comprehensive rezoning.

Motion was made by Joe Janusz to recommend disapproval of the request to rezone the property to RR with an ME-B overlay due to applicants failure to demonstrate a mistake in the last comprehensive rezoning or to demonstrate a substantial change in the character of the neighborhood since the last comprehensive rezoning. Motion was seconded by Wyatt Wallace. All members voted in favor of motion to recommend disapproval. Motion carried.

2008-04 Application of Garfield Carjill to rezone 0.5022 acres from Rural Residential (RR) to Business General (BG) on property (TM 10 Parcel 52) located at 625 Rising Sun Road.

Garfield Carjill appeared to present this application. Mr. Carjill stated that he purchased the property under the impression that it was commercially zoned. A TV repair business had been operated in a structure on the property since approximately 1968. The business was apparently non-conforming. Accordingly, when Mr. Carjill no longer had a commercial operation on the property for a period in excess of ninety consecutive days, the non-conformity lapsed. Mr. Carjill desires to have the property designated as Business General (BG) so that commercial operations such as mini-storage could potentially be conducted on the property. He further stated that he felt a mistake was made by not designating this property as commercial when there was a business being operated thereon and adjoining properties had a commercial designation. Discussion ensued regarding this property's location in regard to the general vicinity.

Chairman Mortimer asked if anyone desired to speak in favor of the request. No one appeared. Chairman Mortimer asked if anyone desired to speak in opposition. The following appeared: Wayne and Norma Benjamin, 15 Carter Road, Rising Sun, MD 21911 and Patricia Lovelace, 573 Rising Sun Road, Rising Sun, MD 21911.

Clifford Houston stated that staff recommended disapproval due to no demonstrated mistake in the last comprehensive rezoning and no demonstration of substantial change in the character of the neighborhood since the last comprehensive rezoning.

Motion was made by Guy Edwards to recommend approval of the request based on a mistake in the last comprehensive rezoning. Motion was seconded by H. Clay McDowell. Edwards, Doordan, McDowell and Wallace voted in favor of motion to recommend approval. Janusz opposed the motion. Motion carried to recommend approval.

Adjournment: Meeting adjourned at 9:00 p.m.

Next meeting: Monday, 17 March 2008, 7:00 p.m., Elk Room, 200 Chesapeake Blvd, Elkton, MD

Respectfully submitted:

Eric S. Sennstrom, AICP
Director – Planning & Zoning

PLANNING COMMISSION MEETING

March 17, 2008

7:00 p.m.

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

ABSENT: Mortimer, (Chairman).

APPROVAL OF MINUTES- Motion made by Doordan, seconded by Janusz and unanimously carried to approve the Wednesday, February 20, 2008, 7:00 p.m., minutes as mailed.

Joyce Bowsbey, (Vice-Chair) announced the Rezoning for John and Cindy Fetterolf had been withdrawn.

PLANNING COMMISSION'S ANNUAL REPORT-2007

Eric Sennstrom, Director of Planning and Zoning presented the 2007 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 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 Advisory 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 Planning and Zoning on page eight (8), followed by the maps of the nine (9) election districts and the Appendices of the report, attached and in file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – Subdivision Regulations - Section 3.4 - Penalties

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment proposing to amend Article III, Section 3.4 concerning Penalties. At the January 2008 meeting there was a previous version of this amendment presented and the Planning Commission did not care for the proposed language and forwarded a recommendation to the Board of County Commissioners that the staff go back and look at the proposed language again. The language that is being proposed to the existing language is as follows: [The following penalties and remedies shall apply for the transfer or sale of lots in an unapproved subdivision] and [or advertises to sell] or [advertised to sell]. This new language seeks to address the advertising of unapproved lots for sale in the Real Estate section of the newspaper. Attached and in file for reference.

Joyce Bowsbey stated that one of the brackets should be changed around the word [sell].

Eric Sennstrom stated it was a typing error and will be changed.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Dwight Thomey, Attorney, 153 East Main Street, Elkton, MD stated what you do not want to happen is someone putting money down or contracting to buy a lot that is not approved. Developers get their plans to a certain point of process in subdividing and then sell the subdivision to a builder. This usually happens between the preliminary and final plat stage and sometimes after the concept plat stage. Mr. Thomey feels that the language should be changed to include adding a “disclaimer”, meaning you could not transfer title, sell or build on an individual lot until the subdivision is approved.

Chuck Gregg, 18 Pine Valley Road, Elkton, MD is a Real Estate Broker and feels the only true way to address this is to draw a distinction between a natural person and a company. The law is there to protect the consumer that may unwillingly give monies to a developer or a builder when the plat is not recorded. These are corporations that have been put in place to protect the consumer for commercial entities before the plats are signed and the contracts are written by corporate attorneys.

Eric Sennstrom, Director of Planning read a letter from Paula H. Gilley, Mason Dixon Realty, 12 South Queen Street, Rising Sun, MD in opposition, marked exhibit one (1), in file and attached for reference.

Patrick Doordan suggested that this Text Amendment go back to the drawing board and change the language to add a disclaimer.

MAP AMENDMENT – 2004 Master Water & Sewer Plan

Summary: The Wilna Farm (TM 20 Parcels 369, 618) requests that the Water Service Area map be amended to include these parcels as a W3 service area and requests that the Sewer Service Area map be amended to include these parcels as a S3 service area.

Brian Morgan, Project Manager, KCI Technologies, Inc., 1352 Marrows Road, Suite 100, Newark, DE representing Lee and Elizabeth Larson, 2050 Oldfield Point Road, Elkton, MD. Mr. Morgan on behalf of his clients Lee and Elizabeth Larson is requesting the Master Water and Sewer Plan be amended to include the Wilna Farm, located at 1200 Blue Ball Road, Elkton, MD. They are requesting the service areas for this site be revised to W-3 and S-3 for water and sewer because this property is currently separated by the I-95 right-of-way. Concept Plat approval was done on November 27, 2006 for sixty-one (61) residential lots with one remaining parcel. It is currently anticipated that the developer would connect to the future Elkton West Wastewater facility, being the sole responsibility of the developer. On June 18, 2007 this was approved by the Planning Commission and then denied by the Board of County Commissioners at their July 17, 2007 meeting. Since then KCI has revisited this Water and Sewer Master Plan and would like the Planning Commission and Board of County Commissioners to reconsider their changes. Letter from KCI Technologies, Inc. in file and attached for reference.

Clay McDowell pointed out an error to Mr. Morgan on his letter stating 0.58 was a mistake.

Commissioner Demmler pointed out that at this point in time the Elkton West Wastewater facility is completely under investigation and there are no concrete plans approved.

Health Department Report – Proposed public water and sewer systems must be approved by Maryland Department of the Environment and by Cecil County Department of Public Works.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE:2008-05 APPLICANT: John Fetterolf.

PROPERTY LOCATION: 45 Appleton Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 307, PARCEL: 1139.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 4.5 Acres from Development Residential, (DR) to Business General, (BG.)

PROPERTY OWNER: John and Cindy Fetterolf.

WITHDRAWN.

FILE:2008-06 APPLICANT: Herron 393, LLC.

PROPERTY LOCATION: 183 Zeitler Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 305, PARCEL: 23.

PRESENTLY ZONED: Multifamily Residential, (RM), Heavy Industrial, (M-2), Business General, (BG).

REQUEST: Request to rezone 7.62 acres from Business General, (BG) to Multifamily Residential, (RM).

PROPERTY OWNER: Herron 393, LLC.

Michael Pugh, Corridor Land Services, 117 North Street, Elkton, MD along with David Meiskin, Herron 393, LLC, 4345 Route 9, Freehold, NJ presented this rezoning located at 183 Zeitler Road, Elkton, MD. Request is to rezone 7.62 acres from Business General, (BG) to Multifamily Residential, (RM). This property is known as the Villages at Herron Lake and was approved for 1465 homes and seventy thousand square feet (70,000 feet) of commercial. This property was originally rezoned several years ago (2005) to the current zoning. Mr. Pugh is requesting that a portion of this property zoned Business General, (BG) be removed and made Multifamily Residential, (RM) for apartments to be built. Mr. Meiskin stated there is no need for Business General, (BG) zoning any longer due to the economy of the area, the commercial area would be better suited in a different location, so he could build 540 apartments in the front and 218 town homes in the back. Mr. Meiskin would like to “flip the property” from the original lay out. More apartments are needed in the area, instead of expensive homes due to the decline in the housing market. The removal of the commercial rezoning will not change the density in any way.

Health Department Report – Revised subdivision plat for The Villages at Herron Lake will be required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE:2008-07 APPLICANT: Montgomery Bros. Bedrock Two, L.C.

PROPERTY LOCATION: South Side of Bethel Church Road, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 25, PARCEL: 56.

PRESENTLY ZONED: Heavy Industrial, (M-2) & Suburban Residential, (SR).

REQUEST: Request to rezone 67.7 acres from Heavy Industrial, (M-2) & Suburban Residential, (SR) to Multifamily Residential, (RM).

PROPERTY OWNER: Montgomery Bros., Bedrock Two, L.C.

Barry Montgomery, 12 South Queen Street, Rising Sun, MD, Bedrock Two, LC along with Jeff Sellers, 48 Hebron Court, Elk Mills, MD. This property is located on the south side of Bethel Church Road, North East, MD. The western section of this property is zoned Heavy Industrial, (M-2) and the eastern section is Suburban Residential, (SR). This zoning request is for the 67.7 acres to be zoned Multifamily Residential, (RM). This piece of property was originally part of the Harbison Walker property and requires a high level of density for residential development of various natures. This would meet the requirements of the Comprehensive Plan meeting a higher density growth in the development corridor.

Mr. Montgomery asked Vernon Thompson, Director of Economic Development for a letter of approval from their department (Economic Development) on their approval and Eric Sennstrom, Director of Planning and Zoning read the letter marked exhibit two (2), regarding this property, in file and attached for reference.

Health Department Report – Public water and sewer required for multifamily residential development.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2008-01 APPLICANT: Gary and Mary Sue Slagle.

PROPERTY LOCATION: Lot 52 Marley Farms-Childs Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 20, PARCEL: 316.

PRESENTLY ZONED: SR.

REQUEST: Request to rezone 1.16+/- acres from Suburban Residential, (SR) to Heavy Industrial, (M2).

PROPERTY OWNER: Gary and Mary Sue Slagle.

Gary Slagle, Jr., 131 Childs Road, Elkton, MD along with Gary and Mary Sue Slagle, Sr., 51 Fawn Valley Road, Elkton, MD request to rezone 1.16 acres from Suburban Residential, (SR) to Heavy Industrial, (M-2). There are a total of four (4) lots recorded off Marley Farms Road at the present time and two (2) lots that access off Childs Road. One of the lots is where Mr. Slagle currently lives and the other lot is adjacent to the oil refinery. This lot would not warrant a residential building so close to the oil refinery. He would have to have a shared driveway and this is unattractive to him. The oil refinery approached him about building a ranch type office on that lot for the secretaries at the oil company. He shares many concerns about this piece of property being next to an oil refinery. When this would be built it will have a look of residential not commercial, there also will be deed restrictions put in place. There will not be any increased traffic flow.

Mary Sue Slagle stated they are bringing the very exact same rezoning before the Board this evening, but have changed the request from Business General, (BG) to Heavy Industrial, (M-2). Mrs. Slagle feels this has been rezoned incorrectly instead of change of character in the neighborhood. This one (1) acre has been broken off of the twenty-six (26) acre parcel that they built homes on and this one (1) acre is not suitable for a residential home, but is suitable for an office at the oil refinery.

Health Department Report- Lot 52, Marley Farms, Section D has a satisfactory sewage disposal area for a single family dwelling or for a comparable water usage. Site Plan approval required for commercial use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ed Smith, 32 Vista Drive, Elkton, MD stated as a new resident of Marley Farms he does not want to see the oil refinery expanded. This will not benefit the people in this community. He feels it would be much better served if Mr. Slagle would merge this lot with his existing property. There are deed restrictions in Marley Farms. Mr. Smith is very opposed to this rezoning being approved.

Suzie Baylis- Powell, 86 Paper Mill Road, Elkton, MD stated she is very concerned about this rezoning because she lives in Marley Farms. There is only one little piece of land that is zoned M-2 in the Childs Road area. The majority of the land is residential and there is a Catholic School and farm land on Childs Road. The land use is not expanding industrial use in this area because the majority of the land is residential. The oil refinery profit-margin is mainly on treating hazardous waste. There has already been one (1) hazardous spill at this refinery in the past. The Slagle's are doing this for profit and gain.

Albert Tokar, 41 Paper Mill Road, Elkton, MD stated he was involved in the past oil spill at this oil refinery, (9,000 gallons). He worked for thirty-one (31) years in the chemical industry and he can see they already have problems at this refinery, so let's not give them any more opportunity to have more spills and put more tanks in place. Two (2) ounces of oil can contaminate your drinking water. Please do not approve this rezoning so there will not be any chance for fire, water contamination or increased capacity.

Susan Hassman, 160 Vista Drive, Elkton, MD stated please do not give the oil company any more land. The Slagle's should have researched buying this lot more before they purchased it. This will increase traffic flow if you increase parking and office space, this is contradictory. Ms. Hassman has had an accident on this road so traffic is a major concern. The majority of the land is residential and this will not benefit the community.

Vendita Wright, 30 Maple Lane, Elkton, MD stated this is a perfect example of giving someone an inch and they take a yard. Why do the Slagles need Heavy Industrial, (M-2) to build a residential rancher? If the zoning is approved the oil company does not and will not play by the rules, so they will not build what has been proposed. The deed restrictions would be compromised and the Slagles would not always be around to police the restrictions. Lots 51, 54, 55 and 56 are all residential lots with lot 52 currently residential, so why should we change it? Do not make it heavy industrial. Ms. Wright has a beautiful view of the oil recovery refinery from her back deck, please do not make it any worse. The trucks run 24 hours 7 days a week, with their noisy diesel engines running.

Lee Hartman, 56 Paper Mill Road, Elkton, MD, agrees with everyone else that has spoke this evening. Mr. Hartman does not want to see Cecil County let this oil company expand a hazardous waste operation any further. The Slagle's should have done more research before they bought this lot.

Dave Cotton, 53 Vista Drive, Elkton, MD has lived in his home for over eighteen (18) years. The site years ago was a paper mill until the oil company purchased it. Mr. Cotton had a great deal of water testing done before he bought his home to find out about the water table. He has many concerns about the oil refinery and the water table and feels this does not belong in the middle of a residential area. This is a carelessly run oil refinery, leaving trails of oil running all over the road, for Cecil County residents to deal with. Mr. Cotton is very opposed to this rezoning being approved.

Mark Cotter, 18 Maple Lane, Elkton, MD is opposed to the extension of this property on two (2) levels: First, there would a problem trying to put a house on this lot for additional office space for the secretaries. Why can't you do this under the present zoning of Suburban Residential, (SR)? Second, giving the oil company extended use of this property; will they change something in the short or long term?

Thomas Hall, 79 Vista Drive, Elkton, MD stated to please keep in mind that the oil expansion is already over 30%. This let them expand another 25% of the total area which means there could be more room for oil reclamation tanks. Heavy Industrial, (M-2) means this is a free go ahead to do so. There have already had oil spills at this site; this will open the door for more. The community does not want this to happen, buildings get built without changing the zoning of this lot. His family has lived in Cecil County for over 260 years and he does not want to see them moved out because of toxic waste.

Gail Barker, 37 Paper Mill Road, Elkton, MD stated in the development of Marley Farms there were approximately fifty (50) homes before Mr. Slagle came in and bought this other piece of property. The best thing to do with this property is to leave it as a buffer. If the oil company gets this lot they will put more oil tanks on it.

Russell Ragan, 7 Maple Lane, Elkton, MD has lived there approximately five (5) years and has two (2) young children and does not want this approved. If this is approved there would not be any buffer and things are bad enough the way they are. There is air quality and environmental issues now, please do not make it any worse by giving the oil company this opportunity to obtain this lot.

Mark Powell, 86 Paper Mill Road, Elkton, MD stated leave this lot a buffer. Just because the Slagle's bought this parcel does not mean they have to build on it. Why can't they leave it alone?

Eric Sennstrom read a letter into the record from Bruce and Anita Magaw, 128 Childs Road, Elkton, MD marked exhibit three (3) in opposition, in file, and attached for reference.

Joe Janusz abstained from voting, due to his relationship with the Slagle's.

SPECIAL EXCEPTIONS:

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).

Michael Dooling, 900 Susquehanna River Road, Port Deposit, MD asked for a postponement due to litigations with the Susquehanna Power Company. Mr. Dooling's next court date is May 17, 2008 and he would like to be put on the June Planning Commission agenda.

Jason Potter, 100 North Charles Street, 16th Floor, Baltimore MD, Wright Constable & Skeen, L.L.P., Attorney for Susquehanna Power Company, is currently in litigation with Mr. Dooling over this tract of land. Currently the power company is considering giving Mr. Dooling an easement on this piece of property and he is in agreement of the postponement.

FILE: 3388 - 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, 185 Springfield Drive, North East, MD would like to continue with his Law Practice from his home. Mr. Burroughs would like to do this as long as he is a resident in 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 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: 3390 - APPLICANT: James and Marie Sherrard.

FOR: Special Exception Renewal to host private events.

PROPERTY LOCATION: 455 Spring Hill Road, Rising Sun, MD 21911, Election District: 6,
Tax Map: 2, Parcel: 37.

PROPERTY OWNER: James and Marie Sherrard.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

James and Marie Sherrard, 455 Spring Hill Road, Rising Sun, MD would like to renew their special exception to host private events. Last year they hosted three, (3) weddings and one (1) corporate picnic and were very successful. Mr. Sherrard would like to have his renewal for longer than two (2) years, due to scheduling of events. Mr. Sherrard has not allowed any contracts to be signed for any further events until the special exception had been renewed. There has not been any congestion off the county road and no parking problems. Mr. Sherrard has added some outside lighting in 2006 in the parking area for security reasons.

Health Department Report – Property was divided off of the remainder of the farm by Minor Subdivision No. 3022. Food service for events must be provided by a properly licensed caterer and water supply and sewage disposal must be addressed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3392 - APPLICANT: Timothy Granger.

FOR: Special Exception for a private airport.

PROPERTY LOCATION: 1831 North East Road, North East, MD 21901, Election District: 9,
Tax Map: 19, Parcel: 119.

PROPERTY OWNER: Tim Granger.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Timothy Granger, 1831 North East Road, North East, MD would like to have a private grass airstrip on his property. The property is zoned Northern Agricultural Residential, (NAR). Mr. Granger does not currently own a plane but his goal is to buy one and learn how to fly. This would be a private air strip and only invited guests would be allowed, no commercial use. This falls under Section 111 of the Zoning Ordinance which states that airports are allowed as a special exception in the Northern Agricultural Residential, (NAR) zone. The FAA stated that his site did meet the federal guidelines. On February 21, 2008 Mr. Granger also met with Maryland Aviation and they determined his site has met the state guidelines, marked exhibit's four (4) and five (5), in file and attached for reference.

There will not be a terminal building or any structures and this will be a distance of 800' away from the horse farm next to him. When he does purchase a plane it will be a single engine plane, which does not make much more noise than a lawnmower. The airstrip will be 1800' by 50'. The plane should only need about 6500' of runway to take off and land. Mr. Granger spoke to his neighbor, Mrs. Griffith, who lives to the north of him and has a horse farm, and she has some concerns with what this will do to the horses during take off and landing.

In November 2004 and again in January 2007 there was a special exception granted by the Board of Appeals to Robert McKeown for a private airstrip on his property. His property runs parallel to the PECO energy lines and there should not be any problems. There are a number of private airstrips in Cecil County.

Health Department Report – Property is Lot #3 of Minor Subdivision No. 3746, approved for a single family dwelling. No comment required for a private airstrip.

COMMENTS IN SUPPORT: Wayne Granger, Commercial Pilot, has flown about 2,000 hours and he has looked at the area that Mr. Granger would like to use as an airstrip from the air and the ground and he feels this would be a safe operation area.

COMMENTS IN OPPOSITION: Cheryl Griffith, 1885 North East Road, North East, MD stated she has owned her horse farm for ten (10) years next to Mr. Granger and she feels this will scare her horses, especially if they are running in the fields and hear a loud noise of a plane taking off and landing they would trip and fall and maybe break a leg. She would not be able to ride anymore and her property value would go down as a horse farm.

Jason Potter, 100 North Charles Street, 16th Floor, Baltimore MD, Wright Constable & Skeen, L.L.P., Attorney for PECO Power Company, stated that the power company owns parcels 309 and 498 to the south of the subject property. PECO runs 500 kilowatts of power through the power lines adjacent to his property on towers that are between 100’ and 110’ tall. PECO is concerned that with one good cross wind you could lose power to thousands of customers, so if a little plane would hit these lines, it would be devastating. Also, Delmarva Power Company has some power lines in this area. PECO Power considers this a serious danger.

Gabriel Croy, 1868 North East Road, North East, MD resides at parcel 641 directly across from where Mr. Granger would like to put this airstrip. Mr. McCoy highly objects to this airstrip for fear of safety for him and his family.

RECOMMENDATIONS:

CECIL COUNTY 2007 - ANNUAL REPORT

APPLICANT: Cecil County.
FOR: Annual Report 2007

Staff recommended approval.

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

APPLICANT: Cecil County.
FOR: TEXT AMENDMENT – Subdivision Regulations - Section 3.4 - Penalties

Staff recommended approval.

ACTION: Motion made to disapprove of current language proposed, and re-visit language including a “disclaimer” by Doordan, seconded by Janusz.
VOTE: All in favor, motion carried.

APPLICANT: The Wilna Farm, Lee and Elizabeth Larson.
FOR: MAP AMENDMENT – 2004 Master Water & Sewer Plan
Summary: The Wilna Farm (TM 20 Parcels 369, 618) requests that the Water Service Area map be amended to include these parcels as a W3 service area and requests that the Sewer Service Area map be amended to include these parcels as a S3 service area.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: John Fetterolf.

FOR: Request to rezone 4.5 Acres from Development Residential, (DR) to Business General, (BG).

Withdrawn

APPLICANT: Herron 393, LLC.

FOR: REQUEST: Request to rezone 7.62 acres from Business General, (BG) to Multifamily Residential, (RM).

Staff recommended approval based upon substantial change in the character of the neighborhood.

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

VOTE: All in favor, motion carried.

APPLICANT: Montgomery Bros. Bedrock Two, L.C.

FOR: Request to rezone 67.7 acres from Heavy Industrial, (M-2) & Suburban Residential, (SR) to Multifamily Residential, (RM).

Staff recommended approval based upon substantial change in the character of the neighborhood.

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

VOTE: All in favor, motion carried.

APPLICANT: Gary and Mary Sue Slagle.

FOR: Request to rezone 1.16+/- Acres from Suburban Residential, (SR) to Heavy Industrial, (M2).

Staff recommended approval based on mistake in the 1993 Comprehensive Plan.

ACTION: Motion made to disapprove, lack of evidence not showing mistake in original rezoning by McDowell, seconded by Wallace.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Michael Dooling.

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

Staff recommended postponement until June 16, 2008 Planning Commission Meeting.

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

VOTE: All in favor, motion carried.

APPLICANT: David R. Burroughs.

FOR: 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 business.

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

VOTE: All in favor, motion carried.

APPLICANT: James and Marie Sherrard.

FOR: Special Exception Renewal to host private events.

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: Timothy Granger.

FOR: Special Exception for a private airport.

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 9:55 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 21, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

April 21, 2008

7:00 p.m.

PRESENT: Mortimer, (Chairman), Bowlsbey, Doordan, Janusz, Wallace, Edwards, Sennstrom, Houston, Demmler (Ex-officio), and Dempsey.

ABSENT: McDowell, (Alternate).

MINUTES- Motion made by Bowlsbey, seconded by Doordan and unanimously carried to approve the Monday, March 17, 2008, 7:00 p.m., minutes as mailed.

REZONING:

FILE:2008-09APPLICANT: William F. and Theresa J. Custer, Jr.

PROPERTY LOCATION: 264 Rock Springs Road, Conowingo, MD 21918.

ELECTION DISTRICT: 8, TAX MAP: 9, PARCELS: 151 & 243.

PRESENTLY ZONED: (Parcel 243), Business Local, (BL) & (Parcel 151), Rural Residential, (RR).

REQUEST: Request to rezone 1.36 & 1.01 Acres from (Parcel 243), Business Local, (BL) & (Parcel 151), Rural Residential, (RR) to Business General, (BG).

PROPERTY OWNER: William F. and Theresa J. Custer, Jr.

Keith A. Baynes, Esquire, 210 East Main Street, Elkton, MD representing William and Theresa Custer, Jr. in this request for rezoning. Mr. and Mrs. Custer wish to rezone parcels 151 and 243 to Business General, (BG). Parcel 151 which is a Florist operation and parcel 243 is the Stone House Restaurant. Since 2000 the Custer's have been running the floral business out of their garage and now would like to extend the business to add a Nursery. All of the commercial properties within this neighborhood within a ¼ mile are zoned Business General, (BG). Both of these properties are served by private well and septic and all of the access would be off Rte. 222 – Rock Springs Road. The Custer's also would like to expand and build a new restaurant to be constructed similar to the Florist Shop, similar in agricultural design. The florist operation is very pleasing to the eye and they would like to have the Restaurant to match, which will have a country theme. To expand and build new construction they need to have the zoning changed to Business General, (BG). Proposed development will be in the near future after the rezoning would be approved.

Eric Sennstrom, Director of Planning and Zoning stated that in the Business Local, (BL) zone you are limited to 3,000 sq. ft. for a total of three (3) uses on the property; however if you have two (2) uses or less you are capped out at 5,000 sq. ft. The Custer's are looking for the 5,000 sq. ft.

Mr. Baynes stated that all of the adjoining property owners are in agreement with this rezoning; letters will follow for the County Commissioners meeting. Mr. Custer has a lengthy petition with numerous adjoining property homeowners' signatures, in support of this rezoning. Assessments and Taxation contacted Mr. Jim Black, Code Compliance Inspector for Cecil County stating that his floral operation needs to be rezoned to Business General, (BG) instead of Rural Residential, (RR).

Commissioner Demmler, (Ex-Officio) asked if the Custer's reside on this property.

Mr. Baynes stated they reside on this property, next to the Floral Shop. This property shows both change in the character of the neighborhood and a mistake in the 1993 Comprehensive Rezoning.

Health Department Report – Building Permit D5097 issued in 1993 for parcel 151 / 264 Rock Springs Road to rebuild dwelling due to fire damage. Satisfactory for commercial use with limited water usage, unless soil evaluations are conducted to establish satisfactory sewage disposal area. Sanitary Permit R1861 issued in 1996 for parcel 243 for repair of septic system at the existing restaurant; satisfactory for commercial use with comparable water usage.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Gilda Anderson, 1320 Rock Springs Road, Rising Sun, MD 21911 stated she is one of the owners of Rock Springs Hardware which is about three (3) miles north of the Stone House Restaurant. Ms Anderson has applied for a rezoning two (2) times in the last four (4) or (5) five years to change her zoning to Business General, (BG) and was denied. She now has a vacant building on that property (Conowingo) because she had to move to another area since the rezoning was not approved. Ms. Anderson is presently renting a building in the Rising Sun area for \$3,500.00 a month because her rezoning had been denied and she feels if you change the Custer’s zoning due to change, then Cecil County needs to go back and review her request for her rezoning request.

SPECIAL EXCEPTIONS:

FILE: 3395 - APPLICANT: Catherine and William Lammy.

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

PROPERTY LOCATION: 292 Chestnut Springs Road, Chesapeake City, MD 21915, Election District: 2, Tax Map: 43, Parcel: 395.

PROPERTY OWNER: John and Julia Trombetti.

PRESENTLY ZONED: Rural Residential, (RR).

Catherine and William Lammy, 1801 Ridgeview Drive, Coatesville, PA 19320 stated they would like to locate a new doublewide manufactured home on their parents’ property, located at 292 Chestnut Springs Road, Chesapeake City, MD, to be closer to take care of her parents due to health problems. Ms. Lammy has been staying in the Chesapeake City area and her husband has been commuting back and forth from Coatesville, and the commute is getting to be too much. The Lammy’s would like to live on her parents’ nine (9) acre parcel in the doublewide. The area they are thinking about putting the doublewide would not be seen from the road or any of the adjoining property owner’s homes. They would like to keep it as private as possible. There are two (2) septic systems already installed on the property, but they would have to have another well put in. Her parents want to feel independent but at the same time the Lammy’s would like to be close to them incase something would happen. Her parents need to be checked on a daily basis, but they still would like to have their independence by living in their own home.

Health Department Report – Sanitary Permit F1807 issued in 1996 for the existing dwelling and soil evaluations were conducted in February 2007 for the proposed mobile home. Satisfactory to connect to existing system with an upgrade or must submit surveyed plat if proposing separate system for the mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Lewis Langner, (son of Larry Langner), 290 Chestnut Springs Road, Chesapeake City, MD stated for the most part he is in favor of this doublewide but he has concerns because his parent’s property shares a driveway with the Trombetti’s. Mr. Langner feels putting another residence there will cause some problems with the shared driveway in time. He would like to keep the beautiful woods and the

privacy they have and has concerns with the location of the doublewide being to close to the shared driveway; he feels it should be closer to the (Trombetti's) parent's home.

Bill Mortimer, (Chairman) announced that we are going out of order from the agenda, due to the next applicants need to leave the meeting due to a family hardship.

FILE: 3400 - APPLICANT: Jennifer Pfieffer.

FOR: Special Exception for a home occupation to operate a doggy daycare.

PROPERTY LOCATION: 2606 Biggs Highway, North East, MD 21901, Election District: 5,
Tax Map: 19, Parcel: 485.

PROPERTY OWNER: Adam and Jennifer Pfieffer.

PRESENTLY ZONED: Rural Residential, (RR).

Jennifer Pfieffer, 2606 Biggs Highway, North East, MD stated she and her husband would like to operate an in-home Doggy Daycare. They have three (3) acres and their house sits about 600' off the main road. The property is surrounded by enormous evergreens and backs up to a cornfield. Each dog must pass a temperament test and go through a pet evaluation and assessment before being accepted at the Doggy Daycare. Ms. Pfieffer plans to use her 1,200 sq. ft. basement for the dogs. The basement is fully vented with heat and air-conditioning. There would be different areas for different size dogs and puppies. There would also be an outside play area which will be enclosed with a six-foot (6') fence. The Doggy Daycare would be open from 7 a.m. to 6 p.m. during the work week, with no overnight boarding. Her limit would be around ten (10) dogs, since she has three (3) dogs of her own. This would be a family business with some members being Pet CPR (Mouth to Snout) and first aid certified. Ms Pfieffer has a great love for animals and has been an active volunteer of the Mid-Atlantic Great Dane Rescue League for over seven (7) years.

Commissioner Demmler, (Ex-Officio) asked if there would be a lot of noise with that many dogs.

Ms. Pfieffer stated there would be extra insulation put in the walls to make it noise proof.

Health Department Report – Sanitary Permit C2731 issued in 1988 for the existing dwelling. No Health Department approval required for “Doggy Daycare” but provision must be made for proper handling of dog waste and any runoff to prevent nuisances.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Lee Larson, 2050 Old Field Point Road, Elkton, MD is in opposition to this Doggy Daycare. Mr. Larson stated he has a proposed six (6) lot subdivision adjacent to Ms. Pfieffer's property. There is very limited parking and a turn around area. Mr. Larson is proposing six (6) homes coming out on to Biggs Highway and she will be adding ten (10) people dropping their dogs off every day off of Biggs Highway also. This will cause more traffic; if a Builder/Developer wanted to do this, they would have to have a traffic impact study done. The backyard of her property is adjacent to this proposed subdivision; and Ms. Pfieffer's side yard property is only 25 ft. from the property line. People are not going to want to live next to a dog kennel.

Joyce Bowsbey asked Mr. Larson where he was in his development stage.

Mr. Larson answered “final” stage.

FILE: 3399 - APPLICANT: York Building Products Co., Inc. c/o Corridor Land Services, Inc.

FOR: Special Exception for the removal of sand and gravel deposit.

PROPERTY LOCATION: 347 Principio Road, Port Deposit, MD 21904, Election District: 7,

Tax Map: 23, Parcel: 311.

PROPERTY OWNER: Edward J. and Elberta T. Stevens.

PRESENTLY ZONED: Rural Residential, (RR) & Mineral Extraction B, (MEB).

Michael Pugh, Corridor Land Services, Inc., 117 North Street, Elkton, MD 21921 along with Jim Gawthrop, PE, General Manager, York Building Products Company, 950 Smile Way, York, PA 17404 presented this special exception for the removal of sand and gravel deposits. The Stevens property is located off Rte. 275 also known as Principio Road and this access would be off Rte. 275 where the Maryland Sand and Gravel, Co. is located. The Stewart family has been in business for over sixty (60) years in Cecil County producing masonry block, concrete and aggregates. In 2001 they replaced the previous operator at Cecil Sand and Gravel.

The site conditions of this property are as follows:

1. Total property acreage is twenty-one (21) acres.
2. The proposed mining area is thirteen (13) acres.
3. The proposed buffer acre is eight (8) acres.
4. Existing woodland is twelve (12) acres, with four (4) acres in the buffer.
5. Mine area to be reforested is six (6) acres.
6. Current un-wooded buffer area to be forested is two (2) acres.
7. The net gain/loss of woodlands is -0- acres.
8. Landscaped berms at Principio Road.

There will not be any trucks entering or leaving from the Stevens property, all access will be off Rte. 275. There will be no processing taking place on this property. A loader will be used to dig the sand and gravel from the bank and electrically driven conveyors will carry the material to the existing plant. There will be 8' evergreens to provide screening of the operation. The existing Stevens home will remain and be used for employee housing. This facility will conform to all requirements of the Maryland Department of the Environment and will comply with the sediment and erosion control plans. MDE requires a reclamation bond in the amount of \$1,250 per acre. Expected actual reclamation costs to meet their standards are \$7,000 per acre. There will be no residual mining activities on this property at the conclusion of mining. The excavation will not affect the wells in the area, but if neighbors that may have problems with their wells, York Building Products will offer to drill a new well. This mining program will fall under Section 311-Special Exception Requirements and it complies with all requirements with effect on the general public. Special Exception #2218 in 1994 was granted by the Board of Appeals on another piece of property for mining.

York Building Products plans on having the following restrictions:

1. Maximum 30 month duration from issuance of permits.
2. Actual mining 12 to 24 months based on economic conditions.
3. Reclamation to progress with excavation.
4. Provide reclamation bond in the amount \$7,000 per acre.
5. Create landscaped berm to screen operation from Principio Road and neighbors.
6. Reforest all slopes, approximately 6 acres.
7. Plant an additional 2 acres of buffer with trees
8. Operation to progress from existing operation southeastward, Cecil Sand and Gravel.
9. All access to site via existing operation.
10. House and driveway to remain.
11. Loader and portable conveyors used to remove minerals
12. Hours of operation 5 a.m. to 5 p.m. – 6 days a week
13. No permanent structures on the property.
14. Operation will comply with all MDE and CSC requirements.

15. York Building Products will offer to drill new wells for those neighbors that have problems with their shallow wells resulting from this operation.

The presentation presented this evening by Corridor Land Services, Inc. and York Building Products Company, in file and attached for reference.

Health Department Report – Must comply with the requirements of the Mining Program, Maryland Department of the Environment. If the existing dwelling on parcel 311 (Sanitary Permit A7377-76) is to be abandoned, well and septic system must be properly filled and sealed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Jean Whitsell, 372 Principio Road, Port Deposit, MD has concerns with the ground water quality with bacteria and contamination from this operation. Ms. Whitsell stated a neighbor at 551 Principio Road was on the contamination list in 2005 and at 617 Principio Road, a lady that Ms Whitsell worked with, her husband, she and her dog all died with cancer. What will York Products stir up when they start digging? There will be more noise and dust particles and York has a start up time of 5 a.m.; this is very early. The conveyor belt will scare all the wildlife away. As a homeowner this will decrease the property values in the area.

Eleanor Bachner, 362 Principio Road, Port Deposit, MD purchased her property twenty-two (22) years ago in 1986 and at that time she did not realize she had moved in the middle of a mining extracting district. Cecil County's Comprehensive Plan had not been adopted at that point, it was adopted in 1990. The neighborhood has been let down by Cecil County. Ms. Bachner feels that all the other plants that York Building owns will all be connected someday that are close in proximity of this one that York Building is proposing. The property values will go down in the area because Cecil Sand and Gravel is on one side and the other side is York Building. The noise will be horrible from 5 a.m. to 6 p.m., which is what they are proposing the hours to be, but actually they operate equipment up to 10 p.m. many evenings.

Patrick Sypolt, 287 Principio Road, Port Deposit, MD feels if economics warrants this; this will happen. There should be conditions set with York Building that are iron clad on how this operation will be run. Why doesn't York Building sit down with the homeowners and work out the details so it will work for everyone involved. The setbacks need to be increased due to the slopes on this property. The noise is going to be horrible. When York Building is finished with the property they need to plant hard wood trees such as oak, not pine trees and put real topsoil back in place. Mr. Sypolt feels that Cecil County should make York Building comply with all the rules and regulations and if they don't; fine them.

Carolyn Hendrix, 327 Principio Road, Port Deposit, MD lives right next to this York Building's proposed project. Ms. Hendrix feels that there needs to be something in the final proposal that goes to the Board of Appeals, on a time line and how it will be enforced. She does not want to see this go any longer than thirty (30) months before reclamation. Cecil County needs to keep this project on track.

Eric Sennstrom, Director of Planning and Zoning explained that Cecil County does not get involved in the reclamation; this process would fall under the Maryland Department of the Environment, (MDE).

Norman Wehner, 273 Principio Road, Port Deposit, MD feels this operation should not start at 5 a.m.; it should start around 6 a.m. instead. Mr. Wehner has lived in his home for a little over a year and has not had any problems, and does not want to have any problems, especially with his well's water supply and quality of the water, such as having iron problems where he would need to install a water softener. Mr. Wehner feels this whole idea is not appropriate and he hopes the Planning Commission will not recommend this Special Exception be approved.

RECOMMENDATIONS:

REZONING:

APPLICANT: William F. and Theresa J. Custer, Jr.

FOR: Request to rezone 1.36 & 1.01 Acres from (Parcel 243), Business Local, (BL) & (Parcel 151), Rural Residential, (RR) to Business General, (BG).

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

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Catherine and William Lammy.

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

Staff recommended approval for as long as Trombetti's own the property and the Lammy's reside in the mobile home.

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

VOTE: All in favor, motion carried.

APPLICANT: Jennifer Pfeiffer.

FOR: Special Exception for a home occupation to operate a doggy daycare.

Staff recommended approval for two (2) years.

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

VOTE: Four to one, motion carried.

APPLICANT: York Building Products Co., Inc. c/o Corridor Land Services, Inc.

FOR: Special Exception for the removal of sand and gravel deposit.

Staff recommended approval with five (5) conditions listed below:

1. Site plan approval
2. MDE mining Permit issuance
3. No access to Principio Road
4. 5a.m. to 5p.m. mining operation limits
5. Pre-mining survey of adjoining well's yields

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

1. Maximum 30 month duration from issuance of permits.
2. Actual mining 12 to 24 months based on economic conditions.
3. Reclamation to progress with excavation.
4. Provide reclamation bond in the amount \$7,000 per acre.
5. Create landscaped berm to screen operation from Principio Road and neighbors.
6. Reforest all slopes, approximately 6 acres.

7. Plant an additional 2 acres buffer with trees (oak not pine)
8. Operation to progress from existing operation southeastward, Cecil Sand and Gravel.
9. All access to site via existing operation.
10. House and driveway to remain.
11. Loader and portable conveyors used to remove minerals
12. Hours of operation 6 a.m. to 5 p.m. – 6 days a week
13. No permanent structures on the property.
14. Operation will comply with all MDE and CSC requirements.
15. York Building Products will offer to drill new wells for those neighbors that have problems with their shallow wells resulting from this operation.
16. Water quality and quantity issues to be addressed with a proposal from York Building Products to the Board of Appeals.

VOTE: Four to one, motion carried.

The meeting was adjourned at 9:35 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 19, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

May 19, 2008

7:00 p.m.

PRESENT: Mortimer, (Chairman), Bowlsbey, Doordan, Wallace, Edwards, Sennstrom, Houston, and Dempsey.

ABSENT: Janusz, McDowell, (Alternate), Demmler, (Ex-officio).

MINUTES- Motion made by Edwards, seconded by Doordan and unanimously carried to approve the Monday, April 21, 2008, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT – ZONING ORDINANCE

Amend Article XI, Part I, Section 205 Growth Allocation (GA) District

Summary: Draft language is proposed through the addition of 205.1.a and 205.1.b to provide greater clarity and specificity to the process to be followed when municipalities request growth allocation from the County.

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment as follows:

REVISED GROWTH ALLOCATION PROCESS:

205.1.a Growth Allocation awarded to the Towns shall follow the following procedure:

- i. Request for GA from the Towns shall be made to the Office of Planning and Zoning.
- ii. Planning and Zoning shall place the request on the meeting agendas for the Planning Commission and Board of County Commissioners.
- iii. Planning Commission shall review the request and forward a recommendation to the Board of County Commissioners.
- iv. The Board of County Commissioners shall decide whether to grant the request.

205.1.b Growth Allocation requests from the Towns shall contain the following information:

- i. Demonstration of consistency with Town's Comprehensive Plan;
- ii. Existing Critical Area Designation and Requested Designation;
- iii. Number of acres requested and justified for acreage;
- iv. Demonstration of consistency with Town's Critical Area regulations;
- v. Demonstration of minimal impact to sensitive areas and habitats of rare, threatened and endangered species;
- vi. Maximization of clustering to the extent possible;
- vii. Concept plat for the proposed development.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

APPLICANT: Cecil County.

FOR: Amend Article XI, Part I, Section 205 Growth Allocation (GA) District.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

The meeting was adjourned at 7:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 16, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
Meeting Minutes
16 June 2008

Present: Bowsbey, Joyce; Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; McDowell, H. Clay; Mortimer, William; Wallace, Wyatt; Bakeoven, Jennifer; Demmler, Rebecca; Sennstrom, Eric

Absent; Dempsey, Gale; Houston, Clifford

Call to Order: Vice Chairperson Bowsbey called the meeting to order at 7:00 p.m.

Approval of Minutes: Motion to approve the May meeting minutes was made by B. Patrick Doordan. The motion was seconded by Guy Edwards. All members present voted in favor of motion. Motion carried.

Nomination for Historic Designation: Director Sennstrom appeared to present the nomination from William and Mary Leu Rowe to designate “Thomas Scott’s Place” as a historic structure. Director Sennstrom read a summary providing details on the history of the property as well as the architectural features of the house. Salient items from the summary include that the property goes back in time to William Penn and was part of the “Nottingham Lots”. The dwelling dates from circa 1757. The interior includes a springhouse, colonial kitchen fireplace with an opening for a beehive oven, and plaster work dating from 1819 & 1820. Director Sennstrom told the Planning Commission that the Historic District Commission reviewed this nomination at their meeting of 3 June 2008 and recommended approval. The Board of County Commissioners will hear this application on 17 June 2008 and decide whether or not to designate it as a historic structure.

No one appeared to speak in favor or in opposition to this matter.

Staff recommended approval.

Motion made by B. Patrick Doordan to recommend approval. Motion was seconded by Guy Edwards. All members voted in favor of motion. Motion carried.

Text Amendments

Article V, Part II, Section 67 – Mineral Extraction
Article V, Part XII, Section 153 – Rubble Landfill
Article V, Part XII Section 154 – Sanitary Landfill

Vice Chairperson Bowsbey requested that Director Sennstrom present all three text amendments as one presentation. Director Sennstrom stated that the County has become aware of a proposal to use coal combustion by-products as a reclamation material at a sand and gravel mine. The Board of County Commissioners has become aware of issues

regarding the placement of this type of material at a site in Anne Arundel County and that the Maryland Department of the Environment is in the process of drafting new regulations to govern the placement of coal combustion by-products in Maryland. Accordingly, the County found that the establishment of local regulations relating to the placement of coal combustion by-products was the prudent course of action. Consequently, the draft text amendments on this evening's agenda were determined to be the preferred response to this situation. The draft text amendments, if adopted, would prohibit the use of coal combustion by-products as a reclamation material in non-coal surface mines, prohibit their placement in rubble landfills, and prohibit their placement in sanitary landfills.

Vice Chairperson Bowsbey asked if anyone desired to speak in favor of the draft amendments. The following individuals rose to speak:

Vicki Strause, Jean Whitsell, Nelson Campbell, Mayor John Bunnell - Cecilton, Sarah Colenda, Mayor Judy Cox – Rising Sun, Elizabeth Lowe, Sharon Weygand, Gordon Roath, Pam Roath, Wayne Algard, Sen Nancy Jacobs.

Vice Chairperson Bowsbey asked if anyone desired to speak in opposition to the draft amendments. The following rose to speak:

R. Clayton Mitchell, Beth Petaway, Charles Price, Dwight Thomey, Terry Stancill. Ms. Petaway and Mr. Price presented a powerpoint presentation concerning coal combustion by-products and their placement.

The Planning Commission examined the sample liners provided by Mr. Price. Mr. Wallace interjected that the compilation of the proposed text amendments was not a hasty exercise as suggested by Mr. Thomey. Mr. Janusz queried as to what are the pro's of the placement of this material alluded to by Mr. Thomey. Mr. Thomey responded that lower electric costs could be realized by not having to travel great distances to dispose of the material and the County may gain a park. Terry Stancill stated that he thinks the materials are safe otherwise he and his family would not be seeking to use it as reclamation material. Commissioner Demmler inquired as to whether Mr. Stancill thinks it is safe due to the liner or because the material is not hazardous. Mr. Stancill replied both reasons apply.

Staff recommended approval of all three text amendments.

Motion made by Joe Janusz to recommend approval of all three text amendments. Motion to approve was seconded by Guy Edwards. All members present voted in favor of motion. Motion carried.

Mr. Mortimer arrived at the meeting at this point in the agenda. Mr. McDowell, the alternate, left the meeting at this point in the agenda.

Special Exceptions

File: 3368 Michael Dooling
Special Exception to locate a singlewide manufactured home for security purposes
900 Susquehanna River Road, Port Deposit, MD 21904, 7th Election District, TM 22, P. 52, Property owned by Michael Dooling, Business General (BG)

WITHDRAWN, applicant failed to appear.

File: 3404 Paul Nicholas Trapani
Special Exception to permit the sale of alcoholic beverages
111 River Road, Chesapeake City, MD 21915, 2nd Election District, TM 42, P. 77, Property owned by the Boat Warehouse, Inc., Maritime Business (MB)

Mr. Trapani appeared to present the application. Mr. Trapani stated that they would like to resume off-site sales of alcoholic beverages after a 10 year hiatus. Eventually, they would like to establish a restaurant with on site sales. The property consists of 27 acres with 150 wet slips and 150 dry slips for boat storage. The sales of alcohol would occur in the same building as the previous sales. The special exception is required to permit application for a liquor license. Discussion ensued on the setting, parking, clientele and closest dwelling.

Chairman Mortimer asked if anyone desired to speak in favor. No one appeared. Chairman Mortimer asked if anyone desired to speak in opposition. The following rose to speak:

Dale Dauert, Natalie Thorpe, Jeff Thorpe, John Tokash. Concerns expressed related to access, road conditions, traffic, drunk drivers, impact to residential community.

Staff recommended approval.

Motion made by Joe Janusz to recommend disapproval. Motion was seconded by Wyatt Wallace. Joe Janusz, Wyatt Wallace, Joyce Bowlsbey and Guy Edwards voted in favor of motion to recommend disapproval. B. Patrick Doordan opposed the motion. Motion carried by a vote of 4 to 1.

File: 3405 Daniel Carter
Special Exception to locate a single wide manufactured home for hardship purposes
433 McGrady Road, Rising Sun, MD 21911, 5th Election District, TM 18, Parcel 187, Property owned by Daniel Carter, Rural Residential (RR)

Daniel Carter appeared to present the application. Mr. Carter stated that he would like to place the manufactured home on his property due to a hardship with his mother. She is having health issues relative to her heart and her back and she needs to be close at hand. The nearest dwelling is approximately 300' away. Discussion ensued on the proposed location and impacts to neighboring properties.

Chairman Mortimer asked if anyone desired to speak in favor. Michael Saganich rose to speak. Chairman Mortimer asked if anyone desired to speak in opposition. No one appeared.

Staff recommended approval for two years.

Motion was made by Joe Janusz to recommend approval for 2 years. Motion was seconded by B. Patrick Doordan. All members voted in favor of the motion. Motion carried.

File: 3408 Nancy Tyler
Renewal of special exception for home occupation to operate a group daycare
6 Norman Allen Street, Elkton, MD 21921, 3rd Election District, TM 315, Parcel 636, Property owned by Nancy Tyler, Development Residential (DR)

Nancy Tyler appeared to present her application for renewal. Ms. Tyler stated that she received approval two years ago and has complied with all conditions of approval. There have been no complaints regarding her business.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition to this request. No one appeared.

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

Motion was made by B. Patrick Doordan to recommend approval for as long as the applicant operates the business and owns the property. Motion was seconded by Wyatt Wallace. All members voted in favor of the motion. Motion carried.

File: 3411 Cellco Partnership, d/b/a/ Verizon Wireless, c/o Mike Garvin
Special Exception to erect a cell tower and variances of 250' front and 85' rear
Property located at 520 Susquehanna River Road, Port Deposit, MD 21904, 7th Election District, TM 22 Parcel 59, Property owned by VFW Post 8185, Northern Agricultural Residential (NAR)

Mike Garvin appeared to present the application. Mr. Garvin explained the existing coverage and the new coverage to be provided by the proposed tower. Discussion ensued

regarding limits of the signal vis-à-vis the cliffs as well as the river. Mr. Garvin explained that the Cecil County Department of Emergency Services requested a 10' extension to the tower for the placement of an antennae for their use. Discussion ensued regarding fall zones and tower design relative to wind loads.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition. No one appeared.

Staff recommended approval.

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

Informational Item

David Parrack, Esq., appeared to express his profuse apologies to the Planning Commission for missing the afternoon session and pleaded for the Planning Commission's indulgence in permitting him to make his informational presentation this evening. The Planning Commission, except for Joyce Bowsbey and B. Patrick Doordan, acquiesced to Mr. Parrack's request. Mr. Parrack proceeded to provide elucidation for the Planning Commission's edification of the contemplated changes to the previously approved and recorded plat for Bracebridge Estates. The changes will include a golf course, clustering of lots, a shared sewer facility, Master Water & Sewer Plan amendment, Growth Allocation, and a variance for private roads. Discussion ensued regarding growth allocation, WWTP discharge, ownership arrangements, conservation easements and preservation of natural resources.

Adjournment: Chairman Mortimer adjourned the meeting at 10:00 p.m.

Next Meeting: Monday, 21 July 2008

Respectfully submitted:

Eric S. Sennstrom, AICP
Director – Planning & Zoning

PLANNING COMMISSION MEETING

July 21, 2008

7:00 p.m.

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

ABSENT: McDowell, (Alternate).

MINUTES- Motion made by Doordan, seconded by Wallace and unanimously carried to approve the Monday, June 16, 2008, 7:00 p.m., minutes as mailed.

PROGRAM OPEN SPACE:

Maryland's Annual Program for Fiscal Year 2009, Preliminary Draft. Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Edward Slicer, Grants Administrator, Parks and Recreation presented Maryland's Annual Program for Fiscal Year 2009, Preliminary Draft. The purpose of the program is to maintain Cecil County's eligibility to receive park funds for acquisition and development from program open space. These projects should be consistent with the Comprehensive Plan.

New Projects are as follows:

1. Regional Park Incidental Cost Overruns
2. Land Preservation, Parks and Recreation Plan Update
3. Acquisition Reserve
4. Conowingo Park Development II Amendment
5. McMillan Farm Master Plan

Fiscal Year 2008 Development Projects listed below:

1. Cecil Sports Complex - Phase I Development
2. Cecil Sports Complex – Amendment I-Babe Ruth Ball Fields
3. Cecil Sports Complex – Babe Ruth Baseball Fields Phase I – Installment #2
4. Cecilton Park – Roadway Extension
5. Conowingo Multi-Use Park – Development
6. Conowingo Park Development – Phase II
7. Elk River Park – Phase I
8. Elk River Park – Phase II
9. Holly Tree Park – Electrical Upgrade
10. Holly Tree Park – Fencing and Landscaping

See attached and file for reference.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

PROGRAM OPEN SPACE:

APPLICANT: Cecil County Commissioners.

FOR: McMillan Farm Security Fence.

PROPERTY LOCATION: 211 Brick Meetinghouse Road, North East, MD 21901, Election District: 9, Tax Map: 12, Parcel: 3.

FUNDING: Reimbursement funds available FY 2008-09 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Board of Parks and Recreation.

Edward Slicer, Grants Administrator, Parks and Recreation presented this application on behalf of the Cecil County Commissioners for the McMillan Farm Security Fence. This park consists of 108 acres. Funding is requested to secure access to the former farm residence, a part of which was constructed circa 1739, until such time as the structure is utilized as a public facility supporting purposes defined by the future park's master plan. See file and attached for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – ZONING ORDINANCE - ARTICLE XV, Section 291.10.a – Major Site Plans

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment on Major Site Plans. The new language being proposed reads as follows: “The entity responsibility for the preparation of the site plan shall provide verification to the Office of Planning and Zoning that all adjoining property owners to the subject property have been notified of the site plan submittal. Notification of adjoining property owners shall be made by certified mail and verification shall be made by presenting the return receipts to the County.” See file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – ZONING ORDINANCE - ARTICLE XI, Section's 191, 195, 196, 197 & 200, Chesapeake Bay Critical Area.

Tony DiGiacomo, Principal Planner, Department of Planning and Zoning presented this Text Amendment on the Chesapeake Bay Critical Area. These changes are proposed in order to address the action taken by the Critical Area Commission on October 9, 2007, which sanctioned two areas of the County's Critical Area Program; approval of new subdivisions in Buffer Exemption Area's (BEAs) and approval of new subdivisions in Habitat Protection Areas (HPAs). The proposed changes to the Critical Area Section of the Cecil County Zoning Ordinance, in file and attached for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – ZONING ORDINANCE - ARTICLE V, Part I, Section 65. Greenhouses with On-Premises Sales Permitted.

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment on Greenhouses with On-Premises Sales Permitted. The new language being proposed reads as follows: “Topsoil mulch and gardening/landscaping aggregates sales shall be permitted provided that they are accessory to the Greenhouse and that no more than 100 yards of each product are stockpiled at any time.” See file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE:2008-10APPLICANT: Jacob Bailiff.

PROPERTY LOCATION: 424 Bailiff Road, North East, MD 21901.

ELECTION DISTRICT: 5, TAX MAP: 24, PARCEL: 48.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: To amend the Comprehensive Plan from Rural Conservation District to Development District and to rezone 72 acres from Northern Agricultural Residential, (NAR) to Development Residential, (DR).

PROPERTY OWNER: Jacob C. and John M. Bailiff.

Keith A. Baynes, Esquire representing Jacob and John Bailiff (Owners) in this rezoning, to amend the Comprehensive Plan from Rural Conservation District to Development District and to rezone 72 acres from Northern Agricultural Residential, (NAR) to Development Residential, (DR). Copies of the Cecil County Land Use Map marked Exhibit one (1) in file and attached for reference. Parcel 48 consists of 102.6 acres along Bailiff Road. The Bailiff’s would like to rezone approximately 72 acres from Northern Agricultural Residential, (NAR) to Development Residential, (DR) and to also amend the Comprehensive Plan. Only a portion of parcel 48 is to be rezoned and the land use designation changed. The balance of parcel 48 is already zoned Development Residential, (DR) and is already in the Development District. Parcel 48 is on both sides of Bailiff Road, the portion on the East side is zoned Development Residential, (DR) and has a land use designation of Development District. The Bailiff’s would like to seek change of parcel 48 on the West side of Bailiff Road.

This property was originally acquired by John and Jacob’s grandfather in 1926 and John and Jacob have owned the property for several years. The Bailiff’s have not been able to find anyone interested in farming this piece of property for a number of years because 24 acres of the 72 acres are tillable, the rest of the property is rocky and non-productive and is not suitable for agricultural use. This parcel is located near the Cecil County Drag Strip and housing developments. Water (Town of North East) and Sewer (County) are currently available. The Bailiff’s would like to build a nice housing development with single-family homes on this parcel since this property is not suitable for farming. This supports a change since the 1993 Comprehensive Rezoning.

Health Department Report - No application received for subdivision approval, must have water and sewer allocations. Sanitary Permit R1246-91 issued for repair of septic system at farmhouse.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Howard Logan, 360 Bailiff Road, North East, MD owns the farm directly next to the Bailiff's. Mr. Logan is concerned about storm water management and run-off. He and his family have farmed this property for the last two-hundred (200) years. If the Bailiff's property is re-zoned this will make his farm land value decrease. Mr. Logan farms his land and intends to farm until he dies. He would rather it be zoned Northern Agricultural Residential, (NAR), so it can stay in agricultural use.

Fred Isaac, 712 Bailiff Road, North East, MD stated this will not benefit anyone by changing the zoning. There will be more traffic than there already is. Mr. Isaac agrees with everything his neighbor Mr. Logan has said. The road can not handle anymore traffic and there is an old narrow one lane bridge that someone will have an accident on trying to pass another car.

Cliff Houston, Zoning Administrator stated that the County is required by law whenever there is a change to the Comprehensive Plan Use that we notify the Municipalities and the Maryland Department of Planning, which has been done.

FILE:2008-11APPLICANT: Collette's, Inc.

PROPERTY LOCATION: 4905 Pulaski Highway, Perryville, MD 21903.

ELECTION DISTRICT: 7, TAX MAP: 29, PARCEL: 637.

PRESENTLY ZONED: Business General, (BG).

REQUEST: Request to rezone 6.2529 from Business General, (BG) to Business Intensive, (BI).

PROPERTY OWNER: David and Kathleen C. Collette.

Keith A. Baynes, Esquire representing David and Kathleen Collette. The Collette's would like to rezone their property from Business General, (BG) to Business Intensive, (BI) which consists of 6.2529 acres. This parcel is next (West) to the Mary Martin Wholesale Post Card Shop. The new Union Hospital Health Care Center is in the same vicinity. The Collette's own and operate a motor vehicle towing, repair and inspection facility. They have to re-locate from the location where they are presently on Pulaski Highway, since they have lost their lease. The Collette's need to have this rezoned to Business Intensive due to the operations they perform involving the State Inspection Station for trucks and trailers. The Collette's are one of the few inspection stations in the State that have this type of inspections for the truck axles.

Cliff Houston, Zoning Administrator stated that under the County Ordinance that Truck Terminals for these type of inspections are only permitted in the Business Intensive, (BI) zone not the Business General, (BG) zone.

Health Department Report – Sanitary Permit G6237 issued in 2004 for septic system for commercial garage and security mobile home, other commercial uses with greater water usage may require additional sewage disposal area or connection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Paul Russell, (Bill and Mary Martins Grandson, Post Card Shop) stated their property is adjoined to this parcel that is in for rezoning. They have owned the property for fifteen (15) years. When they purchased the property they envisioned that it would be more pleasing to the eye, not all the industry that is there presently. Mr. Russell is also concerned with chemicals and any run-off there may be from towing in cars and trucks that have been involved in accidents. There is a stream near the Collette's property and if there is a problem with run-off, who would be responsible to pay for the clean up, the County, Town or the property owner. The intersection where they will be located has a high volume of traffic.

William Martin, 4899 Pulaski Highway, Perryville, MD is concerned that originally the Collette's were going to use this property for storage of vehicles that had been in accidents, it has propelled quite a bit, and it is now going to be basically a Truck Terminal. The traffic situation is very dangerous where the trucks enter and leave. This will also lead to property values depreciating. Who would be responsible if there are anti-freeze or oil spills that would flow into the stream; that would be responsible for the cleanup?

Eric Sennstrom, Planning and Zoning Director answered "The Department of the Environment".

SPECIAL EXCEPTIONS:

FILE: 3412 - APPLICANT: Peter S. and Wendy M. Kirsh.

FOR: Special Exception to establish a guest house.

PROPERTY LOCATION: Tomax Lane, Elkton, MD 21921, Election District: 5, Tax Map: 42, Parcel: 6.

PROPERTY OWNER: Peter S. and Wendy M. Kirsh.

PRESENTLY ZONED: Suburban Residential, (SR).

Peter Kirsh, Tomax Lane, Elkton, MD purchased eighteen (18) acres of property six (6) months ago along with the original farm house which dates back to the 1800's. They would like to build their primary residence on this property and would like to keep the farmhouse as a Guest House. The farm house is not on the Historic Registry and would be for family only, not a rental or a Bed and Breakfast.

Bill Mortimer, (Chairman) stated that this property can not be subdivided any further all the subdivision potential has been used.

Cliff Houston, Zoning Administrator stated that a Guest House can not be rented, the ordinance states "it is not for permanent use, just temporary occupancy".

Health Department Report – Lot 6 of Tomax Farms subdivision was tested and approved for a sewage disposal area for the existing house, a second house on the property with a separate system will require soil evaluations and delineation of a second sewage disposal area.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: John Falkenstein, Lot # 4, Tomax Farms, 515 Oldfield Point Road, Elkton, MD welcomed the Kirsh's to the neighborhood. Mr. Falkenstein's concern is what precedence this will set in the future and is concerned that this property could be subdivided further. Also, the residents in the community are also concerned about the driveway volume, as it is a mini-road, approximately ten (10) feet wide. There is not enough room for two (2) vehicles to pass each other, so you have to pull in one of the driveways. See letter marked Exhibit two (2), in file and attached.

John Artinger, 16 Tomax Lane, Elkton, MD, President of the Civic Association stated he is concerned that the farm house will be rented. The deed restrictions read as follows:

"No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot as a residence either temporary or permanently."

One of the reasons Mr. Artinger purchased this property on Tomax Lane was because the deed prohibits further subdivision and the restrictions prohibit additional dwellings on the property used as a residence of any kind. Mr. Artinger also has the same concerns about the mini-road as Mr. Falkenstein. See letters marked exhibit's three (3), four (4), five (5) and six in file and attached for reference. Exhibit four (4) is a letter from David and

Julie Austin, 101 Tomax Lane, Elkton, MD and exhibit five (5) is from Douglas C. and Mary Moore, 102 Tomax Lane, Elkton, MD.

FILE: 3415 - APPLICANT: Clifton G. Cook, Jr.

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

PROPERTY LOCATION: 793 Hopewell Road, Rising Sun, MD 21911, Election District: 6, Tax Map: 17, Parcel: 33.

PROPERTY OWNER: Clifton G. Cook, Jr.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Donna Cook, (Clifton's wife), 793 Hopewell Road, Rising Sun, MD stated she and her husband would like to have their special exception extended for hardship reasons. They have three (3) children and take care of her mother-in-law that lives in the big farmhouse along side of the doublewide. Her mother-in-law is 80 years old and needs help taking care of the garden and chickens.

Health Department Report – Sanitary Permit D7913 issued in 1994 for doublewide mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

PROGRAM OPEN SPACE:

APPLICANT: Cecil County Parks and Recreation.

FOR: Maryland's Annual Program for Fiscal Year 2009, Preliminary Draft. Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County Commissioners.

FOR: McMillan Farm Security Fence.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

TEXT AMENDMENTS:

APPLICANT: Cecil County

FOR: ZONING ORDINANCE - ARTICLE XV, Section 291.10.a – Major Site Plans

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: ARTICLE XI, Section's 191, 195, 196, 197 & 200, Chesapeake Bay Critical Area.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: ARTICLE V, Part I, Section 65. Greenhouses with On- Premises Sales Permitted

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Jacob Bailiff.

FOR: To amend the Comprehensive Plan from Rural Conservation District to Development District and to rezone 72 acres from Northern Agricultural Residential, (NAR) to Development Residential, (DR).

Staff recommended approval of the change from RCD to DD based upon a mistake in the land use plan. Approval of the request to rezone from NAR to DR based on a mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made to disapprove, land use and disapprove rezoning, no mistake Bailiff Road is the proper boundary for the change in land use by Wallace, seconded by Janusz.

VOTE: Three to two to disapprove, motion carried.

APPLICANT: Collette's, Inc.

FOR: Request to rezone 6.2529 from Business General, (BG) to Business Intensive, (BI).

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

ACTION: Motion made to approve based on change since the last Comprehensive Rezoning by Wallace, seconded by Bowsbey.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Peter S. and Wendy M. Kirsh.

FOR: Special Exception to establish a guest house.

Staff recommended approval for as long as the Kirsh's own the property.

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

VOTE: All in favor, motion carried.

APPLICANT: Clifton G. Cook, Jr.

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

Staff recommended approval for as long as the Cook's own the property and Mrs. Cook resides in the existing dwelling.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

Meeting was adjourned at 9:05 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 18, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
18 August 2008**

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; Mortimer, William; Wiggins, Kennard; Bakeoven, Jennifer; Houston, Clifford; Sennstrom, Eric

Absent: Wallace, Wyatt; McDowell, H. Clay (Alternate); Demmler, Rebecca (ex-Officio); Dempsey, Gale

Call to Order: Chairman Mortimer called the meeting to order at 7:00 p.m.

Approval of Minutes: Motion was made by B. Patrick Doordan to approve the July meeting minutes. Motion was seconded by Joe Janusz. All members present voted in favor of motion to approve the July 2008 meeting minutes. Motion carried.

Rezoning 2008-12: Rock-On LLC c/o Dean Geracimos

Keith Baynes, Dean Geracimos and Brad Fox appeared to present the application to rezone 1.299 acres of property (TM 19 Parcel 611) owned by Mr. Geracimos located on Biggs Highway in the Fifth Election District from Business Local (BL) to Business General (BG).

Mr. Baynes stated that the subject property should be zoned BG due to substantial changes in the character of the neighborhood since the last comprehensive rezoning and that it was a mistake for the County to designate the property as BL in the last comprehensive rezoning. Specifically, as to change, Mr. Baynes indicated that there have been three rezonings in the neighborhood that have changed either residential or BL zoned property to BG. As to mistake, Mr. Baynes stated that the properties location between BG zoned properties and its close proximity to the Maryland Route 274 and Maryland Route 272 intersection as well as the I-95 interchange do not make BL the optimum designation for this parcel. Mr. Fox and Mr. Geracimos concurred with Mr. Baynes' testimony.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition to this application. No one appeared to speak in favor or in opposition.

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

Motion made by B. Patrick Doordan to recommend approval of the request based on a substantial change in the character of the neighborhood since the last comprehensive rezoning. Motion was seconded by Joe Janusz. All members present voted in favor of motion to recommend approval. Motion carried.

File 3403: Special Exception – Adam & Karen Kunda

Adam Kunda, Ellis Rollins, and Edward D. E. Rollins appeared to present the request for a special exception to establish a bus storage facility on property (TM 42 Parcel 457) owned by Mr. Kunda located at 148 Stoney Battery Road in the First Election District presently zoned Southern Agricultural Residential (SAR). Mr. Rollins described the proposed operation for the maintenance and storage of school buses as envisioned by Mr. Kunda, as well as the area being served by Mr. Kunda's school buses. Mr. Rollins also provided a description of Mr. Kunda's present operation relative to the storage and maintenance of school buses at a separate location. It was noted that if Mr. Kunda cannot relocate his operation to this location, an alternate location that is a greater distance away would need to be used which would increase costs to the Board of Education and eventually the taxpayers.

Chairman Mortimer asked if anyone desired to speak in favor of the request. Joe Gilbert rose to speak in favor as did Edwina Gilbert.

Chairman Mortimer asked if anyone desired to speak in opposition. The following rose to speak: Peter Kirsch, Doug Willard, Mike Paraskewich, Phil Giesing, Roger Matteson, Beth Smith, Dennis Smith, Phil Crate, Mike Balinski, Joe Blum, Roy Dietz, Herbert Bollman, Shannon Wire, Rachel Davis, Michael Bignell, Laura Preston, and Ed Degarbolewski.

Staff recommended disapproval since the proposed use at the proposed location would be more detrimental at this location than at other locations in the SAR zoning district.

Motion was made by Guy Edwards to recommend disapproval in accordance with the staff recommendation. Motion was seconded by B. Patrick Doordan. Doordan, Edwards and Wiggins voted in favor of the motion to recommend disapproval, Janusz voted against the motion. Motion carried by a vote of 3 in favor and 1 opposed.

File 3416: Special Exception – Donna R. Truitt & Margaret Heverin

Donna R. Truitt and Margaret Heverin appeared to present this application for a special exception to renew a home occupation for a quilting business on property (TM 316 Parcel 666) located at 100 Jarmon Road in the Third Election District presently zoned Development Residential (DR). Ms. Truitt and Ms. Heverin stated that they have been operating the business in their home for the last two years and have not had any complaints from neighbors. The activity is self contained within the dwelling.

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

Staff recommended approval for as long the applicants own the property and operate the business.

Motion was made by B. Patrick Doordan to recommend approval with staff conditions. Motion was seconded by Joe Janusz. All members present voted in favor of motion to recommend approval for as long as the applicants operate the business and own the property. All members present voted in favor of them motion. Motion carried.

FILE 3418: Special Exception – Lisa Marie Topper

Lisa Marie Topper appeared to present her application to renew a special exception for a home occupation for a dog grooming business on property (TM 10 Parcel 776) located at 62 Locomotive Lane in the Sixth Election District presently zoned Suburban Residential (SR). Ms. Topper explained that she has been operating the business for the last several years without incident and would like to renew the operation for a longer period of time.

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

Motion was made by Kennard Wiggins to recommend approval with staff conditions. Motion was seconded by B. Patrick Doordan. All members present voted in favor of motion to recommend approval for as long as the applicant operates the business and the owner owns the property. All members present voted in favor of motion. Motion carried.

General Discussion:

Chairman Mortimer reminded the Planning Commission that it was time to nominate and elect a Chairman and Vice Chairman. Joe Janusz nominated William Mortimer for Chairman. Nomination was seconded by B. Patrick Doordan. All members present in favor of nomination. Nomination approved.

Guy Edwards nominated B. Patrick Doordan for Vice Chairman. Motion was seconded by Joe Janusz. All members present voted in favor of nomination. Nomination was approved.

Meeting adjourned at 8:32 p.m.

Next Meeting: 15 September 2008, 7:00 p.m.

Respectfully Submitted:

Eric S. Sennstrom, AICP
Director of Planning & Zoning

PLANNING COMMISSION MEETING

September 15, 2008

7:00 p.m.

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

ABSENT: McDowell, (Alternate).

APPROVAL OF MINUTES- Motion made by Edwards, seconded by Wallace and unanimously carried to approve the Monday, August 18, 2008, 7:00 p.m., minutes as mailed.

REZONING:

FILE:2008-13APPLICANT: Gary K. and Kelly K. Whiting.

PROPERTY LOCATION: 743 Telegraph Road, Rising Sun, MD 21911.

ELECTION DISTRICT: 6, TAX MAP: 11, PARCEL: 76.

PRESENTLY ZONED: Business Local, (BL).

REQUEST: Request to rezone 1.434 Acres from Business Local, (BL) to Business General, (BG).

PROPERTY OWNER: Gary K. and Kelly K. Whiting.

Robert Jones, 157 East Main Street, Elkton, MD representing Gary K. and Kelly K. Whiting, 743 Telegraph Road, Rising Sun, MD requesting to rezone 1.434 Acres from Business Local, (BL) to Business General, (BG). Mr. Whiting is a Chemical Engineer for the DuPont Company. Mr. Whiting has an auto parts business, part time, that operates both mail order and on the internet. These auto parts are primarily for classic cars and corvettes which he markets over the internet and catalogue. The shipping is done directly from his property via U.P.S. on a daily basis. The other properties around Mr. Whiting were zoned C2 on the previous tax map and it was shown there was a mistake in the 1993 Comprehensive Rezoning. There are a group of twelve (12) different businesses that are in the same area that are all zoned Business General, (BG) presently from C2, so he would like to see his property zoned the same. This property has well and septic and is consistent with the Comprehensive Plan. See exhibits one (1) thru four (4) in file and attached for reference.

Health Department Report – Sanitary Permit R2190 issued in 1998 for repair of existing septic system, commercial use of property is limited to minimal wastewater flow due to poor soil conditions.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3420 - APPLICANT: Donna K. Corcoran.

FOR: Special Exception to operate a Bed and Breakfast.

PROPERTY LOCATION: 1488 Principio Road, Perryville, MD 21903, Election District: 7, Tax Map: 34, Parcel: 27.

PROPERTY OWNER: Donna K. Corcoran.

PRESENTLY ZONED: Suburban Residential, (SR).

Donna K. Corcoran, 1488 Principio Furnace Road, Perryville, MD wishes to operate a Bed and Breakfast in a 1915 Victorian Colonial style farmhouse located in beautiful Perryville, MD, which was purchased in May 2008. The home sits on one (1) acre of land and backs up to Furnace Bay Golf Course 12th and 16th fairway. It is located on Rt. 7 and two (2) miles from I-95. The home has two (2) porches, evening porch with rocking chairs and the back porch looks over the golf fairways. There is enough parking for ten (10) plus cars in the back of the house. There are five (5) bedrooms and either she or a manager will be living on the premises. There is also a white fence all the way around the house.

Health Department Report – No application received for water and sewage approval for proposed use; plans must also be submitted and a food service license issued for the Bed and Breakfast.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: George Ryan, 187 Principio Furnace Road, Perryville, MD lives directly across from the subject property. Mr. Ryan feels there is no compelling reason for a Bed and Breakfast at this location. This will increase traffic flow on Rt. 7 and what will happen if the business fails, will the Special Exception be moved to another owner? The Furnace Bay Golf Course has been put into Program Open Space and there should not be any type of development or business being pursued at this location. If this is approved it will change the character of the neighborhood and Mr. Ryan is opposed to this Bed and Breakfast.

FILE: 3421 - APPLICANT: Nancy Ewing Trego.

FOR: Renewal of a Special Exception to retain 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: Nancy Ewing Trego.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Nancy Ewing Trego would like her Special Exception renewed to retain a singlewide manufactured home for agricultural purposes located at 136 Fair Hill Drive, Elkton, MD. Mrs. Ewing owns and operates a nursery with her husband. Applicant located the manufactured home in the location of an existing well and septic site from a singlewide that was removed from the property years ago. Janice Draine, (tenant) resides in the manufactured home and assists Mrs. Trego full time with nursery help. Mrs. Trego does not charge Ms. Draine, (tenant) any rent to reside in the manufactured home. Mrs. Trego has been in the nursery business for over fifty (50) years.

Health Department Report – Sanitary Permit H4635 issued in 2007 for mobile home – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Lester Cook, 176 Fair Hill Drive, Elkton, MD is in opposition of this singlewide manufactured home. The cleanup that Mrs. Trego was supposed to complete and the removal of a trailer has not been completed from the last time she requested a renewal. There are weeds knee deep ten-feet (10') from the manufactured home and part of the privacy fence is broken and falling down. Allowing a Manufactured Home in the neighborhood is setting a precedent for others to follow. Mr. Cook feels the language should be changed for allowing Manufactured Homes in a residential community. Mr. Cook would like to see this property cleaned up and upgraded with more screening.

Tom Brown, 200 Fairhill Drive, Elkton, MD feels the same as Mr. Cook as this will set a precedent and the language should be changed for a Manufactured Home for agricultural help in a residential area.

FILE: 3424 - APPLICANT: Sprint Spectrum, LP, c/o Frances A. McKee.
FOR: Special Exception to construct a communications tower in the Development Residential, (DR) zone.
PROPERTY LOCATION: 1232 Cedar Corner Road, Perryville, MD 21903, Election District: 7, Tax Map: 34, Parcel: 61.
PROPERTY OWNER: The Commissioners of Perryville.
PRESENTLY ZONED: Development Residential, (DR).

Jack D. Wuerstle, Attorney at Law, 312 West State Street, Kennett Square, PA., Frances McKee, Sprint Spectrum, 3329 Street Road, Bensalem, PA., Kevin J. Wolf, Anderson Engineering Associates, Inc., 306 North Fifth Street, Perkasio, PA., and Michael Smith, Consultant, 3329 Bensalem, PA presented this Special Exception for a communication tower. Mr. Wuerstle stated there is a letter from the Town Commissioners of Perryville in support of the Special Exception to construct a communications tower by Sprint Spectrum. This tower will be located on the Town of Perryville property known as 1232 Cedar Corner Road, Perryville, MD. The Town's engineering firm has reviewed plans submitted to the Mayor and Commissioners and they voted at the May 6, 2008 Town meeting to approve and construct the tower after the approval of Cecil County. The new tower will be 130-feet (130') high. Currently there is a water tank at this location and it will be removed shortly, Sprint feels this would be a good location for the communication tower to be installed for coverage for the best communication possible.

Frances McKee, Sprint Spectrum, stated they looked at other locations but this one is where they found to be the best area for quality reception. There are buffers already in place and the railroad is very close so this property would not be good for other uses.

Health Department Report – No Sanitary Permit of Health Department approval required for communication tower.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3428 - APPLICANT: Jeffrey Michael and Cara Ann Bonner.
FOR: Special Exception for a home occupation to operate a custom quilting business.
PROPERTY LOCATION: 77 Ironoak Court, North East, MD 21901, Election District: 5, Tax Map: 24, Parcel: 343.
PROPERTY OWNER: Jeffrey Michael and Cara Ann Bonner, Trustee.
PRESENTLY ZONED: Suburban Residential, (SR).

Cara Ann Bonner, 77 Ironoak Court, North East, MD would like to operate a quilting business from her home. The quilts are all hand made and all her sales are done on the internet. There is no sign on the property for advertising, no noise and no customers will come to the house. Ms. Bonner will have U.P.S deliveries once in a while with quilting materials delivered.

Health Department Report – Sanitary Permit G3530 issued in 2003 for existing dwelling, with public sewer and private well – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3430 - APPLICANT: John and Cindy Fetterolf.

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

PROPERTY LOCATION: 45 Appleton Road, Elkton, MD 21921, Election District: 3, Tax Map: 307, Parcel: 1139.

PROPERTY OWNER: John and Cindy Fetterolf.

PRESENTLY ZONED: Development Residential, (DR).

John Fetterolf, 45 Appleton Road, Elkton, MD is applying for a Special Exception to sell antiques at his present Garden Center. There will not be any changes to the current location and there is plenty of room presently for parking and no more traffic would occur. This antique business would be in addition to his nursery sales at the same location.

Health Department Report – Sanitary Permit D9906 issued in 1995 for office for garden center; satisfactory for proposed additional use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

REZONING:

APPLICANT: Gary K. and Kelly K. Whiting.

FOR: Request to rezone 1.434 Acres from Business Local, (BL) to Business General, (BG).

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

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Donna K. Corcoran.

FOR: Special Exception to operate a Bed and Breakfast.

Staff recommended approval for as long as Donna Corcoran owns the property and operates the Bed and Breakfast.

ACTION: Motion made to approve for as long as Donna Corcoran owns the property and operates the Bed and Breakfast with a two (2) year time limit by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Nancy Ewing Trego.

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

Staff recommended approval for as long as Janice Draine resides in the Manufactured Home and the Trego's own the property.

ACTION: Motion made to approved for as long as Janice Draine resides in the Manufactured Home and the Trego's own the property with a two (2) year time limit and a Bufferyard "A" by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Sprint Spectrum, LP, c/o Frances A. McKee.

FOR: Special Exception to construct a communications tower in the Development Residential, (DR) zone.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Jeffrey Michael and Cara Ann Bonner.

FOR: Special Exception for a home occupation to operate a custom quilting business.

Staff recommended approval for two (2) years or as long as the Bonner's own the property whichever shall sooner occur.

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

VOTE: All in favor, Motion carried.

APPLICANT: John and Cindy Fetterolf.

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

Staff recommended approval for as long as the Fetterolf's own the property and operate the business.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

Meeting was adjourned at 8:05 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 20, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

October 20, 2008

7:00 p.m.

PRESENT: Doordan, Janusz, Wallace, Wiggins, McDowell, (Alternate), Sennstrom, Houston and Dempsey.

ABSENT: Mortimer, (Chairman), Edwards, and Demmler, (Ex-Officio).

APPROVAL OF MINUTES- Motion made by Janusz, seconded by Wiggins and unanimously carried to approve the Monday, September 15, 2008, 7:00 p.m., minutes as mailed.

AMENDMENT TO THE MASTER WATER AND SEWER PLAN:

Request an amendment of the Cecil County Master Water and Sewer Plan to designate the property as “S-2”, Bracebridge Hall (Presently Bracebridge Estates), Grove Neck Road, Tax Map 61, Block 11, Parcel 12.

David H. Parrack, Esquire, 226 East Main Street, Elkton, MD representing the Bracebridge Hall subdivision, Tax Map 61, Block 11, Parcel 12. The amendment proposes the sewer service area map to include the proposed Bracbridge Hall subdivision as an S-2 service area. The S-2 service area is of where the public facilities are contemplated within zero (0) to five (5) years. Permitting process for a shared facility falls under Section 175 of the Zoning Ordinance. The anticipated time for starting will be approximately a year or so for permitting and then construction would begin.

Health Department Report – The Cecil County Master Water and Sewer Plan must be amended to include this property prior to any approval of a shared facility or community sewage disposal system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3431 - APPLICANT: Richard and Margaret Benevento.

FOR: Renewal of a Special Exception to operate a Antique Shop.

PROPERTY LOCATION: 1660 Oldfield Point Road, Elkton, MD 21921, Election District: 3, Tax Map: 37, Parcel: 417.

PROPERTY OWNER: Richard and Margaret Benevento.

PRESENTLY ZONED: Suburban Residential, (SR).

Richard and Margaret Benevento, 1660 Oldfield Point Road, Elkton, MD would like to renew their Special Exception to continue to operate an Antique Shop out of their home. There have not been any complaints from any of the neighbors. They have had many compliments on their shop, and nothing has changed in size or location, everything is as it was when they applied two (2) years ago.

Health Department Report – Sanitary Permit F9013 issued in 2000 for existing dwelling – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3432 - APPLICANT: James D. Buckland.

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

PROPERTY LOCATION: 1178 Glebe Road, Earleville, MD 21919, Election District: 1, Tax Map: 52, Parcel: 469.

PROPERTY OWNER: James D. and Cynthia Buckland.

PRESENTLY ZONED: Rural Residential, (RR).

James Buckland, 1178 Glebe Road, Earleville, MD would like to locate a doublewide manufactured home on his property for his wife's (Cynthia) parents to reside in. Mr. Buckland's elderly in-laws are both getting up in years and are beginning to experience difficulty with mobility and taking their medications on time. At the present time his in-laws live about five (5) miles from the Buckland's on the other side of the river in a multi-level home, and they need to be living somewhere that has one level and that will have handicapped accessibility. This home will be placed on the east side of his residence off Glebe Road. This location has direct accessibility to all the utilities and will only be visible in the winter when there are no leaves on the trees. The doublewide manufactured home will be approximately 28 x 60. The manufactured home will then be removed after the death of his in-laws. Mr. Buckland stated his home is on the historic registry and he would not be able to have his in-laws live with him as you cannot change the appearance of the home and keep the 1730 historic value.

Health Department Report – Sanitary Permit R3401 issued in 2006 for existing dwelling. Applicant needs to contact the Health Department and provide additional information to determine if additional soils evaluations or septic system upgrade is required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: David Graham, 64 Heather Drive, Scotchman's Glen, Earleville, MD lives behind Mr. Buckland. He would see this manufactured home from the back of his house. Mr. Buckland has a large home and Mr. Graham cannot see any reason why Mr. Buckland's wife's parents could not live with them. This manufactured home would be an eyesore to the neighbors. Mr. Graham moved to the country from Delaware ten (10) years ago to get away from this type of living.

Donna Dimeo, 50 Heather Drive, Earleville, MD stated her property backs up to the Buckland's property where his horses graze. Ms. Dimeo had a suggestion for Mr. Buckland to just build another home for his in-laws somewhere close by or on his property instead of a doublewide manufactured home. Ms. Dimeo stated there is a conservation area that she is not allowed to touch on her back property; it should be kept for the birds and the wildlife, the view of this doublewide will take away from all the scenery.

RECOMMENDATIONS:

APPLICANT: Bracebridge Hall.

FOR: Amendment to the Master Water and Sewer Plan - Request an amendment of the Cecil County Master Water and Sewer Plan to designate the property as "S-2".

Staff recommended approval.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Richard and Margaret Benevento.

FOR: Renewal of a Special Exception to operate a Antique Shop.

Staff recommended approval for as long as the Benevento's own the property and operate the Antique Shop.

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

VOTE: All in favor, motion carried.

APPLICANT: James D. Buckland.

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

Staff recommended approval for two (2) years or as long as Cynthia Buckland's parents reside in the doublewide manufactured home whichever shall sooner occur.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 7:25 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 17, 2008, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
17 November 2008**

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; McDowell, H. Clay; Wallace, Wyatt; Wiggins, Kennard; Demmler, Rebecca, Bakeoven, Jennifer; Sennstrom, Eric

Absent: Mortimer, William

Approval of Minutes: Motion was made by Joe Janusz to approve the October meeting minutes. The motion was seconded by Wyatt Wallace. All members present voted in favor of motion to approve. Motion carried.

Program Open Space: Ed Slicer appeared to present three applications from the Department of Parks and Recreation concerning Program Open Space (POS) reimbursement.

The first project involves the erection of an 8x8 foot sign at the Johnnies baseball field. The State will use POS funds to reimburse the County for 75% of the sign's cost.

Vice Chairman Doordan asked if anyone desired to speak in favor or in opposition to this matter. No one rose to speak.

The second project involves three signs to be erected on the Cecil County arena property. One sign will be a 4x8 foot freestanding sign and two will be placed on the building. The State will use POS funds to reimburse the County for 75% of the cost of the three signs.

Vice Chairman Doordan asked if anyone desired to speak in favor or in opposition to this matter. No one rose to speak.

The third project involves improvements to the Conowingo Park located on Susquehanna River Road. The request covers the construction of an entrance to SHA standards, stormwater management facilities, parking lot and a multi-purpose ball field. The State will use POS funds to reimburse the County for 75% of the cost of the improvements.

Vice Chairman Doordan asked if anyone desired to speak in favor of the request. The following appeared to speak in favor: Bob Lang, Paul McGuigan, Jeff Coale.

Vice Chairman Doordan asked if anyone desired to speak in opposition. No one rose to speak.

Staff recommended approval of all three requests.

Motion was made by Wyatt Wallace to recommend approval for all three POS requests. Motion was seconded by Joe Janusz. All members present voted in favor of motion to recommend approval. Motion carried.

Amendment – Master Water & Sewer Plan: Mike Pugh, Mike Burcham and Ron Meyers appeared to present the application to amend the Water Service Area map and the Sewer Service Area map to include Tax Map 21, Parcels 90, 102, 244, 12, and 834 as W-2 and S-2 service areas. The parcels are owned by Eastern States Development Company, Trustees of Baldwin M.E. Church, and the Elk Forge Bed & Breakfast. Mr. Pugh summarized the request and noted that the subdivision proposal on parcels 90 and 102 has received concept plat approval from the Planning Commission for 256 lots. They desire to make use of the Meadowview Water Treatment Plant and Meadowview Wastewater Treatment Plant for their water and sewer needs for the subdivision. The Church and the Bed & Breakfast have expressed a desire to avail themselves of the water and sewer service when it becomes available. Mr. Pugh provided exhibits indicating that the subject parcels are located in the designated growth area, within the Elkton West Franchise Area, and a letter from Artesian committing to serve the parcels with Water and Wastewater service. Mr. Pugh requested that the request be approved.

Discussion ensued regarding State reviews and permitting, the joint applicants, and the permission granted to Mr. Pugh to represent multi-parties. Mr. Pugh stated that Mr. Meyers is affiliated with Eastern States, he has a letter from Harry Lenderman from Elk Forge Bed & Breakfast, and representatives from the Church are in the audience. Further discussion ensued regarding the timing of the application.

Vice Chairman Doordan asked if anyone desired to speak in favor of the request. Lewis Montgomery of Baldwin M.E. Church rose to speak in favor.

Vice Chairman Doordan asked if anyone desired to speak in opposition. The following rose to speak: Elbert Bryan, Rene Evans, Justin Vaughan, Rose Birney, Harry Birney, Rhonda Workman.

Staff recommended approval of the request.

Motion was made by Joe Janusz to recommend disapproval. Motion was seconded by Kennard Wiggins. All members present voted in favor of motion to recommend disapproval. Motion carried.

Special Exception: #3438

Goldon Workman and Johnny B. Farmer appeared to present the application to place a singlewide manufactured home on Mr. Workman's property for Mr. Farmer due to a hardship. The hardship of Mr. Farmer, who is Mr. Workman's father-in-law, relates to financial and medical issues. Vera Wilson asked if the manufactured home will be visible from her property. Mr. Workman said it would not be visible.

Vice Chairman Doordan asked if anyone desired to speak in favor or in opposition to this request. No one rose to speak.

Staff recommended approval for two years or as long as Mr. Farmer resides in the manufactured home, whichever shall sooner occur.

Motion was made by Guy Edwards to recommend approval with staff conditions. Motion was seconded by Wyatt Wallace. All members present voted in favor of motion to recommend approval with staff conditions. Motion carried.

Meeting adjourned at 8:00 p.m.

Respectfully submitted:

Eric S. Sennstrom, AICP

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
December 15, 2008**

There was not be an evening meeting of the Cecil County Planning Commission in December 2008 due to a lack of agenda items.